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Monday 6 June 2016

Notice of Meeting

Dear Member

Planning Sub-Committee (Heavy Woollen Area)

The **Planning Sub-Committee (Heavy Woollen Area)** will meet in the **Reception Room - Town Hall, Dewsbury** at **1.00 pm** on **Tuesday 14 June 2016**.

(A coach will depart the Town Hall, at 9.00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Reception Room.)

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".

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 (Heavy Woollen Area) members are:-

Member

Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Donna Bellamy
Councillor Nosheen Dad
Councillor Fazila Fadia
Councillor Michelle Lisa Grainger-Mead
Councillor John Lawson
Councillor Marielle O'Neill
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Richard Smith
Councillor Amanda Stublely
Councillor Kath Taylor

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

Substitutes Panel

Conservative

B Armer
L Holmes
B McGuin
N Patrick
K Sims

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons

Labour

G Asif
E Firth
C Scott
M Sokhal
S Ullah

Liberal Democrat

R Eastwood
A Marchington
L Wilkinson

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.

**Wards
Affected:**

2: Minutes of Previous Meeting

1 - 18

To approve the Minutes of the meeting of the Committee held on 14 April 2016.

**Wards
Affected:**

3: Interests and Lobbying

19 - 20

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 also 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.

**Wards
Affected:**

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.

**Wards
Affected:**

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.

**Wards
Affected:**

6: Site Visit - Application 2015/94005

Erection of extensions and raised roof at 19 Overhall Park, Mirfield

Estimated time of arrival at site: 9.15am

Contact Officer: Sarah Longbottom, Planning Officer

**Wards
Affected:** Mirfield

7: Site Visit - Application 2015/90020

Demolition of existing hotel and erection of 15 dwellings at The Whitcliffe Hotel, Prospect Road, Cleckheaton

Estimated time of arrival at site: 9.45am

Contact Officer: Louise Clarke, Planning Officer

Wards

Affected: Cleckheaton

8: Site Visit - Application 2015/94048

Erection of extension to existing glasshouses at W.S Bentleys, Cliffe Lane Nurseries, Cliffe Lane, Gomersal

Estimated time of arrival at site: 10.10am

Contact Officer: Sarah Longbottom, Planning Officer

Wards

Affected: Liversedge and Gomersal

9: Site Visit - Application 2016/90006

Erection of single storey extension to front at 12 Brewerton Lane, Dewsbury Moor, Dewsbury

Estimated time of arrival at site: 10.45am

Contact Officer: Julia Steadman, Planning Officer

Wards

Affected: Batley West

10: Site Visit - Application 2015/92509

Demolition of existing buildings and erection of 8 dwellings at Hillcrest, Edge Top Road, Thornhill

Estimated time of arrival at site: 11.15am

Contact Officer: Julia Steadman, Planning Officer

Wards

Affected: Dewsbury South

11: Site Visit - Application 2015/90578

Erection of detached dwelling adjacent to 6 Barnsley Road, Flockton

Estimated time of arrival at site: 11.30am

Contact Officer: Julia Steadman, Planning Officer

Wards

Affected: Kirkburton

12: Local Planning Authority Appeals

21 - 48

The Sub Committee will receive a report detailing the outcome of appeals against decisions of the Local Planning Authority, as submitted to the Secretary of State.

Wards

Affected: Denby Dale; Dewsbury South; Dewsbury West; Heckmondwike
Mirfield

13: Planning Applications

49 - 182

The Planning 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 have registered no later than 5.00pm (via telephone), or 11.59pm (via email) on Thursday 9th June 2016. To pre-register, please contact scrutiny.governance@kirklees.gov.uk or phone 01484 221000 (extension 74991).

Wards

Affected:

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 14th April 2016

Present: Councillor Karen Rowling (Chair)
Councillor Mahmood Akhtar
Councillor Bill Armer
Councillor Robert Barraclough
Councillor Nosheen Dad
Councillor Steve Hall
Councillor John Lawson
Councillor Marielle O'Neill
Councillor Andrew Pinnock
Councillor Kath Taylor
Councillor Cathy Scott
Councillor Amanda Stublely
Councillor Donna Bellamy
Councillor Eric Firth

1 Membership of the Committee

Councillor Bellamy substituted for Councillor Patrick.

Councillor E Firth substituted for Councillor G Turner.

2 Minutes of Previous Meeting

RESOLVED - That the Minutes of the meeting held on 3 March 2016 be approved as a correct record.

3 Interests and Lobbying

No declarations of interest or lobbying were made.

4 Admission of the Public

It was noted that all Agenda Items would be considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Site Visit - Application 2016/90006

Site visit undertaken.

7 Site Visit - Application 2014/93173

Site visit undertaken.

8 Site Visit - Application 2015/93162

Site visit undertaken.

9 Site Visit - Application 2013/93228

Site visit undertaken.

10 Local Planning Authority Appeals

The Sub Committee received a report which set out details of decisions that had been taken by the Planning Inspectorate in respect of decisions submitted against the decisions of the Local Planning Authority.

RESOLVED - That the report be noted.

11 Planning Applications

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

- (a) Application 2013/93328 – Erection of WES80 80 kw wind turbine on a 30m monopole mast at Coal Pit Lane, Lower Cumberworth, Huddersfield – Paul Bailey (applicant's agent)
- (b) Application 2015/93162 – Variation condition 23b (time period) on previous Schedule of Conditions IDO/423a/435/465/PR1 First Periodic Review for Proposed Stone Quarrying at Appleton Quarry, Lane Head, Shepley, Huddersfield – Alwyn Van Haazel and Jonathan Hardy (local residents) and Mark Sutherland (on behalf of the applicant)
- (c) Application 2016/90006 – Erection of single storey extension to the front of 12 Brewerton Lane, Dewsbury Moor – Kathryn Etchells (on behalf of the applicant)

Under the provision of Council Procedure Rule 39(1), the Sub Committee received a representation from Councillor J Taylor in relation to Application 2015/93162.

RESOLVED - That the Applications under the Planning Act included in the list submitted for consideration by the Sub Committee be determined as now indicated and that the schedule of decisions be circulated to Members.

KIRKLEES COUNCIL
LIST OF PLANNING APPLICATIONS DECIDED BY
PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)
14 APRIL 2016

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

2013/93228

Russell Thornber, Blackthorne Recycling - Erection of WES80 80 kw wind turbine on a 30m monopole mast - Coal Pit Lane, Lower Cumberworth, Huddersfield

CONDITIONAL FULL PERMISSION

(1) The development hereby permitted shall be begun within three years of the date of this permission.

(2) The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 turbine shall not be painted or be given an external application of colour, other than in accordance with the details in the approved plan and specifications, including at any time in the future.

(4) 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 approval by the Local Planning Authority.

(5) Noise emitted from the wind turbine hereby approved shall not exceed 35dBA L90 (measured over 10 minutes) at wind speeds of up to and including 10m/s at 10m height when measured at 19 Coal Pit Lane, Lower Cumberworth, HD8 8PL.

(6) Should shadow flicker be detected at the property identified as 19 Coal Pit Lane, Lower Cumberworth, HD8 8PL, following the wind turbine becoming operational, the wind turbine shall be shut down until a scheme which provides details of measures to prevent such shadow flicker effects occurring, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the wind turbine shall only be operated in compliance with the approved scheme to prevent shadow flicker effects.

Reason: In the interest of residential amenity and to accord with Policy EP8 and Government Policy in Section 11 of the National Planning Policy Framework.

(7) Prior to the commencement of development a Phase II Intrusive Site Investigation Report shall be submitted to and

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

2013/93228 Cont'd

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained and maintained.

(8) In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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 on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved 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 whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

(9) The turbine shall be sited within the red line boundary so that the minimum stand-off distance of 50m between the turbine blade and the drip line of the hedge to the south west of the site is achieved as suggested by Natural England guidelines.

(10) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property in accordance with guidance set out in the Institute of Acoustics A Good Practice Guide to The Application of ETSU-R-97 For the Assessment And Rating of Wind Turbine Noise dated May 2013.

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

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2013/93228 Cont'd	<p>FOR: Councillors Akhtar, Barraclough, Dad, E Firth, S Hall, Lawson, O'Neill, A Pinnock, C Scott, Stubley and Rowling (11 Votes)</p> <p>AGAINST: Councillors Armer, Bellamy and K Taylor (3 Votes)</p>
2014/93173	<p>WYFRS - Outline application for the demolition of existing buildings and erection of up to 30 dwellings (access and layout) - West Yorkshire Fire and Rescue Service Headquarter, Bradford Road, Birkenshaw</p> <p>CONDITIONAL OUTLINE APPROVAL SUBJECT TO DELEGATION TO OFFICERS</p> <p>CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:-</p> <p>(1) SECURE THE SIGNING OF A SECTION 106 AGREEMENT SECURING THE PROVISION OF AFFORDABLE HOUSING, PUBLIC OPEN SPACE, EDUCATION CONTRIBUTION, METRO CARD PROVISION AND A BUS SHELTER;</p> <p>(2) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE SET OUT BELOW; AND</p> <p>(3) SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THIS RECOMMENDATION, TO ISSUE THE DECISION NOTICE.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(5) The wall to the site frontage shall be set back to the rear of the proposed visibility splays as shown on approved plan number</p>

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

2014/93173 Cont'd

11790 - 100 rev L before development commences and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

(6) Prior to development commencing, a detailed scheme for the provision of a right turn lane from Bradford Road into the site with associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Thereafter, the approved works shall be implemented before any part of the development is first brought into use and thereafter retained.

(7) No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

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

(9) Development shall not commence until actual or potential land contamination at the site has been investigated and a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

(10) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9 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.

(11) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or

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

2014/93173 Cont'd

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 approved 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.

(12) 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 approved 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

(13) Before any dwelling is first occupied all works which form part of the sound attenuation scheme as specified in the Noise Report dated 26 May 2015 produced by Miller Goodall ref 100922/V3 :-

- I. shall be completed; and
- II. written evidence to demonstrate that the specified noise levels have been achieved
- III. shall be submitted to and approved in writing by the local planning authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied.

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

(15) Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing

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

2014/93173 Cont'd

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.

(16) There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

(17) A Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall thereafter be carried out in accordance with the details approved.

(18) An Arboricultural Method Statement, in accordance with British BS 5837 shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

(19) Details of boundary fencing to the rear of plots 4 to 7 where the plots adjoin the protected woodland shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commences. Thereafter the boundary fencing shall be constructed in accordance with the approved details and be retained.

(20) Notwithstanding the provisions of section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no development included within Classes A, B, C or E of Part 1 of Schedule 2 to that Order shall be carried out to plots 4-6.

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

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2014/93173 Cont'd	<p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Akhtar, Armer, Barraclough, Bellamy, Dad, E Firth, S Hall, Lawson, O'Neill, A Pinnock, K Taylor, Rowling, C Scott and Stubley (14 Votes)</p> <p>AGAINST: (No Votes)</p>
2015/93162	<p>Marshall's Mono Ltd - Variation condition 23b (time period) on previous Schedule of Conditions IDO/423a/435/465/PR1 First Periodic Review for Proposed Stone Quarrying - Appleton Quarry, Lane Head, Shepley, Huddersfield</p> <p>REMOVAL OR MODIFICATION OF CONDITION(S)</p> <p>GRANT TEMPORARY VARIATION OF CONDITION(S)</p> <p>(1) The site shall be operated in accordance with the following plans and documents except as stated otherwise in conditions listed below which shall in all cases take precedence:</p> <p>D126779.ES.003 Land Ownership and ROMPP Boundary D126779.ES.004 Site Layout and Phasing D126779.ES.006 Stage 1 Restoration D126779.ES.007 Stage 2 Restoration D126779.ES.008 Stage 3 Restoration D126779.ES.009 Restoration Master Plan D126779.ES.0010 Restoration Master Plan Landscape Details Supporting Statement dated December 2009 Environmental Statement dated December 2010 Appleton Quarry Saw Sheds – Night-time Operating Protocol 47073384. APP.01 Saw Shed Operational Areas A093500 Noise Assessment</p> <p>(2) The winning and working of minerals and the restoration of the site to amenity woodland/nature conservation shall be completed not later than 21 February 2042.</p> <p>(3) The wheel and chassis cleaning facilities identified on plan D 126779.ES.004 shall be retained and maintained in good working order.</p> <p>(4) The wheel and chassis cleaning facilities shall be used in accordance with the 'Wheel Cleaning Protocol' specified in section 3.5 of the submitted Supporting Statement.</p> <p>(5) The lorry sheeting facilities identified on Plan no. D 126779.ES.004 shall be retained and maintained in good working order.</p>

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2015/93162 Cont'd	<p data-bbox="528 212 1394 286">(6) All vehicles transporting minerals from the site shall have their loads sheeted unless the loads:</p> <p data-bbox="528 324 1422 398">(a) Consist of large individual rocks with dimensions in excess of 500mm</p> <p data-bbox="528 398 1350 472">(b) Consist of stone that has undergone hand dressing or machine sawing in preparation for sale.</p> <p data-bbox="528 510 1445 618">(7) The sole vehicular access to and egress from the site for the working and export of minerals shall be onto the A629 at the location shown on Plan No. D 126779.ES.004.</p> <p data-bbox="528 656 1433 730">(8) The extraction of minerals shall proceed in accordance with the phasing scheme shown on plan No. D 126779.ES.004.</p> <p data-bbox="528 768 1433 909">(9) No mineral extraction shall take place outside the area delineated red on Plan No. D 126779.ES.004 and the resultant stand off areas between the site and adjacent public highways shall be retained.</p> <p data-bbox="528 947 1410 1088">(10) The long-term stability of post restoration quarry faces at the site shall be assured in accordance with the Geotechnical Assessment included as Appendix B of the Supporting Statement.</p> <p data-bbox="528 1126 1445 1352">(11) Overburden and Quarry discards shall be used in the construction of screen/noise baffle mounds as indicated on Plan No. D 126779.ES.004 and in the restoration of the site. The location, height and design of any additional overburden or mineral waste deposits shall be submitted to and approved in writing by the Mineral Planning Authority prior to their formation.</p> <p data-bbox="528 1391 1426 1464">(12) All internal haul roads shall be surfaced using materials fit for purpose and maintained free from potholes and ruts.</p> <p data-bbox="528 1503 1426 1610">(13) All existing stockpiles of topsoil and subsoil shall be maintained weed free in the locations as indicated on Plan No. D 126779.ES.004.</p> <p data-bbox="528 1648 1445 1792">(14) Within 3 months of the date of the approval of this Schedule of Conditions the volumes of the existing stockpiles of topsoil and sub soil shall be calculated by the site operator and the results supplied in writing to the Mineral Planning Authority.</p> <p data-bbox="528 1830 1398 1904">(15) Quarry traffic shall not be permitted to cross any area of the site where topsoil and subsoil have not been stripped.</p> <p data-bbox="528 1942 1398 2049">(16) Prior to the removal of overburden or the extraction of minerals, all available topsoil and subsoil shall be separately stripped.</p>

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

2015/93162 Cont'd

(17) A minimum of seven days' notice in writing shall be given to the Mineral Planning Authority before any soil stripping operation commences. Topsoil, subsoil and subsoil making materials shall be stripped, spread or worked only when soil and weather conditions are suitable and with the prior notification of the Mineral Planning Authority.

(18) Within 14 days of the stripping of topsoil and subsoil having been completed within any phase of working, the collected volumes of soil shall be submitted in writing to the Mineral Planning Authority

(19) Topsoil and subsoil stripped in advance of any working shall be stored separately in the locations shown on Plan No. D 126779.ES.004 or immediately re-used for restoration purposes. The management of such materials shall be carried out as indicated in Condition No. 13

(20) Existing or new stockpiles of topsoils and subsoils shall not be traversed by vehicles or machinery except during stacking or respreading.

(21) Mechanised stone sawing operations for the production of sawn stone shall only be carried out within the saw sheds hatched brown on plan No. D 126779.ES.004.

(22) Whilst mechanical stone saws are operating between the hours 20:00 and 07:00 all external doors to the saw sheds shall be kept closed.

(23a) Except for the circumstances referred to in condition 23b and with the exception of the sawing of stone within the saw sheds hatched brown on plan no. D126778.ES.004 and water pumping, unless otherwise agreed in writing by the Mineral Planning Authority the hours of operation within the site and associated vehicular movements shall be restricted to between:

07:30 and 18:00 Monday to Friday

07:30 and 13:00 Saturdays

And the servicing, maintenance and testing of quarry plant and machinery shall be limited to between 07:30 and 22:00 hours on any of the above days and there shall be no working or servicing, maintenance or testing of quarry plant or machinery on Sundays,

(23b) Notwithstanding the requirements of condition 23a, the transfer and stocking of blockstone and sawn products outside the hours permitted above shall be allowed to take place within

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

2015/93162 Cont'd

the saw shed operational areas hatched brown on plan 47073384.APP.01 for a 12 month trial period commencing from the date of this scheme of conditions. At the end of the 12 month trial period this condition 23b shall expire and condition 23a shall thereafter apply in its entirety.

During this temporary 12 month trial period noise monitoring shall be carried out between the hours of 18:00 to 07:30 Monday to Saturday and 13:00 to 07:30 Saturday to Monday in accordance with a scheme to be submitted to and approved in writing by the Mineral Planning Authority within one month of the date of this planning permission. The scheme shall include details of:

- * The number of monitoring events during the 12 month period;
- * The duration of each monitoring event;
- * The methods and equipment to be used to carry out noise monitoring;
- * The positions in and around the site where monitoring will take place; and
- * How the noise monitoring results will be made available to the Mineral Planning Authority.

The scheme shall be implemented immediately following its approval.

(24) Operations associated with the on-site saw sheds shall only be carried out in accordance with the "Appleton Quarry Saw Sheds – Night-time Operating Protocol" dated 16 September 2015.

(25) Dust management shall be carried out in accordance with the scheme submitted as Appendix E of the submitted Supporting Statement.

(26) Vehicles or plant travelling on internal haul roads shall not exceed a maximum speed of 15mph.

(27) All quarry vehicles or mobile plant within the site shall operate with upturned exhausts.

(28) All plant and machinery and vehicles operating at the site shall be fitted with effective noise attenuation equipment, which shall be regularly maintained. Only vehicles fitted with 'white noise' reversing alarm systems shall be used in mineral loading, earth moving and grading operations.

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2015/93162 Cont'd	<p data-bbox="528 215 1422 434">(29) Except as allowed by Condition 30 below noise produced by the operation of the quarry shall not exceed a limit of 55 dB(A) LAeq 1h (free field) daytime 0730-1800 hours as measured at noise sensitive properties, and 42dB(A) LAeq 1h (free field) night-time 1800-0730 hours as measured at noise sensitive properties.</p> <p data-bbox="528 474 1422 763">(30) Noise produced by temporary operations including the construction of screening bunds and soil stripping shall not exceed 70dB LAeq(1hour) for over 8 weeks in any 52 week period when measured at any noise sensitive property and, other than in the case of an emergency, at least 7 days notice shall be given to the Mineral Planning Authority prior to the commencement of any temporary operations likely to result in noise levels exceeding those stipulated in condition 28.</p> <p data-bbox="528 804 1310 842">(31) No blasting operations shall take place at the site.</p> <p data-bbox="528 882 1437 1059">(32) The operator shall submit in writing to the Mineral Planning Authority an assessment of the impact of quarry dewatering on the hydrology of the area within 6 months of the date of this Schedule of Conditions being approved. In particular this assessment shall include:</p> <ul style="list-style-type: none"> <li data-bbox="528 1099 1422 1171">* A review of the assessments of flows across the fault located just to the north of the site. <li data-bbox="528 1211 979 1249">* A review of the fault's location <li data-bbox="528 1290 1211 1328">* A water balance for the Greenmoor Formation <li data-bbox="528 1368 1291 1440">* Gauging data showing the quantity of surface water discharges across the fault <li data-bbox="528 1480 1129 1518">* Identification of any mitigation measures <li data-bbox="528 1559 1358 1630">* Identification of timescales for the implementation of any mitigation measures. <p data-bbox="528 1671 1437 2018">(33) Within 3 months of the date of this Schedule of Conditions being approved a scheme shall be submitted in writing to and approved by the Mineral Planning Authority which details the measures to be taken with regard to surface water collection/disposal and settlement lagoons within the quarry. The approved scheme shall be fully implemented and retained during mineral extraction/site restoration. No surface water run off from the quarry shall be discharged into any surrounding watercourse or drainage system without the written approval of the Mineral Planning Authority.</p>

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

2015/93162 Cont'd

(34) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located in the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework shall be located above ground level and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

(35) Soil storage mounds and /or noise baffle mounds shall be retained in accordance with the scheme indicated on plan D126779.ES.004 and maintained until utilised for site restoration in accordance with the detail indicated on plan No. D126779.ES.010.

(36) Within 3 months of this Schedule of Conditions being approved a scheme shall be submitted to and approved in writing by the Mineral Planning Authority which amplifies the restoration details indicated on plan No. D126779.ES.009 'Restoration Master Plan' with particular regard to the measures designed to increase biodiversity. The approved scheme shall thereafter be fully implemented during the approved restoration works.

(37) Restoration of the site shall be carried out in accordance with the details indicated on plan D126779.ES.009 'Restoration Master Plan' and as required by condition 35 above and in accordance with a revised programme of restoration works which shall be submitted to and approved in writing by the Mineral Planning Authority within 3 months of the date of the approval of this Schedule of Conditions.

(38) Following the completion of any phase of restoration, any areas containing a section of exposed shear quarry face shall be securely fenced off. The design of such fencing shall be submitted to and approved in writing by the Mineral Planning Authority prior to its erection.

(39) Restoration aftercare shall be undertaken in accordance with the scheme detailed on approved plan No. D126779.ES.010, 'Restoration Masterplan Landscape Detail'.

(40) Before the 31 August of every year during the 5 year aftercare period outlined on approved plan No. D126779.ES.010, a review meeting will be held on site to:-

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2015/93162 Cont'd	<p data-bbox="528 215 1461 327"> * Review progress to date * agree any remedial measures or improvements necessary * consider the detailed aftercare programme for the coming year </p> <p data-bbox="528 360 1461 618"> At least 4 weeks prior to the date of the annual review, the operator shall provide the Mineral Planning Authority with a detailed record of restoration and aftercare operations and management carried out in compliance with condition Nos. 35/36 and 39 above and proposed on the restored land during the period covered by the review. The operator shall invite the following parties to the annual review meeting:- </p> <p data-bbox="528 651 1461 909"> * The Mineral Planning Authority * The applicant and operator * All owner/tenants of land within the site * Any restoration/after care sub-contractor retained by the applicant/ operator * The Forestry Commission if restoration tree planting has the benefit of a grant from the Commission. </p> <p data-bbox="528 943 1461 1312"> (41) In the event of cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, the site shall be restored in accordance with a revised reclamation scheme within 18 months of the date of cessation. The scheme shall be submitted to and approved in writing by the Mineral Planning Authority within 3 months of the date of cessation and shall provide for: </p> <p data-bbox="528 1346 1461 1975"> (i) The removal of plant and equipment from the site. (ii) Backfilling of the quarry void and subsequent even grading of the site to achieve acceptable post restoration gradients. (iii) Plans indicating post restoration ground levels on the site by contour and cross section, areas to be restored to agricultural or woodland, and any hedges, walls or enclosure to be created on the site. (iv) Details for soil replacement including depths of subsoil and topsoil to be replaced. (v) Relief of compaction and drainage arrangements (vi) Details for the establishment of a grass sward on areas to be restored for agricultural use </p>

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2015/93162 Cont'd	<p>(vii) Details for tree planting on areas to be restored to woodland including species of which at least 50% should be broadleaf, size of sapling, spacing, method of planting and means of protection and weed control.</p> <p>(viii) A timetable for implementing the scheme</p> <p>The approved revised reclamation scheme shall be fully implemented within the approved timetable.</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Akhtar, C Scott, Dad, D Hall, A Pinnock, Rowling and Stubley (7 Votes)</p> <p>AGAINST: Councillors Armer, Barraclough, Bellamy, E Firth, Lawson and K Taylor (6 Votes)</p> <p>ABSTAINED: Councillor O'Neill</p>
2016/90006	<p>J Etchells - Erection of single storey extension to the front - 12, Brewerton Lane, Dewsbury Moor, Dewsbury</p> <p>DEFERRED (THE SUB COMMITTEE RESOLVED TO DEFER THE CONSIDERATION OF THE APPLICATION TO ENABLE FURTHER DISCUSSION WITH THE APPLICANT REGARDING THE ROTATION AND ROOFING OF THE EXTENSION)</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Akhtar, Armer, Barraclough, Bellamy, Dad, E Firth, S Hall, Lawson, O'Neill, A Pinnock, Rowling, K Taylor, C Scott and Stubley (14 Votes)</p> <p>AGAINST: (No Votes)</p>

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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 (HEAVY WOOLLEN AREA)

Date: 14 JUNE 2016

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	01 June 2016 Jacqui Gedman
Is it signed off by the Director of Resources?	No financial implications
Is it signed off by the Acting Assistant Director - Legal & Governance?	No legal implications
Cabinet member portfolio	N/A

Electoral [wards](#) affected: Mirfield; Denby Dale; Heckmondwike; Dewsbury West; Dewsbury South; Kirkburton:

Ward councillors consulted: No

Public or private: Public

-
1. **Purpose of report**
For information
 2. **Key points**
 - 2.1 2015/62/93752/E - Erection of dormer to front at 9, York Road, Mirfield, WF14 9RR. (Officer) (Dismissed)
 - 2.2 2015/CLASSMB NOTIFICATION/90923/E - Prior approval for proposed change of use of agricultural building to dwellinghouse and associated operational development at Land opp, Windy Ridge Farm, 209, Denby Lane, Upper Denby, Huddersfield, HD8 8XZ. (Officer) (Appeal dismissed and application for award of costs refused)

- 2.3 2015/62/93227/E - Erection of two storey and single storey rear extension to form annex accommodation associated with 10, Liversedge Hall Lane, Liversedge, WF15 7DB, erection of detached garage to front garden and demolition of existing single storey rear extensions and double garage at 10, Liversedge Hall Lane, Liversedge, WF15 7DB. (Officer) (Dismissed)
- 2.4 2015/64/93294/E - Installation of 1 no. non illuminated fascia sign at Ravensthorpe WMC, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3ET. (Officer) (Dismissed)
- 2.5 2015/62/91256/E - Erection of detached dwelling at Land off, High Street, Thornhill, Dewsbury, WF12 OPR. (Officer) (Dismissed)
- 2.6 2014/62/94027 /E - Erection of 47 dwellings and associated works including access, public open space, landscaping, parking and ancillary works at Flockton Hall Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW. (Sub-Committee contrary to officer recommendation) (Appeal dismissed and application for award of costs refused)
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 18 April 2016

by Sue Glover BA (Hons) MCD MRTPI

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

Decision date: 27 April 2016

Appeal Ref: APP/Z4718/D/16/3145882

9 York Road, Mirfield, WF14 9RR

- 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 Mrs Mandy Mitchell against the decision of Kirklees Metropolitan Council.
 - The application Ref 2015/62/93752/E was refused by notice dated 19 January 2016.
 - The development proposed is a dormer loft conversion on the existing bungalow.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling, the pair of dwellings, and the street scene.

Reasons

3. The semi-detached pair of bungalows at nos. 9 and 7 York Road are part of a small development of similar modest-sized dwellings in York Grove. No. 9 differs from most other bungalows in that it fronts York Road, and the rear of the dwelling, which has a conservatory and access to the garage, faces dwellings in York Grove.
4. York Road differs in character from York Grove in that there is a greater mix of dwelling types with a large block of flats set back opposite no. 9 and a terrace of substantial stone built houses adjacent to it.
5. The proposal is a dormer on the front of the bungalow facing York Road. Although there is a high fence boundary at the front of no. 9 and the pair of bungalows are set down below street level, the roofs of the pair of bungalows are clearly visible from vantage points on the approach along York Road.
6. The proposed dormer would involve raising the roof line by about 0.7m. It would occupy a substantial proportion of the front roof slope with only narrow margins remaining at the sides and above the eaves. As such it would appear as a large dormer for the modest size of the roof. It would appear unduly dominating and out of place on the front of the bungalow at no. 9 and it would dominate and unbalance the symmetry of the pair of bungalows.

7. Although the proposed dormer would also be read in the context of the much larger end of terrace dwelling adjacent, it would appear unduly prominent in the street scene and out of keeping with the design of no. 9 and the pair of bungalows. White or light coloured cladding materials would accentuate the prominence of the dormer. The use of dark colour materials however would not sufficiently mitigate the appearance of a large dormer on the roof slope on account of its excessive size, design and position.
8. Taking all these matters into account, there would be material harm to the character and appearance of the host dwelling, the pair of dwellings, and the street scene. The proposal conflicts with saved Policy BE1 of the Kirklees Unitary Development Plan (UDP), which expects all development to be of a good quality of design, and with saved UDP Policy D2, which indicates that proposals should not prejudice visual amenity and the character of the surroundings.
9. Saved UDP Policy BE15 indicates that dormer extensions to front elevations will normally be permitted provided that, amongst other things, the original roof form remains the predominant feature, it does not exceed more than 50 per cent of the width of the original roof, and it does not project above the ridge. The proposal is also contrary to criteria set out in this policy.
10. The development plan policies are compatible with paragraphs 17 and 60 of the National Planning Policy Framework that seek to secure a high quality of design, and to reinforce local distinctiveness. They are also compatible with paragraph 64, which says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposal does not meet the objectives of the Framework in these respects.
11. I am mindful that there would be no adverse effect on the living conditions of nearby residents. I am also aware that the proposal would provide an additional bedroom and en-suite, and that a dormer extension would be required because of the shallow roof height. These matters however do not outweigh the significant harm that I have identified to character and appearance from the appeal proposal.
12. The appellant has indicated that the Council did not provide an opportunity to respond before the decision was taken, but this is a procedural matter for the Council to consider. I have taken into account all other matters, including all the policies in the Framework, and other national planning policy and guidance. The appeal however does not succeed.

Sue Glover

INSPECTOR

Appeal Decision

Site visit made on 13 October 2015

by Mrs A Fairclough MA BSc(Hons) LLB(Hons) PGDipLP(Bar) IHBC MRTPI

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

Decision date: 20 April 2016

Appeal Ref: APP/Z4718/W/15/3066358

Agricultural building opposite Windy Ridge Farm, Denby Lane, Upper Denby, Huddersfield.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr Gerry Fisher against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2015/90923, dated 27 March 2015, was refused by notice dated 21 May 2015.
 - The development proposed is described as "prior approval application for the conversion of an agricultural building to form a dwelling at an existing agricultural building opposite Windy Ridge Farm, Denby Lane, Upper Denby".
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Gerry Fisher against Kirklees Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matters and Main Issues

3. The appeal before me relates to a refusal to grant prior approval for a change of use to a dwelling of part of a large agricultural building. The appellant is seeking a Certificate of Lawful Use for a dwelling within another part of this large building. I will deal with the appeal on the basis of that the appellant is seeking a change of use and conversion of the part of the agricultural building that is within the site edged in red only.
4. The appellant's application for prior approval was made on the basis that his proposal represents 'permitted development' under Class MB permitted development rights. However, on 15 April 2015 the Town and Country Planning (General Permitted Development) Order 2015 ('the GPDO') came into force. The Class MB permitted development rights are now Class Q rights under the changes introduced. The relevant legislation provides for anything done under the previous provisions will be treated as if carried out under the new provisions. As a result, the application, which was made under Class MB, has effect as if it was made under Class Q. I have dealt with the appeal on this basis.

5. Planning Practice Guidance (PPG) advises the starting point for Class Q is that the permitted development rights grants planning permission, subject to the prior approval requirements. However, it is necessary to confirm that the proposal falls within permitted development. Class Q of the GPDO states development consisting of Q(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses); and Q(b) building operations reasonably necessary to convert the building, is permitted development. Where development is proposed under Class Q(a) together with Class Q(b), it is permitted subject to the condition that before beginning the development, the prior approval of the local planning authority will be required as to (a) transport and highways impacts, (b) noise impacts, (c) contamination, (d) flooding, (e) location or siting, and (f) the design or external appearance of the building.
6. The Council refused the application for prior approval because it considered that insufficient information had been provided in order to make an informed assessment as to whether the proposed development would have an acceptable impact on highway safety, residential amenity and the design and appearance of the development with respect to the visual amenity and character of the Green Belt.
7. However, the policy on Green Belts in the *National Planning Policy Framework* is not relevant to Class Q, as it is not referred to in Q.2. Subject to satisfying myself that the proposal represents permitted development under Class Q, my determination of the appeal would be similarly constrained to the considerations relating to Q.2.(1)(a) transport and highway impacts of the development; Q.2.(1)(e) whether the location or siting of the building makes it otherwise impractical for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) in terms of residential amenity of the proposed development and Q.2.(1)(f) the design and external appearance of the building with regard to the immediate surroundings.
8. On this basis, I consider the main issues to be firstly, whether the proposed conversion of the agricultural building to a single dwelling is permitted. Secondly, if it is permitted development, whether prior approval should be given, having regard to highways issues, residential amenity and the design and appearance of the proposed dwelling.

Reasons

Whether the proposed conversion is permitted development

9. The large agricultural building forms one of a several structures used for the agricultural enterprise, which includes sheds, containers and other structures. Planning permission was approved in 2004 for an agricultural unit¹. The appeal site includes a specific part of an existing agricultural building and a small area of land to the front and side of it to form a curtilage. The large building is constructed in modern materials and it is single storey but with a high roof. Currently the relevant part of the agricultural building is used for storage purposes associated with the agricultural holding and it includes the storage of tools and a tractor. The land surrounding the appeal site is agricultural with evidence of small-scale poultry farming amongst other things.

¹ 2004/62/94719/E3

10. Before the individual merits of the proposal under Class Q can be evaluated, it is necessary to determine whether the development is permitted. In situations where this is not the case, the appeal must be dismissed.
11. With reference to Q(a), the appellant states that the agricultural storage building was used exclusively for agricultural purposes on 20 March 2013 as part of the related agricultural unit of 10.5 acres and the appellant has an agricultural holdings certificate. I note the Council does not dispute this. However, the Council refers to a car repair business and a residential unit. At the site visit I saw tools and a tractor within the agricultural building but no other vehicles. However, I noted that part of the agricultural building, within which the prior approval for change of use is sought, accommodates a dwelling which is subject to the application for Certificate for Lawful use as referred to above in paragraph 3.
12. The curtilage, as described in paragraph 10, is defined in the plan edged in red. It would include an area of land to the front of the building, which would be used for parking and a side area, which would be used to access the main entrance of the proposal. For the purposes of Class Q, 'curtilage' means the piece of land immediately beside or around the building, which is closely associated to it, or an area of land immediately beside or around it no larger than the area occupied by the building, whichever is the lesser². The curtilage would be less than the land area occupied by part of the agricultural building for which prior approval is sought. On this basis, the appeal proposal would comply with paragraph Q (a).
13. Paragraph Q (b) requires that only building operations that are reasonably necessary to convert the building to a dwelling house would be permitted development. Recent amendments to the PPG state that "it is not the intention of the permitted development right to include the construction of new structural elements for the building. Paragraph Q.1(i)(aa) states that development under Class Q(b) would consist of building operations other than the installation or replacement of windows doors, roofs, or exterior walls to the extent reasonably necessary for the building to function as a dwelling house.
14. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right³".
15. The appeal building has a slender steel portal frame with approximately 4.7m centres and the frame is partially restrained by a 2m high block wall. Externally the building is timber clad at high level. The shallow pitched roof is covered in corrugated metal interspersed with full length sheets of transparent sheet panels to allow for natural illumination. There are several timber purlins fixed to the portal frame, which carry the load of the existing roof covering and under cladding.
16. I have not been provided with structural calculations or a survey. However, the appellant has submitted some information in letter from a structural engineer dated 7 January 2016 that states that the additional loading of 4 velux rooflights plus the likely extra weight of insulation to the roof/under

² GPDO, Schedule 2, Part 3 Paragraph X

³ Paragraph: 105 Reference ID: 13-105-20150305

cladding would have no adverse effect on the structural performance of the existing portal frame building.

17. The drawing indicates that the appeal proposal is contained within one part of the appeal building, which covers an area of approximately 1.5 bays of the portal frame. It includes 2 widely-spaced purlins on each roof slope between the ridge and the eaves purlins. The letter from the structural engineer (dated 7 January 2016) indicates that in order to install the new velux windows, the support would be trimmed from the purlins on either side of the openings and insulation and breather membrane (as required) could be located within the depth of the purlins/trimmers with under boarding fixed to the underside of the timbers.
18. However, the drawing also indicates that the 4 proposed rooflights would be positioned within the roof slope that would likely cut through 2 of the existing purlins as seen on site. I have no information before me to clarify whether the loss of these long spanning, timber purlins supporting a simple sheet covered portal roof structure would affect the performance of the roof structure above the relevant part of the building such that new purlins would be required. Moreover, it is likely that all the transparent corrugated roof covering would need to be removed. Therefore, it is not clear from the evidence before me whether the existing roof of the entire part of the building edged in red would need removing. This would leave only one element of the roof, the one portal frame bay within the area edged in red. Thus the works to the roof of the proposed dwelling could go beyond the extent reasonably necessary to carry out operations allowed by paragraph Q1(i)(i). Given that this could include the roof covering of the entire area edged in red, it could amount to a significant amount of rebuilding.
19. Taking this into account, it is likely that the proposed dwelling would require the construction of a significant new structural element to accommodate velux windows to provide the only light and ventilation for the proposed first floor, the extent of which could go beyond conversion works. Based on the submitted evidence, the proposal would not meet the requirements of Class Q, and would not be development permitted by it.
20. The PPG seeks to make a distinction between structural and non-structural works. However, I am aware that the GPDO itself places no restriction on whether works are structural or not. As referred to above in paragraph 14, the GPDO requirement is that the building operations are "reasonably necessary to convert the building" Q(b) and fall within the works permitted by Q.1(i).
21. I note the appellant's reference to a weblog and acknowledge that some works do not need to be covered by the permitted development right, by reference to s55(2)(a) of the Town and Country Planning Act 1990 (TCPA). This states that "the carrying out for the maintenance improvement or other alteration of any building of works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building" does not constitute development. Thus works falling within s55 (2)(a) of the TCPA do not need to be covered by Class Q, as they do not constitute development and so do not need to be covered by the planning permission granted by Article 3 and Class Q of the GPDO.
22. However, s55(2)(a) of the TCPA only applies to works of "maintenance, improvement or other alteration", and Class Q only relates to works reasonably

necessary to convert the building. Thus, there is a difference between maintenance and rebuilding.

23. I note that the appellant states that the Council has raised no objections to the structural suitability of the building for the conversion. However, whilst I accept the PPG has provided clarification, it has not changed the requirements of Class Q, including the requirement for building operations that are reasonably necessary to allow functioning as a dwelling house. Moreover, with paragraph W the onus is on the developer to provide sufficient information to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this part as being applicable to the development in question in Part 3. The appellant has failed to do this in respect of providing sufficient information regarding the roof structure.

Highway safety, residential amenity and the design and appearance of the development

24. The Council have also refused the application for highway safety, residential amenity and the design and appearance of the development. However, for the reasons given above, the proposed conversion would not be development permitted under Class Q, and as the consideration highway safety, residential amenity and the design and appearance of the development would not alter the outcome of the appeal, I have not considered these matters further.

Conclusion

25. Thus the proposed change of use would not satisfy the requirements of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore is not development permitted by it. For the reasons given above, the appeal is dismissed.

Mrs A Fairclough

INSPECTOR

Costs Decision

Site visit made on 13 October 2015

by Mrs A Fairclough MA BSc(Hons) LLB(Hons) PGDipLP(Bar) IHBC MRTPI

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

Decision date: 20 April 2016

**Costs application in relation to Appeal Ref: APP/Z4718/W/15/3066358
Agricultural Building opposite Windy Ridge Farm, Denby Lane, Upper
Denby, Huddersfield.**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Gerry Fisher for a full award of costs against Kirklees Metropolitan Borough Council.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 for prior approval application for the conversion of an agricultural building to form a dwelling at an existing agricultural building opposite Windy Ridge Farm, Denby Lane, Upper Denby.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is for a full award of costs. The applicant submissions and the response by the Council have been made in writing.
4. The applicant considers that the Council behaved unreasonably by assessing that insufficient information had been provided in order to assess whether the proposed development would have been acceptable in terms of highway impact and residential amenity and by refusing the application on the design and appearance of the proposal.
5. The applicant states that he should not have needed to submit an appeal and he has incurred unnecessary expense in having to do so. An additional costs claim was submitted by the applicant on the basis that the Council did not submit an appeal statement even though one was referred to on the Council's appeal questionnaire. The applicant states that he has had no opportunity to comment on an appeal statement.
6. The Council's officer report explains the reasoning for the decision. With regard to highway issues and residential amenity, the Council considered that there was insufficient information. This lack of information related to both the existing character and use at the appeal site and the nature of the proposed

- use. The Council stated that this information is necessary to assess properly the impact of the appeal proposal on the access, the drive plus the parking and whether any turning or passing places are required for vehicles such as refuse trucks. The Council also considered that there was insufficient information to assess the impact of the existing use at the site on residential amenity in terms of the type and nature of nearby activities.
7. In addition to this, the Council considered that the domestication of a part of the agricultural building by the insertion of domestic style and scale fenestration would harm the character and appearance of the locality including the Green Belt.
 8. Although the originating application was submitted under Class MB of the Town and Country Planning (General Permitted Development) Order (GPDO) 1995. The Council considered that the proposal was development permitted by Class Q(a) and (b) of the Town and Country Planning (General Permitted Development)(England) Order 2015. However, the Council did not consider that it was unreasonable to refuse the application in relation to Paragraph Q.1. The Council refused the application for prior approval because it considered that insufficient information had been provided in order to make an informed assessment as to whether the proposed development would have an acceptable impact on highway safety, residential amenity and the design and appearance of the development with respect to the visual amenity and character of the Green Belt.
 9. Class W(3)(b) states that the local planning authority may refuse an application where the opinion of the authority the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restriction specified in this part as being applicable to the development. However, my decision did not address these matters as I was not satisfied that the proposal represented permitted development under Class Q. Moreover, there is nothing persuasive before me to demonstrate that the Council acted unreasonably on these matters.
 10. With regard to the further application for costs made by the applicant in relation to the Council's lack of appeal statement, I note that the Council stated in the appeal form that they would submit an appeal statement. However, they did not. They relied on the Council Officer's report. This document was detailed and I consider that an appeal statement would have repeated most if not all the contents if an appeal statement was submitted.
 11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Mrs A Fairclough

INSPECTOR

Appeal Decision

Site visit made on 4 April 2016

by Susan Ashworth BA (Hons) BPI MRTPI

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

Decision date: 19 April 2016

Appeal Ref: APP/Z4718/D/16/3144924

10 Liversedge Hall Lane, Liversedge, WF15 7DB

- 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 & Mrs David Brooke against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/93227/E, dated 16 October 2015, was refused by notice dated 23 December 2015.
 - The development proposed is erection of two storey and single storey rear extensions to create a dwelling forming annex accommodation associated with 10 Liversedge Hall Lane and detached garage to front garden and demolition of existing single storey rear extensions and double garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 1. The effect of the proposal on the living conditions of the adjacent residents at 8, Liversedge Hall Lane with particular regard to outlook.
 2. The effect of the proposal on the character and appearance of the area including the likely long-term effect on a mature tree within the front garden.

Reasons

Living Conditions

3. 10 Liversedge Hall Lane is an imposing property set to the rear of its plot with a garden to one side. It lies in a well-established residential area comprising properties of a mix of styles and ages. The neighbouring property, No 8, is a smaller semi-detached two-storey dwelling, which has been extended at the side and rear in close proximity to the common boundary with No 10. It is set at a lower level to No 10.
4. It is proposed to demolish an existing detached garage and rear extensions and to replace them with a larger extension that would be partly two and partly single storey in height. The development would extend across the rear of the property and project out at the side towards No 8. In addition it is proposed to erect a detached garage to the front of the dwelling.

5. I noted at my site visit that as a result of its proximity to the boundary, the change in land levels and the angle of the boundary, the existing garage which has a flat roof is prominent when viewed from the rear windows of the neighbouring house and from within its garden. The two storey element of the proposed extension, which would replace the garage, would be set back from the boundary. However, at two storeys in height with a hipped roof, the extension would have a considerably greater impact on outlook than the existing structure. As a result of its height and massing, and proximity to the boundary, the extension would appear dominant and thereby overbearing when viewed from the rear of No 8.
6. I have taken into account the suggestion by the appellant that the impact of the development could be softened by planting although there are no landscaping proposals before me for consideration. Given the limited amount of space that would be available at the side of the extension, such planting is unlikely to be substantial and moreover would not have a significant effect on the appearance of what would be a substantial building mass.
7. There would be no windows facing No 8 and although there would be a path around the garage a boundary fence on the appellant's side would prevent undue overlooking. As such the development would not result in a loss of privacy to neighbouring residents. Nor is there any convincing evidence that it would result in a material loss of direct sunlight. However, this does not outweigh my concerns about its overbearing impact.
8. I therefore conclude on this main issue that for above reasons the side element of the proposal would result in unacceptable harm to the living conditions of the residents at No 8. As such the proposal would be contrary to Policies D2, and BE14 of the Kirklees Unitary Development Plan (UDP) which, amongst other things, seek to ensure that the residential amenity of adjoining occupiers is maintained. This is consistent with advice in the National Planning Policy Framework, one of the core planning principles of which is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Character and Appearance

9. No objection has been raised by the Council to the impact of the design of the proposed development on the character and appearance of the area. However, the proposed replacement garage would be sited adjacent to the front boundary of the site in close proximity to a mature tree which is protected under a provisional Tree Preservation Order. The tree is of a substantial size and is highly prominent in the street scene and therefore makes a valuable contribution to the character and appearance of the area.
10. Plans indicate that the garage would be sited in close proximity to the trunk of the tree canopy and therefore within the tree's likely root system. The application was not accompanied by an assessment of the tree or the effects of the development on it. Consequently I cannot accurately conclude that the development would protect the viability of the tree in the long term. Whilst I have taken into account the appellant's suggestion that any excavation could be undertaken by hand, as there are no details of the either the tree's root system or the garage's construction before me I am unconvinced that this would be a satisfactory arrangement.

11. I acknowledge that the appellants are challenging the Tree Preservation Order but nevertheless it is incumbent on me to determine the appeal before me on its own merits.
12. The loss of the tree would have a detrimental impact on the character and appearance of the area. As a result, the proposal would be contrary to Policy NE9 of the UDP which seeks to ensure that mature trees are retained.

Other matters

13. The Council is concerned that the loss of the tree would result in the loss of a habitat for bats. There is no evidence before me as to whether bats are present in the area but, be this as it may, it seems to me that there are other opportunities for bat foraging in the vicinity of the site.
14. There is also some concern by local residents that the garage would affect visibility along the highway, particularly when emerging from the neighbouring driveway. There is no evidence before me on this matter and I note that no objection to the proposal was raised by the Council on highway safety grounds. It seems to me that visibility is presently partly restricted by the boundary walls. The garage would be positioned behind the wall and I am unconvinced therefore it would have any significant effect on visibility.
15. I have taken into consideration the concerns of residents of properties fronting Huddersfield Road at the rear of the site. The Council advise that these properties lie some 25m away from the site and I note that they are set at an oblique angle to the appeal property. The proposal would introduce three windows, two of which would be to non-habitable rooms, at first floor level in close proximity to the rear boundary. It seems to me that given the distance between the buildings, the angle at which they were set and the substantial, mature boundary planting, any opportunity for overlooking would not result in a material loss of privacy to the occupiers of those properties.

Conclusion

16. It seems to me that the Council does not object to the principle of an extension at the property and I have no reason to disagree. However, for the reasons set out above, the proposal before me would have a harmful effect on the living conditions of residents at No 8. In addition, on the basis of the evidence before me I am unable to conclude that the development would maintain the future viability of a mature tree, the loss of which would be harmful to the character and appearance of the area. For these reasons and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR

Appeal Decision

Site visit made on 6 May 2016

by Helen K Heward BSc (Hons) MRTPI

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

Decision date: 18 May 2016

Appeal Ref: APP/Z4718/Z/16/3146253

**Ravensthorpe WMC, Huddersfield Road, Ravensthorpe, Dewsbury
WF13 3ET**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr A Hussain against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/64/93294/E, dated 13 October 2015, was refused by notice dated 19 January 2016.
 - The advertisement proposed is a non-illuminated sign.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is retrospective. However, for the avoidance of doubt this decision relates to the sign as described in the application documents.

Main Issue

3. The effect of the sign upon the character and appearance of the locality.

Reasons

4. Paragraph 67 of the National Planning Policy Framework (the Framework) advises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the Framework and the Planning Practice Guidance (the PPG) require that decisions on advertisements be made only in the interests of amenity and public safety.
5. The Council do not raise any public safety concerns and nor do I. The PPG includes advice on the consideration of amenity issues that *"in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. This might mean that a large poster-boarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement*

would not adversely affect the visual amenity of the neighbourhood of the site¹".

6. The sign is located on a prominent section of a rendered large three storey side elevation that has few openings. The sign is approximately 7m above ground, and appears above most buildings in the locality. Approximately 4m wide and 1.35m high, the sign appears as a large, prominent and uncharacteristic feature. It draws the eye. In these ways the advertisement is harmful to visual amenity and the character and appearance of the locality.
7. The advertisement subject of this appeal is positioned at a higher level and appears more set back than most of the wide variety of signage in this locality centre, including brightly coloured and illuminated signs. For these reasons I attach limited weight to the other signage.
8. I am informed that the site is not within a conservation area and that there are no listed buildings immediately adjacent to the site. The sign has a purpose in advertising the premises. However, these factors do not outweigh the harm to visual amenity that I have found.
9. The Council refer to Policies D2 and BE2 of the Kirklees Replacement Unitary Development Plan (2007). As the Regulations require that decisions be made only in the interests of amenity and public safety, these policies are not determinative.

Conclusion

10. The sign helps advertise the premises in this busy local centre where there is a plethora of signage. However, I find that due to the size and position, the advertisement subject of this appeal has a negative impact upon the character and appearance of the locality. As such the advertisement fails to satisfy advice in the Framework and PPG and the harm to amenity outweighs the benefits and mitigating factors. The appeal is dismissed.

Helen Heward

PLANNING INSPECTOR

¹ Paragraph 079 reference ID: 18b-079-20140306

Appeal Decision

Site visit made on 3 May 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 18/05/2016

Appeal Ref: APP/Z4718/W/6/3144201

Land off High Street, Thornhill, Wakefield WF12 0PR

- 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 J Greening against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/91256/E, dated 24 April 2015, was refused by notice dated 22 December 2015.
 - The development proposed is described as detailed application for 1 No dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect on the character and appearance of the area.
 - Whether the proposal would provide adequate living conditions for future occupiers of the dwelling having particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is located at the head of a residential cul-de-sac and comprises a relatively flat rectangular plot of land positioned on the top of a steep embankment with substantial detached properties on Daleside below. Properties on High Street are predominantly large detached dwellings set in relatively large gardens with the consequence that the area is spacious in character. Those on the south side of the High Street have particularly long rear gardens. The dwellings are of various design styles and construction ages and are arranged with primary windows positioned on a north-south axis to take advantage of the extensive views to the south.
4. Although there is no consistent architectural design style of the buildings themselves, there is some degree of limited uniformity in the form of local development due to orientation, set back of the dwellings from the road, spacious nature of plot sizes and primary southern aspect of a north-south axis of dwellings.

5. In order to accommodate the development the ground level of the site would be lowered by approximately 1.8m from its current level which is broadly commensurate with the level of the road. The proposed dwelling is an L shaped bungalow which would be positioned close to the southern and eastern boundary of the site. The property would have a main aspect facing in a west and north direction. Owing to the configuration of the plot the property would be positioned close to the existing public footpath which extends easterly from the cul-de-sac turning head and passes along the northern boundary of the appeal site.
6. In contrast to other development on High Street the proposed dwelling would occupy a much smaller plot size. The plot would have a shallower depth than others in the vicinity and would be orientated in a west-east direction and hence at right angles to the orientation of existing plots on the street. Consequently the proposal would not have a rear garden which is an established characteristic of other properties on the street. Instead the private amenity space would be provided by a modest side garden. Although the dwelling has been set back further from the road than that considered in the previous appeal, it would still be positioned much closer to the road than other properties on this side of High Street.
7. The dwelling itself would have a smaller floor area than others on the street and its aspect would be on a west-east axis as oppose to the dominant north-south axis of other properties. In addition the dwelling would be positioned close to the northern, southern and eastern boundaries of the site resulting in a form of development that appears cramped in contrast to the spaciousness nature of other development on the street. I agree with my colleague Inspector in the previous appeal that the site would be of inadequate depth to accommodate a dwelling on a plot comparable to others nearby.
8. My attention has been drawn to the planning permission recently granted at No 39 Daleside. I have no details of this proposed development or of the circumstances that led to this being approved by the Council. Whilst it is clear that some works have occurred on the site of this development, in views from public vantage points I did not observe that any foundation works have occurred to conclusively indicate that the permission has been implemented.
9. In any event, both of the main parties in this appeal indicate that the development at No 39 Daleside has a larger plot size than the appeal proposal and is positioned closer to the host property. The Council also indicate that this development would have a south facing primary aspect. Consequently, I cannot be certain that the development to the rear of No 39 Daleside is comparable to the circumstances in this appeal and whilst it is a material consideration to which I have attached moderate weight, I have considered this appeal on its own merits.
10. Taking the above matters into account, the proposed development would be visibly at odds with the established character of other development in the locality. Consequently, I conclude that the development would harm the character and appearance of the area and would be contrary to Saved Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan (2007) (UDP). These policies, amongst other things, require new development to be in keeping with surrounding development in respect of density and layout and not prejudice the character of the surrounding area.

Living conditions

11. I have taken into account the extracts provided from the Inspectors decision letter in relation to the previous refusal of planning permission (Ref: 2010/92779) for residential development of the site and I recognise that the development proposed in this appeal has been designed to reduce the impact on the living conditions of the properties to the south with regard to overlooking.
12. Notwithstanding my findings in respect of the impact on character and appearance above, the proposed plot size would be adequate for the size of the dwelling proposed. Whilst the boundary fence would be positioned close to the southern and eastern elevation of the property the primary aspect is to the north and west.
13. Views from the west would be over the garden area and in my view the aspect from lounge/dining room and bedroom windows would be acceptable. Views from the bedroom windows towards the north would face the 2m high embankment approximately 3.6m away. Although the views from these windows would be compromised by the presence of the embankment, the intervening distance would be adequate to maintain acceptable levels of light to these windows.
14. The proposed dwelling would have an outlook that primarily faces the site boundary fencing. As such it would not have the same degree of outlook that is enjoyed by other properties in the area. However, given the available modest garden space I do not consider that the reduction in outlook would be of an extent to cause material harm to the living conditions of future occupants of the property.
15. Consequently, the proposal would not be contrary to Saved Policy D2 of the UDP. This policy, amongst other things, requires that new development does not prejudice residential amenity.

Other matters

16. I have taken into account the concerns of residents on Daleside regarding potential overlooking and loss of privacy. However, I agree with the Council that the design changes from the development that was previously considered, together with the position and height of screen fencing and the high sill obscurely glazed window in the south elevation, would ensure that there would be no overlooking or loss of privacy of an extent that would constitute a reason to dismiss this appeal on those grounds.
17. My attention has been drawn to potential drainage issues that may be caused as a consequence of water run-off from the appeal site on to properties at a lower level to the south. In my view that this is a matter that could be adequately dealt with by a suitably imposed planning condition were I minded to allow the appeal.
18. I have taken into account the modest contribution that the development would make to housing supply within the Borough. However, this does not outweigh the harm that I have found to the character and appearance of the area.

Conclusion

19. Whilst I have found that the development would provide adequate living conditions for the future occupants of the property this does not outweigh the harm that I have found to the character and appearance of the area. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

Appeal Decision

Site visit made on 4 April 2016

by Louise Nurser BA (Hons) Dip Up MRTPI

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

Decision date: 25 May 2016

Appeal Ref: APP/Z4718/W/16/3142436

Flockton Hall Farm, Flockton, West Yorkshire WF4 4DW

- 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 Matt Burrow (Charles Church (West Yorkshire)) against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2014/62/94027/E, dated 23 December 2014, was refused by notice dated 10 November 2015.
 - The development proposed was originally described as, '*Residential development of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works. The proposals also include the retention of the farm cottage addressed as 49 Barnsley Road and associated outbuilding which lie within the redline boundary for future use plus the provision of a new access and parking court for these buildings*'.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Matt Burrow (Charles Church (West Yorkshire)) against Kirklees Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural matters

3. The description of the development in the heading above has been taken from the planning application form. However, in Part E of the appeal form, the description of the development has changed to reflect alterations made to the proposed development prior to the determination of the application. These changes include amendments to the proposed access; the proposed demolition of the farm cottage and associated farm buildings, and an increase in the number of dwellings to 47.
4. I am aware that the site is identified as a housing option within the emerging Kirklees Local Plan. However, as I have been provided with little detail of the plan's progress, I have, in accordance with Paragraph 216 of the Framework given this limited weight in my consideration of the appeal.
5. Following the determination of the application, an amended layout plan was submitted which included a double timber gate (FLO-2014-01 Rev K) leading to the arable fields beyond. In addition, following the site visit I requested a

revised plan be supplied which superimposed the AutoTRACK drawings for the combine harvester onto the revised layout, together with a missing plan relating to refuse vehicles. The appellant provided similar plans illustrating the AutoTRACK analysis for both the combine harvester and refuse vehicles. As all of these plans have been copied into the Council for information, and as the plans provide clarity rather than alter the substance of the appeal before me, no third parties would be prejudiced by my accepting the plans.

6. The appellant has submitted a signed Unilateral Undertaking (UU) following the submission of the appeal. This would secure 9 dwellings as affordable units and financial contributions of £134,347 towards education provision; £10 000 for the provision and maintenance of a bus shelter, £22,360.25 towards a MetroCard contribution, £70,000 for off- site highway drain upgrade, and £20,000 towards the provision or improvement of equipped play space within Flockton.
7. I note that the Council has stated the UU was satisfactory and are agreeable to the Public Open Space being dealt with by way of condition¹. I have carefully considered the affordable housing element of the UU, and have concluded in the absence of evidence to suggest otherwise, that it would provide adequate levels of affordable housing and would therefore provide a benefit to which I refer in my conclusion.
8. I have also considered the provision of the bus shelter and the contribution to the Residential Metrocard Scheme for future residents to which I refer later in my decision, and conclude that this would be directly related to the site, fairly related in scale and kind, and necessary as a means of encouraging sustainable travel in accordance with Saved Policy T19 of the Kirklees Unitary Development Plan, adopted 1999 (UDP).
9. However, given that the proposal is to be dismissed, I have not considered the other matters set out within the UU in detail.

Background and Main Issue

10. The majority of the appeal site is identified as Provisional Open Land and has been safeguarded for development within Saved Policy D5 of the UDP. As such, and in the context of not being able to demonstrate a five year supply of housing, in line with Paragraph 14 of the Framework and the presumption in favour of sustainable development, the Council has no objection in principle to the development of the site.
11. The proposed housing development would be built on the site of the demolished farm cottage, farm buildings and on land currently used for arable farming. This is part of a larger land holding of around 10 hectares served by the current access off Barnsley Road. It is proposed that the farm traffic continues to access the farmland through the new development via a timber gate at the rear of the site. The main issue is the effect of agricultural vehicles travelling through the residential development on the safety and security of other road users within the development, including children playing out, pedestrians and cyclists.

¹ Letter from Kirklees Council to appellant 22 March 2016

Reasons

Shared space

12. The proposed development is accessed off Barnsley Road. The road then splits with housing laid out in the typical form of a modern estate based around a shared surface. However, as no practical alternative access has been found² to the remaining extensive area of farmland of approximately 9 hectares, and that an additional dedicated access off the main road is considered by the appellant to be inappropriate³, it is intended that substantial agricultural machinery will be driven past the housing, into and out of, the remaining fields on average once a week. This is unlike most developments where shared surfaces are promoted, where large vehicles are likely to be the exception.
13. Paragraph 35 of the Framework sets out a number of design objectives for new developments to include, where practical, the creation of safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and, where appropriate, establishing home zones. It is generally accepted that a shared surface is designed to allow all road users including pedestrians, cyclists and young children to feel safe and secure.
14. The appellant has provided detailed information relating to the type, and numbers of journeys by agricultural farm machinery which could be expected to travel through the development. I note that on average that this could result in around two movements a week. However, clearly, at certain times of the year such as at harvest, which may correspond with school holidays, or during fertiliser application or muck spreading, there are likely to be periods of more intensive activity. Moreover, the maximum figure cited of around 110 movements per annum is predicated on only one crop being grown. Were different crops to be grown in the individual fields this could significantly increase the number of agricultural traffic movements experienced. Consequently, this could increase the access requirements for a combine harvester.
15. The AutoTRACK analysis that has been provided demonstrates that it would be possible for a combine harvester to use the proposed layout and I am aware that the carriageway has been widened to 6 m to facilitate this. However, due to its width, it would take up the whole of the shared surface and would not provide for any safe haven for pedestrians or cyclists to shelter without going on private land. In addition, in theory, there should be no need for any cars to park on the street as adequate parking is proposed to be provided in line with Saved Policy T19 of the UDP, and the UU is intended to provide for financial contributions to encourage public transport use by future occupants. However, in my experience cars will often park at the side of roads in such estates. I note that the appellant's transport consultant accepts that the combine harvester would require clear access to be able to get to the fields⁴. Therefore, were cars to be parked on the road at the same time as the combine harvester were to attempt to access the fields it would require the combine harvester to reverse along the shared space.

² Highways Statement Prepared by Fore Consulting Limited Dated 4 January 2016- Appendix B Letter from Carter Jonas to Persimmon Homes (West Yorkshire) 23 December 2015

³ Letter from Paul Corfoot Fore Consulting Limited to Kirklees Planning Services 24 September 2015

⁴ Paragraph 5.18 Highways Statement Prepared by Fore Consulting Limited Dated 4 January 2016

16. I am aware that in rural areas agricultural traffic is a common sight on the public highway. However, there is a fundamental difference between a public highway whose primary objective is to be used for vehicular traffic and a shared surface which is designed with no hierarchy of road users. Shared surface streets should be designed to create an environment in which pedestrians can walk, or stop and chat without feeling intimidated by motor traffic: and to make it easier for people to move around without vulnerable road users feeling threatened by having no space protected from vehicles.
17. A development of predominantly family housing, such as that proposed here, is likely to mean activity throughout the day and evening and more pedestrians, cyclists and young children playing out in a "secure" environment. However, the appellant's conservative estimate of around two movements per week of farm vehicles, ranging at the most common, from a tractor with a trailer, to at its rarest, a combine harvester, would be incompatible with this objective. It would not result in a secure environment, nor engender one where parents would feel confident in allowing their children to play out. Indeed, the planned development would share some of the attributes identified in the HSE leaflet which relates to the incompatibility of moving farm vehicles and pedestrians⁵ as a shared surface by definition does not delineate the space for vehicles and pedestrians and would run against the advice that pedestrians and moving farm vehicles do not mix.
18. I have been referred to Paragraph 32 of the Framework which refers to development only being refused or prevented on transport grounds where the residual cumulative impacts are severe. However, it is not part of the Council's case that the residual cumulative impacts of the development are severe, rather that there are specific safety issues related to the proposed development given the relationship with the housing and the proposed farm traffic.
19. Consequently, I conclude the proposed development would be contrary to Saved Policy T10 of the UDP as it would create or materially add to highway safety problems, by embedding the incompatible movement of farm traffic through a housing development whose design does not provide adequate provision for the safety of other road users, and would not be perceived as a safe and secure environment for future occupants. In accordance with Paragraph 215 of the Framework I have given the policy considerable weight given its consistency with paragraph 35 of the Framework.

Other matters

20. My attention has been drawn by the appellant to an appeal⁶. However, whilst there are clearly similarities between it and the appeal before me, such as the housing supply situation, the weight to be accorded to Policy D5 of the UDP and the presumption in favour of sustainable development, there is also a significant difference in that the appeal site to which I have been referred did not include a proposal for agricultural traffic to drive through it. Accordingly, I have reached my own conclusion on the basis of the evidence before me.
21. I appreciate that the planning officer recommended that the proposal should be approved, and that the Council's highway officers raised no objection to either

⁵ HSE- Guidance/ Agricultural resources/Case Studies/Transport/ segregating Pedestrians from vehicles.

⁶ APP/Z4718/A/13/2201353

the internal road layout or the access to the site from Barnsley Road.
Nonetheless, this does not overcome my significant concern outlined above.

Conclusion

22. The Council is currently unable to demonstrate a five year supply of housing. The Framework states that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
23. The proposal would make a sizeable contribution to the housing supply, as well as providing affordable housing to meet local needs, which together provide a significant social benefit. The majority of the site is safeguarded for development as a result of Saved Policy D5 of the UDP and the rest in principle could be redeveloped in line with Saved Policy DP2 of the UDP. The proposed development would bring economic benefits through the construction of new housing, and new customers to local businesses, including supporting local bus services. However, these matters are not determinative.
24. The lack of a five year housing supply does not automatically lead to the grant of planning permission, even where there are benefits. However, I conclude that the adverse impacts I have identified in relation to pedestrian and cyclist safety would significantly and demonstrably outweigh the benefits of the scheme before me. Therefore, this leads me to conclude that the proposed development is not sustainable development.
25. For the reasons set out above I conclude that the appeal should be dismissed.

L Nurser

INSPECTOR

Costs Decision

by Louise Nurser BA (Hons) Dip Up MRTPI

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

Decision date: 25 May 2016

**Costs application in relation to Appeal Ref: APP/Z4718/W/16/3142436
Flockton Hall Farm, Flockton, West Yorkshire, WF4 4DW**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Matt Burrow (Charles Church (West Yorkshire) for a full award of costs against Kirklees Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for development originally described as, *'Residential development of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works. The proposals also include the retention of the farm cottage addressed as 49 Barnsley Road and associated outbuilding which lie within the redline boundary for future use plus the provision of a new access and parking court for these buildings'*.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the appeal process.
3. The appellant is of the view that the Council has behaved unreasonably in a substantive way. Paragraph 49¹ sets out examples of behaviour that might give rise to a substantive award of costs against a Local Planning Authority and this includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The application was recommended for approval by Council officers at the meeting of the Heavy Woollen Planning Sub Committee of the 17 September 2015, and, following concerns raised relating to highway matters, the application was deferred. Following this meeting further liaison took place between the appellant's transport consultants and further information was submitted. At the meeting of the Heavy Woollen Planning Sub Committee of the 30 October 2015 the proposed development was again recommended for approval. The Council's Highway officers concurred that agricultural vehicles would be able to move safely through the proposed development. The conclusion drawn in the officer's report was that there were no adverse impacts

¹ Planning Practice Guidance: Reference ID: 16-049-20140306

that would outweigh the benefits of the scheme. Subsequently, the application was recommended for approval but subsequently refused.

5. Consideration of planning applications necessarily involves matters of planning judgement and Local Planning Authorities are not bound to accept the recommendations of their officers. Nevertheless, if officers' professional or technical advice is not followed authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence to support the decision in all respects.
6. In this case, the Local Planning Authority took the view that that the use of the residential estate as a means of access to working farmland would not result in a safe and secure environment for future residents. I have carefully considered and assessed the planning merits within my main Decision and have found that the appeal should not succeed.
7. As such, I consider that the Council has not behaved unreasonably. The matter is one of disagreement between the parties which could only have been resolved at appeal. Therefore, the appellant has not been put to unnecessary or wasted expense. Consequently, the application for an award of costs against the Council is dismissed.

L. Nurser

INSPECTOR

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KIRKLEES COUNCIL

PLANNING SERVICE

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

14-Jun-2016

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND PAPERS**

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

Simon Taylor – 01484 221000

**NOTE: For clarification the page numbering referred to
shall be those set out in the contents page**

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 will provide the evidence base for all new and retained allocations including POL. The Local Plan process will assess whether sites should be allocated for development or protected from development including whether there are exceptional circumstances to return POL sites back to Green Belt. The Local Plan process is underway and the public consultation on the draft local plan took place between 9th November 2015 and 1st February 2016.

Annex 1 of 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

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter 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.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

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 NPPF 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.

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Type of application: 62HH - FULL APPLICATION	
Proposal: Erection of single storey extension to the front	
Location: 12, Brewerton Lane, Dewsbury Moor, Dewsbury, WF13 4PB	
Ward: Batley West Ward	
Applicant: J Etchells	
Agent:	
Target Date: 14-Mar-2016	
Recommendation: FC - CONDITIONAL FULL PERMISSION	
Application No: 2015/90020	18
Type of application: 62m - FULL APPLICATION	
Proposal: Demolition of existing hotel and erection of 15 dwellings	
Location: The Whitcliffe Hotel, Prospect Road, Cleckheaton, BD19 3HD	
Ward: Cleckheaton Ward	
Applicant: Mr S Singh	
Agent: Andrew Keeling, AKPlanning	
Target Date: 18-Dec-2015	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	
Application No: 2015/94048	38
Type of application: 62 - FULL APPLICATION	
Proposal: Erection of extension to existing glasshouses	
Location: W.S Bentleys, Cliffe Hill Nurseries, Cliffe Lane, Gomersal, BD19 4SX	
Ward: Liversedge and Gomersal Ward	
Applicant: J Bentley	
Agent: J A Oldroyd	
Target Date: 19-Apr-2016	
Recommendation: FC - CONDITIONAL FULL PERMISSION	
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Type of application: 62 - FULL APPLICATION	
Proposal: Demolition of existing buildings and erection of 8 dwellings	
Location: Hillcrest, Edge Top Road, Thornhill, Dewsbury, WF12 0BG	
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Applicant: James Henry, Fire House Court Ltd	
Agent:	
Target Date: 06-Oct-2015	
Recommendation: RF1 - REFUSAL	

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Location: adj 6, Barnsley Road, Flockton, Huddersfield, WF4 4DW	
Ward: Kirkburton Ward	
Applicant: B Green	
Agent:	
Target Date: 17-Jun-2016	
Recommendation: RF1 - REFUSAL	
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Type of application: 60m - OUTLINE APPLICATION	
Proposal: Outline application for residential development	
Location: adj, 26, Track Road, Batley, WF17 7AA	
Ward: Batley East Ward	
Applicant: Tahir Zaman & Imran Ul-Haq	
Agent: Robert Halstead Chartered Surveyor	
Target Date: 09-Oct-2015	
Recommendation: OP - CONDITIONAL OUTLINE PERMISSION	
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Type of application: 62m - FULL APPLICATION	
Proposal: Erection of 3 storey care home unit (containing 35 bedrooms), alteration to the secondary site access, associated parking provision and landscaping	
Location: Pilling House Residential Care Home, 4, Pilling Lane, Skelmanthorpe, Huddersfield, HD8 9EQ	
Ward: Denby Dale Ward	
Applicant: Hill Care Ltd	
Agent: Richard Borrows, Ward Associates Planning Consultants	
Target Date: 19-Jan-2015	
Recommendation: FC - CONDITIONAL FULL PERMISSION	
Application No: 2015/93664.....	89
Type of application: 60 - OUTLINE APPLICATION	
Proposal: Outline application for residential development	
Location: Long Royd, Commercial Road, Skelmanthorpe, Huddersfield, HD8 9DX	
Ward: Denby Dale Ward	
Applicant: C Simmons	
Agent: Mallalieu Architects Ltd	
Target Date: 17-Jun-2016	
Recommendation: OP - CONDITIONAL OUTLINE PERMISSION	

Application No: 2016/91013.....	101
Type of application: 49 - GENERAL REGULATIONS REG.4	
Proposal: Formation of wheel park	
Location: Recreation Ground adj, Burton Acres Lane, Highburton, Huddersfield, HD8	
Ward: Kirkburton Ward	
Applicant: Maryke Woods, Kirklees Council, Streetscene	
Agent:	
Target Date: 08-Jun-2016	
Recommendation: GR2 - GRANT UNDER REG.4 GENERAL REGULATIONS	
Application No: 2015/94005.....	117
Type of application: 62HH - FULL APPLICATION	
Proposal: Erection of extensions and raised roof	
Location: 19, Overhall Park, Mirfield, WF14 9JP	
Ward: Mirfield Ward	
Applicant: D & K Hiu & Wang	
Agent: John Whittlestone, John Whittlestone Associates Ltd	
Target Date: 17-Jun-2016	
Recommendation: FC - CONDITIONAL FULL PERMISSION	

Application No: 2016/90006

Type of application: 62HH - FULL APPLICATION

Proposal: *Erection of single storey extension to the front*

Location: 12, Brewerton Lane, Dewsbury Moor, Dewsbury, WF13 4PB

Grid Ref: 422816.0 422910.0

Ward: *Batley West Ward*

Applicant: *J Etchells*

Agent:

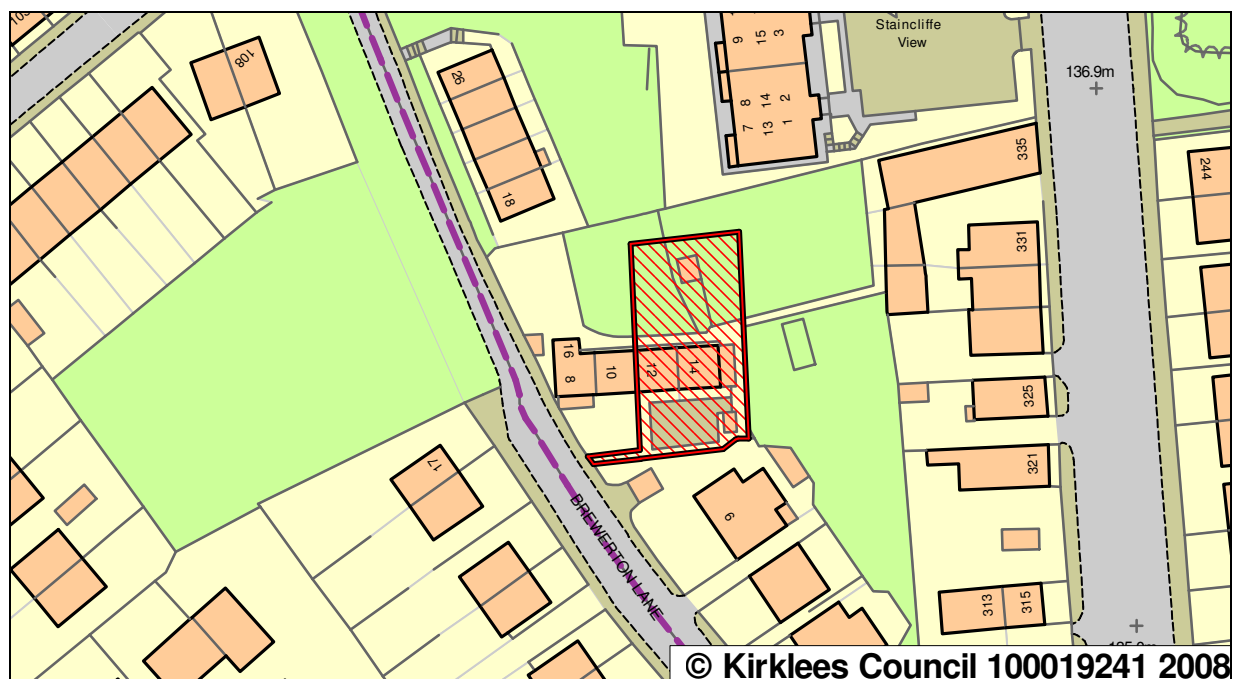
Target Date: *14-Mar-2016*

Recommendation: FC - *CONDITIONAL FULL PERMISSION*

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The application seeks permission for the erection of a single storey extension to the front of the two storey mid terrace property at no.12 Brewerton Lane, Dewsbury Moor. Following amendments, the proposed single storey extension would project 3.0 metres from the front elevation of the host dwelling. It is now considered by officers that the extension would be 'small in scale' and would not harm the visual amenity of the host dwelling. The proposal is considered by officers to be in accordance with the aims of policies D2, BE1, BE2, and BE14 of the Unitary Development Plan, as well as the aims of the National Planning Policy Framework.

RECOMMENDATION:

CONDITIONAL FULL PERMISSION

2. INFORMATION

The application was originally brought to the Heavy Woollen Sub Committee following a request by Councillor Gwen Lowe.

The application was deferred at the last Heavy Woollen Planning Sub-Committee held on 14th April 2016 to allow officers to discuss amendments with the applicant with regards to design and scale. Members suggested that the extension was turned 90 degrees so there was a three metre projection and a width of 4 metres, along with a change in the design to incorporate a pitched roof.

A site visit was carried out by members prior to the application being deferred on the 14th April.

Amended plans have been received (19th April 2016) which show a reduction in the scale of the proposal (3 metres by 3 metres) and a change in the design to incorporate a pitched roof.

3. SITE DESCRIPTION / PROPOSAL

Site Description

The application relates to a two storey mid terrace dwelling on Brewerton Lane in Dewsbury Moor. The site is located on a much higher level than Brewerton Lane itself and is set away from the public highway. The application site has been converted from two dwellings to one. The property is faced in stone and has tiles for the roofing material and white upvc openings.

To the front of the property there is a small amount of amenity space which is predominantly block paved with a small area of grass.

To the east of the site, the land is on a much higher level and is well screened by trees and hedging. There are dwellings over 30 metres from the application site. To the north (rear) there is an area of amenity space associated with the application site. To the south is no. 6 Brewerton Lane which is a detached dwelling benefitting from a large garage to the front of the site. This dwelling is over 10 metres from the application site and is on a much lower level. To the west is no. 8/10 Brewerton Lane which is attached to the application site and benefits from a full width (approximately 2 metre projection) conservatory.

Proposal

Planning permission is sought for the erection of a single storey extension to the front of the dwelling. The resultant extension would provide ground floor accommodation to serve a kitchen/ dining area.

The extension would project from the front of the dwelling by 3 metres. It would be 3 metres in width and 4 metres in overall height. There would be openings in the front elevation, including bi-fold doors and two slim windows on either side. There would be one rooflight proposed in the front roofslope and 3 small openings in each of the side elevations.

The walls of the extension would be constructed from stone, the roofing materials would be tiles, and the openings would be white upvc to match the existing.

4. BACKGROUND AND HISTORY

2015/93237 – Prior notification for single storey rear extension REFUSED (no. 12 Brewerton Lane)

2003/91673 – Erection of 2 storey extension to form granny flat APPROVED (no. 8 Brewerton Lane)

96/90025 – Erection of detached double garage APPROVED (no. 6 Brewerton Lane)

5. PLANNING POLICY

The application site is unallocated on the Kirklees Unitary Development Plan proposals map.

Kirklees Unitary Development Plan

D2 – Unallocated land

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 7 - Requiring good design

6. CONSULTATIONS

Health & Safety Executive – “HSE does not advise, on safety grounds, against the granting on planning permission in this case”.

7. REPRESENTATIONS

No representations have been received for the original scheme.

Following the committee deferral, amended plans were received. The amended plans have been re-advertised by site notice for 7 days. No neighbour representations have been received.

8. ASSESSMENT

Principle of Development:

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 general principle of extending and making alterations to a property are assessed against Policies BE1, BE2, BE13, BE14 and T10 of the Unitary Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations. Provided that the proposed development complies with these policies the principle of development is acceptable.

Impact on Visual Amenity:

Following the receipt of amended plans, the impact of the extension on visual amenity is considered, by officers, to be acceptable and the proposal would now be in accordance with the relevant Kirklees UDP policies. This section of the report will assess the location and design of the extension in terms of its scale in relation to the host dwelling and surrounding properties. The site is unallocated and is not located in a conservation area.

With regards to the design, the extension as amended, in the view of officers, would relate harmoniously to the host dwelling. The materials are proposed to match the existing and the roof form is consistent with that of the neighbouring conservatory and the porch at the application site. The extension would be

sympathetic in scale and tie in satisfactorily with the host dwelling and the next door property. The glazing on the front elevation of the porch would tie in with the glazing of the neighbouring conservatory and would not be out of keeping with the character of the terrace.

The southern (front) elevation of no. 12 Brewerton Lane is considered to be the principal elevation, despite being on a much higher level than the main highway (approximately 17 metres away) and not directly facing the streetscene. This is because it incorporates architectural features which are common on a principal elevation such as a doorway as well as a porch (on the front elevation of what was previously no. 14).

Although the extension is to the front of the dwelling, it is on a much higher level than Brewerton Lane and therefore will not be visible from the streetscene. Additionally, the garage of no. 6 Brewerton Lane (which directly fronts the highway on a lower level) would further screen the view of the extension from Brewerton Lane. There is dense hedging surrounding the site as well as the fact that the application site is set back a significant distance from the highway to the southwest. With regards to the character of the area, there are two extensions within the immediate streetscene (no. 8/10 and what was no. 14) and therefore, subject to scale and design, the principle of an extension on the front elevation would not necessarily be out of keeping with the character of the area.

By virtue of its scale (in terms of its reduced 3.0 metre projection) and design, the extension is now considered acceptable by officers.

Policy BE14 of the UDP states that extensions to the front elevation should be “relatively small in scale”. In this case, the extension would project 3 metres from the front elevation and given the modest size of the host dwelling and the extensions to the neighbouring properties, this is considered to be small in scale.

Due to the fact that the amended plan has addressed concerns previously raised by officers relating to scale and massing, it is considered by officers that the extension would relate harmoniously and would not detract from the character of the host dwelling or the surrounding buildings. The extension would add to balanced appearance to the row of terraced dwellings. The extension would not be an unduly prominent feature of the site and the end result would be a dwelling that has an extension that would be read as a subservient addition and one that would not dominate its principal frontage.

The conservatory extension to the west (on the neighbouring property) is small in scale, with a projection of approximately 2 metres, and the porch extension is 1.2 metres in projection and is a typical feature of a residential frontage. The character and appearance of the host dwelling and the immediate streetscene in which it relates would, in the opinion of officers, not lose its character.

Paragraph 64 of the NPPF states that applications should be refused which represent poor design. However, in this case, officers now consider that the proposal, for the reasons highlighted within the report, would not detract from the character of the host dwelling or the immediate streetscene.

Overall

In conclusion, due to the reasons stated above, the amended plans would result in an extension that would sit harmoniously with the host dwelling and would add to its character. The extension would not harm the visual amenity of the area or the host dwelling and would be in accordance with policies D2, BE1, BE2, BE13 and BE14 of the UDP, as well as the aims of chapter 7 of the NPPF.

Impact on Residential Amenity:

This section will assess the impact on individual neighbouring property individually. No representations have been received.

Impact on no. 8/10 Brewerton Lane

No. 8/10 Brewerton Lane to the west of the site is attached to the host dwelling. There is a stone boundary wall between these dwellings and a distance of approximately 2 metres between the proposed extension and the neighbouring extension (the extension is set in 1.2 metres from the boundary). The height of the extension would match that of the neighbouring conservatory and would be at single storey level. For the above reasons, there would be no overbearing impact.

With regards to overshadowing, the extension would be set in from the boundary and orientated to the east of the neighbouring dwelling. For this reason, there would not be a harmful overshadowing impact on the neighbouring extension.

With regards to overlooking and a loss of privacy, there are three windows in the elevation of the proposed extension facing this neighbouring site. Because this extension would serve a habitable room and would look into the neighbouring habitable extension, there would be harm to residential amenity with regards to overlooking and a loss of privacy. For this reason, should the application be approved, a condition is recommended to ensure that these windows are obscurely glazed and retained thereafter.

Impact on surrounding properties

No. 6 Brewerton Lane to the south is located approximately 12 metres from the site on a much lower level. Given the levels differences, the distance between the sites and the dense screening, there would be no impact on the occupiers of this dwelling in any way.

The extension is located to the front of the dwelling and therefore there would not be any impact on the occupiers of dwellings to the rear of the site.

To the east of the site, no. 14 Brewerton Lane, is part of the application dwelling and therefore there will be no impact on the residential amenity of the occupiers with regards to overbearing and although there would be two windows facing this site, there would be no overlooking/loss of privacy. The porch is non habitable and the amenity space is for the benefit of the application dwelling. Any views from the rooflight proposed in the front elevation would be at an oblique angle.

Overall

In conclusion, it is considered that the proposal would be acceptable in terms of residential amenity. The application would be compliant with Policies D2, BE1 and BE14 of the UDP.

Impact on Highway Safety:

Due to the nature of the proposal, an extension to form a kitchen/dining area associated with the host dwelling, there would be no additional trips to the site and the extension would not result in the loss of any parking spaces on the site. As such, the application would have an acceptable impact on highway safety and be compliant with the aims of Policy T10 of the UDP.

Other matters:

There are a couple of public right of ways within the vicinity of the site (DEW/109/10 and DEW 110/10). However, these are a significant distance away from the site. Due to this distance, along with the position and scale of the proposal, the extension would not cause harm to the users of these paths and vice versa.

Representations

No representations have been received.

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.

This application has been assessed against relevant policies in the Kirklees Unitary Development Plan and other material considerations. It is considered that the development proposals do accord with the development plan and that there are no specific policies in the NPPF that indicate development should be restricted. As such, recommendation is to approve the application.

9. RECOMMENDATION

CONDITIONAL FULL PERMISSION

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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. The development shall not be occupied until the kitchen windows in the west elevations of the extension hereby approved have been obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order). The obscure glazing shall thereafter be retained.

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

Plan Type	Reference	Version	Date Received
Location plan	1:1250	-	18.01.2016
Proposed aerial elevation	-	-	19.04.2016
Proposed front elevation	-	-	19.04.2016
Proposed side elevation (close up)	-	-	19.04.2016
Proposed side elevation	-	-	19.04.2016
Front view plan and above view plan	-	-	19.04.2016
Current front elevation	-	-	19.04.2016

Application No: 2015/90020

Type of application: 62m - FULL APPLICATION

Proposal: Demolition of existing hotel and erection of 15 dwellings

Location: The Whitcliffe Hotel, Prospect Road, Cleckheaton, BD19 3HD

Grid Ref: 418668.0 425398.0

Ward: Cleckheaton Ward

Applicant: Mr S Singh

Agent: Andrew Keeling, AKPlanning

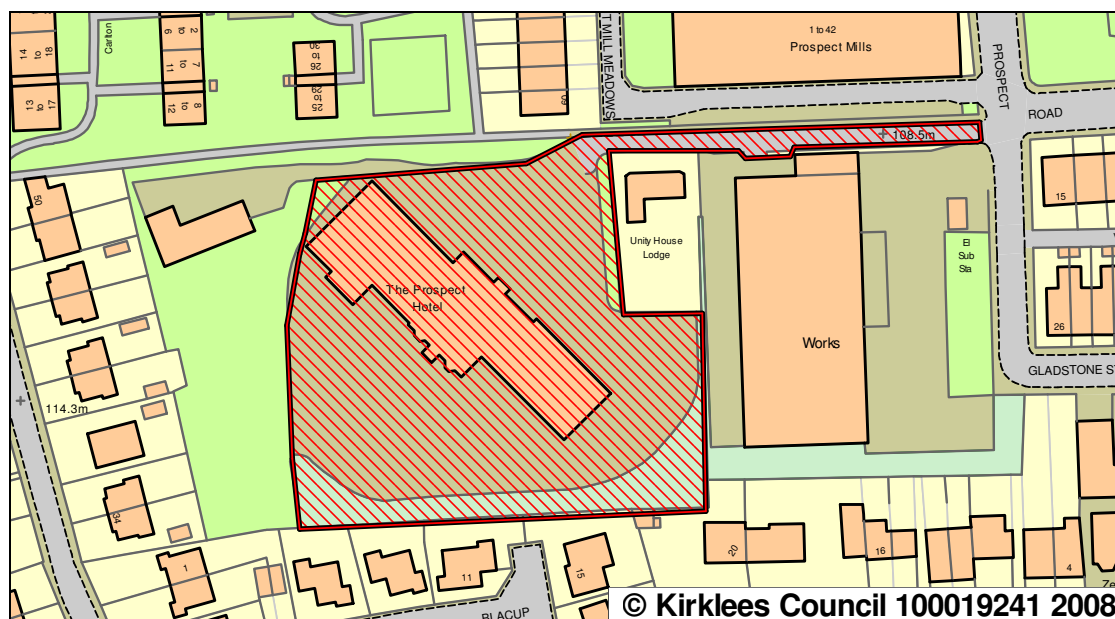
Target Date: 18-Dec-2015

Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Demolition of existing hotel and erection of 15 dwellings	
Scale of Development	Site area: 0.59 hectares	Units: 15
No. Jobs Created or Retained	n/a	
Policy		
UDP allocation	Unallocated	
Independent Viability Required	No	
Consultation/Representation		
Individual Support (No.)	1	
Individual Objection (No.)	9	
Petition	n/a	N/A
Ward Member Interest	Yes	Councillor Kath Pinnock and Councillor Andrew Pinnock
Statutory Consultee Objections	No	
Contributions		
• Affordable Housing	See report	
• Education	n/a	
• Public Open Space	See report	
• Other	Metro Cards	
Other Issues		
Any Council Interest?	No	
Pre-application planning advice?	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	Officers consider the principle of the provision of new housing in a sustainable location to be acceptable. There would be no detrimental impact on highway safety, visual amenity and residential amenity.	

RECOMMENDATION:

CONDITIONAL FULL PLANNING PERMISISON SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- i) ENTER INTO A SECTION 106 AGREEMENT TO SECURE AFFORDABLE HOUSING AND A COMMUTED SUM IN RESPECT OF PUBLIC OPEN SPACE AND FOR THE DEVELOPER TO ENTER INTO THE METRO CARD SCHEME
- ii) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE SET OUT BELOW, AND
- iii) PROVIDED THAT THERE ARE NO NEW MATERIAL CHANGES, ISSUE THE DECISION.

2. INFORMATION

The application is brought to the Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's Scheme of Delegation as:

- The site area exceeds 0.5 hectares

In addition, Councillor Andrew Pinnock has also commented as follows:

“ . . . I would like to ask formally for a site visit for this application. It is such a constrained site and the implications of development so significant that I think it best that Members see it for themselves. As part of the visit I would like Members to view the site from Blacup Moor View, as a number of residents there have expressed concerns”.

3. SITE DESCRIPTION/PROPOSAL

Site Description:

The application relates to a site of approximately 0.59 hectares. Running along the northern boundary (but outside of the application site) is a Public Footpath (Spen 79/10) and beyond this are residential properties. To the east is Unity Lodge House which shares access with the application site. Beyond this is a commercial unit.

To the south, but set at a much lower level than the site, are dwellings on Blacup Way. To the west are residential grounds.

The site currently houses a large, detached building which was occupied as a Hotel. It appears that this has been unoccupied for a number of years and the land around the building now appears to be used informally for the storage of motor vehicles.

The majority of the land around the building, and specifically adjacent to the site boundaries, contains Trees which are subject to Preservation Orders.

Proposal:

The application seeks permission for the demolition of the existing hotel and full planning permission for the erection of 15 dwellings. The application was originally submitted for 20 dwellings; however this has been revised after Officers' raised concerns with the proposed layout.

The proposal layout is for a mix of dwellings, the majority of which would be semi-detached two storey properties. The layout also includes 2no detached two storey dwellings, and a single storey dwelling adjacent to the entrance of the site.

Access to the site is to remain from the access track to the north east corner of the site, off Prospect Road. Improvements are to be made to this access, including the insertion of a vehicle passing place

4. BACKGROUND AND HISTORY

2014/93707 - Demolition of existing hotel and erection of 20 dwellings.
Withdrawn (invalid).

5. PLANNING POLICY

The site is unallocated on the Kirklees Unitary Development Plan proposals map.

Kirklees Unitary Development Plan

D2 – Unallocated land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway safety
T16 – Pedestrian routes
T19 – Car parking standards
G6 – Contaminated land
EP10 – Energy Efficiency
EP11 – Integral landscaping scheme to protect / enhance ecology
BE23 – Crime Prevention
NE9 – Mature trees
H1 – Meeting the housing needs of the district
H6 – Housing sites

National Planning Policy Framework

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
Chapter 11 - Conserving and enhancing the natural environment

Other policy considerations

SPD2 – Affordable Housing

6. CONSULTATIONS

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

K.C. Highways Development Management – Following receipt of amended plans, no objections subject to conditions.

K.C. Environmental Services – No objections subject to conditions.

K.C. Arboricultural officer – Following receipt of amended plans no objections subject to a condition requiring an Arboricultural method statement.

K.C. Ecology & Biodiversity Officer – Initial concerns with the level of detail included in the bat survey. Subsequently additional information has been provided and is acceptable.

K.C Flood Management and Drainage – No objection subject to conditions.

K.C. Landscaping – As no on-site POS is proposed a commuted sum should be sought.

Environment Agency – No comments to make.

Coal Authority – No objections.

Yorkshire Water – No objections subject to conditions.

West Yorkshire Police Architectural Liaison Officer (PALO) – No objections to the proposals in principle.

7. REPRESENTATIONS

The application has been advertised by neighbour letter, newspaper advertisement and site notice.

Nine (9) local residents have written in (a number of these have written in more than once, including to provide photos) to object to the application and one (1) letter of support has been received.

The points raised may be summarised as follows:

Highways:

- Access will be dangerous
- Access road will attract significantly more use with residential development than the hotel use

Visual amenity:

- Existing building has character and should be retained.

Landscape / ecology:

- Potential loss of trees would be detrimental

Amenity:

- Houses will cause overlooking and overbearing impact
- Likely noise and disturbance created including from future residents
-

Other matters raised:

- Adjacent mill development should be completed by the applicant before this takes place
- Development will impact on local health services, including cumulative impact from other developments
- Site is already in a poor state visually
- Property prices will be affected
- Objections to previous application on site should be taken into consideration
- Changes in site levels should be taken account of
- Potential structural issues with banking
- Who is responsible for annual maintenance of trees?
- A brownfield site should be used instead

Points of support:

- Redevelopment of this site will improve its visual appearance
- Site is in sustainable location
- Highway improvements will be included

Ward Councillor Kath Pinnock has emailed in respect of this application:

"I have looked carefully at the application and, while not having objections in principle, do have the following concerns:

- 1. The site uses a single carriageway access which is 85m long. This will inevitably create conflicts for traffic entering and leaving the site. There are no proposals for passing places.*
- 2. My understanding is that the access is not in the ownership of the applicant which makes it more difficult to resolve the highways issues.*
- 3. Traffic movements will be very different from those when the hotel was in operation when the majority of the traffic was in the evening.*
- 4. Access to the existing house on the site appears to be compromised by this application.*
- 5. There is a considerable height difference between this site and the adjacent Blacup Moor View and this must be addressed in the application.*
- 6. The original house on the site is of some local historic interest. In the 1888 maps the original house is described as Gladstone House.*

For these reasons, I urge that the application is deferred until all these issues have been satisfactorily addressed."

Councillor Andrew Pinnock has also commented on the application. His comments are set out in section 2 above.

Amended plans were received during the course of the application and subsequently re-advertised. As a result, 4 further representations have been received. A summary of the comments raised are as follows:

Highway Safety:

- The revised proposal includes 2no 4 bedroom houses with a possible 4 cars each. Concern about highway safety on a road with no footpath.
- Traffic movement for the hotel was mainly on a weekend with 30-40 cars on a wedding day, and 5-10 during the week. The proposal will increase this 10 fold during the week and double weekend traffic. The road is 85m long and only 3m wide outside Unity House Lodge.
- Accessing Unity House Lodge involves partly blocking single track road and vehicles reversing will be a hazard. Concern the access is not fit for purpose.
- The snicket is a major route to and from the town centre, particularly during school times.

Residential Amenity:

- Concern about the difference in ground levels between Blacup Moor View and the new development. Properties need adequate privacy.
- Concern about loss of privacy to Unity Lodge House.
- Houses will have a direct line of sight into bedrooms of properties along Blacup Moor View. A 6ft high fence along the top of the banking to screen off the properties at lower levels is required.

Other:

- Old cars are parked along the Southern boundary, which are unsightly, and any spillage will affect the trees.
- Fencing is required along the southern boundary to protect neighbouring properties from debris and slippage of materials.
- All work should be done with consideration of neighbouring properties.
- Concern regarding the safety risk from overhanging trees. Trees should be maintained before development commences and protected during the works. Future responsibility for maintenance should be clarified.

Additional amended plans have been received and have been re-advertised with a deadline of 3rd June 2016. A further representation has been received reiterating previous comments. Any further representations will be reported to members in the update.

8. ASSESSMENT

The application is for full planning permission for the erection of 15 dwellings.

General principle:

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 site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

The NPPF sets out a presumption in favour of sustainable development. For decision taking this means ‘approving development proposals that accord with the development plan without delay’.

Given the presence of existing building and areas of hardstanding on the site, the site is classed as ‘brownfield’ for the purposes of assessing the principle of development in accordance with the NPPF.

The NPPF encourages the effective use of land by reusing land that has been previously developed, although it does not set out a ‘brownfield first’ approach to development (unlike previous planning policy).

The NPPF identifies three dimensions to sustainable development; an economic role contributing to building a strong, responsive and competitive economy; an environmental role; and a social role by providing the supply of housing required to meet the needs of present and future generations.

In respect of the economic role, paragraph 18 of the NPPF states that,

“The Government is committed to securing economic growth in order to create jobs and prosperity.”

The proposed development will contribute significantly through the creation of jobs through the construction phase, including for contractors and local suppliers and generating additional demand for local services.

In respect of the environmental role, the regeneration of a brownfield site will improve the character of the area. Landscaping/ecological enhancement measures will be required as part of any approval and these will assist in enhancing the environment.

The development will also deliver new development that is fit for purpose, providing new modern buildings that are energy efficient and take advantage of renewable energy sources and low carbon consumption.

In terms of a social role, the development will contribute through the provision of housing (including 15% of the floorspace of the development being affordable housing) at a time when the Council is unable to demonstrate a 5 year supply of housing land.

Paragraph 6 of the NPPF states, *“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.”*

Paragraph 19 adds that the Government *“is committed to ensuring that the planning system does everything it can to support sustainable economic growth.”*

The NPPF sets out at paragraph 49, *“housing applications should be considered in the context of the presumption in favour of sustainable development.”*

The principle of residential development on the site is 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 vacant and appear to have been so for a considerable period of time. This is considered to weigh heavily in favour of the proposal for redevelopment.

Whilst the applicant has not submitted a B4 statement, it is evident from a site visit that the building is in a poor state of repair and would need considerable investment to bring it up to modern standards as a hotel.

In addition, it is considered that the proposed use of the site for residential, would be more compatible with the existing surrounding residential properties than.

Taking the above factors into account, it is considered, on balance, that the loss of the business premises is acceptable.

Impact on visual amenity:

There is no defining characteristic of the area surrounding the application site. Immediately to the north, south, and western boundaries are residential properties. These comprise a mixture of detached and semi-detached, of both single and two storey nature. There are also flats to the north, which are set over 3-4 floors.

To the north-east and eastern boundaries are industrial buildings. Prospect Mills, to the north-east is a large four storey vacant mill which has planning approval for change of use and alterations to convert into 42 apartments (approved under application reference 2009/92304 and granted Dec 2013). To the east is a single storey industrial unit, which remains in commercial use.

Unity House Lodge is a single storey, detached dwelling of natural stone construction. It is set within a reasonable sized curtilage and has had planning permission granted for a rear extension and detached garage.

The application site currently comprises of the Whitcliffe Hotel, a large two/three storey traditional building faced in natural stone and white render. The proposal involves the demolition of this building. The building is not listed and nor is it considered to constitute an undesignated heritage asset. Therefore, the demolition of this building, in the view of officers, would not be unduly harmful to the visual amenity of the application site or wider area.

During the course of the application, the number of dwellings has been reduced from 20 to 15 and would comprise a mixture of semi-detached and detached two storey and two and a half storey dwellings (3 and 4 bedrooms) and one single storey dwelling. The layout takes into account the mature, protected trees which are located around the boundaries of the site and which would be retained and provide a natural buffer with existing development.

The application site is not highly visible from surrounding highway network however there is a public footpath which runs immediately along the northern boundary of the site.

It is the view of officers that the proposed development would relate satisfactorily to the surrounding area, in terms of its layout, scale, and overall design. It is appreciated that that the site is constrained, with residential development to all sides however, it is considered that the proposals would be satisfactorily in keeping with neighbouring properties and provide sufficient amenity space and would accord with policies BE1 and BE2 of the Unitary Development Plan.

Impact on residential amenity (including Noise):

Policy D2 of the Unitary Development Plan stipulates that development should protect the residential amenity of neighbouring residential properties, and policy BE12 sets out the minimum distances required between dwellings. The site is largely surrounded by residential development with the nearest neighbouring properties which could be affected by the development including No's 7-11 Blacup Moor View and No.20 Bath Road to the south, No's 34-50 Peaseland Road to the east, Unity House Lodge to the west, and No.60 Prospect Mill Meadows, and properties to the north off Stanley Street.

In respect of the impact on properties off Blacup Moor View, these neighbouring properties are detached, two storey dwellings, whose private amenity spaces back onto the site. The application site is raised above that of Blacup Moor View and along the boundary is a group of mature trees. The closest relationship will be plots 7 and 8 which would be sited at a distance of 19.5 metres from the mutual boundary. There would be a distance of substantially over 21 metres between directly facing neighboring properties, as is required by policy BE12. The properties would occupy an elevated position relative to properties off Blacup Moor View however; due to the substantial distance to these properties it is considered that there would be no detrimental overbearing impact. This has been demonstrated through the proposed cross sectional drawing submitted, and appropriate screening would be secured by condition.

In respect of the impact on properties off Peaseland Road these properties are separated from the application site by the amenity space of the property to be retained. There would be a distance of significantly over 30 metres from the proposed dwellings to these neighbouring properties and there would be no loss of privacy or overbearing impact.

In respect of the impact on Unity House Lodge this is a single storey, detached dwelling of natural stone construction. It is set within a reasonable sized curtilage and has had planning permission granted for a rear extension and detached garage. The closest relationship would be with plots 1 and 2 as originally proposed. The initial proposal was for a pair of semi-detached two storey dwellings adjacent to the lodge, however the proposed cross sectional drawing highlighted that proposed two storey dwellings immediately adjacent to this property would have a detrimental overbearing impact. Amended plans have therefore been secured to omit this pair of semi-detached properties and replace with a single storey property. The revised proposal is for a single storey property within this part of the site which is considered to satisfactorily address the previous concerns raised, and the details are considered by officers to be acceptable.

A Noise Report has been submitted by S&D Garritt Ltd dated 15/09/2014 and submitted in support of the application. Environmental Services agree with the findings of the report and raise no objections, subject to the development being carried out in accordance with the details.

Highways:

Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. A number of concerns have been raised in the representations received.

The site is accessed from the Unnamed Access Road which links the existing site access with Prospect Road and is of a narrow width, especially where it meets Prospect Road. This also serves adjacent residential dwellings, and is a secondary service access for the adjacent industrial site, although this appears to be seldom used.

The Unnamed Access Road is approximately 85m in length and is a two way single carriageway road with a footway provided along the north side connecting Prospect Road with Peaseland Road. This road forms part of public footpath SPE/79/30 that provides access between Prospect Road to the east and to the west provides a route to Heaton Avenue School via Peaseland Avenue and Grange Road.

The carriageway is initially 3.8m in width where it meets Prospect Road, and the ranges between 3.m and 4.8m in width. The footway is generally 1.3m in width; although where the pedestrian route follows the public right of way this narrows to around 1m in width. The Unnamed road contains street lighting and waiting restrictions are provided on the north side adjacent to the Prospect Road junction.

The personal injury accident records for the last five years along Prospect Road and Tofts Road including the junction with Whitcliffe Road show 1 reported injury accident which occurred in 2010, was classified as slight and was the result of a vehicle colliding with a low wall in wet weather. The contributory factors were noted to be a 'slippery road surface' and the bend in the road.

As part of the development, it is proposed to improve the Unnamed Access Road where it meets Prospect Road. The Unnamed Access Road currently does not provide suitable carriageway width for two vehicles to pass simultaneously. It is therefore proposed to widen the carriageway to at least 4.5m for the first 10m. This can be achieved by moving the footway further north into the adjacent site and removing the boundary wall for the first 10m. A passing place is also provided along the length of this road. These improvements would allow vehicles to pass and should also improve inter-visibility between vehicles exiting the Unnamed Access Road and the adjacent site to the north.

Within the development site sufficient off-street parking is provided together with internal refuse vehicle turning.

In terms of traffic impact the existing buildings on site are currently unoccupied therefore to determine the potential traffic generation of the

existing use it has been necessary to use the industry standard TRICS database. Potential peak hour trip rates (morning peak 0800-0900 hours and evening peak 1700-1800 hours) for a 42 bedroom hotel, pub and restaurant and the proposed residential development have been compared. The existing use of the site has a hotel, pub, restaurant, could generate 21 trips during the morning peak, and 43 trips during the evening peak. The proposed development is anticipated to generate approximately 13 trips during the morning peak and 14 trips during the evening peak hours. This results in a net decrease of 8 trips during the morning peak hour and a net decrease of 29 trips during the evening peak hour. The proposed development would therefore represent a significant reduction in traffic generation when compared to the current use of the site.

Given the improvements to the access road and that this road is expected to generate significantly less traffic than the previous use Highway Services support the proposals. A number of conditions are proposed, to a scheme for the proposed road improvement to include widening of the access, provision of a passing place and adjacent footways, and appropriate drainage. Furthermore, to encourage the use of the public transport services available, the developer will need to enter into Metro's Residential MetroCard (bus only). The cost would be $15 \times £475.75 = £7136.25$. This will be secured through a Section 106 agreement.

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.

Subject to the imposition of condition, it is considered that the proposed development is acceptable in relation to flood risk and drainage.

Ecology:

The applicant has submitted a bat survey. This detailed that no bats are using the building for roosting, although some foraging is taking place in the locality.

The Council's Ecologist initially raised concerns with the level of detail within the survey. This has now been supported by further information.

It is therefore considered that there are no objections subject to the imposition of conditions relating to the following:

- A landscaping scheme which retains existing trees and includes new planting based upon the use of native tree and shrub species.
- Provision of bat and bird boxes
- A landscape management plan to manage the important biodiversity features incorporated into the site.
- A lighting scheme designed to avoid light spillage into sensitive areas

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

Trees:

The proposals have been assessed by the Council's Arboricultural Officer who has confirmed that following receipt of amended plans (which reduce the number of dwellings proposed and therefore the impact on Protected Trees), there are no objections.

This is subject to the imposition of a condition requiring an Arboricultural Method Statement, detailing how the proposal will be constructed whilst avoiding damage to trees.

Therefore there are no objections in respect of mature trees and the development complies with Policy NE9 of the Unitary Development Plan.

Health and Safety:

The site falls within the defined Development High Risk Area where within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority's information indicates that historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. In addition records indicate that the zone of influence of two off-site mine entries encroach over the eastern half of the access route from Gladstone Road / Prospect Road.

The Coal Authority concur with the recommendations of the Coal Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed built development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority raises no objections, subject to the inclusion of conditions to secure the intrusive site investigation works.

Other Issues:

The existing building on site was previously used as a Trade Union Hall, and there is a social significance associated with this former use. The building itself however, has no significant architectural merit and Conservation and Design raise no objections to the proposed re-development of the site.

Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....incorporate facilities for charging plug-in and other ultra-low emission vehicles.." To encourage the use of ultra-low emission vehicles such as electric vehicles, a condition will be

imposed to secure 1 charging point per dwelling with dedicated parking as proposed.

Viability/Section 106 contributions:

The applicant has confirmed that they will meet all Section 106 contributions in full. This extends to the following:

- Provision of on-site affordable housing (or a commuted sum in lieu) at a rate of 15% of the floorspace of the development
- A commuted sum in lieu of on-site Public Open Space. The lump sum contribution without prejudice will be £40,250.00.
- Provision of Metro Cards

These contributions can be secured through the imposition of a Section 106 agreement.

Objections:

The concerns raised in the representations have been carefully considered and addressed where appropriate in the assessment above. However, to summarise, officers comment as follows on the matters raised:

Highway Safety Concerns:

Given the improvements to the access road and that this road is expected to generate significantly less traffic than the previous use, officers support the proposals.

Visual amenity:

It is the view of officers that the proposed development would relate satisfactorily to the surrounding area, in terms of its layout, scale, and overall design. It is appreciated that the site is constrained, with residential development to all sides however, it is considered that the proposals would be satisfactorily in keeping with neighbouring properties and provide sufficient amenity space.

Landscape / ecology:

The proposals have been assessed by the Council's Arboricultural Officer who has confirmed that following receipt of amended plans (which reduce the number of dwellings proposed and therefore the impact on Protected Trees), there are no objections.

Amenity:

The differences in site levels have been taken into account when considering this application.

Other matters raised:

Adjacent mill development should be completed by the applicant before this takes place

Response: This is not a material planning consideration.

Development will impact on local health services, including cumulative impact from other developments

Response: The provision of health facilities is not within the jurisdiction of the Local Authority.

Property prices will be affected

Response: This is not a material planning consideration.

Objections to previous application on site should be taken into consideration

Response: Objections to previous applications are not taken into account.

Potential structural issues with banking

Response: The responsibility for the safe development of the site rests with the developer.

Who is responsible for annual maintenance of trees?

Response: Clarification is being sought from the agent about maintenance of landscaped areas.

A brownfield site should be used instead

Response: This is a previously developed brownfield site.

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 FULL PLANNING PERMISISON SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- i) ENTER INTO A SECTION 106 AGREEMENT TO SECURE AFFORDABLE HOUSING AND A COMMUTED SUM IN RESPECT OF PUBLIC OPEN SPACE AND FOR THE DEVELOPER TO ENTER INTO THE METRO CARD SCHEME**
- ii) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE SET OUT BELOW, AND**
- iii) PROVIDED THAT THERE ARE NO NEW MATERIAL CHANGES, ISSUE THE DECISION**

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. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works to erect the superstructure of any dwelling commence. Thereafter the development shall be constructed of the approved materials.

4. Notwithstanding the details shown on plan Ref PL/001 details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls for the dwellings shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commence. The approved walls/fences shall then be erected before any of the dwellings hereby approved are first occupied and shall thereafter be retained.

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

6. No development shall take place until a scheme detailing the proposed improvements to the unnamed road leading between Prospect Road and the application site including widening of the access, provision of a passing place and adjacent footways have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The

scheme so approved shall be implemented before the development is brought into use.

7. No development shall commence until a Phase I Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

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

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 8 no development, except demolition of buildings approved by this permission shall 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 two working days. 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 a scheme restricting the rate of surface water discharge from the site to a maximum of 70% (as advised by Strategic Drainage) of the existing pre-development flow rate to the same outfall, 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 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be

stored on site in areas to be approved in writing by the Local Planning Authority unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from site does not cause an increased risk in flooding elsewhere. 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 thereafter be implemented.

13. The development shall be carried out in accordance with the recommendations of the noise report by S & D Garritt Ltd dated September 2014.

14. A scheme to show how the development shall incorporate facilities for charging plug-in electric vehicles shall be submitted to and approved in writing by the Local Planning Authority prior to the superstructure of any dwelling being completed. Thereafter all works which form part of the approved scheme shall be completed prior to occupation of the dwelling to which it relates.

15. An Arboricultural Method Statement, in accordance with BS 5837, to show how the development will be completed while avoiding damage to the trees' and their roots, protective fencing, root protection areas, specialist construction methods to be used shall be submitted to and approved in writing by the Local Planning Authority before any development commences.

16. A Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority before works to commence the superstructure of any dwelling commence. The plan shall include:

- A landscaping scheme which includes planting to enhance and develop habitat networks within the site through the planting of native tree and shrub species.
- Five bat boxes in the form of a Schweglar type 1FR/2FR bat boxes or similar installed integral to the new dwellings within the site.
- Details of artificial lighting including security lighting. There shall be no light spillage into tree habitats and corridors or, areas with bat roost potential including installed bat boxes.

Thereafter, the development shall be carried out in accordance with the approved details, and the bat boxes provided, before first occupation of any dwelling and shall be retained.

17. A landscape management plan for the long term maintenance of biodiversity features within the site shall be submitted to and approved in writing by the Local Planning Authority before the superstructure of any dwelling is commenced. The biodiversity features shall thereafter be maintained in accordance with the approved landscape management plan.

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

Plan Type	Reference	Version	Date Received
Location Plan	02	A	22.02.16
Topographical Survey	1768/001		04.04.16
Proposed Layout	PL/001		20.05.16
Proposed Sections	PL/002		20.05.16
House Type A	A/01		04.04.16
House Type B	B/01		04.04.16
House Type C	C/01		04.04.16
House Type D	D/01		20.05.16
Proposed Garages	A/01		04.04.16
Design and Access Statement			07.01.15
Transport Assessment			07.01.15
Bat Survey			07.01.15
Noise Report			07.01.15
Phase I Contamination Report			07.01.15
Arboricultural Report	11968/TT		07.01.15
Coal Authority Mining Report	51000700699001		07.01.15

Application No: 2015/94048

Type of application: 62 - FULL APPLICATION

Proposal: *Erection of extension to existing glasshouses*

Location: *W.S Bentleys, Cliffe Hill Nurseries, Cliffe Lane, Gomersal, BD19 4SX*

Grid Ref: 419990.0 426223.0

Ward: *Liversedge and Gomersal Ward*

Applicant: *J Bentley*

Agent: *J A Oldroyd*

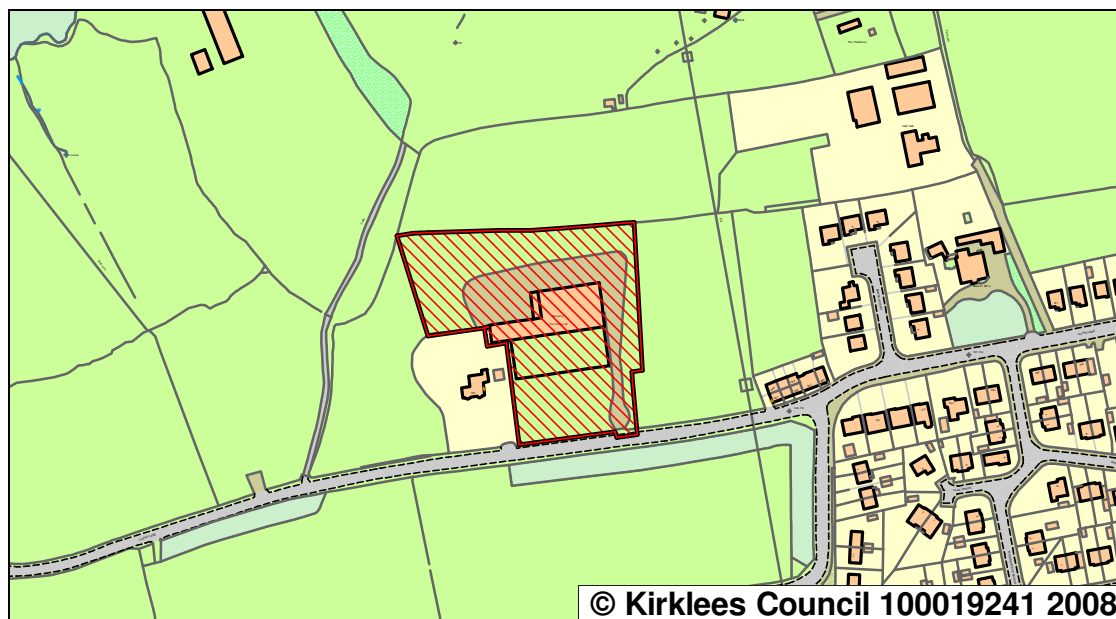
Target Date: *19-Apr-2016*

Recommendation: *FC - CONDITIONAL FULL PERMISSION*

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The proposals, in this instance, are considered to represent an acceptable form of development within the Green Belt and would have no significant detrimental impact upon visual amenity, residential amenity or highway safety.

RECOMMENDATION:

CONDITIONAL FULL PERMISSION

2. INFORMATION

The application is brought to the Heavy Woollen Planning Sub-Committee due to the significant level of representation received. This is in accordance with the council's scheme of delegation.

3. SITE DESCRIPTION / PROPOSAL

Site Description

The site comprises an established Horticultural Nursery located on the northern side of Cliffe Lane, Gomersal. The existing buildings on the site consist of a mixture of agricultural sheds and glasshouses, with open fields to the north. A residential property is located immediately to the west of the site, with further residential development to the south east, separated from the site by a field.

The site is accessed off Cliffe Lane with an access road and parking area to the east of the existing buildings.

Proposal

The application relates to the erection of an extension to the front (south) of the existing glasshouses. This would be 46.5m in width, 9.5m in depth and 4.6m in height with a floor area of 441 sq m, and would have the same appearance as that of the existing glasshouses.

The proposed extension would be located 11 metres from the southern boundary with Cliffe Lane. Access and parking arrangements would remain as existing.

4. BACKGROUND AND HISTORY

2008/94135 – Erection of seed germination and associated staff building – refused at Heavy Woollen Planning Sub Committee (21 October 2010)

2007/95033 – Erection of seed germination and associated staff building – Withdrawn

5. PLANNING POLICY

The application site is located within the allocated Green Belt on the Kirklees Unitary Development Plan proposals map.

Unitary Development Plan:

BE1 – Design Principles
BE2 – Quality of Design
T10 – Highway Safety
B5 – Extensions to Business Premises
EP4 – Noise Sensitive Development
EP6 – Development and Noise
EP11 – Ecology and Landscaping

National Policies and Guidance:

Chapter 1 – Building a strong, competitive economy
Chapter 3 – Supporting a prosperous rural economy
Chapter 7 – Requiring good design
Chapter 9 – Protecting Green Belt Land
Chapter 11 – Conserving and enhancing the natural environment

6. CONSULTATIONS

The following is a brief summary of consultee advice. Further information is included within the assessment, where necessary.

KC Highways Development Management: No objections subject to conditions.

KC Environmental Services: Recommend imposition of condition to protect the amenity of occupiers of adjacent properties.

KC Ecology and Biodiversity Officer: No comments to make.

KC Business and Economy Unit: Support the proposals.

The Coal Authority: No objection.

7. REPRESENTATIONS

The application was advertised by neighbour notification letter and site notice. As a result of site publicity, 20 representations have been received. The main concerns raised are summarised as follows:

Highway Safety

- Refrigerated lorries are used to transport the produce. Their route to the site is either along Woodlands Road or Fusden Lane, neither of which were built for large vehicles.
- There has been a significant increase in HGV traffic over the last six years.
- The company is now processing produce grown at the applicant's other site in Selby which brings additional traffic into the site.
- Concerned about pedestrian safety as traffic sometimes has to mount the pavement to pass when there is a lorry on the road.
- A traffic survey conducted by Kirklees Highways in 2013/14 shows that over 1700 vehicles were using Cliffe Lane per day and this number has already increased. If this application was approved it would make the traffic situation even worse.
- Request that a restriction is placed on the number of vehicles visiting the site and/or the hours of use of the site are restricted.
- Residential development is taking place $\frac{1}{4}$ of a mile away from the site off Cliffe Lane, and the Kirklees Draft Local Plan suggests that another 115 houses could be built with access onto Cliffe Lane. This would exacerbate the existing traffic problems.
- Vehicles cannot be parked on-street within the vicinity of 283 Cliffe Lane as HGVs use the wrong side of the road to negotiate the junction
- There have already been 2 accidents at the junction of Woodlands Road/Cliffe Lane which resulted in gates and a garden wall being demolished.
- Recent traffic calming measures have had little effect on the number of speeding vehicles on Cliffe Lane.
- There is a sign at the bottom of Fusden Lane stating that it is unsuitable for HGVs which is quite often ignored.
- Suggest that HGVs and lorries over a certain weight are banned from using the section of Cliffe Lane from the site down to Balme Road and the A638 Bradford Road, or re-site the HGV sign on the Gas Training building in Balme Road, in addition to the erection of a sign outside of the application site to prevent vehicles turning right.
- HGVs and lorries are causing damage to road and pavement surface on Woodlands Road and Cliffe Lane.

Impact on residential amenity

- Residents are subjected to light pollution and in the winter months there is a constant artificial light from the site.
- Residents are subjected to noise disturbance from the refrigeration units of the lorries at the site which operate at all times of the day and week.
- There are no restriction on the hours of use of the site.
- Applicant has suggested to one neighbour about planting a conifer hedge along the boundary to minimise noise disturbance, however there has been no mention of this since.

- When lorries are negotiating the junction of Cliffe Lane with Woodlands Road, vibrations can be felt in adjacent residential properties.
- Vehicles cannot be parked on-street within the vicinity of 283 Cliffe Lane as HGVs use the wrong side of the road to negotiate the junction.
- At the time of the previous application, the applicant states that light screens were already in place to prevent light pollution, however this is not the case.

Other Matters

- The same objections applied when the applicant applied to extend their facilities previously.
- Location is inappropriate for a business of this size.
- Extension will be closer to the road and therefore more visible to neighbouring residents.
- Extension will bring development closer to a number of trees occupied by local wildlife and excessive light pollution from unscreened buildings such as this will have a detrimental effect.
- The drains of No.187 Cliffe Lane are connected to the site and these overflow causing flooding to No.187 during periods of heavy rain. Another greenhouse would make this problem worse.

Through the course of the application, amended plans and additional information have been received. This relates to:

- The proposed measures for control of glare or stray light
- A section drawing demonstrating the relationship between the proposed extension and Cliffe Lane, and proposed change in land levels
- Amended site location plan
- Transport/Environmental Statement

This information has been re-advertised, and to date, 4 representations have been received (amended plans site publicity expires on 20 May 2016).

The concerns raised can be summarised as follows:

- KC Highways and Bentleys should consult together to try to minimise/stop the problems of HGVs using the lower section of Cliffe Lane, from Bentleys to Bradford Road
- Request additional signage to prevent HGVs travelling down to Balme Road
- Proposals will have massive effect on health of neighbouring occupiers due to noise disturbance and traffic pollution
- Traffic management plan does not work as Bentleys have no control over the lorry drivers
- Although there is signage requiring drivers to switch off refrigeration units, this does not always happen.

- Believe that there were restrictions on the hours of business in the past which seem to have been lifted
- Question why the company needs to expand further at a site which is not big enough or suitable to host these plans
- Cliffe Lane does not have the capacity to cope with the current amount of articulated lorries and definitely can't cope with an increase.

8. ASSESSMENT

General principle:

The site is located within the Green Belt with guidance on appropriate forms of development contained within the National Planning Policy Framework (NPPF). This seeks to restrict development to a specific set of criteria as laid out in paragraph 89 detailed below, unless very special circumstances exist:

“A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.

The general principle of the development is acceptable and in accordance with guidance set out within Chapter 9 of the NPPF. The proposed extension to the existing glasshouses is classed as a horticultural development and therefore falls within the definition of an agricultural use under paragraph 89 of the NPPF. The general principle of the development is therefore considered to be acceptable and in accordance with guidance set out within Chapter 9 of the NPPF.

Although the general principle of the development is acceptable, consideration needs to be given to the visual impact of the proposal on the openness of the Green Belt. This will be considered below.

Impact on openness of Green Belt:

The proposed extension would be attached to the front of the existing greenhouses, having a comparable height to that of the existing buildings. Due to a slight change in levels from Cliffe Lane down to the land to the north, some levelling of the land would be required in order to facilitate this, in addition to the provision of a retaining wall to the south east corner of the development.

The visual impact of the proposed glass house extension is considered to be acceptable in this instance as the design and scale of the proposal is in keeping with the appearance of the existing buildings, typical of those used for agricultural/horticultural purposes, and commonly found within a rural setting.

Whilst it is acknowledged that the proposal would bring development closer to Cliffe Lane, Officers consider that the low profile nature of the development would ensure that there would be no significant detrimental impact on visual amenity, complying with Policies BE1 and BE2 of the UDP as well as chapter 7 of the NPPF.

Impact on residential amenity:

The application site is located adjacent (east) of 187 Cliffe Lane and approximately 80m to the west of 225-239 Cliffe Lane.

The proposed glasshouse extension would be illuminated during periods of darkness, and in order to control glare or stray light arising from the operation of artificial lighting, the applicant has submitted details of proposed screening measures through the course of the application. The existing glasshouse is partly screened, although the submitted details would result in screening of the west and south elevations of the existing building and extension. KC Environmental Services have assessed the submitted light reduction plan and considered it to be acceptable, subject to the imposition of a condition requiring it to be installed before the development is brought into use. In addition, the applicant has planted a conifer hedge along the eastern boundary of the site to the rear of the parking area. This would screen the development from the residential properties to the east.

With respect to the potential for noise disturbance (particularly from refrigeration units of HGVs) to the occupiers of the nearest residential properties, KC Environmental Services consider that no significant detrimental impact would result due to the distance of the site from these properties, and the number of HGVs which are proposed to visit the site.

On the above basis, the proposals would have no significant detrimental impact upon residential amenity, in accordance with Policies BE1, BE2, EP4 and EP6 of the Unitary Development Plan and chapter 11 of the NPPF.

Highway issues:

The existing site access from Cliffe Lane leads to a surfaced parking and turning area to the east of the building. This parking and turning area has recently been extended under Class B, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

The existing use and vehicle movements generated are already established, therefore with respect to the highway impact of the proposed development an assessment has to be made with regard to the additional movements which would result over and above those of the existing use.

The applicant has provided a comprehensive servicing strategy for the current business which reports that the proposed development will generate an additional 2 refrigerated HGV's per day. This also indicates the number and type of existing HGV servicing movements. Details have also been provided in relation to the routing of vehicles and information available for delivery drivers.

Officers consider that the additional vehicle movements generated by the proposed development can be accommodated within the highway network. The site has a long established HGV access and the expected small amount of additional vehicles generated would not support a sustainable reason for refusal.

In summary, the proposals are considered to be acceptable from a Highways perspective, and in accordance with Policy T10 of the UDP. No additional conditions are considered to be necessary with respect to the surfacing of parking and turning areas as no further surfacing is proposed over and above that which already exists.

Other Matters:

Ecology

The existing glasshouse is considered to have no bat roost potential and the part of the site to be used for the extension has limited foraging opportunities for bats. On this basis, the proposals would not impact upon protected species, in accordance with government guidance contained within chapter 11 of the NPPF.

Business and Economy

The Council's Business Team has worked with the applicant in recent months to assist with applications for energy efficiency grants and funding for skills training. The proposed extension is proposed to result in the creation of 15 additional jobs. On this basis, the proposed development would accord with paragraphs 18 and 19 contained within chapter 1 of the NPPF.

Drainage

One of the representations received raises concerns about localised flooding to the adjacent residential property as a result of increased surface water run-off from the development. As a result of this concern, the applicant is currently investigating the use of a soakaway. The results of these investigations are awaited and will be reported to members in the update.

Objections:

The representations received primarily relate to highway safety concerns and the impact of the development on residential amenity. Officers respond to the comments received as follows:

Highway Safety

Response: These concerns are addressed above. The recorded accident injury data for the area demonstrates that the accident level is what would be expected from a highway network of this nature. Officers consider there to be no underlying road safety issues either on Cliffe Lane and Woodlands Road or the access to and from the site from the strategic highway network.

Residential Amenity

Response:

With respect to the impact of the development on residential amenity, the Council's Environmental Services Officer has confirmed that the proposals are acceptable, subject to the imposition of a specific condition relating to the control of glare or stray light.

The site has an established use and due to this historic use of the site for horticultural purposes, there are no restrictions on the hours of use.

The applicant has confirmed in writing, through the course of the application, that they would be willing to reinstate a hedge on the eastern boundary of the site adjacent to the parking area, in order to screen the development. The details of such a boundary treatment could be dealt with by condition.

Other Matters:

Response:

Each application is assessed on its own merits, and any representations are taken into account in the assessment of each application.

The application site is located within the Green Belt where horticultural uses can be considered to be acceptable.

The proposed extension is of a functional appearance, in keeping with the appearance of the building to which it is to be attached.

The Council's Biodiversity Officer considers the proposals to have no undue impact on protected species.

The drainage issue relating to No.187 Cliffe Lane (the adjacent property) is addressed above.

Conclusion:

The proposals represent an acceptable form of development within the Green Belt and would have no significant detrimental impact upon visual amenity, residential amenity or highway safety.

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

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

9. RECOMMENDATION

CONDITIONAL FULL 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 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. Actual or potential land contamination at the site shall be investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) shall be submitted to and approved in writing by the Local Planning Authority before development commences.
4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3, and pursuant to the recommendations set out within the Coal Mining Risk Assessment dated January 2016 and received on 11 February 2016, 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.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4, 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.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. 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. 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.

7. 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. 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. Development Plan and government guidance contained within chapter 11 of the National Planning Policy Framework.

8. The artificial light reduction plan received on 30 March 2016 shall be implemented before the development is brought into use, and thereafter retained.

9. The conifer hedge located on the eastern boundary of the car park shall be retained.

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

Plan Type	Reference	Version	Date Received
Site Location Plan			05.05.16
Proposed Sections	15/192/D		04.04.16
Coal Mining Risk Assessment	January 2016		11.02.16
Transport and Environmental Statement			29.01.16
Proposed Elevations and Floor Plans	15/192/A		29.12.15
Design and Access Statement			29.12.15
Supplementary Information - screens			30.03.16
Transport and Traffic Plan			17.05.16

Application No: 2015/92509

Type of application: 62 - FULL APPLICATION

Proposal: Demolition of existing buildings and erection of 8 dwellings

Location: Hillcrest, Edge Top Road, Thornhill, Dewsbury, WF12 0BG

Grid Ref: 424562.0 418709.0

Ward: Dewsbury South Ward

Applicant: James Henry, Fire House Court Ltd

Agent:

Target Date: 06-Oct-2015

Recommendation: RF1 - REFUSAL

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY

The principle of residential development in this sustainable location is considered acceptable. However, the proposed development would be of a poor quality design and layout, which would fail to take the opportunity for improving the character and quality of the area. Furthermore, there is significant concern from a highway safety perspective. Due to the layout of the proposals, which would comprise of 16 individual parking spaces being accessed directly to and from Edge Top Road, with no internal turning provision, meaning that vehicles would be reversing directly onto the busy classified highway of Edge Top Road, it is the opinion of Officers that the proposals would be harmful to highway and pedestrian safety, contrary to Policies D2, BE1, BE2 and T10 of the Unitary Development Plan, as well as chapter 7 of the National Planning Policy Framework.

RECOMMENDATION:

REFUSE

2. INFORMATION

The application is brought before the Heavy Woollen Planning Sub-Committee at the request of Councillor Masood Ahmed, who states:

"I would like to request that the Planning Application 2015/92509 be determined by the Planning Sub Committee. My reasons for this are listed below:

- 1. There are no objections from residents for the development of 8 dwellings;*
- 2. There is a need and demand for houses in the Dewsbury South Ward, which has also been highlighted in the Local Development Plan;*
- 3. There is no formal refusal from Highways; merely points raised, which my constituent will look into;*
- 4. There have been no concerns raised by residents regarding highway safety;*
- 5. There have been no reports of any accidents at this location in the last 5 years, which is a classified road, where the site is located;*
- 6. There have been 2 other sites nearby that have had planning approval, which are the Combs Accommodation Scheme, Application Ref: 2014/49/92815 for erection of 30 dwellings and also the development at The Cross in Thornhill, both of these 2 sites have raised no concerns for development and are in more prominent locations"*

The Chair of Sub-Committee has confirmed that Councillor Ahmed's reasons for making this request are valid having regard to the Councillor's Protocol for Planning Sub-Committees.

3. SITE DESCRIPTION / PROPOSAL

Site Description

The application site comprises former Council depot buildings, once part of Overthorpe Hall, which front Edge Top Road, Thornhill. The site is located to the north of the Thornhill Sports and Community Centre and Overthorpe Park, whilst the area surrounding the site to all other aspects is residential in nature.

Proposal

The proposal is for the demolition of the existing buildings and erection of 8 dwellings. The submitted plans indicate that the proposed development would be located in two blocks, taking into account the topography of the site, with a parking area across the frontage of the site. Areas of private amenity space would be provided to the rear of each residential unit.

4. BACKGROUND AND HISTORY

2015/93296 – Prior notification for proposed demolition of buildings – approved

2015/91016 – Demolition of existing council depot and house and erection of 9 dwellings - invalid

5. PLANNING POLICY

The application site is unallocated on the Kirklees Unitary Development Plan proposals map.

Kirklees Unitary Development Plan:

D2 - General Development Policy
BE1 – General Design Principles
BE2 – Quality of Design
NE9 - Retention of Mature trees
BE12 – Space about buildings
T10 – Highway Safety
H10 – Affordable housing
H12 – Arrangements for securing affordable housing

National Policies and Guidance:

Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring Good Design
Chapter 11 – Conserving and enhancing the natural environment
Chapter 12 – Conserving and enhancing the historic environment

Other Guidance:

Supplementary Planning Document 2 – Affordable Housing

6. CONSULTATIONS

The following is a brief summary of consultee advice. Further information is included within the assessment, where necessary.

KC Highways Development Management: Object

KC Conservation and Design: No objection in principle subject to imposition of conditions

KC Arboricultural Officer: Following submission of tree survey, no objection in principle subject to agreement with LPA of a scheme of replanting within Overthorpe Park

KC Biodiversity and Land Use Officer: No objections subject to imposition of conditions

KC Environmental Services: No objections subject to imposition of conditions

7. REPRESENTATIONS

The application was publicised by site notice, neighbour notification letter and site notice. As a result of site publicity, 11 individual representations were received, in addition to a Social Media petition of 50 names objecting to the demolition of the existing Depot Buildings. The concerns can be summarised as follows:

- The buildings were originally used as stables and outhouses for Overthorpe Hall which was a key part of the coal mining history of the area and a residence of the Inghams
- The buildings are a focal point in an area where quality architecture is in short supply
- Buildings are a non-designated heritage asset
- There is a clear opportunity to renovate this and convert it into a practical residential use, providing much needed housing and preserving the heritage of the area
- Other historic buildings within the locality have been lost already e.g. the Walker Welfare and Cross buildings
- The submitted plans do not correspond to the current layout of the site
- Consider that the available land will not take this number of houses
- Some days this main road entrance is grid locked with traffic into the club. The proposed development will exacerbate the existing problem.
- The design of the proposed dwellings is typical of modern boxes with no character

- Current structure could be used to provide an enterprise workshops centre which does not currently exist in Thornhill
- Surveys are clearly provided with the objective of condemning historical structures that have stood for hundreds of years, identifying simplistic issues such as guttering

8. ASSESSMENT

General principle:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

The site is not subject to specific policies and the principle of residential use is compatible with Policy D2.

In accordance with the guidance contained within Paragraph 14 of the National Planning Policy Framework, there is a presumption in favour of sustainable development, for decision taking purposes this means “approving development proposals that accord with the development plan without delay”.

Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of development. The site is considered to be in a sustainable location in terms of access to services and facilities and to public transport.

In addition, as the Council is currently unable demonstrate a 5 year supply of deliverable housing sites, the provision of residential development on this site will assist in addressing this shortfall.

Impact on amenity:

Visual Amenity

The application site is located within a predominantly residential area of no distinct character, with detached and semi-detached dwellings of varying periods located along Edge Top Road and the surrounding residential estate roads. However, these are generally of two storey scale. The proposed development involves the provision of 8 no. 2 ½ storey dwellings in two blocks, constructed of stone with concrete tiled roofs. Taking into account the lack of distinct character amongst existing residential development, the proposals are, on balance, considered by officers to be acceptable from a visual amenity perspective in this context, complying with the aims of policies D2, BE1, and BE2 of the UDP as well as chapter 7 of the NPPF.

The design and layout of the proposed development is such that there would be a significant area of hard landscaping across the front of the site which would be used as driveways (providing 16 parking spaces). Officers consider this design and layout, with car dominated frontage, to be of poor quality, which would fail to take the opportunity to improve the character of the area. As such, the proposed development is considered to have a detrimental impact upon visual amenity and the character of the street scene, contrary to Policies D2, BE1, and BE2 of the UDP as well as chapter 7 of the NPPF.

Residential Amenity

Policy BE12 of the UDP is relevant to the application, with respect to space about buildings. The nearest residential properties which could be potentially affected by the development are located on Edge Top Road to the north and 1 Nook Green to the west. However, adequate separation distances could be achieved between the proposed development and these properties, in accordance with Policy BE12 of the UDP.

As such, the proposal is considered acceptable from a residential amenity perspective, complying with the aims of policies D2 and BE12 of the UDP.

Highway issues:

The application site is located on Edge Top Road close to the junction with Mountain Road and adjacent to the access to Thornhill Sports and Community Centre and Overthorpe Park.

The proposals comprise of the development of 8 dwellings in two blocks of four with frontage access directly onto Edge Top Road.

Edge Top Road is a classified road (C581) and bus route which links the B6117, Overthorpe and Thornhill with Whitley and the wider highway network. This road is also a primary route for children attending Overthorpe C of E School.

The layout of the development is such that 16 off-street parking spaces are proposed to the front of the residential units with access directly onto Edge Top Road. Due to the classified nature of the road, internal turning is therefore considered to be essential and in the best interests of highway safety at this location, and KC Highways DM consider that the site should be developed with a single point of access.

Following receipt of additional information from the applicant, Officers consider that adequate sight lines can be provided onto Edge Top Road. However, the proposed bin collection points demonstrated on the plans are not considered to be ideally located with residents likely to leave bins on the footway to the site frontage.

Whilst it is noted that some existing dwellings have access directly onto Edge Top Road, these generally have single width driveways which have an acceptable separation distance and good inter-visibility, and as such are not considered to be directly comparable to the proposed development. The existing shops to the west of the application site are examples of bad practice which do cause highway safety concerns and distribution to traffic flows along Edge Top Road with vehicles reversing out in between parked cars.

The above concerns and the requirement for internal turning and one single point of access has been raised with the applicant, however no amended plans have been received in response to this. As such, the application is brought before members for determination.

On the basis of the above, the proposals are considered to be harmful to highway and pedestrian safety, contrary to Policies D2, BE1, BE2 and T10 of the Unitary Development Plan.

Loss of Existing Buildings:

The existing buildings are considered to be non-designated heritage assets as defined by the NPPF due to their historic significance and detailing. As such, paragraph 135 of the NPPF applies where the effect on the significance of the asset should be taken into account in the determination of the application.

The loss of the building, as proposed will have some effect on this part of Thornhill and remove the last remaining historic element of Overthorpe Hall. A structural report forms part of the application and this confirms the poor state of repair of the building. This has been accompanied by financial evidence to support the applicant's statement that these buildings *"have reached the stage where it is unlikely to be economically viable to carry out meaningful restoration"* and that *"it is unlikely that an alternative use could be found for these industrial buildings which would warrant a major refurbishment"*. On the basis of the submitted information, Officers are satisfied that the re-use of the existing buildings is not a viable option. Furthermore, as set out in the relevant history section of this report, a recent demolition notification has been granted for the removal of these buildings already.

Affordable Housing:

Policies H10 and H12 of the Unitary Development Plan and the Council's Supplemental Planning Document (SPD2) set out objectives for the provision of affordable housing. As the site is brownfield a provision of 15% of the total floor space would be required for affordable housing, which could 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 on affordable housing.

Trees:

As noted above, the application site contains a number of Council-owned mature trees along its rear boundary, some of which the applicant proposes to remove.

The application is accompanied by an Arboricultural Method Statement, the content of which has been assessed by the Council's Arboricultural Officer. Discussion have taken place with the applicant regarding replacement planting within the adjacent Overthorpe Park in order to off-set the loss of the existing boundary trees, which would likely to be acceptable.

Biodiversity:

The application has been accompanied by a Bat Survey which concludes that bats are unlikely to be using the building for roosting, however a precautionary method statement is proposed, and Officers consider that this should be adopted in the demolition process, which can be dealt with by condition. With the inclusion of appropriate conditions, the proposals are considered to comply with the aims of chapter 11 of the NPPF.

Land Contamination:

Due to the former use of the site, KC Environmental Services recommend the imposition of a condition in the event that permission is granted, should any unexpected contamination be found during the course of the development, in accordance with chapter 11 of the NPPF.

Drainage:

The site is located within Flood Zone 1, an area least likely to flood. The imposition of drainage conditions would be reasonable and appropriate in this instance in order to ensure that the proposals would be in accordance with the aims of chapter 10 of the NPPF.

Air Quality:

Paragraph 109 of the NPPF 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 relatively 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.

Objections:

The representations received primarily relate to the loss of the existing buildings and design of the proposed development. These matters are addressed above.

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.

The application has been assessed against relevant policies in the Kirklees Unitary 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 indicated development should be restricted.

9. RECOMMENDATION

REFUSE

1. The design and layout of the proposed development, with a car dominated frontage, is considered to be of poor quality, which would fail to take the opportunity to improve the character of the area. As such, the proposed development would have a detrimental impact upon visual amenity and the character of the street scene, contrary to Policies D2, BE1, and BE2 of the Unitary Development Plan in addition to government guidance contained within Chapter 7 of the National Planning Policy Framework.

2. The proposed development, by virtue of its layout, which would comprise of 16 individual parking spaces being accessed directly to and from Edge Top Road, with no internal turning provision, meaning that vehicles would be reversing directly onto the busy classified highway of Edge Top Road, would be harmful to highway and pedestrian safety, contrary to Policies D2, BE1, BE2 and T10 of the Unitary Development Plan.

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

Plan Type	Reference	Version	Date Received
Site Location Plan	ATM14/112 001		11.08.15
Proposed Site Plan	ATM14/112 002		11.08.15
Proposed Plans and Elevations	ATM14/112/003	P1	15.09.15
Bat Survey			24.09.15
Arboricultural Assessment	AIA1/SW/2013	12.01.16	18.01.16
Traffic Report			26.04.16
Existing and Proposed Sight Lines	ATM14/112/006		26.04.16
Coal Mining Report			11.08.15

Application No: 2015/90578

Type of application: 62 - FULL APPLICATION

Proposal: Erection of detached dwelling

Location: adj 6, Barnsley Road, Flockton, Huddersfield, WF4 4DW

Grid Ref: 423437.0 414841.0

Ward: Kirkburton Ward

Applicant: B Green

Agent:

Target Date: 17-Jun-2016

Recommendation: RF1 - REFUSAL

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The proposed erection of a detached dwelling is considered unacceptable by officers. It is considered that the siting of the dwelling would have an odd visual relationship with the existing buildings around this site and would be detrimental to both visual and residential amenity.

OFFICER RECOMMENDATION:

REFUSE

2. INFORMATION

The application is brought before the Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Bill Armer for the following reason:-

“I have requested that the matter be referred to HWP on the grounds that experts for the applicant contest the professional opinion of KMC officers regarding the interpretation of relevant rules and regulations. There is also a claim by the applicant that the contested egress already serves two houses, and would continue to do so, so in his submission there would be no material change. In the interests of transparency, I believe that this should be referred”.

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

3. SITE DESCRIPTION / PROPOSAL

Site Description

The application relates to a site adjacent to no.6 Barnsley Road, in the centre of Flockton village. The site currently forms part of the garden/parking area serving nos. 4 and 6 Barnsley road, which are occupied as a single dwelling (henceforth referred to as no.6 Barnsley Road).

The site has an area of 460 square metres and is unallocated on the UDP proposals map.

Proposal

The proposal is for the erection of a detached dwelling on the site. The dwelling would be built over three levels with the main living area at ground floor and bedrooms at lower ground and 1st floor levels. There would be an integral garage with three parking places to the front of the building serving the existing and proposed dwellings.

The dwelling would be orientated at 90 degrees in relation to other adjacent dwellings with the main elevations facing south and north.

4. RELEVANT HISTORY

2003/93291 Erection of two storey extension. Approved (no. 4 Barnsley Road)

2003/92028 Erection of two storey extension and dormer window. Refused

5. POLICY

The application site is unallocated on the Kirklees UDP proposals map.

Kirklees Unitary Development Plan:

D2 – Development without notation

BE1 – Design principles

BE2 – Quality of design

BE11- Materials

BE12 – Space about buildings

T10 – Highway safety

G6 – Contaminated land

National Policies and Guidance:

Chapter 7 - Requiring good design

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 11 – Conserving and Enhancing the Natural Environment

Other Policy Considerations:

National Planning Practice Guidance, published online March 2014.

6. CONSULTATION RESPONSES

The following is a brief summary of consultee advice. Further information is included within the assessment, where necessary.

KC Ecology and Biodiversity officer - No objections. Mitigation measures should be included in the development.

KC Highways Development Management – Initially objected as the proposals would result in intensification of the access and satisfactory sightlines cannot be achieved.

However, further amended details have been submitted during the course of the application, including a speed survey and a follow up site visit by the Highways Officer. This initial objection has now been withdrawn. Subject to

conditions, the proposal is considered satisfactory from a highway safety perspective.

Coal Authority - Initial objection as the Coal Mining Risk Assessment (CMRA) submitted did not adequately assess the risk posed from the mining legacy. A revised CMRA was subsequently submitted which has identified the presence of workings but concludes that these would not pose a risk to the development.

7. Public/Members Response

No representations received as a result of site publicity.

Denby Dale Parish Council – Consulted but no response received.

8. ASSESSMENT

Principle of Development:

The site is unallocated on the Unitary Development Plan and on such sites there is a presumption in favour of development providing that the proposals would not cause harm to highway safety, residential and visual amenity or any other relevant considerations.

In terms of housing delivery, following recent analysis of housing land supply the Council is unable to demonstrate a five year supply of available housing land sufficient to satisfy the requirements of the National Planning Policy Framework (NPPF). Paragraph 49 of NPPF states that if a Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites “relevant policies for the supply of housing should not be considered up-to-date”. Paragraph 14 states that where “relevant policies are out of date” planning permission should be granted unless:

“• any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.”

The site is the garden area of a dwelling and as such is considered as a greenfield site. Although there is currently no presumption in favour of the development of brownfield land there are some additional considerations when a garden is proposed for new residential development.

It is clear from the site visit that this site affords little in the way of ecological value.

The site is located within a sustainable location in close proximity to local amenities and it is considered that the value of the site as a green space does not outweigh the benefits of housing provision within a sustainable location.

The principle of housing development on this site is considered to be acceptable, in accordance with the sustainability principles of the NPPF subject to assessment of the impact of the proposals on other relevant considerations.

These impacts are considered in the below assessment.

Impact on visual amenity:

The site of the proposed dwelling would be part of the existing garden and parking area serving no. 6 Barnsley Road. This is located between a row of cottages, nos. 14 to 22 Barnsley Road, and the host dwelling, nos. 4 and 6 which are arranged perpendicular to the adjacent highway.

This arrangement means that the main amenity space serving all of these dwellings lies in this space between them, and results in a pleasant open area. The proposed dwelling would be located more or less central to this space. It would be in the form of a narrow dwelling which would be orientated at 90 degrees to these other dwellings.

Whilst the design of the dwelling, would in isolation be acceptable, it does not relate well in terms of the detail to these traditional cottages which face onto the development site. It is acknowledged that the proposals would be to use natural stone on most elevations, however it is unclear why render is proposed to part of the east elevation, which faces neighbouring properties and to the south elevation which faces the open fields to the rear. Given that the adjacent properties are of stone construction, and traditional design the materials used in the construction of the dwelling should reflect this as required by policy BE11 of the UDP.

On balance, the combination of the orientation, the design of the dwelling and the siting would result in an incongruous form of development which would have detrimental impact on the streetscene. The proposals are considered contrary to policies BE1 and BE2 of the UDP and chapter 7 of the NPPF.

Impact on residential amenity:

The design of the proposed dwelling means that any habitable room windows would face to the south or north and as such would not overlook any of the adjacent dwellings or their associated garden areas.

There are some windows proposed in the side elevation facing nos. 14 to 22 however these would serve a stairwell and if approval is given can be conditioned to be obscure glazing.

The main issue however, is not the potential for overlooking, but the siting of a dwelling which, for the occupiers of no. 6 Barnsley Road and nos. 18, 20 and 22 Barnsley Road would appear as a rather dominant feature adjacent to the amenity space and for the occupiers of no. 6 alone would have a direct relationship with habitable room windows. Whilst in simple terms the distances recommended by policy BE12 of the UDP can be achieved, the proposed two storey dwelling would have an overbearing impact on the residential amenity of the occupiers of these adjacent dwellings.

An amended plan has been received (24/05/16) which shows an increase to the amenity space of the proposed dwelling and a reduction to that of no.6. It is the assessment of the officer that this does not address the issues raised above; furthermore it results in a slightly contrived boundary scheme.

It is acknowledged that no.6 is within the ownership of the applicant; however the future, long term residential amenity of the area would outweigh this consideration.

As such the proposed dwelling would have an adverse impact on residential amenity contrary to policies D2 and BE1 of the UDP and Chapter 7 of the NPPF.

Highway safety:

The access to the site will be via a relocated access serving no. 6 and the proposed dwelling. There would be 3 parking places and 1 garage space, all of an acceptable size; there would also be an internal shared turning area.

There are two main issues with this proposal; the substandard access and the intensification of the site.

The applicant had originally proposed that the access be slightly relocated to the west to allow for better visibility along the nearside lane where traffic approaches from the east. However this still did not achieve the visibility splays required by the Council's Highways officer and it would be over 3rd party land.

This issue was raised with the applicant who has subsequently served notice on the owner of this land and certificate "B" has now been signed and submitted.

It is important to note that Barnsley Road through Flockton village is a busy "A" classified highway and recent surveys on this section indicate that car speeds are above the 30mph speed limit, however the applicant has subsequently had a speed survey carried out and amended the proposed site lines after a more detailed site survey.

A modified Design and Access Statement has also been submitted which now asserts that the building is occupied as two separate dwellings and, should permission be given the building would be occupied as a single dwelling.

This further information was submitted to the Local Planning Authority on 27 May 2016 and following a site visit, it was the assessment of the Highways Officer that the amended proposals would provide acceptable visibility splays and internal turning area to serve the existing and proposed dwelling.

The modified proposals show that visibility splays of 2.4m x 38.3m can be achieved to east of the site across third party land, and 2.4m x 40m to the west of the site. This would need to be conditioned if planning permission was granted.

In addition, the proposed parking layout is also considered acceptable for serving two dwellings.

It is important to note that this application has been assessed in the assumption that nos. 4 and 6 Barnsley Road are occupied as a single dwelling as council records indicate.

Subject to conditions, the proposals would not result in any significant highway safety issues and the proposals are therefore in accordance with policies T10 and T19 of the UDP.

Other Issues:

Coal Mining legacy.

The site lies within a High Risk coal mining area; as such it is the requirement of the local planning authority to consult the Coal Authority on this type of development. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy does not pose a risk to the development providing that a reinforced raft is incorporated in the development as a precautionary measure. It should be conditioned should approval be recommended, that the development is carried out in accordance with the submitted Coal Mining Risk Assessment, and the standard high risk footnote also included.

Ecological Issues.

The LPA's Ecologist was consulted and has requested that any ground clearance should be undertaken outside of the bird breeding season. In addition compensatory features in the form of one bat and one bird box should be incorporated in the development. These can be conditioned should approval be given.

Representations/Objections:

None received

Summary:

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. Whilst the applicant has demonstrated to the satisfaction of the Highways Officer that the proposals would not adversely affect highway, it is considered that the development proposals do not accord with the development plan in terms of residential and visual amenity and 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

REFUSE:

1. The proposed dwelling, by virtue of the combination of the design, siting and orientation would result in an incongruous form of development which would have a poor visual relationship with the existing, nearby dwellings, as such the proposals would be detrimental to visual amenity. To permit the proposal would be contrary to policies D2, BE1, and BE2 of the Kirklees Unitary Development Plan and the aims of Chapter 7 of the National Planning Policy Framework.

2. The proximity of the two storey dwelling, immediately adjacent to the outdoor amenity space of nearby properties, would have an overbearing impact which would be harmful to the residential amenity of the occupiers of these dwellings contrary to policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and Chapter 7 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, block plan and proposed layout.	BG/P02/2	1	10/03/15
Proposed elevations and floor plans.	BG/P02/1	1	10/03/15
Design and access statement.	(amended)	2	14/04/16
Coal Mining Risk Assessment			23/03/15
Supporting information	Letter to planning	1	10/08/15
Supporting information	Photographic survey	1	10/08/15
Site plan	P02-3(3)	1	10/08/15
Highways statement	Letter to Highways	1	14/02/16
Sightlines plan and amended layout.	1/500	1	27/05/16
Highways technical statement.	HY Consulting LTD	1	27/05/16

Application No: 2015/92068

Type of application: 60m - *OUTLINE APPLICATION*

Proposal: *Outline application for residential development*

Location: *adj, 26, Track Road, Batley, WF17 7AA*

Grid Ref: 423778.0 423053.0

Ward: *Batley East Ward*

Applicant: *Tahir Zaman & Imran Ul-Haq*

Agent: *Robert Halstead Chartered Surveyor*

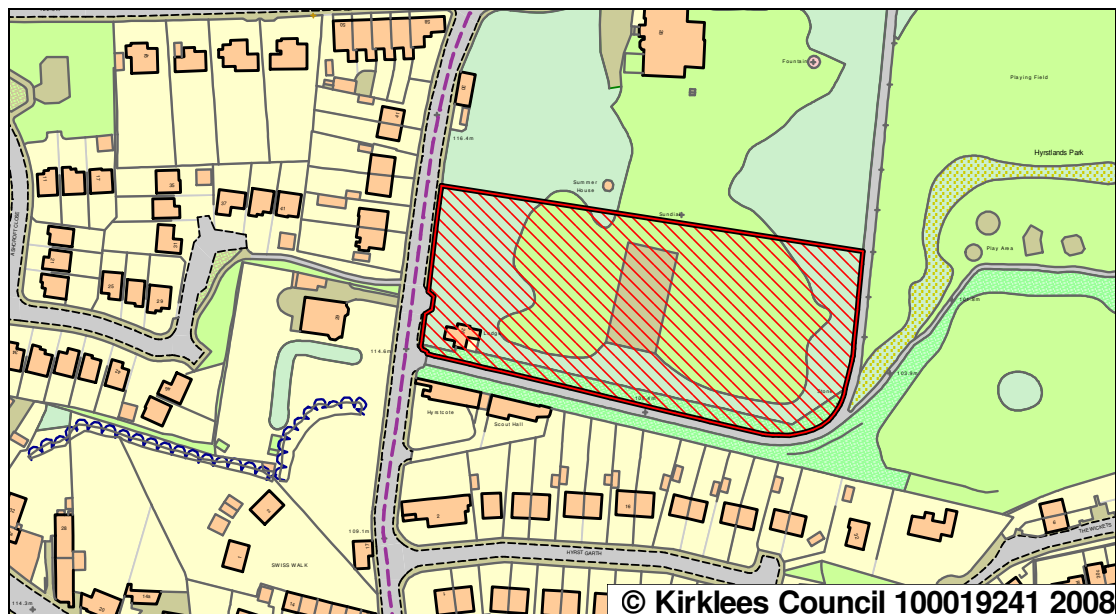
Target Date: *09-Oct-2015*

Recommendation: *OP - CONDITIONAL OUTLINE PERMISSION*

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY

Scale of Development	0.98 ha	
No. Jobs Created or Retained	N/A	
Policy		
UDP allocation	D2 Unallocated	
Independent Viability Required	N/A	
Representation/Consultation		
Individual Support (No.)	0	
Individual objections	0	
Petition	No	
Ward Member Interest	None	
Statutory Consultee Objections	None	
Contributions		
• <i>Affordable Housing</i>	N/A	
• <i>Education</i>	N/A	
• <i>Public Open Space</i>	To be secured by condition	
• <i>Other</i>	N/A	
Other Issues		
Any Council Interest?	N/A	
Planning Pre-application advice?	None	
Pre-App Consultation Undertaken?	No	
Comment on Application	<p>The proposal is for a residential development on unallocated land on the UDP as such there is no objection in principle. The Council is currently unable to demonstrate a 5 year supply of deliverable housing land and this development would assist in addressing that shortfall.</p> <p>The site is considered to be in a sustainable location and the matter of access is acceptable.</p>	

RECOMMENDATION:

CONDITIONAL OUTLINE PERMISSION

2. INFORMATION

The application is brought to the Heavy Woollen Planning Sub-Committee in accordance with the Council's scheme of delegated authority as the site exceeds 0.5ha in area.

3. SITE DESCRIPTION / PROPOSAL

Site Description

The application site comprises a gently sloping area of land located on the eastern side of Track Road. The site is densely screened to the east, west and southern boundaries by mature trees, some of which are protected. An existing access into the site is located on Track Road, adjacent to a single storey Lodge building, which is currently vacant.

The site forms part of the historic curtilage of Hyrstlands, a Grade II listed building, now known as the Al-Hikmah Centre to the north, Hyrstlands Park to the east and residential properties to the south and west.

Proposal

Outline approval is sought for residential development on the site. At this stage, all matters are reserved for subsequent approval with the exception of access.

4. BACKGROUND AND HISTORY

2016/91265 – Formation of multi-use games area with cricket practice bay, footpath and ramp access, erection of fence, floodlights and storage container – pending decision

Pre 2000

98/91139 – Erection of one detached dwelling with garage – refused (appeal dismissed)

97/90303 – Erection of 6 detached dwellings and garages – refused (appeal dismissed)

5. PLANNING POLICY

The application site is unallocated on the Kirklees Unitary Development Plan proposals map.

Kirklees Unitary Development Plan:

D2 - General Development Policy
BE1 – General Design Principles
BE2 – Quality of Design
NE9 - Retention of Mature trees
BE12 – Space about buildings
T10 – Highway Safety
H18 – Provision of open space

National Policies and Guidance:

Chapter 6 – Delivering a wide choice of high quality homes

Chapter 7 – Requiring Good Design

Chapter 11 – Conserving and enhancing the natural environment

Chapter 12 – Conserving and enhancing the historic environment

6. CONSULTATIONS

The following is a brief summary of consultee advice. Further information is included within the assessment, where necessary.

KC Highways Development Management: No objections subject to imposition of conditions.

KC Conservation and Design: No objections.

KC Arboricultural Officer: No objections subject to imposition of conditions.

KC Biodiversity and Land Use Officer: No objections subject to imposition of conditions.

KC Environmental Services: No objections subject to imposition of conditions.

KC Parks and Recreation: The size of the site is above the trigger for the provision of public open space, in accordance with Policy H18. In this case, an off-site contribution in lieu of on-site provision at the adjacent Hyrstlands Park would be acceptable.

7. REPRESENTATIONS

The application was publicised by site notice, neighbour notification letter and site notice. No representations were received as a result of this site publicity.

Amended plans and additional information has been received through the course of the application, and this was re-advertised by neighbour notification letter and site notice (site publicity expired 25 May 2016). No representations have been received.

8. ASSESSMENT

General principle:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

The site is not subject to specific policies and the principle of residential use is compatible with Policy D2.

In accordance with the guidance contained within Paragraph 14 of the National Planning Policy Framework, there is a presumption in favour of sustainable development, for decision taking purposes this means “approving development proposals that accord with the development plan without delay”.

Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of development. The site is considered to be in a sustainable location in terms of access to services and facilities and to public transport.

In addition, the Council is currently unable demonstrate a 5 year supply of deliverable housing sites, the provision of residential development on this site will assist in addressing this shortfall.

Impact on amenity:

Visual Amenity

This is an outline application for residential development with only access to be considered, and matters of scale, layout, landscaping and appearance will all be reserved matters to be considered under a separate application. Notwithstanding this, the submitted plans indicate the provision of four large detached plots. The immediate locality has a mix of house types although the general density of development is lower than that which would result from the proposals. In this instance, the application site differs in character to the immediate urban environment by virtue of the presence of mature trees to all boundaries. These trees afford a significant degree of amenity value and contribute to the setting of the Listed Building. These factors present a constraint to the developable area of the site. As such, the principle of a low density development on the site is considered to be appropriate in these circumstances.

Impact on setting of Listed Building

The application site is located within the grounds of the Grade II Listed Hyrstlands and the proposed dwellings would be located in excess of 50m to the south of this Heritage Asset. The applicant has submitted a Heritage Impact Assessment as part of the application.

The proposals involve the utilisation of the existing access point and retention of the Lodge and the Council’s Conservation and Design Team raise no objections to the proposals which are considered to be in accordance with Policies BE1 and BE2 of the Unitary Development Plan, in accordance with government guidance contained within Part 12 of the NPPF.

Residential Amenity

Policy BE12 of the UDP is relevant to the application, with respect to space about buildings. The nearest residential properties which could be potentially affected by the development are located on Hyrst Garth to the south. However, adequate separation distances could be achieved between the proposed development and these properties, in accordance with Policy BE12 of the UDP.

Application ref 2016/91265 is currently under consideration on the adjacent site to the north. This seeks permission for the formation of a multi-use games area with flood lighting and other associated development. The impact of this on the amenity of future occupiers of the proposed development is therefore a material consideration in the assessment of this application.

KC Environmental Services have raised concern that the proposed MUGA on the adjacent site could result in noise disturbance to future occupiers of the proposed residential development. However, this potential impact could be mitigated by the inclusion of a sound insulation scheme and provision of an acoustic barrier on the northern boundary of the application site, which could be dealt with at the reserved matters stage.

Subject to consideration of the above, there would be no significant detrimental impact on residential amenity of existing or future occupiers, and the proposals would accord with Policies D2, BE1, BE2 and BE12 of the Unitary Development Plan.

Highway issues:

The site has the benefit of an existing access from Track Road close to the southern boundary and this would be retained to serve the development. The existing Lodge building adjacent to the access would be retained. In terms of the highway network, Track Road is a classified residential road which provides access to Halifax Road to the south.

The existing access would be modified to provide improved sight lines, and within the site, the proposed internal access would include the provision of two passing places along its length. In addition, through the course of the application, additional plans have been received which demonstrate that a refuse vehicle can enter, exit, and turn within the site.

Whilst no detailed plans of the layout are provided, it is considered that there would be sufficient in space to accommodate off street parking for each plot.

The proposed access and turning arrangements are considered to be acceptable and in accordance with Policies D2 and T10 of the Unitary Development Plan.

Trees:

As noted above, the application site contains a number of mature trees along its boundaries, many of which are protected. These provide a significant degree of amenity value and form part of the setting of the adjacent Grade II Listed Building.

The application is accompanied by an Arboricultural Method Statement (AMS) however this makes reference to the erection of 6 dwellings and not 4, as proposed. Notwithstanding this, the Council's Arboricultural Officer considers that the AMS contains sufficient detail to demonstrate that the internal access could be built with an acceptable impact upon the protected trees, subject to the submission of further details.

On the above basis, subject to the imposition of a condition requiring a further Arboricultural Method Statement to be submitted, the proposals would have no significant detrimental impact upon the vitality and viability of protected trees, in accordance with the aims of Policy NE9 of the UDP.

Biodiversity:

The application is accompanied by an ecological survey report which establishes that the application site of limited ecological interest consisting primarily of rank grassland. However, the main woodland blocks within the site are identified as Habitats of Principal Importance and should be excluded from the development footprint. Some individual/groups of trees lie outside of the main woodland blocks and the inclusion of these into the gardens would be considered to be acceptable.

The submitted ecological survey report makes a series of general recommendations to mitigate and provide enhancement measures for the development, and Officers consider that these should be included within a Biodiversity Mitigation and Enhancement Plan as reserved matters, with details to be approved by the Local Planning Authority. This would ensure that the proposed development would accord with the requirements of chapter 11 of the NPPF.

Land Contamination:

The applicant has submitted a Phase I Contaminated Land Report as part of the application. This concludes that the main issue relating to contamination is potential ground gas issues from two infilled mill ponds within 250m of the site. The report recommends further work to determine if the site is impacted by ground gasses or in lieu of a programme of gas monitoring, the report proposes gas protection measures are incorporated into the building design.

The submitted Phase I Report has been assessed by KC Environmental Services who have concerns about the findings and recommendations of the report, since significant quantities of unspecified material were imported into the site in 2011. Officers therefore consider that further contaminated land

investigations are necessary prior to the commencement of development due to the nature of the end use which will be sensitive to contaminated land issues. A series of conditions is therefore recommended in this instance, to ensure that the proposed development meets the requirements of chapter 11 of the NPPF.

Drainage:

The site is located within Flood Zone 1, an area least likely to flood. This is an outline application and the imposition of drainage conditions would be reasonable and appropriate. This would ensure that the proposal would be in accordance with the aims of chapter 10 of the NPPF.

Air Quality:

Paragraph 109 of the NPPF 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 relatively 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.

Public Open Space:

The size of the site is above the trigger for the provision of public open space, in accordance with Policy H18. In this case, an off-site contribution in lieu of on-site provision at the adjacent Hyrstlands Park would be acceptable. This could be secured by way of condition.

Objections:

No objections received to date

Conclusion:

The proposal is for a residential development on unallocated land on the UDP to which there is no objection in principle. The Council is currently unable to demonstrate a 5 year supply of deliverable housing land and this development would assist in addressing that shortfall.

The site is considered to be in a sustainable location and the matter of access is considered to be acceptable.

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the

development would constitute sustainable development and is therefore recommended for approval.

9. RECOMMENDATION

CONDITIONAL OUTLINE PERMISSION

1. Approval of the details of the scale, appearance, layout and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the scale, appearance, layout and the 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. 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 agreed 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.
6. No dwelling shall be occupied until an access with a gradient not exceeding 1 in 20 for the first 5.0m of the carriageway of Track Road and the remainder of the access no steeper than 1:10 shall be provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the access shall be retained, free of obstructions thereafter.

7. Notwithstanding the details shown on Drawing No. 1515801, no development shall take place until a scheme detailing arrangements and specification for access, layout and parking have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

8. A Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority before development commences.

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

12. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

13. A Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority before development commences. This shall include the following:

- **Landscaping:** the retention of trees with bat roost potential and woodland habitats as identified in the Phase 1 Survey of the Ecological Report. Where any vegetation is removed there should be additional planting to enhance and develop habitat networks within and beyond the site through the planting of native tree and shrub species.
- **Management of the woodland:** a simple woodland management plan shall be produced with guiding principles for the management of these areas to retain and enhance biodiversity interest.
- **Bat boxes:** the erection of an appropriate number of woodcrete bat boxes, in the form of Schweglar type 1FR/2FR bat boxes or similar installed integral to the new dwellings within the site and Schweglar type 1FF on the mature trees.
- **Bird boxes:** the erection of 2 sparrow terraces integral to the new buildings and 3 woodcrete nest boxes suitable for starlings erected on trees within the site.
- **Lighting plan:** details of artificial lighting on a plan including security lighting showing anticipated light levels across the site. Note that there should be no light spillage into tree habitats and corridors where bats are likely to forage or, areas with bat roost potential including installed bat boxes. This applies to both construction and post development phases of the development.

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 an approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such time as the approved drainage scheme has been provided to site to serve the development, or each agreed phasing of the development to which the dwellings relate, and thereafter retained.

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

16. An electric vehicle recharging point shall be installed within the dedicated parking area/garage of each of the approved dwellings before the dwelling to which the recharging point is first occupied. 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. The electric vehicle charging points so installed shall thereafter be retained.

17. The development hereby permitted shall be carried out in complete accordance with the approved 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.

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

Plan Type	Reference	Version	Date Received
Site Location Plan			10.07.15
Proposed Site Plan	September 2015	B	26.05.16
Swept Path Analysis	1515801		10.02.16
Planning Statement			10.07.15
Ecological Appraisal and Bat Roost Assessment	January 2015		10.07.15
Phase I Desk Study Report	14-12-07	January 2015	10.07.15
Design and Access Statement			10.07.15

Application No: 2013/91499

Type of application: 62m - FULL APPLICATION

Proposal: Erection of 3 storey care home unit (containing 35 bedrooms), alteration to the secondary site access, associated parking provision and landscaping

Location: Pilling House Residential Care Home, 4, Pilling Lane, Skelmanthorpe, Huddersfield, HD8 9EQ

Grid Ref: 423567.0 410735.0

Ward: Denby Dale Ward

Applicant: Hill Care Ltd

Agent: Richard Borrows, Ward Associates Planning Consultants

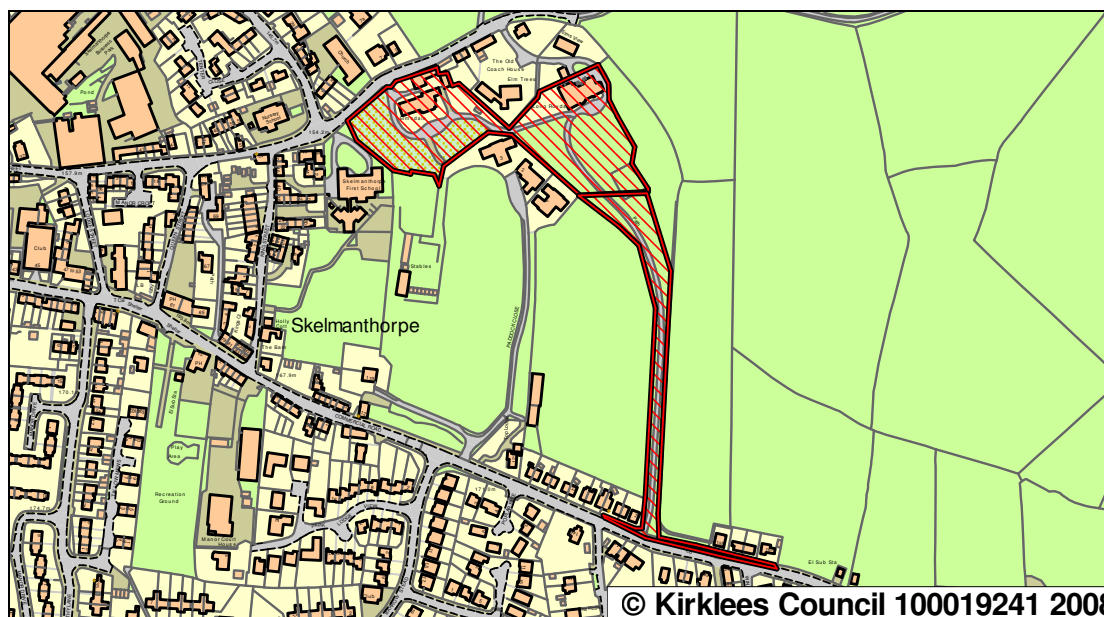
Target Date: 19-Jan-2015

Recommendation: FC - CONDITIONAL FULL PERMISSION

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Scale of Development	1.47ha	
No. Jobs Created	30	
Policy		
UDP allocation	D2 Unallocated/ D5 (Small part of access is on POL)	
Independent Viability Required	N/A	
Representation/Consultation		
Individual Support (No.)		
Individual objections	4 in total	
Petition	No	
Ward Member Interest	None	
Statutory Consultee Objections	None	
Contributions		
• Affordable Housing	N/A	
• Education	N/A	
• Public Open Space	N/A	
• Other	N/A	
Other Issues		
Any Council Interest?	N/A	
Planning Pre-application advice?	None	
Pre-App Consultation Undertaken?	No	
Comment on Application	The proposal would constitute a community facility on a site currently used as a Residential Care Home. The proposals would have no significant detrimental impact upon residential or visual amenity, highway safety or the character of the area and would accord with the relevant policies.	

RECOMMENDATION:

CONDITIONAL FULL PERMISSION

2. INFORMATION

The application is brought to the Heavy Woollen Planning Sub-Committee in accordance with the Council's agreed scheme of delegated authority as the site exceeds 0.5ha in area.

3. SITE DESCRIPTION / PROPOSAL

Site Description

The application site is accessed via a long driveway off Commercial Road, Skelmanthorpe which serves a residential care home. The site bounds Pilling

Lane to the north, with Skelmanthorpe Methodist Church and residential dwellings also to the north, and the Skelmanthorpe First School to the south west. The site lies just outside the Skelmanthorpe Conservation Area. A band of protected trees runs along the north-west and south-west boundaries of the site.

The site contains Pilling House and Longroyds residential care homes, which provide accommodation for a total of 42 residents. In addition, to the east of Pilling House, there are 5 independent living apartments.

There is a change in levels from south to north, and the existing Care Home buildings are not easily visible from Commercial Road.

Proposal

Permission is sought for the erection of a 3 storey building containing 35 bedrooms, to be located to the side of Pilling House (also known as Elmsdale), within the north west corner of the site. An enlarged parking area is also proposed to the south of the existing building, providing 18 additional parking spaces.

The current proposal would replicate a similar application which was approved in 2005.

4. BACKGROUND AND HISTORY

2015/93664 – Outline application for residential development – subject to determination at this Committee

2014/91628 – Erection of 85 dwellings and associated infrastructure, Approved by Strategic Planning Committee (POL Land on adjacent site)

2013/90881 – Outline application for erection of 3 dwellings, Invalid (incorrect certificates signed)

2005/90634 – Erection of 3 storey care home building – Approved (not implemented)

2004 93022 - Erection of three storey care home - Withdrawn

2003 93326 - Erection of single storey sun lounge/dining room extension

2002 93326 - Erection of three storey extension - Approved

5. PLANNING POLICY

The site itself is unallocated on the Unitary Development Plan proposals map. Part of the access is within an area allocated as Provisional Open Land.

Kirklees Unitary Development Plan:

D2 – Unallocated Land
D5 – Provisional Open Land
BE1 – General Design Principles
BE2 – Quality of Design
BE12 – Space about Buildings
C1 – Community Facilities
T10 – Highway Safety
NE9 – Retention of mature trees

National Policies and Guidance:

Chapter 7 – Requiring Good Design
Chapter 8 – Promoting Healthy Communities
Chapter 11 – Conserving and enhancing the natural environment

6. CONSULTATIONS

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

KC Highways Development Management: No objections subject to conditions

KC Environmental Services: No objection subject to conditions

KC Flood Management and Drainage: No consideration of sustainable drainage techniques is included in the design of the development, however recommend the imposition of conditions should permission be granted

KC Biodiversity and Land Use Officer: No objections subject to conditions

KC Arboricultural Officer: No objections

West Yorkshire Police Architectural Liaison Officer: Advise that measures are incorporated into the development which meet the requirements of 'Secured by Design'.

Yorkshire Water: No objections subject to conditions

7. REPRESENTATIONS

The application was publicised by site notice, press advert and neighbour notification letter. Three letters of representation were received, and the concerns raised are summarised as follows:

- Loss of privacy to residential properties on Pilling Lane. Existing trees will only screen the development for part of the year.
- Concern over which trees will be retained

- Highway safety impact
- Pilling Lane is inadequate for the heavy goods which currently supply the residential home via this access
- Not clear how the Pilling Lane access is to be pedestrianised
- Commercial Road entrance is the access to No.149 and access to/from garage is directly onto the proposed re-routed access road. Concern that the increased amount of traffic that will use the access during and after construction will increase the risk of collision with traffic exiting the garage of No.149
- The access road is not cleared by the Council in bad weather and is on a downwards slope. Concern that this may lead to cars crashing into the boundary wall or garage of No.149
- The proposed alteration to the gate posts would block access to the garage of No.149/make access difficult
- Occupier of No.149 has a legal right of access
- Query how proposed alterations to access would affect outline application for 3 dwellings on adjacent land
- Suggest alternative alteration to access to take traffic further away from access of No.149

Through the course of the application, amended plans have been received with respect to the access arrangement from Commercial Road. The amended plans have been re-advertised (site publicity expired on 25 May), and as a result of this, one representation has been received to date. The concerns raised can be summarised as follows:

- Concern that the proposed development will impact on view of occupants on Pilling Lane
- Question whether access will be on Pilling Lane as if so this is already a narrow and potentially hazardous road

Denby Dale Parish Council was notified of the application and confirmed that it had no objections to the application.

8. ASSESSMENT

General principle:

The site is unallocated on the Unitary Development Plan, although part of the access falls within land allocated as Provisional Open Land (POL).

With respect to the unallocated part of the site, Policy D2 (development of land without notation) 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.

With respect to development on POL, Policy D5 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 proposals are deemed to constitute a community facility, being a residential care home. The provision of community uses is supported by Policy C1 of the UDP and government guidance contained within Part 8 of the NPPF.

With respect to the site access from Commercial Road, this is existing and the proposed improvements and alterations are proposed on the southern section outside of the POL allocation. As such, the proposed development would accord with the requirements of Policy D5 as set out above.

The principle of the proposed development is considered acceptable and in accordance with UDP Policies D2 and C1, and Chapter 8 of the NPPF. This is subject to the impact of the development as assessed below.

Impact on amenity:

Visual Amenity

The proposed development would be of the same appearance and scale as that which was approved in 2005 having an L-shaped layout and constructed of natural stone with hipped, slate tiled roof.

Whilst the proposed development would be three storeys in nature, due to a slight change in levels, it would have a comparable ridge height to the existing building (Pilling House) and the adjacent school to the west. Furthermore, the existing boundary trees would provide some screening of the development from Pilling Lane. On this basis, Officers consider that the proposal would not result in an incongruous feature within the street scene, and would not detract from the character and appearance of the adjacent Conservation Area.

An additional parking area is proposed to the front of Pilling House, which would be surfaced in tarmac. This would result in the loss of some soft landscaping, however this loss is not considered to be so harmful to have a significant detrimental impact upon visual amenity.

In summary, for the reasons set out above, the proposed development would accord with Policies D2, BE1 and BE2 of the Unitary Development Plan, and government guidance contained within Part 7 of the NPPF.

Residential Amenity

The site is located to the south residential properties on Pilling Lane, and to the west of the existing Care Home (Pilling House/Elmsdale). Policy D2 of the UDP requires the matter of residential amenity to be considered, whilst Policy BE12 recommends minimum separation distances between existing and proposed development, in order to protect the amenity of existing and future occupiers. As the proposed development would provide habitable accommodation, the separation distances set out within Policy BE12 are deemed to be a material consideration in the assessment of the application.

The nearest dwellings are located on Pilling Lane, approximately 40m away, and habitable room windows are proposed within the north elevation of the development at first and second floor levels. The proposals would accord with Policy BE12 in this respect.

The proposed development includes communal facilities (dining area, lounge, quiet lounge) at the ground floor level which would provide access into the landscaped grounds. As such, an acceptable level of amenity would be provided for future occupiers of the development.

Highway issues:

The application site is accessed via an existing private driveway from Commercial Road. This is approximately 280m in length and 3.75m in width, with three un-made vehicle passing places along its length.

The application includes access improvements and the provision of a revised car parking layout to provide 18 additional parking spaces

The width and alignment of the driveway at its junction with Commercial Road is to be improved to allow service and emergency vehicles to turn into and out of the proposed improved access. Plans provided for a separate outline application for residential development at Longroyds (2015/93664) (also considered at this Planning Committee) show an identical improvement scheme at the junction with Commercial Road.

These plans show sight lines of 2.4m x 25m to the right and 2.4m x 65m to the left. Whilst it is noted that the sight line to the right is sub - standard it is considered to be a significant improvement when compared to the existing access arrangements which provide sight lines of 10m to the right and 7.5m to the left.

The Pilling Lane access is to be retained to provide access for refuse collection and delivery vehicles, in addition to pedestrian access

As the access is to be improved, which would include surfacing of the access, formal passing places and improved visibility onto Commercial Road which will be of benefit to other Highways users, Officers consider that the proposals

would be acceptable and would comply with the relevant policies with respect to highway safety.

Drainage:

The application form states that surface water will be discharged to the mains sewer. Yorkshire Water has confirmed that there are no objections to the development, subject to the imposition of conditions.

Trees:

The application site contains a series of protected trees along the north western and south western boundary. The submitted details indicate the loss of three trees, however the Council's Trees Officer raises no objections to their removal. The trees to be removed are located away from the road boundary, and as such their loss would not have a significant detrimental impact on the character of the street scene. On this basis, the proposals would accord with Policy NE9 of the Unitary Development Plan.

Objections:

The issues raised in representations are addressed as follows:

Highway safety concerns – access alignment, visibility

Response: Highway safety matters are addressed above. The application includes improvements to the access and entrance, including visibility. Application ref: 2015/93664 (also to be determined at this Sub-Committee) includes the same improvements and alterations. These improvements are considered to be acceptable and in accordance with Policies D2 and T10 of the Unitary Development Plan.

Loss of Privacy to properties on Pilling Lane

Response: The proposed development would accord with the requirements of Policy BE12 of the UDP with respect to space about buildings.

Concern over which trees will be retained

Response: The application is accompanied by a tree survey which details the trees to be removed as part of the development

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the

development would constitute sustainable development and is therefore recommended for approval.

9. RECOMMENDATION

CONDITIONAL FULL PERMISSION

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development of the superstructure of the building commences and the development shall be constructed of the approved materials.
4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.
5. A scheme of remedial works to improve the condition of the surfacing to the access road and proposed and existing passing places from the development site to Commercial Road (including potholing, patching works and surfacing dressing) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme so approved shall be implemented before the development is brought into use.
6. Development shall not commence until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved in writing by the Local Planning Authority
7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
8. There shall be no piped discharge of surface water from the development prior to completion of the approved surface water drainage works and the building shall not be occupied or brought into use prior to the completion of the approved foul drainage works.
9. The development shall be carried out in complete accordance with the Bat Method Statement and Mitigation Strategy dated 5 December 2014.

10. A comprehensive schedule of landscape management shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall thereafter be carried out in complete accordance with the approved schedule. 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.

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

Plan Type	Reference	Version	Date Received
Entrance Realignment	902	A	04.04.16
Site Location Plan			10.05.13
Site Plan	901	E	10.05.13
Elevations	05	B	10.05.13
Ground and First Floor Plans	03	B	10.05.13
Floor Plans	02	B	10.05.13
Site Section	06	B	10.05.13
Second Floor and Roof Layout	04	B	10.05.13
Topographical Survey	8376/1		10.05.13
Topographical Survey	8376/2		10.05.13
Topographical Survey	8376/3		10.05.13
Topographical Survey	8376/4		10.05.13
Topographical Survey	8376/5		10.05.13
Arboricultural Survey Plan			10.05.13
Traffic Statement			10.05.13
Design And Access Statement			10.05.13
Arboricultural Survey Report			10.05.13
Final Bat Method Statement and Mitigation Strategy			05.12.14

Application No: 2015/93664

Type of application: 60 - OUTLINE APPLICATION

Proposal: Outline application for residential development

Location: Long Royd, Commercial Road, Skelmanthorpe, Huddersfield, HD8 9DX

Grid Ref: 423738.0 410578.0

Ward: Denby Dale Ward

Applicant: C Simmons

Agent: Mallalieu Architects Ltd

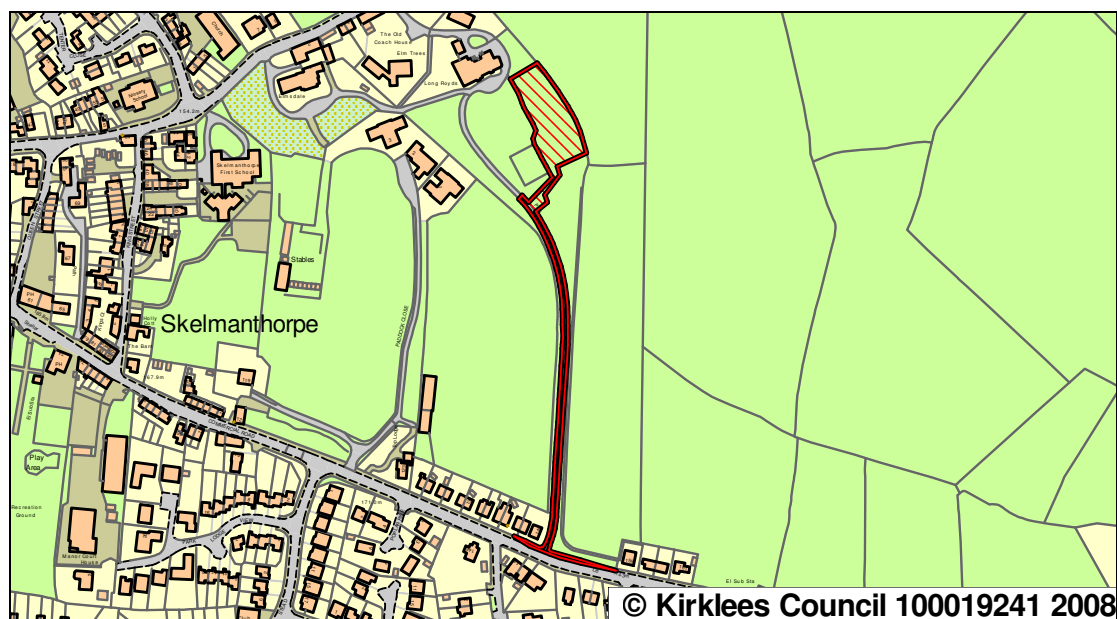
Target Date: 17-Jun-2016

Recommendation: OP - CONDITIONAL OUTLINE PERMISSION

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

This application is for outline permission for a residential development. The land is allocated as Provisional Open Land (POL). In this instance, it is considered by officers that the principle of a residential development is acceptable.

Furthermore, the proposal would have an acceptable level of impact upon the surrounding highway network, visual and residential amenity. Officers recommend approval subject to conditions

RECOMMENDATION:

CONDITIONAL OUTLINE APPROVAL

2. INFORMATION

The application is brought to the Heavy Woollen Planning Sub-Committee as the development proposed would be a departure from the Council's Unitary Development Plan (UDP). This is in accordance with the Council's Scheme of Delegation.

3. SITE DESCRIPTION / PROPOSAL

Site Description

The application site comprises a greenfield piece of land located off Commercial Road, Skelmanthorpe. The land forms a continuation of a manicured garden area associated with the adjacent nursing home (though it is within separate ownership). The surrounding area to the north and east are open fields within the Green Belt. The area of land to the east forms the rest of the wider Provisional Open Land allocation, with a residential development currently under construction. The access to the site is narrow and tree-lined which forms part of its overarching character.

Proposal

Outline permission is sought for a residential development at land off Commercial Road, Skelmanthorpe. At this stage, only the principle of development is being sought with all other matters (access, layout, scale, appearance and landscaping) reserved for a future application.

The submitted red line boundary plan indicates that the development would be accessed via a private drive from Commercial Road. Currently this access serves 3 care homes (Elmsdale, Elm Trees and Long Royds) along with access for no.149 Commercial Road.

The application site is roughly rectangular in shape and is situated along the eastern boundary of the site, in front of 'Long Royds'

4. BACKGROUND AND HISTORY

2014/91628 – Erection of 85 dwellings and associated infrastructure, Approved by Strategic Planning Committee (POL Land on adjacent site)

2013/90881 – Outline application for erection of 3 dwellings, Invalid (incorrect certificates signed)

2013/91499 – Erection of 3 storey care home unit (containing 35 bedrooms), alteration to the secondary site access, associated parking provision and landscaping. **Subject to determination at this committee.**

5. PLANNING POLICY

The application site is allocated Provisional Open Land on the Unitary Development Plan proposals map.

Kirklees Unitary Development Plan

D5 – Provisional Open Land (POL)

BE1 – Design principles

BE2 – Quality of design

BE12 – Space about buildings

BE23 – Crime prevention

T10 – Highway safety

T19 – Parking standards

G6 – Contaminated Land

NE9 – Retention of mature trees

National Planning Policy Framework

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

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 Highways Development Management - No objection in principle subject to conditions

KC Arboricultural officer – No objections to the principle of a residential development but would require a tree survey and method statement for any subsequent application in order to establish how many dwellings are acceptable.

KC Environmental Health – No objections

KC Flood Management and Drainage- No objection to the proposal at outline stage but further details are required to be submitted at Reserved Matters stage

Coal Authority - No objections subject to conditions

7. REPRESENTATIONS

As a result of the publicity, two letters of objection have been received. A summary of the issues raised are as follows:

- Highway safety concerns with regard to
 1. Visibility
 2. Existing vehicles park on the road
 3. Increased traffic
 4. The entrance improvements are not considered acceptable
- Impact upon protected trees
- Trees marked on the plan are not accurate

8. ASSESSMENT

General Principle / Policy:

The application site forms part of a wider allocation of Provisional Open Land (POL) in the Councils UDP, subject to UDP policy D5. Policy D5 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 weight that can be given 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.”

The presumption referred to by the Inspector is set out in NPPF paragraph 14 which 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 policies concerning safeguarded land.

Sustainability:

The National Planning Policy Framework (NPPF) states that the purpose of the planning system “is to contribute to the achievement of sustainable development.” (para 6). It further notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples’ quality of life (para 9).

The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). 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.” (para 8). The NPPF goes on to stress the presumption in favour of sustainable development. The proposals have been assessed in relation to the three strands of sustainable development as follows:

Economic:

The proposal will bring economic gains by providing business opportunities for contractors and local suppliers, creating additional demand for local services.

Social:

There will be a social gain through the provision of new housing at a time of general shortage.

Environmental:

Whilst the development of a greenfield site represents an environmental loss, compensating environmental gains may be possible through the imposition of

conditions. Although national policy encourages the use of brownfield land for development, it also makes 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.

Accessibility is one element of sustainable development but not the ultimate determining factor. Accessibility criteria set out in the revoked Regional Spatial Strategy (RSS table 13.9) provides a useful guide to assess the accessibility of housing development in this location. Although the RSS has been revoked it remains the latest plan which has been subject to public examination and is therefore currently the soundest basis for a paragraph 14 assessment. The tests in this location are as follows:

- Test 1: is there a local service centre within 1200m walking distance?
- Test 2: is there a bus stop within 800m with a service of at least a 30 minute frequency and a journey time of less than 30 minutes (25 minutes bus and 5 minutes walking) to a town centre offering employment, leisure and retail opportunities?
- Test 3: is there a primary school within 1600m? (This equates to a 20 minute walk)
- Test 4: is there a surgery or other primary health facility within 1600m?

The primary access to the site is located approximately 300m away from Skelmanthorpe Local Centre. There are bus stops adjacent to the site entrance, served by routes 80, 81, 82 and 435. Services 80, 81 and 82 combine to provide 3 buses an hour to Huddersfield, with a bus journey time between 35 and 40 minutes to Huddersfield. Service 435 offers a 35 minute service to Wakefield, but this is infrequent. Skelmanthorpe First School is located adjacent to the north west of the site and the site layout shows footpath provision to the school. St Aidan's First School is located 600m walk away from the entrance of the site. Skelmanthorpe Doctors Surgery is located approximately 500m walk away from the site. The site passes tests 1, 3 and 4. In the case of test 2 the journey time to Huddersfield is not considered to represent a significant disadvantage.

Assessing the policies in the national planning policy framework as a whole in accordance with the paragraph 14 test, it is considered that the limited environmental harm arising from the development of this greenfield site is outweighed by the benefits to be gained from the provision of housing.

Impact on Amenity:

Visual amenity

The position of the proposed development is relatively isolated and away from the main public vantage points of Commercial Road. There are however, a number of buildings located directly to the north. These are predominantly stone buildings with traditional features and openings.

At this stage, matters relating to appearance, scale and layout are all reserved for a future application and therefore little assessment can be made as to the impact upon the visual amenities of the surrounding area. It is envisaged however, that a proposal could be put forward which harmonised with the surrounding area with regard to design, scale, appearance and materials.

Officers therefore consider that the proposal can be designed so as to comply with current planning policies relating to visual amenities.

Residential amenity

As this is an outline application with all matters reserved, there are no details provided with regard to the layout of the development however, the application site measures approximately 0.3ha and is clearly of a sufficient size to contain a residential development without impacting upon the amenities of one another.

The closest residential properties not associated with the application site are located to the west on Paddock Close. These dwellings are approximately 55m away meaning that there would be little impact upon the amenities of these properties.

Officers consider that there would be sufficient space internally within the site ensure that a development could be adequately designed so as not to have any detrimental impact upon each other by reason of overlooking, overbearing and over shadowing.

Officers therefore consider that the proposal can comply with current planning policies with regard to impacts upon residential amenities of both existing and proposed dwellings.

Highways Issues:

The site is part of the garden area of Long Royds Residential Home. Permission is sought for outline consent for a residential development with access to the site via an existing private driveway from Commercial Road which currently serves Long Royds Residential Home. This existing driveway which is in poor condition with numerous large potholes is approximately 280m long and an average of 3.75m wide. Three un-made vehicle passing places are provided along the length of this driveway.

It is proposed to widen this access to improve sight lines onto Commercial Road. Service vehicles and delivery vehicles accessing Long Royds would use an existing service access from Pilling Lane. Given the length of the existing driveway service and emergency vehicle access and turning are shown to be provided.

The width and alignment of the driveway at its junction with Commercial Road is to be improved to allow service and emergency vehicles to turn into and out of the proposed improved access. Plans provided for a separate application at

Longroyds and Pilling house Care Home 2013/91499 (also considered at this planning committee) show an identical improvement scheme at the junction with Commercial Road.

These plans show sight lines of 2.4m x 25m to the right and 2.4m x 65m to the left. Whilst it is noted that the sight line to the right is sub - standard it is considered to be a significant improvement when compared to the existing access arrangements which provide sight lines of 10m to the right and 7.5m to the left.

Given that the access is to be improved which would include surfacing of the access, formal passing places and improved visibility onto Commercial Road, which will benefit to other highway users officers consider that this proposal to be acceptable and would comply with current planning policies with regard to highway safety.

Environmental Issues (Air Quality):

In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of electric car charging points is recommended. This would be in accordance with the aims of the NPPF.

Environmental Issues (Historic Coal Mining):

The application site falls within the defined high risk area for historic coal mining. The application is accompanied with a site specific coal mining risk assessment. This report has been informed by an appropriate range of sources of information including; geological plans, BGS borehole data and a Coal Mining Report. Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment Report concludes that there is a potential risk to the development from past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues on the site. In the event that shallow mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required. Subject to conditions, the application would comply with current planning policies with regard to historic coal mining.

Flood risk/ Drainage:

The application form states that surface water will be discharged to the mains sewer. The applicant should consider the hierarchy of suds and demonstrate that sustainable drainage, infiltration and discharge to a watercourse has been explored first. Given that this is an outline application, there are no objections in principle to the development with regard to drainage/flood risk subject to conditions. The application would therefore comply with current planning policies.

REPRESENTATIONS

The issues raised in representations have been considered as follows:

Highway safety concerns with regard to

- Visibility
- Existing vehicles park on the road
- Increased traffic
- The entrance improvements are not considered acceptable

Response: This has been addressed within the main report. The application includes a number of improvements to the access and entrance (including the visibility). These improvements are considered to be a benefit to all users and are considered acceptable.

Impact upon protected trees

Response: As this is an outline application with all matters reserved, no comment can be made with regard to the position of the proposed dwellings and their relationship to the protected trees. However, any subsequent Reserved Matters application would need to fully assess this impact including a tree survey/method statement.

Trees marked on the plan are not accurate

Response: Amended plans have been received which now accurately indicate the position of the trees

Conclusion:

The proposal complies with current planning policies and there will be no adverse impact in terms of visual or residential amenities or highway safety and for the reasons detailed above it is considered that (subject to the imposition of appropriate conditions) the proposal is acceptable. The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

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

9. RECOMMENDATION

CONDITIONAL OUTLINE APPROVAL:

1. Approval of the details of the layout, access, appearance, landscaping 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 layout, access, appearance, landscaping 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 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 actual or potential land contamination at the site, including historic coal mining legacy, has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.
6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 with regard to land contamination or historic coal mining activity, 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 with regard to land contamination and/or historic coal mining activity 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 approved 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 approved 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. Before development is first brought into use, the site access shall be re-aligned as shown on plan number 2279/6a and the wall to the Commercial Road site frontage shall be reduced to a height not exceeding 0.9m above the level of the adjoining highway and the sightlines of 2.4m x 25m to the west and 2.4 x 65m to the east shall be cleared of all other obstructions and shall thereafter be retained free of any such obstruction.

11. Before any dwelling is occupied turning facilities shall be provided in accordance with details that have previously been approved in writing by the Local Planning Authority. 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.

12. A scheme of remedial works to improve the condition of the surfacing to the access road and proposed and existing passing places from the development site to Commercial Road (including potholing, patching works and surfacing dressing) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme so approved shall be implemented before the development is brought into use.

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

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. 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.

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

Plan Type	Reference	Version	Date Received
Coal Mining Risk Assessment	MCS 3238		27 th Jan 2016
Design and access statement			8 th Dec 2015
Site location plan	2279/4		17 th March 2016
Existing site entrance plan	2279/2		8 th Dec 2015
Proposed site entrance plan	2279/3	A	24 th March 2016

Application No: 2016/91013

Type of application: 49 - GENERAL REGULATIONS REG.4

Proposal: Formation of wheel park

Location: Recreation Ground adj, Burton Acres Lane, Highburton, Huddersfield, HD8

Grid Ref: 419875.0 413280.0

Ward: Kirkburton Ward

Applicant: Maryke Woods, Kirklees Council, Streetscene

Agent:

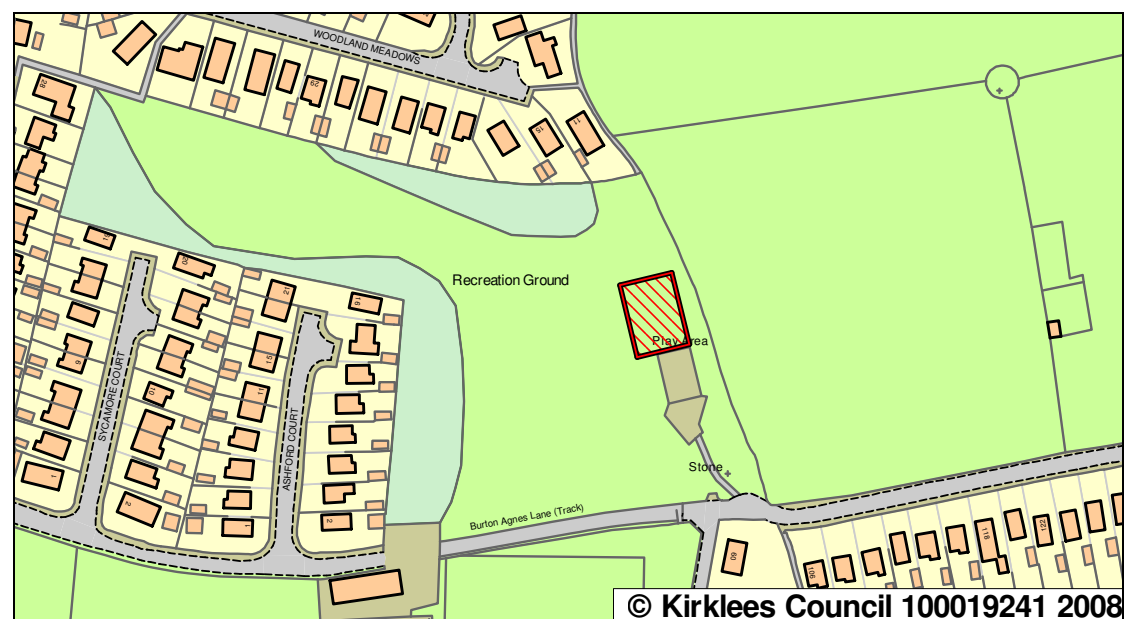
Target Date: 08-Jun-2016

Recommendation: GR2 - GRANT UNDER REG.4 GENERAL REGULATIONS

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The application seeks permission for the formation of a skate park on land to the north of the existing children's playground in Highburton Recreation Ground.

On the basis of the submitted information, Officers recommend grant under regulation 4.

2. INFORMATION

The application is brought to the Heavy-Woolen Planning Sub-Committee due to requests from Ward Councillors John Taylor and Bill Armer, as well as the high level of public interest in the proposed development.

Councillor John Taylor states: if you 'are minded to recommend approval of this revised application that the matter be referred to Committee and a site visit undertaken so that Councillors can get a sense not only of the distances from local properties but also the topography and feel of the location which is impossible to do purely from photos or plans.'

Councillor Bill Armer states: 'This amended application is extremely contentious, and raises passions on all sides. I am also concerned that there is a need for the greatest transparency in the decision making process, the more so since the application comes from KMC. For these reasons, I request that the matter is referred to Committee for decision.'

The chair of Sub-Committee has confirmed that Councillor Taylor and Armer's reasons for making this request are valid having regard to the Councillor's Protocol for Planning Sub-Committees.

3. SITE DESCRIPTION / PROPOSAL

Site Description

The application site forms part of Highburton Recreation Ground, located off Burton Acres Lane in Highburton. An existing children's play area is to the south of the application site and playing fields located to the west. The land level falls slightly to the north of the children's play area and the site area has an uneven topography. The land contains vegetation and several trees.

Public right of way (KIR/70/10) is located to the east of the Recreation Ground and runs adjacent to the application site, providing access from Burton Acres Lane and Burton Agnes Lane (track) to Woodland Meadows and continuing in a northerly direction.

Along the northern and western boundaries of the Recreation Ground are the dwellings of Woodland Meadows and Ashford Court respectively. To the south east are the dwellings of Hallas Road and Burton Acres Lane. Three tennis courts and a football pitch lie to the south of the Recreation Ground. A small parking area lies to the west of Burton Agnes Lane which takes vehicular access from the west. The nearest residential dwelling is no. 11,

Woodland Meadows which is just over 45m from the northern boundary of the application site, with a distance of approximately 40m to the rear elevation of the conservatory.

Proposal

Planning permission is sought for the formation of a wheel park. This would have a site area of 450sqm and would measure approximately 25m in length and 18m in width.

Exact details of the proposed wheel park's design, appearance and layout have not been submitted. A photomontage showing examples of similar developments has been submitted to provide an indication of the type of development that is sought.

The wheel park would be surfaced in concrete with ramps and boxes also being made from concrete. Any balustrade or railings would be constructed from steel.

No floodlighting is proposed.

4. BACKGROUND AND HISTORY

2015/93304 – Formation of wheel park (within a different part of Highburton Recreation Ground) – withdrawn.

5. PLANNING POLICY

The site is allocated as Urban Greenspace on the UDP proposals map.

Kirklees Unitary Development Plan

D3 – Urban Greenspace

BE1 – Design principles

BE2 – Quality of design

R1 – New Recreational Facilities (Strategy)

R13 – Right of Ways and Public Access Areas

EP4 – Noise Sensitive Development

T10 – Highway safety

National Planning Policy Framework

Chapter 7 – Requiring good design

Chapter 8 – Promoting healthy communities

Chapter 11 – Conserving and enhancing the natural environment

6. CONSULTATIONS

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

Sport England – support the application

KC Environmental Health – no objection

KC Highways Development Management – no objection

KC Public Right Of Way (PROW) – no objection subject to a condition requiring full details of the design, appearance and layout to be submitted and approved before development commences and a footnote adding stating that the PROW shall remain unaffected.

KC Arboricultural officer – No objection subject to a condition requiring details of a landscaping scheme including re-planting of trees to be submitted and approved before development commences.

KC Flood Management and Drainage – no comment due to the scale and nature of the development.

Police Architectural Liaison Officer – no objection in principle. The Police wish to put on the record their concerns about additional noise/anti-social behaviour that the development may generate at a time when police resources are reducing.

7. REPRESENTATIONS

The application was advertised by neighbour letters, press notice, and site notices. As a result of the publicity, 151 representations have been received.

- Against – 120;
- In support – 22;
- General comments or questions – 9

Councillor Taylor, Councillor Barraclough and Councillor Armer have all expressed interest in this application. MP Paula Sherriff is in support of the application.

The issues raised in the representations are summarised as follows:

- Visual impact
 - Concrete is unsympathetic to the surroundings
 - Scale
 - Lack of screening
 - Loss of greenspace
 - Impact on character of the Recreation Ground
- Impact on Ecology
 - Loss of Trees
 - Impact on habitats including bats

- No demonstrated need for the skate park – will just target a minority and there are other skate parks in Meltham and Skelmanthorpe for example
- Lack of detailed plans
- Other sites have not been explored properly by the applicant
- Further houses are going to be built and the open green space is necessary
- Residential Amenity
 - Noise and a belief that the noise report is flawed
 - The skate park in Skelmanthorpe had to be moved further away from residential properties
- Litter
- Fears of anti-social behaviour and crime
 - No natural surveillance of the site
 - Youths may congregate within the passageway between the site and Woodland Meadows
 - Drink and substance abuse
 - Graffiti
 - Existing anti-social behaviour issues in the area
 - Unauthorised vehicles driving across the site to the wheel park
 - Police resources are reduced
 - Youths may use the site after dark
- Highway safety
 - Inadequate parking facilities for youths who may be transported to the site
 - Parking cars may cause congestion and block driveways
 - Drives of the elderly may be blocked
 - Parking spaces are often full with users of the football and tennis club
 - Infrequent buses in the evening and at weekends
 - No emergency access to the area
 - Narrow roads with blind bends close to the site
- Drainage concerns
- Detrimental impact on users of the playground in terms of intimidation and safety
- Concern regarding funding cuts in terms of long term maintenance
- Impact on property values
- Ownership issues

- Covenant on the land
- No public toilets
- Little support for the development in the local community
- Health and Safety including emergency access
- Previous planning application submitted around 10 years ago for the formation of a BMX track on the same piece of land was rejected by the Council
- Construction traffic may damage the recreation ground
- Inaccuracies in the submitted information

Kirkburton Parish Council: object to the application on the following grounds:

- Call for an independent noise survey to be carried out;
- Too close to the houses on Woodland Meadows and would have a detrimental impact on residential and visual amenity;
- Detrimental impact on children's playing facilities;
- Flooding;
- Inadequate parking provision;
- Alternative site should be found.

An objection from the Friends of Highburton Recreation Ground, who state that they represent 240 people, object to the proposal on the grounds of residential amenity due to their concerns regarding the noise impact of the proposed development.

The statements of support are submitted on the following grounds:

- Application for a recreational use in a recreation ground is appropriate development
- Funds have been raised through the hard work of children and adults involved
- Level of funds raised is indicative of the strength of support for the facility
- Site is large enough to accommodate the wheel park
- Children will benefit from additional facilities
- Good use of the space
- Positive effect on young people
- Facilities would be widely used
- May reduce anti-social behaviour
- Minimal costs to the Council in terms of maintenance
- The facilities are located away from housing
- No highway safety implications
- No floodlighting proposed
- Much needed and desired community facility

- Free to use
- Children in the village have to travel to other areas to access such a facility
- The wheel park would complement the other play facilities in the recreation ground and reach a wider age group of children
- Noise report shows no significant adverse impacts
- Promotes health and exercise
- Support from Sport England
- Children in the village are support using scooters and skate boards on the street which is not safe

One of the representations in support includes a statement from a young persons' focus group which consists of 14 no. young people between the age of 12 and 17 years.

8. ASSESSMENT

Principle of Development:

The site is designated as Urban Greenspace on the UDP proposals map. As such, Policy D3 is of relevance which states that proposals for development on this land will not be acceptable unless it is necessary for the continuation or enhancement of established uses or would result in a specific community benefit whilst protecting visual amenity, wildlife value and opportunities for sport/recreation.

Chapter 8 of the NPPF is also applicable, with particular regard to paragraph 74. Indeed it is considered that Policy D3 of the UDP is predominantly in conformity with the NPPF, except in respect of providing community benefit. The type of community benefit permissible under Policy D3 is more than NPPF paragraph 74 would allow, except where replacement open space or alternative sport and recreation provision is proposed; which is the case in this instance.

In addition to the above, Sport England has been consulted on this application. They are satisfied that the development proposal meets their Exception Policy E3, concluding that application would be 'only affecting land incapable of forming a pitch'.

As such, Officers are satisfied that the principle of this development, which will provide an alternative recreational use within the wider recreation ground, would comply with the national guidance of paragraph 74 of the NPPF in terms of sporting/recreational opportunities, Policy D3 of the Kirklees UDP in terms of providing community benefit and would not prejudice any land which could form a sports pitch in the context of Sport England's policy. Officers are therefore satisfied that the principle of development is acceptable and would accord with relevant development plan policies and national planning policy.

Impact on Visual Amenity:

Officers consider that the proposed development would have an acceptable impact on visual amenity. The photomontage demonstrates the type of

scheme that the applicant is aiming to achieve and this is typical of the type of facilities that are found within recreation grounds. The applicant has stated that the wheel park, including ramps and boxes, would be constructed from concrete which is, again, a common material for this type of development. Particularly when considered in the context of the existing children's play facilities, Officers consider that the proposed wheel park would not appear out of place within the Recreation Ground.

As no precise details regarding the scale and design have been submitted, Officers recommend that a condition be imposed which restricts any excavation works to a maximum depth of 1.0m from the existing ground levels and restricts any structures to be built above the ground to a maximum height of 1.8m from existing ground levels. Working within these parameters would result in an acceptable impact on visual amenity.

A condition requiring details of a soft landscaping scheme to be submitted and approved has been recommended as per the comments of the Council's Arboricultural Officer as discussed in a proceeding section. Officers consider that some low level soft landscaping around the skate park would help to soften its appearance.

In summary, Officers consider that the proposed development would be acceptable in terms of visual amenity and compliant with Policies BE1 and BE2 of the Kirklees UDP as well as the aims of Chapter 7 of the NPPF.

Impact on Residential Amenity:

The properties of Woodland Meadows, Ashford Court, Hallas Road and Burton Acres Lane are located within close proximity to the Recreation Ground. The closest residential property is no. 11, Woodland Meadows; the rear elevation of this property is positioned around 45m from the northern boundary of the proposed wheel park, with a distance of approximately 40m to the rear elevation of the conservatory.

A noise report has been undertaken by Idibri and submitted alongside this application. The content of this has been reviewed by the Environmental Health department who are satisfied with its methodologies and conclusion. They would not wish to resist the grant of planning permission on the grounds of noise nuisance and conclude that the proposed wheel park would have a satisfactory impact on residential amenity. Officers recommend that a condition is included requiring the development to be undertaken in accordance with the content of this document.

During the course of the application, The Friends of Highburton Recreation Ground commissioned and submitted a separate noise report which concluded that the proposed development would have an unacceptable impact on residential amenity. This document has been reviewed by the Environmental Health department and a response submitted by Idibri. Environmental Health acknowledges the lack of specific guidance for assessing the noise impact of skate parks and the flaws contained within both reports. However, the Environmental Health concludes, based on the submitted information and on practical experience, that the proposed

development would have an acceptable impact on residential amenity with respect to noise.

No floodlighting is proposed under this application and Environmental Health has stated that they would not want the site to be lit as such. If the applicant wanted to add flood lighting at a later date, this would be subject to a further planning application which would be determined on its own merits.

In order to minimise noise disturbance during the construction phase of the development, Officers recommend a footnote is added to the decision notice recommending hours of working to the developer.

In summary, Officers are satisfied that the proposed development would have an acceptable impact on the residential amenity of occupants of surrounding properties. The application is considered to comply with Policy EP4 of the Kirklees UDP as well as the aims of Chapter 11 of the NPPF, which states at paragraph 123 that planning decisions should aim to 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'.

Impact on Highway Safety:

The Recreation Ground is situated off Burton Acres Lane. This section of road has been closed to through traffic with bollards at the western end and a wooden gate to the east. This bollard lifts out and construction traffic will enter the site this way. This is an existing recreation ground which is located within easy walking distance of a number of properties within Highburton. The application has been reviewed by KC Highways Development Management who conclude that the proposal will not generate a significant amount of traffic and do not wish to resist the grant of planning permission.

As such, the application is acceptable in terms of Highway Safety and compliant with T10 of the Kirklees UDP.

Impact on the Public Right of Way (PROW):

Public right of way (KIR/70/10) runs vertically through the east of the Recreation Ground and the proposed development would run adjacent to this footpath. The PROW department was consulted on the application and the PROW Officer has raised concerns due to the lack of detailed plans demonstrating layout, scale and appearance. The PROW Officer put forward an objection to the scheme unless a condition was added requiring such details to be submitted before development commences. Officers consider that the imposition of this condition is reasonable and necessary to allow the PROW Officer to adequately assess the impact on users of the adjacent PROW. The PROW Officer also requested that the standard footnote relating to obstruction of a PROW be added to the decision notice if approval of the scheme was recommended.

Subject to the imposition of the aforementioned condition and footnote, the application is considered to be acceptable in the context of Policy R13 of the Kirklees UDP.

Crime and Anti-social Behaviour:

The application has been reviewed by the Police Architectural Liaison Officer who has undertaken consultation with the Local Neighbourhood Policing Team Inspector. West Yorkshire Police have commented that they consider the proposed location to be suitable for a wheel park and raise no objection to the scheme. They would, however, like to put on record their concerns that any additional noise nuisance or anti-social behaviour that would need policing would generate more calls to the Police at a time when resources are reducing and Officers are less readily equipped to deal with such incidents.

In their consultation response, Sport England has acknowledged that the proposed development could bring activities to engage young people which may in turn reduce crime and anti-social behaviour. This theme is echoed by several people who are in support of the application.

As no objection is raised by the Police, the application is considered to comply with the requirements of Chapter 8 of the NPPF in terms of promoting healthy neighbourhoods and reducing crime.

Ecology:

An area of vegetation and several trees would require removal to make way for the proposed wheel park. The application has therefore been reviewed by the Council's Arboricultural Officer who has no objection to the loss of these trees subject to the inclusion of a condition requiring details of a landscaping scheme to be submitted and approved by the Council to include replacement tree planting within the site or wider Recreation Ground before development commences.

In relation to wildlife value, the impact of the proposed development is considered to be minimal due to the size of the area and quality of the existing vegetation. Low level planting around the skate park can also be secured through the landscaping scheme.

As such, subject to the inclusion of the above described condition, the proposal would have an acceptable impact on Trees and would comply with the aims of Chapter 11 of the NPPF in terms of protecting the natural environment.

Drainage:

As the proposal comprises concreting above an area of land that is currently undeveloped, KC Flood Management and Drainage was consulted on the application. They have reviewed the application and, due to its scale and nature, have confirmed that they have no comment on the scheme.

As such, the proposal complies with the aims of Chapter 11 of the NPPF in terms of flood risk.

REPRESENTATIONS

The application was advertised by neighbour letters, press notice, and site notices. As a result of the publicity, 151 representations have been received.

- Against – 120;
- In support – 22;
- General comments or questions – 9

The issues raised in the representations are summarised as follows:

- Visual impact
 - Concrete is unsympathetic to the surroundings
 - Scale
 - Lack of screening
 - Loss of greenspace
 - Impact on character of the Recreation Ground

Response: this is addressed within the Visual Amenity section of the report. The size of the application site is considered acceptable relative to the size of the recreation ground with green space to the west of the application site being retained for further recreational uses.

- Impact on Ecology
 - Loss of Trees
 - Impact on habitats including bats

Response: this is addressed within the ecology section of the report. The vegetation to be affected is not considered to have bat roost potential.

- No demonstrated need for the skate park – will just target a minority and there are other skate parks in Meltham and Skelmanthorpe for example

Response: not a material planning consideration. The proposed development is considered appropriate within the context of the Recreation Ground adjacent existing children's play facilities.

- Lack of detailed plans

Response: a condition is recommended requiring these details to be submitted for planning approval prior to the commencement of development.

- Other sites have not been explored properly by the applicant

Response: not a material planning consideration. The submitted application will be determined on its own planning merits.

- Further houses are going to be built and the open green space is necessary

Response: Officers consider that the scale of the wheel park is acceptable and open green space will be retained for other uses.

- Residential Amenity
 - Noise and a belief that the noise report is flawed
 - The skate park in Skelmanthorpe had to be moved further away from residential properties

Response: the impact on residential amenity is addressed in the report.

- Litter

Response: the applicant has confirmed that litter bins will be provided as a part of the development.

- Fears of anti-social behaviour and crime
 - No natural surveillance of the site
 - Youths may congregate within the passageway between the site and Woodland Meadows
 - Drink and substance abuse
 - Graffiti
 - Existing anti-social behaviour issues in the area
 - Unauthorised vehicles driving across the site to the wheel park
 - Police resources are reduced
 - Youths may use the site after dark

Response: consultation with the Police Architectural Liaison Officer has been undertaken and no objection is raised. This is addressed in the report.

- Highway safety
 - Inadequate parking facilities for youths who may be transported to the site
 - Parking cars may cause congestion and block driveways
 - Drives of the elderly may be blocked
 - Parking spaces are often full with users of the football and tennis club
 - Infrequent buses in the evening and at weekends
 - No emergency access to the area
 - Narrow roads with blind bends close to the site

Response: the application has been reviewed by Highways Development Management who has visited the site and raise no objection to the scheme.

- Drainage concerns

Response: consultation with KC Flood Management and Drainage was undertaken who have no comments due to the nature and scale of the proposal.

- Detrimental impact on users of the playground in terms of intimidation and safety

Response: the Police Architectural Liaison Officer was consulted on the application and raises no objection. It is considered that the proposed facilities would complement the existing children's play facilities

- Concern regarding funding cuts in terms of long term maintenance

Response: the applicant has confirmed that the Council have agreed to be responsible for maintenance if planning permission is granted. As there is an existing play facility adjacent to the site visits to the area would already have been made. The nature of the development means that the wheel park will be low maintenance.

- Impact on property values

Response: not a material planning consideration

- Ownership issues

Response: The Council's Legal Officer has confirmed that the Council is the registered proprietor. The legal ownership of the recreation ground vests in the Council although it is held on trust for a charitable trust.

- Covenant on the land

Response: this is a legal matter, not a material planning consideration.

- No public toilets

Response: not a material planning consideration.

- Little support for the development in the local community

Response: each application must be assessed on its individual planning merits.

- Health and Safety including emergency access

Response: The applicant has confirmed that the wheel park will be designed and constructed in accordance with EU regulations for such development. Whilst the wheel park would be set away from the roads, this is also true of

the existing play facilities and it is considered that the emergency services would find a way of accessing the site in event of an emergency.

- Previous planning application submitted around 10 years ago for the formation of a BMX track on the same piece of land was rejected by the Council

Response: there is no planning history for such a development proposal on the site.

- Construction traffic may damage the recreation ground

Response: if necessary, a condition can be added for remediation of the site.

- Inaccuracies in the submitted information which may be misleading

Response: all information has been reviewed by Officers and relevant consultees and a site visit has been undertaken by Officers who are fully aware of the context of the site.

Kirkburton Parish Council: object to the application on the following grounds:

- Call for an independent noise survey to be carried out;
- Too close to the houses on Woodland Meadows and would have a detrimental impact on residential and visual amenity;
- Detrimental impact on children's playing facilities;
- Flooding;
- Inadequate parking provision;
- Alternative site should be found.

Response: all of these points have been addressed and responded to above.

An objection from the Friends of Highburton Recreation Ground, who state that they represent 240 people, object to the proposal on the grounds of residential amenity due to their concerns regarding the noise impact of the proposed development. The noise impact of the proposed development is discussed in detail in the report.

The statements of support are submitted on the following grounds, which are noted:

- Application for a recreational use in a recreation ground is appropriate development
- Funds have been raised through the hard work of children and adults involved
- Level of funds raised is indicative of the strength of support for the facility
- Site is large enough to accommodate the wheel park
- Children will benefit from additional facilities
- Good use of the space

- Positive effect on young people
- Facilities would be widely used
- May reduce anti-social behaviour
- Minimal costs to the Council in terms of maintenance
- The facilities are located away from housing
- No highway safety implications
- No floodlighting proposed
- Much needed and desired community facility
- Free to use
- Children in the village have to travel to other areas to access such a facility
- The wheel park would complement the other play facilities in the recreation ground and reach a wider age group of children
- Noise report shows no significant adverse impacts
- Promotes health and exercise
- Support from Sport England
- Children in the village are support using scooters and skate boards on the street which is not safe

One of the representations in support includes a statement from a young persons' focus group which consists of 14 no. young people between the age of 12 and 17 years.

Conclusion:

As detailed in the above sections of the report, Officers consider that the proposed development complies with the aims of both local and national level policy. The proposed development is considered to provide a community facility that would enhance the sustainability of the community. Whilst constituting development of an open space, it will provide alternative recreational provision which outweighs the loss of this area of land which is incapable of providing or forming part of a sports pitch in its own right. It will protect visual amenity, wildlife value and opportunities for sport/recreation. Furthermore, with the inclusion of appropriate conditions, visual and residential amenity will be protected and so will users of the public right of way.

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

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

9. RECOMMENDATION

GRANT UNDER REGULATION 4

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. Development shall not commence until details of the appearance and layout of the wheel park hereby approved have been submitted and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.
4. Development shall not commence until details of the proposed boundary treatment have been submitted and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details before the wheel park is first brought into use and thereafter retained.
5. Any structure to be erected to form the wheel park shall not exceed 1800mm in height from the existing ground levels and any required excavation shall have a maximum depth of 1000mm from the existing ground level.
6. Notwithstanding the submitted plans and information, development shall not commence until a landscaping scheme, along with timetable for the planting, has been submitted to and approved in writing by the Local Planning Authority. This shall include low level planting surrounding the wheel park and replacement tree planting within the wider recreation ground. The development shall then be undertaken in accordance with an approved scheme and be thereafter retained as such.

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

Plan Type	Reference	Version	Date Received
Location Plan	-	-	30 th March 2016
Site Plan	-	-	30 th March 2016
Photomontage showing examples of wheel parks	-	-	30 th March 2016
Design and Access Statement	-	-	30 th March 2016
Noise Report prepared by Idibri dated 13 th April 2016	-	-	13 th April 2016

Application No: 2015/94005

Type of application: 62HH - FULL APPLICATION

Proposal: Erection of extensions and raised roof

Location: 19, Overhall Park, Mirfield, WF14 9JP

Grid Ref: 420679.0 420714.0

Ward: Mirfield Ward

Applicant: D & K Hiu & Wang

Agent: John Whittlestone, John Whittlestone Associates Ltd

Target Date: 17-Jun-2016

Recommendation: FC - CONDITIONAL FULL PERMISSION

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The design, scale and detailing of the proposed roof enlargement, two storey rear extension and the single storey rear extensions would not have a significantly detrimental impact in terms of visual amenity with respect to both the character of the host property and the wider area. The reduced scheme is not considered to be harmful to the setting of the neighbouring listed building, Over Hall. Furthermore, there would be no unacceptable harm caused to the amenities of the occupiers of the neighbouring properties. As such, it is considered by officers that the scheme complies with policies D2, BE1, BE13 and BE14 of the Kirklees Unitary Development Plan and the aims of chapters 7 and 12 of the National Planning Policy Framework.

RECOMMENDATION:

CONDITIONAL FULL PERMISSION

2. INFORMATION

The application is reported to the Heavy Woollen Planning Sub-Committee following a request received from Ward Councillor Martyn Bolt, which states: *“This application still causes concern to residents and myself in terms of visual and residential amenity. Please can this be determined by committee and I would like to request a site visit prior to the meeting for committee to see the location for themselves.”*

The Chair of the Sub Committee has confirmed that this reason is/is not acceptable having regard to the Councillors’ Protocol for Planning Sub Committees.

3. SITE DESCRIPTION / PROPOSAL

Site Description

19 Over Hall Park is a detached dwelling constructed from natural stone in a random formation. The property has a two storey appearance from the front elevation and dormer style storey and half in appearance from the rear elevation. The property is accessed via a small private drive and has gardens to the front, sides and rear. The dwelling has a detached double garage to the front.

The dwelling is located in an area which is wholly residential although there is some diversity in age, style and pallet of the neighbouring properties. Furthermore the host property is located in proximity to the neighbouring listed building, Over Hall.

Proposal

Planning permission is sought for the enlargement of the rear roof, erection of a two storey rear extension and single storey rear extensions. The scheme has been reduced since the initial submission with the removal of a two storey

side extension which was proposed to the eastern side and the reduction in the extent of the roof alterations proposed.

The existing rear dormers would be replaced by enlarging the roof space to form a first floor extension. This would be achieved by building up the existing rear wall of the property and utilising a lean to roof form set down from the apex of the main roof. The eaves height of the rear elevation of the dwelling would increase from 2.5m to 5.3m. The first floor windows formed would be Juliet balconies with full height windows and brushed stainless steel hand rails at a height 1.1m.

The two storey rear extension would replace the existing porch with a projection of 2.4m from the original rear wall of the dwelling and a width of 3.5m. The extension would be set in 4m from the western side of the dwelling and 4.3m from the eastern side of the dwelling with a perpendicular pitched roof form. The plans do show the formation of a Juliet balcony in the rear elevation at first floor level with brushed stainless steel handrails at a height 1.1m.

The single storey rear extensions would be located to each side of the two storey extension. The projections would be 2.4m from the original rear wall and the width of the eastern extension would be 4.3m whilst the western extension would have a width of 4m. The roof form would be flat with a parapet and lantern. The rear elevations would each host bi-folding doors.

The external walls of the extensions would be constructed using natural stone and the roof covering would be tiles for the two storey rear extension and glass reinforced plastic for the roof over the enlarged rear section and the sections of the flat roofs of the single storey rear extensions not covered with the lanterns.

4. BACKGROUND AND HISTORY

2015/93019 – Erection of extensions and raised roof to form additional storey
– Refused for design reasons, impact on neighbours and impact on the listed building

5. PLANNING POLICY

The application site is unallocated on the Kirklees Unitary Development Plan proposals map.

Kirklees Unitary Development Plan

D2 – Unallocated land

BE1 – Design principles

BE13 – Extensions to dwellings (design principles)

BE14 – Extensions to dwellings (scale)

T10 – Highway Safety

T19 – Parking

National Planning Policy Framework

Chapter 7 – Requiring good design

Chapter 12 – Conserving and enhancing the historic environment

Other Guidance

Mirfield Design Guide 2002

6. CONSULTATIONS

K.C. Conservation & Design – Informal discussions in support of the reduced scheme.

7. REPRESENTATIONS

The initial submission was publicised by site notice and neighbour letters.

5 representations were received from residents in response to the initial consultation period. Further representations were received from Mirfield Town Council and Cllr Martyn Bolt. The concerns raised are summarised as follows:-

- The extensions will look out of place,
- Reduce light to neighbouring properties,
- Overbearing, intrusive and out of scale,
- Loss of privacy,
- Does not conform to Mirfield Design Guide.

After negotiations with the agent, amended plans were submitted reducing the scale of the extension. Neighbours were notified by post of the changes with an opportunity to comment.

4 responses were received to the amended scheme from two of the residents. The concerns are outlined below:-

- Overbearing, intrusive and out of scale,
- Loss of privacy to the neighbours as a result of windows within the western side elevation,
- Loss of privacy as a result of the formation of Juliet balconies on the rear elevation,
- Out of character.

8. ASSESSMENT

General Principle:

The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

These issues along with other policy considerations will be addressed below.

Impact on the neighbouring listed building:

The development has the potential to impact on the setting of the adjacent Listed Building by virtue of its proximity. As such the proposals should be assessed having regard to chapter 12 of the NPPF.

The property sits close to a grade 2 listed building, Over Hall (Listed building reference no.DM2/118). The setting has already been compromised with the existing development. Whilst the previous application would have increased bulk and mass of the proposed extensions which would have further harmed the setting of the Listed Building, the current application is not proposing any increase in the height of the dwelling. The resultant dwelling would not now compete with the prominence of Over Hall and is now considered to be acceptable in terms of the aims chapter 12 of the NPPF. Furthermore it was considered appropriate to consult with the Conservation Officer informally; who also consider that the impact on the setting of the listed building would be negligible and would now support the scheme.

Impact on Amenity:

Visual amenity

Over Hall Park is a residential development of detached homes which was constructed within the grounds of the listed Over Hall in the latter half of the twentieth century. Extending the host property may be considered to be acceptable dependent upon design, scale, and detailing.

Although elements of the proposal could be constructed under permitted development, details have been included in the submitted plans and as such should be assessed in terms of planning policy. Therefore the scheme under consideration consists of three distinct elements, these shall be addressed below.

Roof enlargement

The properties on Over Hall Park and the adjacent Overhall Road are not uniform in terms of design, size or pallet of materials. There is no overriding design for the area and as such, the host property is in a position to make changes to its design that might not be appropriate elsewhere. The existing rear dormers would be replaced with a roof enlargement which will form a first floor to the rear of the dwelling utilising stone for the walling to form a cohesive relationship with the main house. The detailing on plan includes the use of a false barge board at the level of the existing eaves which would delineate the original house and the extensions. The use of a low level lean to roof form allows the development to form a subordinate addition relative to the scale of the host property. Furthermore, restricting the alterations to the rear of the dwelling does allow the principal elevation of the property to retain its character.

The scheme does show the use of Juliet balconies which would to a certain extent be concealed behind the lanterns proposed in the roofs over the single storey extensions (also proposed). As the openings have been designed to follow through the roof enlargement, the two storey extension and the single storey extensions, this is considered to be acceptable in terms of visual amenity.

In this instance, consideration is also given to what can be constructed in terms of the roof without the need for planning permission. Although permitted development rights for domestic properties would allow for a significant roof enlargement, the proposal under consideration would exceed the limitations of the General Permitted Development Order as the resultant roof space would exceed the 50 cubic metres set out in Schedule 2, Part 1, Class B with a resultant roof space of approximately 70 cubic metres. As the roof alterations can be segmented into the western section (20 cubic metres), the eastern section (21.5 cubic metres) and the central section (30.3 cubic metres), there is potential for the applicant to only construct part of the roof enlargements. Indeed, discussions with the agent have confirmed that the applicant would carry out the western and central enlargement if this application fails. This does form somewhat of a fall-back position to supporting the development as the Local Planning Authority would then be able to retain a level of control it would not otherwise have.

On balance, given the appropriate design, scale and use of materials, together with the fall-back position under permitted development, the roof enlargement can be considered to be acceptable in terms of visual amenity.

Two storey rear extension

A two storey rear extension could be built without the need for planning permission providing less than 50% of the curtilage of the dwelling is covered, the extension is not higher than the existing house, the eaves of the extension are no more than 3m high if the extension is within 2m of the boundary (which the proposed extension is not), the eaves are no higher than the existing

house, the projection past the rear elevation is no more than 3m and the extension would be no closer than 7m to the rear boundary. As such, it is likely that this element of the scheme could be constructed without the need for planning permission. However as the details have been included within the application consideration should be given to the proposals with regards to planning policy.

The two storey rear extension, whilst not quite central within the rear elevation of the dwelling, is proposed to be constructed using materials to match the main house. The limited width and projection together with the set down roof form is such that the extension would form a subordinate addition to the dwelling. The windows and the Juliet balcony are considered to reflect the overall style of the alterations proposed for the dwelling and as such can be considered to be an appropriate addition to the dwelling.

Single storey rear extensions

A single storey rear extension to the rear of a detached dwelling could be constructed without the need for planning permission providing less than 50% of the curtilage of the dwelling is covered, the extension is not higher than the existing house, the eaves of the extension are no higher than the existing house, the eaves of the extension are no more than 3m high if the extension is within 2m of the boundary (which the proposed extension is not), the projection past the rear elevation is no more than 4m and the overall height is not more than 4m. This is providing the materials proposed are to match the main house. Therefore this element of the scheme could likely be constructed without the need for planning permission. However as the details have been included within the application consideration should be given to the proposals with regards to planning policy.

Although flat roof forms are not generally considered to represent good design, in this instance, the form is considered to be acceptable. The extensions are both single storey with limited projections of 2.4m. The use of lanterns in the roofs is considered to soften the appearance of the extensions. The materials proposed for the external walls are to match the host property and the fenestration does tie in with the new rear elevation of the dwelling. Therefore, the single storey extensions can be considered to be acceptable additions to the dwelling.

Mirfield Design Guide 2002

Although the Mirfield Design Guide does support extensions, this is providing they assist in retaining the character of the host property and the surrounding properties. Officers considered that the scheme proposed would meet these requirements given the variety of styles of dwelling within the area together with the appropriate design, scale and use of materials.

In summary, for the reasons outlined above, the scheme under considered is considered to comply with the aims of Policies D2, BE1, BE13 and BE14 of the UDP and the aims of chapter 7 of the NPPF.

Residential amenity

Roof enlargement

The host property occupies a position some 19m to the east of the neighbouring nos. 34 & 36 Overhall Road. The roof enlargement would not reduce this separation distance and would not increase the overall height of the dwelling. The existing property does include dormers within the rear roof plane at present and it is considered by officers that there would be no significant harm caused to the amenities of the occupiers of the neighbouring nos. 34 & 36 Overhall Road over and above the existing arrangements on site given the modest increase in bulk.

A lesser separation distance of 8m exists between the host property and the adjacent 21 Over Hall Park. Again the roof enlargement proposed would not bring the dwelling any closer to the neighbouring property. Furthermore, the neighbour's side elevation facing towards the applicants property is a blank elevation. As such, the proposed roof enlargement would cause no harm to the amenities of the occupiers of the adjacent 21 Over Hall Park.

The works proposed for the roof enlargement are to the rear of the dwelling and as such would have no potential to cause harm to the amenities of the occupiers of the neighbouring 17 Over Hall Park to the front of the host property.

There are no neighbours directly to the rear which would be affected as a result of the proposed roof enlargement. However the rear elevations of 38 & 40 Overhall Road have views of the rear elevation. There is also a relationship between the host property and the neighbouring 81 Towngate albeit a heavily screened relationship.

There are existing windows within the rear dormers. These would be brought in line with the rear elevation of the dwelling and would be increased in height forming Juliet balconies. Whilst it is appreciated that balconies have the potential to cause overlooking, a Juliet balcony is not considered to have the same implications. It is in effect a long window offering no more opportunity for overlooking than a standard window. As such, the windows in the rear elevation of the roof enlargement are not considered to result in any loss of privacy.

There is also a window proposed in the gable of the original house on the western elevation. This is shown to be an ensuite window and is detailed as being obscure glazed. This can be further confirmed by the addition of a condition requiring the window be obscure glazed. The roof enlargement is not therefore considered to represent a loss of privacy.

Two storey rear extension

The two storey extension is set in 4m from the side elevation of the host property and 24m from the neighbouring properties to the west, 34 & 36 Overhall Road. As such, the limited projection and width is such that there would be no impact on the amenities of the occupiers of the neighbouring properties in terms of overshadowing or overbearing.

The adjacent property to the east, 21 Over Hall Park is a true bungalow with a blank side elevation along the common boundary with the host property. As such, the two storey rear extension would have no impact on the amenities of the neighbouring 21 Over Hall Park.

There are windows proposed in the side elevations. These are considered to be secondary windows and as such are non-habitable room windows. Furthermore the set back from the neighbouring properties is in excess of 20m. As such, there is no loss of privacy perceived in terms of the windows in the side elevations.

The plans also show a third Juliet balcony being formed in the rear elevation. It is considered that the properties which have views of the rear elevation, 38 & 40 Overhall Road and 81 Towngate are sufficiently distant and would not therefore be affected by the proposed two storey rear extension. The Juliet balcony is in effect a long window offering no more opportunity for overlooking than a standard window. As such, the windows in the rear elevation of the two storey extension are not considered to result in any loss of privacy.

Single storey rear extension

The proposed single storey rear extension on the western side of the two storey rear extension would not cause any harm to the amenities of the neighbouring 34 & 36 Overhall Road given the limited scale of the single storey rear extensions and the position of the host property in relation to the neighbouring properties to the west.

The adjacent 21 Over Hall Park, as mentioned previously, is a true bungalow sited along the common boundary with a blank side elevation. As such, the single storey rear extension on the eastern side of the two storey rear extension would not cause any harm to the amenities of the neighbouring 21 Over Hall Park.

There are no properties sited to the rear which would be affected by the proposed single storey rear extension as there is heavy screening on the boundary with the neighbouring 81 Towngate.

In all, due to the relationships which would exist between the extension and the neighbouring properties, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies D2, BE1 and BE14 of the UDP.

Highway Safety:

Although the proposal would result in an intensification of the site, the existing parking provision for up to 4 vehicles within the front drive area and 2 parking spaces provided by the garage is considered to be a generous parking provision. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with policies D2, T10 and T19 of the UDP.

Other Matters:

There are no other matters relevant for consideration in this instance.

REPRESENTATIONS

The concerns raised regarding the application are addressed by officers as follows:-

- Out of character - *this is a material consideration and has been addressed within the visual amenity section of the report.*
- Reduce light to neighbouring properties - *this is a material consideration and has been addressed within the residential amenity section of the report.*
- Overbearing, intrusive and out of scale - *this is a material consideration and has been addressed within the residential amenity section of the report.*
- Does not conform to Mirfield Design Guide - *this is a material consideration and has been addressed within the visual amenity section of the report.*
- Loss of privacy to the neighbours as a result of windows within the western side elevation - *this is a material consideration and has been addressed within the residential amenity section of the report.*
- Loss of privacy as a result of the formation of Juliet balconies on the rear elevation - *this is a material consideration and has been addressed within the residential amenity section of the report.*

Conclusion:

The proposal is considered to comply with current planning policies and it is the opinion of officers that there would be no significant adverse impact in terms of visual or residential amenities given the acceptable design and scale of both the first floor side extension and the single storey rear extension. Furthermore there would be no undue issues with regard to highway or pedestrian safety. For the reasons detailed above, it is considered that (subject to the imposition of appropriate conditions) the proposal is acceptable.

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

9. RECOMMENDATION

CONDITIONAL FULL PERMISSION

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 extensions hereby approved shall in all respects match those used in the construction of the existing building.
4. The first floor ensuite window in the west side elevation of the dwelling shall be obscure glazed to a minimum privacy level 4 (or equivalent).
Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) the obscure glazing shall thereafter be retained.

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

Plan Type	Ref	Web ID	Date Received
Location plan	-	568061	17/12/2015
Block Plan	-	568062	17/12/2015
Existing plans	5120/01	569067	24/12/2015
Proposed plans	5120/02	579599	17/03/2016

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KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE HEAVY WOOLEN

14 JUNE 2016

2016/62/90020/E

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DEMOLITION OF EXISTING HOTEL AND ERECTION OF 15 DWELLINGS

THE WHITCLIFFE HOTEL, PROSPECT ROAD, CLECKHEATON, BD19 3HD

Amended Plans

An amended plan has been received showing a revision to the proposed access arrangements. The proposed revision is for the widening of the Unnamed Access Road to 4.5 metres for an extended length of 20 metres into the site from its junction with Prospect Road, and the provision of a passing place at a distance of approximately 40 metres into the site from the junction. K.C. Highways Development Management (HDM) has assessed the revised plans and raised no objections.

The K.C. Public Rights of Way section (PROW) requested clarification on the width of the proposed footpath. The existing footpath measures 1.3 metres which would remain as part of the access improvements; with the footpath offset to allow for the road widening and passing bay. PROW advises a scheme for the physical prevention of parking on the footpath is submitted, which can be addressed via condition.

The proposed revisions to the access would affect the adjacent Prospect Mill Development. Planning permission has been granted for the conversion of the mill into 42 apartments pursuant to application Ref 2009/92304. The implication is that 2no visitor parking spaces approved to serve the mill conversion would be displaced to accommodate the proposed passing place to serve this development. HDM have assessed this matter and have concluded that there is sufficient capacity on-street to accommodate the two displaced visitor spaces. Accordingly no objections are raised to the proposed access improvement works.

Procedure

The adjacent Prospect Mill site is within the ownership of the applicant and a corresponding amended red line and blue line boundary has been received to reflect the revisions to the proposed access arrangements. As the adjoining site is within the ownership of the applicant, no third parties would be prejudiced by the proposed revision to the redline boundary for access purposes.

7. REPRESENTATIONS

Two further representations have been received, including comments from Councillor Kath Pinnock. The main concerns raised are summarised below;

The access improvements show car parking to serve the proposed development outside of the red line.

Response: This has been addressed through the submission of an amended red line boundary.

The boundary wall cannot be moved back to allow a passing place or visitor car parking or allow the access road to be widened as to do so would lead to a shortfall in parking provision to serve the adjacent Prospect Mills development. This adjacent development proposed 51 car parking spaces. Whilst not all 13 car parking spaces associated with the Prospect Mill development will be lost approximately 10 will disappear if the development is approved. That represents a shortfall of 20% and is not something highways would have approved.

Response: The proposal for two passing places has been superseded by the proposal for one passing place and the widening of the first 20 metres of the site. This will displace two car parking spaces and HDM consider there is sufficient capacity on-street to accommodate the two displaced visitor spaces.

Councillor Kath Pinnock has made the following comments:

"I have read the report being considered at planning committee on Tuesday. I am very concerned that a crucial piece of information is not either on the plans that have been submitted or contained within the officers' report.

This is in relation to the proposed passing place. It has obviously been agreed by planners and highways officers that a passing place along this 85 m single track road is essential. However, there are no details of how this will be achieved.

It is not as straightforward as it would appear to be when illustrated on a 2D plan.

There are three major issues:

1. There is a significant height difference between the access road to the site and the adjacent road next to the as yet undeveloped Prospect Mills. My crude estimate is that the difference is about 30cms at the place where the passing place is proposed. I would want to see details of how this would be achieved and a condition that this is done prior to any construction on site.
2. The PROW referred to is known locally as 'wappy nicket'. It is an ancient right of way. Some local histories allege that it is Saxon in origin. Any interference with this route will be strongly resisted by local people. It is an extremely well-used path. So if a passing place can be constructed in the area indicated on the plan, it would involve re-routing the path along the edge of the passing place. The boundary wall must also be re-built to ensure continuity of this feature.
3. The plan proposes taking down the last 10m of wall where the access to the site meets Prospect Road. I would want to see details of that junction

which would, as a consequence, have 2 accesses to Prospect Road right next to each other one serving the mill site which has permission for I think 60 properties all told and the hotel site with 20 (including the 2 properties already there). There is also the access from Victoria Avenue as well as Tofts Road. The report is silent about how this will be made safe for both pedestrians and traffic.

I would urge that the application is deferred until this crucial information is available”.

Response: Condition 6 of the committee report is a pre-commencement condition that requires the applicant to submit a scheme detailing the proposed improvements to the unnamed road leading between Prospect Road and the application site including widening of the access, provision of a passing place, and adjacent footways. The scheme is to include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit.

9. RECOMMENDATION

Additional Condition

16. No development shall take place until a scheme for the physical prevention of parking on the realigned footpath has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme so approved shall be implemented before any dwelling is first occupied.

Amended Plans Table

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

Plan Type	Reference	Version	Date Received
Location Plan	02	B	13.06.16
Topographical Survey	1768/001		04.04.16
Proposed Layout	PL/001	G	20.05.16
Proposed Access Arrangements	03	D	10.06.16
Proposed Sections	PL/002		20.05.16
House Type A	A/01		04.04.16
House Type B	B/01		04.04.16
House Type C	C/01		04.04.16
House Type D	D/01		20.05.16
Design and Access Statement			07.01.15
Transport Assessment			07.01.15
Bat Survey			07.01.15
Noise Report			07.01.15
Phase I Contamination Report			07.01.15
Arboricultural Report	11968/TT		07.01.15
Coal Authority Mining Report	51000700699001		07.01.15

ERECTION OF EXTENSION TO EXISTING GLASSHOUSES**W.S BENTLEYS, CLIFFE HILL NURSERIES, CLIFFE LANE, GOMERSAL, BD19 4SX****9. RECOMMENDATION**

Two additional conditions are recommended:

10. The development hereby permitted shall not be brought into use until a Traffic Management and Routing Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Traffic Management and Routing Plan shall thereafter be implemented and maintained at all times whilst the development is operational.

11. A scheme detailing surface water drainage works shall be submitted to and approved in writing before development commences. The drainage scheme shall be implemented in accordance with the approved details before the extension is first brought into use and thereafter retained.

ERECTION OF DETACHED DWELLING**ADJ 6, BARNSELY ROAD, FLOCKTON, HUDDERSFIELD, WF4 4DW****8. ASSESSMENT**

An additional plan was received on 3 June 2016 showing an amended location plan to allow for visibility for access. The amended plan also shows the visibility splays and layout of the proposed dwelling as shown on the previous plan received on 27 May 2016.

9. RECOMMENDATION

Amended plans table.

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

Plan Type	Reference	Version	Date Received
Location plan, block plan and proposed layout.	BG/P02/2D	2	3/06/16
Proposed elevations and floor plans.	BG/P02/1	1	10/03/15
Design and access	(amended)	2	14/04/16

Plan Type	Reference	Version	Date Received
statement.			
Coal Mining Risk Assessment			23/03/15
Supporting information	Letter to planning	1	10/08/15
Supporting information	Photographic survey	1	10/08/15
Site plan	P02-3(3)	1	10/08/15
Highways statement	Letter to Highways	1	14/02/16
Sightlines plan and amended layout.	1/500	1	27/05/16
Highways technical statement.	HY Consulting LTD	1	27/05/16

2016/49/91013/E

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FORMATION OF WHEEL PARK

RECREATION GROUND ADJ, BURTON ACRES LANE, Highburton, HUDDERSFIELD

7. REPRESENTATIONS

A further 19 representations have been received on this application. 18 of these comments raise concern that members of the committee will not be undertaking a site visit, with individuals requesting that the application is deferred until a site visit has been made by the committee.

Ward Councillor John Taylor has also made a further request for a site visit to be carried out by members.

A further representation has been made in relation to the noise report submitted by the objectors, raising concern that a copy of this report has not been circulated to members of the committee. They also requested the opportunity to submit a further response from their noise consultants however nothing has been received.

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