

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

#### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

#### PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

30 JANUARY 2020

---

**Application to divert part of public footpath  
Holmfirth 60**

**Item 12 – Page 89**

#### **Wolfstones Heights Farm, Upperthong**

Please note a submission on this PROW agenda item.

- The council has received a written submission from a member of the public.

“I am writing to inform you of my objection to the above planning proposal due to go before the Planning Committee on 30 January. I am a member of the NCOM walking group and both I and my family regularly use this footpath for leisure and to access Upperthong.

I object on the following grounds:

1. The path has a high amenity value and is used daily by many walkers. It has significant historic value and presence.
2. The presumed convenience to just 2 domestic properties of the path diversion is greatly outweighed by the inconvenience to the many regular walkers.
3. The proposed diversion would take walkers along a stretch of unpaved road with an unsighted steep hill and bend in both directions thus imposing an immediate risk to walkers and their families.
4. Many other footpaths in the area pass near to or through domestic properties without issue. If approved, this proposal would establish a needless and unwelcome precedent.
5. I believe this proposal is contrary to the Kirklees Local Plan and the draft Holme Valley Plan which both seek to promote safe walking and a healthy environment.

This proposal is objected to by many local walking groups and I urge the Committee to reject it.”

---

**Erection of 17 dwellings****Land off Parkwood Road, Golcar, Huddersfield, HD3 4TT**Biodiversity

Further to paragraph 10.63 of the committee report, using biodiversity metric calculations, the applicant has advised that the proposed development would result in a net biodiversity loss of 9.62%, and that this cannot be compensated for within the application site. The applicant will, therefore, need to look at nearby land outside the application site where compensatory habitat could be provided, or would need to make a financial contribution to the council towards off-site provision. To this end, the officer's recommendation is amended to include:

- 5) Biodiversity – Off-site provision of compensatory habitat, or a financial contribution towards off-site provision, to ensure a net biodiversity gain is achieved.

If a financial contribution is opted for, the required sum can be calculated once the applicant provides figures (in hectares) for the amount of habitat (be it woodland, heathland, ponds etc) that would need to be created. Officers can then input these figures into an appropriate calculator (such as the Warwickshire metric calculation tool) to establish what sum would be required. Of note, case law has established that it is not necessary for a site (where the required compensatory habitat would be created) to be specified at this stage.

Climate change

Further to paragraphs 6.9 and 10.6 of the committee report, on 29/01/2020 the applicant advised:

*The submitted design has been developed to take into account alternative means of transport, other than car usage, with adequate provision made for lockable cycle parking within the rear garden and electric vehicle charging points to each dwelling, which is set to become included within Building Regulation requirements during 2020. Given the proximity of local amenities to the application site, the reliance on the use of cars is substantially reduced, with nearby neighbourhood facilities all within sensible walkable distances.*

*Flood risk and sustainable drainage has been considered from the outset, with detailed proposals submitted to deal with on-site storm water storage. Given the constraints of the site, where ever possible, houses have been positioned to maximise natural solar gain, with the front or back elevations taking advantage of a southerly aspect.*

*A 'fabric first' approach will be taken to the detailed residential design, which will fully adhere to the recent changes in Part L of the Building Regulations, which were republished in April 2018 to take into account the latest climate change issues. These require high levels of insulation to floors, walls, roofs and all doors and windows.*

*Very much in tandem with thermal insulation levels are the need to ensure a high level of air tightness, with all homes being designed to achieve a minimum standard of '4' within the current code guidelines.*

*Further quality control will be ensured by applying the strict workmanship guidelines and stringent inspection regime of the NHBC (National House Building Council) to certify all specified levels of insulation are adequately installed into the fabric and air tightness tests are undertaken to provide a final SAP rating.*

### Dementia-friendly design

On 29/01/2022 the applicant advised:

*Considerate design guidelines have been considered from the outset to ensure future generations of home owners, who go on to be diagnosed with dementia, are not unnecessarily hindered in their immediate environment.*

*The site layout has been designed to avoid confusing cul-de-sacs with no visibility to the wider environment. Houses have been located to take advantage of natural landmarks, where possible, to allow dementia sufferers to orientate themselves with ease. Opening up views of the adjacent mill and the chimney has not only enhanced the setting of the historic building, but also allows an obvious way finding beacon. The location of the open space also ensures an otherwise enclosed, non-descript cul-de-sac, takes advantage of more distant views.*

*Whilst the proposed house types have been designed to take their lead from the local vernacular, using materials and detailing found within the area, a variety of house types have been provided on the site to ensure an otherwise monotonous streetscape does not unnecessarily confuse the dementia sufferer with cognitive impairments.*

*Within the houses, all main accommodation rooms have been provided with good views of the front and rear gardens, with windows sized to ensure high levels of natural illumination and ventilation all in accordance with Part L and F of the Building Regulations.*

*Level thresholds have been provided to main points of access to prevent access and egress being an unnecessary struggle, all in accordance with Part M of the Building Regulations, which deals with wider issues associated with designing for disability needs. Again, in accordance with Part M of the Building Regulations, an ambulant disabled toilet will be provided on the ground floor of all houses to remove the need to climb the stairs to be able to use the bathroom.*

**Change of use of land to pub garden and play area****The Sun, 137, Highgate Lane, Lepton, Huddersfield, HD8 0HJ**

The applicant has submitted additional information regarding the proposed fencing to be installed, which would be specifically designed acoustic fencing which the applicant has advised can reduce noise by between 50-75%. This information has been considered by Environmental Health who have confirmed that such a specification would be required for the additional fence, however they have again raised concerns that without an additional buffer and a taller fence this would not provide a significant improvement in terms of a mitigation measure. Environmental Services have also advised that such a fence should be erected around the whole outside of the garden to provide comprehensive mitigation.

---

**Erection of 18 dwellings (within a Conservation Area).****Land at 172 Gillroyd Lane, Linthwaite, Huddersfield, HD7 5SR**Consultation

11 further representations have been received since the committee report was written. These have been posted online. No previous objections have been withdrawn. The following is a summary of the additional points raised:

- Council should defer determination of the application.
- Previous concerns have not been taken into account.
- Applicant's verbal assurances do not match the proposals on plan regarding locations and sizes of buildings.
- Accept that houses will be built on the site.
- Outline proposal was more fair in terms of sharing amenities and outlook.
- Proposed dwellings would be higher than previously proposed, resulting in greater loss of natural light and warmth, views and outlook.
- Proposed dwellings would dominate the skyline. Cottage style of adjacent properties would not be reflected. Objection to metal cladding.
- Loss of public views from Gillroyd Lane and footpath.
- Proposed dwellings are too close to existing neighbouring properties. Query if this complies with the Building Regulations.
- Highways officers should reconsider comments.
- No residents of Linthwaite use bicycles.
- Several accidents have occurred on Gillroyd Lane near to Colne Valley High School and Ardron Junior School. Gillroyd Lane is already difficult for pedestrians to cross.
- At outline stage, HDM officers admitted access to site was "borderline" due to poor visibility.
- Proposed site entrance inadequate for a further 42 houses to be built in the future (and a car population of 120).

- Noise caused by vehicles struggling up/down slope in low gears.
- Condition requested, preventing commercial vehicles, large vans and trucks from parking in visitor parking spaces.
- Residents would not be able to use the steep proposed estate road when iced over in winter.
- Bats that roost locally would be disturbed. Site is home to foxes, Great Crested Newts, owls, jays and deer.
- Removal of trees and shrubs would increase inevitability of flooding.
- Natural springs exist at the site.
- Query as to how increasing rainfall (due to climate change) would be provided for.
- Photographs of waterlogged land and congestion on Gillroyd Lane submitted.
- Financial gain of council tax should not outweigh concerns.
- Development will result in repair costs to the council.

Regarding the heights and positions of the proposed dwellings, the proposed development is considered acceptable in aesthetic and amenity terms. Residents correctly note that some of the proposed dwellings would be approximately 1m and 1.5m taller than in their previous iteration under the current application (these changes are a result of amendments to the gradients of the proposed estate road, and improvements to elevations of dwellings), however assessments of the proposed dwelling should be based on what is currently proposed, rather than a comparison with what was previously proposed under the same application. Crucially, the proposed dwellings nearest to 164 to 172 Gillroyd Lane would still have 2-storey elevations facing those existing properties. 26.5m would be maintained between the front elevation of unit 1 and the west-facing elevation of 172 Gillroyd Lane, and 25.5m would be maintained between the front elevation of unit 5 and the nearest elevation of 168 Gillroyd Lane – it is considered that these distances would ensure adequate levels of amenity are maintained for residents of these neighbouring properties.

The proposed development's compliance (or otherwise) with the Building Regulations is not a material planning consideration.

No metal cladding is proposed.

As explained at paragraph 10.17 of the committee report, land to the south of the application site is within the same site allocation (HS126). As highlighted at paragraph 10.19, consideration of the adequacy of the proposed site entrance (which may, in the future, need to accommodate the traffic of as many as 65 residential units) is appropriate at this stage. This matter has been put to HDM officers, and no objections on highways safety or capacity grounds have been raised, however a further, full assessment of these matters would be considered as and when further planning applications (relating to the rest of site HS126) are submitted.

It is not considered necessary to restrict the use of the proposed visitor parking spaces as suggested by residents, and such a condition is unlikely to be enforceable in any case.

## Flood risk and drainage

Further information was submitted by the applicant on 23/01/2020 regarding flood risk and drainage, in response to the comments of the Lead Local Flood Authority (LLFA) of 14/01/2020. Further comments have not been provided by the LLFA, however the case officer responds to the matters raised in the last LLFA comments as follows:

- Flow routing – The LLFA have agreed that this matter can be addressed via a suitably-worded condition.
- Possible culvert beneath the site – Further to paragraph 10.67 of the committee report, it is recommended that a pre-commencement condition be applied, requiring the applicant to prepare and submit a watching brief (to be approved in writing by the council before any excavation commences), including arrangements for what would happen if the culvert is found (works would stop and the applicant would have to devise a proposal for diversion, to be agreed with the LLFA). A similar condition has been applied by the council in relation to the Aldi scheme at the former Oakes Mill site (ref: 2019/91656).
- Health and safety concerns – The applicant has argued that an attenuation tank of the size proposed is necessary, and as noted at paragraph 10.65 of the committee report, this is accepted.
- Management and maintenance – It is recommended that arrangements and details of the management and maintenance of the proposed drainage and attenuation be secured via a Section 106 agreement.

## Highways

Further to paragraphs 10.19 and 10.59 of the committee report, Highways Development Management (HDM) officers have provided comments on the applicant's most recent proposed layout (which includes an extension (or spur) to the proposed estate road in front of units 1 and 2) as follows:

- The site layout was previously considered acceptable to HDM. It has, however, been amended to include an additional dwelling and a future access into adjacent land.
- Plots 16 and 17 were previously one detached house which is not a problem – sufficient parking would be provided to both of the proposed semi-detached houses.
- There are, however, a number of issues with the proposed future access (i.e., the extension to the estate road in front of plots 1 and 2). There are poor sight lines to the right when exiting. Drivers need to be able to see to the junction with Gillroyd Lane. Sight lines are not shown on the plans but it is estimated there are only 18m.
- The gradients at the junction need to be shown. 1 in 40 is required for the first 10 metres.
- Applicant should show more of the access into the adjacent site. Council needs to assess the severity of the bend in terms of centre line radius, forward visibility and visibility from the proposed parking to plots 1 and 2.
- The parking to plot 2 would be onto the give way lines at the junction which is unacceptable.

Officers additionally noted that the proposed spur didn't connect with the allocated land to the south. Although this may not be a problem in land use planning terms (as 174 Gillroyd Lane and the lane behind it are not protected from development), the case officer queried whether the spur could be moved further west so that it connected with the allocated land, and would require less interference with third party land and the lane to the rear of 174 Gillroyd Lane, thus making future development of the allocated land more likely. The case officer noted, however, that such an amendment may require units 1 and 2 to be moved westwards, and/or their parking spaces being detached from their curtilages and moved to the opposite side of the estate road.

On 28/01/2020 the applicant submitted an amended drawing, showing units 1 and 2 moved westwards and the design of the spur amended to address the above concerns. HDM officers have reviewed this drawing, and have advised that not all earlier highways concerns have been addressed. The omission of the footway on the east side of the spur is not considered acceptable, nor is the relocation of parking spaces to the opposite side of the spur. A 2.4m x 25m sightline is, however, now shown at the junction of the spur, which is sufficient for the design speed of the road. Gradients are shown at an acceptable 1 in 40.

### Unit sizes

Further to paragraph 10.39 of the committee report, the applicant has now provided floorspace figures in metric, as follows:

- 2x A1 house types (units 4 and 14) – 134.43sqm
- 3x A2 house types (units 3, 5 and 13) – 134.43sqm
- 1x B3 house type (unit 7) – 125.42sqm
- 2x B4 house types (units 8 and 10) – 137.5sqm
- 2x D house types (units 9 and 11) – 155.43sqm
- 3x E house types (units 6, 12 and 15) – 158.59sqm
- 1x F house type (unit 18) – 119.94sqm
- 3x S1A house type (units 1, 16 and 17) – 117.8sqm
- 1x S1B house type (unit 2) – 144.74sqm

All of the dwellings would be 3-bedroom units, and would be a mix of 2-storey and 2-/3-storey dwellings. The Government's Nationally Described Space Standards (2015, updated 2016) sets out a range of floorspace figures for 3-bedroom dwellings, from 84sqm (for a 3-bedroom, 4-person, 2-storey dwelling) to 108sqm (for a 3-bedroom, 6-person, 3-storey dwelling). The proposed dwellings would exceed these standards, which is welcomed.

### Yorkshire Water

Yorkshire Water (YW) were reconsulted regarding the proposed increase in the number of units (to 18) and the applicant's additional information regarding sewer diversion. Council officers specifically asked YW whether 1) YW are agreeable to the applicant's proposed diversion of the existing combined public sewer that runs beneath the site, and 2) whether the applicant's proposed discharge rate (5 litres per second) to the combined public sewer is acceptable to YW.

In response, YW advised on 28/01/2020 that, if planning permission is approved, conditions should be attached requiring surface water discharge to be limited to 5 litres per second, and no buildings or obstructions being located over the public sewer. With regard to the proposed diversion, YW advised:

*The submitted drawing E16/6781/001M, dated 22/01/2020 (prepared by Haigh Huddleston Associates) indicates a proposed diversion of the sewer crossing the site. Provided that this is agreed in accordance (with the provisions under Section 185, Water Industry Act 1991) with Yorkshire Water, we have no objections to the proposals.*

---

**Planning Application 2019/92457**

**Item 16 – Page 175**

**Erection of agricultural building (modified proposal) and cladding of existing building**

**20 Wellhouse Lane, Kirkheaton, Huddersfield, HD5 0RB**

Additional Correspondence from applicant, Mr Ahmed

Since the publication of the committee report additional correspondence has been received from the applicant that sets out a number of points that should be considered. These points are summarised below, and a response has been provided.

- Agricultural buildings can form exceptions to inappropriate development and that the site has its permitted development rights.

**Response:** As set out in the published committee report this point is not disputed and the development is not considered to represent inappropriate development. Furthermore it is noted that the residential dwelling adjacent the site has its permitted development rights but this point is not relevant for the proposed building as it could not fall under permitted development.

- The applicant considers that officers think that a house has been built. However this is untrue totally and the applicant has the property for over 25 years and the have never applied for planning permission for a new dwelling and permission to build a house that was present on site 25 years ago was not implemented.

**Response:** As set out in the published committee report the application has been assessed on its own individual merits as an agricultural building. The referred to permissions for a dwelling were applications:

97/93686 - change of use of outbuildings and barn to form dwelling.

98/91284 - re-use of existing barn and extensions to form 1 dwelling

These were applications for the change of use of existing buildings and not a new building. Furthermore these permissions expired in July 2003.

- The report by the Councils agricultural consultant Roger Henderson has many errors and lacked important detail including that the building subject to this application was half the cost of a portal frame building, such a building would have required extra earth works and that sheep which are on the site were not seen by Roger.



**Response:** The reports by Roger Henderson are considered to provide an acceptable assessment of the proposal and a detailed assessment of the points raised. It is noted that sheep have used the land within the holding. The cost of the building is not a material planning consideration.

- The development subject to this application has led to a reduction in built form of 54% as set out in the design and access statement and has led to the removal of asbestos at the site.
- The application puts forward that a 'goose shed' has already been removed from the site, and the application now proposes to remove shipping containers and a poly tunnel. It is also argued that the site of the building subject to this application was once occupied by a pole barn and the current building occupies the same footprint.

**Response:** The table set out in the design and access statement has been considered by Planning Officers, however it does not provide volume calculations, a typical approach when seeking to demonstrate the impact of a development on the Green Belt. In addition no detailed plans of the buildings which have or are to be removed have been provided. With respect to other specific buildings to be removed:

- The 'goose shed' mentioned on the reduction of built form table/ plan is within the domestic curtilage and could benefit from replacement under PD rights given the site retains its PD rights.
- The poly tunnel is not used for storage and given the application building is for this purpose, we can only afford it limited weight on its removal, in addition it's unlikely to be considered development in the first instance.
- The shipping containers form a relatively minimal impact, they are sited close to the existing building and are functional for their purpose.
- With regards to the original pole barn building, there is no planning history for this building and there is no aerial photographic evidence that demonstrate that it occupied the site. If a building did occupy the site at any point it would have been unlawful and therefore no weight can be given to this point. It should also be noted that the Planning Inspector has already determined that he was not persuaded by the evidence submitted that a building previously occupied the site.

In conclusion it is not considered that the table provides clear evidence that the proposal has reduced built form at the site to the level stated.

- It has been suggested to the applicant that the removal of the building to the north may help to overcome the concerns with the application. However the applicant has confirmed that the removal of the existing barn to the north of the site is not feasible as it has dual use and is required for the educational camps which take place at the site and has specific equipment such as toilets, showers, power and drainage which would be difficult to move. Furthermore the building is full of agricultural equipment however it does not provide sufficient head room to store a tractor or to store foodstuffs.

**Response:** These points are noted and the application has been determined based on the submitted proposal to retain the barn to the north of the site but remove the buildings set out in the above point.

- The applicant has advised that they would have reduced the size of leisure building approved by application 2018/92594 if this would have supported the retention of the barn, however this was not deemed possible, and now the leisure building is required by the applicants family.

**Response:** The leisure building has been constructed and sits within the domestic curtilage of the dwelling and any changes are not proposed with this application. Therefore no weight is given to the points raised.

- The farm is a working farm and significant investment has been made on improving walls, hedges planting, reseeding and organic slurry. Whilst it is accepted that applicant is a Head Teacher and farming is not he applicants main business we can't afford just like so many farmers survive on farming alone. The subsidy for set aside is very poor. Mike and David have provided you with the data from DEFRA.
- The site has been visited by the Kirklees agricultural animal welfare team in the early days of ownership and advice provided, the site has been farmed for over 15 years.
- V5 documents and insurance papers for farm vehicles are held which date back over 15 years.
- The existing building is not of a sufficient size to accommodate all the agricultural equipment let alone the bales of hay. It has only been built as it was required.
- The applicant is a member of the National Farmer Union (NFU) who support the applicant.

**Response:** These points are noted, however the as set out in the published committee report the site benefits from an existing building and the information submitted with the application is considered to have failed to demonstrate that the building is genuinely required for the purpose of agriculture.

- The applicant is willing to take conditions or modifications to the barn to allow it to be retained.

**Response:** It is not considered that conditions or modifications will overcome the issues raised in the published committee report.

- The applicant considers that the removal of the building would represent a 'disproportionate act' and other planning permissions have been granted in the district for larger buildings on smaller holdings.

**Response:** The removal of the building is already subject to enforcement action and an appeal against the enforcement notice was dismissed at appeal and the enforcement notice upheld. It is therefore considered that the removal of the building accords with appropriate planning and enforcement policies. Each application has to be assessed on its own individual merits, comparisons to other applications can not be afforded any weight in the decision on this application.

1 additional representation has been received from the National Union of Farmers (NFU) Senior Environment & Land Use Adviser which in summary sets out:

- That the NFU are unable to comment on the specifics of the application, however they note the applicants concerns in relation to the detail set out in the committee report such as the need for different types of machinery, the level of livestock on the farm and the constraints on the farm.

**Response:** These comments are noted.

---

**Planning Application 2019/93445**

**Item 17 – Page 223**

**Demolition of existing bungalow and erection of 3 dwellings with gardens and parking**

**3, Marsh Gardens, Honley, Holmfirth, HD9 6AF**

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

Two further plans have been submitted (27-Jan-2020) showing possible options (A & B) for refuse storage and collection arrangements. Case officer's comments are that Option A would be better aesthetically and would overcome concerns about visibility being 2.0m from carriageway edge.

The Council's Operational Planning Co-ordinator, Carol Oakden, advises that this arrangement proposed is generally acceptable, subject to details of the design of the bin store (which should have a roof over to discourage bin theft or contamination). The applicant's agent agrees with this approach in principle and agrees that it can be the subject of a condition.

**PUBLIC/LOCAL RESPONSE:**

Ward Councillor Charles Greaves has made a further set of comments (27-Jan-2020). These reiterate his concerns about the need for a construction management plan to be imposed by condition, on the grounds that if any development activity spills out of the site, this would have a very detrimental impact upon access to the Honley Surgery, which serves a wide area and receives substantial foot and vehicular traffic.

Cllr Greaves suggests it may be appropriate to defer the application so that further information can be submitted.

**APPRAISAL**

Comments on latest representation (from Councillor Charles Greaves): Officers are of the view that the submission of a Construction Management Plan is not necessary in this instance, but Sub-Committee still has the power to impose such a condition, on highway safety grounds, if they deem this would accord with the 6-tests for the imposition of planning conditions in this specific case.

Should Members conclude that a construction management plan is necessary to accompany the development, this matter is usually dealt with by means of a pre-commencement condition. It would be unusual to require details in advance of determining an application if a pre-commencement condition was to be imposed. A pre-commencement condition would avoid the deferral of the application, and avoid preventable delays to the process.

---