

CALDERDALE METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

WARDS AFFECTED: MORE THAN THREE

Date of meeting: 31 May 2022

Chief Officer: Director of Regeneration and Strategy.

1. SUBJECT OF REPORT

APPLICATIONS FOR DETERMINATION RE PLANNING PERMISSION, LISTED BUILDING CONSENT/CONSERVATION AREA CONSENT, LOCAL AUTHORITY APPLICATIONS, CROWN APPLICATION OR CONSENT TO FELL PROTECTED TREES

- (i) Executive Summary
- (ii) Individual Applications

2. INTRODUCTION

- 2.1** The attached report contains two sections. The first section contains a summarised list of all applications to be considered at the Committee and the time when the application will be heard. Applications for Committee consideration have been identified in accordance with Council Standing Orders and delegations.
- 2.2** The second section comprises individual detailed reports relative to the applications to be considered.
- 2.3** These are set out in a standard format including the details of the application and relevant planning site history, representations/comments received arising from publicity and consultations, the officers assessment and recommendation, with suggested conditions or reasons for refusal, as appropriate.
- 2.4** Where the Committee considers that a decision contrary to the recommendation of the Director of Regeneration and Strategy may be appropriate, then consideration of the application may be deferred for further information.
- 2.5** Where a Legal Agreement is required by the Committee, the resolution will be "Mindful to Permit Subject to a Legal Agreement being completed", combined with a delegation to the Director of Regeneration and Strategy.

3. IMPLICATIONS ARISING FROM REPORT

3.1 Planning Policies

These are set out separately in each individual application report.

3.2 Sustainability

Effective planning control uses the basic principle of sustainable development by ensuring that development meets the needs of the present without compromising the ability of future generations to meet their own needs. Through the development control system, the Council can enable environmental damage to be minimised and ensure that resources are used efficiently and waste minimised. Particular sustainability issues will be highlighted in individual reports where appropriate.

3.3 Equal Opportunities

All applications are considered on their merits having regard to Government guidance, the policies of the Development plan and other factors relevant to planning. This will be done using the Development Control Code of Conduct for officers and members as set out in the Council's Standing Orders.

In the vast majority of cases, planning permission is given for land, not to an individual, and the personal circumstances of the applicant are seldom relevant.

However, the Council has to consider the needs of people with disabilities and their needs are a material planning consideration. Reference will be made to any such issues in the individual application reports, where appropriate.

The Council also seeks to apply good practice guidance published in respect of Race and Planning issues.

3.4 Finance

A refusal of planning permission can have financial implications for the Council where a subsequent appeal is lodged by the applicant in respect of the decision or if a case of alleged maladministration is referred to the Local Government Ombudsman or a Judicial Review is sought through the Courts.

In all cases indirect staff costs will be incurred in processing any such forms of 'appeal'.

There is no existing budget to cover any direct costs should any such 'appeal' result in 'costs' being awarded against the Council. These would have to be found by way of compensatory savings from elsewhere in the Planning Services budget.

Reference: 6/00/00/CM

Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

Richard Seaman
Corporate Lead
For Planning Services

TELEPHONE :- 01422 392241

DOCUMENTS USED IN THE PREPARATION OF THIS REPORT:

1. Planning Application File (numbered as the application show in the report)
2. National Planning Policy and Guidance
3. Calderdale Development Plan(including any associated preparatory documents)
4. Related appeal and court decisions
5. Related planning applications
6. Relevant guideline/good practice documents

DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:

www.calderdale.gov.uk.

You can access the Council's website at the Council's Customer First offices and Council Libraries.

List of Applications at Committee 31 May 2022

| Time & No. | App No. | Location | Proposal | Ward | Page No. |
|-----------------------|----------------|--|--|-------------------|-----------------|
| 14.00 | 21/00740/FUL | 3 The Royds Birdcage Lane Halifax Calderdale HX3 0JH | Conversion of ancillary outbuilding to form one dwelling | Skircoat | 5 - 13 |
| 14.00 | 21/01445/FUL | Brighthouse Youth Centre Healey Wood Road Brighthouse Calderdale HD6 1HJ | Alterations and Change of Use of Former Youth Centre to Create a 41 Bed House of Multiple Occupation (AMENDED PLANS) | Rastrick | 14 - 22 |
| 14.00 | 21/01453/HSE | 1 Willowfield Road Halifax Calderdale HX2 7JN | Proposed side and rear extensions with raised patio/balcony to rear. | Sowerby Bridge | 23 - 29 |
| | | | | | |

Time Not Before: 14.00 - 01

Application No: **21/00740/FUL**

Ward: **Skircoat**

Area Team: **South Team**

Proposal:

Conversion of ancillary outbuilding to form one dwelling

Location:

3 The Royds Birdcage Lane Halifax Calderdale HX3 0JH



Applicant:

Mr P Chatburn

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Highways Section

Highways Section

Environmental Health Services - Pollution Section (E)

Northern Gas Networks

Conservation Officers

Description of Site and Proposal

The site consists of an existing dwelling which is the end dwelling to a terrace of 3 dwellings set back from the road and situated on the western side of Birdcage Lane. It shares an access with those dwellings with gardens to the front and an access track and associated stone cobbled access area. The building subject of the application consists of a two storey stone outbuilding directly located to the north of the host dwelling and is attached to the storage area for the adjacent dwelling 2 The Royds.

The site was formerly one large, detached dwelling which had a number of outbuildings (probably used as stables etc) set within its own large grounds. There is a property known as Birdcage located to the south west of the Royds and the outbuildings run down the middle of the Royds and Birdcage and along the north elevation of both properties. The outbuildings associated with The Birdcage have since been renovated to be incorporated into the dwelling. The outbuilding to the north of 1 The Royds has been granted permission to be used as a granny annex to that dwelling.

Planning permission is required for the conversion of ancillary outbuilding to form one dwelling.

The application is accompanied by the following supporting documents:

- Planning/Heritage statement
- Contamination Report
- Bat roost potential assessment
- Bat roost potential photos

The application has been referred to Planning Committee at the request of Councillor Mike Barnes.

Relevant Planning History

None

Key Policy Context:

| | |
|---|--|
| Replacement Calderdale Unitary Development Plan Designation. | Primary Housing Area Wildlife Corridor Conservation Area |
| Replacement Calderdale Unitary Development Plan policies | H2 Primary Housing Area H9 Non-allocated sites BE1 General Design Criteria BE2 Privacy, Daylight and Amenity Space BE3 Landscaping BE5 The Design and Layout of Highways and Accesses BE18 Development in a Conservation Area T18 Maximum Parking Allowances EP14 Protection of Groundwater EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems NE15 Development in Wildlife Corridors NE16 Protection of Protected Species NE17 Biodiversity Enhancement |

| | |
|---|--|
| National Planning Policy Framework | 5. Delivering a sufficient supply of homes 9. Promoting sustainable transport 12. Achieving well-designed places 15. Conserving and enhancing natural environment 16. Conserving and enhancing the historic environment |
| Other relevant planning constraints | Pipelines Savile Park Conservation Area |
| Other material planning considerations | Climate Emergency Declaration (Jan 2019) Emerging Local Plan Emerging Neighbourhood Development Plan |

Publicity/ Representations:

The application was publicised with a site notice (development in a Conservation Area) and five neighbour notification letters.

Three letters of representation were received

Summary of Points Raised:

- Negative impact on our property
- Lack of privacy
- Noise pollution
- Overlooking
- Overshadowing
- Traffic congestion
- A fourth dwelling at the site would over-develop the site.

Parish/Town Council Comments

The development is not located within the boundaries of a Parish Council.

Ward Councillor Comments

Councillor Mike Barnes requests that the application is referred to Planning Committee if the recommendation is to permit for the following reasons:-

“The residents are of the view that the garden is shared and this would seem to be confirmed by the deeds which explicitly state that the “owners of the dwellinghouses and premises Numbers 1, 2 and 3 The Royds respectively shall forever hereafter cultivate and maintain the said orchard as a garden and orchard.” The plans seem to split the gardens into solely owned and used by houses 3 and 3A – of which there is no mention of the latter premise within the deed. I do not believe that the developer has made any approach to the other property owners nor offered any recompense.

The deeds also make specific reference to no fences yet the plans seem to indicate that a fence will be put up.

Second, the plans seem to indicate space for 4 cars in the parking bays. Yet, there doesn't seem to be sufficient room for 4 cars (or, if 4 cars were parked there no one would be able to

leave their car except via a sunroof). Will this mean that cars will need to be parked either on the road (completely unacceptable bearing in mind the location of the properties) or in the rear courtyard restricting access to properties. I also question whether the driveway will accommodate a further property and the increase in vehicular traffic.

Third, reading BE2 would indicate a requirement of 15 metres but, as indicated within other objections, this development falls short of that by quite a significant margin (around a third).

Finally, I also believe that the new development would restrict or even curtail access to some of the other outbuildings owned and used by other residents.”

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The revised NPPF was updated on 21st July 2021 and sets out the Government’s planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; [*for example...land designated as Green Belt...designated heritage assets*]) or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this instance, the site does not lie within a protected area where the framework indicates that development should be restricted.

The site lies within the Primary Housing Area where RCUDP policies H2 (Primary Housing Areas) and H9 (Non-Allocated Sites) are relevant. It is recognised however that the references in H2 and H9 to residential development only being acceptable on previously developed, brownfield sites, are not compliant with the NPPF. The NPPF encourages the re-use of brownfield land but does not preclude new residential development on undeveloped greenfield land. As such, the presumption in favour of development applies and the principle of the proposal is acceptable.

Impact on Heritage Assets

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that in exercising functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Decision makers must give importance and weight to the desirability of avoiding any harm to designated heritage assets, to give effect to the LPA's statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

The requirements of Section 72 is a statutory duty rather than a matter of policy and the Council must give extra special weight to any harm caused by the proposal to a designated Conservation Area.. This is reflected in paragraph 132 of the NPPF, which states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- b) assets of the highest significance notably schedule monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

The site is within the Savile Park Conservation Area (SPCA). RCUDP policy BE18 requires that development preserves or enhances the character and appearance of Conservation Areas.

The Conservation Officer was consulted on the application and considers it to cause no harm to the Savile Park Conservation Area.

"This application relates to a site which historic maps indicate was a former farmstead dating back to at least the mid-nineteenth century. The site is located within the Savile Park Conservation Area.

The proposal involves replacing existing areas of timber cladding and more recent openings and stone infill at ground floor level, with new full height vertical timber cladding. The proposed windows and doors sit within these timber clad areas. The existing areas of more historic stonework are being largely retained, with one new window to the rear and some other alterations.

It would have been preferable to locate the proposed new stairwell window slightly further away from the attractive historic wall / gate pier to the rear, but otherwise it is considered that the proposed scheme represents an appropriate reuse of an historic agricultural building.

Further details are required of proposed windows and doors (uPVC frames would be inappropriate here) including degree of recess, rainwater goods (which should not be plastic), and pointing / mortar mix which should be lime based and finished flush or slightly recessed."

As such the proposal is considered to respect and preserves the established character and appearance of the Conservation Area and its surroundings. The proposal is therefore considered to comply with policy BE18 of the RCUDP and Section 16 of the NPPF.

Materials, Layout and Design

Policy BE1 of the Replacement RCUDP seeks development that contributes positively to the local environment through high quality design, respecting the established character of the area in particular scale, design, materials, appropriate landscaping, being energy efficient and includes consideration for crime prevention.

Section 12 of the NPPF paragraph 126 states:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...

The site is attached to a number of stone outbuildings associated with a number of properties at the Royds and the dwelling to the west of the Royds called Birdcage.

The proposal seeks to convert one part of the outbuilding into a two bedroom dwelling which will maintain the general shape and appearance of the building including the overall height and scale.

The building is constructed from natural stone with a timber cladding section at the front and natural stone slate roof.

Once converted the building will provide two bedrooms and bathroom on the first floor and an open plan kitchen/dining/lounge and WC on the ground floor.

The window arrangements on the ground floor at the front have altered in that the existing door will be made into a window and the existing window will be split to provide a new entrance door and side window at ground floor level. At first floor level the large existing opening will be split into two windows and a further new window will be added.

At the rear, the existing two blocked up windows will be utilised and two further windows added to serve the stairway and kitchen.

The cladding at the front will be replaced with black thermopine vertical timber cladding and around the proposed new doorway which will be inset will be covered in vertical grain Siberian larch around the doorway.

In design terms, it is considered that the small alterations proposed, will still respect the character and appearance of the surrounding area in terms of materials, whilst the general scale and appearance of the building remains the same.

Whilst there is no immediate area for a small garden (enough to sit out and hang washing), a small area of existing garden which serves number 3 will be fenced off to provide a small garden for the proposed dwelling. Furthermore, part of the existing garden has also been given up to provide four parking spaces two for the proposed dwelling and two for the existing dwelling.

One of the objections to the proposal states that the proposal is considered to be an overdevelopment of the site. It should be noted that as the building is an existing building and not a

new build, the scale and form already exists on the site. The proposed conversion will utilise the building by providing a further dwelling to add to the housing stock, and as such it is not considered to be an over development of the site.

Given the above and subject to conditions the development would satisfy policy BE1 of the RCUDP and paragraph 126 of section 12 of the NPPF.

Residential Amenity

RCUDP policy BE2 establishes that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex A sets out guidelines to help assess whether such impacts arise.

On the rear elevation of the proposal, there are two windows which will serve a bedroom and stairwell. The windows will look onto the rear cobbled access road. To the north of the access road is a wall serving a property known as 1 Edgemoor Close. The distance of the bedroom window to the side elevation of this property is over 10m. The distance required is 9m (secondary to side) and therefore considered acceptable.

To the front of the proposed dwelling, the lounge windows will look onto the proposed access road serving the Royds. They will be at a distance of 8.55m from the corner of 3 The Royds. The host dwelling has a kitchen door, kitchen window at ground floor level and bathroom window at first floor level. There is no direct overlooking as the corner of the host dwelling looks towards the entrance to the proposed dwelling. The distance required under Annex A is 18m (main to secondary). As such there is a shortfall. However, as stated above the main lounge windows to the converted building face down the access road and as there is no direct overlooking to the host dwelling. The distance is therefore considered acceptable.

Given the above the proposal is considered to satisfy Annex A and policy BE2 of the RCUDP.

Highway Considerations

RCUDP policy BE5 seeks to ensure that new development provides for safe and efficient movement by pedestrians, vehicles and cyclists.

Parking has been provided at the front of 3 The Royds for the parking of four cars, two for the existing dwelling and two for the proposed dwelling. Whilst the objectors have raised concerns that the proposed parking area is not large enough to accommodate four cars, highways have raised no objections to the parking area.

The Assistant Director – Strategic Infrastructure (Highways) has been consulted and originally made the following comments:

“There would be no highway objections to the amended application as now submitted, subject to a condition regarding provision of sightlines.”

Further to the comments raised by objectors, and on receipt of an amended plan which shows the parking space adjacent to the fence has been widened.

The Assistant Director - Strategic Infrastructure (Highways) has been further consulted and has made the following additional comments:-

*“The parking space adjacent to the fence has been widened as requested.
The proposals are acceptable subject to the conditions previously requested.”*

Paragraph 110 e) of the NPPF highlights development should be designed enable charging of plug – in and other ultra-low emission vehicles in safe, accessible and convenient locations. A condition can be imposed to reflect this.

Flooding and Drainage

RCUDP Policies EP20 and EP22 establish that ground and surface water will be protected and development will not be permitted if it would increase the risk of flooding due to the surface water run-off or obstruction. EP14 which deals with the protection of groundwater is also relevant. Sustainable Drainage Systems should be incorporated where appropriate.

Applicants will need to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected. The proposed development will be connected to mains sewer drainage system.

Wildlife Conservation

Policy NE15 states that development will not be permitted in a Wildlife Corridor if it would:-i. damage the physical continuity of the Corridor; or impair the functioning of the Corridor by preventing movement of species; or harm the nature conservation value of the Corridor.

It is not considered the conversion of a building would impair the movement of species through the wildlife corridor or harm the nature conservation value of the corridor.

The proposal would therefore satisfy RCUDP policies NE15 of the RCUDP

Other Issues

Concerns have been raised by an objector about not being able to access the upper floors of the part of the outbuilding which is in their ownership. The access at present is a shared access at the rear of the outbuilding off the cobbled access. If part of the building is converted, the remaining part of the building will have no access at the rear. There is access to the front. However, the access issue raised by the objector is a private legal matter.

Further comments relate to garden areas and that the deeds required owners to maintain the shared garden areas as garden and an orchard with no divisions (ie fences). This is a private legal matter between all the owners.

As such, the above are not material planning considerations but private legal matters.

CONCLUSION

The proposal is considered to be acceptable subject to conditions specified below. The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the ‘Key Policy Context’ section above and there are no material considerations to outweigh the presumption in favour of such development.

Richard Seaman
For and on behalf of
Director of Regeneration & Strategy

Date: 10th May 2022

Further Information

Should you have any queries in respect of this application report, please contact in the first instance:

Janine Branscombe (Case Officer) on 01422 392215

Or

Lisa Deacon (Lead Officer) On 01422 392233

Conditions

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
2. Prior to their installation, details of any new, windows and doors, shall be submitted to and approved in writing by the LPA. Such details to include elevations, sections, manner of opening, degree of recess, materials, finish and colour.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.
 2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy NE15 of the Replacement Calderdale Unitary Development Plan.
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Time Not Before: 14.00 - 02

Application No: 21/01445/FUL

Ward: **Rastrick**

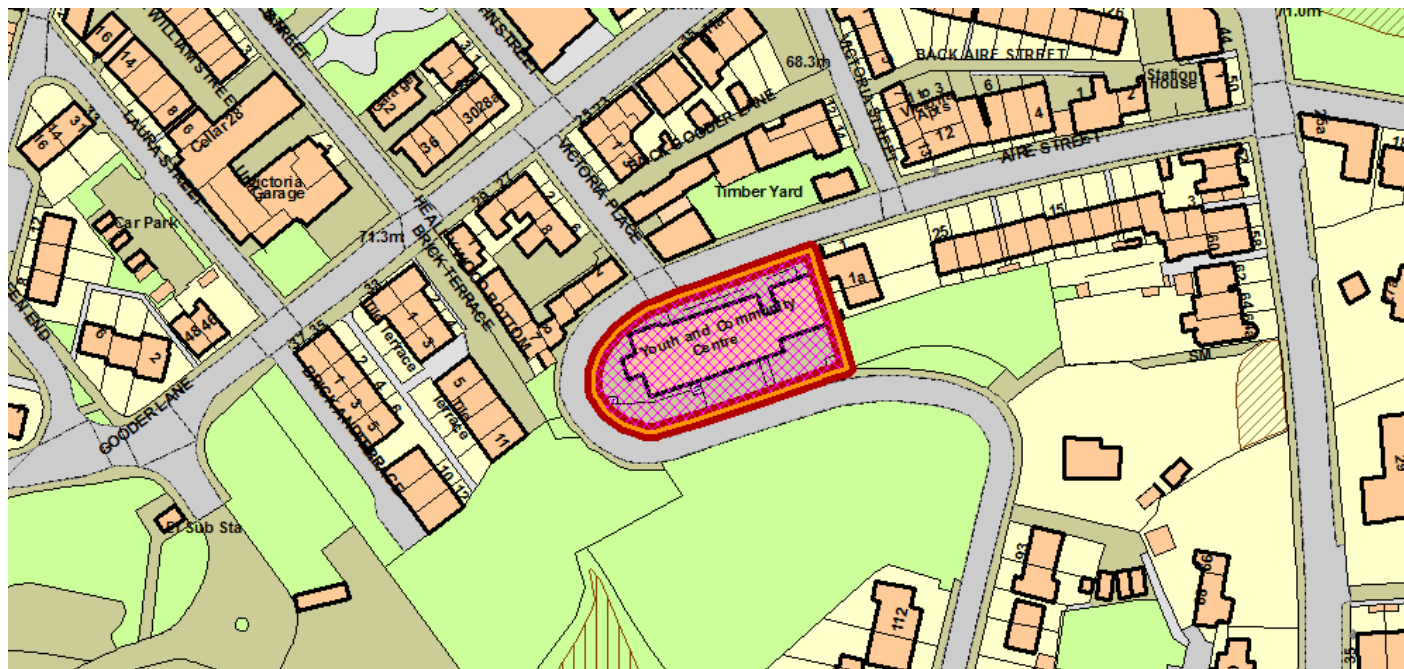
Area Team: **South Team**

Proposal:

Alterations and Change of Use of Former Youth Centre to Create a 41 Bed House of Multiple Occupation (AMENDED PLANS)

Location:

Brighouse Youth Centre Healey Wood Road Brighouse Calderdale HD6 1HJ



Applicant:

Olive Branch Properties Ltd

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Highways Section

Environmental Health Services - Pollution Section (E)

West Yorkshire Police ALO

Highways Section

Description of Site and Proposal

The site is a former youth centre, now vacant, to the south of Aire Street. It is within a predominantly residential area with houses adjacent the site, though there is also a timber / builder's yard to the north.

It is a two-storey building constructed from stone and slate with decorative stone features.

Planning permission is sought for alterations to the building, including a mansard roof extension, and a conversion to a 41-bedroom House in Multiple Occupation (HMO). A new access and car park deck is proposed on the south side of the site (Healey Wood Road).

The reason that the application has been brought to Committee is because a written request, giving planning reasons, has been made by a Councillor concerning an application in their ward.

Relevant Planning History

An Outline application for demolition of existing building and change of use of site to residential for up to 24 dwellings was deemed permit under delegated powers on 12 October 2023 (application number 19/01208/LAA).

Key Policy Context:

| | | | |
|---|-------------------|----------------|--|
| Replacement Development Plan Designation | Calderdale | Unitary | Primary Housing Area |
| Replacement Development Plan policies | Calderdale | Unitary | H2 Primary Housing Areas H9 Non-Allocated Sites H16 Houses in Multiple Occupation GBE1 The Contribution Of Design To The Quality Of The Built Environment BE1 General Design Criteria BE2 Privacy, Daylighting and Amenity Space BE4 Safety and Security Considerations BE5 The Design and Layout of Highways and Accesses BE6 The Provision of Safe Pedestrian Environments GT4 Hierarchy of considerations T18 Maximum Parking Allowances T19 Bicycle Parking Guidance EP14 Protection of Groundwater EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems |
| National Planning Policy Framework / National Design Guide | | | 2. Achieving sustainable development 5. Delivering a sufficient supply of homes 9. Promoting sustainable transport 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding and coastal change 15. Conserving and enhancing the natural environment |
| Other Material Planning Considerations | | | Climate Emergency Declaration (Jan 2019) |

Publicity/ Representations:

The application was publicised with a site notice and re-advertised following submission of amended plans. In addition, 13 neighbour notification letters were sent.

8 letters of objection were received.

Summary of points raised:

- Lack of parking / increased parking on-street exacerbating existing congestion and potential for accidents.
- It is not a car free or low car development (RCUDP Policy T21).
- On-street parking would impair the free flow of traffic and highway safety (Draft Local Plan Policy HS7).
- Addition of further traffic is undesirable.

Ward Councillor Comments

Councillor Whittaker requests that the application is referred to Planning Committee, if the recommendation is to permit, and makes the following comments:

I object to the planning application above based on the inadequate parking provision proposed and unsafe access points (see Highways Consultee comments).

The planning statement (para 4.10) states that as the site is well located in terms of access to public transport, the town centre and local facilities, parking for each unit will not be required. This is nonsense.

Parking is a huge problem on the surrounding residential streets and this is well documented and fully acknowledged by the Council.

A few years ago, we (Rastrick Councillors) submitted a petition to Full Council on behalf of local residents to highlight the problem parking around the residential streets of the Brighthouse train station (including Aire Street). These streets are also used to accommodate the overflow of vehicles from the train station because of the lack of parking provision there - something that has blighted local residents and caused huge problems for many years.

This petition gathered hundreds of signatures, and the Council acknowledged the problem. In fact, I was the Chair of the Brighthouse Town Board (before it converted into the Brighthouse Town Deal Board) and it was high on the Board's agenda to help identify a suitable site that could be used as a second car park for the train station to help alleviate the problem parking on neighbouring residential streets. Sadly, the Council have not progressed this and have done nothing further to resolve the problem for residents. However, the problem parking remains.

Improper and inadequate parking provision at this site, will certainly add to this problem and the highways will become even more gridlocked and unsafe.

For the reasons above, please can I request the application is heard at Planning Committee if officers are mindful to permit.

Councillor Dickenson requests that the application is referred to Planning Committee, if the recommendation is to permit, and makes the following comments:

“As has already been noted, local parking is already at over capacity in local streets, made worse by users of the nearby train station which has been the cause of local tension.

Added to this is the modal shift proposal for the A641 corridor which will add further stress to local parking over the longer term.

Any proposal for redevelopment of the site needs to provide an over provision for parking on site above that of guidelines to eliminate the need for on street parking.

The experience of the nearby Engie site on Bramston Street has been very stressful for local residents, especially with the size of the development looming and out of character with the local area. I would urge that any development proposal does not build significantly higher than the existing building in order not to overshadow the area: Rastrick is already the most densely populated ward in the borough; access to green spaces and amenities for many is restricted.

Any proposal that is proportionate is something I could get behind. This, I fear is not.”

Parish/Town Council Comments

The development is not located within a parished area.

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The revised NPPF was updated on 19 February 2019 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The NPPF has a presumption in favour of sustainable development, which means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; [*for example...land designated as Green Belt...designated heritage assets*]) or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

RCUDP Policy H16 establishes that the use of a building as a house in multiple occupation is acceptable subject to the following criteria:

- i. there would be no harm to:-
 - a. the character or appearance of the building;

- b. the character or appearance of the locality;
 - c. the amenity of the occupiers of neighbouring buildings or the intended occupiers of the building;
- ii. the proposal is well served by public transport;
- iii. there is adequate car parking provision on site; or
- iv. on-street parking would not impair the free flow of traffic or highway safety; and
- v. the proposal would not result in a disproportionate concentration of HMOs in an area.

The proposal is a conversion and the overall form and design of the building would be retained. It is proposed to install windows in the roof and the wall dormers and it is considered that these alterations would not harm the character and appearance of the building or the locality.

The site is enclosed by a stone boundary wall and there is sufficient space for provision of outside amenity and refuse facilities. The building is set back from existing residential properties and would not result in harm to the amenity of existing or potential occupiers.

Rooms vary in size (18.25m² – 37.44m²) but each provides space for a double bed and en-suite shower room, and many rooms include a living area. There are communal kitchens and living areas on the ground, first and second floors. Each room has at least one window for direct daylight. It is considered that there would be a good level of amenity for residents.

It is in a sustainable location, within walking distance of Brighouse train station (approximately 165m) and bus stops (approximately 215m on Huddersfield Road), as well as local facilities within Brighouse Town Centre (approximately 450m to the north).

Eleven parking spaces are proposed and, as discussed further under Highways and Movement, this is considered to be adequate for the proposal.

There are no known registered HMOs within the area, as such there would not be a disproportionate concentration.

It is considered that the development complies with Policy H16 and because of this, the proposal is acceptable in principle.

Layout, Design & Materials

RCUDP Policy BE1 and National Design Guidance call for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

The existing building is of a traditional appearance with some interesting architectural features, such as the gable features and stone surrounds around the doorways. The roof structure is varied to accommodate the buildings form and is predominantly hipped and finished with blue slate. There is a small single storey building on the eastern side, which is attached to the main building, and this has a simpler appearance.

It is proposed to extend the roofs of each building to create a mansard, which will allow for additional accommodation within the roof space. This would create a more dominant roof scape and would alter the appearance of the building, but in context with the existing gable features it is considered that it would not appear incongruous and would respect the building's character. The proposed windows in the mansard and gables are sited above existing windows and maintain the symmetry of the fenestration. The materials are not stated and a condition is proposed requiring submission of details.

A car deck is proposed on the south aspect, which would be level with the road. It is a simple structure with pillars to hold up the deck and an Armco vehicle barrier around the perimeter. It is considered that it would not harm the character and appearance of the existing building.

It is considered that the proposed development is a good design and it complies with Policy BE1.

Residential Amenity

Policy BE2 establishes that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex A of RCUDP sets out guidelines to help assess whether such impacts arise.

2-6 Healey Wood Road are north of the site and they lounge and bedroom windows facing the street. There would be a minimum of approximately 13m between the proposed bedroom windows and the neighbours. This is below the recommended distance of 18m between a lounge and bedroom, and 15m between bedroom windows. However, the windows are on the street side, where privacy expectations are generally lower, and Annex A advises that in such cases there is opportunity for a degree of flexibility. It is considered that in this case, given the position of windows on the street and also the modest difference in levels, there would not be a significant adverse effect on the privacy of existing or proposed residents. In addition this is an existing building and the proposal seeks to bring it back into use, providing a source of housing.

8 Healey Wood Road is to the northwest. The layout of windows is such that they would not be directly overlooking.

7 – 11 Tile Terrace are to the west of the site. There is a stone wall on the boundary that provides screening at ground floor. Between windows there would be at least 30m, which exceeds the recommended distance.

1a and Flats 1 – 2 Healey Wood Road are to the east. There are windows on the west elevation that would be approximately 19m from the proposed communal living areas at first and second floor and approximately 16m from the communal kitchens. It is considered that there is sufficient distance that the privacy of residents would not be harmed.

There is space within the site to provide shared outside amenity areas for residents.

It is considered that the development is in accordance with Policy BE2.

Highways and Movement

RCUDP Policy BE5 seeks to ensure that new development provides for safe and efficient movement by pedestrians, vehicles and cyclists.

There is an existing vehicular and pedestrian access on Aire Street, and pedestrian access from Healey Wood Road. A new vehicular access is proposed on Healey Wood Road to access the parking deck. The Assistant Director – Strategic Infrastructure has no objections to the proposed plans. It is considered that the development complies with Policy BE5.

RCUDP Policy T18 sets out maximum parking allowances for new development. The policy does not specifically address parking for HMOs, but in the overall text it indicates that the accessibility of a site, its relationship to urban areas, opportunities to use alternative travel modes (bus, walking, cycling) and relevant parking or traffic management strategies will be considered in determining an appropriate level of parking.

Paragraph 5.62 of the RCUDP, above Policy H16, acknowledges that for HMOs there are lower levels of car ownership, which in turn reduces car parking requirements. This is reflected in Annex 1 of the emerging Local Plan (LP), which sets a maximum parking allowance of 1 space per 4 units. As the LP is not adopted the policy does not have full weight, but given the stage of preparation of the emerging plan and the limited objections to the policy it is considered that it can be given modest weight.

For 41 units the maximum parking allowance would be 10.25 spaces, in accordance with the LP policy. This has been rounded up and 11 spaces are proposed for the development. The ADSI is satisfied with the level of parking for this development.

The development is within a sustainable location, with easy access by public transport, walking and cycling from the local centre and beyond. The proposal also includes a cycle store under the parking deck. As such residents would not be dependent on the use of a car and it is considered that it is realistic to expect that car ownership would be low.

Whilst it is noted that the public and ward councillors raise concerns about a potential increase in the number of cars parked on street, there is no evidence provided to show that, contrary to the ADSI's experience and the emerging LP policy, the HMO would have a greater level of parking need in this instance.

Having regard to the above it is considered that the development complies with RCUDP Policy T18.

Paragraph 112 of the NPPF establishes that development should be designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles. So a condition is proposed requiring the installation of a suitable facility to permit the recharge of an electrical battery powered vehicle that may be at the property.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions specified below. The recommendation to GRANT planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

Date: 11 May 2022

Further Information

Should you have any queries about this application report, please contact:-

Claire Dunn (Case Officer) on 01422 392155

or

Lisa Deacon (Lead Officer) on 01422 392233

Conditions

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice unless variation of the plans is required by any other condition of this permission.
2. The facing and roofing of the development shall not begin until details of the proposed facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the development shall be constructed in accordance with the details so approved and shall be so retained thereafter.
3. No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.
4. The use of the development hereby permitted shall not commence until the car parking shown on the permitted plans has been marked out constructed and surfaced using permeable surfacing materials where any surface water shall be directed to sustainable drainage outlets or porous surfaces within the curtilage of the development. These facilities shall thereafter be retained for this purpose for the occupiers of and visitors to the development.
5. Prior to the first occupation of the development there shall be installed within the car park at least one facility to permit the recharge of an electrical battery-powered vehicle. Unless otherwise required by the location the installation(s) shall comply with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1. The facility shall be so retained thereafter.
6. Prior to the first occupation of the development the cycle parking indicated on the approved plans shall be installed and shall thereafter be retained for the use of residents and visitors to the development.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.
2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BE1 of the Replacement Calderdale Unitary Development Plan.
3. To ensure proper drainage of the site and to ensure compliance with Policy EP14 of the Replacement Calderdale Unitary Development Plan.
4. To ensure that adequate provision is made for vehicle parking clear of the highway in the interests of highway safety and to ensure compliance with Policy T18 of the Replacement Calderdale Unitary Development Plan.

5. In the interests of the sustainability of the development and to ensure compliance with paragraph 112 of the National Planning Policy Framework.
 6. In the interests of sustainable development.
-

Time Not Before: 14.00 - 03

Application No: 21/01453/HSE

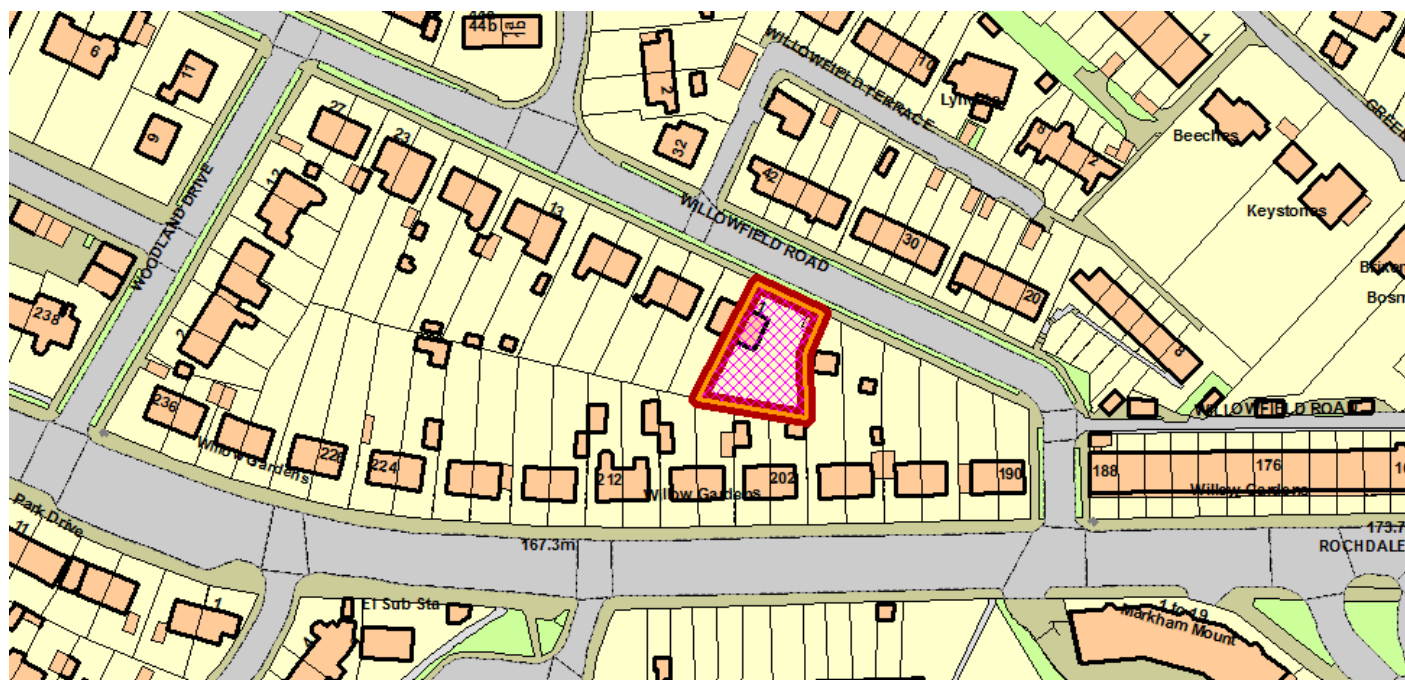
Ward: **Sowerby Bridge**
Area Team: **South Team**

Proposal:

Proposed side and rear extensions with raised patio/balcony to rear.

Location:

1 Willowfield Road Halifax Calderdale HX2 7JN



Applicant:

MRS G NABI

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Highways Section

Description of Site and Proposal

The site is semi-detached property on Willowfield Road in a residential area. It is located to the south side of Willowfield Road with a substantial garden to the side and rear, as it's the end dwelling on that side of the road. There are a mix of dwellings in the area ranging from semi-detached, detached and terraced dwellings. This dwelling is at a higher level than the properties at the rear (Willow Gardens) which face onto Rochdale Road.

Planning permission is sought for a proposed side and rear extensions with raised patio/balcony to rear and side.

The application has been referred to Planning Committee at the request of Councillor Dot Foster and due to the sensitive nature of the application.

Relevant Planning History

None

Key Policy Context:

| | |
|--|---|
| Replacement Calderdale Unitary Development Plan Designation | Primary Housing Area |
| Replacement Calderdale Unitary Development Plan policies | H2 Primary Housing Area H9 Non Allocated Housing Site BE1 General Design Criteria BE2 Privacy, daylighting and Amenity Space BE5 The Design and Layout of Highways and Accesses T18 Maximum Parking Allowances EP14 Protection of Ground Water EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems |
| National Planning Policy Framework Paragraphs | 12. Achieving well designed places |
| Other relevant planning constraints | None |
| Other material planning considerations | Climate Emergency Declaration (Jan 2019) Emerging Local Plan Emerging Neighbourhood Development Plan |

Publicity/ Representations:

The application was publicised by 8 neighbour notification letters.

Eleven letters of objection were received.

Summary of Points Raised:

- overlooking from the balcony into garden and bedrooms.
- invasion of privacy
- loss of natural
- applicant has already removed all trees and shrubs
- side extension will invade our sun terrace and decking area at the bottom of our garden.
- Loss of wildlife
- Visual impact – footprint larger than existing dwellings
- Building disruption

Ward Councillor Comments

Councillor Dot Fisher request that the application is referred to Planning Committee if the recommendation is to permit for the following reasons:-

“The proposals would appear to cause considerable overlooking of neighboring properties. Several neighbours have raised this concern in their comments on the proposals.

The issue of underground springs has been raised and I am concerned at the impact any works might have on the flow of water towards neighboring properties. The recent removal of trees and shrubs from the property would appear to already be showing a detrimental effect on neighbouring properties.

The application will make the revised property significantly larger than any of the surrounding properties and therefore out of scale with the neighbouring properties on this part of Willowfield Road.

The application states there are no trees/shrubs on the property. This is now true, because the new owners have removed all within their boundary, one can only presume this has been done to facilitate the development works. A recent Google maps image shows considerable vegetation within the boundary of the property.

The road is narrow at the point of the property, and is frequently parked up, with cars parking on the verges. I am concerned at the impact the building works will have on access to other properties.”

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2021 (NPPF) then sets out the Government’s planning policies for England and how these are to be applied, alongside other national planning policies. The NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The NPPF has a presumption in favour of sustainable development which means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; [for example...land designated as Green Belt...designated heritage assets]) or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Because the application site is located within a Primary Housing Area and relates to an extension to an existing dwelling, the proposal is considered acceptable in principle.

Residential Amenity

Policy BE2 establishes that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex A sets out guidelines to help assess whether such impacts arise.

The site is higher than those dwellings to the rear which front onto Rochdale Road. It is also located at a lower level than Willowfield Road. It already has a pathway and rear patio area that is at a higher level than the rear garden due to the topography of the area.

To the front the extension will look onto Willowfield Road and properties on the opposite side of the road. Those properties are over 21m. The distance required under Annex A of the RCUDP is both 21m (main to main). The distance of which is considered acceptable and unlikely to affect the privacy and amenity of those dwellings opposite the site.

To the rear the dwelling looks out on the garden and beyond the garden boundary are gardens to dwellings (namely 208 & 206 Rochdale Road) which front Rochdale Road. There is a patio proposed at ground floor level but when viewed from those dwellings appears to be at first floor level due to the topography of the land and the fact that those properties are at a much lower level than Willowfield Road. The distance required under annex A of the RCUDP is 18m (main to secondary). The actual distance from the extension and proposed patio area is over 24m and is separated by gardens. The distance is therefore considered acceptable and with sufficient boundary treatment will not impact on the privacy or amenity of those dwellings.

To the side the extension looks onto the side garden and to the rear garden/garage of number 200 Rochdale Road. The distance of which is 7m and is considered acceptable. Whilst an objection has been submitted which refers to the rear garden of 200 Rochdale Road having a patio/sun terrace at the end of their garden, it is not considered that the proposed side extension will impact on that private amenity space due to the distance. Furthermore, boundary treatment would alleviate any direct overlooking into that garden from both sides.

Given the above, the proposal complies with policy BE2 of the RCUDP.

Materials, Layout, & Design.

Policy BE1 of the Replacement RCUDP seeks development that contributes positively to the local environment through high quality design, respecting the established character of the area in particular scale, design, materials, appropriate landscaping, being energy efficient and includes consideration for crime prevention.

Section 12 of the NPPF paragraph 126 states:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...

The proposal relates to a two-storey side and rear extension (wrap around extension) with two patio areas, one to the side and one to the rear.

The extension at the side measures 10m in length (the existing dwelling is 7m in length) and is 4m wide. The extension at the rear projects out by 3m but is inset from the boundary with number 3 Willowfield so as not to impact on the dining room for that property. Furthermore, that property

already has a raised patio area which projects out 3m. The height will be the same as the existing dwelling.

The ground floor extension will provide a WC, store, a large kitchen/breakfast room and utility room. At first floor level a family bathroom, bedroom and master en-suite bedroom.

The materials proposed will ensure that it fits well with the existing dwelling and therefore walling materials are block and render to match existing and blue slate to match existing roof, which would be acceptable and in keeping with the surrounding area. A condition will ensure the colour of the render is submitted for approval.

Given the above the proposal is considered to comply with policy BE1 of the RCUDP and Section 12 of the NPPF.

Highway Considerations

Policy BE5 seeks to secure highways and accesses whose design and layout ensure the safe and free flow of traffic in the interests of highway safety and to provide an attractive environment. Policy T18 seeks to ensure there is adequate off street parking facilities.

The site had a garage which has since been demolished. However, a level parking area off Willowfield Road is proposed to allow parking for two cars.

The dwelling currently has a driveway at the side of the dwelling. The extension will be constructed over at the side over the existing driveway. The ground floor being a garage to park a number of cars.

The Assistant Director – Strategic Infrastructure (Highways) were consulted on the application and made the following comments:-

There are no highway objections to this application as submitted, subject to condition requiring off street parking facilities prior to occupation of the dwelling.

Given the highway concerns set out above, the proposal would be contrary to policies BE5 and T18 of the RCUDP.

CONCLUSION

The proposal is considered to be acceptable subject to conditions specified below. The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

Date: 12th May 2022

Further Information

Should you have any queries in respect of this application report, please contact

Janine Branscombe (Case Officer) on 01422 392215

Or

Lisa Deacon (Lead Officer) On 07738785385

Conditions

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
2. Before it is first brought into use, the development hereby permitted shall be constructed of facing materials to match the existing building, as specified on the submitted plans and shall be so retained thereafter
3. The external rendering of the development shall not begin until details of the colour and texture of the render have been submitted to and approved in writing by the Local Planning Authority. The external facings of the development shall be rendered in accordance with the details so approved prior to the first occupation of the development and shall be so retained thereafter.
4. Prior to occupation of the dwelling, a scheme of landscaping the site, shall be submitted to and approved in writing by the Local Planning Authority.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwelling and shall be so retained thereafter, unless any trees or plants within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased. These shall be replaced in the next planting season with others of similar size and species, (unless otherwise agreed in writing by the Local Planning Authority) and these replacements shall be so retained thereafter.
6. The dwelling shall not be occupied until the off street parking facilities shown on the permitted plans for that dwelling have been provided, surfaced, drained and made available for the occupiers of that dwelling. These facilities shall thereafter be retained.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.
2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BE1 of the Replacement Calderdale Unitary Development Plan.

3. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BE1 of the Replacement Calderdale Unitary Development Plan.
 4. In the interests of visual amenity and to ensure compliance with policy BE1 and BE2 of the Replacement Calderdale Unitary Development Plan.
 5. In the interests of amenity and to help achieve a satisfactory standard of landscaping and to ensure compliance with policies BE1 and BE2 of the Replacement Calderdale Unitary Development Plan.
 6. To ensure that adequate provision is made for vehicle parking clear of the highway in the interests of highway safety and to ensure compliance with T18 of the Replacement Calderdale Unitary Development Plan.
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