

KIRKLEES COUNCIL
PLANNING SERVICE
LIST OF PLANNING APPLICATIONS TO BE DECIDED BY
PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

16-Jan-2015

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND PAPERS

**There is a file for each planning application containing
application forms, plans and background papers.**

Simon Taylor - Extension 04778

In respect of the consideration of all the planning applications on this Agenda the following information applies;

PLANNING POLICY

The statutory development plan comprises:

The Unitary Development Plan (UDP). These reports will refer only to those polices of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The LDF core strategy approved by the Council in March 2012 was submitted to the Secretary of State on 2nd April 2013 for independent examination. However, following correspondence and meetings with the planning inspector, appointed by the Secretary of State, the council resolved to withdraw the core strategy on 23rd October 2013. Until such time as revised core strategy proposals have been submitted for examination they will have no significant weight in the determination of planning applications.

National Policy/Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

The Council adopted its Statement of Community Involvement (SCI) in relation to planning matters in September 2006. This sets out how people and organisations will be enabled and encouraged to be involved in the process relating to planning applications.

The applications have been publicised by way of press notice, site notices and neighbour letters (as appropriate) in accordance with the Statement of Community Involvement and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 203 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations,

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests.

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The National Planning Policy Framework and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Application No: 2014/92041	10
Type of application: 62 - FULL APPLICATION	
Proposal: Alterations to part of premises to form taxi office and erection of canopy	
Location: Baharkat Supermarket, 279, Manchester Road, Crosland Moor, Huddersfield, HD4 5AA	
Ward: Crosland Moor and Netherton Ward	
Applicant: Mrs S Ahmed	
Agent: Andrew Keeling, AKPlanning	
Target Date: 08-Dec-2014	
Recommendation: TFC - TEMPORARY CONDITIONAL FULL PERMISSION	
Application No: 2014/93008	20
Type of application: 62 - FULL APPLICATION	
Proposal: Erection of detached dwelling	
Location: 8, Dingley Road, Edgerton, Huddersfield, HD3 3AY	
Ward: Lindley Ward	
Applicant: P Dyson	
Agent:	
Target Date: 18-Nov-2014	
Recommendation: FC - CONDITIONAL FULL PERMISSION	
Application No: 2014/91963	33
Type of application: 62 - FULL APPLICATION	
Proposal: Erection of detached garage and workshop/garden store	
Location: Thorpe House Nursing Home, 20-22, Finthorpe Lane, Almondbury, Huddersfield, HD5 8TU	
Ward: Almondbury Ward	
Applicant: D Croft	
Agent: Farrar Bamforth Associates	
Target Date: 15-Aug-2014	
Recommendation: FC - CONDITIONAL FULL PERMISSION	
Application No: 2014/92112	44
Type of application: 62 - FULL APPLICATION	
Proposal: Erection of 1 pair of semi-detached dwellings	
Location: Land adjacent 49, Helme Lane, Meltham, Holmfirth, HD9 5PF	
Ward: Holme Valley North Ward	
Applicant: Nick Saunders	
Agent: Andrew Smith, Valley Properties	
Target Date: 21-Jan-2015	
Recommendation: RF1 - REFUSAL	

Application No: 2014/92634.....	57
Type of application: 70m - REMOVAL/VARIATION OF CONDITION	
Proposal: Variation condition 2 (plans) on previous permission 2006/93156 for demolition of mill and outbuildings and erection of 23 townhouses and apartments with garages (partly within curtilage of Listed Building)	
Location: Former Albion Mills, Mill Moor Road, Meltham, Holmfirth, HD9 5JY	
Ward: Holme Valley North Ward	
Applicant: Hurstwood Holdings	
Agent: Michael Gilbert, Peter Brett Associates	
Target Date: 17-Feb-2015	
Recommendation: ASD- VARIATION OF CONDITION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	
Application No: 2014/91342.....	67
Type of application: 60m - OUTLINE APPLICATION	
Proposal: Outline application for residential development	
Location: adj 80, Mill Moor Road, Meltham, Holmfirth, HD9 5LW	
Ward: Holme Valley North Ward	
Applicant: D Oldham	
Agent:	
Target Date: 13-Feb-2015	
Recommendation: OP - CONDITIONAL OUTLINE PERMISSION	
Application No: 2014/92408.....	84
Type of application: 60m - OUTLINE APPLICATION	
Proposal: Outline application for erection of 22 dwellings and garages, and formation of associated car parking, access and landscaping	
Location: adj Spotted Cow, 404, New Hey Road, Salendine Nook, Huddersfield, HD3 4GP	
Ward: Lindley Ward	
Applicant: G Jolley	
Agent: Sarah Wills, DLP Planning	
Target Date: 31-Oct-2014	
Recommendation: RF1 - REFUSAL	
Application No: 2014/93504.....	94
Type of application: 62 - FULL APPLICATION	
Proposal: Change of use of second floor office suite to (D1) health and medical (within a Conservation Area)	
Location: 14, Cloth Hall Street, Huddersfield, HD1 2EG	
Ward: Newsome Ward	
Applicant: Rosalind Chandler, Marie Stopes United Kingdom	
Agent:	
Target Date: 05-Jan-2015	
Recommendation: FC - CONDITIONAL FULL PERMISSION	

Application No: 2014/93522 100
Type of application: 62HH - FULL APPLICATION
Proposal: Erection of single storey extension to front
Location: 25, Deer Croft Avenue, Salendine Nook, Huddersfield, HD3 3SH
Ward: Lindley Ward
Applicant: B Whitehead
Agent:
Target Date: 03-Feb-2015
Recommendation: FC - CONDITIONAL FULL PERMISSION

Application No: 2014/92041

Type of application: 62 - FULL APPLICATION

Proposal: Alterations to part of premises to form taxi office and erection of canopy

Location: Baharkat Supermarket, 279, Manchester Road, Crosland Moor, Huddersfield, HD4 5AA

Grid Ref: 413186.0 415931.0

Ward: Crosland Moor and Netherton Ward

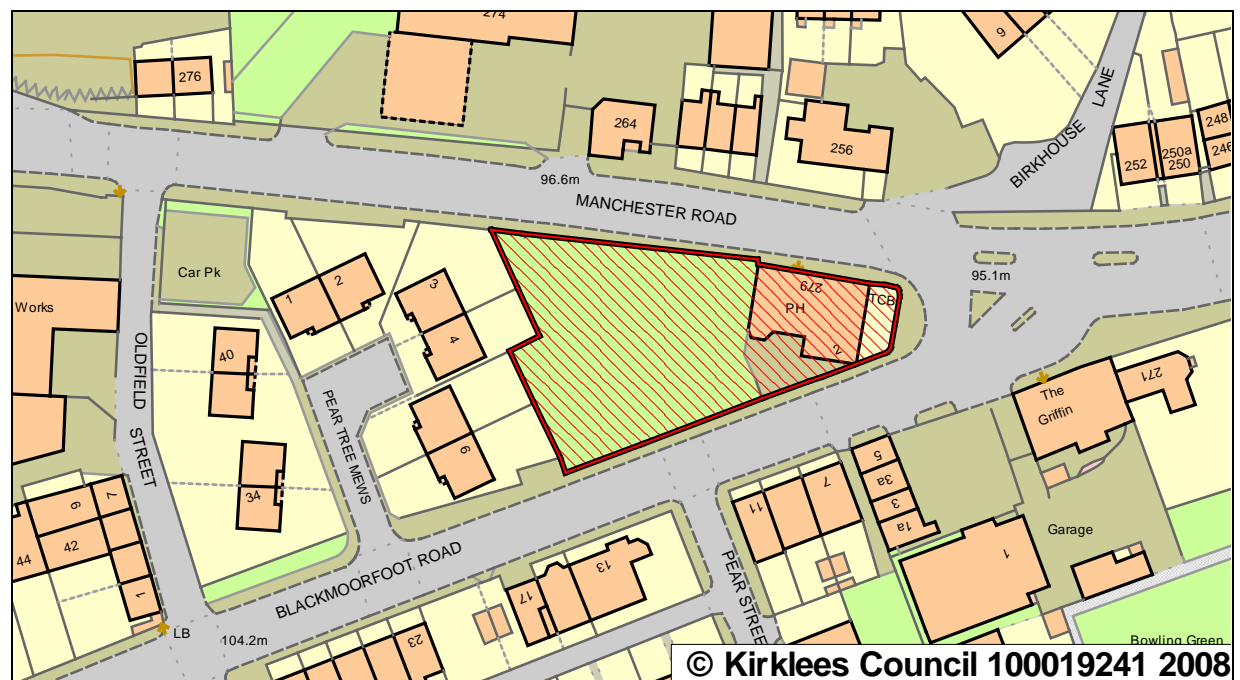
Applicant: Mrs S Ahmed

Agent: Andrew Keeling, AKPlanning

Target Date: 08-Dec-2014

Recommendation: TFC - TEMPORARY CONDITIONAL FULL PERMISSION

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The application site is located within a sustainable location, within the Crosland Moor Bottom local centre, as well as within close proximity to good transport links to Huddersfield Town Centre. The existing building was previously in use as a public house, but more recently has received planning permission to be used as a shop at ground floor, with temporary permission for a café in part of the first floor. The use of a private hire/taxi office is therefore considered compatible with these existing uses. Although it should be noted that there are unrelated, residential dwellings within close proximity to the site.

With the inclusion of an appropriate condition restricting the number of taxi vehicles to four, along with the permission only being granted for a 12 month temporary period in order to allow the impact of the use on residential amenity and highway safety to be fully considered, the proposal is considered to accord with the aims of relevant development plan policies and the National Planning Policy Framework.

RECOMMENDATION: CONDITIONAL PERMISSION FOR A TEMPORARY PERIOD OF 12 MONTHS

2. INFORMATION

The application was originally brought to Huddersfield Planning Sub-Committee for determination following a request received from Councillor Molly Walton. Her comments are as follows:

“Regarding the taxi application, can we have a site visit so that new members can see the site in terms of volume of traffic and the exit and entrance to the site - longer serving members will remember the building from the previous site visit”.

The Chair of the Sub Committee confirmed that Councillor Walton’s reason for making this request was valid having regard to the Councillors’ Protocol for Planning Sub Committees.

The application was deferred at the sub-committee meeting on 4th December for officers to prepare a report on the planning history and any current outstanding breaches of planning control related to the application site. This has been prepared separately to this application and is reported elsewhere on this agenda.

3. SITE DESCRIPTION / PROPOSAL

Site Description

The application site relates to a plot of land at the junction of the A62 Manchester Road and the C620 Blackmoorfoot Road. The site accommodates a two storey stone built building, originally known as the

Junction public house, but now Baharkat Supermarket, in the east corner of the site.

Vehicular access into the site is taken from Manchester Road, along the northern boundary, adjacent to the building, leading to the hard surfaced car park area. A pedestrian access onto Blackmoorfoot Road is located to the south. There is a small area of open grass land which exists along the full western boundary and slopes down towards the car park area.

There have been various planning applications submitted in respect of this site in recent years, with one approval granting the ground floor of the premises to be used as a shop with a single apartment above (2011/92749). The last application granted on the site was in December 2013, and this was for the change of use of the first floor to a café. This was a 12 month temporary permission, which ended 6 December 2014. There has been no application made to renew this temporary permission.

The above approvals all appear to be implemented on site.

Proposal

The proposal is for alterations to part of the premises to form a taxi office and erection of canopy.

With regard to the taxi office, there is no indication of the hours of operation on the application form. The site plan submitted with the application indicates the provision of 4no. car parking spaces dedicated to taxi parking within the existing car park.

The taxi office itself would be located in part of the existing previously approved canopy, as shown on the elevations drawing. The existing canopy is currently that, a roof with shutters along the frontage (3 bays) and to the side elevations. The proposal would create a true extension with windows and a door being formed along part of the front elevation to form the taxi office (one of the existing bays), and a new doorway formed to the supermarket (the second, middle bay). The final bay would remain open, incorporating a shutter along the frontage. The proposal would include an alteration to the existing opening at first floor level.

4. BACKGROUND AND HISTORY

2013/91965 - Change of use of the first floor to a café – Approved for a temporary 12 month period

2012/92278 - Erection of a canopy to be sited at ground floor level on the north western elevation of the building - Approved

2011/92749 - Change of use of the existing building to form shop at ground floor level with a single apartment above and formation of new access and car park - granted Feb 2012

2010/91923 – Partial demolition of existing public house and formation of supermarket with ancillary accommodation access and parking refused by Committee (March 2011) and appeal dismissed August 2011 on the grounds of the effects on the character and appearance of the building and the surrounding area.

2010/90757 – Demolition of existing public house and erection of mixed use to include retail, restaurant and take –away with ancillary residential accommodation. Formation of new access and parking – Withdrawn due to concerns raised by officers, on the intensification of the use, residential amenity and highway safety.

5. PLANNING POLICY

Site allocation:

The site is unallocated on the Kirklees Unitary Development Plan and lies within the Crosland Moor Bottom local centre as identified on the Kirklees Proposal Map. The following policies are of relevance when considering the proposed development.

Kirklees Unitary Development Plan

D2 – Unallocated land
BE1- Design principles
BE2 - Design of new developments
T10 – Highway safety
T19 – Parking standards
S1 – Town Centres/Local Centres shopping
S15 – Use of premises for Taxi/Private Hire control and administration

National Planning Policy Framework

Chapter 1 – Building a strong, competitive economy
Chapter 2 – Ensuring the vitality of town centres
Chapter 7 - Requiring good design
Chapter 11 – Conserving and enhancing the natural environment

6. CONSULTATIONS

Below is a summary of the consultation responses received; where appropriate these are expanded upon in the assessment section of this report:

K.C. Highways Development Management: A 12 month temporary permission is recommended so that the full highway safety implications can be considered over than period. In addition, the number of vehicles should be restricted to 4no. taxi vehicles, and the parking provision for these vehicles should be marked out in accordance with the submitted information.

K.C. Environmental Services: A 12 month temporary permission, along with restricting the number of cars to 4, is suggested.

7. REPRESENTATIONS

The application was advertised by site notice, neighbour notification letters, and press advert. The final date for comment was 11 October 2014.

As a result of the above publicity, there have been three objections received. A summary of the concerns are as follows:

1. Noise disturbing surrounding residential properties at all times. Some properties have already had triple glazing installed, which has proved negative in reducing noise of traffic.
2. The applicant keeps changing the area, first he wanted a supermarket, then he wanted a restaurant, and now he wants a taxi office – fed up with this.
3. No need to a taxi rank as there are enough taxis in the local area.
4. Impact from floodlights, which will be on all night.
5. Don't want any increase in traffic, especially since Manchester Road and Blackmoorfoot Road are already very busy.

In addition to the above, there have been 7 forms received indicating 'objection' to the scheme, but no grounds for objection have been indicated.

Local Ward Councillor Molly Walton has requested that the application be referred to Sub-Committee. The reason for her request is set out under Section 2 of this report.

8. ASSESSMENT

History of the site:

There has been a lengthy and complex planning history to this site.

Permission was granted under application no. 2011/92749 for the change of use of the existing building to form a shop at ground floor level with a single apartment above and formation of a new access and car park. The shop use commenced on site and a further application was submitted for the change of use of part of the first floor into a café (referenced 2013/91965). This application was subsequently granted a 12 month temporary permission, which expired on 6 December 2014. During the period the shop and café uses were operating the Local Planning Authority was not made aware of any complaints relating to either of these uses.

Prior to the granting of the above planning application, physical works carried out to the building, which included the increase in eaves and roof height of the

building, were refused by Sub-Committee, under application reference 2010/91923, and an appeal was subsequently dismissed. As such, the works carried out to the building (except for the canopy, which was approved under application 2012/92278), are unauthorised and it has been made clear as part of previous planning approvals on this site, that these works are not authorised. There is currently an 'open' enforcement case on this site and the determination of this application, whether approved or refused, would not impact upon this. The separate report prepared on outstanding breaches of planning control at the site sets out what aspects of the site are not presently authorised.

General Principle / Policy:

The site has no specific allocation in the UDP. Policy D2 of the UDP states "planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]". All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to Policy D2 of the UDP.

In addition, the building is in use as a shop at the ground floor level which until recently had a café use above, both of which are considered to constitute town centre uses. However, these uses have previously been considered to be acceptable because the site is located within a local centre, as indicated on the UDP proposals map, whereby Policy S1 of the UDP applies and states that "town centre and local centres will remain the focus of shopping, commercial, cultural and social activity and priority locations for environmental improvement".

In addition to the above, because the proposal is to introduce a private hire/taxi office, Policy S15 of the UDP also applies. This sets out that such applications will be considered taking into account:

- The proximity of the site to a town centre, local centre, or major leisure facility;
- The effect on any premises within the vicinity of the site which are used primarily for residential purposes;
- The ability of the local highway network to accommodate the additional traffic generated;
- The availability of off-street parking provision within close proximity to the site for all vehicles to be operated from the base.

In this instance, officers are satisfied that, because of the local centre location, along with the mixed uses that have already been established as appropriate on this site, as well as the off-site parking provision, the principle of a taxi booking office would comply with the aims of Policies S1 and S15 of the UDP as well as the aims of chapters 1 and 2 of the NPPF which aim to secure economic growth and to also support the viability and vitality of town centres.

Impact on Amenity:

Visual amenity

The only physical alteration proposed is in relation to the erection of a canopy/extension to the front of the building, which would replace the majority of the existing canopy with a more permanent structure. The design and scale of the canopy is considered acceptable, and provided that the facing and roofing material matches that used on the host building, which can be secured by condition, the proposal would not adversely affect the visual amenity of the area. As with previous schemes, the granting of these alterations do not approve the development works that have previously taken place to the building in terms of increasing the eaves and roof height. As such, officers are satisfied that, with the inclusion of appropriate conditions, the proposal would accord with Policies D2, BE1, and BE2 of the UDP as well as chapter 7 of the NPPF.

Residential amenity

The application site is located between two busy roads, Manchester Road and Blackmoorfoot Road. The site is also located within a local centre. However, although this is the case, there are residential properties within close proximity to the site, namely those located at Pear Tree Mews, to the western boundary of the site. There are also some residential properties located on the opposite side of Blackmoorfoot Road.

Due to the proximity of the residential properties, consultation was carried out with Environmental Services. Whilst there is some concern regarding the potential impact on the residential amenity of nearby occupants, in this instance, because of the surrounding site context, it is considered appropriate to allow a temporary 12 month permission to be granted, along with restricting the number of vehicles to four.

With the inclusion of the above restrictions, which can be secured via condition, officers are satisfied that residential amenity would be safeguarded, in accordance with Policies D2, EP4, and S15 of the UDP as well as chapter 11 of the NPPF.

Highways Issues:

Policy T10 of the UDP sets out that new development should not materially add to any highway safety implications.

During the course of the previous application for the proposed café (referenced 2013/91965), a parking survey of the existing car park was submitted. This previous survey suggested that there was off-street car parking capacity within the site. The café use ended on 6 December 2014 but the taxi office would still share the car park with the authorised A1 use and residential flat above. This could result in excessive demand being put on the existing car park from the combined uses which has the potential to result in highway safety problems occurring at both the site and surrounding highway

network. The car park layout submitted with the current application differs in its configuration to that previously approved although this corresponds with the markings on site.

In order to carry out a full assessment of the combined uses at the site a temporary 12 month permission is suggested. In addition, a condition restricting the number of taxi vehicles to four, as well as ensuring that the taxi car parking spaces are marked out, is recommended.

As such, officers are satisfied that, with the inclusion of such conditions, the proposals would safeguard the efficiency of highway safety both at and around the site, in accordance with Policy T10 of the UDP.

REPRESENTATIONS

The issues raised in representations have been considered as follows:

1. Noise disturbing surrounding residential properties at all times. Some properties have already had triple glazing installed, which has proved negative in reducing noise of traffic.

Response: A temporary permission is recommended so that, over the 12 month period, an assessment can be made in regard to the impact on residential amenity.

2. The applicant keeps changing the area, first he wanted a supermarket, then he wanted a restaurant, and now he wants a taxi office – fed up with this.

Response: The applicant can submit any planning application and the local planning authority is obliged to determine it if it is found to be valid.

3. No need to a taxi rank as there are enough taxis in the local area.

Response: The NPPF does not stifle, but encourages competition.

4. Impact from floodlights, which will be on all night.

Response: The use (in terms of position, type, and hours of use) of floodlighting can be controlled via condition. It is noted that there are some security lights which have already been installed on the building and as such, the condition shall be worded accordingly so as to ensure that the residential amenity of surrounding occupants would be safeguarded.

5. Don't want any increase in traffic, especially since Manchester Road and Blackmoorfoot Road are already very busy.

Response: A full assessment of the scheme has been carried out by Highway Development Management. A temporary permission is recommended. Furthermore, a condition restricted the number of vehicles to four would also be conditioned.

Conclusion:

The application site is located within a sustainable location, within the Crosland Moor Bottom local centre, as well as within close proximity to good transport links to Huddersfield Town Centre. The use of a private hire/taxi office is considered compatible with the existing uses already operating from the premises.

With the inclusion of an appropriate condition restricting the number of taxi vehicles to four, along with the permission only being granted for a 12 month temporary period in order to allow the impact of the use on residential amenity and highway safety to be fully considered, the proposal is considered to accord with the aims of relevant development plan policies and the National Planning Policy Framework.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

9. RECOMMENDATION

CONDITIONAL FULL APPROVAL FOR A 12 MONTH TEMPORARY PERIOD

1. The use hereby permitted shall be discontinued 12 months from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. The external facing and roofing material of the canopy extension shall match the existing building in terms of type and colour.
4. A scheme specifying the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority before the taxi/private hire is first brought into use. These measures shall be implemented before any of the lighting is first brought into use and thereafter the artificial lighting shall be operated in accordance with the approved scheme and maintained as such. The scheme shall include the following:-

- i) The proposed design level of maintained average horizontal illuminance for the site.
- ii) The predicted vertical illuminance that will be caused by lighting when measured at windows of any properties in the vicinity.
- iii) The proposals to minimise or eliminate glare from the use of the lighting installation.
- iv) The proposed hours of operation of the lighting.

5. The permission hereby granted shall be limited to the use at any one time of four licensed private hire vehicles only.

6. The proposed taxi/private hire vehicle car park spaces hereby approved shall be marked out into bays in accordance with the approved extract from the Proposed Site Layout before the taxi use is first brought into use and thereafter retained solely for use by taxis/private hire vehicles associated with the operation of the taxi office.

7. Notwithstanding the details shown on the submitted plans, other than those hereby approved (taxi/private hire office extension and previously approved canopy), this permission does not relate to or grant permission for any alterations or other operational development proposed or carried out to the building known as 279 Manchester Road.

8. The site shall not be used for the waiting, collecting or depositing of passengers.

This recommendation is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Location Plan			12 September 2014
Site Plan and Elevation	100	A	12 September 2014
Part extract of Site Plan showing position of 4no. car parking spaces for taxi vehicles			12 September 2014

Application No: 2014/93008

Type of application: 62 - FULL APPLICATION

Proposal: *Erection of detached dwelling*

Location: 8, Dingley Road, Edgerton, Huddersfield, HD3 3AY

Grid Ref: 412456.0 417903.0

Ward: *Lindley Ward*

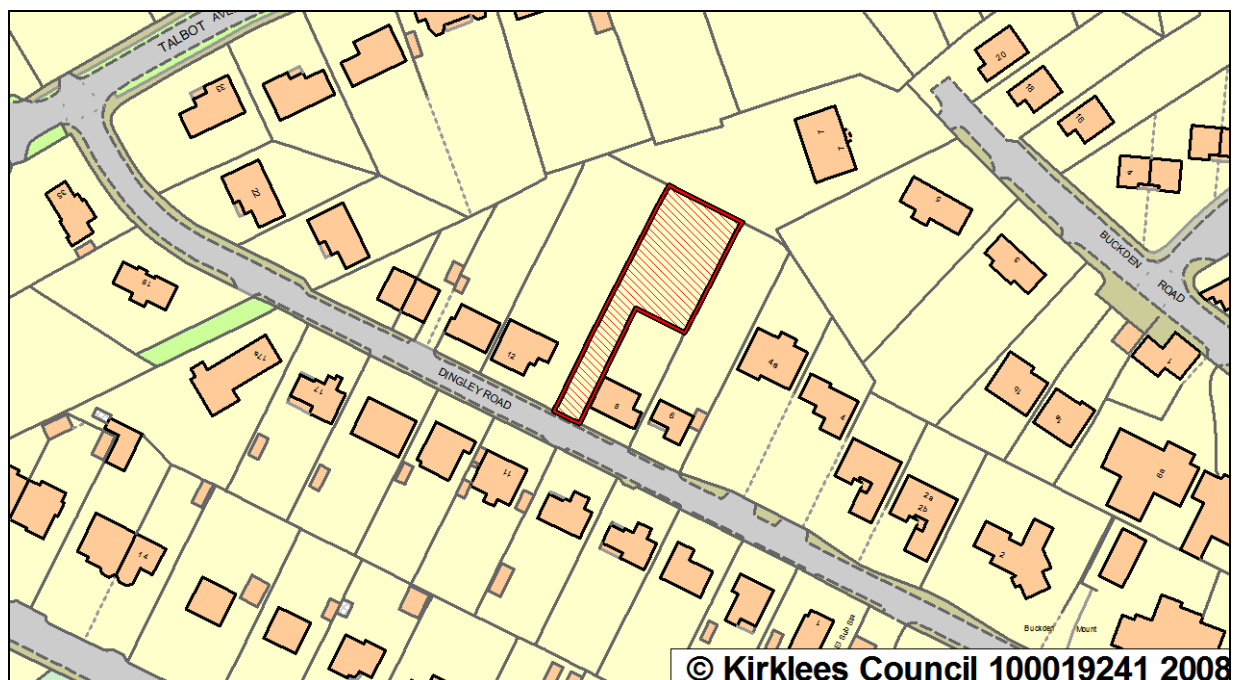
Applicant: *P Dyson*

Agent:

Target Date: *18-Nov-2014*

Recommendation: *FC - CONDITIONAL FULL PERMISSION*

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

It is considered that the proposed development would retain visual and residential amenity and highway safety and would amount to sustainable

development. It is therefore recommended that conditional permission is granted.

RECOMMENDATION: CONDITIONAL FULL PERMISSION

2. INFORMATION

The application is brought to Sub Committee following a formal request from Ward Councillor Tony Brice who states:

“following complaints from residents I request this application goes to committee with site visit on the grounds of out of character with area, obtrusive, plus there are no homes in back gardens and a similar development was refused a few years ago”

The Chair of the Sub-Committee has confirmed that Councillor Brice’s reason for making this request is valid having regard to the Councillor’s Protocol for Planning Committees.

3. PROPOSAL/SITE DESCRIPTION

Site

The site comprises a plot within the rear garden to no. 8 Dingley Road, Edgerton, a two-storey detached dwelling. The property is located in a residential area and is on the north side of Dingley Road, to which it takes highway access. The rear garden slopes downwards towards the north, or rear, and it adjoins other residential gardens to the west, north and east. The application site is between 34 and 35m in length measured from north to south, and thus comprises approximately 70% of the existing garden. It is separated from the upper part of the garden by a retaining wall.

Proposal

The proposal is a full application for the erection of a single detached dwelling. The dwelling would be positioned 3.0m from the southern boundary of the site, 11.8m from the northern boundary, 2.8m and 3.0m from the western and eastern boundaries respectively.

The proposed dwelling would have maximum dimensions of 19.6m north to south and 14.0m east to west. Its built form would resemble an L shape with the corner of the ‘L’ cut off at a 45 degree angle. The plans indicate that it would be two-storey but that part of the upper floor accommodation would be in the roof space. Height to eaves would vary between 4m and 5m for the north elevation, and between 2.5m and 5m at the south elevation. Maximum height would be 6.7m to the top of the roof ridge. Internal floor level would be variable to take account of the existing topography. In places, finished floor level would be up to 1m higher than existing ground level but it would on average be much less. It would incorporate an integral double garage and would make use of the existing access, which is 4m in width.

Proposed materials are to be natural coursed stone and blue slate.

4. BACKGROUND AND HISTORY

2003/92683 – Outline application for erection of 1 single-storey dwelling. Conditional outline permission.

2006/92814 – Erection of detached dwelling with integral 2-car garage. Approved.

2006/93462 – Renewal of unimplemented outline permission for erection of 1 single-storey dwelling. Conditional outline permission.

5. PLANNING POLICY

Kirklees Unitary Development Plan (UDP)

The site is without notation.

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE12** – Space about buildings
- **T10** – Highway safety
- **T19** – Parking standards

National Planning Policy Framework (NPPF)

- Section 6 – Delivering a wide choice of high-quality homes
- Section 7 – Requiring good design
- Section 10 – Meeting the challenge of climate change, flooding and coastal change
- Section 11 – Conserving and enhancing the natural environment.
- Technical Guidance

6. CONSULTATION RESPONSES

KC Environment Unit – No objections subject to conditions.

KC Arboricultural Officer – No objections subject to condition.

KC Strategic Drainage – No objection subject to condition.

7. REPRESENTATIONS

The application has been advertised by site notice and neighbour notification. The publicity period ended 10th December 2014.

2 representations from local residents.

The planning related objections are as follows:

1. It would be overdevelopment, out of keeping with the area which is characterised by detached dwellings with large gardens;
2. Overlooking of neighbouring properties;
3. There are no precedents for back garden developments in Dingley Road or Talbot Avenue;
4. It is adjacent to the Edgerton Conservation Area;
5. An appeal was dismissed in 2008 for a dwelling to be built in the garden of 21 Talbot Avenue;
6. Any foundations would have an impact on the trees at the boundary;
7. Impact on biodiversity;
8. Water and drainage problems resulting from springs on the land;
9. The loss of large back gardens means a reduction in safe play areas for children and a reduction in psychological and physical well-being;
10. The access looks tight and could be difficult for emergency vehicles;
11. More traffic, parking problems and obstruction to the highway because of visitor parking;
12. It could set a precedent for more building;
13. No services have been laid contrary to the information submitted by the applicant.

Ward Councillor Tony Brice requested the application be determined by Sub-Committee.

8. ASSESSMENT

General Principle:

The application will be assessed having regard to the following Policies contained within the NPPF:

Core planning principles – Planning should proactively drive and support sustainable economic development.

Delivering a wide choice of high-quality homes – Housing applications should be considered in the context of the presumption in favour of sustainable development.

Requiring good design – Developments should function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, create safe and accessible environments, and be visually attractive.

Conserving and enhancing the natural environment – advises that planning policies and decisions should aim to prevent noise giving rise to significant adverse impacts on health and quality of life.

Promoting Healthy Communities - planning decisions ...should aim to achieve places which promote...safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Meeting the challenge of climate change, flooding and coastal change. Planning decisions should take into account flood risk and where possible take opportunities to reduce the causes of flooding.

At present the Council cannot demonstrate a 5 year housing land supply. In these circumstances, in accordance with NPPF paragraph 49, “relevant policies for the supply of housing should not be considered up to date”. Consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14. Thus the application has been assessed against Policies in the UDP and the sections of the NPPF set out above.

According to the design and access statement, the 2006 full permission is still extant because development was commenced in August 2008, which was within the time period mandated by condition (1) – i.e. within 3 years of the date of the decision. According to the statement, the works pursuant to the implementation of the permission consisted of a site strip, access and services being laid. There is an access to the site, but it is not known when this was put in, nor has been established by objective evidence that services have been laid. So it cannot be established on the evidence available that the permission is still live and capable of being implemented.

However, the principle of residential development has been established with permission 2006/92814 referred to above as well as an outline permission which was renewed in the same year. Since this time, there have been some changes in the national policy context, in the replacement of the old Planning Policy Guidance notes with the National Planning Policy Framework. Furthermore, domestic gardens are no longer classed as previously developed land. There is however no presumption against the development of greenfield sites.

The site is unallocated and is located in a built-up area, close to bus routes into Huddersfield Town Centre. It is therefore considered to represent sustainable development in principle subject to an assessment of amenity, highway safety, and other relevant issues, to be assessed later in this report.

Impact on amenity:

Visual amenity:

The site is located within a residential area. The surrounding residential development shows some variation in age and architectural style but consists mainly of detached dwellings which are located on narrow plots but with extensive back gardens. Backland development is not a common feature in the local area. This in itself should not be taken to rule out residential development within back gardens provided it can be appropriately designed so as not to give rise to overdevelopment or adverse visual impact.

It is considered that the erection of a dwelling would not in principle be out of keeping with the area. The proposed dwelling has been designed to take into account the existing topography of the land by having a split floor level, and the height would be kept below that of a typical two-storey dwelling. The hipped roof would further reduce the bulk and impact. The proposed dwelling would be unusual in having an asymmetrical built form but this is not in itself considered detrimental to the character of the area.

Planning permission was granted in 2006 for a detached dwelling on this site. This would have had dimensions of approximately 18m by 11.5m, not including the attached garage. Furthermore the 2006 permission was for a two-storey dwelling with underbuild at the north. Assessing that proposal against the current application this would have had a greater bulk than the dwelling that is now proposed.

It is considered that the proposed development would respect the character of the area and visual amenity and would comply with the aims of Policies BE1 and BE2 of the UDP and guidance in Chapters 7 and 12 of the NPPF.

Residential amenity:

The proposed distance to the rear (northern) boundary of the site would be a minimum of 11.8m and the rear elevation would be approximately 30m from the nearest elevation of 7 Buckden Road which lies to the north. This is compliant with Policy BE12.

In the south elevation, the lounge and master bedroom windows would be 16m from the new curtilage boundary with 8 Dingley Road to the south but 29 metres from the rear elevation of 8 Dingley Road itself. The non-habitable blank side wall of the garage would be 16.5m from the rear elevation of 8 Dingley Road.

On the latest version of the plans, it is indicated that there would only be one side-facing habitable room window, this being a bedroom window facing west. The plans indicate that this window would be 10.1m from the western boundary of the site (towards no. 12 Dingley Road) – this is 400mm short of the recommended 10.5m minimum distance from a habitable room window to adjacent undeveloped land but as it is a ground floor window and a 1.8m fence is proposed to be installed on this side, a permanent form of screening, this is considered sufficient to avoid loss of privacy and to comply with Policy BE12 of the UDP.

The one window in the east elevation is to an en-suite facility and should be made obscurely glazed to prevent overlooking.

The dwelling is substantial and would be clearly visible when viewed from the gardens of adjacent properties at nos. 12 and 6 Dingley Road which border the site to the west and east respectively. However, the gardens of these properties are extensive which mitigates the impact. Furthermore the dwelling would be of a lesser scale than that approved in 2006 which would have been a similar distance from the common boundary and a full two storeys in height.

It is noted that the development would be in an elevated position compared to no. 7 Buckden Road to the rear but given the distance from the rear boundary of this property and as the dwelling would not be a full two storeys in height it is considered that it would not be overbearing in relation to this property.

Finally, it should be conditioned that permitted development rights are removed for extensions, since given the close proximity of the dwelling to the site boundaries, future extensions to the sides or rear of the proposed dwelling close to the boundaries could be overbearing and detract from residential amenity.

In summary it is considered that the proposed development, subject to suitable conditions, would not give rise to an undue loss of residential amenity to any neighbouring property by reason of loss of privacy, overshadowing, or overbearing impact, and would accord with the aims of Policies D2 and BE12.

Impact on ecology:

The central part of the site has already been partially cleared, but vegetation including small trees and shrubs remains at the periphery of the site. On the basis of comments made by the Ecology Officer, it is considered that the site is of limited ecological interest and that an ecological survey is not warranted.

However, a number of measures are recommended to compensate for the loss of habitat, and by way of biodiversity enhancement, in accordance with the aims of Part 11 of the NPPF, consisting of the provision of a bat box, sparrow terrace, and the provision of a landscaping scheme which should retain as many of the existing trees and shrubs as is practicable (details of this should be required before development commences).

On the basis of the comments made by the Arboricultural Officer, it is considered unlikely that the development would lead to pressure to fell trees to the north of the site, and that it is sufficient in the circumstances to impose the standard condition on protective fencing.

Highway safety:

The plans show an integral double garage as part of the development. Its internal dimensions are sufficient for 2 cars and there is sufficient space to park more than another 2 vehicles outside. The level of parking provision is therefore considered acceptable. The plans also indicate that there would be sufficient room for private vehicles to turn within the curtilage, although internal turning is not considered essential in this instance as it would take access to a relatively quiet road.

It was conditioned on the 2006/92814 permission that sight lines of 2.0m x the site frontage should be provided and retained. It is considered that this should be imposed again so as to ensure adequate visibility in the interests of highway safety. It should also be conditioned that the driveway and other areas to be used by vehicles are given a hardened and drained surface before the dwelling is first occupied and thereafter retained. Subject to this, the access arrangements are considered safe and satisfactory, and furthermore these are the same as were granted permission as part of the 2006 full permission for a dwelling.

An additional parking space is shown on the plan to be provided for no. 8 Dingley Road although this is not considered essential as no. 8 Dingley Road already has a private off-road parking space and single garage that would not be affected by the development.

Subject to conditions it is considered that the proposed development would accord with the aims of Policies T10 and T19 of the UDP.

Other issues:

None of the trees within the application site is considered worthy of a tree preservation order (TPO). In order to guard against the risk of damage to trees outside the site close to the northern boundary, which are covered by an area TPO, it should be conditioned that protective fencing is installed before development commences and maintained throughout the construction period.

The site is not within a flood risk zone and there are no known watercourses within or adjacent to the site. The application form states that surface water will be managed through the use of a sustainable drainage system. Further details of this will be required, but it is considered that this can be imposed as a condition requiring further details to be submitted and approved before development commences.

The application form states that the materials for hard surfacing are to be tarmac and block paving. While permeable materials are normally preferred

for new domestic driveways and parking spaces, in this case the developer is required to submit a drainage scheme for the site as a whole and the surfacing can be assessed as part of that scheme. The principal issue is that the driveway and parking spaces are surfaced before the dwelling is occupied.

There are no known contamination issues at the site and the proposal is not considered to have any crime and disorder implications.

Representations:

3 representations have been received.

The planning related objections are as follows:

It would be overdevelopment, out of keeping with the area which is characterised by detached dwellings with large gardens;

Response: This concern has been addressed under “visual amenity” above. It is considered that the proposed development would respect the character of the area and visual amenity.

Overlooking of neighbouring properties;

Response: This concern has been addressed under “residential amenity” above. Subject to suitable conditions the development would not give rise to loss of privacy or any other detrimental impacts on amenity.

There are no precedents for back garden developments in Dingley Road or Talbot Avenue;

Response: The absence of recent precedents elsewhere in the local area is not in itself a reason for refusal.

It is adjacent to the Edgerton Conservation Area;

Response: The impact of the development on visual amenity, including the character of the area has been assessed earlier in the report. It should be noted that the site is neither within nor directly adjacent to the boundary of the Edgerton Conservation Area. The boundary is formed by Talbot Avenue and is more than 70m away from the application site at its closest point.

An appeal was dismissed in 2008 for a dwelling to be built in the garden of 21 Talbot Avenue;

Response: This application (2007/92107) was for the erection of a block of 4 no. apartments, not a single detached dwelling, and it is therefore considered to carry only limited weight in the determination of the current application.

Any foundations would have an impact on the trees at the boundary;

Response: On the basis of comments made by the Arboricultural Officer, it is considered that the development would not harm the root systems of the trees at the northern boundary, which are covered by a Tree Preservation Order. The trees at the eastern and western boundaries are not considered worthy of a TPO.

Impact on biodiversity;

Response: On the basis of comments made by the Ecology Officer, it is considered that the site is of limited ecological interest and that an ecological survey is not warranted. However, a number of measures are recommended to compensate for the loss of habitat, and by way of biodiversity enhancement.

Water and drainage problems resulting from springs on the land;

Response: The site is not within a flood risk zone and there are no known watercourses within or adjacent to the site. In the absence of any objective information concerning springs on the land, it is considered that there would be no justification for refusal on this basis.

The loss of large back gardens means a reduction in safe play areas for children and a reduction in psychological and physical well-being;

Response: Large rear gardens may bring benefits in terms of providing suitable areas for children to play and in general well-being. Under NPPF policies, however, the development of rear gardens for housing is not inappropriate in principle and as Kirklees does not have any specific policies on garden size or garden development, it would be very difficult to justify a refusal on these grounds. The existing and proposed dwellings would both have private amenity areas.

The access looks tight and could be difficult for emergency vehicles;

Response: The access arrangements are the same as those approved for the 2006 application. The access, based on a scaled measurement, would be 3.9m in width at its narrowest point, which is more than the 3.2m width of access normally required for a single new dwelling.

It would lead to increased traffic, parking and access problems as a result of visitor parking;

Response: Under UDP policies and parking standards, a single dwelling is not normally to provide dedicated visitor parking. It is considered that the local highway network is sufficient to cope with the additional traffic likely to be generated by a single dwelling. Parking for residents (2 spaces within the garages and further space in front of the garage) is shown as being provided within the site, which can be controlled by condition.

It could set a precedent for more building;

Response: Any future applications for residential development in this area would have to be assessed on their own merits taking into account NPPF and UDP policies and other material considerations.

No services have been laid contrary to the information submitted by the applicant.

Response: On the basis of the information available, it has not proven one way or the other whether services have been laid. This is not considered to be a material planning consideration in this instance as the application is being assessed on its own merits.

Conclusion:

It is considered that the proposed development would retain visual and residential amenity and highway safety and would amount to sustainable development. It is therefore recommended that conditional permission is granted.

9. RECOMMENDATION

CONDITIONAL FULL PERMISSION

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. Samples of all facing and roofing materials shall be inspected on site by, and approved in writing by, the Local Planning Authority, before development commences and the development shall be implemented using the approved materials.
4. A scheme detailing the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall not be brought into use until the works comprising the approved scheme have been completed and thereafter retained.
5. The window in the east (side) elevation shall be fitted with obscure glazing before the dwelling is first brought into use. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification), this window shall be retained obscure glazed thereafter.
6. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external side walls or roof of the dwelling at any time.
7. The development shall not be occupied until sight lines of 2.0m x site frontage have been cleared of all obstructions to visibility exceeding 1.0m in height. These shall thereafter be retained as such.

8. The development shall not be occupied until all areas indicated to be used for parking and vehicular access to the new dwelling on the submitted/listed plan(s) have been laid out with a hardened and drained surface. These shall thereafter be retained free from obstruction to their use for vehicular parking and access.

9. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until such approved drainage scheme has been provided on the site to serve the development and thereafter retained.

10. Development shall not commence until a scheme detailing landscaping, including the indication of existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

11. Prior to development commencing, protective fencing in accordance with British Standard BS 5837 shall be erected around all protected trees adjacent to the northern boundary of the site and around trees to be retained on the site, at least to the extent of the crown spread of individual trees.

12. The following biodiversity enhancement measures shall installed before the dwelling is first occupied:

- (i) One bat box, integral to the new dwelling within the site, installed in a south facing wall at least 5 metres from the ground and not located above windows or doors.
- (ii) One woodcrete sparrow terrace, integral to the new dwelling within the site, installed in a north facing gable at least 3 metres from the ground and not located above windows or doors.

These shall thereafter be retained.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A,B,C and E of Part 1 of Schedule 2 to that Order shall be carried out.

This recommendation is based on the following plans:

Plan Type	Reference	Version	Date Received
Grouped plans and elevations			23-Nov-2014
Design and access statement			30-Oct-2014
Additional plan showing proposed new parking space for existing dwelling			22-Dec-2014

Application No: 2014/91963

Type of application: 62 - FULL APPLICATION

Proposal: *Erection of detached garage and workshop/garden store*

Location: *Thorpe House Nursing Home, 20-22, Finthorpe Lane, Almondbury, Huddersfield, HD5 8TU*

Grid Ref: 417385.0 415438.0

Ward: *Almondbury Ward*

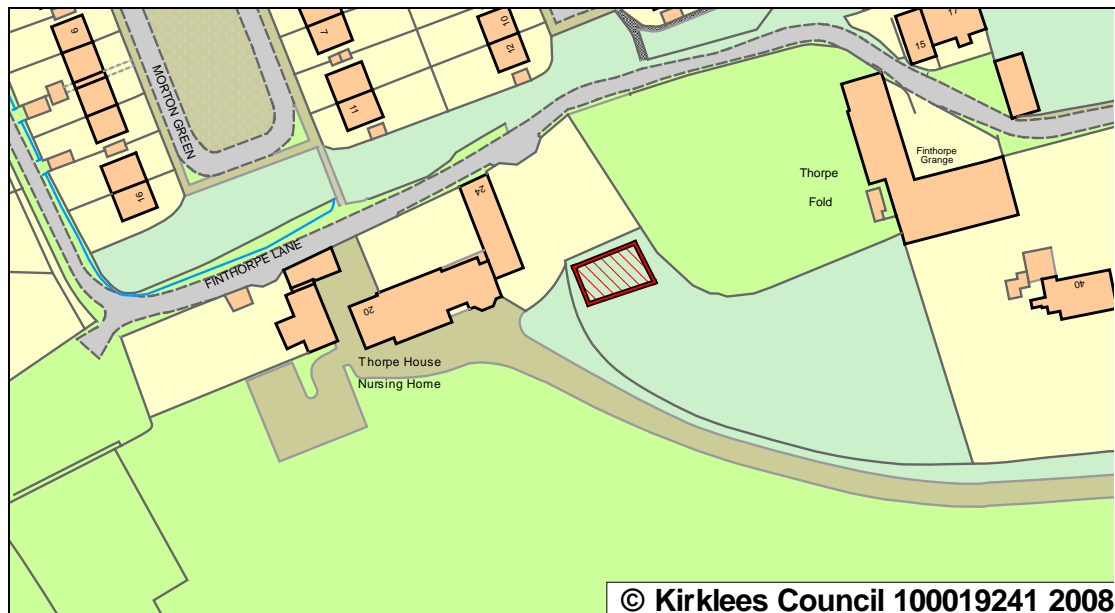
Applicant: *D Croft*

Agent: *Farrar Bamforth Associates*

Target Date: *15-Aug-2014*

Recommendation: *FC - CONDITIONAL FULL PERMISSION*

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The proposal represents inappropriate development within the Green Belt however, on balance, it is considered that very special circumstances exist to outweigh the harm to the Green Belt by reason of inappropriateness and other

harm; the circumstances being the need for the nursing home to provide more secure storage for vehicles and gardening equipment in light of a substantial number of thefts and attempted thefts.

The scale, siting and appearance of the building are such that there would not be any significant impact on the openness of the Green Belt, the setting of the host listed building or the amenities of adjacent properties.

RECOMMENDATION: Conditional Full Permission

2. INFORMATION

The application is brought to the Sub-Committee at the request of Councillor Phil Scott. The reason for the request is:

“1. The detached garage is in the grounds of a grade 2 listed building within the green belt and will have a detrimental impact on the listed building.

2. It may have a detrimental, visual impact on neighbouring properties.”

The Chair of Sub-Committee has confirmed that Cllr Scott’s reason for making this request is valid having regard to the Councillor’s Protocol for Planning Committees.

3. SITE DESCRIPTION/PROPOSAL

The application relates to Thorpe House Nursing Home. The application site includes a sloping area of ground which forms part of the extensive landscaped grounds along with part of a small garden store compound. To the north of the site is No. 24 Finthorpe Lane and the site is flanked to the west by a row of protected trees and to the east by a stone boundary wall along with two protected trees in close proximity.

Thorpe House is a Grade II listed building and is a two storey villa type dwelling which includes former stables and a coach house which have been converted to residential accommodation. The nursing home is accessed via a long driveway off Fleminghouse Lane.

The original submission proposed a detached building providing a garage/workshop and office space at ground floor with storage space within the roof area. The proposal has been amended during the course of the application and the proposal is now for a detached double garage and workshop/store on one level.

The proposal is to be sited to the south east of the nursing home. The building would be accessed off the main driveway.

The proposed building would measure 10.4m x 7m and would have a ridge height of 5.3m. It is proposed to face the walls of the building in stone. The building would have a pitched roof faced in slate to match the nursing home.

4. BACKGROUND AND HISTORY

2013/92816 Erection of detached garage with room over – Withdrawn

5. PLANNING POLICY

The site is allocated as Green Belt on the Unitary Development Plan Proposals Map.

Kirklees Unitary Development Plan (UDP)

BE1 – Design principles
BE2 – Quality of design
NE9 – Retention of mature trees
T10 – Highway safety

National Policies and Guidance:

NPPF 7 – Requiring good design
NPPF 8 – Promoting healthy communities
NPPF 9 – Protecting Green Belt land
NPPF 11 – Conserving and enhancing the natural environment
NPPF 12 – Conserving and enhancing the historic environment

Other Policy Considerations:

National Planning Practice Guidance

6. CONSULTATIONS

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Highways Development Management – No objections.

KC Conservation & Design – No objections.

KC Arboricultural Officer – No objection subject to a condition requiring an arboricultural method statement to show how the development will be constructed while minimising the effect on adjacent protected trees.

KC Environment Unit – No objections. One bat box should be incorporated on the south west gable end.

KC Police Architectural Liaison Officer – Supports the principle of the development.

7. REPRESENTATIONS

Application advertised by site notice, press advert and neighbour notification letters

Representations: 3 received – both from or on behalf of the owner of 24 Finthorpe Lane (one representation comments on the plans as originally submitted, one representation comments on the submitted Green Belt justification document and one representation comments on the scheme as amended).

Representations summarised as follows:

- Development is contrary to national planning policy on Green Belts; the case put forward by the applicant to justify the development does not amount to very special circumstances that would outweigh the harm to the Green Belt by reason of inappropriateness or any other harm.
- The crime prevention measures already carried out by the applicant (electric gates and lighting of the driveway) appear to have addressed crime issues as there do not appear to have been further instances of theft or attempted theft from the property since these measures were introduced. CCTV could provide an additional security measure and as such a new building is unnecessary.
- The proximity of the building to 24 Finthorpe Lane combined with the size and height of the proposal are such that it would be clearly and obtrusively visible from Finthorpe Lane and would intrude significantly when viewed from Fenay Lane.
- The screening effect of nearby trees will only occur when they are in leaf; for 6 months of the year the structure will be clearly visible from Fenay Lane, detracting from the setting of the listed building and the Green Belt.
- Overlooking of 24 Finthorpe Lane, resulting in a loss of amenity and privacy
- Potential for noise nuisance from the use of the garage and workshop
- Potential impact on protected trees where an access drive would need to be formed
- Detrimental impact on the setting of Thorpe House

8. ASSESSMENT

General principle:

The site lies within an area allocated as Green Belt on the Unitary Development Plan Proposals Map. The application is for a detached garage

and workshop/garden store and therefore needs to be considered against appropriate policies in relation to new development in the Green Belt, as set out in chapter 9 of the NPPF.

The erection of new buildings in the Green Belt is inappropriate and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The original submission proposed a garage/workshop along with office space at ground floor with storage space above. Justification for the development in Green Belt terms was provided in the Design and Access Statement and additional 'Green Belt Justification' document.

The case put forward by the applicant revolves around the development providing secure storage for vehicles and gardening equipment and is a response to previous instances of theft and attempted theft of these items from the site. The Design and Access Statement indicates that the site has been subjected to various incidents of theft and attempted theft and acts of vandalism; this includes two separate occurrences in 2013 where gardening equipment was stolen, one of which included the attempted theft of a vehicle. The information emphasises the importance of the vehicles and the gardening equipment to the operation of the nursing home.

It is also argued that the development will result in visual improvements through the removal of some existing timber buildings and security fencing which make up the grounds maintenance area as well as the removal of some non-protected trees and bushes. Also cited is the fact that only a proportion of an approved car park within the grounds has been constructed and a large programme of tree maintenance has recently been carried out.

Following negotiation with the agent, the scheme has been amended and the office space and upper floor storage area have been omitted and the height of the building has been reduced by approximately 1 metre. The proposal is now for a double garage with additional space for a workshop and garden store for the principal purpose of providing secure storage for the vehicles and professional gardening equipment associated with the nursing home. The workshop would generally be used for the maintenance of gardening equipment such as ride-on lawnmowers.

Officers have investigated the recent crime record at the property; it has been confirmed that there have been 5 separate incidents of theft or attempted theft of vehicles or gardening equipment which have been reported to the Police since the beginning of 2013. The most recent incident was in April 2014, approximately 2 months before this application was submitted. The following is a summary of the crime record:

23rd/24th April 2013

Sheds burgled. Numerous items of machinery / tools / gardening equipment stolen.

25th May 2013

Unlawful entry made into a vehicle parked in the grounds of the property causing alarm to be set off.

12th to 15th June 2013

Trailer stolen from the grounds of the property.

31st January 2014

Breaking and entering of an outbuilding causing alarm to be activated, nothing stolen.

26th April 2014

Attempted breaking and entering of shed. Offender disturbed by witness.

Officers are of the opinion that the number and nature of the crime incidents are such that it is reasonable for the owner/operator of the nursing home to seek to improve the security of their vehicles and gardening equipment. While there have not been any further instances of theft during the course of the application it is considered that the security of vehicles and gardening equipment is an ongoing issue. Officers are not aware of any existing buildings on the site which could be available for the use proposed and so the construction of a new building represents a practical solution to address a specific problem.

In light of the crime record it is considered that the provision of more secure storage, on balance, constitutes very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness. For clarity, the additional justification for the development on non-security related grounds, as provided by the applicant, are not considered to carry any weight.

The principle of the development is accepted by Officers in terms of the construction of a new building within the Green Belt however it is still necessary to consider the visual impacts of the development on the openness and character of the Green Belt.

The building has been reduced in size as far as reasonably practical. The building is the size of a large triple garage and provides space for two vehicles – this would include the 9 seater vehicle used to transport occupiers of the nursing home – as well as space to store garden equipment such as a mini-tractor and mini-digger which are currently stored openly within a small gardening compound.

The application site rises up gently from the level of the existing gardening compound towards the eastern boundary wall. The floor level of the proposed building will be at the same level as the concrete base of the existing

gardening compound and will be dug into the sloping ground at its easterly edge.

The building is single storey with an eaves height of 2.6m and a ridge height of 5.3m. The structure would be partially screened by existing boundary walling and would be generally viewed against the backdrop of numerous trees, many of which are protected by tree preservation order. In terms of this part of the Green Belt, the building would be located in an unobtrusive location and the scale of the building and existing landscape features mean that it would not form a prominent addition such that it would have any significant impact on the openness of the Green Belt.

Heritage issues:

Thorpe House is Grade II listed building and it is necessary to consider the impact of the proposal on the setting of this property. 24 Finthorpe Lane adjoins Thorpe House and is also Grade II listed.

The scale of the building is such that the structure will sit subserviently within the listed building's curtilage. The proposal would be well separated from the principal building with an area of landscaping, which includes a row of protected trees, lying in between. The building has a simple design and the material palette is complementary to the site. Officers consider that the scale and siting of the development are such that there would not be any significant impact upon the setting of the host listed building.

The site plan shows that the existing driveway is to be widened to provide access to the building. The extent of additional hard surfacing is considered to be relatively limited and would not have any significant impact on the setting of the listed building.

The application is considered to comply with chapter 12 of the NPPF.

Impact on amenity:

The proposed building would be in close proximity to the boundary with 24 Finthorpe Lane. The proposal would be around 6m from the garden area of this neighbouring property and would be at an oblique angle to the principal elevation no.24.

Officers are of the opinion that the scale and location of the proposed building are such that it would not form an unduly prominent feature when viewed from 24 Finthorpe Lane.

The proposed building is single storey and a proportion of the structure would be screened by the existing boundary treatment and vegetation; the proposal would also be set down in relation to part of the neighbour's garden.

The proposed building would be approximately 13m away and off-set from the principal elevation of 24 Finthorpe Lane; this relationship is such that the main

outlook from the property would not be significantly affected. The design and materials of the development harmonise with the surrounding area which helps to limit further the visual impact.

The scale and location of the building are such that there would not be any significant overshadowing or overbearing effects on 24 Finthorpe Lane.

Finthorpe Grange / Thorpe Fold lie towards the north east of the site. The proposal is very well separated from this adjacent dwellinghouse with an extensive lawn garden belonging to Finthorpe Grange lying in between. The proposal would not have any material impact on this garden area given the height of the proposal, the difference in levels and the existing boundary walling which serves as a substantial screen.

The use of the proposed building would not prejudice the amenities of adjacent property. The proposal involves a workshop area but this is an ancillary function associated with the maintenance of gardening equipment. The principal function of the building is for storage which would not give rise to any significant impacts.

Highway issues:

Highways Development Management has been consulted and no objections have been raised. There are not considered to be any highway safety implications associated with the development and the application accords with Policy T10 of the UDP.

Trees and ecology issues:

The service's trees officer has been consulted on the application and has not raised any objections subject to a condition requiring the submission of an arboricultural method statement detailing how the building will be constructed without prejudicing the viability of the nearby protected trees. Such a condition is therefore recommended in section 9 and on this basis the development complies with Policy NE9 of the UDP.

The application indicates that some non-protected trees and bushes are to be removed; this includes a row of conifers adjacent to the existing garden store compound. The scheme does not propose any replacement planting but it is not considered that compensatory planting is necessary given the large amount of protected trees which exist within the immediate vicinity.

The Environment Unit has also been consulted on the application. No objections have been raised however it is recommended that a bat roost opportunity is incorporated into the exterior of the building to compensate for the loss of natural habitat; this is in line with chapter 11 of the NPPF.

Objections:

Representations have been received from 24 Finthorpe Grange. The issues raised are responded to as follows:

Development is contrary to national planning policy on Green Belts; the case put forward by the applicant to justify the development does not amount to very special circumstances that would outweigh the harm to the Green Belt by reason of inappropriateness or any other harm.

Officer Response: Officers agree that the case put forward by the applicant to justify the scheme as originally submitted did not amount to very special circumstances. However, on investigation of the recent crime record at the property and following the submission of amended plans which reduced the size of the building and limited its scope to the provision of secure vehicle and garden equipment storage, Officers consider that very special circumstances do exist.

The crime prevention measures already carried out by the applicant (electric gates and lighting of the driveway) appear to have addressed crime issues as there do not appear to have been further instances of theft or attempted theft from the property since these measures were introduced. CCTV could provide an additional security measure and as such a new building is unnecessary.

Officer Response: The crime record shows that there has been an attempted theft from a shed at the property as recently as April 2014 which was only around 2 months before this application was submitted. It is thought that the additional security measures which the objector refers to were introduced prior to this instance occurring. In any event, Officers are of the opinion that the applicant is justified in seeking to provide more secure storage and this is supported by the West Yorkshire Police Architectural Liaison Officer. It is acknowledged that CCTV would provide additional security however a secure building is considered to represent a more robust and sustainable long term option, particularly considering the limitations of CCTV.

Structure would be clearly and obtrusively visible from Finthorpe Lane and would intrude significantly when viewed from Fenay Lane; trees would not provide screening all year round.

Officer Response: The scheme has been reduced in height by approximately 1 metre and the footprint of the building has been reduced. This issue of the building's visibility from a Green Belt, heritage and amenity perspective has already been addressed within this report.

Overlooking of 24 Finthorpe Lane, resulting in a loss of amenity and privacy

Officer Response: The scheme has been amended to remove the proposed office and to remove the upper floor; this has affected the fenestration. There are no longer any windows that would directly overlook no. 24. There are now only garage windows in the side elevations which face onto the grounds of the nursing home. Given this there would not be any significant impact on privacy.

The roof light windows to the rear of the proposed building do not give rise to any overlooking issues because of their height above floor level.

Potential for noise nuisance from the use of the garage and workshop

Officer Response: The garaging of vehicles is unlikely to give rise to any significant amenity impacts and the workshop/garden store is associated with the day-to-day maintenance of the property. The uses are therefore ancillary to the nursing home. Specific issues with noise or odour arising from the development would be dealt with as a statutory nuisance under Environmental Health legislation. Should the building be used for purposes which are not ancillary to the nursing home then this would be a matter for planning enforcement.

Detrimental impact on the setting of Thorpe House

Officer Response: The impact on the setting of Thorpe House is considered in the section entitled 'heritage issues'.

Potential impact on protected trees where an access drive would need to be formed

Officer Response: The site plan shows that the access to the existing garden store compound is to be widened and used for the proposed building. This does not necessitate the removal of any protected trees. The condition requiring an arboricultural method statement will ensure the protected trees adjacent to this existing access are not unduly prejudiced.

Conclusion:

The proposal is inappropriate development within the Green Belt however, on balance, it is considered that very special circumstances exist which outweigh the harm to the Green Belt; this is the need for the applicant to provide more secure storage for vehicles and gardening equipment which are associated with the operation of the existing nursing home. The scale, siting and appearance of the building are such that there would not be any significant impact on the openness of the Green Belt, the setting of designated heritage assets or the amenities of adjacent properties.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

9. RECOMMENDATION

Approve subject to the following conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. The walls of the development hereby approved shall be faced in natural stone which shall in all respects match that found on the main building comprising Thorpe House.
4. The roof of the development hereby approved shall be faced in natural slate which shall in all respects match that found on the main building comprising Thorpe House.
5. The new driveway for the development as shown on approved drawing number 14-C07-02 Rev B shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) this surface shall be retained thereafter.
6. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British Standard 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.
7. One Schwegler type 1FR bat box or similar shall be erected on the exterior of the south west gable end of the building hereby approved before the building is first brought into use; the bat box shall be sited at least 5 metres above the ground. The bat box shall be retained thereafter.

This recommendation is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Design & Access Statement	-	-	20 June 2014
Location Plan	2013/92816	-	20 June 2014
Proposed Plans & Elevations	14-C07-01	D	22 December 2014
Proposed Site Plan	14-C07-02	B	29 October 2014
Miscellaneous Support Documentation	Green Belt Justification 14/C07	-	9 September 2014

Application No: 2014/92112

Type of application: 62 - FULL APPLICATION

Proposal: *Erection of 1 pair of semi-detached dwellings*

Location: *Land adjacent 49, Helme Lane, Meltham, Holmfirth, HD9 5PF*

Grid Ref: 409595.0 411152.0

Ward: *Holme Valley North Ward*

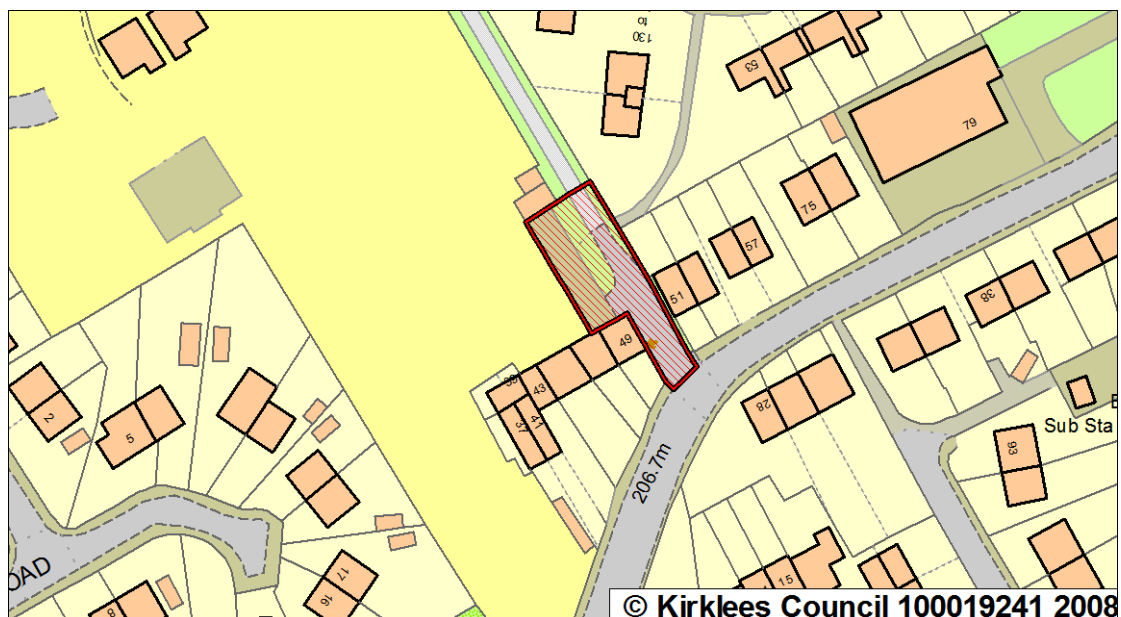
Applicant: *Nick Saunders*

Agent: *Andrew Smith, Valley Properties*

Target Date: *21-Jan-2015*

Recommendation: *RF1 - REFUSAL*

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The application seeks to erect a pair of semi-detached dwellings on a previously developed site off Helme Lane in Meltham, and represents the resubmission of the refused application 2013/92320. The proposal is considered to represent an overdevelopment of the site, which would have an

adverse impact on the amenity of surrounding residential properties, namely no.s 41 – 43 Acorn Drive, and 47 Helme Lane, and the future occupiers of the dwellings, and insufficient space about dwelling distances would be achieved.

RECOMMENDATION: Refusal

2. INFORMATION

The application is brought before the Huddersfield Planning Sub Committee at the request of Cllr Holroyd-Doveton, the committee request is set out below:

Can I request that the above application go to the planning committee. Having looked at the site, the application for additional housing (which will help our numbers locally) seems a reasonable use of this waste ground.

There is adequate possibilities for this development - indeed the ground has long been an eye-sore. A visit to the site will enable an assessment of the situation to be carried out. The officer disagrees, I would like the elected members (who are responsible) and more than one person, to make the decision. A site visit should enable this to happen.

The previous Chair of the Huddersfield Planning Sub Committee, Cllr Preest, considered the request whilst he was still acting as Chair and stated:

I have thought further about this and consider the comments are well founded...therefore please can you kindly place this on the Agenda list as requested by Councillor Holroyd-Doveton.

It is therefore considered that the request is valid having regard to the Councillor's Protocol for Planning Committees.

3. PROPOSAL/SITE DESCRIPTION

Site

The application site comprises land to the north of no.49 Helme Lane. The site was previously occupied by a number of garage structures which are all now demolished although the bases retained. A stone boundary wall marks the western side of the property which steps upwards with the topography of the site. To the east, the site is accessed via Highfield Lane which is a part surfaced part gravel lane which leads to Highfield House to the north and also forms a public footpath.

Surrounding the property to the south west are the terraced 3 storey stone built dwellings of no.s37-49 Helme Lane, and to the south east are the semi-detached 2 storey properties of no.s51-53 Helme Lane. Directly to the west are the new build dwellings of no. 41-43 Acorn Drive, with nos 35-39 located slightly further to the north west. To the north east are the side elevations of no.s130-136 Highfield Avenue.

Proposal

The application seeks full planning permission for the erection of one pair of semi-detached dwellings. In total, the dwellings would be 10.5 metres wide, have a depth of 7.8 metres and be two storeys high, with a maximum height of 7.7 metres. A lounge and kitchen would be provided for each dwelling on the ground floor, with a bedroom, bathroom and study/small bedroom provided at the first floor level. The south western rear elevation of the dwellings would be blank, with habitable room windows located in the north eastern front elevation, and in either side elevation. The new dwellings would be constructed from artificial stone and the roof covered in grey concrete tiles. One parking space would be provided for each dwelling at the side of the properties along with amenity space for the dwellings.

The proposal also includes improvements to a section of Highfield Lane to access the northern plot, as well as making improvements to local surface drainage arrangements along Highfield Lane.

4. BACKGROUND AND HISTORY

Application Site

2014/92849 – Discharge conditions 3 (stone), 4 (roof tile), 6 (screen) 11 (land contamination) on previous permission 2011/91157 for extension to time limit for implementing existing permission number 2008/90206 for erection of detached dwelling – Details agreed.

2013/92320 - Erection of 1 pair of semi-detached dwellings – Refused 15 October 2014

2011/91157 – Extension to time limit for implementing existing permission – Approved 18/10/2011

2008/90206 – Erection of detached dwelling – Approved 12/05/2008

2007/92088 – Demolition of 8 lock up garages and erection of 1 pair of semi-detached dwellings with car parking spaces – refused 22/04/2008

Adjacent Site

2010/93009 - Erection of 34 dwellings with garages – Approved at Appeal 28 October 2011

5. PLANNING POLICY

The site is unallocated on the Kirklees UDP Proposal Plan.

Kirklees Unitary Development Plan

- **D2** – Development on Land without Notation on the UDP Proposals Map
- **BE1** – Design Principles
- **BE2** – Quality of design

- **BE12** – Space about buildings
- **T10** – Highway safety
- **T19** – Parking Standards
- **R13** – Public Rights of Way

National Planning Policy Framework (NPPF)

- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 10** – Climate Change & Flooding
- **Chapter 11** – Conserving the natural environment

6. CONSULTATIONS

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Highways – no objection subject to conditions

KC Strategic Drainage – proposed drainage improvements would need to be secured for the development to be acceptable.

KC Environmental Services – no objection subject to conditions

7. REPRESENTATIONS

Initial publicity on the application expired on: 15 August 2014

In total one comment has been received from a local resident, a summary of the comment is set out below:

- The site is not considered large enough for the proposed two dwellings.
- The development of two dwellings on the site has been refused before and it is considered that there are no material differences to the scheme which change this assessment.
- There is concern that the proposal would lead to a detrimental over bearing and overshadowing impact to the kitchen and bathroom of no.47 Helme Lane.
- There is no provision for access to no.s 47 and 49 for access.
- In times of wet weather the local area floods down Highfield Lane with surface water, and the site is not considered fit for development.

Meltham Town Council – Support the application.

8. ASSESSMENT

Principle:

The site is without notation on the UDP Proposals Map and Policy D2 (development of and without notation) of the UDP states “planning permission

for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]". All these considerations are addressed later in this assessment.

Background

The application represents a resubmission of application 2013/92320 which proposed two dwellings with two bedrooms, and was refused for the following reasons:

- 1. The proposal would result in an over-intensive and cramped form of development on this site. There would be very limited amenity space available for future occupants and the proposal would not achieve suitable space about buildings, thereby impacting on the amenities of neighbouring properties. As such, the proposal fails to comply with the requirements of Policy BE12 the UDP and Chapter 7 of the NPPF.*
- 2. The site is within an area at risk from overground and underground water flows, which present a serious flood risk. The proposal fails to include adequate information regarding practicable flood risk mitigation methods to be used on site. Detailed drainage information is not provided with the application and therefore the threat of flooding and appropriateness of any drainage is unclear contrary to Chapter 10 of the NPPF.*

The current application has sought to address these reasons for refusal by reducing the scale of the development. For information the site's previous planning history set out below.

The site has benefited from permission for the erection of a single dwelling under application 2008/90206, and the time of this development was subsequently extended under application 2011/91157 until 17 October 2014. A site visit on 26 November 2014 noted that a single trench has been dug on site which is surrounded Heras fencing, possibly in relation to the commencing development on the 2011 permission. It would however be for the applicant to demonstrate that a lawful commencement had started on site for this development via a certificate of lawfulness, and currently no such certificate has been submitted.

The 2008 permission and its subsequent extension of time established the principle of developing the site for a single dwelling. However it should be noted that the 2008 and 2011 permission were granted prior to the approval of the adjacent residential development of 34 dwellings at Acorn Drive to the west, which gained consent via appeal on 28 October 2011 under application 2010/93009. This together with the proposed erection of two dwellings, as opposed to a single dwelling, is material to the assessment of the current application.

Planning permission for two dwellings was refused in 2007, for a proposal not dissimilar to the current submission terms of design and scale. The 2007 permission was refused on the grounds of overdevelopment of the site, a similar wording to the first reason for refusal of the 2013 permission set out above was used.

General Principle:

The application site is considered to be too small to accommodate the proposed semi-detached dwellings. It would lead to an overdevelopment of the site.

The site is classified as brownfield given that it was once occupied by a number of garages; however these were demolished between 2006 and 2009 according to the historic aerial photographs. An assessment therefore needs to be made as to whether the development of the site would be in keeping with the character of the local area and the impact this has on amenity.

The Council is currently unable to demonstrate a five year supply of deliverable housing sites. Relevant information in this respect is provided in the annual monitoring report published on 31 December 2013. In these circumstances, in accordance with NPPF paragraph 49, “relevant policies for the supply of housing should not be considered up to date”. Consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14. This requires proposals which accord with UDP to be approved without delay or where the UDP is silent or out-of-date to grant planning permission unless the adverse impacts of doing so would ‘significantly and demonstrably’ outweigh the benefits in the NPPF.

A detailed assessment of all key elements of the proposal will be carried out below against relevant planning policy.

Design and Amenity:

The NPPF provides guidance in respect of design in ‘core planning principles’ and in paragraph 56, both are set out below:

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

56. *The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

Kirklees UDP Policies D2, BE1 and BE2 are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

The current submission has amended the scale of the proposed dwellings refused under application 2013/92320, reducing the height of the eaves by 1.2 metres, the ridge by 1.6 metres and removing a bedroom and bathroom which was proposed for the roof space. Whilst acknowledging the reduction in scale, the proposal for two dwellings is still considered to constitute an overdevelopment of this small site. This would be out of character with the local area.

While it is acknowledged that there is no particularly prominent house type locally, it is considered that the proposal fails to provide sufficient space about the dwellings as discussed below. The dwellings would only have very limited amenity space for the future occupiers which, in respect of the southern plot, would also be significantly overshadowed. Outlook from the habitable room windows in the side elevations would also be extremely limited and the southern plot in particular would experience detrimental overshadowing from existing properties. In these circumstances it is considered that future occupiers would experience a detrimental sense of overbearing from surrounding developments. Such arrangements would represent a poor standard of design, and the proposal would represent a cramped form of development which would be contrary to policy advice in chapter 7 of the NPPF.

The impact of the development on residential amenity needs to be considered in relation to Policies D2 and BE12 of the UDP. The impact of the development on existing occupiers of surrounding properties, and also the future occupiers of the proposed dwellings, needs to be considered in detail. The closest residential properties to the site are no. s 41 and 43 Acorn Drive to the west, no.s 47-51 Helme Lane to the south/southeast, and no.s 130-136 Highfield Avenue to the northeast. The impact of the development on these properties and future occupiers will be assessed in turn.

41 and 43 Acorn Drive

No.s41 and 43 Acorn Drive are located to the rear of the application site to the west and would be 8.5 metres from the rear blank elevations of the dwellings. No.s41 and 43 Acorn Drive are new dwellings constructed under the planning permission for a wider development of 34 houses approved under application 2010/93009. The properties are the same house type, and contain two bedroom windows at first floor level on each rear elevation, with a ground floor dining room and kitchen at ground floor. All of the windows in the rear elevation of no.s41 and 43 are considered to be habitable room windows.

Policy BE12 advises that a separation distance of 12 metres should be achieved between habitable room windows and blank elevations, and the proposed separation of only 8.5 metres falls significantly short of this distance. This short fall in separation distances would lead to a detrimental overshadowing impact to the rear of no.s41 and 43, especially in the morning given the proposed dwellings position to the east of the existing properties. The short fall in separation distances is not considered to be acceptable, and the proposal would fail to comply with Policies BE12 and D2 of the UDP.

It is acknowledged that proposed dwellings are located no closer to the boundary of the application site than the previously approved applications in 2008 and 2011 for a single dwelling, it should be noted that the dwellings in Acorn Drive had not gained permission, and this material change in circumstances needs to be considered. Furthermore the proposed dwellings are over 70% wider than the single dwelling previously approved which is considered to be materially larger, and would lead to a greater impact on the occupiers of the existing dwellings than the previously approved scheme.

47-51 Helme Lane

These properties are located to the south and south east of the application site. Nos 47 and 49 adjoin the application site, with the southern proposed dwelling located 6 metres from the rear of no.49. The rear of no.49 is a blank elevation and in terms of direct overlooking to no.49 from the proposed dwelling it would not be possible.

There would however be an oblique overlooking impact from the first floor habitable study bedroom window of the southern plot, with the three mullion windows in rear elevation of no.47 which are also habitable. The windows are within only 8 metres of each other at an approximate angle of 45 degrees, and this oblique relationship is considered to be detrimental to the occupiers of no.47. Policy BE12 advises a separation distance of 21 metres is achieved between habitable room windows, and whilst the relationship is not direct it is considered that it would lead to a detrimental relationship between the two properties in terms of residential amenity, which would be contrary to Policies D2 and BE12.

It should also be noted that the previous permissions on the site for a single dwelling from 2008 and 2011, did not propose any habitable room windows in this southern side elevation of the dwelling, with only a bathroom and a landing window provided. The current submission is therefore considered to be materially different to that approved previously, and the previous approvals hold no weight in relation to this matter.

Turning to the impact on no.51, the proposed dwelling would be 7 metres from no.51 at its very closest to the west. While there would not be a direct window to window relationship between the proposed properties and no.51, there would be a potential oblique overlooking impact on the rear of no.51 from the first floor bedroom windows in the dwellings. The window in the southern plot would be approximately 10 metres from the windows in the rear of no.51, and a distance of 13 metres would be achieved from the first floor window in the northern plot. The first floor windows in the proposed dwelling would also lead to a direct overlooking impact at close quarters of the amenity space of no.51 which is not ideal. Policy BE12 advises that a distance of 21 metres is achieved between habitable room windows and given the short fall in distance set out above, the proposals impact on no.51 is not considered to be acceptable.

130-136 Highfield Avenue

No.s 130 136 are located to the north east of the application site, and the side elevation of these properties at their closest is 21 metres away from the front elevation of the proposed dwellings. The separation distance achieved meets 21 metres advised in Policy BE12 between habitable room windows, and it is considered that this separation is sufficient to prevent any detrimental overlooking or overbearing impact on the occupiers of no.s130-136.

Future Occupiers of the Dwellings

Turning to the impact of the development on the future occupiers of the dwellings, consideration needs to be taken in relation to the space about dwelling distances that can be achieved to adjacent land and adjacent properties, and the impact of these distances on the future occupiers.

As set out above, the side elevation of southern proposed property would be within 6 metres of the rear elevation of no.s47-49 Helme Lane. The proposed dwellings close proximity to no.47-49 combined with the proposed properties orientation to the north of no.s47-49, would lead to the southern elevation of the proposed dwelling, and the proposed garden space being extremely overshadowed. The close proximity of the windows in the southern elevation to the rear of nos. 47-49 would also limit outlook from the windows in the side elevation. The impact is further exacerbated by the presence of an existing 2.5 metre stone boundary wall to the west, which would increase the sense of enclosure for the future occupiers further, and in particular the windows on the ground floor which serve a habitable kitchen. This arrangement is not considered to be in the best interests of the future occupiers of the dwelling, and highlights that the proposal represents a cramped form of development.

The plot to the north would also only achieve a distance of 6 metres to the boundary of the site, but it is acknowledged the proposal would not be within close proximity to another building. A 2.5 metre high stone boundary wall would however be located along the western elevation, and the position of the windows within a northern aspect would reduce the level of natural light to the property.

The garden areas to the proposed dwellings are also considered to be very limited in terms of their size at only 26 square metres, and it is considered that given their orientation would be of poor quality gaining only limited sunlight. While one parking space is provided for each dwelling, Officers consider that there could be pressure to increase the parking provision at the site after development to provide two spaces for each dwelling. The proposal includes a study which is also considered to be of a sufficient size to be used as a bedroom if required, and this could lead to further parking demands. If two spaces were provided for each dwelling then this would all but remove the garden space for the dwellings leaving no amenity space for future occupiers.

The proposed dwellings would be built directly on to the boundary to Highfield Lane at the front, including lounge windows directly addressing the access, and directly up to the boundary at the rear. Even in these circumstances the depth of the dwellings is only 7.8m given the restricted nature of the plot.

Policy BE12 advises that a minimum distance of 1.5 metres should be achieved to the boundary of the application site and this is not achieved here. The lack of defensible space for future residents to the front of the plot and the visual appearance of two dwellings with such extensive plot coverage again represent the overdevelop of the site, which would be out of keeping with the character and appearance of the local area, and would be detrimental to visual amenity and the street scene along Highfield Lane. The proposal would therefore fail to comply with Policies BE1, BE2, BE12 and D2 of the UDP.

Highway Safety:

The highway impact of the development has been assessed in relation to Policies T10 and T19 of the UDP, and the scheme has been considered by the Highways Officer who raises no objection.

Access to the site is directly onto Highgate Lane which is an un-adopted road off Helme Lane which carries public footpath Meltham 55 and serves as an access to property to the north. Each of the dwellings will have a single off-street parking spaces located to either side of the proposed dwellings.

Sight lines at the junction of Highgate Lane and Helme Lane appear good in both directions and there have been no recorded injury accidents at this junction in the last 5 years. Given the size of the proposed dwelling with only one bedroom, 1 off-street parking space is considered acceptable.

The application is therefore considered to have an acceptable impact on Highway Safety and would comply with Policies T10 and T19 of the UDP.

Drainage:

Drainage arrangements for the proposed dwellings have been considered by the Strategic Drainage Officer and in relation to policies in Chapter 10 of the NPPF. Drainage concerns formed one of the reasons for refusal on the previous application and the applicant has sought to address this matter with the submission of further information including a scheme to repair existing local drainage.

The main flood risk locally involves significant overland flows from the surrounding areas (fields) that reach Highfield Lane. There have been recent flooding events (and associated flood damage) on Highfield Lane and Helme Lane that have affected local properties.

The Drainage Officer has stated that discussions have taken place since the last application, and a flood risk/drainage strategy has been devised along with the submission of a survey of the existing drains. The submitted strategy proposes to do the following:

1. Lay a drainage pipe from the source of the water behind Highfield House to discharge into the existing road gulley adjacent Highfield House. Clean out the road gulley and check for defects – rectify as necessary. Remove the sandbags from site.
2. Remove and replace existing collapsed sections of drains with equal diameter pipe-work.
3. Locate all buried gullies along section of drain, check for defects – rectify as necessary.
4. Remove unmade surface from track adjacent to proposed dwellings and lay new tarmac surfacing to same. Include for creating falls to new gullies etc.

The principle of the submitted strategy and the findings of the survey are accepted, however more detailed drawings are required before any works commence. However the works would fall outside of the application red line boundary, (it relates to a significant section of Highfield Lane to the north of the site) and it is considered that the most appropriate way of securing these works would be via a 'Grampian' condition which could also require specific details of the works to be provided prior to development. The proposal, subject to the drainage strategy being secured, would reduce surface water flood incidents locally. The proposal would therefore comply with Policies in Chapter 10 of the NPPF.

Other Considerations:

The site is recorded as potentially contaminated due to a past use. Pollution & Noise Control have commented that prior to the commencement of the development (if approving), that contaminated land reports be submitted to and approved by the LPA. The 2008 planning application was approved subject to conditions requiring the submission of contamination and mitigation reports. The lack of this information is not a specific reason to refuse the application, as appropriate conditions could be imposed.

Representations:

The planning related objections raised are summarised as follows with a response to each one in turn:

- The site is not considered large enough for the proposed two dwellings.

Response: These comments are noted, and are similar to the Officer assessment.

- The development of two dwellings on the site has been refused before and it is considered that there are no material differences to the scheme which change this assessment.

Response: These comments are noted, however Officers do consider there to be a material change in the proposal, but it can not be supported for the reason set out.

- There is concern that the proposal would lead to a detrimental over bearing and overshadowing impact to the kitchen and bathroom of no.47 Helme Lane.

Response: These comments are noted, and the impact on no.47 forms one of the reasons for refusal as set out in the report.

- There is no provision for access to no.s 47 and 49 for access.

Response: Access to the rear of no.s 47 and 49 is a private legal matter and one which falls outside of the planning application.

- In times of wet weather the local area floods down Highfield Lane with surface water, and the site is not considered fit for development.

Response: These comments are noted, and the applicant has provided a drainage strategy to improve drainage arrangements locally, which could be secured by a legal agreement.

Conclusion:

In conclusion the proposed semi-detached dwellings are considered to represent an overdevelopment of the site, which would have an adverse impact on the amenity of surrounding residential properties, namely no.s 41 – 43 Acorn Drive, and nos. 47 and 51 Helme Lane, and the future occupiers of the dwellings, and insufficient space about dwelling distances are provided.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the UDP and NPPF.

9. RECOMMENDATION

REFUSAL

1. The proposal would result in an over-intensive and cramped form of development on this site. There would be very limited amenity space available for future occupants and the proposal would not achieve suitable space about buildings distances, thereby impacting on the amenities of the future occupiers. As such, the proposal fails to comply with the requirements of Policy BE12 the Kirklees Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

2. The proposal would detrimentally overlook and overbear the occupiers of no.s 41 and 43 Acorn Drive to the west, and detrimentally overlook, at an oblique angle, the occupiers of no.47 Helme Lane to the south, and no.51 to the south east. The proposal would fail to meet acceptable space about dwelling distances, or retain a good standard of amenity for occupiers of surrounding properties, contrary to the requirements of Policy BE12 the Kirklees Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

This recommendation is based on the following plan(s):-

Plan Type	Plan Reference	Revision	Date Received
Location Plan	LP 01		3/7/2014
Survey Drawing	2013/020/01		3/7/2014
Proposed Plans and Elevations	2013/020/04		3/7/2014
Flood Management and Drainage Strategy	-		3/7/2014
Supporting Statement 1			9/6/2014
Supporting Statement 2			1/10/2014
Drainage Survey	1180144	-	21/8/2014

Application No: 2014/92634

Type of application: 70m - REMOVAL/VARIATION OF CONDITION

Proposal: Variation condition 2 (plans) on previous permission 2006/93156 for demolition of mill and outbuildings and erection of 23 townhouses and apartments with garages (partly within curtilage of Listed Building)

Location: Former Albion Mills, Mill Moor Road, Meltham, Holmfirth, HD9 5JY

Grid Ref: 409398.0 410693.0

Ward: Holme Valley North Ward

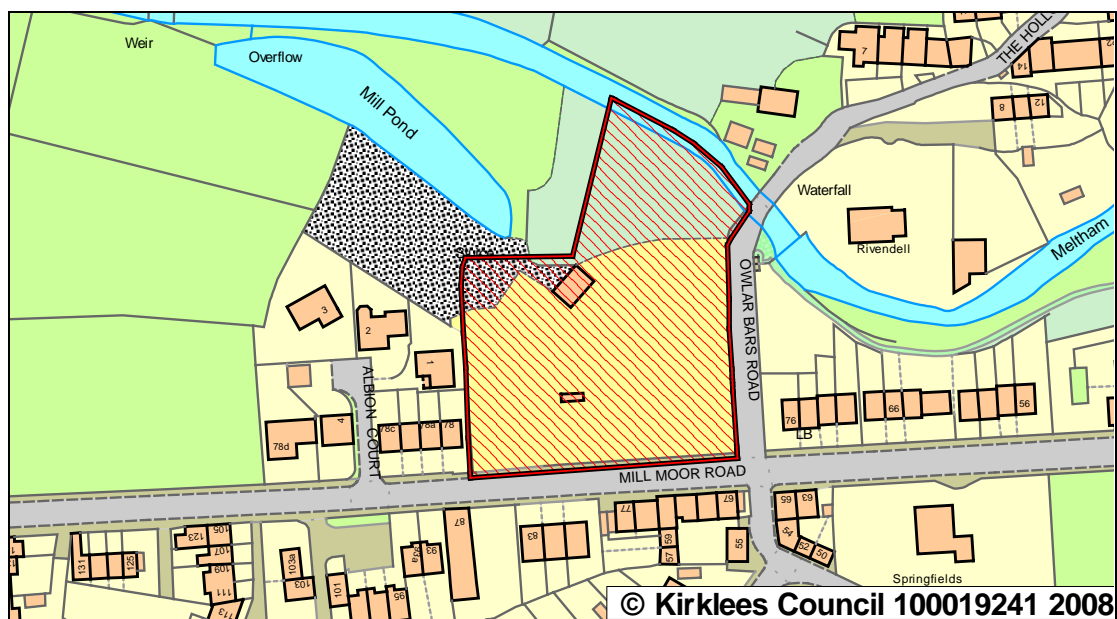
Applicant: Hurstwood Holdings

Agent: Michael Gilbert, Peter Brett Associates

Target Date: 17-Feb-2015

Recommendation: ASD- VARIATION OF CONDITION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS

LOCATION PLAN



Map not to scale – for identification purposes only

Application Details		
Type of Development	Variation of condition 2 on previous application 2006/93156 for erection of 23 residential units	
Scale of Development	Site area: 0.53ha	Units: 22
No. Jobs Created or Retained	N/A	
Policy		
UDP allocation	Part land without notation / part Urban Greenspace	
Independent Viability Required	No	
Consultation		
Individual Support (No.)	1	
Individual Objection (No.)	4	
Petition	No	
Ward Member Interest	No	
Statutory Consultee Objections	No	
Contributions		
Affordable Housing	N/A	
Education	N/A	
Public Open Space	On-site general amenity POS provision + maintenance & £6,700 off-site POS contribution	
Other	N/A	
Other Issues		
Any Council Interest?	No	
Pre-application advice	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	Minor changes to layout , house designs, and some plot types. Reduction to 22 units. No objections subject to imposition of similar conditions to those previously imposed, together with a Deed of Variation to secure the same Section 106 contributions as the 2006 permission.	

1. INFORMATION

The proposals are brought forward to the Sub Committee for determination in accordance with the Council's Scheme of Delegation, as the site is over 0.5 hectares in area.

2. SITE DESCRIPTION

The proposal relates to the site of the former five storey Victorian Mill situated on a 0.53 hectare site fronting Mill Moor Road, approximately 500 metres west of Meltham town centre. The site also contains a former early C19th

cottage which is listed and pre-dates the mill, but is currently in a very poor state of repair. The previous and current planning application excludes the listed building, as it has been subject to separate applications for Listed Building Consent.

The land drops away towards the rear of the site and is bounded by Meltham Dyke to the north and Owler Bars Road / The Hollow to the east. A small, recently constructed residential development site abuts the western boundary of the site.

3. PROPOSAL

The original proposals have the benefit of full planning permission for the demolition of the existing mill and the erection of 23 residential units. The area allocated as Urban Greenspace at the rear of the site is proposed to be left as Public Open Space, while the listed cottage has previously been granted Listed Building Consent to be renovated back to a habitable dwelling, giving 24 residential units in total. 48 parking spaces are proposed and all but three of the units are proposed to be accessed from Mill Moor Road, the remainder (including the listed cottage) being served from Owler Bar Road / The Hollow.

These proposals have been implemented by way of partial construction of the access from Owler Bar Road / The Hollow

The current proposals seek to vary Condition 2 :

“The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.”

The variations seek to:

- Reduce the plot nos from 23 to 22.
- Change the parking arrangements, such as placing additional parking spaces directly off Mill Moor Road to the front of Plots 1-2 & 10-11.
- Increase heights of Plots 7-9 by 1m.
- Increase heights of Plots 19-22 by 0.5m.
- Remove stone roof tabling and kneelers from all plots.
- Reposition and re-number plots' 10-12 (now 10-11), 15-16 (now 14) & 22-24 (now 19-22)
- Removal of front door canopies.

4. BACKGROUND AND HISTORY

2006/93156 – planning application for demolition of mill and erection of 23 residential units - approved

5. PLANNING POLICY

Site allocation:

The site is part allocated as 'land without notation' and part 'Urban Greenspace', while the adjoining Meltham Dyke is allocated as a Green Corridor

Relevant UDP policies:

D2 - development involving 'land without notation' - to consider residential amenity, visual amenity, highway safety etc.

D3 – urban greenspace

BE2 - design of new development

BE11 - use of natural stone

BE12 - space about building standards

H18 - provision of Public Open Space on sites over 0.4 hectares

T10 - highway safety

T19 - off-street parking standards

National Planning Policy Framework:

'Achieving Sustainable Development'

'Core Planning Principles'

Delivering a wide choice of high quality homes (chapter 6)

Requiring good design (chapter 7)

Conserving and enhancing the natural environment (chapter 11)

Conserving and enhancing the historic environment (chapter 12)

'Decision taking'

Other Policy Considerations:

Manual for Streets (2007)

6. CONSULTATIONS

The following is a brief summary of the consultation responses received. Where necessary, these consultations are reported in more detail in the assessment below:

K.C. Highways Development Management – no objections subject to conditions

K.C. Conservation & Design – no objections

K.C. Trees – no objections

7. REPRESENTATIONS

The application has been advertised by neighbour letter, newspaper advertisement and site notice. Four letters of objection have been received, the comments of which may be summarised as follows:

- Too many small interconnected properties of 3 storeys, not in keeping with surrounding properties.
- Concerns about impact on local road network, in particular the junction with Westgate and Station Road.
- The plans for four properties to access / egress from Owler Bars Road should not be allowed.
- Too many properties at 23 units – overloading medical, transport and educational resources. Strain on already crumbling infrastructure.
- Parking issues on Mill Moor Road will be exacerbated. More parking from surrounding residents when snow is forecast.
- Concerns about drainage difficulties / complications on the site and the impact this may have on the adjacent Green Corridor if not adequately addressed.

Meltham Town Council:

Support.

8. ASSESSMENT

Principle:

The principle of allowing this variation of condition application is acceptable, in accordance with legislation under Section 73 of the Town & Country Planning Act 1990 (as amended) and Government advice in dealing with material alterations to existing planning permissions.

Design and visual amenity:

Although some of the original decorative design-enhancing features have been removed from the proposals (e.g. door canopies and roof tabling / kneelers), the overall design of the development (natural stone) remains in keeping with the West Yorkshire vernacular style and safeguards the setting of the listed cottage.

Additional windows were requested for plots' 19 & 22 to ensure better natural surveillance and views from these plots: the plans were changed accordingly.

Residential amenity:

Following changes to the plans to move plots' 17 & 18 away from a neighbouring property and alter the positions / sizes of windows on plots 11, the proposals comply with the normally recommended minimum separation distances as set out in Policy BE12, and would not cause any other

significantly detrimental problems in terms of privacy / residential amenity matters.

Highway safety:

Highway Services raised concerns about some of the proposed changes to layout when the current revisions were first submitted, however following amendments, Officers are now, on balance, satisfied with the plans.

Some changes to the conditions are recommended to reflect the amendments and also updated guidance in Manual for Streets, however the recommendations for conditioning the implementation of Metro cards and improved bus stops cannot be taken into account within the scope of this application, as they were not sought in relation to the original planning permission which has been implemented.

Other issues:

Government guidance on dealing with variation of condition (Section 73) applications states:

“As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.”

In this case, the original planning permission has already been implemented and the conditions from the 2006 application need to be revised in light of this although there would be no restriction placed on the timescale for the commencement of development. Some conditions are proposed to be re-worded and new pre commencement requirements in relation to the new layout.

The Section 106 agreement relating to the provision of on-site POS and the payment of off-site POS contributions will however need to be subject to a deed of variation agreement prior to the issuing of any new planning permission.

At the time of the original planning application affordable housing did not fall to be considered because the total number of dwellings was below the threshold for an affordable housing contribution – as set out in the Council’s Supplementary Planning Guidance on affordable housing as was applicable at the time.

Whilst the development would now meet the threshold for an affordable housing contribution under the Council’s Supplementary Planning Document 2, it is not considered that this application for relatively minor changes to the approved plans can be used to seek to secure an affordable housing contribution. There is an extant permission in place which can be implemented and it would be unreasonable to impose an obligation on the

applicant which was not applicable when the original application was considered. One of the uses of the Section 73 process is to seek minor material amendments to a planning permission and this is what the applicant is seeking to achieve. It is not the purpose of the Section 73 process to reconsider the principle of development.

Objectors have raised numerous issues that fall outside the scope of this application (such as highway capacity, drainage etc) because the only issues to be considered relate to the proposed changes to the original planning permission and any issues arising from such changes. It is not the purpose of the Section 73 process to reconsider the principle of development. This application seeks only to alter the approved plans.

Conclusion:

The proposed minor changes to layout, house designs, and some plot types are considered to be acceptable. No objections subject to imposition of similar conditions to those previously imposed, together with a Deed of Variation to secure the same Section 106 contributions as the 2006 permission.

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. It is considered that the proposed development is in accordance with the principles of sustainable development in this instance.

10. RECOMMENDATION

APPROVE VARIATION TO CONDITION 2 of planning permission no. 2006/93156 subject to the delegation of authority to officers to:

- **Secure a deed of variation to the Section 106 Agreement relating to the provision of on-site POS and the payment of off-site POS contributions**
- **Impose all necessary and appropriate conditions**
- **Issue the decision notice.**

1. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.

2. The buildings shall be constructed of regular coursed natural stone.

3. Development shall not commence until a scheme detailing measures to protect the trees and/or other areas of vegetation as indicated on drawing no. E365 (04) 100E has been submitted to and approved in writing by the Local Planning Authority. No until the works comprising the approved scheme have been completed, these shall be retained and maintained throughout the construction phase.

4. The approved landscaping scheme shall be implemented in accordance with a schedule to be submitted to and approved in writing by the Local Planning Authority before development commences. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

5. The site shall be developed by means of a separate system of drainage for foul and surface water.

6. Any new finished floor levels associated with this approval shall be set no lower than 186.0m AOD.

7. Prior to the development being brought into use, the approved private vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

8. Notwithstanding the detail as shown on the approved plan E365(04)100E, a scheme detailing the construction specification and layout of:

The site access (including 2.4m x 43.0m visibility splays) with Mill Moor Lane;

6.0m radius to western flank of Owlars Bars Road's junction with Mill Moor Road;

Vehicular footway crossings along the site frontage with Mill Moor Road

2.0m wide along the site frontage with Owlars Bars Road

including all associated highway works, and appropriate Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority before development commences. No part of the development shall be brought into use until the approved scheme has been implemented. Thereafter, the implemented scheme shall be retained.

Note: The details shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, treatment of sight lines together with an independent safety audit covering all aspects of the works.

9. Notwithstanding the details shown on the approved plan E365(04)100E, a scheme detailing construction specification and layout of the internal estate road (to an adoptable highways standard) and turning area to accommodate a 11.6m refuse collection vehicle, including all associated highway works, and appropriate Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority before development commences. No part of the development shall be brought into use until the approved scheme has been implemented. Thereafter, the implemented scheme shall be retained.

10. With reference to the approved plan E365(04)100E, nothing shall be built, erected, or grown 1.0m above the height of the adjacent carriageway along site frontage with Mill Moor Road 2.4m set back from the kerb line.

11. The development shall not be brought into use until a 2.4m x 43.0m westerly visibility splay from the junction of Owlars Bars Road along Mill Moor Road level with its footway and constructed to a highways adoptable standard has been provided. The visibility splay shall be retained thereafter.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 18 of planning permission 2006/93156. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered (in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report) is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

14. No development shall take place until details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls have been approved in writing by the Local Planning Authority. The approved walls/fences shall be erected before the development hereby approved is occupied/brought into use and shall thereafter be maintained.

15. No development shall take place until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be biased towards native tree, shrub and hedge species. The approved scheme shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority. All specimens which die within a five year period shall be replaced on a like for like basis.

16. No development shall take place until a sample roofing tile has been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

This recommendation is based on the following plans and reports:-

Plan / Report Type	Reference	Version	Date Received
Proposed site plan	E365 (04) 100	E	08/12/14
Street scene elevations	E365 (05) 01	B	13/11/14
Street scene elevations	E365 (05) 02	B	13/11/14
Proposed site sections	E365 (06) 01	A	20/8/14
House Type B	E365 (04) 02	A	20/8/14
House Type A	E365 (04) 01	A	20/8/14
House Type D	E365 (04) 04	B	20/8/14
House Type D1	E365 (04) 05	B	20/8/14
House Type C	E365 (04) 03	C	13/11/14
Terrace floor plans	E365 (04) 06	B	13/11/14

Application No: 2014/91342

Type of application: 60m - *OUTLINE APPLICATION*

Proposal: *Outline application for residential development*

Location: *adj 80, Mill Moor Road, Meltham, Holmfirth, HD9 5LW*

Grid Ref: 409263.0 410682.0

Ward: *Holme Valley North Ward*

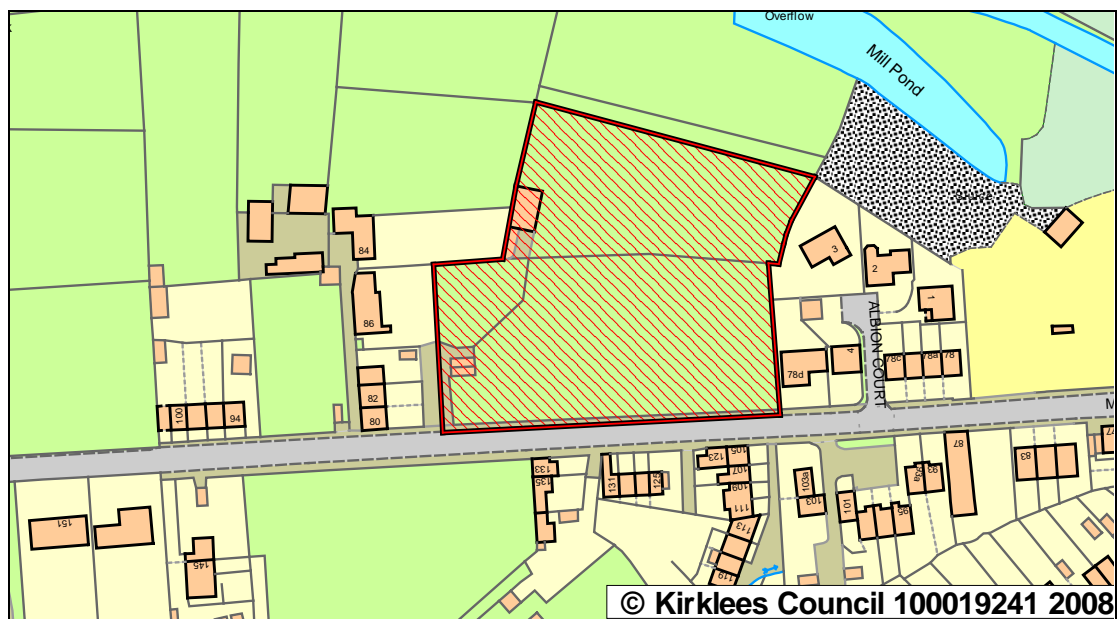
Applicant: *D Oldham*

Agent:

Target Date: *13-Feb-2015*

Recommendation: *OP - CONDITIONAL OUTLINE PERMISSION*

LOCATION PLAN



Map not to scale – for identification purposes only

Application Details		
Type of Development	Outline application for residential development (with access)	
Scale of Development	Site area: 0.75ha	Units: N/A
No. Jobs Created or Retained	N/A	
Policy		
UDP allocation	Housing	
Independent Viability Required	No	
Consultation		
Individual Support (No.)	0	
Individual Objection (No.)	27	
Petition	No	
Ward Member Interest	Yes	Cllr Edgar Holroyd-Doveton objects
Statutory Consultee Objections	No	
Contributions		
Affordable Housing	Presumed to be policy compliant at this outline stage	
Education	None	
Public Open Space	Presumed to be policy compliant at this outline stage	
Other	N/A	
Other Issues		
Any Council Interest?	No	
Pre-application advice	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	Housing allocation / undeveloped land. No current five year housing land supply and no adverse impacts identified to significantly / demonstrably outweigh benefits. Significant local opposition however the principle of development is considered appropriate. Detailed issues capable of being addressed at reserved matters stage and through recommended conditions. Approve.	

1. INFORMATION

The proposals are brought forward to the Sub Committee for determination in accordance with the Council's Scheme of Delegation, as the site is over 0.5 hectares in area.

2. SITE DESCRIPTION

The proposal relates to agricultural grazing land situated between Mill Moor Road and Meltham Dyke, approximately 0.8km to the west of Meltham town centre. The site slopes downwards slightly from west to east and contains a garage and a small agricultural building.

The site is surrounded by sporadic clusters of stone built residential developments of varying ages to the south, east and west, while to the north, the land drops away towards Meltham Dyke. Views exist from the site towards the open moors to the south west.

Part of the housing allocated land (to the west) is excluded from this application.

3. PROPOSAL

The application was originally including layout and access. However in response to various issues arising (land ownership; encroachment on to land allocated as Urban Greenspace; and comments about the layout) the proposals have been revised to reduce the red line boundary of the proposals and exclude layout & numbers.

The proposals therefore seek outline application for residential development with access only (from Mill Moor Road). This has also reduced the site area to 0.75ha.

4. BACKGROUND AND HISTORY

2000/91046 – Outline application for residential development – refused as greenfield development prejudicing the development of brownfield land under – the now superseded - Government Planning Policy Guidance, PPG 3.

5. PLANNING POLICY

Site allocation:

The site is allocated for housing.

Relevant UDP policies:

H1 – meeting the housing needs of the district
BE2 - design of new development
BE11 - use of natural stone
BE12 - space about building standards
BE23 – crime prevention
H10 – provision of affordable housing
H18 - provision of public open space on sites over 0.4 hectares
T10 - highway safety
T19 - off-street parking standards

National Planning Policy Framework:

'Achieving Sustainable Development'

'Core Planning Principles'

Delivering a wide choice of high quality homes (chapter 6)

Requiring good design (chapter 7)

Promoting healthy communities (chapter 8)

Conserving and enhancing the natural environment (chapter 11)

'Decision taking'

Other Policy Considerations:

Manual for Streets (2007)

K.C. Policy Guidance: 'Providing for Education Needs Generated by New Housing'

K.C. Supplementary Planning Document (SPD2) – 'Affordable Housing'

6. CONSULTATIONS

The following is a brief summary of the consultation responses received. Where necessary, these consultations are reported in more detail in the assessment below:

K.C. Highways – no objections subject to conditions

K.C. Environmental Services - no objections subject to conditions

K.C. Environment Unit - no objections subject to conditions

K.C. Strategic Drainage – no objections (now layout is no longer being considered)

Environment Agency - no objections

Yorkshire Water - no objections subject to conditions

K.C. Landscape – no response to date

K.C. School Organisation & Planning – sufficient school places in the catchment to obviate the need for additional funding

7. REPRESENTATIONS

The application has been advertised by neighbour letter, newspaper advertisement and site notice. 29 letters of objection have been received, the majority before details of layout were deleted and the red line boundary reduced. The comments received may be summarised as follows:

- The accumulation of proposed developments for this side of Meltham will cause major traffic problems at the exit to Westgate.
- Congested parking on Mill Moor Road. The existence of a large development with poor sight lines will create traffic accidents.
- Detrimental impact on the ecology and biodiversity of the adjoining Green Corridor
- The drainage run-off will cause pollution of Meltham Dyke, detrimentally affecting wildlife and the ecological balance of the Green Corridor
- The line of sight of the buildings and their height on raised ground mean that the privacy of dwellings on Sunny Bank will be broken. Loss of light would also occur.
- The development would be intrusive on surrounding properties such as Albion Court.
- The number of houses proposed is excessive and their proximity to existing houses unacceptable.**
- The development will exacerbate drainage issues already present on this land, causing flood risk to existing properties
- Loss of green space cannot be recovered – the site plays an important part in supporting local wildlife.
- Concerns about the ability of infrastructure to cope – schools are close to capacity. Doctors and dentists have limited room.
- Other sites with planning permission such as Albion Mills remain undeveloped, raising questions of economic viability.
- Vacant brownfield sites in Meltham should be developed before greenfield sites.
- The exit from Matthew Lane on to Mill Moor Road is extremely difficult so with an increase in traffic on Mill Moor Road, it is only a matter of time before a serious accident occurs.
- The dyke adjacent to the site is home to a variety of wildlife including brown trout.
- The development on Colders Lane was originally refused on the grounds that the local highway network was unsuitable: these problems have not gone away.
- The footnote to the housing allocation (H2.3) states; “Off-site improvements to be carried out to junction of Westgate and Station Street.” None are proposed within the application.
- The development encroaches upon Urban Green space. **
- Noise will increase as a result of the development.

** Comments no longer applicable as ‘layout’ is no longer being considered and the red line boundary excludes the Urban Green space.

Meltham Town Council:

Support with the following comments:

“The Clerk should advise Kirklees Council that since the 23 June 2014, the Planning Committee had been made aware of drainage issues which could

result in the possible pollution of Meltham Dyke. The Planning Committee also urge Kirklees to double check that the development does not encroach on to the Green Corridor. The Planning Committee had now been made aware of the many local objectors to this development.”

Additional representations:

Jason McCartney MP has commented on the application as follows:

“I would like to add my objection to those of other local residents to the planning application above.

The infrastructure of Meltham cannot take more building, particularly given the recent applications being passed in the area. It is not sustainable to keep passing the building of houses in Meltham with the roads already clogged up at peak times and the schools bulging at the seams. The nearest school, Meltham Moor School, is already full and is not meeting current demands.

There are brown field sites in the area, such as the old Brook Dyers site, which has planning permission but the developer has not started building on due to a lack of demand. The Government policy of brown field first is clear and councils should be prioritise getting these developments going rather than giving yet more agriculture land over to developers.

Consideration should also be made due to the potential effect on neighbouring properties who will be deprived of light, privacy, winter sunshine if this development goes ahead. There will also be an impact on the wildlife as this development intrudes into a green corridor. It is not acceptable to keep expanding Meltham destroying vital habitats.

I trust that the Council will look at all these issues and reject these plans.”

8. ASSESSMENT

Principle:

The site is allocated for housing in the Council’s Unitary Development Plan, however similar proposals were refused in 2000 because the status of the site was considered to be undeveloped (greenfield) land, which was unsupportable at the time due to Government planning policy guidance in PPG3.

PPG 3 has since been superseded and the National Planning Policy Framework now places considerable emphasis on the ability of Local Authorities to demonstrate a five year supply of housing land. The relevant paragraph 49 states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority

cannot demonstrate a five-year supply of deliverable housing sites.”

The Council cannot currently demonstrate a five year housing supply.

NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted “unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”.

Footnote 9 lists examples of restrictive policies but this does not include land allocated for housing, or greenfield land.

In terms of adverse impacts, the development of this site does not give rise to any significant material planning harm as evidenced elsewhere in this report, and although the NPPF encourages the effective use of previously developed (brownfield land) there are no longer compulsory targets for such development or a ‘brownfield first’ approach.

As such, it is not considered reasonable in the absence of both a five year housing supply and any ‘demonstrably outweighing’ adverse impacts to deny the development of a housing allocation in this instance.

The principle of developing this land for housing is therefore supported.

Housing density:

The application site comprises the greater part of this housing allocation (75%) with the remainder excluded from the application. The overall housing allocation has a size of 1 hectare and UDP indicates that the estimated dwelling capacity is 25. Based on these figures the number of dwellings which the site could be expected to accommodate would be in the region of 19.

It is to be noted that there is no minimum or maximum density requirement set out in planning policy however chapter 7 of the NPPF states that developments should “optimise the potential of the site to accommodate development” (paragraph 58). Careful consideration of the layout would be required, at reserved matters stage, to ensure that the density of the development is appropriate for the site whilst making the most efficient use of land.

Design and visual amenity:

Development surrounding the proposal site is two storeys in height, traditional in design and predominantly constructed of natural stone. It is therefore expected that any reserved matters application would consider and respect the character and appearance of existing surrounding development.

Residential amenity:

It is considered that there are no valid reasons why a housing layout on this site cannot successfully achieve adequate separation distances and privacy safeguards, in accordance with the provisions of UDP Policies BE2 and BE12.

Comments regarding the potential impact on Lower Sunny Bank Court are noted, however the nearest possible dwellings from this site would be a minimum of 55 metres away, significantly in excess of the normal minimum standard of 21 metres for facing habitable room windows. At this distance, although the application site is approximately 8 - 10 metres higher, no significant loss of sunlight would occur and the visual impact would not be overbearing.

Ecology:

The submitted ecological survey has established that the site consists of agriculturally improved pasture and is of very limited ecological interest. The buildings on site have no bat roost potential and overall therefore, there are no biodiversity constraints with respect to the development.

The survey makes a series of general recommendations to compensate and provide enhancement measures for the development (in line with NPPF paragraph 118 – conserving and enhancing biodiversity), including:

- native landscaping within the site and on the land outside the red line boundary but within the applicant's ownership; and
- the installation of bird boxes and bat tubes

NOTE – Comments have been raised about the potential impact of this development on the UDP allocated green corridor (Meltham Dyke). Whilst drainage conditions are recommended to limit surface water run-off and prevent pollution from the development towards the dyke (see condition 15), the relevant policy (D6) refers to sites adjoining Green Corridors. This proposal site does not adjoin the Green Corridor as it is at least 50 metres away from its nearest boundary, separated by an area of Urban Greenspace.

A footnote to this housing allocation stipulates that the adjacent green corridor is to be safeguarded and enhanced. It is considered that the corridor would be safeguarded by way of condition 15 (drainage) and opportunities for enhancement of the corridor exist through S106 obligations relating to public open space (condition 6). This element of footnote 2 to Policy H6 is therefore satisfied.

Flood risk & drainage:

The site is not within a flood zone and the Environment Agency raise no objections, as do Yorkshire Water in relation to sewers and drainage. The Council's Strategic Drainage team will require details of surface water flood routes through the development at the detailed reserved matters stages and

this matter, along with other drainage and surface water matters, are recommended to be conditioned. The matters to be covered include:

- current land drainage infrastructure serving the site, its condition and any necessary remedial work;
- restricting the rate of surface water discharge from the site to a maximum of 5 litres per second per hectare; and
- the assessment of the effects of 1 in 100 year storm events, with additional allowance for climate change, exceedance events and blockage scenarios.

Access / highway safety:

In terms of network hierarchy Mill Moor Road is considered to be an unclassified residential collector road connecting between Meltham and Leygards Lane which links to Wessenden Head Road and wider highway network.

In the vicinity of the site Mill Moor Road is a two-way single carriageway, with a carriageway width of around 6.5m and a pedestrian footway to the northern side. Mill Moor Road is subject to a 30mph speed limit with street lighting to main road standards.

It is proposed to access the site directly from Mill Moor Road via a new priority junction. At the junction with Mill Moor Road the access road comprises of a 5.5m wide carriageway with 2.0m wide footways to either side. Visibility splays of 2.4m x 43m would be provided at the site access along Mill Moor Road, in accordance with Manual for Streets guidance. The final site layout will be subject to a reserved matters application.

Given the sensitive location of this development relative to the local highway network a Transport Statement was requested, to include an assessment of the Westgate /Station Street junction in the centre of Meltham. This assessment also considered the cumulative impact of this and other proposed developments in Meltham including the approved site at the junction with Colders Lane (2012/90096), the Former Albion Mills development (2013/90154), the extension to the nearby Morrison's Store (2012/91214), and the proposed development on Helme Lane (2014/90722).

Highway Officers have considered both the submitted Transport Statements, the salient points of which are set out below.

Weekday traffic surveys of the local highway network were undertaken on Thursday 9th October and on Thursday 20th and 27th November 2014.

The morning and evening peak hour counts along Mill Moor Road are as follows:

AM Peak 8 vehicles recorded travelling east to west and 17 west to east.

PM Peak 18 vehicles recorded travelling east to west and 24 west to east.

Information from the nationally accepted TRICs database has been used to calculate expected trip numbers generated by the development. The estimated peak hour morning and evening trip generation is as follows:

16 AM (0800 - 0900hrs) peak hour movements; 4 vehicles arriving and 12 vehicles departing

18 PM (1700 - 1800hrs) peak hour movements; 11 vehicles arriving and 7 vehicles departing

During the busiest peak hour the development could be expected to generate one vehicle arriving at it every 5 and a half minutes on average, and one vehicle departing every 8 and half minutes, on average.

The impact has been modelled together with the forecast cumulative impacts on the Westgate/Station Street junction.

Highways have based their assessment on there being up to 30 dwellings on the application site and consider that the impact of the proposed development on the surrounding highway network is acceptable. Access geometry and visibility at the site access along Mill Moor Road accord with current guidance and is considered acceptable to serve a development of the scale proposed. The application is considered to accord with Policy T10 of the UDP.

Footnote 2 of Policy H6 of the UDP, which relates to this specific housing allocation, states "off-site improvements to be carried out to the junction of Westgate and Station Street". All infrastructure requirements pursuant to this part of footnote 2 have been fully discharged and therefore this requirement is no longer applicable.

Section 106 matters:

Given the lack of details at this stage with regard to dwelling types and numbers, public open space and affordable housing matters are recommended to be covered by suitably worded conditions. No education contribution is required; this has been calculated on the basis of the site accommodating 30 dwellings.

Other issues:

Although no land contamination is recorded or suspected in this location, Environmental Services recommend conditions requiring basic surveys along with remediation in the unlikely event any contamination is identified.

The proposals do not include part of the UDP housing allocation adjoining the site to the west. This land is not accessible from the highway and therefore in order to avoid prejudicing the future development of the remaining allocation, a condition is recommended to ensure access through the proposed development is also able to serve the excluded land.

This development would have an imperceptible impact on air quality given the surrounding highway network. Nevertheless in order to promote green sustainable development in accordance with NPPF section 4 paragraph 35 it is recommended that a condition be imposed to require electric charging plug-in points. This can be undertaken by means of a separate socket integral to dwellings and would provide the facilities for a wider range of vehicles from first occupation of the dwellings.

Finally, some local residents have requested that this site should be refused planning permission because there are other brownfield sites in Meltham that already have planning permission but remain undeveloped. In response, it is unfortunate that undeveloped brownfield land is perhaps giving rise to the perception that greenfield sites are now being targeted as a substitute; however in all these cases different applicants are involved. Moreover, the Local Planning Authority does not have the power to force applicants to start developments once planning permission has been granted. It is not therefore possible for new sites coming forward to be refused planning permission on this basis, and they must be assessed on their own particular planning merits.

Conclusion:

The proposal relates to an outline application to develop agricultural grazing land situated between Mill Moor Road and Meltham Dyke for residential purposes.

The site is allocated for housing in the Council's Unitary Development Plan, and the National Planning Policy Framework now places considerable emphasis on the ability of Local Authorities to demonstrate a five year supply of housing, which the Council cannot currently demonstrate.

NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted "unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted".

Footnote 9 lists examples of restrictive policies but this does not include land allocated for housing, or greenfield land. In terms of adverse impacts, the development of this site does not give rise to any significant material planning harm, and although the NPPF encourages the effective use of previously developed (brownfield land) there are no longer compulsory targets for such development.

As such, it is not considered reasonable in the absence of both a five year housing supply and any 'demonstrably outweighing' adverse impacts to deny the development of a housing allocation in this instance.

In terms of impact on highway safety it is considered that the proposed development will have little impact on the Westgate/Station Street junction or the surrounding highways network. Access geometry and visibility accord with current guidance and is considered acceptable to serve a development of the scale proposed.

The principle of developing this land for housing is therefore supported and all detailed issues are considered capable of being addressed at the reserved matters stage, and through the suggested list of conditions.

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. It is considered that the proposed development is in accordance with the principles of sustainable development in this instance.

10. RECOMMENDATION

CONDITIONAL OUTLINE APPROVAL:

1. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, landscaping, layout and scale shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or in the case of approval of different dates, the final approval of the last such matter to be approved.
5. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the number and type of affordable housing units to be provided.
- b) the layout and disposition of the units affordable housing to be provided.
- c) the timescale for the implementation and completion of the affordable housing units;
- d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

6. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) maintenance of the public open space in perpetuity.

7. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to Condition 7 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 8 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measure

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

12. Notwithstanding the requirements of conditions 1 and 2 the submission of any reserved matters pertaining to 'landscape' shall incorporate the planting of native tree and shrub species and shall include the land edged in blue shown on the location plan no. 14/D14/OS rev D.

13. No development shall take place until details of a minimum of 6 woodcrete bird boxes (for starlings), three terraces (for sparrows), and three bat tubes Schweglar type 1FR or similar, all integral to the new dwellings, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

NOTE: Bat tubes should be sited away from artificial lighting and not located above windows and doors.

14. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

15. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including draining of boggy ground, off site works, treatment of surface water, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and the scheme shall thereafter be retained throughout the lifetime of the development.

16. There shall be no pumped discharge of surface water or sewerage from the development to any outfall.

17. The development shall not commence until an intrusive survey has been carried out to identify the current land drainage infrastructure serving the site and its condition. An assessment of this infrastructure with regard to flood risk and surface water drainage, incorporating an assessment of potential remedial work and risk reduction measures, shall be submitted to and approved by the Local Planning Authority alongside the drainage strategy for the development.

18. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second per hectare has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100 year storm event, with an appropriate allowance for climate change. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The storage facility and flow restriction shall then be maintained and managed in accordance with the approved scheme.

19. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, exceedance events and blockage scenarios, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall not be occupied until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

20. Details of infrastructure to provide charging plug-in points to promote modes of transport with ultra-low emissions within the curtilage of dwellings shall be submitted to and approved in writing by the Local Planning Authority before development commences. Thereafter the development shall be completed in accordance with the approved details and the charging plug-in points made operational before first occupation of the dwellings and retained throughout the lifetime of the development.

21. No development shall take until a scheme to demonstrate unrestricted vehicular access to the remaining housing allocation H2.3 as defined on the Kirklees Unitary Development Plan, has been submitted to and approved in writing by the Local Planning Authority. The access road shall be sufficient to serve the likely capacity to serve the remaining housing allocation. The development shall be completed in accordance with the approved details and the access thereafter retained and kept free of obstructions.

22. Before development commences, the wall to the site frontage shall be set back to the rear of the proposed 2.4 x 43m visibility splays as shown on plan number 14/D14/03 REV H and shall be cleared of all obstructions to visibility and hard surfaced in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. Thereafter the visibility splays shall be retained cleared of all obstructions to visibility and hard surfaced in accordance with the details so approved.

23. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas in terms of this application)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

24. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed phasing of works, full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The scheme shall be completed in accordance with the details so approved and retained thereafter.

25. Before development commences details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

NOTE: Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 414700) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Adoption under Section 38 of the Highways Act:

It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00 hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

This recommendation is based on the following plans and reports:-

Plan / Report Type	Reference	Version	Date Received
Location plan	14/D14/OS	D	17/11/14
Feasibility layout	14/D14/03	H	17/11/14
Design & Access statement	-	-	21/5/14
Ecology appraisal	Middleton Ecological	6/11/14	14/11/14
Transport statement	-	Dec 2014	15/12/14
Flood Risk Assessment	Weetwood		21/5/14
Tree survey	James Royston	14/4/14	21/5/14

Application No: 2014/92408

Type of application: 60m - OUTLINE APPLICATION

Proposal: Outline application for erection of 22 dwellings and garages, and formation of associated car parking, access and landscaping

Location: adj Spotted Cow, 404, New Hey Road, Salendine Nook, Huddersfield, HD3 4GP

Grid Ref: 410664.0 417791.0

Ward: Lindley Ward

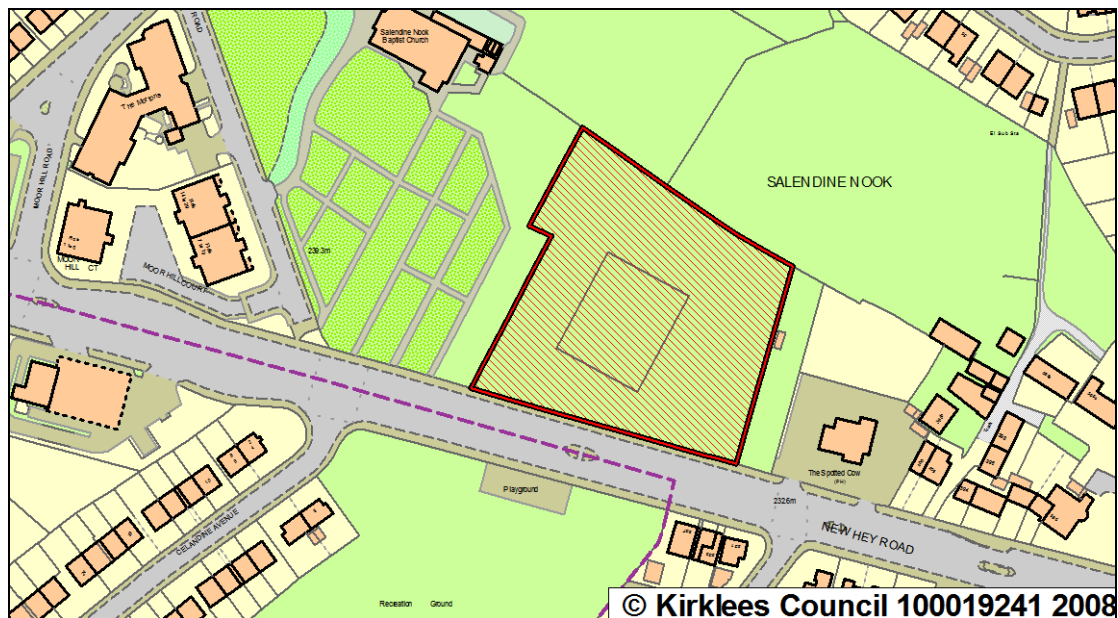
Applicant: G Jolley

Agent: Sarah Wills, DLP Planning

Target Date: 31-Oct-2014

Recommendation: RF1 - REFUSAL

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Scale of Development	0.61ha	22 dwellings
No. Jobs Created or Retained	n/a	
Policy		
UDP allocation	Housing allocation (H8.60)	
Independent Viability Required	N/A	
Representation/Consultation		
Individual Support (No.)	0	
Individual objections	5	
Petition	n/a	
Ward Member Interest	n/a	
Statutory Consultee Objections	none	
Contributions		
• <i>Affordable Housing</i>	n/a	
• <i>Education</i>	n/a	
• <i>Public Open Space</i>	n/a	
• <i>Other</i>	n/a	
Other Issues		
Any Council Interest?		
Planning Pre-application advice?	Yes	
Pre-App Consultation Undertaken?	Yes	Letters sent to 230 neighbouring addresses
Comment on Application	The principle of housing on this site, which is a housing allocation on the UDP, is acceptable. However, there are specific issues related to the layout and proposed access which lead to the application being recommended for refusal.	

RECOMMENDATION: REFUSE OUTLINE PLANNING PERMISSION

2. INFORMATION

This application has been brought to Committee as it is a site in excess of 0.5ha in area.

3. PROPOSAL/SITE DESCRIPTION

Site

The site comprises an area of 0.61ha located on the northern side of New Hey Road, Salendine Nook. The site is fairly level with substantial frontage onto New Hey Road, there is a substantial area of hard standing towards the centre of the site (last use as tennis courts), the surrounding area is grassed and there are a significant number of mature trees to the perimeter of the site

which are protected by a Tree Preservation Order. As such this is regarded as a green field site.

To the east of the site is a vacant public house (the Spotted Cow), and to the west is Salendine Nook Baptist Church and graveyard (the Church is a Grade 2 listed building). To the north of the site is a hillside between the application site and the rear of dwellings on Deercroft Crescent. This section of land is allocated as Provision Open Land.

The application site is allocated for housing on the Kirklees Unitary Development Plan. (H8.60)

Proposal

Outline permission is sought for the erection of 22 no dwellings. Access and layout are applied for with scale, appearance and landscaping being reserved for subsequent consideration. The access is taken off New Hey Road and the layout is in the form of cul-de-sac, with the properties nearest New Hey Road facing onto the road. There are a number of communal parking areas proposed within the scheme.

The layout proposes a mix of detached, semi detached and terraced properties.

4. BACKGROUND AND HISTORY

No relevant history.

5. PLANNING POLICY

Kirklees Unitary Development Plan:

Site allocated for housing (H8.60).

H1 Housing needs of the district.

H10 – Affordable housing

H18 – Provision of open space

T10 – Highway safety

T19 – Parking standards

G6 – Land contamination

NE9 – Retention of mature trees

BE1 – Design principles

BE2 – Quality of design

BE11 – use of stone

BE23 – Crime prevention.

EP4 – Noise sensitive development

National Planning Policy Framework:

Part 4 Promoting sustainable transport.

Part 6 Delivering a wide choice of high quality homes

Part 7 Requiring good design
Part 8 Promoting healthy communities.
Part 11 Conserving and enhancing the natural environment
Part 12 Conserving and enhancing the historic environment.

Other guidelines:

Supplementary Planning Document 2 “Affordable Housing”.

6. CONSULTATIONS

KC Highways- There are a number of issues with the internal layout that should be addressed eg a less formal internal road system, speed ramp provision, repositioning of footpaths, adequate provision of turning for refuse disposal vehicles.

Regarding the principle of access off New Hey Road, additional information and survey work is required to inform the feasibility and layout of the junction and associated works within New Hey Road.

KC Environment Services - Recommend conditions regarding decontamination/ remediation and noise attenuation, in the event of an approval.

KC Trees - The site includes a substantial number of protected trees and these afford significant visual amenity for the site and the surrounding area. The originally submitted tree survey is insufficient to enable a proper assessment of the scheme and its effect on trees to be undertaken. Based upon the submitted layout the proposal would result in considerable harm and loss to large numbers of the protected trees, especially on the northern boundary. (NB the applicant has been asked to provide a further survey in accordance with the BS5837 standards, however the resubmitted survey was also inadequate).

KC Environment Unit - The submitted Ecological Survey requires some clarification regarding the potential removal of an Ash tree that is identified as containing a bat roost. No measures for compensation or enhancement are contained in this scheme.

KC Conservation and Design - The layout appears to make efficient use of the site, an access appears to be in the logical location. The land is in close proximity to the Grade 2 listed chapel to the NW and as such could be seen as being within its setting. However it is not considered that a residential scheme per se will be harmful to that setting. However careful attention should be paid to the boundary treatments, landscaping and the retention of trees.

There are a number of detailed improvements to the layout that could be provided e.g. plot 18 should be viewed as a key building which aids legibility.

KC Strategic Housing - the site is a greenfield site and in accordance with SPD2 and policy H10 affordable housing should be provided at 30% of the floor area. There is a demonstrable need for affordable housing in this area.

KC Parks and Recreation - Given the size of the site policy H18 is applicable. In this case a contribution towards improvements of facilities in the area will be acceptable.

Yorkshire Water - Recommend conditions in the event of an approval.

Police Architectural Liaison Officer - Whilst the scheme is outline the layout is applied for. There are concerns regarding the provision of communal parking areas particularly that which is surrounded by plots 1-11, this is an enclosed area bounded by high fencing. Also the parking areas for plots 6-8 is bounded by high fencing and remote from those plots. There are also a number of shared access routes e.g. to plots 1-3, and 6&7. As such there are considerable concerns regarding this layout set against the crime prevention policy BE23.

7. REPRESENTATIONS

Prior to the application being submitted the applicant undertook a community consultation exercise that involved the delivery of letters to 230 properties in the vicinity, and reference to an on line questionnaire.

There appear to have been 3 responses.

The application has been publicised by site notices and neighbour Letters, and the publicity area was further extended. 5 letters of objection have been received, the main points of concern being:

1. The site is unsuitable for housing and should be refused.

Response: the site is allocated for housing on the development plan.

2. There are serious concerns regarding traffic in this location, which is extremely busy being on New Hey Road very close to the school its level crossings etc. The proposal will result in extra vehicles accessing and egressing this part of the highway making the problem even worse.

Response: Insufficient information has been submitted to inform the feasibility and layout of the junction and associated works within New Hey Road.

3. What will happen to the land to the rear of this site which is allocated as Provisional Open Land?

Response: the submitted layout does not include access to the area of POL to the rear (north) of the site.

4. The local schools are full and the community facilities are unable to cope with further growth in the area.

Response: the scale of development (22 dwellings) fall below the threshold to consider Education Contributions.

5. Object to the loss of yet more green space in the area.

Response: the site is allocated for housing on the development plan.

6. Objections to the scope of the Statement of Community Involvement exercise, in that it omitted certain neighbours.

Response: Pre-application consultation was undertaken by the applicants. Once submitted the application has been advertised in accordance with the Council's published protocol.

Huddersfield Civic Society raises no objections to the principle of housing or the proposal. However given the site's proximity to a listed building and being on a main arterial road, natural stone should be used in any construction in accordance with Policy BE11 of the UDP.

8. ASSESSMENT

General Principle/ Policy:

The site is allocated for housing on the Kirklees Unitary Development Plan, and as such in accordance with the guidance contained in paragraph 14 of the National Planning Policy Framework, the presumption is in favour of sustainable development, and that for decision taking purposes this means approving development that accords with the development plan without delay, "unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against this Framework as a whole".

It is accepted that the site accords with the UDP in so far as it is allocated for housing and that policy issues such as the provision of affordable housing and public open space provision can be dealt with by means planning conditions. However the application seeks approval of layout for 22 dwellings, as well as access, and the implications of the layout and access proposed in relation to other policy matters in both the Unitary Development Plan and the National Planning Policy Framework are dealt with below.

Highways Issues:

The site is allocated for housing, and there is no objection in principle to serving the site off New Hey Road. Whilst this is an outline application access is specifically applied for and additional information would be required to justify the siting and the associated road works such a traffic island and right hand turn land from New Hey Road shown to serve the development. The information submitted in the Transport Statement, which includes details of the off-site highway works on New Hey Road and the access into the site from New Hey Road, fails to demonstrate that these works would preserve highway safety. In these circumstances the application is not in accordance with Policy T10 of the UDP.

Furthermore there are more detailed issues regarding the access and parking arrangements included in the internal layout that require amendment. These include the requirement for a footpath at a certain point and the provision of an adequate turning head for refuse vehicles, also the levels of parking provision for the proposed 4 bedroom houses are not proven to be sufficient.

Impact on Amenity:

The site is flanked by a substantial number of mature protected trees that in themselves provide significant visual amenity for both the site and the surrounding area, including the setting of the neighbouring listed chapel.

The layout proposed would result in significant harm to and loss of mature trees and at the development stage would prejudice the long term protection of those remaining given the close proximity to habitable windows. As such the proposal would result in significant harm to the visual amenity of the area contrary to the principles of Policy BE1 of the UDP as well as failing to retain mature trees on the site and being contrary to Policy NE9 of the UDP.

The proposed layout is affected by the number and size of protected mature trees on the perimeter of the site, which should be retained as part of the development. The future amenity of the occupiers of a number of plots, especially those along the northern boundary of the site, would be adversely affected by shading and leaf drop. The trees would completely overhang the private garden areas of a number of plots which would also affect the amenities of future occupiers.

For these reasons the proposed layout is considered unacceptable and contrary to Policies NE9 and BE1 of the UDP and Chapter 7 of the NPPF. This is because the layout is of poor design which does not improve the character or quality of the area (or the amenities of future occupiers) and because this new development would not integrate into the natural environment because of its impact, both short and longer term, on the protected trees around the site.

Environmental Issues (Contamination/Remediation/ Drainage and Noise):

The site is capable of being remediated and made fit to receive the new development. This matter can be dealt with by means of condition.

The site is within an an areas within Flood Zone 1 (ie within an area least likely to flood). The site is greenfield (with elements of hard standing in the centre from its former tennis court use). Issues of drainage can be satisfactorily dealt with by condition which could seek to ensure surface water run off levels equivalent to those of the current green field.

The site is adjacent to New Hey Road, a very busy arterial road leading up to the M62, and as such this is a potential source of noise nuisance for the dwellings, particularly those fronting onto New Hey Road. Environmental

Health has recommended that prior to development being occupied the mitigation identified in the accompanying sound measurements and recommendations report be implemented, and verified.

Bio diversity.

It is unclear whether an Ash Tree on site, identified as having bat roost potential, is to be felled. If this were the case, then a bat activity survey would have been required.

The scheme involves substantial tree felling and potentially substantial harm in the future to the trees. In addition the submitted Ecological Report does not specify any compensation and enhancement measures that should be included and informed by a site specific Ecological survey.

As such the proposal would be contrary to the guidance contained with part 11 of the National Planning Policy Framework "Conserving and enhancing the natural environment".

Crime Prevention:

The application seeks approval for layout, and there are a number of concerns regarding the layout.

The layout includes communal parking areas, resulting in a number of parking spaces remotely located from the dwellings they are intended to serve, as well as communal rear access points to dwellings from these enclosed parking areas, which appear to be bounded by substantial fencing. These elements of the layout would be contrary to the guidance contained in part 8 of the National Planning Policy Framework "Promoting Healthy Communities" and Policy BE23 of the Kirklees Unitary Development Plan. Chapter 8 seeks to promote safe and accessible development and environments where crime and disorder and the fear of crime do not undermine quality of life. Policy BE23 states that new development should incorporate crime prevention measures to achieve, amongst other things, secure locations for car parking spaces.

Conclusion:

This site is allocated for housing on the Unitary Development Plan and accordingly there is no objection to the principle of residential on this site. However layout and access have been applied for. For the reasons set out in this report both the access and layout details are considered unacceptable and for these reasons the application is recommended for refusal.

9. RECOMMENDATION

REFUSAL

1. The proposed layout would result in significant harm to and loss of mature trees and at the development stage would prejudice the long term protection of those remaining given the close proximity to habitable windows and overhang of private gardens. As such the proposal would result in significant harm to the visual amenity of the area contrary to the principles of Policy BE1 of the UDP as well as failing to retain mature trees on the site and being contrary to Policy NE9 of the UDP.

2. The proposal layout is of a poor design which would fail to provide a good standard of amenity for future occupants due to the proximity of large mature trees to the private garden areas and rear elevations of a number of dwellings. This would cause substantial shading as well as leaf drop and potential structural damage. This is contrary to Policy BE1 of the Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

3. The layout includes communal parking areas, resulting in a number of parking spaces remotely located from the dwellings they are intended to serve, as well a communal rear access points to dwellings from these enclosed parking areas being separated by boundary treatment. These arrangements would neither be in the best interests of crime prevention nor promote a safe and accessible development for future residents. Thus the layout is contrary to guidance contained in parts 7 “requiring good design” and 8 “Promoting Healthy Communities” of the National Planning Policy Framework and Policy BE23 of the Kirklees Unitary Development Plan.

4. The details of access shown on the submitted block plan and contained within the submitted in Transport Statement, including the proposed off-site highway works on New Hey Road, fail to demonstrate that these works would preserve highway safety or are suitable to serve the proposed development. In these circumstances the application is not in accordance with Policy T10 of the Unitary Development Plan.

This recommendation is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Location Plan	N-YK1453		1/8/14
Site layout	1453/PL102	B	1/8/14
Topographical Survey	2787 LR/1		1/8/14
Design and Access Statement			1/8/14
Transport Statement			1/8/14
Tree Location Plan			Updated November 2014
Phase 1 Geo-Environment Statement	JS/ahb/3507-Rp-001		1/8/14
Sound Measurement and Recommendations			1/8/14
Phase 1 Habitat Report	019-00L rep.docx		1/8/14

Application No: 2014/93504

Type of application: 62 - FULL APPLICATION

Proposal: Change of use of second floor office suite to (D1) health and medical (within a Conservation Area)

Location: 14, Cloth Hall Street, Huddersfield, HD1 2EG

Grid Ref: 414403.0 416643.0

Ward: Newsome Ward

Applicant: Rosalind Chandler, Marie Stopes United Kingdom

Agent:

Target Date: 05-Jan-2015

Recommendation: FC - CONDITIONAL FULL PERMISSION

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The site is located in a sustainable location and there are not considered to be any significant planning impacts arising from the change of use.

RECOMMENDATION: Conditional Full Permission

2. INFORMATION

The application is brought to the Huddersfield Planning Sub-Committee due to the substantial level of objection which has been received.

3. PROPOSAL / SITE DESCRIPTION

The application seeks change of use of the vacant second floor office space to a health and medical facility (D1 use class) at 12-14 Cloth Hall Street in Huddersfield town centre.

The applicant is Marie Stopes UK who provide reproductive and sexual health services through the NHS.

The application relates to the upper floor of a three storey building. The ground floor of no.14 is a shop (Rainbow Hair and Beauty) and the ground floor of no.12 is a vacant retail unit (formerly the Huddersfield Town club shop) which has permission to change to a café. The first floor above these two units is a hair salon and the application relates to the floor above that.

4. BACKGROUND AND HISTORY

None

5. PLANNING POLICY

The site lies within the Huddersfield Town Centre Conservation Area

Development Plan:

BE1 – Design principles

BE5 – Preservation/enhancement of conservation areas

BE20 – Access to buildings

B4 – Change of use of land and buildings last used for business or industry

T10 – Highway safety

National Policies and Guidance:

NPPF 2 – Ensuring the vitality of town centres

NPPF 8 – Promoting healthy communities

NPPF 12 – Conserving and enhancing the historic environment

Other Policy Considerations:

Planning Practice Guidance

6. CONSULTATIONS

None

7. REPRESENTATIONS

Application advertised by site notice, neighbour notification letters and press advert

Representations: 62 letters and 10 separate petitions containing a total of 478 names all in objection to the development have been received.

The representations are summarised as follows:

- Object on the grounds of personal / ethical / moral / religious / medical points of view on the services provided by the applicant
- There is not a need for such a facility in this location
- Inappropriate in a town centre location
- The age of the building makes it unsuitable for medical use
- The proposal could lead to disruption to users of the town centre and nearby businesses as a result of potential protests close to the site
- Impact on the Conservation Area
- Highway impacts: ambulance access would be difficult on Cloth Hall Street and there is no dedicated parking
- The proposal is located on the second floor of the building; site is not DDA compliant

A letter in support of the application has been received from NHS Greater Huddersfield Clinical Commissioning Group (letter sent to Councillor Paul Kane and copied to the planning case officer). The letter is summarised as follows:

- Marie Stopes is commissioned by NHS Greater Huddersfield Clinical Commissioning Group to deliver an early termination of pregnancy service and related services on behalf of people in this area
- The service is due to commence in January 2015 and there are no alternative premises from which Marie Stopes can provide this service; this means that women will have to travel outside of Huddersfield for early termination of pregnancy services which leaves them at risk and contravenes the NHS Constitution, which seeks to ensure equity of access and services for all
- This service is an important medical service for the local community and plays an important role in public health. The service links in with other services that support local people, particularly vulnerable women

- This venue has been approved by the Care Quality Commission and Department of Health.

8. ASSESSMENT

General principle:

The proposal is for change of use to a health and medical centre (D1 use class). The applicant will be providing reproductive and sexual health services, replacing a service that was previously provided by the Huddersfield and Calderdale NHS Trust. These services are not currently available within the Huddersfield or Calderdale area and so the proposal would be providing a local facility for people requiring reproductive medical care.

The site is within Huddersfield town centre with good access to public transport links. The proposal is therefore within a highly sustainable location and readily accessible to a wide range of people. The town centre location also means that there is the possibility of linked trips with other services and amenities which exist within the centre. The principle of the development in this location is therefore considered to be in accordance with the National Planning Policy Framework.

The application relates to some vacant second floor office space and the proposal will therefore be bringing this underutilised space back into productive use and will create new employment (2 full time jobs) within the town centre. This will serve to support the viability and vitality of the town centre.

It is not considered that the loss of these offices would prejudice the overall stock of office space within the centre. Given the age of the premises it is unlikely to be suited to many modern business requirements and there are numerous other businesses premises of equivalent quality in and around the town centre which are available. It is therefore considered that the development would not conflict with the aims of Policy B4 of the Unitary Development Plan.

Impact on amenity:

The proposed use is unlikely to result in any significant impacts on the amenities of neighbouring premises. The application does not indicate what the proposed opening hours will be but it is not considered necessary to impose any restriction on the opening hours of a D1 use in this location.

No external alterations are proposed and as such there would not be any implications for the character or appearance of the Conservation Area.

Highway issues:

Given the town centre location with ready access to public transport links and public car parks there are not considered to be any highway safety impacts.

Objections:

A considerable level of objection has been received (62 letters and 10 separate petitions containing a total of 478 names). The overwhelming grounds of objection are based on personally held views on abortion. Moral or ethical perspectives on abortion are not material to the determination of the application and carry no weight.

The other issues raised are addressed below:

There is not a need for such a facility in this location

Officer Response: The need for such a facility is not a material planning consideration.

Inappropriate in a town centre location

Officer Response: The site is within an accessible, sustainable location which is in accordance with the NPPF.

The age of the building makes it unsuitable for medical use

Officer Response: This issue is not a material planning consideration.

The proposal could lead to disruption to users of the town centre and nearby businesses as a result of potential protests close to the site

Officer Response: This issue is not a material planning consideration.

Impact on the Conservation Area

Officer Response: No external alterations are proposed and it is considered that a D1 use would not have any material impact on the character or appearance of the Conservation Area.

Highway impacts: ambulance access would be difficult on Cloth Hall Street and there is no dedicated parking

Officer Response: As this is a sustainable town centre location with good access to public transport there is no requirement for the site to have dedicated off-street parking. Whilst ambulance access may be difficult it is achievable and this would not be a reason to refuse the application.

The proposal is located on the second floor of the building; site is not DDA compliant

Officer Response: There is no lift access to the second floor and the premises are only accessible via stairs. The location of the site is such that full access for disabled people is unachievable. The applicant has confirmed that in instances where disabled access is required, those clients would be directed to alternative sites and this would be managed through the applicant's own booking system. It is known that the applicant operates other premises within the region and it is considered that this issue can be adequately addressed through the applicant's own procedures. The lack of disabled access is not considered to constitute a reason for refusal in its own right given that there is a realistic prospect of the applicant being able to offer

the use of alternative premises which is unlikely to significantly prejudice disabled people.

Conclusion:

The site is located in a sustainable location and there are not considered to be any significant planning impacts arising from the change of use.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

9. RECOMMENDATION

Approve subject to the following conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

This recommendation is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	10 November 2014
Second Floor Plan	-	-	10 November 2014

Application No: 2014/93522

Type of application: 62HH - FULL APPLICATION

Proposal: *Erection of single storey extension to front*

Location: 25, Deer Croft Avenue, Salendine Nook, Huddersfield, HD3 3SH

Grid Ref: 410944.0 417801.0

Ward: *Lindley Ward*

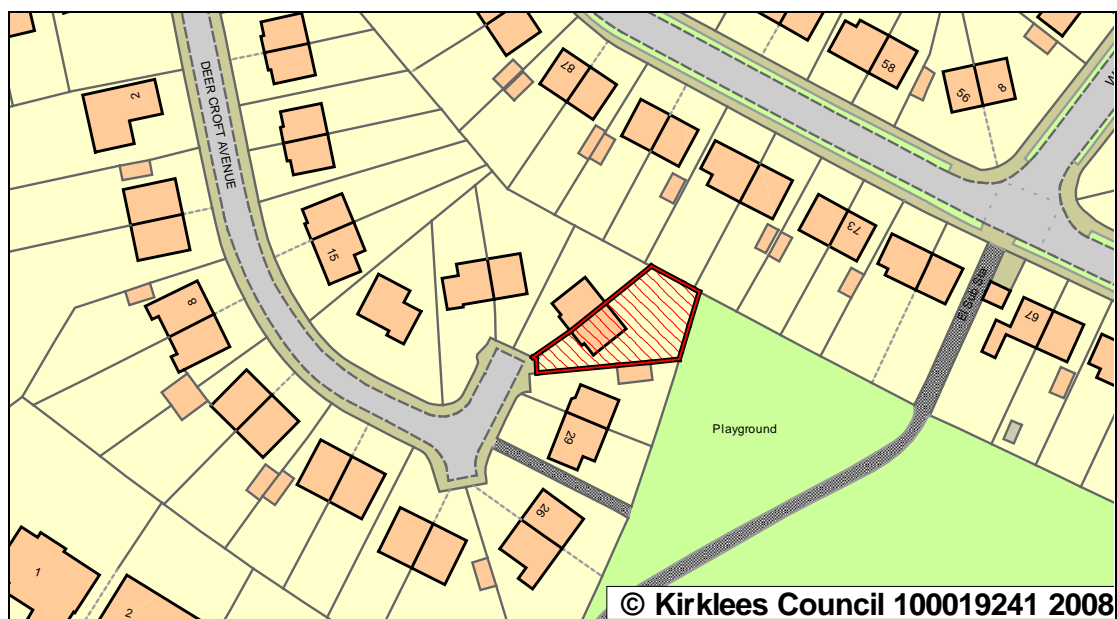
Applicant: *B Whitehead*

Agent:

Target Date: *03-Feb-2015*

Recommendation: *FC - CONDITIONAL FULL PERMISSION*

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The proposed extension is considered to have minimal impact on the visual amenity of the host dwelling and the surrounding area. Furthermore, it is not considered to have a materially harmful impact upon residential amenity of neighbouring properties.

Recommendation: Conditional Full Permission

2. INFORMATION

The application has been brought to Sub-Committee as the applicant is closely related to an officer within the Council's Investment and Regeneration Service. This is in line with the Delegation Agreement.

3. PROPOSAL/SITE DESCRIPTION

Site Description

Located within a wholly residential area 25 Deer Croft Avenue is a 2-storey semi-detached property at the head of a cul-de-sac. It is faced in a mixture of stone, brick and render with a concrete tiled hipped roof. There is a flat roofed canopy extending across the ground floor front elevation of the property.

The front garden area has been hard surfaced and provides parking for two cars. There is also a garage in the rear garden of the property.

The character of the immediate area is of semi-detached dwellings, both single and two-storey. They follow the same general design as the host property.

Proposal

The proposed extension would be to the front elevation and would consist of a new entrance hall with downstairs w.c. It would have an overall width of 2.65m, which is around half the width of the host dwelling and would project 1.4m beyond the front wall of the property. It would have a chamfered side elevation in order to maintain the existing gap of approx. 2.8m between the side house wall and the boundary of the property. The extension would have a flat roof and be stone faced.

4. BACKGROUND AND HISTORY

92/04532 – extension approved

95/91216 – single storey extension approved.

5. PLANNING POLICY

The site is Unallocated on the Kirklees Unitary Development Plan Proposals Map.

Kirklees Unitary Development Plan:

- **D2** – Land without notation on the proposals map
- **BE1** – Design principles
- **BE2** – Quality of design

- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway and accessibility considerations in new development

National Planning Policy Framework (NPPF):

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 7 – Requiring good design

6. CONSULTATIONS

No consultations were required.

7. REPRESENTATION

The application was publicised by site notice and neighbour notification letters, which ended on the 7th January 2015. As a result of this publicity no representations were received.

8. ASSESSMENT

General Principle:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states:

‘Planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]’

All these considerations are addressed later in this assessment.

The general principle of extending a dwelling is further assessed against Policies BE1, BE2, BE13 and BE14 of the UDP and advice in Chapter 7 of the NPPF regarding design. These require, in general, balanced consideration of visual and residential amenity, highway safety and other relevant material considerations.

Impact on Visual Amenity:

Policies BE1 and BE2 of the UDP states that new development should be of good quality design that is both visually attractive in its own right and which creates or retains a sense of local identity ensuring that it is in keeping with surrounding development in respect of design, materials, scale, density, layout, building height and mass. Policy BE13 states that extensions to dwellings should respect the design features of the existing and adjacent buildings, and Policy BE14 states that extensions will normally be permitted

provided that they, amongst other things they are small in scale when proposed to the front elevation.

The proposal would provide a new entrance hall and w.c. appearing as a porch structure to the front of the dwelling. It would be faced in stone, which would match the ground floor front elevation of the host building, with the flat roof forming a continuation of the existing canopy feature. These elements would respect the design features of the existing building. Whilst the chamfered corner is unusual this would not be detrimental to visual amenity and would not be immediately apparent when viewing the property from the road.

Overall the proposal would not create a visually intrusive feature in the local area in terms of its scale and design. Although it is to the front of the property it is small in scale. The overall visual impact of the proposed extension is considered acceptable. As such, the proposal is considered to comply with the requirements of Policies D2, BE1, BE2, BE13 and BE14 of the Unitary Development Plan, as well as chapter 7 of the NPPF.

Impact on Residential Amenity:

Policy BE14 of the Unitary Development Plan states that extensions to dwellings should not have a detrimental effect on 'adjoining dwellings or any other occupier of adjacent land'. A core principle of the NPPF is to seek high quality design 'and a good standard of amenity for all existing and future occupiers of land and buildings'.

The closest affected properties are nos. 23 Deer Croft Avenue to the northwest and no. 27 to the south. The extension would not be overbearing or have an overshadowing impact to these surrounding properties, due to its limited scale and siting. The extension would present a blank wall to no. 23 and is set some 2.9m off the boundary to the property so having no impact on the privacy of this property. No. 27 to the south has a similar scaled extension to the front of the property with chamfered corner. Although this is a largely glazed structure, and the proposed extension also has a side facing window, given the non-habitable nature of the extension it is considered this would not result in a material loss of privacy. Furthermore it is considered there is no reason to require this opening to be obscurely glazed

The overall scale, siting and design of the extension and its relationship with neighbouring properties is acceptable and would not result in any undue impact on residential amenity, thereby acceptable and compliant with policies D2 and BE14 of the UDP.

Representations:

No public representations were received.

Conclusion:

The proposal complies with Policies BE1, BE2, BE13 and BE14, of the UDP and there would be no adverse impact in terms of residential or visual amenity and for the reasons detailed above it is considered that the proposal is acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development, subject to the issue highlighted above.

9. RECOMMENDATION

CONDITIONAL FULL PERMISSION

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

This recommendation is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Existing and Proposed Grouped Plans and Elevations	01 08		9.12.14