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Friday 20 November 2015

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 26 November 2015**.

(A coach will depart the Town Hall, at 9.30am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber.)

This meeting will be webcast live.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', on a light-colored background.

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Planning Sub-Committee (Huddersfield Area) members are:-

Member

Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Jean Calvert
Councillor Donald Firth
Councillor Mark Hemingway
Councillor Musarrat Khan
Councillor Carole Pattison
Councillor Amanda Pinnock
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor John Taylor
Councillor Molly Walton
Councillor Linda Wilkinson
Councillor Andrew Marchington

When a Planning Sub-Committee (Huddersfield Area) member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

B Armer
N Patrick
G Wilson

Green

K Allison
A Cooper

Independent

C Greaves

Labour

E Firth
S Hall
K Rowling
G Turner
S Ullah

Liberal Democrat

C Burke
J Lawson
A Pinnock
P Scott

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

This is where Councillors who are attending as substitutes will say for whom they are attending.

2: Minutes of previous meeting

1 - 14

To approve the Minutes of the meeting of the Committee held on 15 October 2015.

3: Interests and Lobbying

15 - 16

The Councillors will be asked to say if there are any items on the Agenda about which they might have been lobbied. The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

6: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application 2015/90914

Outline application for demolition of commercial unit and erection of 4 commercial units and 59 student flats at rear of Broomfield House, Firth Street, Huddersfield

Estimated time of arrival at site: 9.35am

Contact : Jonathan Ainley, Major Developments Officer

Wards

Affected: Newsome

8: Site Visit - Application 2015/92939

Listed Building Consent for erection of single storey rear extension (within a Conservation Area) at 13, Wentworth Street, Huddersfield

Estimated time of arrival at site: 9.50am

Contact : Stuart Daniel, Planning Officer

Wards

Affected: Newsome

9: Site Visit - Application 2015/92940

Erection of single storey rear extension (Listed Building within a Conservation Area) at 13, Wentworth Street, Huddersfield

Estimated time of arrival at site: 9.50am

Contact : Stuart Daniel, Planning Officer

Wards

Affected: Newsome

10: Site Visit - Application 2015/90721

Erection of 12 detached dwellings (within a Conservation Area) at land off, Macaulay Road, Birkby, Huddersfield

Estimated time of arrival at site: 10.05am

Contact : Adam Walker, Planning Officer

Wards

Affected: Greenhead

11: Site Visit - Application 2015/90502

Erection of 1no. detached dwelling adjacent to 8, Reinwood Avenue, Quarmby, Huddersfield

Estimated time of arrival at site: 10.20am

Contact : Adam Walker, Planning Officer

Wards

Affected: Lindley

12: Site Visit - Application 2015/91093

Outline application for erection of residential development (within a Conservation Area) at land off Hollyfield Avenue, Quarmby, Huddersfield

Estimated time of arrival at site: 10.30am

Contact : Farzana Tabasum, Planning Officer

Wards

Affected: Lindley

13: Site Visit - Application 2015/92420

Erection of extensions to rear at 138, Slades Road, Bolster Moor, Huddersfield

Estimated time of arrival at site: 11.05am

Contact : Stuart Daniel, Planning Officer

Wards

Affected: Colne Valley

14: Site Visit - Application 2015/90497

Erection of one dwelling adjacent to Netherley Cottage, Old Mount Road, Marsden, Huddersfield

Estimated time of arrival at site: 11.30am

Contact : Adam Walker, Planning Officer

Wards

Affected: Colne Valley

15: Local Planning Authority Appeals

17 - 30

The Sub Committee will receive a report setting out decisions of the Planning Inspectorate in respect of appeals submitted against the decisions of the Local Planning Authority.

Contact : Teresa Harlow, Development Control

Wards

Affected: Colne Valley; Greenhead

16: Application 2014/93946

31 - 78

Outline application for residential development with associated access onto Lingards Road, Slaithwaite.

Contact: Farzana Tabasum, Planning Officer

Wards

Affected: Colne Valley

17: Planning Applications

79 - 192

The Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 23 November. To pre-register, please contact richard.dunne@kirklees.gov.uk or phone 01484 221000 (extension 74995)

18: Exclusion of the Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

19: Enforcement Action - Land adjacent to bridleway linking Queens Mill Road with Lockwood Scar, Huddersfield

To consider a proposal of enforcement action.

Exempt information under Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (access to Information)(variation) Order 2006, as it contains details which reveal (i) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (ii) that the authority proposes to (a) give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) make an order or direction under any enactment (iii) information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The public interest in maintaining the exemption which would protect the Council outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

Contact: Kevin Walton, Senior Planner

Wards

Affected: Newsome

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 15th October 2015

Present: Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Jean Calvert
Councillor Donald Firth
Councillor Mark Hemingway
Councillor Musarrat Khan
Councillor Carole Pattison
Councillor Amanda Pinnock
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor John Taylor
Councillor Molly Walton
Councillor Linda Wilkinson
Councillor Andrew Marchington

Apologies: Councillor Ken Sims

1 Membership of the Committee

No substitutes were declared.

2 Minutes of previous meeting

That the Minutes of the meeting of the Committee held on 3 September 2015 be approved as a correct record.

3 Interests and Lobbying

In connection with item 14 - Planning Applications, Members declared interests and identified Planning Applications in which they had been lobbied as follows:

Councillors Bellamy and D Firth declared an 'other interest' in applications 2015/91434, 2015/91661, 2015/91726, 2014/93593 and 2015/90903 on the grounds that they are members of the Holme Valley Parish Council.

Councillor Bellamy declared that she had been lobbied on application 2014/93946.

4 Admission of the Public

All items on the Agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application 2014/93946

Site visit undertaken.

8 Site Visit - Application 2015/91661

Site visit undertaken.

9 Site Visit - Application 2015/91726

Site visit undertaken.

10 Site Visit - Application 2014/93593

Site visit undertaken.

11 Site Visit - Application 2015/90903

Site visit undertaken.

12 Local Planning Authority Appeals

That the report be noted.

13 Objection to Tree Preservation Order 07/15

The Sub Committee considered a report that outlined an objection against making the Tree Preservation Order 07/15, Quarmby Cliff, off Vicarage Road, Longwood.

The report contained details of the tree preservation order and objection, the implications for the Council and Officer recommendations and reasons.

The Sub-Committee heard representation from Kevin Wilson who objected to the Tree Preservation Order.

RESOLVED – That the objection to Tree Preservation Order 07/15 be noted and that the amendment to the order be confirmed.

14 Planning Applications

The Sub Committee considered the schedule of Planning Applications. Under the provisions of Council Procedure Rule 37, the Sub Committee heard representations from members of the public in respect of the following applications;

- (a) Application 2015/91661 – Outline Application for erection of 3 dwellings adjacent to 26 Broad Lane, Upperthong, Holmfirth – John Robinson (Agent speaking on behalf of the applicant)
- (b) Application 2015/91726 – Outline Application for residential development adjacent to 38 Broad Lane, Upperthong, Holmfirth – John Robinson (Agent speaking on behalf of the applicant)

Planning Sub-Committee (Huddersfield Area) - 15 October 2015

- (c) Application 2014/93593 – Outline Planning Application for residential development with details of access point only at rear of 17 Miry Lane, Thongsbridge, Holmfirth – Ian Stephenson (Agent speaking on behalf of the applicant)
- (d) Application 2015/92117 – Erection of single storey extension, formation of replacement entrance lobby and alterations to existing car park at Lidle, 160 Wakefield Road, Moldgreen, Huddersfield – James Cox (speaking on behalf of the applicant)

RESOLVED – That the Applications under the Planning Acts included In the list submitted for consideration by the Sub Committee be determined as now indicated and that schedule of such decisions be circulated to members.

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KIRKLEES COUNCIL
LIST OF PLANNING APPLICATIONS DECIDED BY
PLANNING SUB COMMITTEE (HUDDERSFIELD AREA)
15 OCTOBER 2015

APPLICATION NO.

2015/91434

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

D Frank – Erection of extension to existing dwelling – 16 Bayfield Close, Hade Edge, Holmfirth

CONDITIONAL FULL APPROVAL

(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 schedule 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 walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

(4) Prior to the development being brought into use, the new vehicular parking area to the front of the dwelling shall be provided, 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.

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

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2015/91434 Cont'd	<p>FOR: Councillors Bellamy, Calvert, D Firth, Hemingway, Khan, Lyons, Marchington, Pattison, AU Pinnock, Sarwar, Sokhal, J Taylor, Walton and Wilkinson (14 Votes)</p> <p>AGAINST: (0 Votes)</p>
2014/93946	<p>Portman Land – Outline application for residential development with associated access onto Lingards Road – Land at, Lingards Road/Manchester Road, Slaithwaite, Huddersfield</p> <p>CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:</p> <p>(i) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE IN THE SUBMITTED REPORT, AND (ii) THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER THE RECOMMENDATION, ISSUE THE DECISION NOTICE.</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Calvert, Khan, Lyons, Pattison, AU Pinnock, Sarwar, Sokhal and Walton (8 Votes)</p> <p>AGAINST: Councillors Bellamy, D Firth, Hemingway, Marchington, J Taylor and Wilkinson (6 Votes)</p>
2015/91661	<p>S Hobson – Outline application for erection of 3 dwellings - adj 26, Broad Lane, Upperthong, Holmfirth</p> <p>CONDITIONAL OUTLINE PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:</p> <p>(i) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, AND (ii) SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGE THAT WOULD ALTER THE RECOMMENDATION, ISSUE THE DECISION NOTICE.</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Calvert, Khan, Lyons, Pattison, AU Pinnock, Sarwar, Sokhal and Walton (8 Votes)</p> <p>AGAINST: Councillors Bellamy, D Firth, Hemingway, Marchington, J Taylor and Wilkinson (6 Votes)</p>

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2015/91726	<p data-bbox="523 212 1372 324">Lower Edge Developments Ltd – Outline application for residential development – adj 38, Broad Lane, Upperthong, Holmfirth</p> <p data-bbox="523 358 1396 436">CONDITIONAL OUTLINE PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:</p> <p data-bbox="523 470 1284 548">(i) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, AND</p> <p data-bbox="523 582 1449 694">(ii) SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGE THAT WOULD ALTER THE RECOMMENDATION, ISSUE THE DECISION NOTICE.</p> <p data-bbox="523 728 1412 806">A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p data-bbox="523 840 1412 918">FOR: Councillors Calvert, Khan, Lyons, Pattison, AU Pinnock, Sarwar, Sokhal and Walton (8 Votes)</p> <p data-bbox="523 952 1284 1030">AGAINST: Councillors Bellamy, D Firth, Hemingway, Marchington, J Taylor and Wilkinson (6 Votes)</p>
2014/93593	<p data-bbox="523 1064 1449 1176">S Smith – Outline planning application for residential development with details of access point only – Rear of 17, Miry Lane, Thongsbridge, Holmfirth</p> <p data-bbox="523 1209 1396 1288">CONDITIONAL OUTLINE PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:</p> <p data-bbox="523 1321 1284 1400">(i) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, AND</p> <p data-bbox="523 1433 1449 1545">(ii) SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGE THAT WOULD ALTER THE RECOMMENDATION, ISSUE THE DECISION NOTICE.</p> <p data-bbox="523 1579 1412 1657">A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p data-bbox="523 1691 1412 1769">FOR: Councillors Bellamy, Calvert, Hemingway, Khan, Lyons, Pattison, AU Pinnock, Sarwar, Sokhal and Walton (10 Votes)</p> <p data-bbox="523 1803 1348 1848">AGAINST: Councillors D Firth and Marchington (2 Votes)</p> <p data-bbox="523 1881 1220 1915">ABSTAINED; Councillors J Taylor and Wilkinson</p>
2015/90903	<p data-bbox="523 1937 1404 2016">A Coldwell – Outline application for the erection of four new dwellings – Three Valleys, Cold Hill Lane, New Mill, Holmfirth</p> <p data-bbox="523 2049 1109 2083">CONDITIONAL OUTLINE PERMISSION</p>

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2015/90903 Cont'd

(1) Approval of the details of the appearance, scale, and landscaping of the site (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, scale, and landscaping of the site 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 any reserved matter 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 on different dates, the final approval of the last such matter to be approved.

(5) Development shall not commence until a scheme detailing the layout, construction and specification of the highway works; at the site access junction with Cold Hill Lane (with reference to drawing no. 4213-04-02 Rev E); which shall include full sections with suitable gradients and vertical curves, drainage works, lining, surface finishes and all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained.

(6) The development shall not be brought into use until visibility splays of 2.4 m x 38.6 m and 2.4 m x 32 m left and right of the site access respectively along Cold Hill Lane as indicated in drawing no 4213-04-02 Rev E in which there shall be no obstruction to visibility above the level of the adjacent carriageway as indicated on the approved plan have been completed. Thereafter, these visibility splays shall be retained.

(7) 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 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

(8) Before the development commences a scheme detailing the location and cross sectional information, together with the

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2015/90903 Cont'd

proposed design and construction, for all new retaining walls adjacent to all adjoining public highways shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained.

(9) Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access and details of turning within the site for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

(10) Before the development is brought into use turning facilities shall be provided in accordance with the details shown on drawing no. 4213-04-02 Rev E. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

(11) 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) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the integral garages that serve the new dwellings hereby approved shall not be converted into living accommodation without the prior consent of the Local Planning Authority.

(12) A Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The plan shall include: a grassland buffer strip to be retained outside of private gardens and a management scheme for future maintenance responsibilities for this buffer strip; landscaping details including retention of boundary hedges where removal is not required and the reinforcement of the site boundaries to enhance and develop habitat networks within and beyond the site through the planting of native tree and shrub species; details of bat and bird boxes; guidance on timing of vegetation clearance; guidance on maintaining tree T7 as an Aged/Veteran Tree within the site and the characteristics associated with such trees, and details of any artificial lighting. Thereafter the development shall be carried out in accordance with the approved details.

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2015/90903 Cont'd

(13) Details of landscape to be submitted pursuant to conditions 1 and 2 shall include a grassland buffer strip to ensure the Veteran oak, other trees and the flush are not included within the curtilage of residential gardens, the retention of boundary hedges (where removal is not required), details of boundary treatment which would not impede or obstruct the free movement of hedgehogs and details of native tree and shrub species.

(14) 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, phasing of drainage provision, 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. 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 thereafter retained.

(15) There shall be no piped discharge of surface water from the development to local sewers and/or watercourses/highway drains.

(16) Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging points shall be retained.

(17) The development shall be undertaken in complete accordance with the recommendations in section 4 of the Arboricultural Impact Assessment Ref BE253.1 by Bagshaw Ecology Ltd. The tree protection fencing shall be installed prior to any development commencing and retained throughout the construction works.

(18) All works on trees, pursuant to this permission shall be carried out in British Standard 3998. Details of all such work shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out and the works shall be carried out in accordance with the approved details.

(19) The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the

APPLICATION NO.

2015/90903 Cont'd

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

conditions attached to this permission, which shall in all cases take precedence.

NOTE: In respect of any future reserved matters application seeking approval for landscaping it is advised the landscaping scheme is designed in accordance with the recommendations of the Ecological Survey Ref BE253.3 undertaken by Bagshaw Ecology. This shall include an appropriate landscape buffer to ensure the Veteran oak, other trees and the flush are not included within the curtilage of residential gardens as this would be incompatible with the retention and conservation of these features.

NOTE: The developer will be required to undertake a survey of local drainage networks to find assess all suitable outfalls for surface water. A discharge into the highway drainage in Cold Hill Lane will not be acceptable. Pumping of surface water from the dwellings or new road to local sewers and / or watercourses / highway drains will not be acceptable as this would introduce a flood risk not currently present on site.

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 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.

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

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Calvert, Khan, Lyons, Pattison, AU Pinnock, Sarwar, Sokhal and Walton (8 Votes)

AGAINST: Councillors Bellamy, D Firth, Hemingway, Marchington, J Taylor and Wilkinson (6 Votes)

APPLICATION NO.

2015/92117

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

Lidl UK GmbH – Erection of single storey extension, formation of replacement entrance lobby and alterations to existing car park – Lidl, 160, Wakefield Road, Moldgreen, Huddersfield

CONDITIONAL FULL PERMISSION

(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 specification schedule 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) Prior to the resurfaced parking and access areas being brought into use (as indicated on approved drawing number 08 Revision F), these areas shall be laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

(4) Notwithstanding the details shown on the approved plans, a detailed scheme for the provision of the pedestrian dropped crossing to Mulberry Street with associated signing, white lining and amendments to the existing on-street parking arrangements shall be submitted to and approved in writing by the Local Planning Authority before any works to the 20 space car park on the south side of Mulberry Street commence. The scheme shall include construction specifications, lining and signing, surface finishes together with an independent Safety Audit covering all aspects of the work. All of the agreed works shall be implemented before any of the approved measures to control the use of the car park by Lidl customers only are implemented.

(5) A car park management plan shall be submitted to and approved in writing by the Local Planning Authority before any alterations to the 20 space car park on the south side of Mulberry Street commence. The plan shall include details of signing and markings and details of the supervision and marshalling of the car park. The plan so approved shall be implemented before the car park is restricted to use by Lidl customers only.

(6) Details of all new and replacement external artificial lighting columns shall be submitted to and approved in writing before the lighting columns are first installed. The details shall include: the height of the lighting columns; the hours of operation and; the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting. The lighting

APPLICATION NO. DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2015/92117 Cont'd

shall be installed in accordance with the approved details and thereafter operated in accordance with the approved scheme.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Bellamy, Calvert, D Firth, Hemingway, Khan, Lyons, Marchington, Pattison, AU Pinnock, Sarwar, Sokhal, J Taylor, Walton and Wilkinson (14 Votes)

AGAINST: (0 Votes)

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an “Other Interest”)	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.



Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)
Date: 26 NOVEMBER 2015

Title of report: LOCAL PLANNING AUTHORITY APPEALS

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name Is it signed off by the Director of Resources? Is it signed off by the Acting Assistant Director - Legal & Governance?	17 November 2015 Jacqui Gedman No financial implications No legal implications
Cabinet member portfolio	Cllr. S. Hall

Electoral [wards](#) affected: Colne Valley; Greenhead
 Ward councillors consulted: No

Public or private: Public

1. **Purpose of report**
For information
2. **Key points**
 - 2.1 COMP/12/0354 - Enforcement notice alleging material change of use from general industry to retail at Birkby Bargain & Home Improvement Centre, Bay Hall, Miln Road, Birkby, Huddersfield, HD1 5EJ. (Officer) (Appeal dismissed and enforcement notice upheld)
 - 2.2 2012/62/91594/W - Installation of one endurance 50Kw Wind Turbine at Field House Farm, Wholestone Moor, Outlane, Huddersfield, HD3 3FQ. (Officer) (Allowed)
3. **Implications for the Council**
Not applicable
4. **Consultees and their opinions**
Not applicable

- 5. Next steps**
Not applicable
- 6. Officer recommendations and reasons**
To note
- 7. Cabinet portfolio holder recommendation**
Not applicable
- 8. Contact officer and relevant papers**
Simon Taylor – Head of Development Management
- 9. Director responsible**
Jacqui Gedman

Appeal Decision

Site visit made on 1 September 2015

by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 October 2015

Appeal Ref: APP/Z4718/C/15/3006740

Lower Ground Floor, Birkby Bargain & Home Improvement Centre, Bay Hall Works, Miln Road, Birkby, Huddersfield HD1 5EJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Javid Akhtar against an enforcement notice issued by Kirklees Metropolitan Borough Council.
- The notice was issued on 6 February 2015.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use from industry to retail.
- The requirements of the notice are to cease the retail use and remove from the building all articles displayed and stored for sale.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2) (b), (c) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal succeeds in part in relation to the period of compliance but otherwise the enforcement notice is upheld as corrected and varied in the terms set out below in the Formal Decision.

Procedural Matters

1. Some of the representations focus, in part, on the planning merits of the alleged development. Reference is made to, amongst other things, the effect on local amenities, parking conditions and highway safety. However such considerations inform only whether planning permission should be granted, rather than whether planning permission was required for the matter stated in the Notice when it was issued. My decision is concerned only with the latter and, accordingly, I have not had regard to the former in determining this appeal.

The Enforcement Notice

2. Paragraph 2 of the issued Notice describes the land affected as the '*lower ground floor*', which, for ease, I shall abbreviate as '*the LGF*'. The area is physically separate from the floors above which are occupied by Deluxe Beds Limited who, in around 2011, let out the LGF to the Appellant. It appears the toilet and canteen facilities were not included in the tenancy. The site plan attached to the Notice covers the whole of the LGF area and is, technically, incorrect. Nevertheless, from the written representations, it seems to me that this deficiency has not caused any confusion. The Appellant has submitted¹ a revised site plan identifying the occupied area. For greater clarity, I shall substitute the plan attached to the issued Notice with this new site plan.

¹ By letter dated 22 September 2015.

3. It is apparent the allegation is better described as follows: *'Without planning permission, the material change of use of the lower ground floor from industry to its use for retail purposes'*. Greater precision follows when the requirements are phrased to require the cessation of the LGF for retail purposes. The intended corrections are minor and do not fundamentally alter the nature of the alleged development originally enforced against. The appeal parties understood the Notice's intent, because of the way and manner in which the grounds of appeal have been selected and presented. I am satisfied that no injustice to any party arises from any of the above corrections.
4. A planning contravention notice had been issued but the Council say it was unreturned. Enquiries have been made with HM Land Registry and documents show the subject land is owned by the Council. There are various 999 year leases registered. Interested parties include Mr Abdul-Razak Gulab Din and Mr Matloob Hussain as well as the HSBC Bank, and all individuals and organisations have been served with a copy of the Notice. It is unclear whether Deluxe Beds Ltd have been served with a copy of the Notice, however, I am satisfied the interests of the owner and occupiers have been satisfactorily protected because a timely appeal has been made.

Ground (b)

5. In legal grounds of appeal, the burden of proof rests with the Appellant with the standard of proof being the balance of probabilities. A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of material change of use; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.
6. The LGF can lawfully be used for general industrial purposes, which is classified as Class B2 of the Use Classes Order². The Appellant does not argue that the LGF was used for an industrial purpose when the Notice was actually issued. He vehemently denies that the LGF is used for the retail sale of cookers and refrigerators. He claims that domestic appliances are sold online through the company's own website, on internet sites such as Ebay and Gumtree, and on Preloved which had 1068 live adverts on 14 July 2015³. He maintains that white goods are serviced and despatched from the LGF, and that no retail sales take place onsite, though there is no evidence to show that there is a specific restriction on visiting members of the public to the site.
7. The Council's evidence is particularly instructive of the use of the LGF for the display of over 100 domestic appliances during the period leading up to the issuing of the Notice. My own observations confirmed the Council's evidence that significant amount of domestic appliances are stacked, arranged and laid out in rows. Walkways have been created and virtually all of the appliances have price tags on them, which suggests that the public can inspect displayed goods at leisure before purchase. There is a large counter area located in a prominent part of the LGF. The magnitude of the operations suggests the LGF is used for the display and retail sale of portable appliances.

² Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended.

³ Information taken from the Appellant's final comments.

8. In addition to all of that advertisements have been erected on the external elevations of the building, which are visible to the passing public, and show the availability of branded domestic appliances. The images show refrigerators and washing machines as well as other domestic white goods available in the premises. The front yard is used for open air display of white goods. To my mind the layout of the site together with the advertisements indicate that the LGF is open to visiting members of the public who can acquire domestic appliances for delivery or collection.
9. The Council's assertion is that the LGF is also used for the sale of Asian clothes on the internet. Its evidence includes images from a website, *PoshakCollection*, and photographs of garments on display in the LGF during the period leading up to the issuing of the Notice. I observed that part of the LGF is used for the display of Asian garments. The clothes include variety of designs with elaborate embroidery, which allows potential customers to view the type of fashion available. There are manikins presumably used to display garments. Given the considerable amount of clothes on display and the scale of the activity, it is plausible that the LGF is also used for the display and retail sale of clothes to visiting members of the public.
10. The evidence presented shows that there is no restriction on visiting members of the public who can view white goods and clothes before purchase. The arrangement and layout of the LGF together with the type of advertisements on the external elevations indicate that the site is used for the display of goods for sale to visiting members of the public. The character of the use of the LGF has significantly changed to a retail use given the nature and scale of the activities. The LGF is primarily used for retail purposes, which falls within the ambit of Class A1 of the Schedule to the Use Classes Order. I find that a physically and functionally separate retail planning unit has been created.
11. In addition to local planning policy objections to the use of the LGF for retail purposes, as identified in the reasons for the issuing of the Notice, interested parties have concerns about the effect of the change of use on amenities and traffic. There is evidence of increased comings and goings associated with the retail activity. I consider that the LGF's change of use from general industrial to retail is likely to have both on and offsite planning consequences.
12. As a matter of fact and degree, the particular facts show a material change of use of the LGF has occurred as a matter of fact. The description of the corrected allegation is correct. Therefore ground (b) must fail.

Ground (c)

13. The Appellant provides no evidence to show that the change of use of the LGF from general industrial to retail benefits from a deemed planning permission. There are no specific permitted development rights set out in the Town and Country Planning (General Permitted Development) Order 1995 as amended⁴ for the change of use of the LGF from its lawful industrial use to its use for retail purposes. Express planning permission is required and it has not been obtained. The corrected matters constitute a breach of planning control. Ground (c) must also fail.

Ground (g)

⁴ Amended by statutory instrument 2015 no. 596, the Town and Country Planning (General Permitted Development) (England) Order 2015, which came into force on 15 April 2015.

14. It is necessary to consider whether the compliance period specified in the notice is reasonable. The Council's main argument is that two months is sufficient to comply with the terms of the Notice. It considers that most sales are done over the internet and the relocation of domestic appliances to an alternative storage unit should be straightforward.
15. However, firstly, I consider that the requirement to cease the use of the LGF for retail purposes is likely to cause some disruption to the business, the Appellant and employees; extending the compliance period has the potential to minimise disruption. Secondly, suitable alternative accommodation would be required to relocate significant amount of bulky products and stock. Arrangements for appropriate transport would need to be made, which could take some time. Thirdly, an extended period would not place a disproportionate burden upon the Appellant and his business. Therefore, six months would be reasonable and as I am varying the period of compliance, ground (g) succeeds to this limited extent only.

Overall conclusions

16. For the reasons given above and having considered all other matters, I conclude that the appeal on grounds (b) and (c) fail. Ground (g) succeeds because a reasonable period of compliance is six months and I shall vary the Notice. Subject to the corrections and a variation, the appeal is dismissed and the Notice is upheld.

Formal Decision

17. It is directed that the enforcement notice be corrected by:
- (A) The deletion of all of the text in paragraph (3), the breach of planning control alleged, and the substitution therefor of the following text: *'Without planning permission, the material change of use of the lower ground floor from industry to its use for retail purposes'*
 - (B) The deletion of all of the text in paragraph (5), what you are required to do, and the substitution therefor of the following text: *'Cease the retail use of the lower ground floor and remove from the lower ground floor all articles displayed and stored for sale'*
 - (C) The site plan attached to the Notice is deleted and substituted with the plan annexed to this decision.
18. It is directed the enforcement notice be varied by the insertion of the following words beneath the corrected requirement: *'Time for compliance with the enforcement notice is six months'*.
19. Subject to the corrections and variation, the appeal is dismissed and the enforcement notice is upheld.

A U Ghafoor

Inspector

Plan

This is the plan referred to in my decision dated: 05.10.2015

by **A U Ghafoor BSc (Hons) MA MRTPI**

Land at Lower Ground Floor, Birkby Bargain & Home Improvement Centre, Bay Hall Works, Miln Road, Birkby, Huddersfield HD1 5EJ

Reference: APP/Z4718/C/15/3006740

Scale: Not to scale



Appeal Decision

Site visit made on 24 February 2015

by Michael Moffoot DipTP MRTPI DipMgt MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 November 2015

Appeal Ref: APP/Z4718/A/14/2220140

Field House Farm, Wholestone Moor, Outlane, Huddersfield HD3 3FQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Matthew Tidmarsh (DC21) against the decision of Kirklees Metropolitan Council.
 - The application Ref: 2012/62/91594/W, dated 14 May 2012, was refused by notice dated 10 January 2014.
 - The development proposed is installation of 1 Endurance 50kW wind turbine 34.2m in overall height (ie to blade tip).
-

Decision

1. The appeal is allowed and planning permission is granted for installation of 1 Endurance 50kW wind turbine 34.2m in overall height (ie to blade tip) at Field House Farm, Wholestone Moor, Outlane, Huddersfield HD3 3FQ in accordance with the terms of the application Ref: 2012/62/91594/W dated 14 May 2012, and subject to the conditions in the attached Schedule.

Procedural Matter

2. The Secretary of State for Communities and Local Government issued a Written Ministerial Statement (WMS) on 18 June 2015 setting out considerations to be applied to proposed wind energy development. I have taken into account the changes to policy arising from the WMS and associated amendments to the *Planning Practice Guidance* together with the views of the main parties on the matter.

Main Issues

3. The main issues in this case are:
 - (i) whether the proposal would be inappropriate development in the Green Belt;
 - (ii) the effect of the development on the openness of the Green Belt and the purposes of including land in it;
 - (iii) the effect on the character and appearance of the area, including the cumulative impact;
 - (iv) the effect on the significance of designated heritage assets; and
 - (v) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, including the provision of renewable energy, so as to

amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. Paragraph 89 of the *National Planning Policy Framework* ('the Framework') sets out the types of new buildings that are not considered inappropriate in the Green Belt. It does not include wind turbines; indeed, paragraph 91 states that elements of many renewable energy projects in the Green Belt will comprise inappropriate development.
5. The appeal proposal would therefore be inappropriate development which the Framework advises is, by definition, harmful to the Green Belt and such harm should be accorded substantial weight.

Openness and purposes

6. With a hub height of some 24m and a blade tip height of about 34m the proposed turbine would have some presence within its local setting and as a man-made feature in the Green Belt, together with the associated control cabinet, would result in some loss of openness. However, given the slender form of the turbine and modest size of the cabinet the reduction in openness would be moderate in this case.
7. Having regard to the scale and form of the turbine and the nature of the development, the proposal would also result in some encroachment into the countryside in conflict with one of the five purposes of the Green Belt as described in paragraph 80 of the Framework. Together with the moderate loss of openness, this militates against the proposed development.

Character and appearance

8. Amongst other things, saved Policy EP8 of the *Kirklees Unitary Development Plan* (UDP) permits wind turbines and associated infrastructure provided the development will not cause serious harm to the character, recreational value and visual amenity of the Green Belt or landscape. These objectives are broadly consistent with the provision for acceptable forms of wind energy development in the Framework.
9. The landscape in the vicinity of the appeal site carries no formal designation. The proposed turbine would be sited to the west of Scapegoat Hill on an elevated moorland plateau in open countryside where rough, largely treeless grazing land is enclosed by dry-stone walls and fencing. The character of the surrounding area derives in large part from its exposed upland location with extensive views to the north and south over lower lying landscapes of the Southern Pennines and steep-sided valleys leading to scattered settlements and expansive urban areas in the valley floors. The site is within the 'Rural Fringes' Landscape Character Type in the *Landscape Capacity Study for Wind Energy Developments in the South Pennines* (2010) with an overall landscape sensitivity of 'moderate', where the key constraints are its relatively small scale and extent, the intimacy and complexity of its land cover and its densely settled character which makes it highly sensitive in visual and recreational amenity terms. I agree with this assessment. Reference has also been made to Supplementary Planning Guidance: *Wind Energy* which includes details of

the matters which will be taken into account in assessing proposals for turbines.

10. There are a number of vertical features in the vicinity of the site. They include a medium-scale wind turbine to the immediate east and two smaller twin-bladed turbines adjacent to the track to the south that forms part of the Kirklees Way. There are three lattice telecommunications masts at the radio station to the south of the site, another at the reservoir to the east and one to the rear of properties fronting Halifax Road to the south-east. A pair of tall monopole masts is visible some distance to the south-west of the site towards the aptly named Pole Moor and various overhead lines are evident in the local area. From the elevated appeal site and its environs I also noted a wind farm and individual turbines in the wider landscape, including a number close to the busy M62 to the west and other randomly sited installations to the north. The landscape also features prominent lines of pylons, overhead telegraph poles, street lights and lighting columns along the motorway corridor.
11. This is not therefore an environment that is devoid of turbines and other vertical infrastructure development; indeed, it could be argued that they are a defining feature and established characteristic of the area consistent with the moderate sensitivity of the landscape. In this context therefore, the introduction of an additional wind turbine of the scale proposed would have a limited impact and would not be the strident feature that the Council contends. Its effect would be most pronounced from local viewpoints, including the public right of way to the east of the site and another to the south/south-west. It would also be seen from the section of Kirklees Way between Halifax Road and the radio station and from Scapegoat Hill. For receptors using these routes the turbine would be noticeable but would be observed in conjunction with the numerous infrastructure items in the vicinity so that its visual impact would be limited.
12. From other viewpoints, including the more outlying ones identified in the appellant's photomontages and from other roads and public rights of way in the wider area, the impact would be less pronounced due to distance and intervening topography, vegetation and built development. As a consequence the magnitude of visual impact would be changeable, from insignificant at a distance to moderate at close quarters. As to cumulative impact, the proposal would not generally be observed in the context of other turbines in the wider landscape. However, it would be viewed more locally in conjunction with the turbines and telecommunications masts in the vicinity of the site, resulting in a moderate cumulative impact.
13. Drawing these findings together, I conclude that whilst there would be some visual impact arising from the proposal the overall impact of the development would be of a low to moderate magnitude, and as such would not result in material harm to the character and visual amenity of the landscape that Policy EP8 of the UDP seeks to protect.

Heritage assets

14. UDP Policy EP8 also includes provision for wind turbines where they will not cause serious harm to the character, appearance or setting of a listed building. One of the core principles of the Framework is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for the

contribution to the quality of life of this and future generations. Paragraph 132 states that great weight should be given to the asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

15. The Council submits that the individual and group setting of various Grade II listed buildings in the vicinity of the site would be adversely affected by the proposed development. The nearest properties are at Harts Hole and Rochdale Road and includes early to mid-19th century detached and terraced stone cottages and a barn with stone slate roofs and multi-light mullioned windows typical of traditional weavers' dwellings that are found throughout the area. However, these buildings are a significant distance from the appeal site and their setting would not be compromised by the proposed development due to the intervening landform of Wholestone Moor.
16. Listed properties on High Street, School Road and Chapel Street at Scapegoat Hill are further still from the appeal site and their setting is informed in large part by the tight-knit arrangement of built development within and on the edge of the village. In this context and given the separation distances involved the setting of these properties would not be affected by the proposed development.
17. The Scapegoat Hill Baptist Church on School Road is a substantial two-storey building of dressed stone under a pitched blue slate roof. It is an imposing example of Victorian religious solemnity with a considerable presence on the western edge of the village. Although the building's exposed upland location makes a significant contribution to its setting within the local landscape it would be more than 600m from the appeal site, and would not therefore be affected by the development. The setting of the standing stone/milestone at the junction of Nettleton Hill Road, School Lane and Round Ings Road has been greatly compromised by the clutter of road signage that surrounds it to the extent that its significance as a heritage asset has been significantly diluted. The appeal proposal would not result in further harm to its setting.
18. Reference has also been made to listed buildings at New Hey Road near Outlane on the north side of the M62, which are also a considerable distance from the appeal site and do not rely on it to define their setting. The listed buildings at Round Ings Road are well below the site and their setting relies on the grouping of the buildings and their architectural and historic significance rather than the wider surroundings.
19. Considerable importance and weight should be given to the protection of designated heritage assets. However, in the case of the examples cited by the Council I am satisfied that the turbine would not materially harm the significance of these heritage assets or their setting. As such, there would be no conflict with Policy EP8 of the UDP.

Other considerations

20. The Framework advises that where renewable energy projects comprise inappropriate development, developers will need to demonstrate very special

circumstances if projects are to succeed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

21. The appellant advises that the proposed turbine would generate an estimated 250,000kWh annually - sufficient to power about 55 dwellings - and would reduce carbon emissions by some 140 tonnes per annum. Although these are relatively modest amounts, the Framework makes it clear that even small-scale projects can provide a valuable contribution to cutting greenhouse gas emissions and assist in ensuring future energy security. I attach significant weight to the benefits that the appeal proposal would bring about in these respects.
22. I also acknowledge that small-scale projects such as this can bring about economic benefits and job opportunities which can make a modest contribution to the local and wider economy. This attracts moderate weight in favour of the development.

The balancing exercise

23. The turbine represents inappropriate development in the Green Belt which is, by definition, harmful, and this harm must be afforded substantial weight according to the Framework. There would also be some loss of openness and a degree of encroachment. I attach no material weight to the impact of the proposal on the character and appearance of the area or the effect on the significance of heritage assets.
24. On the other side of the coin the provision of renewable energy, the resultant reduction in CO₂ emissions and security of supply attract substantial weight, and such wider environmental benefits arising from the generation of energy from renewable sources may contribute to very special circumstances according to the Framework. When weighed against one another, the other considerations in this case clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other moderate harm to the Green Belt I have identified. I therefore conclude that the very special circumstances necessary to justify the grant of permission exist in this case.
25. However, with reference to the transitional provisions set out in the WMS I note that the site is not in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan. In these circumstances, the WMS states that local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by the affected local communities and therefore has their backing. In this case there were no objections from the affected local community and as such the proposal would meet the transitional arrangements contained in the WMS. Significant weight can be accorded to this.

Conditions

26. The Council has provided suggested conditions in the event that the appeal succeeds. Where appropriate, I have amended the suggested conditions to accord with guidance in the *Planning Practice Guidance*.
27. In addition to the usual conditions regarding the commencement of development and compliance with approved plans, conditions to address the

requirements of the Ministry of Defence and Highway Authority are appropriate. In the interests of public safety. To safeguard visual amenity I shall require approval of the colour finish to the turbine and control cabinet.

28. Given the mechanical limitations of the wind turbine it is necessary and reasonable to impose a temporary permission for 25 years and require removal of the entire installation at the end of the period or if it ceases to operate within the 25 year period.

Conclusions

29. For the reasons set out above, I conclude that the proposal is acceptable and the appeal should succeed.

Michael Moffoot

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (i) site location plan drawing no 02; (ii) elevation drawing no 05; and (iii) foundation/cabinet detail drawing no 06.
- 3) No development shall commence until written notification of the following details has been submitted to the Local Planning Authority for the information of the Ministry of Defence:
 - (i) the date for the erection of the wind turbine;
 - (ii) the maximum height of the construction equipment; and
 - (iii) the latitude and longitude of the wind turbine.
- 4) No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which provides the following details:
 - (i) measures for the protection of public safety on definitive footpath no. Col/41/10 during the construction period;
 - (ii) the access route to transport materials and equipment to the site;
 - (iii) temporary warning and direction signs on approaches to the site;
 - (iv) the location of materials storage and car parking areas for construction workers during the construction period.

The approved scheme shall be implemented and maintained throughout the construction period.

- 5) No development shall commence until details of the colour(s) and finish of the wind turbine and control cabinet have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) The planning permission hereby granted shall be for a period not exceeding 25 years from the date electricity is first exported to the National Grid. The date on which electricity is first exported to the National Grid shall be notified in writing to the Local Planning Authority within 28 days of that event.
- 7) At the end of the 25 year period referred to in condition 6, the wind turbine shall be decommissioned. Within 3 months of the decommissioning, the wind turbine and any associated equipment shall be removed from the site and the site shall be restored in accordance with a scheme which shall previously been submitted to and approved in writing by the Local Planning Authority.
- 8) If the wind turbine hereby permitted ceases to operate for a continuous period of 6 months, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment and structures relating solely to the wind turbine shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 3 months of the date of its written approval by the Local Planning Authority.

Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Date: 26th November 2015

Title of report: Planning Application no. 2014/93946 at land at Lingards Road/Manchester Road Slaithwaite -Outline application for residential development with associated access onto Lingards Road.

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan?	No
Is it eligible for "call in" by Scrutiny?	No
Date signed off by Assistant Director & name	Paul Kemp Assistant Director Date: 17 November 2015
Is it signed off by the Director of Resources?	N/A
Date signed off by the Assistant Director – Legal, Governance and Monitoring	Julie Muscroft Date: 17 November 2015
Cabinet member portfolio	Cllr Steve Hall

Electoral wards affected: Colne Valley Ward

Ward councillors consulted: No

Public or private:

Public

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
<http://www.kirklees.gov.uk/business/planning/advicenotes/PublicSpeakingCommittee.pdf>

1. Purpose of the report

For Members to re-consider and determine the planning application.

2. Background

An application for planning permission was received on the 6 January 2015 seeking outline planning permission for the erection of residential development at land off Lingards Road Slaithwaite.

The planning application was reported to Sub-Committee on 15th October 2015 and Members resolved to “grant conditional outline approval subject to the delegation of authority to officers to impose all necessary and appropriate conditions which may include those at the end of the report and, there being no substantive change that would alter the recommendation, issues the decision”.

The full committee report included in the 15 October 2015 agenda, the update, along with the resolution, is appended to this report.

On the evening of 15th October 2015 objections were received from a local resident stating, amongst other things, that he and other members of the Lingards Community Association had been unaware that there was a planning committee meeting taking place on that day or that this planning application was on the agenda. The objector forwarded a copy of an email from Development Management in which he had been informed that “This application will definitely be determined by Committee Members at the Strategic Planning Committee”. This email dated from January 2015 and predated the changes to the Terms of Reference for Sub-Committees approved by Council in March 2015. No subsequent communication had been made with the objector informing him that the application would now be determined by Sub-Committee.

This matter was discussed with the Chair of Sub-Committee. Chair asked that the application be brought back to Sub-Committee for determination in light of the unequivocal information given to the local resident in January which had not been updated when the Terms of Reference for Sub-Committees changed.

The correspondence received on the evening of 15th October, and subsequent emails, also contained some specific objections to the development which are considered in the next section of the report.

3. Key Points

The objector raised four main points; the first was that the application was being reported to the Huddersfield Sub-Committee rather than Strategic Committee. In response this is in accordance with the Terms of Reference for the Area Planning Sub-Committee which were approved at the public meeting of Council on 11th March 2015.

Three other objections were highlighted, in summary:

- A.** Mandatory requirements of the Habitats and Species Regulations 2010 and the duty of the developer

- B. Publicising the landscape assessment
- C. Development not sustainable on a number of grounds, including drainage.

These are addressed below in the order raised by the objector.

A. Mandatory requirements of the Habitats and Species Regulations 2010

Objector states

“The site is within the Government designated impact assessment zones for both the South Pennines SPA Phase 1 and South Pennines SPA Phase 2. Under the Habitats and Species Regulations 2010 the developer is therefore required under European Law to PROVE THAT HIS DEVELOPMENT WILL NOT HAVE AN ADVERSE IMPACT ON THE INTEGRITY OF THE SPECIAL PROTECTION AREAS. The developer has not even tried to prove that his development will not have an adverse impact on the integrity of both Special Protection Areas and the Council has failed in its duty to require that proof. I have specifically raised this issue twice in my formal responses to the planning application but there is almost no mention of it in the officer’s report. Quite simply the Members of the Committee were not properly informed about the European legal requirements when they made the decision this afternoon and the distance of the site from the Peak District National Park boundary was misreported by Officers”.

Response:

Before the application was reported to Sub-Committee the views of the Council’s Ecology & Biodiversity Officer was sought, the conclusion being that the development site in question is not functional to the SPA. The application was assessed on this basis.

Furthermore, the Council’s Ecology & Biodiversity Officer attended the Committee on 15th October, to clarify this position and answer any questions raised, in relation to this matter.

In reply to this the objector on 21st October stated:

“It is not open to Kirklees Council’s ecologist or the planning department to simply dismiss the requirements of “the Habitats and Species Regulations 2010”, on the grounds that you personally perceive that “the development site in question is not functional to the SPA”. You also cannot weigh “Habitats and Species” requirements against normal planning requirements. As you know, “Habitats and Species Regulation” requirements are mandatory legal requirements backed by European law. As an upland meadow which is not intensively farmed, the site is a typical bird feeding ground, within the designated impact assessment zones and within the accepted feeding radius for Twite and other species nesting on the moorland habitats of TWO Special Protection Areas. (I have personally witnessed a wide variety of birds feeding in the field every day, including birds that could well have been Twite). The applicant MUST therefore PROVE that the development will not adversely impact the integrity of the two Special Protection Areas and he has failed (not

even tried) to do so. Any planning approval without that proof is therefore automatically unlawful. Critically your officer report did not fully and properly advise the planning committee about the mandatory requirements of the Habitats and Species Regulations 2010 or that the developer had made reference to the wrong regulations in his supporting documentation. NB: The principles of the Habitats and Species Regulations that apply to this site are the same principles that applied to the recent (now defunct) proposal to construct Wind Turbines on Slaithwaite Moor”.

Response:

The objector understands that European Sites enjoy a strict system of legal protection and the precautionary principle applies which makes it clear that when considering any development which may impact upon the site’s features conservation objectives apply to the whole of the site AND any development which limits the distribution or suppresses the populations of relevant species within the site will be deemed to impact on site integrity. This includes functional land remote from the site. It is agreed that the principles of the Habitats and Species Regulations that apply to this site are the same principles that applied to the recent (now defunct) proposal to construct Wind Turbines on Slaithwaite Moor. However, in this case a different set of facts relate to:

- Characteristics of development
- Proximity of the site to the Special Protection Area (SPA), and
- Characteristics of the existing site resulting in a different conclusion which is set out below.

However, at this point it should be noted that the Habitats Directive requires that a competent authority undertake the following appropriate assessment requirements when considering development which may impact on a European Site namely:

- Determine whether a plan or project may have a significant effect on a European site
- If required, undertake an appropriate assessment of the plan or project
- Decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment

Consequently the crucial first question to consider in this process is, will the development have a significant effect? If it is determined that it would not, then there is no requirement to carry out a formal appropriate assessment

In this case

- the applicant has provided an ecological assessment The ecological survey has established that the grassland is horse grazed pasture which is mostly agriculturally improved although

there are patches of more species-rich grassland. There are a number of grassland breeding bird species which may use this type of grassland for foraging and breeding although the species for which it appeared most suitable were found not to be present during the survey. These species include lapwing, skylark and meadow pipit. Although the site is not optimal for these species (for reasons of habitat and proximity to residential properties) there was potential for them to be present in low numbers, hence the request for further bird survey work. This indicates application of a Material Consideration rather than as a requirement under the HRA process.

- The Lingards Road proposed development site is not in the SPA. The Habitat Regulations only apply to European Designated Sites. The site does not fall within a Designated Site and is over 2km from the boundary of the South Pennine Moors Special Protection Area (SPA) Phases 1 and 2. Nevertheless, consideration must be given to whether the land within the proposed development site is 'functional' to the breeding cycle of bird species for which the SPA is designated (known as Qualifying Features). Functional land includes that used for foraging, loafing or pre/post season gatherings. NB the underlined terms are ecologically significant and precisely defined behaviours.
- Use of functional land only applies to Qualifying Species breeding (again note must be taken of the precise underlined activity which is ecologically significant) within the SPA boundaries. Qualifying species in this particular SPA include curlew, golden plover and twite. However, birds of the same species breeding (note the precise term) outside the designated site are not covered by the Regulations.

SPA bird species and use of functional land

- The main bird species which may use functional land (for the specified ecological purposes of functional land, ie foraging, loafing or pre/post season gatherings) which is remote from the Designated Site (as Lingards Road is) are curlew, golden plover and twite. However, whilst that is a possibility, in this case, the reason why these birds **are unlikely to** use the Lingards Road site is as follows:
- Curlew are very unlikely to travel more than 1km from their nest sites to feed and tend to avoid areas of habitation. The site is 2km away and surrounded by houses.
- Golden plover may travel up to and even beyond 2km from their nest site. However Lingards Road is too disturbed (in terms of the proximity of human activity). This species also tends to be faithful to traditionally used foraging sites and this is not one of them.

- Twite foraging sites are generally within 2km of their nest sites (this site is outside that distance from the nearest colony) and they favour hay meadow. Hay meadow, with a very specific range of plants as twite feed on their seeds, is a critical habitat for their survival. The development site is not hay meadow (it is horse grazed) and is very much sub-optimal habitat for twite.
- Both peregrine falcon and merlin may range much more widely from the SPA to feed (on other birds) but this site is not in any way critical or significant to their survival.
- Much of the functional habitat used by other species (such as short-eared owl) is adjacent to and contiguous with the SPA (Lingards Road is not) or, they will hold territory entirely within the SPA boundaries during the breeding cycle.

For these reasons the ecologist for the council, who has assessed the gathered evidence relating to the site and its ecology, as the Competent Ecologist for the Local Authority concludes that the development site in question is not in any way relevant or functional to the South Pennine Moors Phases 1 and 2 Special Protection Area and **will not therefore have a significant effect on the SPA. Consequently, bearing in mind the steps outlined above which specify the appropriate assessment requirements for sites which may impact on a European site there** is no requirement to enter into the process **of making an appropriate assessment in this case.**

It should also be noted that there is no expectation from Natural England, according to the information relating to SSSI Risk Zones, for them to be consulted on residential developments at this site.

B.- Publicising the landscape assessment

objector states

“The “landscape” report/assessment referred to in the officers report has never been published on the Council’s website and, other than verbally at the committee hearing (which no-one knew about anyway) there has never been an opportunity for the public to comment on it. I have previously and specifically requested in writing that this report should be published on the planning website as part of the application documentation / consultee responses and that the public should be given the opportunity to comment on it. Sadly it was not published on the website and the public have not had the opportunity to comment on it – AT A TIME WHEN THE PUBLIC COMMENT COULD INFLUENCE THE OUTCOME”.

Response:

The Council’s Landscape Architect was consulted on the application and undertook a Landscape Assessment. The consultation response was received on 29th September and posted onto the website on 1st October under “Consultations” with all other consultee responses. It has been publicly available to view on the website since 1st October and the Sub-Committee report makes detailed reference to it in the assessment of the application.

The Sub-Committee report itself was also available to the public on the website, five days in advance of the Committee meeting on 15th October. This was both within the specific planning application record for 2014/93946 and in the Agenda for the meeting itself. This allowed opportunity for the public to comment on it should they have wished to do so. Any objections/correspondence received in relation to this would have then been reported in the update which is finalised a day before the committee meeting, in this case on 14th October.

In reply to this the objector on 21st October stated:

“By your own admission the landscape assessment was posted on the Council website on 29th September. If I remember the closing dates correctly, this was 6 (six) days AFTER the closure date for public comment. The public have therefore not had the opportunity to formally comment on this landscape report – ESPECIALLY AT A TIME WHEN THEIR COMMENTS COULD INFLUENCE THE OUTCOME. This is a fundamental requirement of public consultation”.

Response:

The Landscape Assessment was posted on 1st October and not 29th September. This was in fact after public consultation end date. However, as stated above this is a consultee response and in no way precludes anyone commenting on it at any time. More importantly, as stated above, had any correspondence been received after this date, it would have been reported in the Committee update, which is general practice and not out of the norm on many other applications being considered at Committee meetings.

On 4th November in relation to the above issue the objector made further comments stating:

“That there has been no opportunity for the public to respond to the landscape report, before closure of the Consultation period. In fact I find it quite disturbing that the consultation closure date was changed at the very last minute from 23rd September to 1st October, to try gloss over the fact that the landscape report was not posted on the website until 1st October. Even so, it still doesn't make the process right or lawful”

Response:

The public consultation date was in fact amended on two separate occasions. The first was on receipt of additional information in the form of an extended Phase 1 Habitat Survey report which was received on 28th August 2015. Neighbour notification letters were sent out by post on 4th September allowing a further 21 days for public to comment by 25 September 2015. Subsequent to this, the applicant amended the description of the proposals, to omit any reference to the number of units. In light of this site notices were posted on 10th September, with a publicity end date to 1st October, hence the change, to the publicity end date. It is important to note the publicity consultation end date relates only to the any timeframe in which the application has been publicised or re-publicised by the Council. The public consultation end date does not relate to receipt of consultee responses, which the landscape assessment is, as carried out by the Council's Landscape Architect.

C. Sustainability of the proposal, including drainage:

objector states

“The proposed development is not sustainable on multiple counts. However, at this point I will only specifically note that the developer has failed to prove that the existing land drainage and projected surface water run-off from the developed site can be satisfactorily managed. As a retired Chartered Engineer with (at one stage) Management responsibility for drainage issues across Kirklees, Calderdale and Wakefield I am better positioned than most to advise you that the development cannot be satisfactorily drained and it is therefore not deliverable -- no matter how many planning approvals are granted. The developer may not have been seeking approval of drainage details today but it is incumbent on the Council, even at this stage, to ensure that the development is sustainable and deliverable before granting outline approval. The reality is that it is neither”.

Response:

On the issue of sustainability the Officers assessment in the report to Sub-Committee addresses this concluding that the development of this site is, in principle, sustainable. In terms of drainage issues, consultation was undertaken with three drainage bodies namely the Environment Agency, Yorkshire Water and the Council’s own Flood Management and Drainage Team. The committee report appended to this report considers the drainage issues on this site in detail. The proposals are submitted in outline only, seeking the principle of developing this site and point of access. Whilst acceptable in principle, conditions are imposed to address drainage issues. There are no fundamental objections to the development of this site on drainage grounds.

In reply to this the objector on 21st October stated:

I accept that this may not be the right time to debate the question of wider sustainability and my comment regarding lack of sustainability was more to emphasise the wider inappropriateness of your planning “decision” last Thursday, than to engage in debate on the issue. However I must continue to point out that the site is not sustainable for a number of reasons and that you have not given appropriate or collective weight to the many arguments against the development.

The on and off-site drainage problems are critical to the principle of development, because they are extremely complex and concern safety issues and deliverability of the site, as well as sustainability. As far as I am aware THERE IS NO VIABLE DISCHARGE POINT FOR THE SURFACE WATER RUN-OFF from the proposed development. It is simply not appropriate to connect surface water run-off in to the old inadequate field drains that service the site at present (they are NOT watercourses but are, perhaps rather misleadingly, described as such in the various documents). It is also not viable to connect the surface water run-off to the combined sewer system and it is not viable to construct a new surface water sewer down to the River

Colne because of the intervening public cemetery and almost vertical slopes adjacent to the river. In the absence of any sustainable drainage proposal, the developer has “thrown in” a number of possible drainage solutions that have not even been cursorily investigated and have no basis in fact. They are totally impractical and undeliverable. For example he has indicated that he could attenuate run-off from the site by the use of over-size pipes to provide on-site storage. This might be an acceptable drainage solution in “flatter” areas but it is not a practical or safe option for this site because it is on a very steep hill-side. Any “over-topping” once design flows have been reached, or due to blockage of the “storage control point”, would cause severe fast “flowing” overland flooding directly through residential properties fronting on to Manchester Road. The developer has also completely ignored at least one significant field drain that runs through the site, along with the technical and legal problems arising from demolition of the private spring water supplies to the adjacent farm. The land drainage and surface water run-off problems are so severe and critical to the viability of the whole development that it is simply not appropriate to deal with it as a condition on the planning approval. This is not a situation where the drainage problems can be resolved at detailed design stage and it is wholly inappropriate to deal with it as a planning condition. I should perhaps add that the combined sewer in Lingards road is also heavily overloaded. I have numerous photographs of foul sewage flowing out of the manhole covers during storm conditions at the junction of Lingards Road and Yew Tree Lane. I have not put this foul sewer flooding information forward previously as the developer has not yet proposed a connection to the sewer in Lingards Road. I mention it now in case anyone does mistakenly think it is an option. I repeat that I do have substantial drainage experience and would be accepted in any court of law as a drainage expert.

Response:

Officers acknowledge this is a complex site and following a number of site visits by officers, a number of covered and uncovered watercourses have been discovered in several locations in addition to those shown on OS plans. These appear to be in varying states of repair.

The Council’s own Flood Management and Drainage Officer advised the indicative layout submitted did not take into account the position of the interceptor trench and no details have been submitted indicating how this would be managed in relation to the submitted layout. In addition it is acknowledged, it was not made clear how the applicants proposed to accommodate attenuation in relation to plot layout. Officers are knowledgeable and understand diversions of these systems will not be simple and blockage and exceedance scenarios, i.e. where water will go if it emerges at the surface also has to be determined prior to layout design. This advice has been provided to the applicant and drainage consultant working on this project. The submitted layout does not now form part of the application and the only detail submitted for approval is the point of access.

The Council’s Flood Management and Drainage Officer also advises, contrary to the objector’s statements, that a potential outfall has been identified that

would not involve the cemetery or connecting to any system mentioned in the Objector's response and that discharge rates will be smaller than envisaged in the consultants submissions.

In light of the above, neither the flooding and drainage assessment accompanying the application nor the indicative layout are acceptable; as set in the Officers assessment/ report to Members on the 15th October Agenda. Moreover, the report recommends, following the advice of three drainage bodies, that comprehensive detailed drainage investigations and proposals, relating to both existing and proposed systems of surface and foul drainage along with all watercourses on site, are required as part of any detailed application. Any drainage proposals submitted will be scrutinised thoroughly and the proposed layout of the development would have to be informed by the drainage proposals for the site. This issue can be addressed by appropriately worded conditions as set out in section 8 of this report.

It is considered that drainage issues are capable of resolution by condition and that whilst this might delay implementation, so preventing the early achievement of the economic and social benefit of the scheme, it would still constitute a sustainable development.

Conclusion

The report to Sub-Committee on 15th October 2015 concluded that the development would constitute sustainable development. The report took into account the policies set out in the NPPF which, taken as a whole, constitute the Government's view of what sustainable development means in practice. The application was assessed against relevant policies in the development plan and other material considerations. The report now put forward for Members has considered and addressed in more detail objections received subsequent to the meeting. This does not alter officers' conclusion in the original report that the development would constitute sustainable development.

5. Implications for the Council

N/A

6. Consultees and their opinion

See report to Planning Sub-Committee (Huddersfield) on 15 October 2015, the update, and information in section 3 of this report.

7. Next steps

Officers recommend that having brought the matter back to Committee for the reason set out in section 2, and having taken into account and addressed the objections received, that Members note the objections and issue the decision notice in line with the recommendation and subject to the revised conditions set out in section 8 below.

8. Officer recommendation and reasons:

For the reasons set out in the report to Sub-Committee on 15th October 2015 and taking into account the information provided in this report officers recommend:

GRANT CONDITIONAL OUTLINE PLANNING PERMISSION

1. Approval of the details of the, appearance, scale, layout and landscaping of the site (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, scale, layout and landscaping of the site, 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 any reserved matter 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 before the expiration of two years from the date of the approval of the last of the reserved matters.

5. The development shall be carried out in complete accordance with the recommendations set out in Section 5 of the extended Phase 1 Habitat Survey by SLR Global Environmental Solutions reference no. 424.04328.00004 dated December 2014.

6. Details of landscape submitted pursuant to conditions 1 and 2 shall include a full ecological/biodiversity mitigation and enhancement measures plan (BMEP). This shall include the:

- retention of the existing open water course ,
- retention of parts of the existing areas of rich grassland and trees, and
- bird nesting features in the form of wooden or woodcrete nest boxes integral to new dwellings or to be located on trees within the site,
- issues set out in Kirklees Ecology & Biodiversity officer's consultation response dated 11th September 2015, and
- a phasing plan
- details of a maintenance

The development shall thereafter be carried out in complete accordance with the approved BMEP. 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.

7. 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. Unless otherwise 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.

8. 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.

9. 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 educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority

10. Development shall not commence until a scheme detailing the layout, construction and specification of the highway works;

- a) at the site access junction with Lingards Road (with reference to drawing no. 7364/001 Rev A); and
- b) on-site and off-site improvements at PROW Colne Valley public footpath 133;

together with all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained.

11. Before development commences a scheme for the provision of an information pack, detailing local bus and rail services and the availability of local services and facilities and Residential Metro Cards for first time occupiers of each dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for their provision. Thereafter the development shall be undertaken in accordance with the approved scheme.

12. No development authorised by this permission shall commence until a detailed scheme for the improvement of bus stops nos. 19383 & 19384 to provide sheltered bus stops has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with Metro's guideline document – "Bus Stop Infrastructure Guidelines and include:

- details of how the kerbs at the aforementioned stops will be raised to a height of 180mm,
- seating, lighting, and
- bus timetable information
- a timetable for the implementation of the improvement works to be carried and completed.

The development shall thereafter be undertaken in accordance with the approved details and timetable for implementation and completion.

13. The development shall not be brought into use until visibility splays of 2.4 m x 68 m and 2.4 m x 60 m along Lingards Road at the site access junction as indicated in drawing no 7364/001 Rev A in which there shall be no obstruction to visibility above the level of the adjacent carriageway as indicated on the approved plan have been completed. Thereafter, visibility splays as specified above shall be retained.

14. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

15. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls and building walls adjacent to the existing highway shall be submitted to and approved by the in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained

16. Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed. The electric vehicles charging points so installed shall thereafter be retained.

17. 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.

18. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 17 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 measures.

19. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 18. 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.

20. 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

21. Any reserved matters of 'layout' of the site submitted pursuant to conditions 1 and 2 shall be accompanied by the following drainage information:

- a. a detailed survey of existing drainage systems (including the location, size, depth and condition of all existing watercourses including, pipework, wells, trenches and drainage apparatus/infrastructure) within the site and how they connect to adjoining off-site drainage networks;
- b. a scheme to manage flows in channel, exceedance events and blockage scenarios (overland flow) for on site systems and the surrounding area in both directions and flood risk associated with the systems identified in a. (above) along with above ground flow routes. Exceedance routes should avoid property and curtilage areas;

- c. details of existing drainage systems to be maintained/diverted/abandoned ;
- d. a scheme detailing separate systems of foul and surface water drainage for the development, including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision
- e. a detailed maintenance and management regime for the existing drainage systems to be maintained/diverted/abandoned together with the proposed foul and surface drainage water systems for the proposed development with appropriate stand off distance.
- f. a flood risk assessment of the site based on a., b. c and d, e (above).

The resultant drainage information referred to in a., b., c., d., e and f. shall inform the layout of the site and shall include appropriate stand-off distances between drainage infrastructure and buildings within the site and appropriate measures for flood risk management.

22. The development shall be carried out in accordance with the drainage scheme approved pursuant to condition 21. 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 works comprising the approved scheme have been provided on site. The works comprising the approved scheme shall thereafter be retained and the approved maintenance and management regimes adhered to at all times.

23. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to an unnamed watercourse located in Manchester Road (Grid Ref 407162, 413367) at a maximum rate of 5 *litres per second* has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to the critical1 in 100 year storm events with a 30% allowance for climate change and incorporate overland flood routing for exceedance events and blockage scenarios with appropriate risk mitigation strategies. 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 approved maintenance and management scheme shall be implemented in perpetuity.

24. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.

- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and
- how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

NOTE: A full, detailed planning application should incorporate the recommendations as set out in consultation response in Section 11 of the Local Landscape Character Assessment from the Councils Landscape Architects.

See link below to advice from the Councils Landscape Architects Officer:
http://www.kirklees.gov.uk/business/planning/application_search/filedownload.aspx?application_number=2014/93946&file_reference=558178

NOTE: The development will require regrading/engineering operations to be undertaken. Where a site could be affected by land stability issues you are reminded that it is the responsibility of the developer/landowner for securing a safe development.

NOTE: The Colne Valley public footpath no. 133 which crosses/abuts the site shall not, at any time, prior to, during or after construction of the dwellings, be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

NOTE: Adequate standoff of buildings from the open watercourse should be agreed with the Lead Local Flood Authority. This is to ensure maintenance access and reduce risk of flooding.

NOTE: Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

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 01484 221000 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

NOTE: It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-225397 for further advice on this matter.

NOTE: Advice to applicant

A full, detailed planning application should incorporate the principles of *Secured by Design* in its layout, including boundary treatments, external doors, windows at ground floor and other accessible levels should meet with recognised security specifications and adequate surveillance of the footpath. The measures included in the build should accord with current *Secured by Design* guidance www.securedbydesign.com

See link below to advice from the west Yorkshire Architectural Liaison Officer: http://www.kirklees.gov.uk/business/planning/application_search/filedownload.aspx?application_number=2014/93946&file_reference=530748

NOTE: This site is close to other existing residential properties. Please apply the following footnote regarding hours of construction:

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 13.00hours , 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.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance may involve access to land outside your ownership.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1419-100		6 th Jan 2015
Existing site levels	1419-103		6 th Jan 2015
Indicative site block/layout plan	1419 -101	A	6 th Jan 2015
Proposed new priority junction	7364/001 prepared by CODA Transportation	A	20 th March 2015
TRICS output for buses	Dated 13/03/15 Licence no. 849401		20 th March 2015
Extended Phase 1 habitat survey	Ref: 424.04328.00004		26 th August 2015
Access Statement	7364		6 th Jan 2015
Phase 1 Environmental Assessment	7364		6 th Jan 2015
Flood & Drainage Assessment	7364		6 th Jan 2015
Planning Case Report			6 th Jan 2015
Statement of community involvement			6 th Jan 2015
Design & Access Statement	1419.3a		6 th Jan 2015
Kirklees Ecology & Biodiversity officer's consultation response dated 11 th September 2015,	By Jeff Keenlyside dated 11/09/15		11 th Sept 2015

8. Cabinet portfolio holder recommendation

Not applicable

9. Contact officer and relevant papers

Simon Taylor – Head of Development Management

Documents referred to:

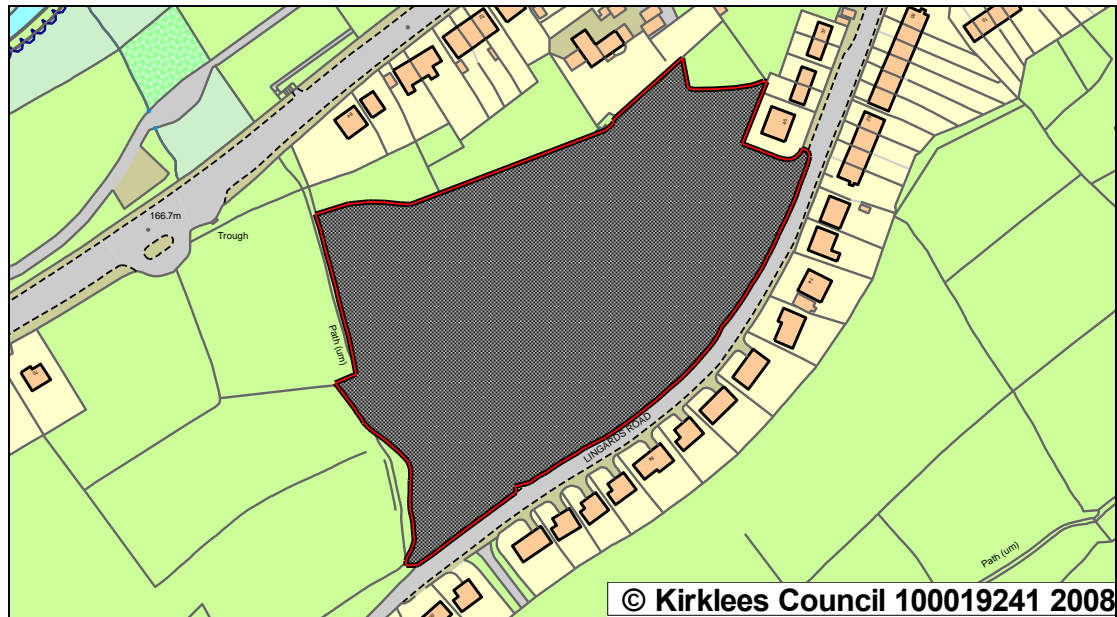
Appended to this report at [Appendix 1](#) is the report to the Huddersfield Planning Sub-Committee on 15 October 2015 in relation to planning application reference 2014/93946.

[Appendix 2](#) is the update in relation to planning application reference 2014/93946 reported to the Huddersfield Planning Sub-Committee on 15 October 2015

Appendix 3 is a copy of the resolution for planning application 2014/93946 reported to the Huddersfield Planning Sub-Committee on 15 October 2015

APPENDIX 1 - Report to the Huddersfield Planning Sub-Committee on 15 October 2015 in relation to planning application reference 2014/93946

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The application seeks outline planning permission for the erection of residential development. Other than details of point of access all other matters are reserved. It is proposed to access the site from the existing gated access off Lingards Road via a new priority junction, at the eastern boundary of the site.

The site is allocated as Provisional Open Land (POL) on the Council's Unitary Development Plan. Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years, and in accordance with the National Planning Policy Framework (NPPF) relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and 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 the NPPF taken as a

whole, or that specific NPPF policies indicate development should be restricted.

The proposal constitutes sustainable development. The application site can be accessed safely in highway terms and there would be no significant harmful effect on visual amenity. All other material planning considerations, relevant UDP and national planning policy objectives are considered to be addressed, subject to conditions.

RECOMMENDATION: GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- i) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE AT THE END OF THE REPORT, AND**
- ii) THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

2. INFORMATION

The application is brought before the Huddersfield Sub Planning Committee as the application represents a departure from Policy D5 of the Kirklees Unitary Development Plan for a development of less than 60 dwellings.

3. PROPOSAL/SITE DESCRIPTION

The application site comprises approximately 1.78 hectares of horse-grazed fields, largely divided by dry-stone walls with an open watercourse running through the northern part of the site and an existing gated access off Lingards Road. Land levels vary across the site but typically slope downwards to the north towards the rear of properties off Manchester Road. The site is surrounded by predominately residential dwellings to the north, (including a detached listed building), east and south with open land towards the west. A public right of way runs parallel to the western boundary, which in part cuts through the site. The site is allocated as Provisional Open Land on the Unitary Development Plan Proposals Map.

Outline planning permission is sought for the erection of residential development with details of the point of access into the site, utilising the existing gated access from Lingards Road. This is shown on drawing no. 7364/001 Rev A.

An indicative layout has been submitted that shows the arrangement of up to 27 dwellings, via the proposed priority junction off Lingards Road, together with an area of public open space in the south west corner of the site, landscaping and retention of the existing open water course.

4. BACKGROUND AND HISTORY

None

5. PLANNING POLICY

The site is unallocated on the Unitary Development Plan Proposals Map

Kirklees Unitary Development Plan:

D5 – Provisional Open Land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention
EP3A – Culverting of watercourses
NE6 – retention of water features
T10 – Highway Safety
T16 – provision of safe, convenient and pleasant pedestrian routes
T19 – Off-street parking standards
G6 – Land contamination
H10 – Affordable housing
H12 – Arrangements for securing affordable housing
H18 – Provision of open space
EP11 – Ecological landscaping
R13 – proposals affecting public rights of way

National Planning Policy Framework:

‘Achieving Sustainable Development’
‘Core Planning Principles’
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
Section 12 – Conserving and enhancing the historic environment
‘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

K.C Highways Development Management – No objections subject to conditions and a S106 agreement

K.C Environmental Services – No objections subject to conditions

K.C Conservation and Design – No objections

K.C Ecology & Biodiversity officer – The ecological survey has established that although much of the site is of limited value there are areas of more species rich grassland, trees and areas of scrub worthy of conservation. Also there is scope to extend these habitats within the site as part of the development. Although not used by any protected species the open water habitat of the stream is a significant feature of the site and this should be retained within the development. The Council's Ecologist advises the intensity and layout of the development should be informed and determined by the site's biodiversity interest.

On this basis there is no objection to the proposed development providing, as recommended, a full biodiversity mitigation and enhancement plan, in the context of the above, is produced and implemented as part of the development scheme.

K.C Flood Management and Drainage – Diversions and overland exceedance flow routes should avoid curtilage areas. Depths of such systems in relation to road construction could be problematic and needs careful consideration. Diversions of the existing ditch could prove difficult (levels) and result in greater risk to existing properties below. Location near footpaths will have some issues that need mitigating. An analysis of safety should therefore be submitted along with a report to be submitted clearly detailing the design process taking this into account. A suitable watercourse management plan and exceedance event/blockage risk mitigation scheme should be defined prior to considering layout. It is not certain that 30 houses can be accommodated safely on site although we do not object to the principle of housing.

The Environment Agency – No objections subject to conditions

Yorkshire Water – No objections subject to conditions

WY Police Architectural Liaison Officer – concerns over indicative layout & general advice

K.C Strategic Housing – An affordable housing contribution is required

K.C. School Organisation & Planning – based on the indicative layout, which is in excess of 25 dwellings an education contribution would be required.

K.C Landscape Architects – The area is low quality grassland mainly used as paddocks for horses grazing. The condition is weak to moderate, with field boundaries defined by dry stone walls and sparse hawthorn hedgerow. Having considered all the information submitted by both the applicants and the objectors the KC Landscape view is that whilst the site is of medium landscape value it could accommodate the housing development although there should be a full range of landscape conditions ensuring the highest standards of landscape design, enhancement and mitigation with sensitivity toward landscape value. The new public open spaces and green corridors

are key to the success of assimilating the new housing into the landscape and minimising the effects on the setting. On this basis we have no objection to the proposed development providing that a full enhancement plan and mitigation strategy is produced and implemented as part of the development scheme. (See assessment below)

K.C. Parks & Open Spaces – proposals would require appropriate on site POS and an off site contributions to existing equipped play facilities in the vicinity at Springfield Avenue

7. REPRESENTATIONS

The application was advertised by neighbour letter, press notice and site notice. The final publicity period for amended description and extended habitat survey, expired on 1st October.

As a result of that publicity 21 representations have been received. The main concerns raised are as follows:

- Introducing more traffic/cars on Lingards Road and surrounding highway network increasing highway safety concerns and exacerbate existing highway safety issues for both pedestrians and vehicle users
- New junction from estate road onto Lingards Road will have poor visibility to the right
- Existing properties on higher section of Lingards Road will impose on new housing.
- New dwellings will over look properties on Manchester Road
- Plans show linking new pedestrian route within site to footpath on Lingards Road. There is no footpath outside no. 92 Lingards Road
- Wildlife has not been taken into account and would result in a wildlife area on edge of habitat of open moorland
- Loss of greenfield site/ encroaching into country side with substantial visual impacts over a wide area and extend urban growth
- Drainage issues would increase the already excessive surface water on surrounding highway network
- Site contains a number of springs and ancient well house/ drainage a major problem and existing drains cannot cope. Drainage proposals for site may need to be taken directly across Manchester Road and into the river.
- Impact on listed building

Concerns are also raised by the Lingards Community Association (LCA) which it is stated to be made up of approximately 260 residents. Their concerns are summarised below:

- Special considerations apply in the Southern Pennines National Character Area 36 in which the site falls.
- The proposed development is not sustainable.
- The development is not consistent with the publicly funded IMSACAP Programme.

- Ministerial guidance to Planning Inspectorate on importance of landscape character is relevant (received 11th May 2015 from Mr Bamforth)
- Visually intrusive development on a steep rural hillside is unsustainable.
- Access to the site from Lingards Road is completely unworkable and unacceptable.
- Conflict with school traffic.
- There would be substantial ecological damage to rare habitats and species.
- Inadequate Drainage
- Privacy Impact on new residents and existing properties on Manchester Road
- Impact on Listed Buildings.
- Nearby school and doctors surgery already over-subscribed
- do not believe that the extended phase 1 Habitat Survey report gives an accurate picture of the ecological importance of this site, as a feeding ground for birds
- will form a wildlife barrier between to valley bottom and the higher valley slopes.

The LCA also state the applicant should submit further information in relation to:

- full landscape impact assessment
- ecological and habitat impact assessment, incorporating the Peak District National Park, South Pennines SPA and the IMSACAP programme.
- a fuller, more accurate and honest assessment of the traffic impact
- further information about deliverable off-site drainage options
- further information about his plans to develop the adjacent green belt
- a full comparative economic and technical analysis of the two options for site vehicular access – meaning access via Lingards Road and/or directly on to Manchester Road and
- Provide categoric assurances that the proposed housing numbers would not be increased at detailed planning stage.

Response: the application is submitted in outline with details of point of access to be considered only at this stage. A full landscape assessment taking into account all representations from the Lingards Community Association, the Peak District National Park, South Pennines SPA and the IMSACAP programme has been carried out in depth. Where appropriate conditions have been imposed to address and overcome issues raised by consultees.

8. ASSESSMENT

General Principle/Policy:

The application site includes land designated as Provisional Open Land (POL). Policy D5 of the UDP states that *“planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term”*

The Local Plan will provide the evidence base for all new and retained allocations including POL. The Local Plan process will also be the vehicle to assess whether there are exceptional circumstances to return POL sites back Green Belt or whether they may be suitable for allocation as Urban Greenspace. However, the local plan process is underway and it is still some way from being sufficiently advanced to carry any weight in decision making for individual planning applications. The LPA must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

The weight that can be afforded to policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.

In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a five year supply of deliverable housing sites.

The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

“The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”

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 as Provisional Open Land.

The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. It states that these roles are mutually dependent and should not be undertaken in isolation; “*economic, social and environmental gains should be sought jointly and simultaneously through the planning system*” (paragraph 8). The ‘economic’ role includes providing support for growth and development requirements. In this case this includes business opportunities for contractors and local suppliers during construction and demand for services from new residents. The ‘social’ role states the need to support communities by providing housing to meet the needs of present and future generations. This is particularly at a time of general housing need given the Council is unable to demonstrate a 5 year supply of housing land. The ‘environmental’ role includes contributing to protecting and enhancing the natural, built and historic environment. Although the proposal would develop a greenfield site, where national policy encourages the use of brownfield land for development, it also makes it clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

As such, in the absence of both a five year housing supply and provided there are no significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the framework taken as a whole, the principle of developing this site is considered to be acceptable.

There have been strong views expressed about the adverse impacts of this development by a significant number of representations opposing the application. The following sections detail these issues and conclude that development, does not give rise to significant material planning harm which can be substantiated as a reason for refusal.

Assessing the policies in the national planning policy framework as a whole in accordance with the paragraph 14 test, the provision of housing on this greenfield site, outweighs the environmental harm arising from the development and the proposal is considered to be sustainable development.

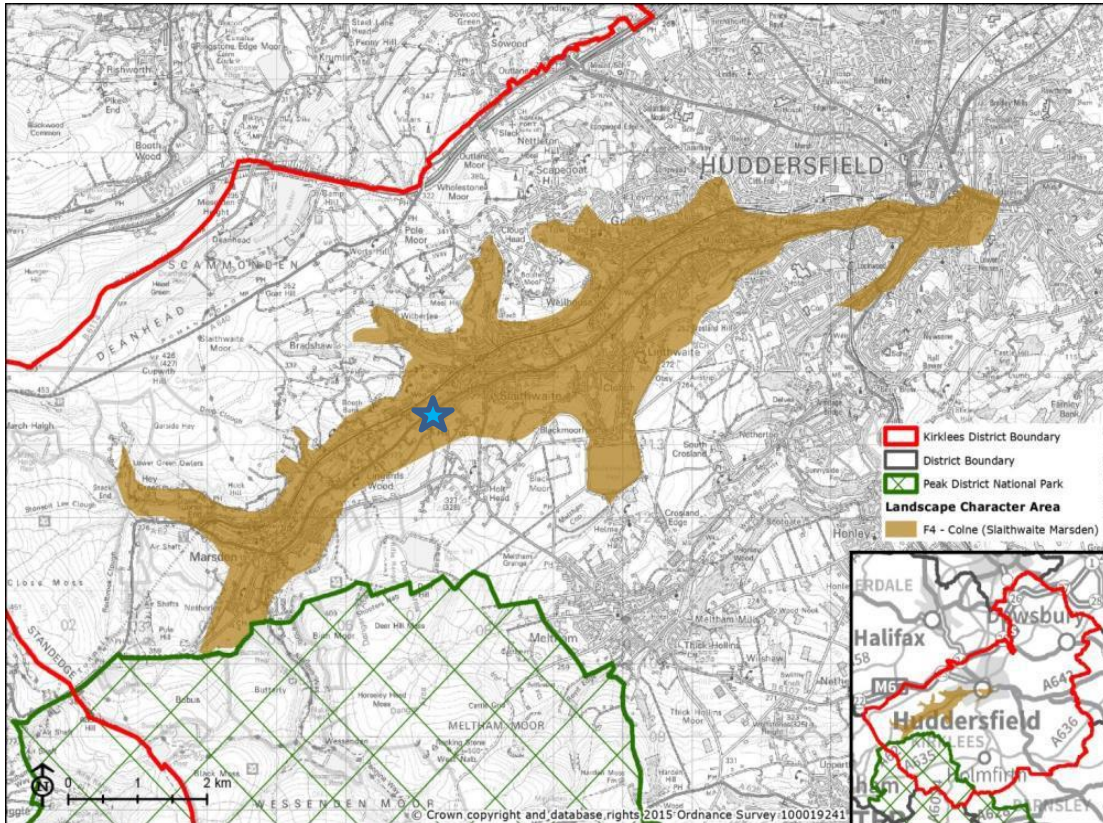
Landscape & Visual amenity:

The best practice guidance, Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) should be used as a basis for assessment of the site. The methodology used has been agreed with the Council and is based on the guidelines given by GLVIA 3

The information submitted by the applicant, together with representations on behalf of Lingards Community Association, who make particular reference to the landscape impact of the proposals within National Character Areas 36 and 51 (South Pennines and Dark Peak) have been considered by the Council’s Landscape Section.

Addressing the submitted information regarding National Character Areas 36 and 51 (South Pennines and Dark Peak) the Landscape Section confirm that

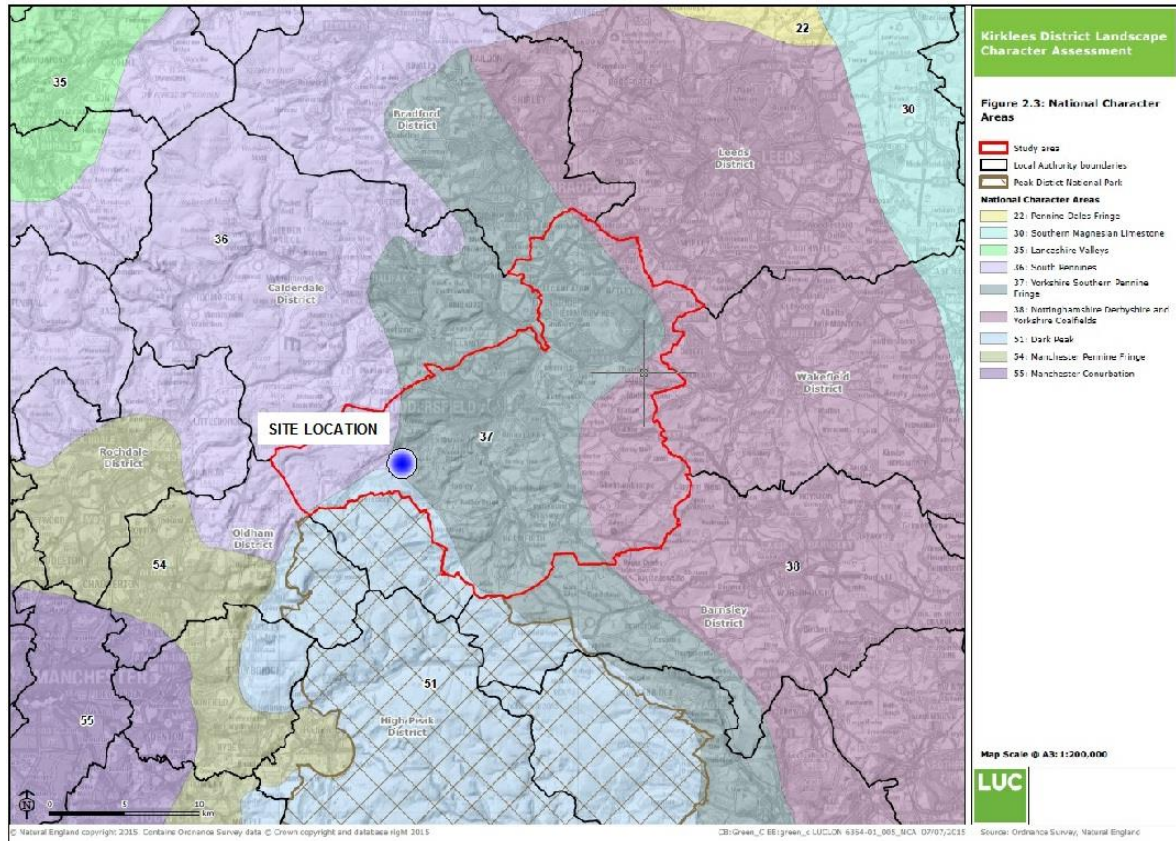
this area is situated in the Colne Valley on the fringes of the existing residential development along the A62 and Lingards Road, west of Slaithwaite village centre, Huddersfield. It lies within the Kirklees Character Profile Area LCA F4: Colne (Slaithwaite, Marsden) and borders LCA D7: Peak Fringe Upland Pastures (below).



It is part of a greater area of land that has been identified as part of the strategic housing land availability assessment (SHLAA) which runs to the west of the site and also falls within a large area of Green Belt within Kirklees UDP.

There are no landscape designations for this site, although the application site lies within approximately 3km of the Peak District National Park, and is located at the zones of transition with NCA 36: Southern Pennines, 37: Yorkshire Southern Pennine Fringe and NCA 51: Dark Peak, as illustrated

below:



The application site is adjacent to a semi-rural urban fringe bounded to the north, east and south by residential properties and forms one of the pockets of countryside around the settlement of Slaithwaite.

The application site is within a zone important for species including bats, swifts and twite. The application site is associated with the existing residential areas, bordering it. Public access is limited to the public footpath. The PROW [COL 133/10] follows very closely the border of the site to the west, forming a link from Lingards Road to Manchester Road a section of which falls within the application site boundary. The site is currently used for horse grazing. Slaithwaite Cemetery is located to the north, bounding the northern side of the A62

The methodology for the Landscape Character assessment consisted of two main tasks; First, a desk –based review of mapping, GIS data assets and available descriptive information for the application site. Second, a field survey verification to check and add information to the findings of the desk based study. A landscape evaluation detailing valued landscape features and attributes was drafted for the site. Thereafter a Landscape Character Assessment was undertaken using the following criteria, with reference to any local regional or national designations of relevance.

Past settlement:

When considering the likely influence of future development within this area, account is taken of an historic appraisal illustrating the following:

Settlement hasn't altered much since the 1900's within this area. As stated in the Kirklees LCA F4 'Dense ribbons of urban and industrial development line the valley floors and sides. There are rows of Victorian terraces lining the road and the valley sides.' Proximity of the urban centre together with the main transport route, the A62 exerts an influence on landscape character on this site and the urban fringe land use is evident.

The individual elements of the landscape & visual amenity are summarised as follows:

Visual Character:

The visual character is one of a sloping valley side with extensive views across the valley towards the north and views restricted to the south by the residential properties which line Lingards Road and overlook the site.

Described in the Kirklees LCA F4 Outward views from within the valley to the pastures, woodlands and moorland edge above are:

- sometimes available, providing a rural setting. The site is a small scale well settled landscape with a semi-rural setting due to the proximity of the surrounding dwellings.
- There is no tree cover. A few isolated trees, mainly mature hawthorn are interspersed along the boundary and within the site.

Enclosure and views from Lingards and Manchester Road:

- Dry stone walls provide the boundary and cross through the site as field boundaries. Views to the south are limited by inclining valley side and residential development to the southern side of Lingards Road. Wider views to the north span the Colne Valley which traverses west to east.
- This is a small scale, contained landscape with open views toward the north to the pastures, upper hay meadows and woodland along the river, canal and railway line and across the Colne Valley provide a rural setting.

Settlement and buildings:

- The area is bounded to the north, east and south by residential development dating from early 1900's to modern day

Transport, access and road pattern:

- The area is accessible via Lingards Road, which is only in use by farm vehicles and horses.
- The main transport routes follow the valley landscape, primarily the A62 which is the key route into Huddersfield towards the east and

crosses the Pennines to the west heading towards Manchester. Residential properties form linear settlements along the A62, their rear gardens bounding the site to the north and access to the proposed new development, is anticipated as being via Lingards Road which bounds the site along its southern boundary, also lined by dwellings overlooking the site.

Landscape condition:

The area is low quality grassland mainly used as paddocks for horses grazing. The condition is weak to moderate, with field boundaries defined by dry stone walls and sparse hawthorn hedgerows

Conclusion:

The application proposals are outline and seek to establish the principle of developing this site for housing together with details of point of access. As such there are no details with regard to the building or landscape proposals. Future design will need to ensure a sensitive approach to reflect the character of the surrounding area and incorporate mitigating elements to filter views and minimise the impact of the development.

In terms of scale, notwithstanding the indicative layout, it is expected that the majority of dwellings within the site should comprise two storey units, as can commonly be found within the immediate surrounding area. However, this would require further consideration at detailed stage, taking into account the final layout and proposed finished levels of the site and surrounding context. Officers consider that building materials should be carefully selected to aid integration with the surroundings and character of the area. Officers consider low density development, with generously proportioned areas of amenity landscaping, screen planting or public open space incorporated into the design where appropriate would be key to the success of assimilating the new housing into the landscape and minimising the effects on the surrounding setting.

Dwellings should be set back from undeveloped boundaries and the use of existing landform and topography with the creation of bunds or mounds together with mitigating structure planting to soften outlines of the new built form should be incorporated. Notwithstanding the indicative layout which shows this together with a non active frontage to Lingards Road, this will be a key consideration on any detailed application.

The location and setting of vehicular access, parking, garages and bin store locations requires sensitive design to ensure unobtrusive inclusion, avoiding swathes of paving and hard landscaping. The effects of development can be mitigated, should the development proceed with the following measures:

- Existing trees retained and incorporated into the design where appropriate.

- Substantial, sensitive design and appropriate planting incorporating native species and ensuring the maintenance and development of green corridors throughout the site.
- Creative use of the existing water feature to improve and enhance the existing biodiversity with inclusion of species rich grasslands, native hedgerows and native tree and shrub planting having particular regard to the topography of the site and the surrounding built environment.

Having considered all the information submitted by both the applicant and the objectors, the KC Landscape Officers consider that in accordance with the methodology suggested by the GLVIA, the degree of significance of effect in this assessment is 'medium'. If not carefully mitigated, the proposed scheme could be out of scale with the landscape, or would conflict with the local pattern and character, and would cause a moderate adverse effect on the landscape quality. However, the landscape could accept the addition of elements not uncharacteristic of the area if carefully designed with particular attention to be given to enriched landscape planting/open space and green corridors to minimise the impact of the new housing where possible in accordance with the good design criteria set out in the appendix 3 of the Local Landscape Character Assessment, at reserved matter stage.

Kirklees Council Landscape Architects view the site as clearly valued by the local community, and therefore view the effect will be 'Medium' contrary to the assessment of the substantial adverse effect in representations including those of Lingards Community Association.

To conclude the site could accommodate housing development provided the proposals incorporate standards of landscape design, enhancement and ecological landscaping mitigation measures in a sensitive manner towards landscape value as suggested above.

With reference to the Public Open Space (POS) and in accordance with UDP Policy H18, the site is over 0.4ha and as such would require appropriate on site public open space provision. Officers do not anticipate on site equipped play as there are existing equipped play facilities in the vicinity including Springfield Avenue to which an off-site contribution would be anticipated if POS is not provided on site. Off-site contribution would help ensure the existing play area on Springfield Avenue is appropriately equipped facility to serve new and existing residents, with broader requirements for through-age play provision from toddlers to teenagers and contribute to its future sustainability.

Turning to the Public Right Of Way (Colne Valley public footpath 133), linking Lingards Road to Manchester Road, on-site and off-site improvements will be required. Any proposed scheme of works would require improvements to this link to ensure it is adequate for users of the PROW. This should be a sensitive design to enhance the character of the PROW treatment and to mitigate the medium adverse impacts of the development.

On this basis there are no objections to the proposed development provided that a full enhancement plan to include landscape design and mitigation measures is produced and implemented as part of the development scheme.

Impact on highway safety:

Policy T10 of the Unitary Development Plan (UDP) sets out the matters against which new development will be assessed in terms of highway safety. Access, in this case the point of access from Lingards Road is a matter sought for approval.

It is proposed to access the site via a new priority junction from Lingards Road. Drawing no. 7364/001 Rev A prepared by CODA Transportation shows the proposed access arrangements including a 5.5 m wide carriageway and 2.0 m wide footway at either flank of the access road, which extend along Lingards Road at the site access junction. Drawing 7364/001 Rev A demonstrates the suitability of the proposed access to accommodate turning manoeuvres for a refuse vehicle.

Drawing no 7364/001 Rev A indicates the width of Lingards Road ranges from 4.8 m to 7.3 m wide. In addition, the drawing indicates that visibility splays of 2.4 m x 68 m to the left and 2.4 m x 60 m to the right (commensurate for 41mph and 37mph speed respectively) can be achieved in both directions along Lingards Road at the site access junction. Therefore, visibility in both directions at the site access junction accords to current guidance is considered acceptable.

Trip generation

The Access Statement prepared by CODA Transportation on behalf of the applicant, indicates that the 27 dwelling development (as indicatively shown on the layout) is forecast to generate 22 two-way vehicle trips in the morning peak and evening peak. It is considered that the level of traffic associated with a development of this scale can be accommodated on the local highway network.

Cumulative traffic impacts are generally considered to arise from the combination of impacts from a proposed development and from other permitted developments (not yet constructed or yet completed) in the vicinity, acting together to generate elevated levels of impacts. Traffic impacts associated with proposed major developments of scale generally above 50 residential units, are assessed on the local highway network together with the traffic impacts from consented (including current planning applications) major developments within the vicinity of the site.

Traffic impacts from proposed developments of scale below 50 residential units are generally not assessed on the local network together with consented developments in the development's vicinity as it is considered that these impacts are taken into account within local traffic growth forecasts.

The indicative layout for 27 dwellings falls below the cumulative impact assessment threshold and the forecast trip generation in the morning and evening peaks is 22 two-way vehicle movements. On this basis Highways DM Officers considers that it would have been unreasonable to instruct the developer to carry out a cumulative impact assessment.

Access by sustainable modes

Public transport

Lingards Road is a bus route served by a regular service 938 with a daytime frequency of one service an hour. In addition, the site is located near bus stops along Manchester Road with frequent services 183, 184, and 185 which provide 4 – 6 services an hour to Huddersfield, Marsden, and Manchester.

Public transport enhancements are required to include the implementation of a residential Metro card scheme to encourage the use of public transport. This can be conditioned.

Pedestrian facilities

Improvements will be required on-site and off-site at Public Rights of Way (PROW) Colne Valley public footpath 133 to improve the experience of the users, in accordance with Policy R13. A scheme of works is to be conditioned including an improved link to Manchester Road as suggested previously.

In addition, the submission of a detailed scheme for the upgrade of bus stops nos. 19383 & 19384 to sheltered bus stops in order to improve public transport infrastructure in the vicinity of the site in accordance with the council sustainability objectives is recommended. This would also be addressed through a Grampian condition.

Other suggested conditions include the submission of a scheme detailing the layout, construction and specification of the highway works, including the site access junction with Lingards Road. Visibility splays of 2.4 m x 68 m and 2.4 m x 60 m are required along Lingards Road at the site access junction, and a scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls and building walls adjacent to the existing highway. A schedule for the means of construction traffic would also be required.

To conclude access arrangements accord with current guidance and are considered acceptable to serve a development of the indicative number of units proposed. It is considered that traffic generated by the proposal can be accommodated on the existing highway network and will have no material impact on the safety and operation of the network or significantly add to any peak time congestion, in accordance with Policy T10 of the UDP. On the basis of the above the proposals are considered acceptable and the Highways DM Officers have no wish to resist the granting of planning permission subject to conditions.

In terms of social inclusion and accessibility, the site is close to the local centre of Slaithwaite via Manchester Road which benefits from a range of

community facilities offering employment, leisure and retail opportunities and a post office, in a location near bus stops, with a regular bus services to Huddersfield, Marsden, and Manchester. The site is also in the vicinity of local schools and surgeries at Slaithwaite Health Centre. In terms of accessibility therefore the proposal is considered to be acceptable.

Design considerations:

A full assessment of the layout, scale and appearance of the dwellings would be made upon the submission of reserved matters. The indicative plan shows a mix of semi-detached and detached dwellings either side of a central access road but this is not for consideration as part of this outline application.

There is no predominant house type or materials in the area. Dwellings off Lingards road are a mix of stone and render faced 2-storey detached, semi-detached and terraced dwellings and those off Manchester Road are a mix of stone and render faced two storey and single storey properties, detached, semi-detached and terraced.

Conservation and Design note that they raise no objection to the application but would welcome the opportunity to comment on any reserved matters application, particularly to ensure the development does not significantly harm the setting of the nearby listed buildings to the north.

Officers consider that there is scope to secure details which would not harm the character of surroundings and which would give due regard to the desirability of preserving the setting of the listed buildings to the north in order to sustain the significance of these heritage assets. Officers are satisfied that an appropriately designed scheme could be brought forward at reserved matters stage.

The application red line does not extend to the full extent of this allocated POL, leaving a strip of land (north-west of the application site). This is shown in the applicant's ownership. As the proposals do not seek layout at this stage, it is considered the remainder of this allocated POL would need to be considered on within any subsequent reserved matters for layout, to avoid prejudicing potential future development of this wider POL allocation.

Impact on residential amenity:

UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. Properties off Lingards Road and Manchester Road have windows overlooking the site. The indicative layout, suggests an acceptable scheme could be brought forward which would meet the requirements of policy BE12 and would ensure there would not be material harm to the amenity of neighbouring properties as well as internally within site for the amenities of occupants of the new dwellings. Furthermore, it is considered that there are no insurmountable reasons why a suitably designed housing layout cannot

successfully achieve adequate separation distances and privacy/light safeguards, in accordance with the provisions of UDP Policies BE2 and BE12.

Ecological Issues:

UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The application is supported by an ecological statement.

The report confirms the site consist of semi-improved pasture with some areas of marshy grassland, acid grassland and scrub. The timing of the survey was sub-optimal, particularly with respect to plants and birds which are the species groups most relevant for this site. Areas of grassland appear to have some interest and it is recommended that habitats are retained post development. The Council's ecologist advises further survey work during the spring and summer months should be undertaken to more accurately assess the site.

In light of the above advice, an extended Phase 1 Habitat Survey was submitted on 28th August 2015. The Council's Ecology & Biodiversity officer further advises that the survey establishes that although much of the site is of limited value there are areas of more species rich grassland, trees and areas of scrub which are worthy of conservation. Also there is scope to extend these habitats within the site as part of the development.

Although, the submitted ecological statement indicates that the open water habitat of the stream is not used by any protected species the open water habitat of the stream is a significant feature of the site and this should be retained within the development. No objections are raised to the principle of development across parts of the site, however the intensity and detailed layout of the site needs to take this into account and be informed by the site's present biodiversity interest along with measures to extend these habitats within the site. On this basis there is no objection in principle to the developing of this site, providing, as recommended by the Ecology & Biodiversity officer a full biodiversity mitigation and enhancement plan, is produced and implemented as part of the development scheme, taking account of the existing water feature and topography of the site, in accordance with Policy EP11 of the UDP and guidance in the NPPF

Contaminated Land:

Environmental Services agree with the Phase I contaminated land report submitted that a phase II report and remediation is required. This can be addressed through condition. Subject to this contaminated land issues are addressed in accordance with policy G6 of the UDP.

Contributions:

- a) *Education*

On the basis of the indicative layout provided, an education contribution of would be required. As this is an indicative layout only the education contribution would be addressed through condition and would be triggered for a development of 25 dwellings or over.

b) Public Open Space

The site is over 0.4ha and requires a public open space contribution in accordance with Policy H18. This is as set out earlier in the report.

c) Affordable Housing

UDP Policies H10 and H12 and the Councils Supplemental Planning Document (SPD2) set out the objectives for the provision of affordable housing. The number of houses to be provided is not known but based on the indicative layout an affordable housing contribution is required which can be secured through a Grampian condition with a Section 106 agreement to discharge the requirements of the condition prior to development commencing. Subject to this, affordable housing issues are addressed in accordance with policies H10 and H12 of the UDP and the SPD.

Crime Prevention:

The West Yorkshire Police Liaison Officer has made a number of comments / recommendations. These include concerns about additional footpath routes shown running to the rear of the house which does not promote good security; the positioning of habitable room windows to maximise surveillance to publicly accessible areas; the design of front gardens; and external door and window specifications. These matters which relate principally to layout and appearance would be addressed through the reserved matters application.

Drainage Issues:

The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach.

The site is located in flood zone 1 and due to the size of the site requires the submission of a Flood Risk Assessment. Additionally, there are watercourses running through the site including an open ditch watercourse. It is therefore necessary to ascertain that a suitable layout could be achieved whilst maintaining the open ditch watercourse and downstream riparian owners 'right to enjoy' this water. This includes an off-site investigation of the ditched watercourse (upstream and downstream) to understand how the site's development may affect this system.

Following a number of site visits by officers, a number of covered and uncovered watercourses have been discovered in several locations in addition to those shown on OS plans. These appear to be in varying states of repair. Details have been provided to the drainage consultant working on this project.

Further research is expected in order to fully understand their impact on the proposed development.

At this stage Kirklees Flood Management & Drainage Officers do not object provided that there is no commitment to approving layout of roads and properties and the number of properties at this stage.

Furthermore, the Flood Management & Drainage Officer states:

“a suitable watercourse management plan and exceedance event/blockage risk mitigation scheme should be defined prior to considering layout “we expect a report to be submitted clearly detailing the design process taking this into account”.

Diversions and overland exceedance flow routes should avoid curtilage. Depths of such systems in relation to road construction could be problematic and needs careful consideration. Diversions of the existing ditch could prove difficult (levels) and result in greater risk to existing properties below. Location near footpaths will have some issues that need mitigating. An analysis of safety should therefore be submitted.

With regards to the proposed drainage and given the uncertainty on the route and condition of the watercourse downstream of the open ditch across site, no proposed road or roof drainage should connect to this system.

There should be consideration of opening up other piped watercourses in discussion with our department as Lead Local Flood Authority given that planning policy encourages this. Should this not be seen as appropriate, renewal of piped/culverted systems and diversions will be considered. However we envisage routes outside property curtilage limiting bends etc.

It is evident from a site walkover and liaising with local residents that several land drains are located on site and are not working efficiently. Renewal and improvement could be carried out regardless of this application. Improvements are therefore expected and any increase in efficiency to flow rates is to be offset by taking road and roof drainage to alternative systems.

A 5l/s connection to manholes on a watercourse in Manchester Road is acceptable. This will increase the size of attenuation envisaged on site which depicted greater discharge rates (10.5l/s) in an earlier submission. Space for the attenuation will have to be considered.

Land immediately adjacent to this outfall is within the blue line boundary. Water emergence in this area is not related to this application but it is expected that the landowner rectifies this issue. The Applicant has been notified”.

Given the nature of the site, with a watercourse running across contours with existing properties below, the risk of flooding in the construction phase, following soil and vegetation strip appears to quite high, both in terms of likelihood and consequences if not appropriately mitigated. As such a detailed strategy to mitigate risk is required, highlighting the need to consider

mitigation techniques for flood routing for blockage scenarios and exceedance events, which should be taken up at the detailed design stage. Flows need to avoid property and curtilage. The applicant concurs with this and the conditions as suggested by the Flood Management & Drainage Officer

The Environment Agency also raises no objections to the granting of planning permission. They recommend the inclusion of a condition for the submission of a scheme to manage surface water run-off.

Yorkshire Water considers the submitted Flood Risk Assessment is satisfactory. They raise no objections subject to the inclusion of a condition that no piped discharge of surface water shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with previously approved details.

Air Quality:

To provide satisfactory air quality mitigation in accordance with the West Yorkshire Low Emission Strategy Planning Guidance and chapter 11 of the NPPF, a plan detailing facilities to be provided for charging plug-in and other ultra-low emission vehicles will be required. This can be addressed through condition.

Representations:

In so far as the comments have not been addressed above:

- Nearby dentists and doctors surgery already over-subscribed

Response: The provision of facilities such as doctors and dentists are a matter for the Local Health Authority and not an issue over which the Local Planning Authority has any control. This is not a material planning consideration.

- Access should be from Manchester Road

Response: It is considered that the proposed point of access from Lingards Road can safely serve the development.

- The proposals are an aggressive “thrusting” intrusion in to Green Belt countryside
- The developer’s intention to develop the adjacent Green Belt is outrageous
- Impact of future Green Belt development on the traffic issues.

Response: Although adjacent to an area of Green Belt the site does not fall within the Green Belt.

- It will do significant harm to tourism potential and public amenity

Response: It is considered that the site can be developed without undue harm to tourism or public amenity, as assessed in the Landscape and Visual amenity section of the report.

- Nearby schools already over-subscribed

Response: The proposals would require an education contribution for a development of 25 dwellings or over and addressed through condition.

Conclusion:

Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content.

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.

In such circumstances it is considered that there are no adverse impacts of granting permission which 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. In such circumstances the application is recommended for approval.

9. RECOMMENDATION:

RECOMMENDATION: GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- iii) **IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE BELOW, AND**
- iv) **THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

Conditions:

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. Unless otherwise 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) 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 educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority.

8) 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 measures.

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) Development shall not commence until an assessment of existing watercourses including location, size, depth and condition, and a scheme to manage flows in channel, exceedance events and blockage scenarios (overland flow) and flood risk associated with these systems, has been submitted to and approved in writing by the Local Planning Authority. Exceedance routes should avoid property and curtilage. The scheme shall include a detailed maintenance and management regime for the watercourse and above ground flow routes which shall be implemented prior to occupation of any dwelling on site.

13) Development shall not commence until a scheme detailing separate systems of foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned) 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 thereafter retained.

14) Development shall not commence until a scheme restricting the rate of surface water discharge from the site to an unnamed watercourse located in Manchester Road (Grid Ref 407162, 413367) at a maximum rate of 5 *litres per second* has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to the critical1 in 100 year storm events with a 30% allowance for climate change and incorporate

overland flood routing for exceedance events and blockage scenarios with appropriate risk mitigation strategies. 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 approved maintenance and management scheme shall be implemented in perpetuity.

15) Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

16) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

17) Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed.

18) Before development commences a scheme for the provision of an information pack, detailing local bus and rail services and the availability of local services and facilities and Residential Metro Cards for first time occupiers of each dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for their provision. Thereafter the development shall be undertaken in accordance with the approved scheme.

19) No development authorised by this permission shall commence until a detailed scheme for the improvement of bus stops nos. 19383 & 19384 to

provide sheltered bus stops has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with Metro's guideline document – "Bus Stop Infrastructure Guidelines and include:

- details of how the kerbs at the aforementioned stops will be raised to a height of 180mm,
- seating, lighting, and
- bus timetable information
- a timetable for the implementation of the improvement works to be carried and completed.

The development shall thereafter be undertaken in accordance with the approved details and timetable for implementation and completion.

20) Development shall not commence until a scheme detailing the layout, construction and specification of the highway works;

- c) at the site access junction with Lingards Road (with reference to drawing no. 7364/001 Rev A); and
- d) on-site and off-site improvements at PROW Colne Valley public footpath 133;

and all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained.

21) The development shall not be brought into use until visibility splays of 2.4 m x 68 m and 2.4 m x 60 m along Lingards Road at the site access junction as indicated in drawing no 7364/001 Rev A in which there shall be no obstruction to visibility above the level of the adjacent carriageway as indicated on the approved plan have been completed. Thereafter, visibility splays as specified above shall be retained.

22) Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls and building walls adjacent to the existing highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained

23) Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

24) Before development commences a Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted and approved in writing by the Local Planning Authority. The BMEP shall include reference to the issues set out in Kirklees Ecology & Biodiversity officer's consultation response dated 11th September 2015 and include a mitigation strategy and phasing plan. Development shall then be undertaken in accordance with the details so approved.

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 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.

NOTE: PROW Colne Valley public footpath 133, which abuts the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Adequate standoff of buildings from the open watercourse should be agreed with the Lead Local Flood Authority. This is to ensure maintenance access and reduce risk of flooding.

NOTE: Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

This recommendation is based on the following plans and specifications schedule :-

Plan Type	Reference	Version	Date Received
Location plan	1419-100		6 th Jan 2015
Existing site levels	1419-103		6 th Jan 2015
Indicative site block/layout plan	1419 -101	A	6 th Jan 2015
Proposed new priority junction	7364/001 prepared by CODA	A	20 th March 2015

	Transportation		
TRICS output for buses	Dated 13/03/15 Licence no. 849401		20 th March 2015
Extended Phase 1 habitat survey	Ref: 424.04328.00004		26 th August 2015
Access Statement	7364		6 th Jan 2015
Phase 1 Environmental Assessment	7364		6 th Jan 2015
Flood & Drainage Assessment	7364		6 th Jan 2015
Planning Case Report			6 th Jan 2015
Statement of community involvement			6 th Jan 2015
Design & Access Statement	1419.3a		6 th Jan 2015

Appendix 2 - Update in relation to planning application reference 2014/93946 reported to the Huddersfield Planning Sub-Committee on 15 October 2015.

**KIRKLEES METROPOLITAN COUNCIL
PLANNING SERVICE
UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY
PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)
15 OCTOBER 2015**

APPLICATION NO: 2014/93946

PAGE 19

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH
ASSOCIATED ACCESS ONTO LINGARDS ROAD**

**LAND AT, LINGARDS ROAD/MANCHESTER ROAD, SLAITHWAITE,
HUDDERSFIELD, HD7**

Point of Clarification

As stated in the agenda, in the event of the site being developed for 25 dwellings or over an education contribution would be triggered. This would be considered taking into account the needs and provision of the nearest schools, namely Nields Junior Infant & Nursery School and Colne Valley High School.

Appendix 3 - Resolution for planning application reference 2014/93946 reported to the Huddersfield Planning Sub-Committee on 15 October 2015.

2014/93946

Portman Land – Outline application for residential development with associated access onto Lingards Road – Land at, Lingards Road/Manchester Road, Slaithwaite, Huddersfield

CONDITIONAL OUTLINE PLANNING
PERMISSION SUBJECT TO THE DELEGATION
OF AUTHORITY TO OFFICERS TO:

- (i) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE IN THE SUBMITTED REPORT, AND
- (ii) THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER THE RECOMMENDATION, ISSUE THE DECISION NOTICE.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Calvert, Khan, Lyons, Pattison, AU Pinnock, Sarwar, Sokhal and Walton (8 Votes)

AGAINST: Councillors Bellamy, D Firth, Hemingway, Marchington, J Taylor and Wilkinson (6 Votes)

KIRKLEES COUNCIL

PLANNING SERVICE

**LIST OF PLANNING APPLICATIONS TO BE DECIDED BY
PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)**

26-Nov-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 - 01484 221000

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 policies 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 Local Plan process is underway. Public consultation on the draft local plan policies and proposals commenced on 9th November 2015 for a 6-week period.

The National Planning Policy Framework explains how weight may be given to policies in emerging plans. At this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to carry weight in decision making for individual planning applications. The Local Planning Authority must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

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: 2015/91093.....	9
Type of application: 60m - OUTLINE APPLICATION	
Proposal: Outline application for erection of residential development (within a Conservation Area)	
Location: Land off Hollyfield Avenue, Quarmby, Huddersfield	
Ward: Lindley Ward	
Applicant: JP & RM Salvini	
Agent: Richard Baxter	
Target Date: 12-Oct-2015	
Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL	
SUBJECT TO DELEGATION TO OFFICERS	
Application No: 2015/90914.....	35
Type of application: 60m - OUTLINE APPLICATION	
Proposal: Outline application for demolition of commercial unit and erection of 4 commercial units and 59 student flats	
Location: rear of Broomfield House, Firth Street, Huddersfield, HD1 3DA	
Ward: Newsome Ward	
Applicant: Priestroyd Developments Ltd, c/o agent	
Agent: Steven Johnson, MJF Architecture Ltd	
Target Date: 26-Jun-2015	
Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL	
SUBJECT TO DELEGATION TO OFFICERS	
Application No: 2015/90497.....	49
Type of application: 62 - FULL APPLICATION	
Proposal: Erection of one dwelling	
Location: adj Netherley Cottage, Old Mount Road, Marsden, Huddersfield, HD7 6NN	
Ward: Colne Valley Ward	
Applicant: M. Roylance	
Agent: Matthew Norris, One17 Design	
Target Date: 30-Apr-2015	
Recommendation: RF1 - REFUSAL	
Application No: 2015/90502.....	61
Type of application: 62 - FULL APPLICATION	
Proposal: Erection of 1no. detached dwelling	
Location: adj 8, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP	
Ward: Lindley Ward	
Applicant: Mr F Eatessami	
Agent: Mr G Haw	
Target Date: 21-Apr-2015	
Recommendation: RF1 - REFUSAL	

Application No: 2015/92420.....	71
Type of application: 62HH - FULL APPLICATION	
Proposal: Erection of extensions to rear	
Location: 138, Slades Road, Bolster Moor, Huddersfield, HD7 4JR	
Ward: Colne Valley Ward	
Applicant: P Bradleys	
Agent: Stephen Mitchell, Colne Valley Design	
Target Date: 07-Oct-2015	
Recommendation: RF1 - REFUSAL	
Application No: 2015/92940.....	78
Type of application: 62HH - FULL APPLICATION	
Proposal: Erection of single storey rear extension (Listed Building within a Conservation Area)	
Location: 13, Wentworth Street, Huddersfield, HD1 5PX	
Ward: Newsome Ward	
Applicant: Ahmed Din	
Agent: Nadir Khan, DK Architects	
Target Date: 30-Nov-2015	
Recommendation: RF1 - REFUSAL	
Application No: 2015/92939.....	85
Type of application: 65 - LISTED BUILDING	
Proposal: Listed Building Consent for erection of single storey rear extension (within a Conservation Area)	
Location: 13, Wentworth Street, Huddersfield, HD1 5PX	
Ward: Newsome Ward	
Applicant: Ahmed Din	
Agent: Nadir Khan, DK Architects	
Target Date: 30-Nov-2015	
Recommendation: CR1 - REFUSAL OF CONSENT	
Application No: 2015/90721.....	91
Type of application: 62m - FULL APPLICATION	
Proposal: Erection of 12 detached dwellings (within a Conservation Area)	
Location: Land off, Macaulay Road, Birkby, Huddersfield	
Ward: Greenhead Ward	
Applicant: Andrew Wasley, Paragon Building and Design Ltd	
Agent: Michael Owens, Fibre Architects Ltd	
Target Date: 13-Jul-2015	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	

Application No: 2015/91093

Type of application: 60m - **OUTLINE APPLICATION**

Proposal: **Outline application for erection of residential development (within a Conservation Area)**

Location: **Land off Hollyfield Avenue, Quarmby, Huddersfield**

Grid Ref: 411213.0 417268.0

Ward: **Lindley Ward**

Applicant: **JP & RM Salvini**

Agent: **Richard Baxter**

Target Date: **12-Oct-2015**

Recommendation: **OASD - CONDITIONAL OUTLINE APPROVAL
SUBJECT TO DELEGATION TO OFFICERS**

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/business/planning/advicenotes/PublicSpeakingCommittee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Outline application for residential development	
Scale of Development	Site area: 0.77ha	Units : indicative no. of 22
No. Jobs Created or Retained	N/A	
Policy		
UDP allocation	Provisional Open Land	
Independent Viability Required	No	
Representation/Consultation		
Individual Support (No.)	None	
Individual Objection (No.)	163	
Other Representations	Cllr Burke, Cllr Wilson, Jason McCartney MP	
Petition	N/A	
Ward Member Interest	Y	Name: Cllr Burke and Cllr Wilson
Statutory Consultee Objections	No	
Contributions		
• <i>Affordable Housing</i>	30% of floorspace	
• <i>Education</i>	£35.301 would be required if 25 units proposed	
• <i>Public Open Space</i>	Policy Compliant Off site contribution approximately £58,650.00	
• <i>Other</i>	N/A	
Other Issues		
Any Council Interest?	No	
Planning Pre-application advice?	Yes	Type: through level 1 pre-application service.
Pre-App Consultation Undertaken?	No	
Comment on Application	Provisional open land (POL) in UDP and an undeveloped (greenfield) site. No current five year housing supply and moderate adverse impacts not considered to significantly and demonstrably outweigh the benefits. Significant local opposition however the principle of development is considered acceptable. Detailed issues capable of being addressed at reserved matters stage and through recommended conditions.	

RECOMMENDATION: GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- i) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE AT THE END OF THE REPORT, AND**
- ii) THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

2. INFORMATION

The application is brought before the Huddersfield Sub Planning Committee as the application represents a departure from Policy D5 of the Kirklees Unitary Development Plan for a development of less than 60 dwellings.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application relates to an area of approximately 0.77h forming a small part of a much larger area of Provisional Open Land which lies south of the application site. . The site is predominately open green fields in character with ground levels varying between 208.5m AOD to the south west corner of the site and 199.5m AOD to the south east. Residential properties border the north, east and west boundaries of the site with open land to the south. The site, albeit a small triangular area in the south east, lies within the Quarmby Fold Conservation area with a small block of grade II listed buildings known as Holly Bank Court along the eastern boundary of the site.

Proposal

Outline planning permission is sought for the erection of residential development with details of the point of access into the site, to be taken from Hollyfield Avenue. This is shown on drawing no. 7470/050 Rev B. All other matters are reserved for subsequent approval.

An indicative layout and internal access arrangements has been submitted that shows the arrangement of up to 22 dwellings consisting of mainly detached, semi-detached and short row of terraced properties, all to be served by a new internal access road taking access off Hollyfield Avenue.

The application is accompanied with the following reports:

- Design and access statement
- Planning policy Statement
- Ecological Appraisal
- Flooding & Drainage Assessment ;
- Phase 1 (ground investigation) Environmental Assessment ,

- Heritage appraisal, and an
- Access road, detailed design drawing

4. BACKGROUND AND HISTORY

None relevant

5. PLANNING POLICY

The application site is forms part of a larger area of Provisional Open Land (POL) on the Unitary Development Plan proposals map and the majority of it lies in the Quarmby Fold Conservation area.

Kirklees Unitary Development Plan

D5 – Provisional Open Land

BE1 – Design principles

BE2 – Design of new development

BE12 - Space about buildings standards

BE5 – Conservation areas.

H10 - Affordable housing provision

H12 – Arrangements for securing affordable housing

H18 – Provision of open space

G6 - Development having regard to contamination

EP11 – Incorporation of integral landscaping scheme which protects or enhances ecology

T10 - Highway safety considerations

T19 - Parking standards

National Planning Policy Framework

‘Achieving Sustainable Development’

‘Core Planning Principles’

Section 4 - Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

Other Guidance

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

KMC Policy Guidance: ‘Providing for Education Needs Generated by New Housing’

Manual for Streets (2007)

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 – No objections subject to conditions

K.C Environmental Services – No objections subject to conditions

K.C Conservation and Design – No objections (see assessment below)

K.C Ecology & Biodiversity officer – The ecological survey has established the site is of very limited ecological value. There is some scope, however, to enhance ecological networks in the local area (as identified in the report) through appropriate landscaping measures. On this basis there is no objection to the proposed development providing, as recommended, a full biodiversity mitigation and enhancement plan is produced and implemented as part of the development scheme.

K.C Flood Management and Drainage –no objections subject to conditions (see assessment below)

K.C Strategic Housing – An affordable housing contribution is required

K.C Parks & Open Spaces – no objections subject to contributions

K.C. School Organisation & Planning - should the proposals be for 25 dwellings at reserved matters stage, an approximate figure of £35.301 would be requirement for an education contribution to meet the demand from the development for places at Reinwood I &N School, Reinwood Juniors school and Salendine Nook Academy. The final contribution will differ, depending on the number of dwellings proposed.

Yorkshire Water – No objections subject to conditions

Forestry Commission - no impact on Ancient Woodland

7. REPRESENTATIONS

The application was advertised by site notice, neighbour notification letters, and by Press Advert. The final publicity period expired on 14th August 2015. As a result of that publicity, 166 representations have been received including objections from Jason McCarthy (MP), Ward Cllr Cahal Burke and Ward Cllr Gemma Wilson.

Jason McCarthy (MP) states:

“I would like to object most strongly about the above planning application, as it will be yet another unsustainable development in the Lindley ward.

The schools are full, the roads are clogged up and doctors are turning away patients, Lindley is full and cannot support any further developments such as this one.

This green field on which building is proposed is part of a vital break between developments that needs to be protected for the amenity of all local residents. I hope the council will reject this application for the above reasons”.

Cllr Burke: requests Members undertake a site visit before making its decision and states: I ask that you note my concerns and objections regarding the above application.

- The application will adversely affect the character of the local conservation area.
- The application will result in an increase in the number of vehicles on roads which are already struggling under the burden of vehicles associated with other housing developments.
- The application will result in further pressure on local school places and public services already struggling with the increase in local population resulting from other housing developments.
- The application will result in the loss of another piece of green open space in Lindley which is becoming a rarity due to other successful planning applications.
- The Lindley ward has had the largest percentage share of housing development in Kirklees between 2007 and 2013 and the building of further homes is not in the interests of the area, its residents, public services or infrastructure.

Cllr Gemma Wilson states:

I object to this application. The land is an area of natural beauty, affording tremendous views across the countryside. This area would not suit further development as this part of Quarmby is a small hamlet. I have concerns surrounding the inappropriate access point to the site. This passes far too close to existing properties & will cause noise of passing cars close to those houses when this is not what residents bought in this lovely area expected.

There have also been drainage concerns regarding the site. I strongly urge this application is rejected.

A summary of the representations made by local residents is as follows:

Principle of development:

- Loss of green space/ areas in Lindley

Response: addressed in assessment below

Effect on visual amenity, the Conservation Area and nearby listed buildings:

- Undermining the character and setting of the listed building
- Irreversibly damage the character and special interests of the area
- Heritage appraisal is inaccurate and comprises a subjective view

Response: addressed in assessment below

Residential amenity impact:

- Loss of natural sun light, privacy, over shadowing and over looking into bedrooms of existing properties, from indicative siting of proposed dwellings.
- Noise concerns to property adjacent to proposed access from traffic regularly using access

Response: addressed in assessment below. With regards to noise nuisance to the two adjacent properties adjacent to the proposed access, no 50 Hollyfield Avenue has a blank gable facing the access and accommodates a garage at ground floor level. No. 14 has been extended with one opening at first floor level, in the gable facing the proposed access point. The ground floor is blank and enclosed by a timber boundary fence adjacent to the proposed access point. Having considered the above, officers are of the opinion the noise generated from the comings and goings associated with the proposed residential development on this site would not give significant concerns over noise nuisance to these properties and would not be dissimilar to noise levels in association with traffic passing the fronting of properties on Hollyfield Avenue.

Ecology:

- Feeding grounds for wildlife will be lost and fails to conserve trees and wildlife

Response: addressed in assessment below

Highway & safety issues:

- increase traffic on surrounding highway network which is not adequate to serve new development and further damage to road surfacing
- increase highway safety implications and congestion on surrounding highway network
- access and gradients to site problematic

- Entrance to site inadequate visibility and not suitable for emergency vehicles

Response: addressed in assessment below

Drainage & flooding:

- Drainage report does not adequately demonstrate the case for effective drainage for 22 dwellings
- Flooding is already an issue with water draining from the steep slopes, proposals would make the existing situation worse
- Insufficient information in drainage report to support a decision

Response: addressed in assessment below

Other matters:

- The boundary cuts into the garden of no.2 Holly Bank Court significantly and notice has not been served on No.2 Holly Bank Court

Response: the plans have been amended to omit this area and plans advertised to reflect this amendment.

- Suggested amendments put forward, these include removal of some of the indicative plots, reducing height and materials to be same quality and appearance of Hollyfield development

Response: addressed in assessment below

8. ASSESSMENT

General Principle/Policy:

The application site includes land designated as Provisional Open Land (POL). Policy D5 of the UDP states that *“planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term”*

The Local Plan will provide the evidence base for all new and retained allocations including POL. The Local Plan process will also be the vehicle to assess whether there are exceptional circumstances to return POL sites back Green Belt or whether they may be suitable for allocation as Urban Greenspace. However, the local plan process is underway and it is still some way from being sufficiently advanced to carry any weight in decision making for individual planning applications. The LPA must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

The weight that can be afforded to policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.

In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a five year supply of deliverable housing sites.

The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

“The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”

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 as Provisional Open Land.

The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. It states that these roles are mutually dependent and should not be undertaken in isolation; “*economic, social and environmental gains should be sought jointly and simultaneously through the planning system*” (paragraph 8). The ‘economic’ role includes providing support for growth and development requirements. In this case this includes business opportunities for contractors and local suppliers during construction and demand for services from new residents. The ‘social’ role states the need to support communities by providing housing to meet the needs of present and future generations. This is particularly at a time of general housing need given the Council is unable to demonstrate a 5 year supply of housing land. The ‘environmental’ role includes contributing to protecting and enhancing the natural, built and historic environment. Although the proposal would develop a greenfield site, where national policy encourages the use of brownfield land for development, it also makes it clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. Finally, given the sites close proximity to listed buildings and its location within the Quarmby Fold Conservation Area, the desirability of new development will be considered taking into account the local character and distinctiveness of this Conservation Area along with the significance of the listed buildings, in order to conserve heritage assets in a manner appropriate to their significance. This is discussed in the assessment below.

As such, in the absence of both a five year housing supply and provided there are no significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the framework taken as a whole, the principle of developing this site is considered to be acceptable.

There have been strong views expressed about the adverse impacts of this development by a significant number of representations opposing the application. The following sections detail these issues and conclude that development, does not give rise to significant material planning harm which can be substantiated as a reason for refusal.

Assessing the policies in the national planning policy framework as a whole in accordance with the paragraph 14 test, the provision of housing on this greenfield site, outweighs the environmental harm arising from the development and the proposal is considered to be sustainable development.

Effect on visual amenity:

UDP Policies are BE1 and BE2 state that the layout of buildings should respect any traditional character the area may have. Infill development must respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. This is particularly important as the site is bordered by existing residential properties.

Proposals for new development should respect the architectural qualities of surrounding development and their materials of construction in order to preserve and enhance the appearance of the area as stated under Policy BE5 of the UDP. This is reiterated in section 12 of the NPPF.

Whilst the submitted information touches on the proposed scale of dwellings to be predominately two storeys in height, the visuals submitted are not to scale nor give details of finished floor and ground levels in comparison to the existing surrounding properties. Nevertheless, as this application is only seeking the principle of developing the site at this stage, a full assessment of the layout, scale, landscaping and appearance of the proposed development would be made upon the receipt of any subsequent application for approval of reserved matters if outline permission is granted.

Given the variation in levels within the site, excavations and infilling is most likely to be required to accommodate the proposed development. The indicative layout sets out the potential siting of the proposed dwellings. Whilst these appear to show reasonable sized enclosed rear garden areas including parking provision with space for waste bins for each plot, officers are conscious of the variation in levels on site in comparison to the existing surrounding development and as such would take into account existing and proposed levels, including separation distances between properties on any subsequent application, to assess the full impact on visual amenity of the area

as well as to avoid any potential overbearing impact on the amenities of existing residential properties.

Given the size of the application site and on the basis of the indicative layout alone however, Officers are of the opinion that subject to the preceding paragraph up to twenty two dwellings could be adequately accommodated on this site without appearing out of context with the urban grain of the surrounding development. With regards to design and external appearance including materials of construction, these are matters which would be considered in detail upon future submission of reserved matters or full application taking into account the above policies and the impact on the character and appearance of the surroundings.

Furthermore, due to the topography of the site and neighbouring land/sites it is expected that retaining walls may well be required on the periphery of and within the site. Similarly this would be considered in detail on subsequent applications and a suitable condition is recommended at this stage.

Notwithstanding the topography of the site Officers are of the opinion that a development on this site can be achieved without harm to visual amenity in accordance with UDP policy and the NPPF.

Effect on Heritage Assets:

Section 66 (1) of the Listed Buildings Act states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. In terms of conservation areas Section 72 (1) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 132 of the NPPF notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

The application lies in the Quarmby Fold Conservation Area and with listed buildings nearby. There is no formal appraisal for the Quarmby Fold Conservation Area. However, the character assessment as defined in the UDP is “Late eighteenth century/early nineteenth century stone built elevated hamlet clustered around sixteenth century Quarmby Hall, now part of Huddersfield. Bank Farm survives giving rural character to north-west of area”.

The applicants have provided a Heritage Assessment in which it is stated that “existing area is such that urbanisation has intensified, most notably in the form of post-war, volume housing. The majority of development to the south of

New Hey Road is suburban in nature, with winding through streets and cul-de-sacs featuring mostly semi-detached configuration housing with large front and rear gardens". Development has continued such that this 'infilling' now extends between Quarmby Fold and New Hey Road. Immediately North-West of the site, suburban residential development along Hayfield Avenue forms the western boundary of the site. To the south of the application site an area of land adjacent Haughs Lane remains open. There is further post war development bounding the northern, eastern and south eastern boundaries of the site. The listed building at Holly Bank Court, to the east of the site is the only notably building close to the site. This is hammer-dressed stone, with pitched stone slate roof.

Conservation Officers have raised no objections to the principle of development on this site, taking into account the heritage assets of the conservation area and Holly Bank Court, but consider that details submitted at reserved matters stage will need to pay special consideration to the layout, scale, design and material palette of any dwellings to be built within close proximity to Holly Bank Court, a grade II listed building which is now in use as 3 dwellings as well as the surrounding development. Furthermore any detailed scheme will need to demonstrate that this preserves the character or appearance of the conservation area such that it complies with the duties set out on the Listed Buildings Act and guidance in the NPPF.

Officers consider that the new development could be designed so that this would not adversely affect the setting of the listed buildings or the existing characteristics of the conservation area. However, in order to make a full assessment of this details, such as sectional plans showing the relationship between the listed building and those new dwellings surrounding it, will be expected when a full application is made.

To conclude, the principle of residential development on this site, if designed appropriately, taking into account the above, would lead to less than substantial harm to the setting of the listed buildings and the character of the Quarmby Fold Conservation Area. In such circumstances NPPF para 134 states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case the harm is outweighed by public benefits of the provision of housing, which at this stage is also required to provide a proportion of affordable units.

Effect on residential amenity:

Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.

In this instance, the layout submitted is for indicative purposes only. The Design and Access Statement makes reference to the indicative layout, stating this shows how the normal standards for space about buildings can be accommodated. Nevertheless, achieving the distances as set out in Policy BE12 alone would not be sufficient. Reserved matters would need take account of the topography and existing building heights of surrounding development in association with new dwellings and finished ground levels to avoid any potential adverse effect on the amenities of both the existing and future residents of the site. Subject to the above, Officers are satisfied that a layout could be provided on this site which would safeguard the residential amenity of future occupants as well as those that are located within close proximity to the application site in accordance with Policy BE12 of the UDP.

Effect on Highways & road safety:

UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network ...”. Policy T19 addresses car parking in relation to the maximum standards set out in Appendix 2 to the UDP.

As stated above, access in this case is to be taken from Hollyfield Avenue, a cul-de-sac serving a number of existing residential properties. This links into Tanyard Avenue and Greenfield Avenue.

On initial assessment the Highway Officer, requested additional information to address concerns regarding service vehicle swept paths to accommodate an 11.6m long refuse vehicle turning and visibility to the right of the site access road to be indicated on the site access plan.

Highway Officers, having considered the amended plan, drawing no. 7470/050 Rev B by CODA structures, detailing the site access point, are now satisfied the above concerns have been addressed.

To conclude the point of access arrangements accord with current guidance.

Whilst Highway Officers are satisfied that an adequate access point to accommodate the principle of developing this site for residential development can be achieved subject to conditions, any future applications indicting the number of dwellings would be considered in light of all material considerations and UDP Policy T10 to ensure the traffic generated by the proposal can be accommodated on the existing highway network and to avoid material impact on the safety and operation of the network or significantly add to any peak time congestion.

Finally, to ensure the safe operation of the surrounding road network is not unduly compromised and in the interests of highway safety it is considered appropriate to impose a condition requiring details of arrangements for construction traffic to the site.

Access by sustainable modes of transport:

The site is located in close proximity to a number of local roads, which provide access to New Hey Road / A640 to the north, and Longwood to the south. Hollyfield Avenue provides direct vehicle access to the site, with an existing access stub adjoining the northern boundary of the site. Hollyfield Avenue also provides access to Tanyard Road, which provides further connections to New Hey Road and Quarmby Road respectively, allowing access to local centres including Oakes and Salendine Nook. Both local centres are just beyond the 800m radius of the centre of the site, as well as the Huddersfield Royal Infirmary.

The site is served by a number of regular, local bus routes, with a number of bus stops within a five minute walk of the site. The 377 service provides connections between Huddersfield Town Centre and Outlane, and access to Oakes and Salendine Nook. The 378 service between provides access to local amenities as well as access to the town centre. Quarmby is served by numerous bus routes to Huddersfield town centre including services 370, 371, 537 and 901, as well as Arriva and First Bus cross city services which provide connections to Leeds city centre. Regional bus services are also available to Sheffield and Manchester centres.

Most retail and commercial uses within the immediate vicinity of the site are distributed along the New Hey Road, with a concentration of services at Salendine Nook, approximately 1.5km to the north west. Approximately 1.2km east of the site, the Oakes local centre forms an area of convenience retail and small scale local businesses.

In addition within 400m (a 5 minute walk) of the site, local amenities include recreation space and access to a public By Way through Ballroyd Clough. The nearest bus stop is located along Hollyfield Avenue. The Salendine Nook High School playing fields are also within a 5 minute walk. Within 800m (a 10 minute walk) of the site, amenities include the Oaks Baptist Church, the Highgate Pub and a number of recreational open spaces and allotments. The Oakes Business Park is also within close proximity to the site.

A number of Public Rights of Way (PROW) and two public byways provide further pedestrian linkages across Quarmby, providing connections to Salendine Nook, Longwood and Oakes. A number of PROW exist to the south and west of the site, within a 5 minutes' walk, providing access to New Hey Lane and Haughs Lane, as well as access to the surrounding recreational space adjacent to Salendine Nook High School. Within 800m of the site, a number of PROW's traverse the gradient along Haughs Plateau towards the lower areas of Longwood and Leymoor. The public byway (HUD/303/20) along Ballroyd Clough provides a recreational connection between Haughs Road and Vicarage Road to the south of Quarmby Cliff, forming part of the Green Corridor which connects to Huddersfield town centre.

In terms of social inclusion and accessibility, the site is close to two local centres which benefit from a range of community facilities offering employment, leisure and retail opportunities and a post office, in a location near bus stops, with a regular bus services to Huddersfield town centre. The site is also in the vicinity of local schools and hospital. In terms of accessibility therefore the proposal is considered to be acceptable.

With regards to obtaining access to the remainder of the POL site, the current access would not prejudice potential alternative points of access to this land. However, they would have to be considered on their own merits should any further planning applications be submitted. On this basis, it is considered that there is no justification to refuse planning permission on the basis of concerns over future access to the remainder of the POL allocation.

Contributions (Affordable housing, Public Open Space provision and Education):

UDP Policies H10 and H12 and the Councils Supplemental Planning Document (SPD2) set out the objectives for the provision of affordable housing. The number of houses to be provided is not known but based on the indicative layout an affordable housing contribution is required which can be secured through a Grampian condition with a Section 106 agreement to discharge the requirements of the condition prior to development commencing. The submitted planning statement acknowledges this and states “the site is greenfield and 30% of the total floor space would be required”...for affordable housing. However the information submitted also states “the precise amount is to be determined following a viability assessment to be submitted as part of this application and subsequently reassessed by the ultimate developer at reserved matters stage”. No viability appraisal has been received as part of this application and having discussed this with the agent it was advised an affordable contribution would be sought on this site although the specific details of units and types would need to be considered in further discussions. Subject to this, affordable housing issues are addressed in accordance with policies H10 and H12 of the UDP and the SPD.

The site is over 0.4ha and requires a public open space (POS) contribution in accordance with Policy H18.

The Councils Parks & Open Space Officer states:

“This site is urban fringe on the edge of improved grassland fields with stone wall boundaries retained. There is no close proximity to any important landscape feature. The proposal sits within the boundary of Quarmby Fold Conservation Area; there are listed buildings very near to the east of this site.

Any landscape proposals shall be an enhancement of the site and should include proposals for planting, screening, security and landscape improvement. The use of grass verges is problematic for maintenance, these

should be incorporated into gardens as vehicle damage and on street parking can damage verges.

No on site POS is indicated. Due to the size of development the provision of on site POS would be approximately 660m². The nearest POS and play provision is 750 metres away along a busy road at Cliff End.

Alternatively, an off site contribution towards Cliff End could be considered, this is estimated to be approximately £58,650.00, as advised by the Councils Parks & Open Space Officer.

The design and access statement states “the provision of Public Open Space (POS) can be dealt with off-site through a commuted sum approach”

This can be secured through a Grampian condition with a Section 106 agreement to discharge the requirements of the condition prior to development commencing.

Education:

In line with the requirements of ‘Providing for Education Needs Generated by New Housing’ (KMC Policy Guidance), should the reserved matters be for 25 or more this would generate a requirement for a contribution towards additional school places it generates, in order to satisfy a shortfall in additional school places generated by the development. Based on 25 dwellings this would presently require an approximate figure of £35,301 towards Reinwood I & N School, Reinwood Juniors school and Salendine Nook Academy. The final figure would depend on the number and types of units proposed. If less than 25 dwellings were proposed then the development would fall below the threshold for seeking a contribution towards additional school places.

Matters relating to this can be again be secured through a Grampian condition with a Section 106 agreement to discharge the requirements of the condition prior to development commencing.

Drainage Issues:

The NPPF requires Local Planning Authorities to take account of climate change over the longer term, including factors such as flood risk and water supply. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

From the information received, it is established, there is a known pipe culvert to the west of the site (outside the application site) and separate combined and surface water public sewers crossing the site, with the latter connecting to a watercourse.

The Strategic Drainage Officer having assessed the application advises:

1. An off-site requisition for foul and surface water sewers will be required as drainage for the southern section will not be able to drain within the site boundary. It is not clear if there is a feasible route for all properties to achieve a gravity connection.
2. As well as an easement for the 375mm public combined and 375mm public surface water sewer crossing the site (exact stand-off distance will require consultation with Yorkshire Water) which will affect the layout, a surface water flood route is indicated on our records. An assessment will be required of the topography to establish what this exact route is pre-development. This must be maintained and an assessment required with regard to property and ground levels, boundary types, road design including traffic management and kerbs. In short this route needs to be maintained without obstruction so as to minimise the risk on site.

Consultation has also been carried out with Yorkshire Water who consider the Flood and Drainage Assessment prepared by CODA Report and the indicative layout drawing no. 4000, accompanying the application is not acceptable in that it does not demonstrate that surface water disposal via infiltration or watercourses are not reasonably practical before considering surface water disposal to a public sewer.

In order for Yorkshire Water to be support any future layout of the site further investigations, evidence and tests of the existing and proposed drainage infrastructure would need to be submitted as part of any subsequent application on this site.

From the above and through discussions with both the Council's Flood Management/Drainage Officer and Yorkshire Water it is accepted this is an outline application where the principle of development can be accepted subject to conditions, which will need to take account of the existing and proposed drainage infrastructure, in order assess the effect of such systems in terms of flood routing, physical diversion, and appropriate stand-off distances, which shall inform the layout of residential development on this site on any subsequent application.

To conclude, an understanding of current flood routing patterns is key to avoiding an adverse impact on flood risk off site. On this basis, the submitted indicative layout cannot be supported until further analysis is provided. The indicative layout would not be approved at outline stage. These issues along with the draft drainage conditions and full advice of the Drainage Officer and Yorkshire Water have been conveyed to the agent, who agrees this to be reasonable. Should Members support Officers recommendation, all necessary and relevant conditions related to drainage would be imposed so that any future layout is informed by appropriate drainage details and to

accord with Policy BE1(i) of the UDP and guidance in part 10 of the National Planning Policy Framework.

Ecological issues:

Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity” by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments. UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.

The site is surrounded by more recent housing (to the east and north) interspersed with the older housing of Quarmby and areas of mature trees. To the south the site borders open pasture fields whilst to the west is a large expanse of mown amenity grassland associated with the Huddersfield New College and Salendine Nook High School complex. The site itself is comprised of an area of rough neutral grassland and comprises a limited range of species-poor habitats.

The ecological report accompanying the application has identified the site is of very limited ecological value. There is some scope, however, to enhance ecological networks in the local area (as identified in the report) through appropriate landscaping measures. The Biodiversity Officer advises that these impacts can be mitigated by conditions on any planning permission. These would require appropriate enhancement and compensation measures in accordance with the measures specified in paragraphs 43 to 47 inclusive of the Ecological Report submitted with the application to be included with a detailed scheme, either through landscape and appearance reserved matters or a stand-alone requirement by condition. This would satisfy the requirements of the NPPF and Policy EP11 of the UDP.

Land Contamination:

The Phase I report by CODA Structures dated 23/2/15), has been reviewed by the Council's Environmental Services. The report identifies possible sources of contamination from contaminative activities in the vicinity (250m) of the site. It has subsequently been confirmed that the report recommends that further ground investigation of the site and gas monitoring are required.

On this basis, Environmental Health Officers advise that in order to promote green sustainable development, in accordance with NPPF section 4 paragraph 35, submission of a Phase II Intrusive Site Investigation Report including intrusive site investigations and appropriate remediation and validation reports/strategies shall be conditioned to comply with Policy G6 of the UDP as well as the aims of chapter 11 of the NPPF.

Other issues (land stability):

A number of concerns from occupiers of neighbouring properties are raised in relation to the stability of land and proposed retaining walls. Paragraphs 120 and 121 of the NPPF clearly state that to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location.

Paragraph 120 states that

“The effects (including cumulative effects) of pollution on health, the natural environment or general amenity.....should be taken into account. Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

Furthermore, these issues could form part of a building regulations application, in particular if any retaining walls would be supporting land and form part of the dwelling. Similarly, details of retaining walls would be required by Highway Structures Officers for retaining walls that would retain land adjacent to a highway.

In accordance with the NPPF the developer/ applicant would be responsible for ensuring that adequate site investigation was carried out by a competent person to demonstrate that the site can be developed without unacceptable risks to the future occupiers of the proposed dwellings or the existing occupiers of neighbouring properties from land stability.

Details of the appearance of retaining walls and boundary treatment would be conditioned and should form part of any subsequent applications, to accord with Policies BE1 and BE5. This however would not be to approve the specific constructional details of the retaining walls.

Air Quality:

NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution. On small new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

REPRESENTATIONS

Insofar as representations received that have not been addressed through the officer’s assessment, these are responded to as follows:

- Applicant has no interest in the area, the preservation of the architecturally impressive building or of the conservation area.
- Concerns regarding accuracy of D and A statement
- Lack of detail

Response: As the proposals are seeking the principle of developing this site with point of access only and with indicative details, Officers have made clear in the assessment above any detailed application would be considered taking into account the effect on the surrounding development including the adjacent nearby listed buildings and conservation area.

- Previous refusals relate to adverse impact on character and appearance of conservation area and listed buildings setting

Response: This is noted, and whilst acceptable in principle, it is advised each application is considered under its own merits, further consideration will be made on the impact on the nearby listed buildings and conservation character when detailed applications are received.

- Pressure on amenities – Doctors, dentists and hospitals.

Response: The provision of facilities such as doctors and dentists are a matter for the Local Health Authority and not an issue over which the Local Planning Authority has any control nor does it have any control over whether the facilities are NHS or private. This is not a material planning consideration.

Conclusion:

The Council cannot currently demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content.

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.

The application would not prejudice any potential future development of the wider POL allocation in the UDP.

There would be no materially harmful effect on highway safety, visual or residential amenity. There would be no materially harmful impact on the setting of adjacent listed buildings or the conservation area.

In such circumstances it is considered that there are no adverse impacts of granting permission which 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. In such circumstances the application is recommended for approval.

9. RECOMMENDATION

CONDITIONAL OUTLINE APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

1. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE SET OUT BELOW; AND

2. SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.

1. Approval of the details of the, appearance, scale, layout and landscaping of the site (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, scale, layout and landscaping of the site, 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 any reserved matter 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 before the expiration of two years from the date of the approval of the last of the reserved matters.

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 within the development have been submitted to and agreed 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; and
- 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. 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 educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority

8. Details of landscape submitted pursuant to conditions 1 and 2 shall include a full ecological/biodiversity mitigation and enhancement measures plan (BMEP) including

- a) as specified in paragraphs 43 to 47 (page 12) inclusive of the Ecological Appraisal dated March 2015 by Brooks Ecological, submitted with the application together with all enhancement measures as indicated in the appraisal,
- b) details including the height, design, siting and materials to be used for the erection of walls/fences, retaining walls and constructional details and facing materials of all proposed boundary treatment, and
- c) a phasing plan of a) and b), above

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales.

9. No development shall take place until details of the siting, design and materials to be used in the construction of retaining walls/structures abutting a highway have been submitted to and approved in writing by the Local Planning Authority. The construction of the hereby approved dwellings shall commence only on completion of the retaining structures/walls in accordance with the approved details or in accordance with an alternative timescale agreed in writing by the local planning authority and thereafter retained as such.

10. The development shall be served solely off the access point onto Hollyfield Avenue as shown on the drawing no. 7470/050 Rev B prepared by CODA Structures

11. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

12. No development shall take place until details of the junction and associated highway works, between the proposed estate road and Hollyfield Avenue have been submitted to and approved in writing by the Local Planning Authority. 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 appropriate independent road safety audit covering all aspects of the works. The development shall not be brought into use until all the works under the approved scheme have been carried out complete in accordance with the approved scheme.

13. The development shall not be brought into use until visibility splays 2.4m x 16m either side of the site access in which there shall be no obstruction to visibility above the level of the adjacent footway/carriageway as indicated on the drawing no. 7470/050 Rev B have been completed. Thereafter the visibility splays shall thereafter be retained in accordance with these approved details.

14. 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.

15. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no. 14 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 measures.

16. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 15. 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.

17. 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.

18. No building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers, which cross the site.

19. No new tree planting, shall be permitted over or within 5.0 (five) metres either side of the centre line of the sewers, which crosses the site.

20. Any reserved matters of 'layout' of the site submitted pursuant to conditions 1 and 2 shall be accompanied by the following drainage information:

- a. details of any existing surface water flood routes on site with topography details,
- b. existing drainage infrastructure to be maintained/diverted /abandoned,
- c. proposed scheme detailing separate systems of foul and surface water drainage, including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, and a detailed maintenance and management regime for the existing drainage systems to be maintained/diverted/abandoned together with the proposed foul and surface drainage water systems for the proposed development;
- d. an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change to include a scheme to manage flows in channel, exceedance events and blockage scenarios (overland flow) for onsite systems and the surrounding area in both directions and flood risk associated with the systems identified in a. (above) along with above ground flow routes. Exceedance routes should avoid property and curtilage areas;
- e. an off-site requisition for foul and surface water sewers, if necessary and
- f. a flood risk assessment of the site based on a., b., c., d., and e. (above).

The resultant drainage information referred to in a., b., c., d., e., and f. shall inform the layout of the site and shall include appropriate stand-off distances between existing and proposed drainage infrastructure and buildings within the site and appropriate measures for flood risk management.

21. The development shall be carried out in accordance with the drainage scheme approved pursuant to condition 20. 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 works comprising the approved scheme have been provided on and off site. The works comprising the approved scheme shall thereafter be retained and the approved maintenance and management regimes adhered to at all times.

22. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of *4 litres per second* 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 events, with a 30% 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 approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

23. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

24. There shall be no new buildings, structures or raised ground levels within 3 metres either side of the centre line of watercourses within or along the boundary of the site.

25. Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed. The electric vehicles charging points so installed shall thereafter be retained

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1000	01	13 th July 2015
Engineers detailed drawing of point of access to site	7470/050 by Coda Structures	B	10 th July 2015
Proposed indicative layout – for illustration only	4000		13 th July 2015
Planning Statement	dated April 2015		13 th July 2015
Heritage appraisal,	dated March 2015		
Design & Access statement	dated April 2015		13 th July 2015
Phase 1 (ground investigation) Environmental Assessment	7470 Dated 23 rd Feb 2015		13 th July 2015
Flooding & Drainage Assessment	7470 dated 09 March 2015		13 th July 2015
Ecological Appraisal	R-2142-01, dated March 2015		13 th July 2015

Application No: 2015/90914

Type of application: 60m - OUTLINE APPLICATION

Proposal: Outline application for demolition of commercial unit and erection of 4 commercial units and 59 student flats

Location: rear of Broomfield House, Firth Street, Huddersfield, HD1 3DA

Grid Ref: 414617.0 415920.0

Ward: Newsome Ward

Applicant: Priestroyd Developments Ltd, c/o agent

Agent: Steven Johnson, MJF Architecture Ltd

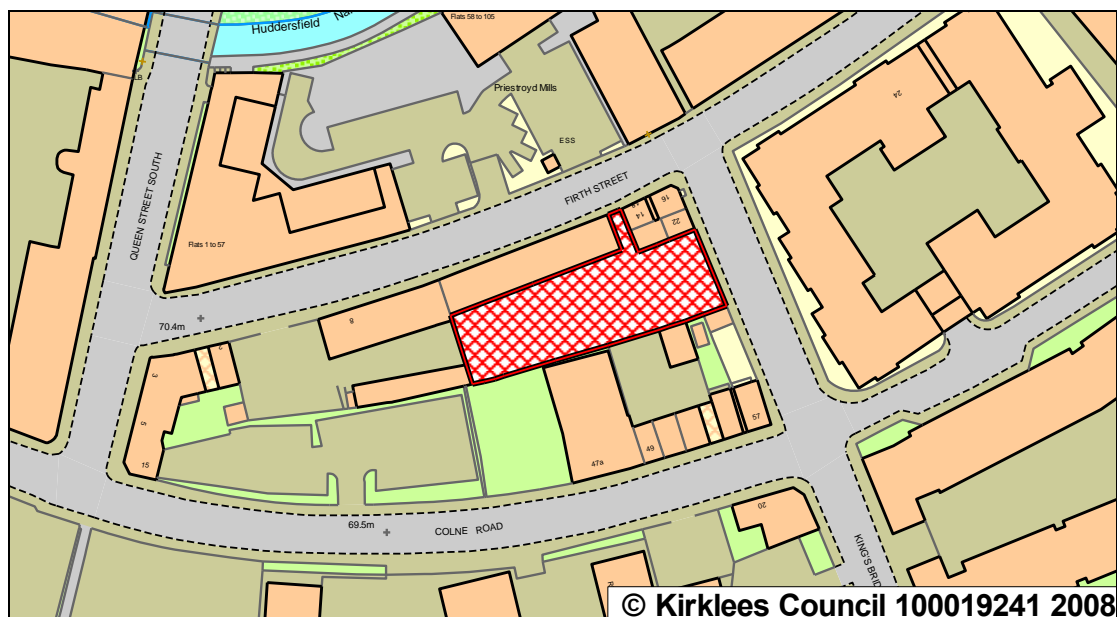
Target Date: 26-Jun-2015

**Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL
SUBJECT TO DELEGATION TO OFFICERS**

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/business/planning/advicenotes/PublicSpeakingCommittee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Outline application for demolition of existing building and erection of 4 commercial units and 59 student flats	
Scale of Development	Site area: 0.1 hectares	units: 63 (4 Class A1 shops and 59 student flats)
No. Jobs Created or Retained	N/A	
Policy		
UDP allocation	Unallocated	
Independent Viability Required	No	N/A
Consultation/Representation		
Individual Support (No.)	0	
Individual Objection (No.)	64	
Petition	N/A	N/A
Ward Member Interest	No	
Statutory Consultee Objections	No	
Contributions		
• Affordable Housing	N/A	
• Education	N/A	
• Public Open Space	N/A	
• Other	N/A	
Other Issues		
Any Council Interest?	No	
Pre-application planning advice?	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	The application is recommended for conditional outline approval.	

CONDITIONAL OUTLINE APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

1. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS

2. SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.

2. INFORMATION

The proposals are brought to the Huddersfield Planning Sub-Committee for determination in accordance with the Council's Scheme of Delegation based upon the significant level of representation received.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application relates to 0.1 hectares of land on Firth Street/King's Bridge Road, Huddersfield. The site is primarily occupied by an operational vehicle repair garage which fronts on to King's Bridge Road. The remainder of the site is currently vacant.

The surrounding area is predominantly made of student accommodation, with a mix of mill conversions and new build. The site is flat in nature and does not contain any mature trees.

Proposal

The application is for outline planning permission for the demolition of the existing commercial unit and erection of 4 commercial units and 59 student flats.

Access, appearance, layout and scale have been applied for, meaning that landscaping forms the Reserved Matter.

It is proposed to accommodate these uses in 2 blocks (Block A to the western part of the site and Block B to the eastern part fronting on to King's Bridge Road) and pedestrian access to Block A is from Firth Street and access to Block B will be directly from King's Bridge Road.

Vehicle access will be achieved from Firth Street via a bridged entrance running through 'Broomfield House' which is the building to the north of the main section of the application site. This access currently serves as a secondary access (to the rear) to the MOT business and appears to have some low level and informal use in relation to 'Broomfield House'.

Block A is proposed to be 5 storeys with a flat roof. Block B is proposed to be three storeys (plus roof space accommodation) to the main road frontage and four storey (plus roof space accommodation) to the rear.

The proposed commercial units fall within Use Class A1 (which includes shops, hairdressers, Post Offices).

4. BACKGROUND AND HISTORY

2014/93335 – Alterations to commercial unit to form 6 student flats and associated works, including demolition. Approved (this relates to a building to the rear of the site (western part) and this building has now been demolished)

2013/93334 - Alterations to existing building to form 4 flats, demolition of steel building to the rear and erection of extensions to form 9 flats. Approved. (this relates to land to the south/south-west and construction is currently underway)

2012/90024 - Alterations to convert vacant mill to 29 student rooms and ground floor commercial unit – Approved (this relates to the main mill building to the north of the site – known as ‘Broomfield House’)

5. PLANNING POLICY

Kirklees Unitary Development Plan

D2 – Development without notation
BE1 - Design principles
BE2 - Quality of design
BE11 – Use of natural stone
BE12 – Space about buildings
BE23 – Crime prevention
EP4 – Noise sensitive development
G1 - Regeneration
G6 – Land contamination
B4 – Change of use of land and buildings last used for business or industry
T10 – Highway safety
T14 - Pedestrians and Cyclists
H1 - Meeting the housing needs of the District
TC1 - Huddersfield Town Centre Strategy

National Planning Policy Framework

NPPF Promoting sustainable transport (chapter 4)
NPPF Requiring good design (chapter 7)
NPPF Promoting healthy communities (chapter 8)
NPPF Meeting the challenge of climate change, flooding (chapter 10)
NPPF Conserving and enhancing the natural environment (chapter 11)

Additional guidance

Guidelines for Regeneration – Firth Street Area, Huddersfield

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 comments from the Fire Service (which will be reported in the update).

K.C. Environmental Services – No objection subject to the imposition of conditions in respect of noise, air quality and contaminated land.

K.C. Environment Unit – No objections subject to conditions in relation to ecological enhancement.

K.C. Strategic Drainage – Final comments to follow by update.

K.C. Business & Economy – Concern over loss of commercial employment land.

Yorkshire Water – No objections.

West Yorkshire Police Architectural Liaison Officer – No objections in principle.

Environment Agency – No objection subject to conditions.

Coal Authority – No comments required.

7. REPRESENTATIONS

The application has been advertised by neighbour letter, newspaper advertisement and site notice. This publicity period expired on 22nd May 2015.

A total of 64 letters of representation have been received in objection to the scheme.

The points raised may be summarised as follows:

Highways:

- Roads around the site are very busy, this will be made worse - which may affect pedestrian safety

Amenity:

- Area will be full of similar looking student blocks soon

Other matters raised:

- There is no demand for additional student accommodation & further blocks have been approved/are being built
- Loss of the business premises should not be permitted and will result in the loss of jobs
- Business has been operating there for over 30 years and is conveniently positioned
- Owners of business can't find another site
- Development could be better located eg old Tesco site
- Retail units should not be filled by more takeaways
- Incorrect postal address of the site has been supplied
- Area will become a student ghetto
- Students are not compatible with long term residents

8. ASSESSMENT

The application is for outline planning permission for the demolition of commercial unit and erection of 4 commercial units and 59 student flats.

Access, appearance, layout and scale have been applied for, meaning that landscaping forms the Reserved Matter.

General principle:

The site has no specific allocation on the Unitary Development Plan Proposals Map. Policy D2 of the Unitary Development Plan (UDP) states “planning permission for the development (including change of use) 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 the proposal would be acceptable in principle in relation to policy D2.

Student accommodation:

The proposed erection of student apartments would be compatible with the local area which is now predominantly used for student accommodation, a use related to the expansion of the University which is supported in the Council’s Guidelines for Regeneration in the Firth Street Area, Huddersfield.

The student accommodation would be provided in a sustainable location, within close proximity to the university, and in an area where there is a demand for such student accommodation.

The principle of the student accommodation is therefore considered acceptable.

Loss of business premises:

Policy B1 of the Council’s UDP seeks to meet the employment needs of the district by providing land to accommodate the requirements of business and maintaining the stock of established business and industrial premises and sites, except where this would lead to environmental problems or where they are unsuitable for business and industrial use or there is no realistic prospect of re-use or redevelopment for such purposes.

NPPF paragraph 22 is clear that local planning authorities should not safeguard sites previously in employment use if there is no strong economic case for their retention. It is noted that these premises are still occupied and the representations submitted indicate that this business is viable.

Policy B4 seeks to protect employment uses and the applicant has submitted a B4 statement which contends that the existing premises are in need of substantial investment and renovation to bring them up to modern standards.

In addition, it is stated that the proposed use of the site for student accommodation, with some retail units, would be more compatible with the existing surrounding uses (student accommodation).

In addition, a statement from a commercial agent has been submitted. This sets out because of the proximity to the town centre, the presence of other student apartments/University and the lack of available retail units within this area, it is their opinion that *“there will be strong demand from occupiers for the retail space.”*

Whilst no information has been provided in respect of the number of people currently employed at the site, nor how many jobs will likely be created by the new retail units; it is considered likely that a similar number of jobs will be created. The site is currently underutilised as it only contains the garage building and the redevelopment of it (including the residential aspect) will also create jobs during the construction phase.

Taking the above factors into account, it is considered, that the loss of the existing business premises is acceptable. The redevelopment of the site will provide new commercial opportunities, will represent an efficient use of land and provide needed student accommodation.

Impact on residential amenity (including Noise):

UDP Policy D2 requires residential amenity matters to be considered and Policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. As this proposal is for student accommodation rather than general housing, the requirements of Policy BE12 are not considered applicable. However the general amenity of future occupiers of the accommodation is a material consideration.

With regard to Block B which fronts onto Kings Bridge Road, there are no concerns with regard to amenity given the distance to the student flats across the road and the presence of the road which provides physical separation and a degree of disturbance at present.

Block A is located to the rear of this (to the west) and aerial photographs show that this part of the site contained a large industrial building as recently as 2012.

It is also noted that a block of student accommodation immediately to the south of the site is currently under construction. The proposed block A will be set roughly parallel with this new development.

In respect of amenity, the block currently under construction does not have any windows in the north facing elevation (which faces on to the application site).

To the north is Broomfield House which has also been converted to student accommodation and the applicant has stated that this is within his ownership.

It is noted that the development (and Block A in particular) will result in a close relationship with the existing building to the north and the one currently under construction to the south. However this is considered acceptable in the context of surrounding development, which is predominantly of large and closely spaced blocks of student accommodation.

It is accepted that the scale and position/orientation of the block will result in the loss of some light to the existing accommodation to the north. However, it is considered that a number of factors outweigh the harm in this regard.

Firstly, there was a large industrial building within the site previously, which impacted on the existing block to the north. Secondly, (as noted above) the character of the area is one of closely spaced, large buildings. Thirdly, the benefits of the development in terms of regeneration of a semi-derelict site and providing student accommodation in a sustainable location are considered to weigh heavily in favour of the proposal. Finally, (as noted above) the applicant has stated that this Block is within their ownership.

The proposed development is considered acceptable, on balance, in respect of amenity for existing and proposed residents and accords with Policy D2 of the Kirklees Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

Contaminated Land:

The Council's Pollution & Noise Officer has reviewed the submitted information on Contaminated Land and has accepted the findings. Therefore there are no objections in this regard subject to the imposition of standard conditions.

This would accord with Policy G6 of the UDP and Chapter 11 of the National Planning Policy Framework.

Air Quality:

The Council's Pollution & Noise Officer has considered the proposal in respect of Air Quality. Whilst there are no objections in principle, as the student accommodation introduces a receptor adjacent to a main road route in close proximity to the town centre. A condition is required to secure a Low Emission Travel Plan and an Air Quality Impact Assessment, before commencement of building works. These will inform whether there is a necessity for mitigation measures.

Subject to the imposition of conditions, there are no objections in respect of Air Quality.

Noise:

The Council's Pollution & Noise Officer has raised no concerns with the proposal in respect of noise, given the proposed development and the nature of surrounding development.

Impact on visual amenity:

The design of the proposed building has been considered in relation to Policies BE1, BE2 and D2 of the UDP and Policies in Chapter 7 of the NPPF.

The proposed blocks also need to be considered in the context of surrounding development. In terms of scale, there are a number of large (ranging from 3 to 5 storeys) blocks of existing student accommodation in close proximity to the application site. This includes those buildings on Firth Street and blocks facing the site on Kings Bridge Road.

Proposed Block B, fronting on to Kings Bridge Road, is proposed to be three storey, with a further storey of accommodation in the roofspace. This block also takes account of the slight changes in level within the site as it extends to an additional storey at the rear. Although the building immediately adjoining the site (No. 22) is two storeys, in the wider context the scale of the block is considered appropriate.

Proposed Block A, which is set to the rear of the site is proposed to be 5 storeys. The block has a pitched roof which reduces the dominance of the block to an acceptable extent.

The design of the blocks is considered to be acceptable in the context of surrounding development. The scale and proportions of the blocks are comparable with the existing mill-type buildings around the site.

As 'landscaping' is a reserved matter, proposals for landscaping of the area marked as 'courtyard' on the proposed site plan will need to be brought forward at that stage.

The proposed materials are artificial stone with slate roofing. Whilst the existing building is of a poor quality, this proposal represents an opportunity to enhance the appearance of the site. The vast majority of surrounding development has been constructed from natural stone and the recently approved block (ref 2013/93334) to the south required the use of natural stone through the imposition of a condition. It is therefore considered necessary to impose a condition in relation to this development requiring the use of natural stone. This would accord with Policy BE11 of the UDP.

It is considered that the development will not be harmful to visual amenity and accords with the guidance contained within the NPPF and Unitary Development Plan Policies BE1, BE2 and BE11.

Highways:

The applicants have provided revised proposals showing the location of the proposed bin storage. The bins are shown to be located to the rear of the building. The bins will be collected as per the service arrangements for the student units in Broomfield House.

Whilst it is acknowledged that a refuse vehicle will not be able to enter the site from Firth Street due to the restricted height over the existing bridged access the applicants need to demonstrate that an emergency vehicle can enter and turn within the site. Manual for street recommends that there should be vehicle access for a pump appliance within 45m of every dwelling entrance for flats/maisonettes.

Flats to the rear and on the higher floors are likely to be well in excess of 45m from the point of access. The applicants have provided plans and sections which demonstrate that a fire appliance 3.25 metres in height can enter the site from Firth Street.

Highways are awaiting the response of the fire service regarding the applicant's proposals.

Subject to the comments of the fire service (which will be included in the update) regarding emergency vehicle access these proposals are considered to be on balance acceptable.

Drainage/Flood Risk:

The Council's Strategic Drainage Officer, the Environment Agency and Yorkshire Water have been consulted on the application and raised no objections subject to the imposition of conditions.

Yorkshire Water has raised no concerns with the proposals and hasn't requested any conditions.

Sequential Test:

The Environment Agency has requested that the Local Planning Authority satisfies itself that a Sequential Test has been undertaken and passed, in accordance with the NPPF and National Planning Practice Guidance.

The Sequential Test (ST) process aims to keep new development out of medium and high flood risk areas (Flood Zones 2 and 3). The application site is located within Flood Zone 3.

Paragraph 101 of the NPPF requires the submission of a Sequential Test and this has been submitted by the applicant.

The ST states that the search area for the test should be extremely narrow; this is on the basis that it aims to cater specifically for the student market in

relation to the nearby University. A search area of 800m from the centre of the University campus has been used, and it is contended that the majority of student accommodation (with the exception of the Storthes Hall campus) is within this search area.

It is considered that this search area is acceptable given the nature of the development and to ensure that the student accommodation is well connected to the town centre and the University.

The following sites/areas of land were considered:

- Huddersfield Town centre (within ring road)
- Land to the west of the ring road between Bradford Road & Manchester Road
- Land to the east of the ring road between Bradford Road & Wakefield Road
- Land to the south of the ring road between Queen Street South and Manchester Road
- Area to the north of the river and east of Queen Street South.

These sites have been systematically discounted by virtue of their unavailability, unrealistic land costs, proximity to existing commercial/industrial operations.

On this basis, it is accepted that none of the sites identified are sequentially preferable to the application site. Therefore the ST is considered to have been passed.

In accordance with paragraph 102 of the NPPF, an Exception Test must also be passed. For this to happen:

- *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

It is considered that the proposed development provides wider sustainability benefits to the community in terms of providing student accommodation which is in accordance with a clearly identified need:

“The Huddersfield Student Accommodation Report April 2015, compiled by Knight Frank, concludes, ‘We are of the view that the student accommodation market in Huddersfield is currently undersupplied. On the completion of the consented pipeline the market will remain undersupplied. The prospects for a swift re-balancing of the demand and supply equilibrium, in Huddersfield, are limited’.”

The development will also lead to the regeneration of a brownfield and semi-derelict site.

A site specific flood-risk assessment has been carried out on behalf of the applicant and this details a number of flood mitigation measures. These include the identification and provision of safe routes into and out of the site to an appropriate safe haven and appropriate finished floor levels.

These measures are to be secured by condition, as requested by the Environment Agency. On this basis it is considered that the Exception Test has been passed.

Final comments from Strategic Drainage will be reported in the update.

At this stage, subject to the imposition of conditions, it is considered that the proposed development is acceptable in relation to flood risk and drainage. This would be in accordance with Chapter 10 of the NPPF.

Trees:

There are no trees located within the application site boundary.

Ecology:

The applicant has submitted a Bat Survey with the application and this has established that no bats were found using the building for roosting and it was classed as being generally unsuitable for them to do so. The findings of this survey have been accepted by the Council's Ecologist.

A condition requiring the provision of swift boxes is required by the Council's Ecologist, along with standard footnotes relating to when demolition works can take place and precautionary measures during works.

Subject to these measures, the development is considered acceptable in respect of ecology and accords with the guidance contained within the National Planning Policy Framework.

Affordable housing:

In accordance with Policies H10 & H12 of the UDP and the guidance contained within SPD2, the provision of affordable housing is a material planning consideration. However in this case as the proposal is for student accommodation rather than general housing, the requirements of these Policies do not apply in this instance.

As an affordable housing provision would be required if the proposal was for general housing (which would fall within Use Class C3), it is considered necessary to impose a condition to limit occupation of the apartments to student accommodation. This would prevent the building being used for purposes falling within Use Class C3.

Education:

As the proposal is for student accommodation rather than general housing, the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance) do not apply to this proposal.

Objections:

Insofar as representations received that have not been addressed in the above assessment these are answered as follows:

Highways:

- Roads around the site are very busy, this will be made worse - which may affect pedestrian safety

Response: The impact of the development on highway safety and the traffic network has been considered by highways Development Management and is considered acceptable.

Amenity:

- Area will be full of similar looking student blocks soon

Response: The impact of the development on visual amenity has been considered above. Given the presence of a large number of student conversions/new builds already, the proposal will be in keeping with that site context.

Other matters raised:

- There is no demand for additional student accommodation & further blocks have been approved/are being built

Response: The principle of the development has been considered above and found to be acceptable. In addition (and also noted in the above assessment) the Huddersfield Student Accommodation Report of April 2015 found that there is an undersupply of student accommodation.

- Loss of the business premises should not be permitted and will result in the loss of jobs

Response: The principle of the development and loss of the business premises has been considered above.

- Business has been operating there for over 30 years and is conveniently positioned

Response: The principle of the development and loss of the business premises has been considered above.

- Owners of business can't find another site

Response: The Council's Regeneration have been contacted to see if they can assist the current tenant in relocating his business.

- Development could be better located eg old Tesco site

Response: The application has been assessed on the basis of the submitted proposal.

- Retail units should not be filled by more takeaways

Response: The proposed units fall within Use Class A1 Shops (this includes uses such as hairdressers, post offices and dry cleaners). A condition can be imposed which removes 'permitted development rights' for the change of use of the units without submission of a planning application.

- Incorrect postal address of the site has been supplied

Response: Noted.

- Area will become a student ghetto

Response: The site is in close proximity to the University and existing student accommodation and the proposal is therefore considered appropriate in this context.

Conclusion:

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.

This application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be compliant with the policies in the Unitary Development Plan and there are no adverse impacts which would outweigh the benefits of the scheme.

9. RECOMMENDATION

CONDITIONAL OUTLINE APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS,**
- 2. SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

NOTE: Conditions and plans table to follow by update.

Application No: 2015/90497

Type of application: 62 - FULL APPLICATION

Proposal: *Erection of one dwelling*

Location: *adj Netherley Cottage, Old Mount Road, Marsden, Huddersfield, HD7 6NN*

Grid Ref: 404356.0 410843.0

Ward: *Colne Valley Ward*

Applicant: *M. Roylance*

Agent: *Matthew Norris, One17 Design*

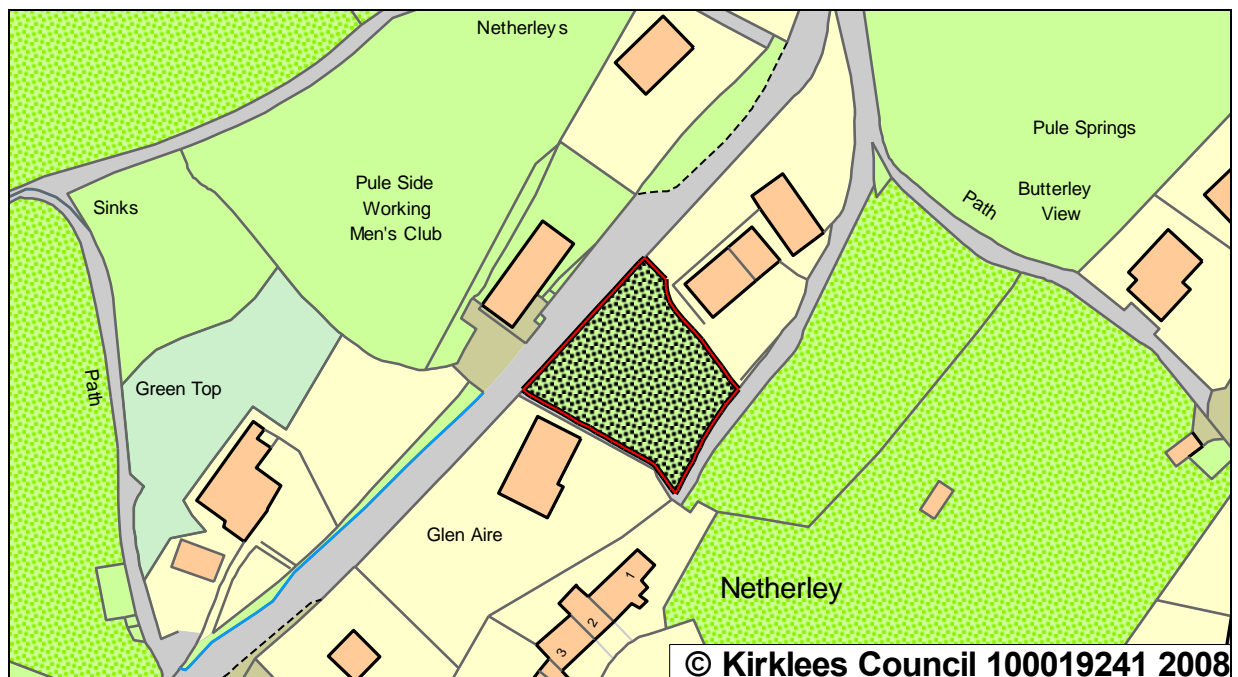
Target Date: *30-Apr-2015*

Recommendation: *RF1 - REFUSAL*

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<http://www.kirklees.gov.uk/business/planning/advicenotes/PublicSpeakingCommittee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The proposed dwelling is considered to represent inappropriate development which would be harmful to the openness and character of the Green Belt.

The proposal is not considered to represent infill development as the site is not within a settlement/village as required by UDP Policy D13 and paragraph 89 of the NPPF. No very special circumstances have been demonstrated that would clearly outweigh the harm the proposal would cause to the Green Belt by reason of inappropriateness, or any other harm.

2. INFORMATION

The application is reported to Sub-Committee at the request of Cllr Donna Bellamy. The reason for the request is:

“Could I ask that this application is brought before the planning committee, and request a site visit, as I'm unsure if this development would have any impact on the openness of the Greenbelt due to other development surrounding this site”.

The Chair of Sub-Committee has confirmed that this reason is valid taking into account the Councillors' Protocol for Planning Committees.

3. SITE DESCRIPTION

The application site forms part of the domestic curtilage of Netherley Cottage, Marsden. The site slopes down in an undulating manner from Old Mount Road towards an access track adjacent to the south eastern site boundary. The site is grassed and contains a number of trees. There is a public footpath adjacent to the south western site boundary. The site is bound by stone walling and post and wire fencing to the front and rear. Towards the south is residential development including Glen Aire which forms a detached property. The land is largely separated from Netherley Cottage by a high hedge. On the opposite side of Old Mount Road is Pule Side WMC.

DESCRIPTION OF PROPOSAL

The application seeks permission for one dwelling. The dwelling would sit between Netherley Cottage and Glen Aire. The proposed dwelling would front onto, and be set down from, Old Mount Road although the property's main aspect would be rear facing. The dwelling would be effectively 1.5 storeys to the front and 2.5 storeys at the rear which reflects the use of the roof space as accommodation. An attached garage is to be provided to the front of the dwellinghouse. Access would be taken off Old Mount Road which would serve a large driveway/turning area at the front of the house. Amenity space in the form of garden area and a terrace would be provided to the rear of the dwelling (at lower ground floor level). Facing materials are coursed natural stone and blue slate.

4. RELEVANT HISTORY

98/91873 Adjacent Netherley Cottage: Outline application for erection of dwelling with garage – Approved

5. POLICY

The site is located within the Green Belt on the UDP Proposals Map.

Kirklees Unitary Development Plan:

- **D13** – Infill development in the Green Belt
- **BE1** – Design Principles
- **BE2** – Quality of design
- **BE12** – Space about buildings
- **EP4** – Noise sensitive development
- **T10** – Highway safety
- **T16** – Pedestrian routes
- **NE9** – Retention of mature trees
- **R13** – public rights of way

National Planning Policy Framework

- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 9** – Protecting Green Belt land
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving the natural environment

6. CONSULTATION RESPONSES

KC Highways DM – No objections subject to the assessment of the structural information concerning the stability of Old Mount Road and the adjacent footpath.

KC PRoW Officer – No objection following the submission of an amended plan which shows the adjacent public footpath reinstated at 1.2m width.

KC Trees Officer – No objection

KC Strategic Drainage – No objection subject to conditions

KC Environmental Services – No objection

7. PUBLIC/MEMBERS RESPONSE

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

Representations: 4 received

Representations summarised as follows:

Principle of development:

- Site lies in Green Belt; inappropriate use of land

Amenity:

- Scale, design and materials out of keeping with surrounding development
- Scale and massing would result in an incongruous element within the streetscene, not in keeping with rural ambience (height of dwelling should be reduced)
- Height and massing is excessive; dwelling would dwarf Netherley Cottage and would not follow the 'stepped' principle of development on the south side of Old Mount Road
- Character of area is generously spaced dwellings with good sized garden areas
- Terracing effect within streetscene
- Impact on the historic character of Netherley and rural character of the area
- Visual impact of hard surfacing
- Proposal will prejudice the nearby WMC – potential noise complaints
- Height of dwelling will overshadow WMC
- Loss of light at 'Glen Aire'

Highways:

- Proposed access will be detrimental to Pule Side WMC, new access will impact on the on-street parking which is needed
- Impact of the new access on highway safety
- Access should be taken off the rear access track
- Concerns with stability of highway
- Inadequate sightlines
-

Trees and ecology :

- Loss of trees
- Not a lot of trees in the area and they support birdlife
- Impact on hedgehogs and toads

Drainage:

- Existing issues with local sewer and water network. Development will exacerbate such issues.
-

Procedural:

- Site notice and neighbour notification publicity inadequate. Response: the development was advertised in accordance with published protocol for site publicity.

Other issues:

- Development will set a precedent
- Concerns with ground stability
- Many properties in this area have a spring water supply. Unclear how proposed dwelling will be served.
- Dimensions not included on plans
- No sections or detailed drainage information provided
- No tree survey

8. ASSESSMENT

General principle:

The site is located within an area of defined Green Belt on the Unitary Development Plan (UDP). The application is for residential development and therefore needs to be considered against appropriate policies in relation to new development in the Green Belt, as set out in the Kirklees UDP and the NPPF.

The construction of new buildings in the Green Belt is inappropriate and is, by definition, harmful to the Green Belt and should only be approved 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 (paragraphs 87-89 of the NPPF). Paragraph 89 provides a list of exceptions to this which includes limited infilling in villages. This is mirrored by Policy D13 of the UDP which sets out that infill development “within existing settlements” will normally be permitted subject to a number of criteria.

The applicant/agent consider that the proposal constitutes limited infilling within an existing settlement/village and therefore accords with the NPPF and Policy D13 of the UDP. The agent has suggested that if the site does not form part of the defined settlement of Marsden then it is part of ‘Netherley’ which is a distinct settlement in itself.

The agent has provided an analysis of the area identified as Netherley based on historic and contemporary maps and aerial photographs. It is suggested that there has been a clearly definable group of buildings which have existed

within this location since the 19th century and this forms the extent of the settlement. The historic plans include buildings on part of the application site. Furthermore, the construction of the Working Men's Club opposite the site – which the agent acknowledges draws from a wider area – shows that Netherley has been recognised as a 'place' in its own right for a considerable period.

Green Belt assessment:

An assessment needs to be made as to whether the proposal can be considered to be infill within an existing village/settlement. For clarity, the NPPF refers to infilling in villages and Policy D13 of the UDP refers to infilling within settlements; for the purposes of this assessment they are one and the same.

Policy D13 of the UDP provides guidance regarding infill development and states:

D13 Within existing settlements in the Green Belt infill development will normally be permitted where:

- i. the site is small, normally sufficient for not more than two dwellings, and within an otherwise continuously built-up frontage, or*
- ii. the site is small and is largely surrounded by development, and*
- iii. no detriment will be caused to adjoining occupiers of land or to the character of the surrounding area.*

Infill development should be in harmony with existing development in terms of design and density and capable of safe access from the highway.

The first assessment is whether the site can be considered to be located within a settlement/village.

The site lies outside the defined settlement boundary of Marsden as identified on the UDP Proposals Map. On this basis alone the site could not be considered to be within the settlement of Marsden and therefore the exception applied to limited infilling in the Green Belt under paragraph 89 of the NPPF and the provisions of policy D13 of the UDP would not apply. However, it is still necessary to consider whether, as a matter of fact on the ground, the site could be classed as being part of the Marsden settlement.

The site sits on the edge of Marsden and is around 60m from the settlement boundary. Netherley Cottage forms part of a small group of mainly historic buildings which are strung out along Old Mount Road and set higher up the valley side than the main settlement and separated by open fields. A track links the settlement boundary closest to the site with Old Mount Road.

Whilst Netherley Cottage and the surrounding group of properties are reasonably close to the established settlement of Marsden, Officers consider that the relationship is such that these properties cannot be considered to form part of the village of Marsden and are distinct from it. The village of Marsden is surrounded by Green Belt and this contains the extent of the built-up area; the Green Belt is therefore serving its intended purpose by checking unrestricted sprawl, safeguarding the countryside from encroachment and preserving Marsden's rural setting. An acceptance that the site forms part of Marsden would be contrary to the purposes of including land in Green Belt.

It is therefore necessary to consider whether Netherley Cottage and the surrounding group of buildings form a settlement/village in their own right. This locality, which is an identifiable place name on OS maps, comprises around 13 properties which are a mixture of very historic buildings (some listed) dating from the 19th century interspersed with some more modern ribbon development. Immediately opposite the site is Pule Side Working Men's Club; historic maps indicate that there has been a club on this site since the early part of the 20th century. The applicant's case centres round the fact that there has been a long-standing group of buildings in this location which is a recognisable 'place'.

Officers do not consider that such a small collection of buildings is of sufficient scale to be classed as a settlement/village for the purposes of national and local Green Belt policy. Whilst there is a working men's club within this group of buildings, the area does not have any other facilities or services normally associated with an individual village, such as a school or shop. The presence of Pule Side Working Men's Club is not considered to be a determining factor in establishing that Netherley is a village because the nature of the club is that its custom would be drawn from a much wider area and its main function is not to serve the locality of Netherley.

Officers accept that Netherley is an identifiable 'place' but it's very limited size and the lack of general facilities and services support the view that it is not a village in its own right and is rather a historic locality on the edge of Marsden.

The proposal is not considered to constitute development within an existing village/settlement and therefore the proposed development is not consistent with paragraph 89 of the NPPF and also the provisions of D13 of the UDP do not apply in this case. As such, the proposal represents inappropriate development and should not be approved except in 'very special circumstances'. The applicant has not demonstrated that any 'very special circumstances' exist that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

The Council is currently unable to demonstrate a five year housing land supply and the development proposed would boost the supply of housing in the district. However, National Planning Practice Guidance indicates that "Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the

Green Belt” (para.034). It is considered that the harm that would be caused to the Green Belt by the development proposed outweighs the absence of a five year housing land supply. Green Belt designation is one of the specific policies in the Framework that indicate development should be restricted (NPPF, para.14).

Outline planning consent for a dwelling on this site has previously been approved. This approval predates the adoption of the UDP and the introduction of the NPPF. This previous application was assessed under different local and national planning policy and it is not considered that this consent has any material bearing on the current application.

Impact on the openness of the Green Belt:

The proposed development would be built into a sloping site and would sit between two existing dwellings - Netherley Cottage and Glen Aire. The dwelling would be slightly lower in height than Glen Aire and substantially higher than Netherley Cottage. Pule Side Working Men’s Club sits in an elevated position on the opposite side of Old Mount Road.

Officers consider that the development would have an effect on the openness of the Green Belt by introducing further built mass and form that would add to the unsympathetic ribbon development that has previously developed along Old Mount Road in the latter half of the 20th century, and which Green Belt designations have sought to control. Whilst the concept of openness is not dependent on public visibility and is an essential characteristic of Green Belts, the development would be viewed as a prominent addition to the landscape from the opposite side of the valley and from parts of the established settlement below the site. The proposal would also reduce the openness of this part of the street scene when viewed from Old Mount Road where gaps between buildings are a characteristic feature. The proposal would also enclose the footpath which is within the site and runs along the southwest boundary.

Design considerations:

The dwelling would be effectively 1.5 storeys to the front and 2.5 storeys at the rear which reflects the use of the roof space as accommodation. The dwelling would be set down and back from Old Mount Road which reflects other properties on this side of the road. The ridgeline of the proposed dwelling would be set down slightly from the ridgeline of Glen Aire which helps to respect the topography of the area.

The dwelling has a relatively traditional design to its Old Mount Road frontage with more contemporary design features to the rear which serves as the main aspect for the property. There is a mixture of building designs within the vicinity of the site. Officers are generally satisfied with the overall design approach and the proposed materials (natural stone and slate) would help the building to harmonise with surrounding development.

The application is considered to comply with Policies BE1 and BE2 of the UDP chapter 7 of the NPPF.

Impact on residential amenity:

The site is surrounded on two sides by residential development with a working men's club immediately opposite. The publicised opening hours of the working men's club cover four evenings a week (20:30-00:00) and one afternoon (Sunday).

Officers are satisfied that the working men's club would not prejudice the proposed development and vice versa. There is nothing to suggest that there is any conflict arising from the use of the club and the established dwellings within the immediate vicinity and an additional dwelling would not materially alter the existing situation. Kirklees Environmental Services have not raised any objections to the application.

The main outlook for the dwelling is to the southeast and this would be onto fields and across the valley. There would be no direct overlooking of adjacent property from this elevation.

Windows to the front serve non-habitable rooms or are secondary windows to a habitable room. Officers do not have any concerns with these windows.

Side elevation windows are limited to a small first floor window in each gable end. The plans indicate that these windows would be high level and as such there are no overlooking issues.

The proposed dwelling would be set further back within its plot than Glen Aire but the separation distance between the main part of the proposed dwelling and this neighbouring property is such that there would not be any undue impact on the amenity of the neighbour.

The application is considered to comply with the council's space about buildings policy (BE12) and policy EP4 of the UDP which relates to noise sensitive development.

Highway safety:

Kirklees Highways Development Management has confirmed that adequate parking and turning space is provided within the site. The point of access and visibility from it is also considered to be acceptable. The amount of traffic generated by this development would be limited and would not result in a material intensification.

Further information has been submitted in order to fully assess the impact of the development on the structural stability of both Old Mount Road and the public footpath which is within the site and runs along the southwestern boundary. Officers will provide comment on this within the Committee Update but Officers are confident that any potential issues can be resolved.

The footpath within the site is to be reinstated to a width of 1.2m as part of the scheme and the council's public rights of way officer is satisfied with this.

The application is considered to comply with Policies R13, T10 and T19 of the UDP.

Trees and ecology:

The site comprises residential garden and contains a number of trees. This service's arboricultural officer has assessed the trees on site and none are considered to be worthy of preservation. There are therefore no objections in this regard and the application is considered to comply with Policy NE9.

The site is not considered to be of any ecological significance. Some trees and landscaped areas would be retained as part of the development. Officers are satisfied that the development would not unduly prejudice biodiversity. Biodiversity enhancement measures could also be secured through conditions. The application is considered to accord with chapter 11 of the NPPF.

Drainage:

Kirklees Flood Management and Drainage has assessed the application and there are no objections subject to a condition requiring details of a scheme for the drainage of the site to be submitted and approved in writing. Officers are satisfied that an acceptable scheme for the drainage of the site can be achieved which would mitigate flood risk.

Representations:

Four representations have been received. The main issues raised relate to the principle of development within the Green Belt, the visual impact of the development (in particular the scale, design and massing of the proposal), the impact on the working men's club and highway safety concerns. These matters are all covered within this assessment. There are not considered to be any other issues that have been raised which materially alter the assessment of this application.

Conclusion:

In conclusion, the proposed development is considered to represent inappropriate development in the Green Belt which would be harmful to the openness of the Green Belt.

The proposal is not considered to constitute infill development because the site is not considered to be within a settlement as required by UDP Policy D13 or within a village as required by paragraph 89 of the NPPF. There are no very special circumstances that clearly outweigh the harm the proposal would cause to the Green Belt by reason of inappropriateness or any other harm.

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 proposals do not accord with the development plan and that there are specific policies in the NPPF which indicate the development should be restricted.

9. RECOMMENDATION

REFUSE

1. The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework (NPPF), the construction of new buildings, subject to certain exceptions, is regarded as inappropriate development. Policy D13 of the Kirklees Unitary Development Plan and paragraph 89 of the NPPF sets out when 'infill' development in the Green Belt may be acceptable. However, the site is not within an existing settlement as required by Policy D13 or within a village as required by the NPPF. The proposed dwelling would therefore constitute inappropriate development in the Green Belt. Very special circumstances to justify the development that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness, and any other harm, have not been demonstrated. The dwelling would harm the openness of the Green Belt by resulting in ribbon development that would encroach into the countryside. The proposal is contrary to part 9 of the NPPF and Policy D13 of the Kirklees Unitary Development Plan.

This recommendation is based on the following plans and specification schedule:

Plan Type	Reference	Version	Date Received
Design, Access & Planning Support Statement	April 2015	-	20/4/15
Location Plan	2968 (LP)01	-	20/4/15
Proposed Floor Plans	2968 (0-)03	Rev C	13/11/15
Proposed Elevations	2968 (0-)04	Rev A	13/11/15
Proposed Section & 3D Images showing footpath	2968 (0-)05	-	13/11/15
Topographical survey	7010/01	-	24/2/15
Proposed south elevation	2968 (SK)02	-	14/10/15
Cross section & west elevation	2968(SK)01	-	14/10/15
Miscellaneous support documentation	Historic maps and aerial photographs of Netherley & email dated 6/5/15	-	14/10/15

Application No: 2015/90502

Type of application: 62 - FULL APPLICATION

Proposal: *Erection of 1no. detached dwelling*

Location: *adj 8, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP*

Grid Ref: 411951.0 417049.0

Ward: *Lindley Ward*

Applicant: *Mr F Eatessami*

Agent: *Mr G Haw*

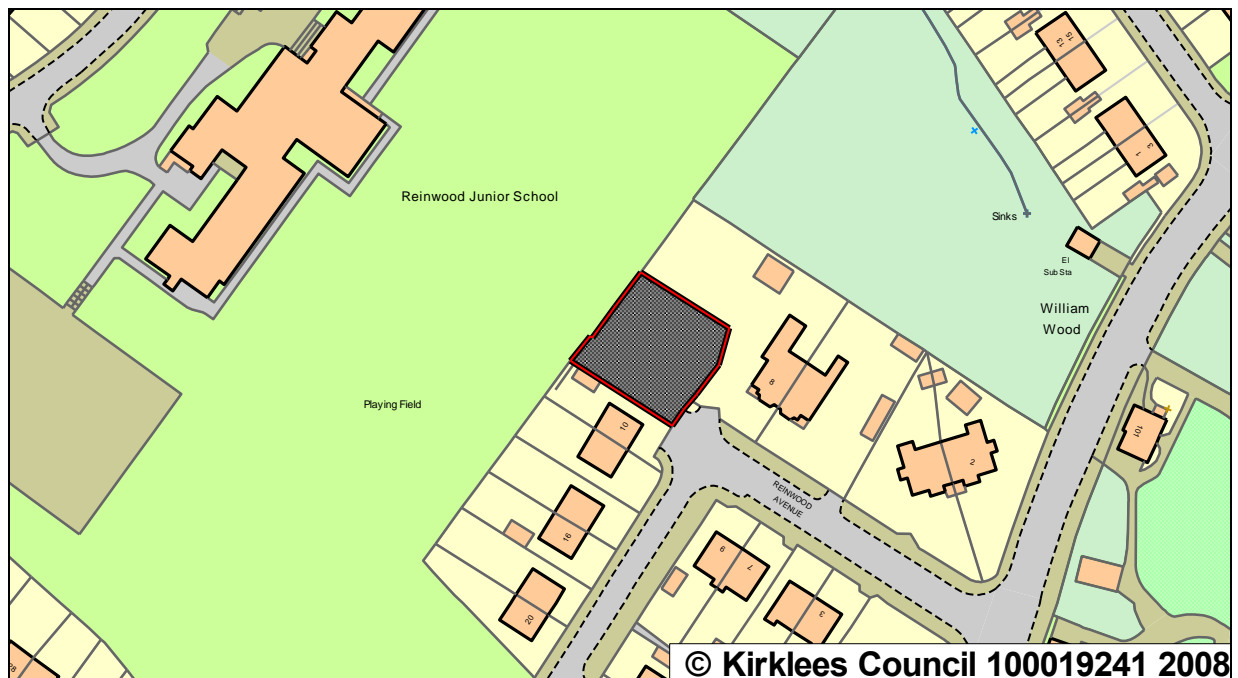
Target Date: *21-Apr-2015*

Recommendation: *RF1 - REFUSAL*

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<http://www.kirklees.gov.uk/business/planning/advicenotes/PublicSpeakingCommittee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The proposed dwelling is considered to be unduly large and would be out of keeping with the scale of surrounding development. The scale of the proposal is exacerbated by the siting of the dwelling which would fail to respect the established pattern of development. The development proposed would therefore be detrimental to the character and visual amenity of the surrounding area. In addition, the siting of the dwelling would prejudice the amenity of the existing and future occupiers of 10 Reinwood Avenue by significantly reducing the aspect at the rear of this adjacent property. The application is therefore contrary to Policies BE1, BE2 and D2 of the UDP and paragraph 17 and chapter 7 of the NPPF.

RECOMMENDATION: REFUSE

2. INFORMATION

The application is brought before the Huddersfield Planning Sub-Committee at the request of Cllr Gemma Wilson. Councillor Wilson's reason for making this request is because *"I believe that the suggested development isn't out of character with regards the neighbouring properties as these are not identical and I believe special consideration should be given in light of why (the applicant) has submitted the plans as he has e.g. his wife's disability."*

The Chair of Sub-Committee has confirmed that Cllr Wilson's request is valid having regard to the Councillor's Protocol for Planning Committees.

3. SITE DESCRIPTION/PROPOSAL

Site description:

The site forms part of the garden to no.8 Reinwood Avenue. The plot is located in the north western corner of the garden to no.8 and adjacent to no.10 Reinwood Avenue. The site is set at a slightly higher level than that of no.8 but is a relatively flat plateau. The site is mostly grassed and a number of trees on the site have been felled.

Number 8 Reinwood Avenue forms a semi-detached two storey rendered property with a driveway to the side separating it from the main garden area. Number 8 has an attached 'granny' annex at its south eastern corner.

To the north of the site is Reinwood Community Junior School and its associated playing fields. To the northwest is no. 10 Reinwood Avenue which is a semi-detached dormer bungalow. Reinwood Avenue forms an 'L' shaped cul-de-sac containing mainly semi-detached dwellings of different type and design.

Proposal:

Amended plans were submitted during the course of the application. The following description relates to the amended plans.

The proposal is for the erection of a detached two-storey dwelling with integral garage. The dwelling would have 3 bedrooms. A section of the dwelling would be set back from the front wall of the remainder of the building and with a slightly lower ridgeline. There would be a hipped roof canopy supported by piers over the front door. The main dwelling would have a pitched roof profile. The dwelling is to be faced in stone with concrete interlocking tiles to the roof.

The proposed dwelling would have a maximum overall height of 7.65 metres with a width of 16.4 metres and a maximum depth of metres wide with an additional 6.3 metres for the attached garage and would have a maximum depth of 8.1 metres.

The main amenity space for the dwelling would be to the front and north western side.
Vehicular access would be taken directly off the northern corner of Reinwood Road.

4. BACKGROUND AND HISTORY

2012/90323 Erection of detached dwelling – Approved 26/9/12

2011/93212 – Outline application for the erection of a detached dwelling – Invalid

5. PLANNING POLICY

Development Plan:

- **BE1** – Design Principles
- **BE2** – New Development Design
- **BE12** – Space About Dwellings
- **T10** – Highway Safety
- **D2** – Development on Land without Notation on the UDP Proposals Map
- **NE9** – Development Proposals Affecting Trees

National Policies and Guidance:

- **NPPF6:** Delivering a wide choice of high quality homes
- **NPPF7:** Requiring good design
- **NPPF11:** Conserving and enhancing the natural environment

Other Policy Considerations:

None

6. CONSULTATIONS

KC Strategic Waste – Information provided on recorded methane and carbon dioxide levels associated with a nearby closed landfill site.

7. REPRESENTATIONS

No representations were received in direct response to the publicity of the application however two letters of support were supplied by the applicant (July 2015). These letters are from 8 and 10 Reinwood Avenue. The letter from No.8 states that they support the application and do not consider that it would have any adverse effect on their property. The letter from no.10 states that the development as shown on the amended plans would appear to have no adverse effect on their property.

8. ASSESSMENT

Background:

One of the reasons for submitting this application is because extant planning permission 2012/90323 cannot be legally implemented. This is because there is a covenant on a strip of land adjacent to 10 Reinwood Avenue which precludes building on it. The approved dwelling encroaches onto this strip of land.

General principle:

Planning permission for a detached dwelling on the application site was granted under application 2012/90323. This previous application was assessed under UDP and NPPF policies. The principle of erecting a detached dwelling on the site has therefore already been established. It is not considered there has been any material change in circumstances that would affect the principle of the development proposed.

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.

The application site is within a largely residential area and subject to there being no detrimental impact upon highway safety, residential amenity or upon the character of the surrounding area the principle of development for a single dwelling is considered acceptable.

The development would contribute to the supply of housing within the district at a time of general shortage and this weighs in favour of the development proposed.

Design and visual amenity:

The proposed detached dwelling has been amended from its original submission after Officers raised concerns with the scale and massing of the dwelling. The amended plans have reduced the width, depth and height of the building. The integral garage and the bedroom space above it have also been set back from the front wall of the rest of the house and this element of the building incorporates a lower ridgeline in order to reduce the overall bulk and mass.

The proposed amendments are a significant improvement on the original submission however Officers consider that the amendments do not go far enough in terms of achieving a scale of building that would harmonise with surrounding properties.

One of the main issues is the increase in the amount of first floor development in comparison to the dwelling as previously approved. Whilst the overall height, width and depth of the approved and proposed dwellings is broadly the same, over one third of the approved dwelling (37%) formed a single storey hipped roof structure whereas the current proposal is entirely two storeys in height. This means that the proposal represents a significant increase in terms of the overall bulk and mass of development on the plot.

Reinwood Avenue contains semi-detached properties of mixed type, size and design. The properties to the southwest of the site are dormer bungalows and 8 Reinwood Avenue is two storeys in height but with the upper floor being contained within the roof structure. There are also traditional two storey dwellinghouses to the south of the site. In the context of the streetscene, Officers consider that a dwelling of the scale proposed would not be in keeping with the character of the surrounding area and would appear as a disproportionately large and incongruous feature of the streetscene which would be detrimental to the visual amenity of the area. It is to be noted as well that the proposed dwelling is wider than the combined width of the semi-detached dwellings which immediately surround the site and front directly onto Reinwood Avenue.

Officers also have concerns with the siting of the dwelling. The dwelling is set towards the very rear of the plot and as a result it fails to relate well to neighbouring property. The adjacent semi-detached properties to the southwest have a staggered pattern of development and by bringing the dwelling further forward this would enable this established pattern of development to be replicated, as was the case with the previously approved dwelling. This matter has been raised with the agent but the applicant does not wish to amend the location of the dwelling. The siting of the dwelling compromises its ability to harmonise with the streetscene and exacerbates

the impact of the dwelling's substantial bulk and mass by making the new dwelling appear as a somewhat isolated feature.

The general design of the dwelling is relatively plain however Reinwood Avenue contains a mix of building styles and materials of construction and there is no single design form which stands out. Notwithstanding the concerns with the scale and siting, the general design is considered to be acceptable and the proposed facing materials (stone and concrete tiles) are accepted.

In conclusion, the proposal is for a very substantial dwelling on a piece of former garden land where development is constrained by a covenant restricting building on a proportion of the site. The dwelling is considered to be unduly large and its siting would fail to respect surrounding development. As such, the proposal would be detrimental to the visual amenity and character of the area, contrary to Policies BE1, BE2 and D2 of the UDP and chapter 7 of the NPPF.

Amenity:

Policy BE12 of the UDP sets out the Council's policy in relation to space about buildings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified in the policy will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises or potential development land.

Habitable windows are front and rear facing as well as within the northeast gable end. No windows are proposed in the southwest gable end (facing 10 Reinwood Avenue).

Windows within the front elevation would face towards the side elevation and front garden of 8 Reinwood Avenue. The side elevation of 8 Reinwood Avenue contains an attic bedroom window, the side window of a first floor bay window which serves a bedroom and a number of non-habitable windows. There is also an attached single storey 'granny annex' to the rear corner of no.8 which contains a habitable window although this annex is off-set from the front elevation of the proposed dwelling. The separation distance to the neighbour's attic bedroom window is approximately 19m with the bay window and non-habitable windows being around 1m to 3m further away as a result of the design of no.8. The granny annex window is also around 19m away but at a very oblique angle and as such there is an indirect relationship.

The separation distances to no.8 comply with Policy BE12 with the exception of the distance to the attic bedroom window. The slight shortfall that occurs to this particular window (2m) is however partially mitigated by the slightly oblique window to window relationship. The neighbour's attic bedroom also has a rooflight and so whilst the side elevation window is the main opening there is also a secondary window to allow light in.

Officers acknowledge that the siting of the dwelling towards the rear of the plot enables these separation distances to be achieved and by bringing the dwelling further forward, so that it better relates to the neighbouring properties to the southwest, it would reduce the separation distances to windows within no.8. However, Officers consider that there is scope to bring the dwelling further forward and through a redesign of the dwelling acceptable separation distances to no.8 could still be achieved which would maintain a satisfactory level of privacy and amenity for the occupiers of no.8 and the applicant.

The windows to the rear of the dwelling would look towards the playing fields of Reinwood Community Junior School with the rear elevation of the dwelling being 2m from the rear boundary of the application site. The submitted block plan indicates that the boundary of the school grounds lies a further 1.5m away.

The proposed dwelling would be very close to the school site and would overlook the playing fields at close quarters. However, ground floor windows in the rear could be screened on the boundary and there is only one habitable window in the rear elevation at first floor level. Nevertheless, such a close relationship between dwellings and the school site is not replicated anywhere else as other dwellings which back onto the school site are generally at least 10m away from the playing fields. It would be preferable for a greater separation distance between the dwelling and the school grounds although the harm caused by the proximity of the dwelling would not be so substantial on its own so as to justify a reason for refusal.

Large secondary windows to habitable rooms are proposed in the northeast gable end. These windows would face towards part of the curtilage of no.8 at a distance of around 2m. This part of the curtilage to no.8 contains a greenhouse and does not appear to be used as main private garden space. The windows in the gable end would result in overlooking at close quarters and whilst the relationship is not ideal on balance Officers accept that the amenity of no.8 – who previously owned the application site – would not be unduly prejudiced. It is noted that no.8 has submitted a letter in support of the application.

There would be no direct overlooking of 10 Reinwood Avenue from the proposed dwelling although no.10 contains a large window in its end elevation which looks onto the site. This window is around 7m from the proposed dwelling and is off-set from it and as such the relationship is considered to be acceptable.

The proposed dwelling would be separated from the boundary with 10 Reinwood Avenue by 4.5m-5m with a driveway and detached garage separating the neighbouring dwellinghouse from the site. The proposed dwelling would be set wholly beyond the rear wall of no.10 and is likely to be set up from the ground floor level of this neighbour given the existing ground levels. Officers have concerns that the scale of building in this location would affect the amenity of no.10 by introducing a substantial two storey structure

where there is currently a relatively open aspect. It is noted that the owner of no.10 has submitted a letter which confirms that there are no objections to the scheme under consideration however Officers still consider that the amenity of the current and future occupiers of no.10 would be prejudiced by the development. As such, the application fails to accord with Policy D2 and a core planning principle of the NPPF in this regard.

Highways:

The proposal provides off-street parking by the way of an integral garage which is sufficient in size for one vehicle and by way of a driveway to the front which can accommodate at least two vehicles. Adequate space exists within the site for vehicle turning although this is not clearly indicated on the site plan.

The dwelling would be accessed directly off Reinwood Avenue which is a no through cul-de-sac and which serves 16 properties. The addition of one new dwelling would not materially intensify the use of the highway.

The proposal complies with Policy T10 of the UDP.

Ecology:

The site was last used as garden and does not contain any mature trees. The site is considered to have very limited ecological value.

The biodiversity of the development could be enhanced by landscaping and bat and bird boxes, in line with chapter 11 of the NPPF. It is noted that the Design and Access Statement indicates that bat boxes are to be provided to each gable end. Such matters could be addressed through conditions.

Other Considerations:

Part of Councillor Wilson's reason for making the committee request is because she believes that "special consideration should be given in light of why (the applicant) has submitted the plans as he has e.g. his wife's disability."

From information contained within the Design and Access Statement it is understood that the applicant's wife is a wheelchair user and it is noted that the floor plans show a lift.

Whilst Ministerial advice does not favour much weight being given to personal considerations within planning decisions, case law has established that such matters can be given consideration where other matters are finely balanced. In *Great Portlands v Westminster CC* it was found that "*the personal circumstances of an occupier...are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our environment the human factor. The human factor is always present of course indirectly in the background to the consideration of the land use. It can,*

however, and sometimes should, be given direct effect as an exceptional or special circumstance'.

Officers do not consider that the visual impact of the development is finely balanced. A dwelling of this size and in this location would be detrimental to the character and visual amenity of the surrounding area and this harm is not considered to be outweighed by the personal circumstances of the applicant. Whilst Officers fully acknowledge the specific needs of the applicant, it is considered that these could still be met through a more appropriately designed scheme which involves a reduction in the amount of first floor development.

Under the previous application conditions relating to landfill gas were imposed following data provided by the Council's Strategic Waste team. Such conditions would remain necessary.

The Council does not have a five year supply of deliverable housing sites. In these circumstances NPPF paragraph 49 states that relevant policies for the supply of housing should not be considered up to date. However the UDP development design policies do not relate to housing supply and the NPPF does not suggest that housing need should automatically overrule local design and siting considerations. Whilst the development would make a contribution to housing supply in its submitted form this modest increase in housing supply would not outweigh the harm to visual and residential amenity outlined in this report.

Conclusion:

The proposed dwelling is considered to be unduly large and would be out of keeping with the scale of surrounding development. The scale of the proposal is exacerbated by the siting of the dwelling which would fail to respect the established pattern of development. The development proposed would therefore be detrimental to the character and visual amenity of the surrounding area. In addition, the siting of the dwelling would prejudice the amenity of the existing and future occupiers of 10 Reinwood Avenue by significantly reducing the aspect at the rear of this adjacent property. The application is therefore contrary to Policies BE1, BE2 and D2 of the UDP and paragraph 17 and chapter 7 of the NPPF.

9. RECOMMENDATION

REFUSE

1. The proposed dwelling is unduly large and would be out of keeping with the scale of surrounding development. This is exacerbated by the siting of the dwelling which would fail to respect the established pattern of development surrounding the site. The proposal would therefore be detrimental to the character and visual amenity of the surrounding area. In addition, the siting of the dwelling would prejudice the amenities of existing and future occupiers of 10 Reinwood Avenue by significantly reducing the aspect at the rear of this adjoining property. The application is therefore contrary to Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan and paragraph 17 and chapter 7 of the NPPF.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Design & Access Statement	-	-	16 June 2015
Location Plan	GH/15/02/01	Rev A	16 June 2015
Site Plan	GH/15/02/02	Rev A	16 June 2015
Proposed Ground Floor Layout	GH/15/02/03	Rev A	16 June 2015
Proposed First Floor Layout	GH/15/02/04	Rev A	16 June 2015
Proposed Section	GH/15/02/05	Rev A	16 June 2015
Proposed Elevations	GH/15/02/06	Rev A	16 June 2015
Proposed Elevations	GH/15/02/07	Rev A	16 June 2015

Application No: 2015/92420

Type of application: 62HH - FULL APPLICATION

Proposal: *Erection of extensions to rear*

Location: 138, Slades Road, Bolster Moor, Huddersfield, HD7 4JR

Grid Ref: 408836.0 415342.0

Ward: *Colne Valley Ward*

Applicant: *P Bradleys*

Agent: *Stephen Mitchell, Colne Valley Design*

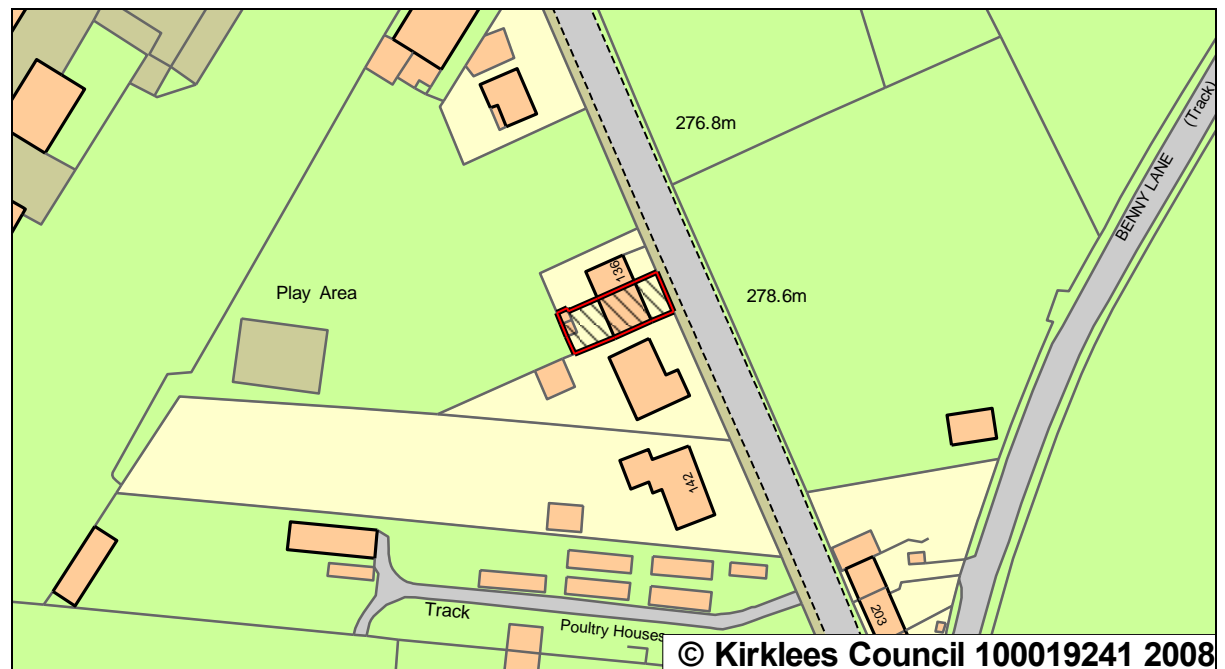
Target Date: *07-Oct-2015*

Recommendation: *RF1 - REFUSAL*

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<http://www.kirklees.gov.uk/business/planning/advicenotes/PublicSpeakingCommittee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

This application proposes to extend the dwelling to the rear by increasing the width of existing extensions at both ground and first floor levels.

The proposed extensions, by reason of size and scale when considered cumulatively with the existing two storey side extension would represent a disproportionate addition to the original building of 138 Slades Road. This would constitute inappropriate development within the Green Belt. The proposal would therefore fail to comply with Policies D11 of the Kirklees Unitary Development Plan and Chapter 9 of the National Planning Policy Framework. No very special circumstances have been demonstrated that clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and other harm.

Officers recommend refusal of the application.

RECOMMENDATION: REFUSAL

2. INFORMATION

The application is brought to the Planning Sub-Committee at the request of Councillor Nicola Turner for the following reason:

“The application is within the greenbelt, however, in my opinion it is not disproportionate to the size of the property. The application is not overlooked and would not cause any loss of amenity. It is my understanding that under recently introduced permitted development rights the applicant could erect a single storey extension adjacent to the existing extension. In my opinion this would look ridiculous and what the application proposes would be a much more appropriate development.”

The Chair of Sub-Committee has confirmed that Cllr Turner’s reason for making this request is valid having regard to the Councillor’s Protocol for Planning Committees. He has also requested a site visit is carried out by Members prior to the Committee meeting.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application site is a stone constructed semi-detached dwelling located within an area of land defined as Green Belt within the Kirklees Unitary Development Plan. The site is in an area of sporadic development with residential properties to the south, open fields to the east, a recreation ground to the north and west.

The property is set within a gently sloping site and hosts gardens to the front and rear. The property has been previously extended by way of a wrap-around 2-storey extension which is flat-roofed and matches the eaves height

of the property to the front, side and rear with an attached single storey element also to the rear. The extension hosts an integral garage, accessed via the single width drive to the front of property.

Proposal

Permission is sought for the erection of extensions to the rear of the property at both ground and first floor levels. The existing ground floor extension would be extended in width by 2.4 metres and the first floor by 3.7 metres. The rear projection of the extensions would match that existing. The height of the extensions would also match the existing with the flat roofs being maintained.

The proposed materials of construction would be stone for the walls, felt for the flat roofs and uPVC windows and doors.

4. BACKGROUND AND HISTORY

1974/5107 Erection of extension to form garage, dining room, WC and two bedrooms
Granted Conditionally

5. PLANNING POLICY

Kirklees Unitary Development Plan

D11 – Extensions in the Green Belt
BE1 – Design principles
BE2 – Quality of design
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
T10 – highway safety

National Planning Policy Framework

Chapter 9 – Protecting Green Belt land

6. CONSULTATIONS

None required

7. REPRESENTATIONS

Final publicity date expired 18th September 2015 – no letters of representation have been received.

Cllr Turner has requested the application be determined by Sub-Committee. The reasons for this are set out in section 2 of the report.

8. ASSESSMENT

General Principle:

The site is allocated Green Belt on the Unitary Development Plan. The NPPF sets out that new buildings in the green belt are inappropriate unless, amongst other things, they relate to the extension of an existing building and that this does not result in a disproportionate addition to the original building. Policy D11 of the UDP also seeks to ensure that in cases of extensions in the green belt, the original building should remain the dominant element.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances are demonstrated which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. (NPPF Chapter 9 paragraphs 87 and 88).

Other Unitary Development Plan Policies of relevance include BE1 and BE2 relating to general design principles and Policies BE13 and BE14 of the UDP which relate specifically to householder extensions.

Impact on the Green Belt:

When considering this proposal alongside the previous extensions to the building it is considered that their cumulative impact would be disproportionate to and out of character with the original building. In terms of the existing side and rear extensions, these were granted under application number 1974/5107 which is post 1948 and classed as extensions to the property and not part of the original building. Both the existing and proposed extensions would result in a volume increase of 65% over and above the size of the original property. Policy D11 of the Unitary Development Plan states that proposals for the extension of buildings within the Green Belt will be considered having regard to the size of the extension in relation to the existing building which should remain the dominant element. It is considered that an increase of 65% in volume would not be subservient to the host building nor would the original building be the dominant element with almost the entire rear elevation covered by extensions in addition to the existing large side element. This is considered disproportionate to the original building on the site and as such would represent inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development in these circumstances is contrary to Chapter 9 of the NPPF and Policy D11 of the UDP.

A further consideration is whether the original building would remain the dominant feature on the site. Although the extensions are to the rear of the property when these are viewed together with previous additions to the side and rear it is considered they would dominate the original building which, again, would be contrary to Policy D11 of the UDP.

The general design of the extension does not harmonise with the original dwelling, given the proposal to use a flat roofed design. Although this would normally be deemed contrary to Policies BE1 BE2 and BE13 of the UDP the longstanding nature of the existing flat roofed extensions has been taken into account. The proposed design would follow this pattern of development. However, this does not weigh in favour of the proposal but rather it is concluded this has a neutral effect on the overall balance when taking Green Belt issues into account.

The NPPF at paragraph 79 says that 'the essential characteristics of Green Belts are their openness and their permanence'. This section of Slades Road contains sporadic residential development set in a semi-rural landscape. To the west of this property there is a playing field with residential development to the north and south. The extension would be seen in the context of the host dwelling and would be built upon land that is within the curtilage of the existing dwelling. Consequently, the extension would result in a very limited reduction in openness. While this harm would be modest, any harm to the Green Belt must be considered to be substantial.

The proposal would be inappropriate development in the Green Belt and reduce openness to a modest degree. Both of these factors attract substantial weight which is not outweighed by any other considerations or very special circumstances. The proposal would conflict with national Green Belt policy and policy D11 of UDP.

It is considered that the cumulative impact of the resultant development would cause harm to the Green Belt which would be contrary to Unitary Development Plan Policy D11 and Chapter 9 of the National Planning Policy Framework. Paragraph 88 of the National Planning Policy Framework stipulates that substantial weight should be given against development which would be harmful to the Green Belt and it is therefore considered that the proposal does not comply with Policy D11 of the Unitary Development Plan or with advice within Chapter 9 of the National Planning Policy Framework.

Impact on visual amenity:

In terms of visual amenity, the extensions would be a continuation in width to the existing, constructed from stone and hosting flat roofs. Whilst noting that the existing extensions already host flat roofs, this is not a design feature which would normally be supported by the Local Planning Authority. However, the use of the flat roof ensures that the original roof of the property remains unaffected by the extensions. As such, whilst the roof design is not ideal, due to the existing arrangement of the extended property, it would be difficult to justify refusal of the scheme based on the flat roofed design.

The proposed construction materials would match the existing property and whilst the proportions of the windows to the rear elevation are not in keeping with the front elevation, given the remote location of the property these details are, on balance, considered acceptable.

Taking into account all the above, the visual appearance of the development the proposal is acceptable in terms of visual amenity, in accordance with Policies BE1, BE2 and BE13 of the Unitary Development Plan and advice within the National Planning Policy Framework.

Impact on residential amenity:

The proposed extensions are to the rear of the property and the only other alterations would be to replace the garage door within the front elevation with a personnel door and windows serving a music room. Additional windows and a door are proposed within the rear elevation of both the existing and proposed extensions and no proposed openings are within the side elevations of the extensions. Due to there being no residential properties to the front or rear of the property which would be affected by the alterations/additions to the fenestration details, there are minimal concerns.

In terms of overlooking and/or being overbearing, the first floor element of the extensions would be set in from the shared boundary with no. 136 Slades Road by 1.8 metres. The ground floor extension would abut the boundary with 136 Slades Road. Given the limited projection from the rear of the property of 2 metres and the adjoining neighbour also hosting a single storey extension it is considered that there would not be substantial harm from overshadowing or by being overbearing. In these respects the development would comply with Policy BE14 of the UDP.

Highways Issues:

In terms of highway safety and parking provision, there is a single width driveway to the front of the property which provides access into the integral garage within the existing side extension. As part of the scheme it is proposed that the garage provision would be converted into living space and therefore only one parking space on the driveway would be provided. Whilst it would be preferable to retain two off-street parking spaces the existing garage can be converted without permission. In addition there is on-street parking provision available on Slades Road. In these circumstances it is considered that the scheme would comply with Policy T10 of the UDP.

REPRESENTATIONS

No representations have been received.

Conclusion:

The proposed extensions would result in a disproportionate addition to the original building of 138 Slades Road. This would constitute inappropriate development within the Green Belt. The extensions would therefore fail to comply with Policy D11 of the Kirklees Unitary Development Plan and Chapter 9 of the National Planning Policy Framework. No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm.

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework 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 proposals do not accord with the development plan and that there are specific policies in the NPPF that indicate development should be restricted.

9. RECOMMENDATION

REFUSAL is recommended for the following reason:

1. The proposed extension, by reason of its size and scale, when considered cumulatively with the existing extensions, would represent a disproportionate addition to the original building of 138 Slades Road and fail to retain the original dwelling as the dominant element. This would constitute inappropriate development in the Green Belt which is harmful to the Green Belt by definition. No very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt by reason of inappropriateness or other harm. The extension would therefore fail to comply with Policy D11 of the Kirklees Unitary Development Plan and Chapter 9 of the National Planning Policy Framework.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, site plan, existing and proposed elevations and floor plans	Dwg. No. P 01		12 th August 2015

Application No: 2015/92940

Type of application: 62HH - FULL APPLICATION

Proposal: *Erection of single storey rear extension (Listed Building within a Conservation Area)*

Location: 13, Wentworth Street, Huddersfield, HD1 5PX

Grid Ref: 413836.0 417003.0

Ward: Newsome Ward

Applicant: Ahmed Din

Agent: Nadir Khan, DK Architects

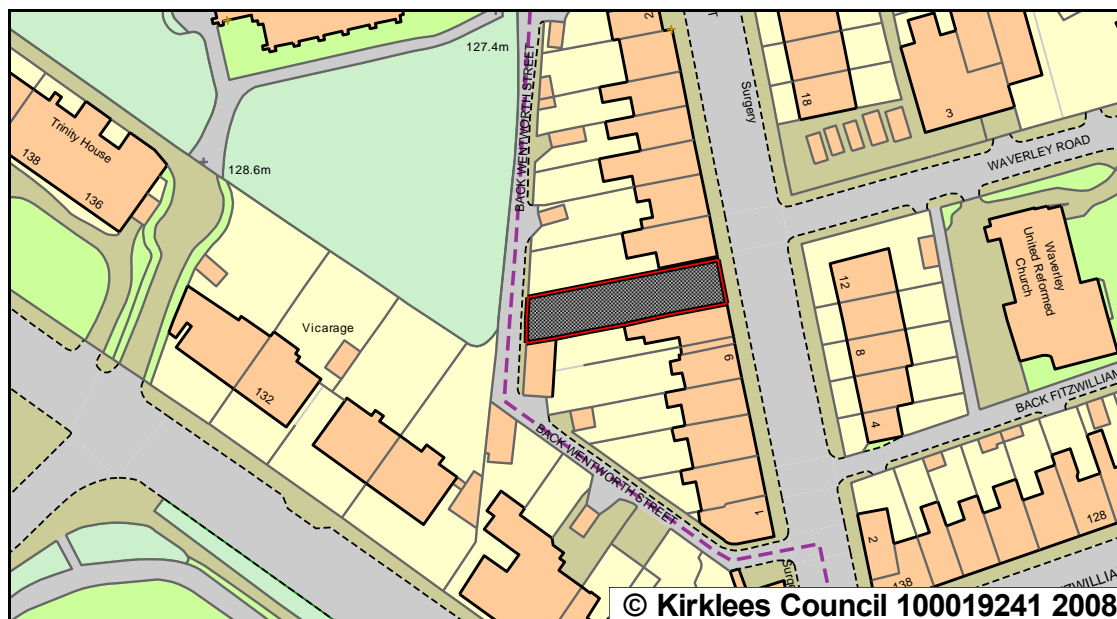
Target Date: 30-Nov-2015

Recommendation: RF1 - REFUSAL

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<http://www.kirklees.gov.uk/business/planning/advicenotes/PublicSpeakingCommittee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

This application is for the erection of a single storey rear extension to a Grade II listed building within the Greenhead Park/New North Road Conservation Area. The proposed extension would cause harm the character of the building and the character of the Conservation Area, which is not outweighed by any public benefit, contrary to the aims of Policies BE5 and BE13 of the Unitary Development Plan and guidance in the NPPF.

RECOMMENDATION: REFUSE

2. INFORMATION

The application is brought to the Huddersfield Planning Sub-Committee following a request from Councillor Cllr Andrew Cooper for the following reason:

'I can confirm my view that it will not adversely affect the principal conservation features of the building'

The Chair of the Sub Committee has confirmed that Councillor's Andrew Cooper's reason for making this request is valid having regard to the Councillors' Protocol for Planning Committees.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application site 13 Wentworth Street, Huddersfield is a mid-terrace grade II listed building that is also situated within the designated Greenhead Park/New North Road Conservation Area. It is a mid-19th Century dwelling constructed in natural Ashlar stone with a pitched blue slate roof. The rear elevation is dominated by an arched window serving the landing which retains its original sash window and single glazing. The dwelling is part of a group listing that includes the terraced dwellings (odd numbers) from 1-25 Wentworth Street, excluding no. 3. There is a reasonable sized rear garden area to the dwelling providing off-street parking. This addresses Back Wentworth Street. There are high gates at the rear providing screening of the rear elevation and access onto the access road running along the rear of the properties.

The property has no previous extensions, although the adjoining property, No 11 Wentworth Street, has had alterations to some older outbuildings to form habitable accommodation.

Proposal

The application is a modified proposal of a previously refused planning application for the erection of a single storey rear kitchen extension. The proposed extension projects by 3.3m from the rear elevation by 5m with an overall height of 3.52m with a lean-to roof. The extension would sit under the arched feature window and extend to include the covered passageway at the

side of the property. the modification to the proposal are that the rear elevation showed a bank of 4 window panes, these have now been split in two to show 30cm of stone work between.

The application also includes the formation of a WC and shower room within the existing adjoining passageway.

The extension is proposed to be constructed from coursed natural stone with a natural blue slate roof.

Information submitted with the application states that the extension will allow the property to become more viable for the existing residents and for future use as a viable domestic residence.

This application runs concurrently to an application for Listed Building Consent under application number 2015/92939 which is reported elsewhere on this agenda.

4. BACKGROUND AND HISTORY

2014/91207 – single storey rear extension - refused

2014/91208 – Listed building Consent for a single storey rear extension– refused

2007/92143& 2007/92144 – Erection of ground floor extension (planning permission and listed building consent)– Approved. This was for a different design and location. This was not implemented and the consents have now expired.

2006/93845 & 2006/93846 - Erection of single storey extension. Planning permission and listed building consent refused. This was for a lean-to extension across almost the width of the dwelling.

“The proposed extension, by virtue of its overall design and lack of justification, is considered to be detrimental to the character and appearance of the grade II listed property and neither enhances nor preserves the Greenhead Park/New North Road Conservation Area setting, contrary to Policies BE3 and BE5 of the Kirklees Unitary Development Plan, as well as guidance conveyed in PPG15 (Planning and the Historic Environment (1994))”.

2006/91207 & 2006/90964 - Erection of single storey rear kitchen extension – Refused. This was for a larger single storey extension proposed to be erected in artificial stone with concrete tiles on the roof. “The proposed rear extension, by virtue of its overall design, scale, and materials, is considered to be detrimental to the character and appearance of the Grade II Listed Building, and neither enhances, nor preserves the Greenhead Park/New North Road Conservation Area, contrary to the provisions of Policies BE3, BE5, BE13 and BE14 of the Kirklees Unitary Development Plan”

5. PLANNING POLICY

Kirklees Unitary Development Plan

BE5 – Preservation/enhancement of conservation areas.

BE13 – Extensions to dwellings (design principles)

BE14 – Extensions to dwellings (scale)

National Planning Policy Framework

Part 7 Requiring good design

Part 12 Conserving and enhancing the historic environment

6. CONSULTATIONS

None undertaken

7. REPRESENTATIONS

The application has been advertised by neighbour notification letter, site notice and press advertisement. No letters of objection / support have been received save for the comments of Councillor Andrew Coopers in section 2 of the report.

8. ASSESSMENT

General principle:

As the proposed development is within a Conservation Area and affects a Listed Building and the setting of a Listed Building, it will be assessed having regard to the relevant policies in Chapter 12 of the NPPF which state that local planning authorities should take into account the nature of the significance of heritage assets and the desirability of putting them into viable uses consistent with their conservation. The duties on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and preserving the listed building and any features of special architectural or historic interest which it possesses will also be taken into account.

Policy BE5 of the Unitary Development Plan (UDP) reflects some of these themes, requiring that extensions to buildings in Conservation Areas should contribute to the preservation or enhancement of the Conservation Area and respect the architectural qualities of surrounding buildings.

Also of relevance are Policies BE13 and BE14 of the UDP. Policy BE13 requires that extensions should respect the design features of the existing house and adjacent buildings, and in the case of Listed Buildings or those within Conservation Areas should retain the intrinsic value of the host building

and allow it to remain the dominant element. Policy BE14 advises that extensions to the rear of terraced dwellings will normally be permitted provided they do not exceed 3.0m in overall projection and avoid having a detrimental impact on the amenities of neighbouring properties.

Design, conservation and visual amenity:

The building is a mid-19th Century terraced house which has significance both itself and as part of a group of similar houses built at the same time. It is of interest for its proportions, high quality ashlar frontage, elegant front and rear elevations and good architectural detailing, including, to the rear elevation a round-headed staircase window and entrance door. This window and door are significant architectural features of the building.

The rear elevation of the application property is unaltered. It is acknowledged that the wider terraced row viewed from the rear is not uniform because of the variety of rear extensions that have been added at various times in the past. However, this does not detract from the fact that the application property retains its features of special architectural or historic interest.

The extension proposed would fail to retain the character and significance of the building or the conservation area. This is because it would extend across the width of the dwelling with a shallow pitched roof, enclose the passageway and incorporate window designs at odds with the elegant sash windows in the original building. Furthermore it is considered the passage way should be retained in order to understanding the historic narrative of the building and the terrace. Therefore the application as submitted would be contrary to policies and advice in the National Planning Policy Framework and Policies BE13 and BE5 of the UDP.

Where there is “less than substantial harm” to the significance of heritage assets the NPPF states that the local planning authority should weigh the public benefit of the proposal against the harm, recognising that the greater the harm to the significance of the heritage assets, the greater the justification needed. In this case, the harm caused is considered “less than substantial” but it has not been demonstrated that the harm caused to the significance of the Listed Building would be outweighed by any public benefit arising out of the proposal. Whilst the Agent has referred to providing a viable domestic residence this is given limited weight. This is because there are alternative schemes, including that previously approved in 2007 and the suggested amendments made by the Conservation and Design Officer on the allied listed building application, which would retain the significance of the building.

The proposed development would therefore be contrary to the aims of Policies BE5 and BE13 of the UDP and guidance in Chapter 12 of the NPPF.

Impact on neighbouring properties:

The proposed extension projects by 3.3m on the rear elevation. This is more than the standard 3.0m figure in Policy BE14 of the UDP. Under this Policy, extensions larger than 3.0m should only be allowed if it can be demonstrated that, taking into account all the circumstances of the site, no harm would be caused to the amenities of neighbouring properties. In this case size of this extension is considered to be acceptable because of the converted outbuilding located on the rear of the adjoining property, 11 Wentworth Street which would prevent any harm to this property. No. 15 is separated by some screening and the projection would principally affect a doorway. There would be no impact on privacy as the side facing window would look onto a blank wall. Other windows face the applicant's garden. Therefore, there is considered to be no undue impact on the amenity of these occupants. The proposal is therefore considered to comply with Policy BE14 of the UDP.

Highways Issues:

The existing parking will not change by the proposal. The application therefore accords with policy T10 of the Unitary Development Plan and advice in the National Planning Policy Framework.

Conclusion:

The proposed extension would cause harm the character of the Grade II listed host building and the character of the Greenhead Park/New North Road Conservation Area, which is not outweighed by any public benefit, contrary to the aims of Policies BE5 and BE13 of the Unitary Development Plan and guidance in the NPPF.

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 any benefits of the development when assessed against policies in the NPPF and other material consideration.

9. RECOMMENDATION

REFUSAL

1. The proposed extension, by virtue of its overall design and appearance would diminish the building's character and significance and neither preserve nor enhance character of the Greenhead Park/New North Road Conservation Area. This would cause less than substantial harm to the significance of the building which is not outweighed by any public benefit arising out of the proposal. As such it is contrary to policies BE13 and BE5 of the Unitary Development Plan and guidance in Chapter 12 of the National Planning Policy Framework.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan 1:1250		16.9.15
Existing & proposed layout & elevations	NK.329.00	16.9.15
Heritage Statement	NK.329.01	16.9.15

Application No: 2015/92939

Type of application: 65 - LISTED BUILDING

Proposal: *Listed Building Consent for erection of single storey rear extension (within a Conservation Area)*

Location: 13, Wentworth Street, Huddersfield, HD1 5PX

Grid Ref: 413836.0 417003.0

Ward: *Newsome Ward*

Applicant: *Ahmed Din*

Agent: *Nadir Khan, DK Architects*

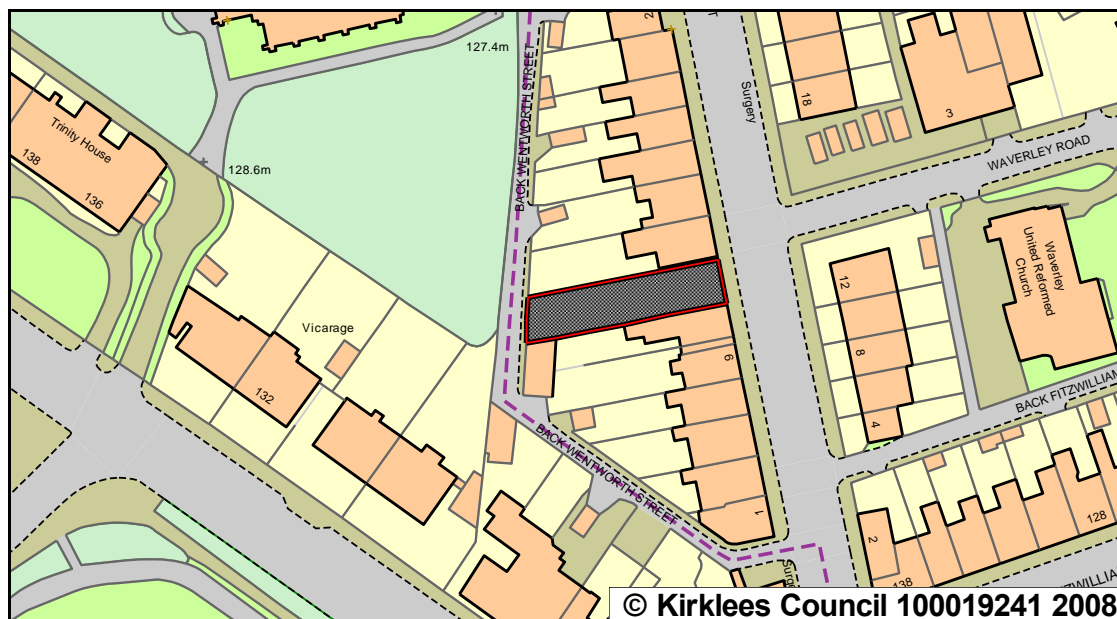
Target Date: *30-Nov-2015*

Recommendation: **CR1 - REFUSAL OF CONSENT**

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/business/planning/advicenotes/PublicSpeakingCommittee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The proposed extension would cause harm the character of the Listed Building which is not outweighed by any public benefit, contrary to the aims of Chapter 12 of the NPPF.

RECOMMENDATION: REFUSE LISTED BUILDING CONSENT

2. INFORMATION

The application is brought to the Huddersfield Planning Sub-Committee following a request from Councillor Cllr Andrew Cooper for the following reasons:

'I can confirm my view that it will not adversely affect the principal conservation features of the building'

The Chair of the Sub Committee has confirmed that Councillor's Andrew Cooper's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub Committees.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application site 13 Wentworth Street, Huddersfield is a mid-terrace grade II listed building that is also situated within the designated Greenhead Park/New North Road Conservation Area. It is a mid-19th Century dwelling constructed in natural Ashlar stone with a pitched blue slate roof. The rear elevation is dominated by an arched window serving the landing which retains its original sash window and single glazing. The dwelling is part of a group listing that includes the terraced dwellings (odd numbers) from 1-25 Wentworth Street, excluding no. 3. There is a reasonable sized rear garden area to the dwelling providing off-street parking. This addresses Back Wentworth Street. There are high gates at the rear providing screening of the rear elevation and access onto the access road running along the rear of the properties.

The property has no previous extensions, although the adjoining property, No 11 Wentworth Street, has had alterations to some older outbuildings to form habitable accommodation.

Proposal

The application is a modified proposal of a previously refused listed building consent for the erection of a single storey rear kitchen extension and works to convert an adjoining passageway into a WC and shower room. The proposed extension projects by 3.3m from the rear elevation by 5m with an overall height of 3.52m with a lean-to roof. The extension would sit under the arched feature window and extend to include the covered passageway at the side of

the property. the modification to the proposal are that the rear elevation showed a bank of 4 window panes, these have now been split in two to show 30cm of stone work between.

The extension is proposed to be constructed from coursed natural stone with a natural blue slate roof.

Information submitted with the application states that the extension will allow the property to become more viable for the existing residents and for future use as a viable domestic residence.

This application runs concurrently to an application for planning permission under application number 2015/92940 which is reported elsewhere on this agenda.

4. BACKGROUND AND HISTORY

2014/91207 – single storey rear extension - refused

2014/91208 – Listed building Consent for a single storey rear extension– refused

2007/92143& 2007/92144 – Erection of ground floor extension (planning permission and listed building consent)– Approved. This was for a different design and location. This was not implemented and the consents have now expired.

2006/93845 & 2006/93846 - Erection of single storey extension. Planning permission and listed building consent refused. This was for a lean-to extension across almost the width of the dwelling.

“The proposed extension, by virtue of its overall design and lack of justification, is considered to be detrimental to the character and appearance of the grade II listed property and neither enhances nor preserves the Greenhead Park/New North Road Conservation Area setting, contrary to Policies BE3 and BE5 of the Kirklees Unitary Development Plan, as well as guidance conveyed in PPG15 (Planning and the Historic Environment (1994)).”

2006/91207 & 2006/90964 - Erection of single storey rear kitchen extension – Refused. This was for a larger single storey extension proposed to be erected in artificial stone with concrete tiles on the roof. “The proposed rear extension, by virtue of its overall design, scale, and materials, is considered to be detrimental to the character and appearance of the Grade II Listed Building, and neither enhances, nor preserves the Greenhead Park/New North Road Conservation Area, contrary to the provisions of Policies BE3, BE5, BE13 and BE14 of the Kirklees Unitary Development Plan”

5. PLANNING POLICY

No UDP Policies relating specifically to Listed Buildings were “saved”.

National Planning Policy Framework

Part 12 Conserving and enhancing the historic 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:

KC Conservation & Design – the application does not satisfy relevant UDP and NPPF policies and cannot be supported unless amendments are made.

7. REPRESENTATIONS

No letters of objection / support have been received save for the comments of Councillor Andrew Coopers in section 2 of the report.

8. ASSESSMENT

General Principle / Policy:

This application seeks Listed Building Consent for the erection of a single storey lean-to extension to create a kitchen-dining area and the formation of a wc and shower room within the existing adjoining passageway. As the application is for Listed Building consent, the only factors that fall to be considered are the impact on the character and significance of the Listed Building. No Unitary Development Plan (UDP) Policies relating specifically to Listed Buildings were saved. The proposal will therefore be assessed principally having regard to the relevant policies in Chapter 12 of the NPPF. Of particular relevance in the NPPF local authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and of development making a positive contribution to local distinctiveness. Furthermore that development causing harm to the significance of heritage assets should not be permitted unless a proportionate public benefit can be demonstrated to outweigh that harm.

The allied planning application considers wider issues such as the impact on Conservation Area, residential amenity, environmental concerns and the impact of the proposal on highway safety.

Impact on listed building:

The building is a mid-19th Century terraced house which has significance both itself and as part of a group of similar houses built at the same time. It is of interest for its proportions, high quality ashlar frontage, elegant front and rear elevations and good architectural detailing, including, to the rear elevation a

round-headed staircase window and entrance door. This window and door are significant architectural features of the building.

The rear elevation of the application property is unaltered. It is acknowledged that the wider terraced row viewed from the rear is not uniform because of the variety of rear extensions that have been added at various times in the past. However, this does not detract from the fact that the application property retains its features of special architectural or historic interest.

The extension proposed would fail to retain the character and significance of the building resulting in less than substantial harm to the significance of this heritage asset. This is because it would extend across the width of the dwelling with a shallow pitched roof, enclose the passageway and incorporate window designs at odds with the elegant sash windows in the original building. Furthermore it is considered the passage way should be retained in order to understanding the historic narrative of the building and the terrace. Although the proposal would leave both the arched window and original rear door in situ this does not overcome the harm the extension and works would have on the character and appearance of the original building. Therefore the application as submitted would be contrary to policies and advice in the National Planning Policy Framework.

Where there is “less than substantial harm” to the significance of heritage assets the NPPF states that the local planning authority should weigh the public benefit of the proposal against the harm, recognising that the greater the harm to the significance of the heritage assets, the greater the justification needed. In this case, the harm caused is considered “less than substantial” but it has not been demonstrated that the harm caused to the significance of the Listed Building would be outweighed by any public benefit arising out of the proposal. Whilst the Agent has referred to providing a viable domestic residence this is given limited weight. This is because there are alternative schemes, including that previously approved in 2007 and the suggested amendments made by the Conservation and Design Officer, which would retain the significance of the building.

The proposed development would therefore be contrary to the aims of Chapter 12 of the NPPF.

Representations:

It should be noted that no representations have been received as a result of site publicity.

Conclusion:

The proposed extension would diminish the Grade II listed host building’s character and significance. This would cause less than substantial harm which is not outweighed by any public benefit, contrary to guidance in the NPPF.

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 any benefits of the development when assessed against policies in the NPPF and other material consideration.

9. RECOMMENDATION

REFUSAL is recommended for the following reasons:

1. The proposed extension and works to convert the passageway to habitable accommodation would diminish the building's character and significance. This would cause less than substantial harm to the significance of the building which is not outweighed by any public benefit arising out of the proposal. As such it is contrary to guidance in Chapter 12 of the National Planning Policy Framework.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan 1:1250		16.9.15
Existing & proposed layout & elevations	NK.329.00	16.9.15
Heritage Statement	NK.329.01	16.9.15

Application No: 2015/90721

Type of application: 62m - FULL APPLICATION

Proposal: *Erection of 12 detached dwellings (within a Conservation Area)*

Location: *Land off, Macaulay Road, Birkby, Huddersfield*

Grid Ref: 413606.0 418069.0

Ward: *Greenhead Ward*

Applicant: *Andrew Wasley, Paragon Building and Design Ltd*

Agent: *Michael Owens, Fibre Architects Ltd*

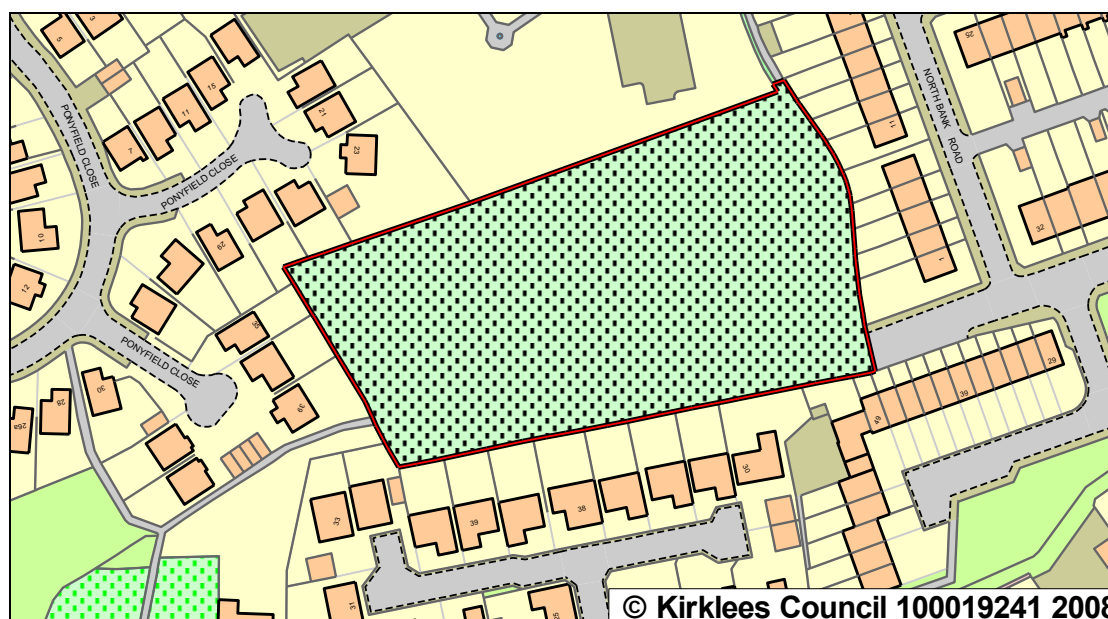
Target Date: *13-Jul-2015*

Recommendation: *ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS*

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<http://www.kirklees.gov.uk/business/planning/advicenotes/PublicSpeakingCommittee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Scale of Development	0.69ha	12 dwellings
No. Jobs Created or Retained	n/a	
Policy		
UDP allocation	Conservation Area	
Independent Viability Required	N/A	
Representation/Consultation		
Individual Support (No.)	0	
Individual objections	4	
Petition	n/a	
Ward Member Interest	Yes	Clr Sheik Ullah request for site visit
Statutory Consultee Objections	None	
Contributions		
• <i>Affordable Housing</i>	Yes	
• <i>Education</i>	n/a	
• <i>Public Open Space</i>	Off-site contribution required	
• <i>Other</i>	n/a	
Other Issues		
Any Council Interest?	No	
Planning Pre-application advice?	Yes	Advice from Conservation officer regarding design
Pre-App Consultation Undertaken?	No	
Comment on Application	The principle of housing on this site has been established under a previous application. Initial concerns regarding the impact on protected trees and public footpaths have been addressed through an amended layout.	

RECOMMENDATION:

Grant conditional full planning permission subject to the delegation of authority to Officers to:

- i. **Agree the level of financial contributions for the matters detailed in the report, subject to viability, and secure these contributions by way of planning obligation**
- ii. **Impose all necessary and appropriate conditions which may include the matters set out in the report**
- iii. **Subject to their being no substantive changes, issue the decision**

2. INFORMATION

The application is referred to the Planning Sub Committee because the site exceeds 0.5 hectares and the development is for less than 60 residential units.

Councillor Ullah has requested that members of the committee carry out a site visit to assess the impact on protected trees, the effect on two public rights of way, the proximity of surrounding residential properties and the potential for traffic congestion on Macaulay Road.

The Chair of the Sub-Committee has confirmed that Cllr Ullah's reason for requesting a site visit is acceptable.

3. SITE DESCRIPTION/ PROPOSAL

The site is essentially on two levels. The upper part of the site comprises the majority of the site area and is largely hard surfaced with mature trees and dense vegetation to much of the boundaries; this land slopes gently from north to south. The lower part of the site lies to the south and forms a strip of overgrown land. A public footpath crosses the site on the lower level and is immediately adjacent to the higher ground.

The site was previously used as a car park associated with the Weir Valves site which has now been redeveloped for housing. The site has remained unused for roughly ten years.

The site lies within the Birkby Conservation Area and is flanked to the north by the grade II listed Birkby Grange (former offices of Marshalls) and residential development to the south, east and west. A public footpath forms the eastern edge of the application site.

The proposal is for the erection of 12 detached dwellings. The properties are roughly set out in two rows around a 'T' shaped estate road. The dwellings are mainly two storeys in height with a small number of them incorporating accommodation within the roof space. Access to the site is via an extension of Macaulay Road. The proposed materials of construction are reconstituted stone and render with reconstituted slate and clay tiles to the roofs.

4. BACKGROUND AND HISTORY

Application site:

2008/92132 Erection of residential development (14 units) – Approved by committee 16/4/09

5. PLANNING POLICY

Development Plan: The site is unallocated.

BE1 – Design principles
BE2 – Quality of design
BE5 – Preservation/enhancement of conservation areas.
BE11 – Materials
BE12 – Space about buildings
BE23 – Crime prevention
G6 – Land contamination
H1- Housing needs of the district
H10 – Affordable housing
H18 – Provision of open space
T10 – Highway safety
T19 – Parking standards
NE9 – Retention of mature trees

National Policies and Guidance:

Paragraph 14 – Presumption in favour of sustainable development
Paragraph 17 – Core planning principles
Chapter 4 -Promoting sustainable transport.
Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 8 - Promoting healthy communities
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
Chapter 11- Conserving and enhancing the natural environment
Chapter 12 - Conserving and enhancing the historic environment

Other Policy Considerations:

Supplementary Planning Document 2 “Affordable Housing”.

6. CONSULTATIONS

The following is a brief summary of consultee advice. Further information is contained within the assessment, where necessary.

KC Highways – No objection subject to conditions

KC Environmental Services – No objection subject to conditions

KC Trees – No objections to the amended scheme subject to conditions

KC Environment Unit – No objection subject to conditions

KC Conservation and Design – No objections

KC Strategic Housing – No comments received

KC Landscaping Section – A contribution towards off-site public open space is required (£32,200 towards the improvement of play provision at Norman Park, Birkby)

KC Flood Management Drainage – No objection

Yorkshire Water – Recommend conditions but consider the Flood Risk Assessment to be inadequate. More information on the drainage of surface water, including the use of soakaways, is required.

7. REPRESENTATIONS

Application advertised in the Huddersfield Daily Examiner, by site notices in the vicinity of the site and by neighbour notification letters.

Representations: 4 received (in response to the plans as originally submitted. The amended plans were not re-advertised).

Letters of objection have been received from 3, 5, 7 and 9 North Bank Road which lie immediately to the east of the site.

All of the objectors raise concerns about a loss of light arising from the proximity and scale of one of the dwellings which is exacerbated by the difference in levels between the application site and these adjacent properties.

8. ASSESSMENT

General principle:

The principle of residential development on the site has previously been established under application 2008/92132 which granted permission for the erection of 14 dwellings.

The proposal is considered to be compatible with the surrounding area which is predominantly residential in nature.

The majority of the site forms a hard surfaced area which has previously been used as a car park and in the main represents a brownfield site. The development therefore represents an efficient use of land and in this regard is considered to be sustainable.

In respect of planning policies related specifically to housing in the UDP, consideration must be made as to whether these can be classed as 'up to date' following the publication of the NPPF. Paragraph 49 of the NPPF states that 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.

At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.

The proposal would also contribute towards the overall choice of housing available within this part of the district which is supported by NPPF chapter 6.

The principle of the development is accepted by Officers.

Impact on visual amenity and heritage considerations:

The proposal is within the Birkby Conservation area where development proposals are required to preserve or enhance the character or appearance of the area. In addition, the site lies within the setting of Birkby Grange which is a Grade II Listed Building. Whilst the site could be considered to be curtilage to the listed building, its current form and land levels suggest that it is now divorced from it. Local Authorities are required to have special regard to the desirability of preserving the setting of listed buildings.

Policy BE1 requires all development to be of a good quality and make a positive contribution to the built environment. Policy BE2 requires new development to respond to the characteristics of the site. Chapter 7 of the NPPF promotes good design and chapter 12 seeks to conserve and enhance the historic environment.

The dwellings would be located on what is currently the upper level of the site with the lower level providing the access and an area of landscaping. The public footpath that runs through the lower part of the site (HUD/346/10) is to be retained in broadly the same position.

The current site predominantly comprises a large area of hard surfacing which is in poor repair with unattractive palisade fencing to much of the boundaries. This will be replaced by a sensitively designed scheme of detached houses incorporating differing style house types that take their design from the context of the Conservation Area as a whole.

The development would provide twelve large detached houses with commensurate garden space. The dwellings are reasonably well spaced and the layout allows for the retention and long-term protection of numerous mature protected trees as well as an area of landscaping in the south west corner which helps to contribute towards an open and leafy development which is a feature of other parts of the Conservation Area. Relatively substantial detached dwellings are a feature of the surrounding area including the modern residential developments to the south and west.

The dwellings are generally two storeys in height which reflects the scale of similar modern development adjacent to the site. Variation in the height of the buildings is provided through the design of the houses and the land levels which slope down gently from north to south.

The proposed facing materials are reconstituted stone and render to the walls and reconstituted slate and clay tiles to the roofs. There is a mixture of building materials within the vicinity of the site. For example, the modern residential development to the south has artificial stone and render for the walling material and concrete and clay tiles to the roofs. The somewhat more established housing development to the west/northwest has artificial stone and slate whilst the more historic housing to the east is red brick, natural stone and natural slate. In this context it is considered that the proposed materials are acceptable subject to the approval of samples.

In conclusion, Officers consider that the development would respect the character and appearance of the Conservation Area. Equally, the setting of the listed building is considered not to be harmed as there is a proportionate area of land between the development and the listed building.

The application is considered to comply with Policies BE1, BE2 and BE5 of the UDP and chapters 7 and 12 of the NPPF.

Residential amenity:

Policy BE12 of the UDP sets out the Councils policy in relation to space about buildings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified in the policy will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises or potential development land.

To the east of the site are two rows of terraced houses which step down in height in a north to south direction. These houses are set at a lower level than the application site. A public footpath (HIUD/346/10) separates the site from these neighbouring dwellings and there are a number of trees along the site boundary. Two dwellings are proposed in the easternmost part of the site and these form the closest of the proposed dwellings to the terraced houses.

The first of these proposed dwellings (house type C2) lies immediately opposite 7 and 9 North Bank Road. The other properties within this terrace row (1, 3 & 5 North Bank Road) are off-set from this proposed dwelling to varying degrees.

Objections have been received from 3, 5, 7 and 9 North Bank Road. All raise concerns about a loss of light arising from the proximity and scale of this dwelling and state that the impact is exacerbated by the difference in levels between the application site and these neighbouring properties.

The proposed dwelling in question is separated by a distance of 20.5m from the original rear elevation of 7 North Bank Road and would be between 11m and 15m from the rear garden boundary of this neighbouring property.

This proposed dwelling is separated by a distance of 18m and 20m from the original rear elevation of 9 North Bank Road. No.9 has a single storey rear extension which reduces the separation distance by 3m and planning history indicates that this is a kitchen (non-habitable room). The dwelling would be 9m and 12m from the rear garden boundary of no.9.

A degree of screening would be provided between this dwelling and the opposing terrace by a new hedgerow and the retention of a mature tree along the boundary.

The ridge height of the proposed dwelling is approximately 2m higher than ridgelines of 7 and 9 North Bank Road mainly as a result of the difference in levels between the application site and the neighbouring terrace.

Officers consider that the impact of the dwellings greater overall height is substantially mitigated by the design of the proposal. This is because the proposed dwelling is predominantly 1.5 storeys in height with the main ridgeline of the property being set towards the front of the dwelling and further away from numbers 7 and 9. Two storey elements at the rear of the proposed dwelling are limited to two gable features at each side of the house and both have an oblique relationship with the opposing terrace. The property also has a rough 'C' shape footprint which off-sets a large proportion of the building relative to the rear walls of 7 and 9 North Bank Road. As such, the overall bulk and mass of the building relative to these neighbouring dwellings is mitigated, and together with the separation distances detailed above, Officers consider that any overshadowing any overbearing effects would be very limited.

With regard to potential overlooking of 7 and 9 North Bank Road, main habitable windows in the rear of the proposed dwelling meet Policy BE12 requirements in terms of separation distances between windows. Furthermore the windows in the rear of this dwelling have an indirect relationship with the opposing terrace and would also be partially screened along the boundary.

With regard to the impact on 1, 3 and 5 North Bank Road, these properties are located further away from the proposed dwelling in question with the closest being no.5. The original rear wall of no.5 is 23m from the dwelling although no.5 has a small single storey rear extension which reduces the separation distance by around 3m. The rear garden of no.5 is separated by 12.5m and 15m from the dwelling.

There is an increasingly oblique relationship between this proposed dwelling and 1, 3 and 5 North Bank Road. Whilst numbers 1, 3 and 5 are set lower down from the application site this is mitigated by the separation distances and the oblique relationship between the dwelling and these properties. The impact on these neighbouring properties is therefore considered acceptable.

The second of the proposed dwellings within the easternmost part of the site (house type F) lies immediately opposite 11, 13 and 15 North Bank Road. This proposed dwelling is separated by a distance of 21.6m from the original

rear elevations of the opposing terrace. Numbers 11 and 15 have small single storey extensions to their rear elevation which reduces the separation distance by approximately 3m.

The proposed dwelling would be between 9m and 12m from the rear garden boundaries of the opposing terrace. A degree of screening would be provided by a new hedgerow within the site and the retention of a number of trees.

The ridge height of the proposed dwelling is approximately the same height as 15 North Bank Road and is roughly 1m above the ridge heights of 11 and 13 North Bank Road.

Given the achievable separation distances, the similarities in overall height between the proposed and neighbouring dwellings together with existing and proposed boundary treatment, the relationship between this proposed dwelling and the opposing terrace is considered to be acceptable.

The private amenity space for the two proposed dwellings in the easternmost part of the site would be close to the rear gardens of the terraced houses to the east however the proposed and existing boundary treatment would provide a good degree of screening. It is to be noted as well that such a relationship is not unusual and there is a public footpath separating the application site from the adjacent terraced properties.

Distances to the existing residential development to the south of the site on Platnam Grove are a minimum of 30m to habitable windows and 19m to adjacent gardens but generally more than this. Proposed dwellings would be separated by an area of landscaping and public highway. Protected trees that are to be retained would also provide screening. The existing dwellings to the south of the application site are set at a lower level than the nearest proposed dwellings however the separation distances are sufficient to prevent any undue overlooking, overbearing or overshadowing effects.

Separation distances to the properties on Ponyfield Close to the west and northwest of the site accord with Policy BE12 but it is to be noted as well that the application site is set down quite substantially in relation to these neighbouring properties which eases the relationship between proposed and existing dwellings.

With regard to Birkby Grange that lies to the north of the site, the separation distances between the development and this adjoining land are such that the established use or any future development on the Birkby Grange site would not be unduly prejudiced.

In terms of the separation distances within the site, distances less than those stipulated in Policy BE12 exist between some of the dwellings. The main reason for this is because of the need to achieve appropriate separation distances to protected trees within the site whilst also maintaining commensurate levels of amenity space for the dwellings. Where shortfalls in separation distances occur, Officers consider that an acceptable level of

residential amenity would still be provided for the future occupiers of the dwellings. Moreover, these occupiers would have had the opportunity to purchase the houses in the full knowledge of the relationship with neighbouring properties and in this regard they would not be prejudiced in any way. The development would not therefore conflict with the aims of Policy BE12 in terms of providing adequate space and privacy for the occupiers of the new houses.

Residential development on the site is considered to be compatible with surrounding land uses. Kirklees Environmental Services (Pollution and Noise) have assessed the application and have not raised any objections subject to conditions relating to contaminated land.

Highway issues:

The proposed development is for 12 dwellings containing a mix of four or five bedroom properties.

Access is proposed from Macaulay Road, an adopted road located to the east of the site. Macaulay Road is approximately 7m wide and subject to a 30mph speed limit. The road is lit with footways at either flank. Macaulay Road joins with Wheathouse Road at a priority junction east of the site, and there is good visibility at this junction. Wheathouse Road is an adopted road approximately 10m wide, and subject to a 30mph speed limit. It is lit and has footways at either flank.

The proposed site layout as amended (drawing number AL0001 Rev F) is acceptable to Highways Development Management. The parking and access arrangements accord with current guidance and are considered acceptable to serve a development of the scale proposed. It is considered that the forecast traffic generation associated with the proposed development can be accommodated on the highway network and that it is unlikely to have a material impact on the safety and operation of the network.

Highways Development Management has recommended that the developer provides Metro Travel Cards to promote the use of public transport (buses) to and from the site by the first time occupiers of the properties. The cost of this would be £5,709. In light of the level of contributions which this development is likely to stand (as discussed later in this assessment), Officers consider that it would be preferable for the balance of the financial contribution to be set entirely towards off-site public open space and affordable housing provision in order to secure the maximum planning gain for local play facilities and affordable housing opportunities.

A public footpath runs through the lower part of the site and the scheme provides for its retention in an almost identical position. There is also a public footpath immediately adjacent to the eastern boundary. The Council's public rights of way officer has been consulted and no objections have been raised. It has been recommended that a condition be imposed requiring a scheme for the improvement of the existing footpath within the site (e.g. resurfacing). It is

to be noted that works within either footpath or works to close a public footpath require separate permission from the local highway authority.

Trees and ecology:

There are a large number of protected trees within and along the boundaries of the application site and the proposal involves the removal of a number of these trees.

The principle of tree felling has already been established under application 2008/92132 and the service's arboricultural officer has not raised any objection to the loss of the trees as is proposed under the current application.

Concerns were raised that some of the dwellings towards the southeast corner of the site would prejudice the long term viability of a number of very mature trees given their proximity. The scheme was subsequently amended from 13 to 12 dwellings to enable greater separation distances to be achieved between the protected trees in this part of the site and the nearest proposed dwellings. As a result, the scheme is, on balance, acceptable to Officers subject to a condition requiring a revised arboricultural method statement being submitted and approved by way of condition.

An ecological report has been submitted with the application and this has been assessed by the Council's Environment Unit. There are no objections to the development subject to the recommendations set out in the report, which include further bat surveys of those trees that are to be felled and which have been identified as having bat roost potential and for additional tree planting to replace the mature trees that are to be felled. In addition biodiversity enhancement measures are recommended in the form of bat and bird boxes. These matters can be conditioned.

The application is considered to comply with Policy NE9 of the UDP and chapter 11 of the NPPF.

Flood risk and drainage:

The submitted drainage assessment proposes discharging surface water to the existing public combined sewer in Macaulay Road. The drainage assessment states that soakaways are not considered feasible and that there are no watercourses nearby which could provide an alternative connection. As such, Kirklees Flood Management and Drainage is satisfied that the hierarchy of surface water disposal has been followed and there are no objections to the proposed method of surface water disposal.

Yorkshire Water has been consulted on the application and no objections have been raised in principle however Yorkshire Water has recommended that on-site investigations are carried out to rule out infiltration techniques/soakaways as a means of surface water disposal prior to discharge to the sewer network.

As the Lead Local Flood Authority, Kirklees Flood Management and Drainage has reviewed the comments made by Yorkshire Water. They have commented that the submitted drainage report has assessed the existing soakaways within the site and these were found to be full of water which indicates that infiltration techniques are unlikely to be suitable for the development proposed. In this instance a connection to sewer is therefore accepted subject to the conditions recommended by Yorkshire Water. These include full details of a surface water drainage scheme.

Air quality:

NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution. On small new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

Viability/Section 106 contributions:

The development would trigger contributions towards affordable housing and public open space (POS). In the case of the POS, a figure of £32,200 towards the improvement of play provision at Norman Park is required.

The applicant has submitted a Viability Appraisal (VA) with the application and this is currently being independently analysed on behalf of the Council.

The NPPF sets out how viability should be considered and paragraph 173 States:

“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

The VA does not make provision for any S106 contributions. The conclusions of the independent analysis have not yet been provided however it has been provisionally indicated that the development would stand a level of contribution that would meet the POS figure and provide a contribution towards affordable housing.

Once the formal analysis of the VA has been received Officers will enter into negotiations with the agent/applicant to agree the level of financial contribution. The negotiated figures will be assessed by the independent appraiser.

The recommendation to Members reflects the need for Officers to reach agreement with the applicant on the precise figures for contributions and is based on the assumption that the full POS contribution will be met as well as a commensurate contribution towards affordable housing.

Objections:

Four objections have been received and these are addressed within the section on residential amenity.

Conclusion:

The principle of residential development on the site has already been established by a previous application. The principle of development is supported by national planning policy (NPPF) and Officers are satisfied that the development would not result in any significant detriment to any designated heritage assets, visual amenity, the residential amenity of the surrounding area or highway safety. The development has been amended to ensure that the impact on protected trees is at an acceptable level.

9. RECOMMENDATION

Grant conditional full planning permission subject to the delegation of authority to Officers to:

- i. Agree the level of financial contributions for the matters detailed in the report, subject to viability, and secure these contributions by way of planning obligation**
- ii. Impose all necessary and appropriate conditions which may include the matters set out in the report**
- iii. Subject to their being no substantive changes, issue the decision**

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
141208 Transport Statement Part 1	-	-	10.03.15
141208 Transport Statement Part 2	-	-	10.03.15
150130 11999 Arboricultural report and AIA	-	-	10.03.15
150221 11999a Arboricultural Method Statement	-	-	10.03.15
150225 11999b Tree Planting Scheme	-	-	10.03.15
150305 Design and Access Statement	-	-	10.03.15
150306 Heritage Assessment	-	-	10.03.15
151022 Development Appraisal October 2015	-	-	13.10.15
151027 Lower Car Park Birkby Grange Ecology and Bat Activity Report	-	Rev 1	29.10.15
240915 Ecological Records Search	-	-	29.10.15
20141208 JAB AB Birkby Hall Transport Statement	-	Issue 1	10.03.15
Proposed Site Layout	AL0001	F	18.09.15
Site Sections as Proposed	AL0010	A	16.11.15
Site Sections as Proposed	AL0011	A	16.11.15
Site Sections as Proposed	AL0012	A	16.11.15
Site Sections as Proposed	AL0013	A	16.11.15
Site Sections as Proposed	AL0014	A	16.11.15
Site Sections as Proposed	AL0015	A	16.11.15
Type C Floor Plans	AL0110	A	15.07.15
Type C Elevations	AL0120	-	10.03.15
Type D Floor Plans	AL0210	A	15.07.15
Type D Elevations	AL0220	A	15.07.15
Type F Floor Plans	AL0310	A	15.07.15
Type F Elevations	AL0320	A	15.07.15
Type J Floor Plans	AL0510	A	15.07.15
Type J Elevations	AL0520	-	10.03.15
Type K Floor Plans	AL0610	A	15.07.15
Type K Elevations	AL0620	A	15.07.15
Birkby Grange Drainage Assessment	-	-	10.03.15
Planning Statement - Macaulay Road Birkby Huddersfield	-	-	10.03.15
Existing Site and Location Plan	EX0001	-	10.03.15

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

26 NOVEMBER 2015

APPLICATION NO: 2015/91093

PAGE 9

OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT (WITHIN A CONSERVATION AREA)

LAND OFF HOLLYFIELD AVENUE, QUARMBY, HUDDERSFIELD

Correction to description of site page 11.

This should read:

The site, **except** a small triangular area in the south east, lies within the Quarmby Fold Conservation area with a small block of grade II listed buildings known as Holly Bank Court along the eastern boundary of the site.

REPRESENTATIONS

A further seven letters of objection have been received which reiterating concerns already addressed in the agenda on pages 12-16, these relate to:

- highway safety and the increase of traffic onto surrounding highway network, including junction of Hollyfield Avenue;
- loss of greenfield land and the adverse impact this would have on nature and habitat for wildlife and the Conservation Area
- demand on local amenities such as doctors, dentists and schools.

Occupier of 20 Haughs Road has specifically requested their letter of objection be made available to the Planning Committee before the meeting on Thursday, 26 November. Please see below:

“There are numerous controversial issues connected with this proposal but the facts that cannot be denied are the narrowness and unsafe layout of the site entrance. Whatever pressure the Council is under to secure housing development this cannot be achieved by compromising the safety and welfare of existing residents, particularly children, pedestrians and other road users.

I fear that that the Planning Committee will accept the endorsement of the site entrance (subject to specific conditions being met) of the Highways Committee without question. I would like to challenge the Highways Committee’s response and I would urge the Planning Committee to be very thorough in their examination of the planning proposal connected with this aspect.

In reality the access point is not adequate to accommodate the volume of traffic that will use it, particularly at busy times when children and parents are making their way to and from school both by car and on foot. The outline planning application is for over 20 new homes. This could mean 20 families with the possibility of double that number of vehicles, plus visitors, delivery vehicles and children on bikes and scooters all using a very narrow and constricted entrance to the site.

The entrance is a sharp left hand turn when approaching up Hollyfield Avenue and it is obscured by a curve in the road which skirts round an existing property. Cars parked legitimately at the side of Hollyfield Avenue on the approach to the site will further restrict space for manoeuvre to get a better view.

On turning left into the site there is barely enough space for one lane of traffic and pavements on either side, let alone an inbound and outbound lane. Leaving the site to turn right into Hollyfield Avenue, drivers would have no more than a few metres to spot any oncoming traffic as once again the curve in the road obscures the view.

I have no connection with the people who live in the houses at either side of the site entrance but on their behalf I would like to protest about the proximity of the road to their properties. There will clearly be a significant impact on them caused by traffic noise and vibration and the disturbance of vehicles stopping and starting at the junction. No 50 Hollyfield Avenue will be particularly badly affected as the full length of their gable end runs alongside the road.

In conclusion, this is only one of the many reasons why this development should not be allowed to proceed. I hope that in making its decision the Planning Committee will give due consideration to my objections and recognise the strength of opposition to this proposal”.

RECOMMENDATION

Revised wording to suggested conditions 8 and 12 set out below.

8. Details of landscape submitted pursuant to conditions 1 and 2 shall include details of:

- a) height, design, siting and materials to be used for the erection of walls/fences, retaining walls within the site and constructional details and facing materials of all proposed boundary treatment,
- b) enhancement measures as specified in paragraphs 45 to 47 (page 12) inclusive of the Ecological Appraisal dated March 2015 by Brooks Ecological, and
- c) a phasing plan of a) and b), above.

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales, prior to the occupation of the dwellings and retained thereafter.

12. Notwithstanding the details shown on drawing no. 7470/050 Rev B, no development shall take place until details of the junction and associated highway works, between the proposed estate road and Hollyfield Avenue have been submitted to and approved in writing by the Local Planning Authority. 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 appropriate independent road safety audit covering all aspects of the works. The development shall not be brought into use until all the works under the approved scheme have been carried out complete in accordance with the approved scheme.

APPLICATION NO: 2015/90914

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OUTLINE APPLICATION FOR DEMOLITION OF COMMERCIAL UNIT AND ERECTION OF 4 COMMERCIAL UNITS AND 59 STUDENT FLATS

REAR OF BROOMFIELD HOUSE, FIRTH STREET, HUDDERSFIELD, HD1 3DA

Clarification of appearance of development (page 43)

For the avoidance of doubt, it is brought to the attention of Members that both of the proposed Blocks (A & B) have flat roofs. The design of Block B (which fronts on to Kings Bridge Road) has reduced the prominence of having a flat roof somewhat by varying the materials (cladding) for the top floor. Block A (to the rear of the site) does not use this change in materials.

It remains the view of Officers' that the design of the blocks is acceptable within the context of surrounding development.

CONSULTATION RESPONSES

Highways:

The West Yorkshire Fire & Rescue Service has confirmed that they have dual purpose pumping/high reach appliances. The requirements for pumping appliances and high reach appliances are as follows:

Minimum width of road between kerbs (m)	3.7
Minimum width of gateway (m)	3.1
Minimum turning circle between kerbs (m)	26.0
Minimum turning circle between walls(sweep circle -m)	29.0
Minimum clearance height (m)	4.0
Minimum carrying capacity (tonnes)	24

Given the minimum turning circle between walls is 29.0m, highways do not consider that a dual purpose pumping/high reach appliance will be able to turn and access the proposed development through the existing access.

The Fire Service advice is that a dry riser with a remote inlet should be provided within 18 metres of the point of access from Firth Street to overcome the access issues.

These proposals are therefore considered acceptable subject to a condition (as set out below) requiring the provision of a dry riser with a remote inlet to be sited within 18m of the point of access from Firth Street.

For information, the applicant has stated that refuse vehicles currently enter the site from Firth Street to collect rubbish from Broomfield House.

Drainage:

The Council's Strategic Drainage officer has confirmed that there are no objections to the proposed development subject to the imposition of a condition relating to further details of foul, surface water and land drainage. This condition is listed below.

K.C. Environmental Services Pollution & Noise

have requested conditions be imposed in respect of Contaminated Land and Air Quality (AQ) Those in respect of the former are detailed below.

With regard to AQ, Pollution & Noise have requested conditions to secure a Low Emission Travel Plan and an Air Quality Impact Assessment – with regard to the Student accommodation part of the proposal. It is considered reasonable to impose a requirement for an AQ Impact Assessment (because the student accommodation introduces a receptor adjacent to a main road close to the town centre). However, it is not considered that a requirement for a Low Emission Travel Plan is reasonable because the occupants are unlikely to have private cars and the site is within an existing student area and is in close proximity to the town centre.

RECOMMENDATION:

The recommendation is revised as follows:

CONDITIONAL OUTLINE APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

1. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE SET OUT BELOW; AND

2. SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.

1. Approval of the details of landscaping of the site (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 landscaping of the site 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. The buildings hereby permitted shall not be occupied until a dry riser with a remote inlet, within 18 metres of the point of access from Firth Street has been installed and is operational.
6. 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.
7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 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 measures.
8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. 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.
9. 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.

10. No works in the course of the erection of any student accommodation comprised in the development hereby approved shall commence until an Air Quality Impact Assessment has been submitted to and agreed in writing with the Local Planning Authority. The Assessment shall calculate the pollutant emissions costs from the development and use this figure to determine measures to mitigate against this impact. The mitigation measures shall be agreed in writing by the Local Planning Authority and all works carried out in accordance with the agreed details prior to occupation of the development. Thereafter the mitigation measures shall be retained.

11. Prior to first occupation of the development, 6 swift boxes integral to and near the top of the north facing walls of the new buildings (at least 6 metres above the ground) and not located above doors or windows shall be installed. Thereafter the swift boxes shall be retained.

12. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including finalised storage design with a 8.7l/s discharge restriction and accompanying calculations demonstrating the 1 in 30 and 1 in 100 year critical storm events including a 30% allowance for climate change, off site works, outfalls, 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. No part of the development shall be occupied/brought into use 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 scheme relates and thereafter retained.

13. The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (dated 6th March 2015) and the following mitigation measures detailed within the FRA:

- a). Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- b). Finished floor levels to be set no lower than 69.14m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

14. The residential accommodation hereby permitted shall be occupied by students only, defined as persons whose main residence is elsewhere and who are enrolled on recognised full-time courses at one of the higher educational establishments in the borough of Kirklees only and for no other purpose (including any other purpose in Class C3 and C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification).

15. Notwithstanding the details shown on the submitted plans and application form, the development shall not begin until details and/or samples of the external facing materials, which shall be of natural stone except for the contrasting material for the top floor of Block, B have been submitted to and approved in writing by the Local Planning Authority. The facings of the development shall be constructed in accordance with the details/samples so approved.

16. The buildings shall not be occupied until the proposed car park hereby approved has been laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority. Thereafter the car park shall be retained laid out surfaced, marked out into bays and drained in accordance with details so approved.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			15/4/15
Proposed floor plans & elevations – block A	1299-01		15/4/15
Proposed street scene	1299-05		17/11/15
Proposed floor plans & elevations – block B	1299-02 Rev2		17/11/15
Proposed site layout	1299-03		15/4/15
Revised drainage information			8/9/15
Commercial demand statement			17/11/15
Updated FRA	6/3/15		17/11/15
Policy B4 Statement			17/11/15
Coal mining report	NG6814		15/4/15
Bat survey	2/3/15		14/4/15
Contaminated land report			15/4/15
Original FRA			15/4/15
Noise report – 1	26/11/14		14/4/15
Noise report – 2	6/3/15		14/4/15

ERECTION OF ONE DWELLING**ADJ NETHERLEY COTTAGE, OLD MOUNT ROAD, MARSDEN,
HUDDERSFIELD, HD7 6NN****RELEVANT HISTORY:**

There is a further historic planning application that relates to this site. This is:

89/06218 Outline application for erection of 1 no detached dwelling -
Approved

The above application predates the outline application for one dwelling which is discussed in the main report (98/91873) and does not alter the assessment of the current application in any way.

ASSESSMENT:**Highway safety:**

Following the assessment of additional plans, Highways Development Management have confirmed that the proposals would not prejudice the stability of adjacent highway structures (i.e. Old Mount Road and the public right of way to the south western site boundary).

Impact on the openness of the Green Belt:

As discussed on page 56 of the main report, Officers consider that the proposal would be viewed as a prominent addition within the landscape and would affect the openness of the Green Belt by adding to, and reducing the space between, existing ribbon development in this location.

The impact on the openness of the Green Belt and the dwelling's prominence is exacerbated by the overall massing and form of the building. The development would be 2.5 storeys in height when viewed from the rear and would be considerably higher than Netherley Cottage. A building of this size would noticeably alter the openness of this part of the Green Belt, especially when viewed from the opposite side of the valley and from parts of the established settlement below the site, and would thus harm the inherent character of the Green Belt. Officers therefore consider that an additional (second) reason for refusal is necessary based on the previously stated Green Belt concerns.

RECOMMENDATION**Additional reason for refusal:**

2. The scale, massing and built form of the proposed dwelling would result in a prominent addition to the landscape which is exacerbated by the height of the building in the context of Netherley Cottage. The development would reduce the openness of this part of the Green Belt by adding to, and reducing the space between, existing ribbon development in this location and would therefore have a detrimental effect on the character of the Green Belt. The proposal is therefore contrary to chapter 9 of the National Planning Policy Framework.

ERECTION OF 1NO. DETACHED DWELLING

ADJ 8, REINWOOD AVENUE, QUARMBY, HUDDERSFIELD, HD3 4DP

Clarification on the dimensions of the proposal:

The third paragraph on page 63 of the report which describes the dimensions of the proposal is amended as follows:

The proposed dwelling would have a maximum overall height of 7.9 metres, a width of 16.5 metres and a depth of 8 metres.

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