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**Assistant Director, Governance and
Monitoring**

Julie Muscroft

Governance and Democratic Services

Civic Centre 3

High Street

Huddersfield

HD1 2TG

Tel: 01484 221000

Direct Line: 01484 221000

Fax: 01484 221707

Please ask for: Andrea Woodside

Email: andrea.woodside@kirklees.gov.uk

Wednesday 13 July 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 **Thursday 21 July 2016**.

(A coach will depart the Town Hall, at 10.30am 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', on a light-colored background.

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

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

The Planning Sub-Committee (Heavy Woollen Area) members are:-

Member

Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Donna Bellamy
Councillor Nosheen Dad
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Marielle O'Neill
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Richard Smith
Councillor Cathy Scott
Councillor Kath Taylor
Councillor Graham Turner

9 Day Change

Under the provision of Council Procedure Rule 35(8) Councillor Fadia will substitute for Councillor G Turner.

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
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.

The Committee will be asked for to note the following permanent changes to the Membership of the Committee;

Councillor C Scott will replace Councillor Fadia

Councillor G Turner will replace Councillor Stubbley

2: Minutes of Previous Meeting

1 - 18

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

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.

4: Admission of the Public

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

5: Deputations/Petitions

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

6: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application 2016/91013

Formation of wheelpark, Recreation Ground adj Burton Acres Lane, Highburton

Estimated time of arrival at site: 11.00am

Contact Officer: Rebecca Drake, Planning Officer

Wards

Affected: Kirkburton

8: Local Planning Authority Appeals

21 - 32

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; Kirkburton

9: Planning Applications

33 - 70

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 Monday 18th July 2016. To pre-register, please contact andrea.woodside@kirklees.gov.uk or phone 01484 221000 (extension 74991).

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Tuesday 14th June 2016

Present:

- Councillor Paul Kane (Chair)
- Councillor Mahmood Akhtar
- Councillor Donna Bellamy
- Councillor Nosheen Dad
- Councillor Fazila Fadia
- Councillor Michelle Grainger-Mead
- Councillor John Lawson
- Councillor Mussarat Pervaiz
- Councillor Andrew Pinnock
- Councillor Kath Taylor
- Councillor Gulfam Asif
- Councillor Bill Armer
- Councillor Eric Firth

1 Membership of the Committee

Councillor Asif substituted for Councillor O'Neill

Councillor Armer substituted for Councillor Smith

Councillor E Firth substituted for Councillor Stubley

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the meeting held on 14 April 2016 be approved as a correct record.

3 Interests and Lobbying

Councillors A Pinnock and Lawson advised that they had been lobbied on Application 2015/90020.

Councillors A Pinnock, Lawson, Grainger-Mead, K Taylor, Bellamy, Armer, Pervaiz, Dad, Asif, Fadia, E Firth and Kane advised that they had been lobbied on Application 2016/91013.

Councillors Akhtar, Dad, Asif and Kane declared that they had been lobbied on Application 2015/92068.

Councillor Grainger-Mead declared that she had been lobbied on Application 2015/94005.

Councillor Armer declared that he had been lobbied on Application 2015/90578.

Councillor Dad declared that she had been lobbied on Application 2015/92509.

Councillor Kane declared that he had been lobbied on Application 2015/94048.

Councillor F Firth declared an 'other' interest in Application 2015/92068 on the grounds that he knows the applicant.

4 Admission of the Public

RESOLVED – That all agenda items be considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Site Visit - Application 2015/94005

Site visit undertaken.

7 Site Visit - Application 2015/90020

Site visit undertaken.

8 Site Visit - Application 2015/94048

Site visit undertaken.

9 Site Visit - Application 2016/90006

Site visit undertaken.

10 Site Visit - Application 2015/92509

Site visit undertaken.

11 Site Visit - Application 2015/90578

Site visit undertaken.

12 Local Planning Authority Appeals

The Sub Committee received a report which set out 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.

13 Planning Applications

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

Planning Sub-Committee (Heavy Woollen Area) - 14 June 2016

- (a) Application 2015/90020 - Demolition of existing hotel and erection of 15 dwellings at The Whitcliffe Hotel, Prospect Road, Cleckheaton – Mr J Westhead (objection on behalf of local resident) and Andy Keeling (applicant's agent)
- (b) Application 2015/94048 - Erection of extension to existing glasshouses at W.S Bentleys, Cliffe Hill Nurseries, Cliffe Lane, Gomersal – Mr D Allen (objection on behalf of local resident), Mr J Robertson (local resident) and Mr J Bentley (applicant)
- (c) Application 2015/92509 - Demolition of existing buildings and erection of 8 dwellings at Hillcrest, Edge Top Road, Thornhill, Dewsbury – Mr J Westhead (on behalf of the applicant) and Mr J Henry (applicant)
- (d) Application 2015/90578 - Erection of detached dwelling adjacent to 6 Barnsley Road, Flockton, Huddersfield – Mr P Bailey (applicant's agent)
- (e) Application 2015/92068 - Outline application for residential development adjacent to 26 Track Road, Batley – Mr J Westhead (applicant's agent)
- (f) Application 2013/91499 - Erection of 3 storey care home unit (containing 35 bedrooms), alteration to the secondary site access, associated parking provision and landscaping at Pilling House Residential Care Home, 4, Pilling Lane, Skelmanthorpe, Huddersfield – Ms S Chen (applicant's agent)
- (g) Application 2015/94005 - Erection of extensions and raised roof at 19, Overhall Park, Mirfield – Mrs C Barker (local resident)

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.

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

APPLICATION NO. DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2016/90006 J Etchells - Erection of single storey extension to the front - 12, Brewerton Lane, Dewsbury Moor, Dewsbury

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.

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

FOR: Councillors Akhtar, Armer, Asif, Bellamy, Dad, Fadia, E Firth, Grainger-Mead, Kane, Lawson, Pervaiz, A Pinnock and K Taylor (13 Votes)

AGAINST: (No Votes)

2015/90020 Mr S Singh - Demolition of existing hotel and erection of 15 dwellings - The Whitcliffe Hotel, Prospect Road, Cleckheaton

DEFERRED (THE SUB COMMITTEE RESOLVED TO DEFER THE CONSIDERATION OF THE APPLICATION TO ENABLE FURTHER DISCUSSIONS TO TAKE PLACE WITH THE APPLICANT REGARDING HIGHWAY AND PEDESTRIAN ACCESS TO THE SITE DUE TO SAFETY CONCERNS)

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

FOR: Councillors Akhtar, Armer, Asif, Bellamy, Dad, Fadia, E Firth, Grainger-Mead, Kane, Lawson, Pervaiz, A Pinnock and K Taylor (13 Votes)

APPLICATION NO. DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2015/90020 Cont'd

AGAINST: (No Votes)

2015/94048

J Bentley - Erection of extension to existing glasshouses - W.S Bentleys, Cliffe Hill Nurseries, Cliffe Lane, Gomersal

CONDITIONAL FULL PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO SECURE FULL DETAILS OF TRAFFIC MANAGEMENT PLAN (IN CONSULTATION WITH THE CHAIR)

(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

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

2015/94048 Cont'd

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.

(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.

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

FOR: Councillors Akhtar, Armer, Asif, Bellamy, Dad, Fadia, E Firth, Grainger-Mead, Kane, Lawson, Pervaiz, A Pinnock and K Taylor (13 Votes)

AGAINST: (No Votes)

2015/92509

James Henry, Fire House Court Ltd - Demolition of existing buildings and erection of 8 dwellings - Hillcrest, Edge Top Road, Thornhill, Dewsbury

APPLICATION NO. DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2015/92509 Cont'd

REFUSED

(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.

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

FOR: Councillors Armer, Bellamy, Fadia, E Firth, Kane, Grainger-Mead, Lawson, Pervaiz, A Pinnock and K Taylor (10 Votes)

AGAINST: Councillors Asif and Dad (2 Votes)

ABSTAINED: Councillor Akhtar

2015/90578

B Green - Erection of detached dwelling - adj 6, Barnsley Road, Flockton, Huddersfield

DEFERRED (THE SUB COMMITTEE RESOLVED TO DEFER THE CONSIDERATION OF THE APPLICATION TO ENABLE DISCUSSIONS TO TAKE PLACE REGARDING THE DESIGN OF THE DWELLING)

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

FOR: Councillors Akhtar, Armer, Asif, Bellamy, Dad, Fadia, E Firth, Grainger-Mead, Lawson, Pervaiz, A Pinnock and K Taylor (12 Votes)

AGAINST: (No Votes)

ABSTAINED: Councillor Kane

APPLICATION NO.

2015/92068

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

Tahir Zaman & Imran Ul-Haq - Outline application for residential development - adj, 26, Track Road, Batley

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

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

2015/92068Cont'd

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

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

2015/92068Cont'd

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 and 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

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

2015/92068Cont'd

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.

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

FOR: Councillors Akhtar, Armer, Asif, Bellamy, Dad, Grainger-Mead, Lawson, Pervaiz, A Pinnock and K Taylor (10 Votes)

AGAINST: (No Votes)

ABSTAINED: Councillors Fadia, E Firth and Kane

2013/91499

Hill Care Ltd - Erection of 3 storey care home unit (containing 35 bedrooms), alteration to the secondary site access, associated parking provision and landscaping - Pilling House Residential Care Home, 4, Pilling Lane, Skelmanthorpe, 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) 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.

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

2013/91499 Cont'd

(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.

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

FOR: Councillors Akhtar, Armer, Asif, Bellamy, Dad, Fadia, E Firth, Grainger-Mead, Kane, Lawson, Pervaiz, A Pinnock and K Taylor (13 Votes)

AGAINST: (No Votes)

2015/93664

C Simmons - Outline application for residential development - Long Royd, Commercial Road, Skelmanthorpe, Huddersfield

CONDITIONAL OUTLINE APPROVAL

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

2015/93664 Cont'd

(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

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

2015/93664 Cont'd

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.

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2015/93664 Cont'd	<p>(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.</p> <p>(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.</p>
	<p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p>
	<p>FOR: Councillors Akhtar, Armer, Asif, Bellamy, Dad, Fadia, E Firth, Grainger-Mead, Kane, Lawson, Pervaiz, A Pinnock and K Taylor (13 Votes)</p>
	<p>AGAINST: (No Votes)</p>
2016/91013	<p>Maryke Woods, Kirklees Council, Streetscene - Formation of wheel park - Recreation Ground adj, Burton Acres Lane, Highburton, Huddersfield</p>
	<p>DEFERRED (THE SUB COMMITTEE RESOLVED TO DEFER THE CONSIDERATION OF THE APPLICATION IN ORDER FOR A SITE VISIT TO BE UNDERTAKEN)</p>
	<p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p>
	<p>FOR: Councillors Akhtar, Armer, Asif, Bellamy, Dad, Fadia, E Firth, Grainger-Mead, Kane, Lawson, Pervaiz, A Pinnock and K Taylor (13 Votes)</p>
	<p>AGAINST: (No Votes)</p>
2015/94005	<p>D & K Hiu & Wang - Erection of extensions and raised roof - 19, Overhall Park, Mirfield</p>

APPLICATION NO.

2015/94005 Cont'd

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**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.

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

FOR: Councillors Akhtar, Armer, Asif, Bellamy, Dad, Fadia, E Firth, Grainger-Mead, Kane, Lawson, Pervaiz and A Pinnock (12 Votes)

AGAINST: Councillor K Taylor (1 Vote)

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: 21 July 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	12 July 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	Economy, Skills, Transportation and Planning (Councillor McBride)

Electoral [wards](#) affected: Denby Dale; Dewsbury South; Kirkburton;
Ward councillors consulted: No

Public or private: Public

- 1. Purpose of report**
For information
- 2. Key points**
 - 2.1 2015/62/90373/E - Erection of 2 holiday homes on land at Denroyd Farm, Denby Lane, Upper Denby, Huddersfield, HD8 8TZ. (Officer) (Dismissed)
 - 2.2 2015/62/93816/E - Erection of single storey front extension at 21, Barnsley Road, Flockton, Huddersfield, WF4 4DP. (Officer) (Dismissed)
 - 2.3 2015/62/92695/E - Erection of two storey side and rear and single storey front extensions at 8, Honeysuckle Drive, Thornhill Lees, Dewsbury, WF12 0SF. (Officer) (Dismissed)

- 2.4 2016/62/91239/E - Erection of first floor conservatory at Greenwood Barn, Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8NN.
(Officer) (Dismissed)
3. Implications for the Council
Not applicable
4. Consultees and their opinions
Not applicable
5. Next steps
Not applicable
6. Officer recommendations and reasons
That the report be noted.
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 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: 13 June 2016

Appeal Ref: APP/Z4718/W/16/3143880

Land at Denroyd Farm, Denby Lane, Upper Denby, Huddersfield HD8 8TZ

- 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 Steven Slater against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/90373/E, dated 3 February 2015, was refused by notice dated 24 July 2015.
 - The development proposed is described as 2 No Norwegian log holiday homes.
-

Decision

1. The appeal is dismissed

Main Issues

2. The main issues in the appeal are:
 - Whether the proposal is inappropriate development in the Green Belt.
 - The effect on the openness of the Green Belt and the purpose of including land within it.
 - The effect on the character and appearance of the area.
 - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not inappropriate development

3. The appeal site is located within the designated Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt.
4. The proposed provision of the two holiday homes do not amount to any of the listed exceptions as set out in paragraph 89. Consequently, the proposed development would amount to inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and Green Belt purposes

5. A fundamental aim of Green Belts is to keep land permanently open. An essential characteristic is their permanence. The appeal site is part of an elevated open field which is relatively visible from a wide area. The proposed buildings would occupy a substantial part of the field and inevitably reduce its openness. The scheme would thus harm the openness of the Green Belt.
6. The construction of the two holiday homes on this site would result in built development where there is presently none. It would have an urbanising impact on this open field and result in new development encroaching into the open countryside. The proposal would thus conflict with one of the five purposes of Green Belts which is to safeguard the countryside from encroachment.
7. In view of the above I find that the development would lead to a significant loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment.

Character and appearance

8. The appeal site is part of an open field which is on the top of a localised hill and is quite visible from the dwellings on the south western edge of Upper Denby as well as in wider views from the surrounding countryside. Whilst there are substantial agricultural buildings to the east, these are at a much lower level than the appeal site which is part of the established countryside. The proposed development would erode the contribution that this field makes to the open countryside around the village.
9. I agree with the Council that the general character and appearance of the surrounding area is that of predominantly stone built properties. Views the proposed development from the dwellings in the south west of Upper Denby would be quite prominent and owing to its design and use of the timber construction materials it would be unacceptably at odds with the established local vernacular. At my site visit the appellant drew my attention to the new hedgerow planting around the boundary of the field and I accept that over time this would screen some views of the development but owing to the topography it is unlikely that these would be entirely eliminated.
10. The proposed development would be a prominent incongruous addition to the open field which would cause demonstrable harm to the character and appearance of this part of the countryside. It would therefore be contrary to Saved Policies BE1 and BE2 of the Kirklees Unitary Development Plan (2007). These policies, amongst other things, require new development to have good quality design that that is in keeping with surrounding development and takes into account the topography of the site.

Other considerations

11. I have taken into account the advice provided in paragraph 28 of the Framework regarding the support for the rural economy through the diversification of agricultural businesses and the promotion of sustainable rural tourism and leisure developments. However, the Framework does not indicate that such development should override its own policies of restraint of most new development within the Green Belt. The appellant indicates that recent cycling events in Yorkshire have increased the local demand for holiday

accommodation which is expected to continue although no demonstrable evidence has been submitted as to how this would be sustained.

12. Moreover, I agree with the Council that the submitted data showing an increase in self- catering occupancy rates between 2010 and 2014 across the region and in the Borough does not conclusively demonstrate a demand for such accommodation in the Upper Denby area. I accept that it is desirable for holiday accommodation to be in attractive locations, but it is not clear to me that there are not such locations outside of the Green Belt. Consequently, I attach moderate weight to the tourism/rural economy benefits of the scheme.
13. I have also taken into account the letter of support from 'Welcome to Yorkshire' and note that this refers to the proposed development as being located in a 'tranquil setting in woodland'. I accept that the proposed accommodation provided by the development would likely be of a high quality. However, the appeal site is an open field close to the village and as such is not reflective of the character of a tranquil setting in woodland that is envisaged in the letter of support from Welcome to Yorkshire. Consequently, I have attached limited weight to this consideration.
14. I accept that paragraph 89 of the Framework supports the provision of appropriate facilities in the Green Belt for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it. However, the proposed development does not constitute a facility for outdoor sport or recreation and, in any case, I have found that it would not preserve openness and would result in the encroachment of the development into the countryside. I therefore attach little weight to this consideration.

Conclusions

15. The appeal proposal would be inappropriate development that would be harmful to the Green Belt by definition. Further Green Belt harm would arise due to the loss of openness and to the purpose of safeguarding the countryside from encroachment. Additionally, there would be other harm to the character and appearance of the area.
16. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As explained above, at most I have given moderate weight to the material considerations cited in support of the proposal and conclude that taken together they do not outweigh the substantial weight to be given to Green Belt harm. Consequently, the very special circumstances necessary to justify the proposed development in the Green Belt do not exist.
17. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

Appeal Decision

Site visit made on 13 June 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 21 June 2016

Appeal Ref: APP/Z4718/D/16/3150459

21 Barnsley Road, Flockton, West Yorkshire WF4 4DP

- 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 and Mrs S Guest against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/93816/E, dated 18 November 2015, was refused by notice dated 4 February 2016.
 - The development proposed is a conservatory to front.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address on the application form incorrectly refers to the property as being located on Burnley rather than Barnsley Road. In the heading above I have therefore used the address as given on the appeal form and the decision notice as this was correct.

Main Issue

3. The main issue in the appeal is the effect of the proposed extension on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property is a detached bungalow which is set back from the road by a good size front garden. The dwelling has a high coniferous hedge along the front boundary. This, together with the mature vegetation in the front gardens of adjacent properties, and the position of No 15 relative to the appeal property, limits any medium/long range views of the house when travelling in either direction along Barnsley Road. However, the wide drive which is shared with the property located to the rear does mean that there are clear views of the front elevation in short range views.
5. The host property has a traditional, but simple, architectural style and appearance. The front elevation has two projecting front gable features. The proposed conservatory would be located between these, but would project further forward than them. As such it would appear as an overly dominant feature on the front elevation of the house, and, in marked contrast to the current simple and clean appearance, would give the elevation a cluttered appearance.

6. Moreover, its hipped roof design would be out of character with the roof form on the main dwelling, and the large areas of glazing would not respect the solid to window ratio found on this elevation. As such it would appear as an incongruous and discordant feature which would be detrimental to both the host property and the wider street scene.
7. Consequently, the proposal would harm the simplicity and architectural integrity of the dwelling. As a result, I consider that the proposed extension would have a detrimental impact on the character and appearance of the host property and the surrounding area. As such, it would conflict with Policies D2, BE13 and BE14 of the *Kirklees Unitary Development Plan (adopted March 1999 and revised September 2007)* which seek to ensure that new development does not have a detrimental impact on visual amenity and respects the character of the existing and adjacent buildings.
8. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

Appeal Decision

Site visit made on 23 June 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 28 June 2016

Appeal Ref: APP/Z4718/D/16/3148790

8 Honeysuckle Drive, Thornhill Lees, Dewsbury WF12 0SF

- 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 Nizamuddin Patel against the decision of Kirklees Metropolitan Council.
 - The application Ref 2015/62/92695/E was refused by notice dated 4 February 2016.
 - The development proposed is the erection of 2-storey side and rear, front single extensions.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The appeal property is a 2-storey semi-detached house within a residential cul-de-sac along which properties are similar in design and age with some differences in scale and general appearance. No 8 is modest in scale and has flat front and rear elevations, which are evident from Honeysuckle Drive and Lees Hall Road respectively.
 4. The proposal includes a single storey front and side extension and a 2-storey side and rear addition. The latter would extend the full depth of the main house, beyond the main back wall and across the full width of the rear façade. In doing so, it would significantly increase the built form of No 8, enlarge its footprint and add to its scale and mass. With a sizeable gable feature and a ridge broadly at the same height as that of the host building, the proposal would also fundamentally alter the rectangular shape of the appeal dwelling.
 5. Taken together, I consider that the scale and design of the proposal would cause it to visually dominate the rear façade and to overwhelm the modern style and modest proportions of the original house. The main outcome would be material harm to the character and appearance of the host property.
 6. Because No 8 occupies an elevated position to Lees Hall Road due to the notable difference in ground levels, the new rear addition would be a prominent feature of the local street scene beyond the rear of the site. From this
-

- highway, trees and other vegetation would largely screen the proposal on the immediate approaches to the site in both directions. However, soft landscaping cannot be relied on to shield a development as it can be cut back or removed at any time. In any event, the proposed rear extension would be clearly visible through the gap in this vegetation from the road immediately behind the plot.
7. When seen from this public vantage point, and the back gardens of some of the properties on either side of No 8, the new 2-storey side and rear extension would appear as an overly large and bulky addition notwithstanding its position set back from the road. For these reasons, it would be obtrusive in the street scene along Lees Hall Road and an unwelcome addition to the local area.
 8. It may be, as the appellant suggests, that the type of extension proposed is a common feature of properties in Dewsbury. The occupiers of nearby properties might also seek to progress schemes to enlarge their properties at some point in the future. Nevertheless, I have assessed the proposal on its own merits and in its current context and find it to be incongruous for the reasons given.
 9. The National Planning Policy Framework emphasises the importance of securing high quality design and for development to respond to local character and to add to the overall qualities of an area. For the reasons given, the proposal would not adhere to these important principles.
 10. Against that background, I conclude on the main issue that the proposed development would cause significant harm to the character and appearance of the local area. Accordingly, it is contrary to Policies D2, BE1, BE13 and BE14 of the Kirklees Unitary Development Plan. These policies aim to ensure that development achieves good quality design; respects the design of the existing house; and does not prejudice visual amenity or the character of the surrounding area.
 11. The proposal would provide additional living space and enable the layout of the main house to be remodeled thus improving the living conditions of the appellant. However, this consideration does not outweigh the harm that I have identified in relation to the main issue.
 12. The Council raises no objection to the new single storey addition and to the proposed 2-storey side extension. I, too, find the new single storey addition acceptable as it would be sympathetic in design, proportionate in scale and would add some interest to the front façade. Consequently, this element of the appeal scheme would be in keeping with the intrinsic character of the appeal dwelling and other properties nearby. However, from the plans before me the new single storey extension is not clearly severable from the 2-storey component. Therefore, I am unable to issue a split decision that grants planning permission solely for it.
 13. Overall, for the reasons set out above, and taking into account the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

Appeal Decision

Site visit made on 4 July 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 7 July 2016

Appeal Ref: APP/Z4718/D/16/3152300

Greenwood Barn, Barnsley Road, Upper Cumberworth, Huddersfield, HD8 8NN

- 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 Kevin Mosley against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/91239/E, dated 11 April 2016, was refused by notice dated 8 June 2016.
 - The development proposed is a proposed glazed wintergarden.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues for the appeal are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework) and development plan policy;
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons

Inappropriate Development

3. The Framework sets out that new buildings in the Green Belt are inappropriate unless, amongst other things, they relate to the extension of an existing building and that this does not result in a disproportionate addition to the original building. Saved Policy D11 of the *Kirklees Unitary Development Plan* (UDP) also seeks to ensure that where the development comprises an extension in the Green Belt, the original building should remain the dominant element.
4. Greenwood Barn is a traditional stone farm building. Although the building appears to have been altered on the rear elevation, due to the simple form of the building, in views from the main road, it retains much of its original appearance. The proposal comprises an aluminium and glass structure to be erected on a terrace which sits at first floor level adjoining Barnsley Road.

5. The Council consider that due to the relatively limited size of the proposal, the extension would not comprise a disproportionate addition. The proposal would extend less than 3 metres and would be single storey. Having regard to the considerable size of the host dwelling and the amount of development proposed, I concur that even if the previous additions to the dwelling are taken into account, the extent of development would not result in a disproportionate addition to the host dwelling. Due to its relatively limited size it would also not have a material effect on wider openness. It follows that the proposal would not be inappropriate development within the Green Belt as defined in paragraph 89 of the Framework.

Character and Appearance

6. The attractiveness of Greenwood Barn is largely derived from its traditional character. From the road the building has a solid appearance with a high proportion of stonework, and an uncluttered profile. The extension would be constructed in powder coated aluminium and glass with an apex roof which replicates the profile of the existing gable. However, even though the addition would appear lightweight, due to its height and the extent to which it would obscure the rear elevation it would form a prominently visible addition to the building. The position of the proposal, on the upper story of the building, would also leave it clearly visible in long range views on the approach up Barnsley Road. In these views, due to its elevated position and contemporary appearance it would form an incongruous domestic feature which would fail to complement the simple agricultural form of the building.
7. It follows that the addition would fail to respect the design features of the existing property and would thereby harm the character of the original building. Insofar as it would be visible for some distance outside the site it would also harm the character of the wider area. It would therefore conflict with policies BE13 and D11 of the *Kirklees Unitary Development Plan* which together seek to ensure that extensions respect the character of the original building with regard to scale and architectural detailing. This is consistent with the Framework which has similar aims.

Conclusion

8. I take into account that the proposal would provide enhanced accommodation for the appellant, and allow the terrace to be used in inclement weather. However, this benefit would not outweigh the harm the proposal would cause to the character and appearance of the dwelling and the surrounding area. Therefore, for the reasons given above, and having regard to all other matters before me, I dismiss the appeal.

Anne Jordan

INSPECTOR

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KIRKLEES COUNCIL

PLANNING SERVICE

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

21-Jul-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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Agent:	
Target Date: 08-Jun-2016	
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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:

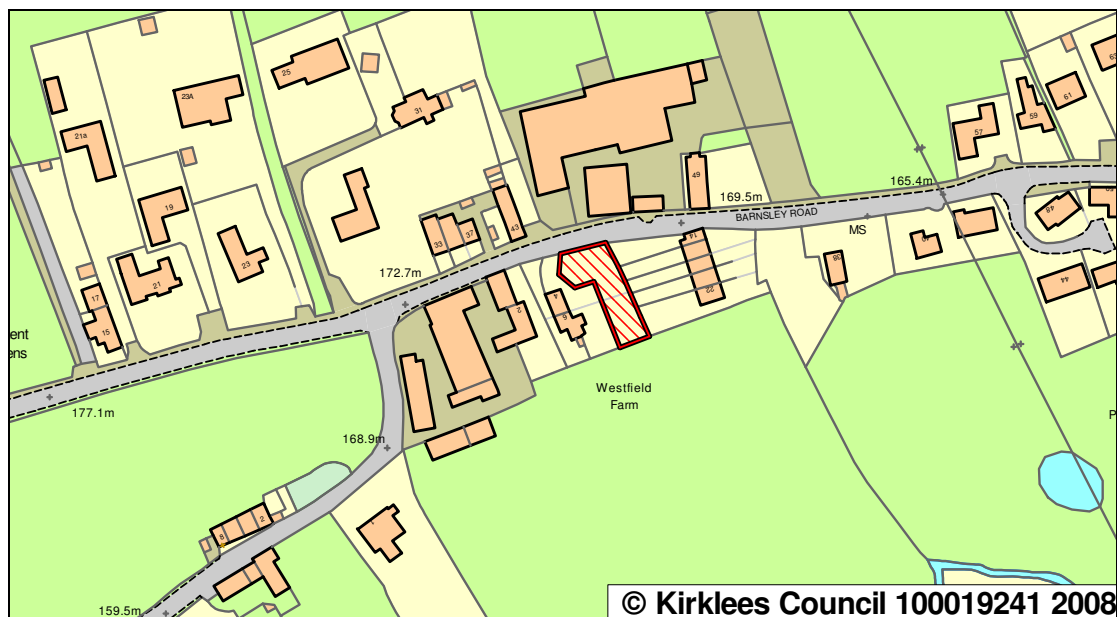
Target Date: *17-Jun-2016*

Recommendation: *RF1 - REFUSAL*

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 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 was originally 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.

The application was deferred at the 14th June 2016 Heavy Woollen Planning Sub- Committee to enable further discussions to take place between Officers and the applicant in an attempt to address the recommended reasons for refusal set out in the 14th June agenda.

Discussions have taken place, and amendments submitted, which are assessed as part of this application.

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.

Amended plans have been received on 29/06/16 which shows the height of the dwelling reduced by 0.4m by reducing the floor to ceiling height and altering the roof pitch and the siting pulled further away from the boundary with nos. 20 and 22 and would now be 2.5m from the boundary. Further plans received 7/07/16 giving full details of the amended proposals.

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 some of the detail to these traditional cottages which face onto the development site.

The amended plans show the height of the dwelling reduced by 400mm and in combination with the previously submitted amendments which lowered the dwelling in the site by 600mm, would now result in an overall reduction in height by 1m. However the proposed dwelling would still have a height to the ridge of around 9m, and would still be a large incongruous building in the streetscene.

The amended proposals show that the dwelling would be moved slightly away from nos. 20 and 22, however this does not address the concerns regarding the siting, furthermore this would result in a reduction of the distance to nos. 4 and 6 which would exacerbate the incongruous relationship.

A discussion has taken place with the applicant regarding the proposed materials and was agreed that natural stone would be used throughout; natural slate would be used on the roof.

Given that the adjacent properties are of stone construction, the proposed facing stone is acceptable. The majority of dwellings facing the site have natural stone slate to the roof, although there is some use of artstone.

Other properties further away from the site have natural grey slate roofing; given the wider context, the use of natural grey slate would, on balance be acceptable and in accordance with policy BE11 of the UDP subject to condition should approval be given.

However it is the assessment of the officer that the amendments to the proposals do not adequately address the concerns regarding the scale, siting and relationship with other dwellings.

Therefore 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. The submission of the amended plan P02-5A received 29/06/16 does not address this issue.

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 (amended).	BG/P02/2D	2	7/07/16
Proposed elevations and floor plans (amended).	BG/P02-1A	2	7/07/16
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
Sections and survey plan (Amended)	BG/P02/5A	2	7/07/16
Supporting information	e-mail from Agent	1	29/06/16

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

Grid Ref: 419875.0 413280.0

Ward: Kirkburton Ward

Applicant: Maryke Woods, Kirklees Council, Streetscene

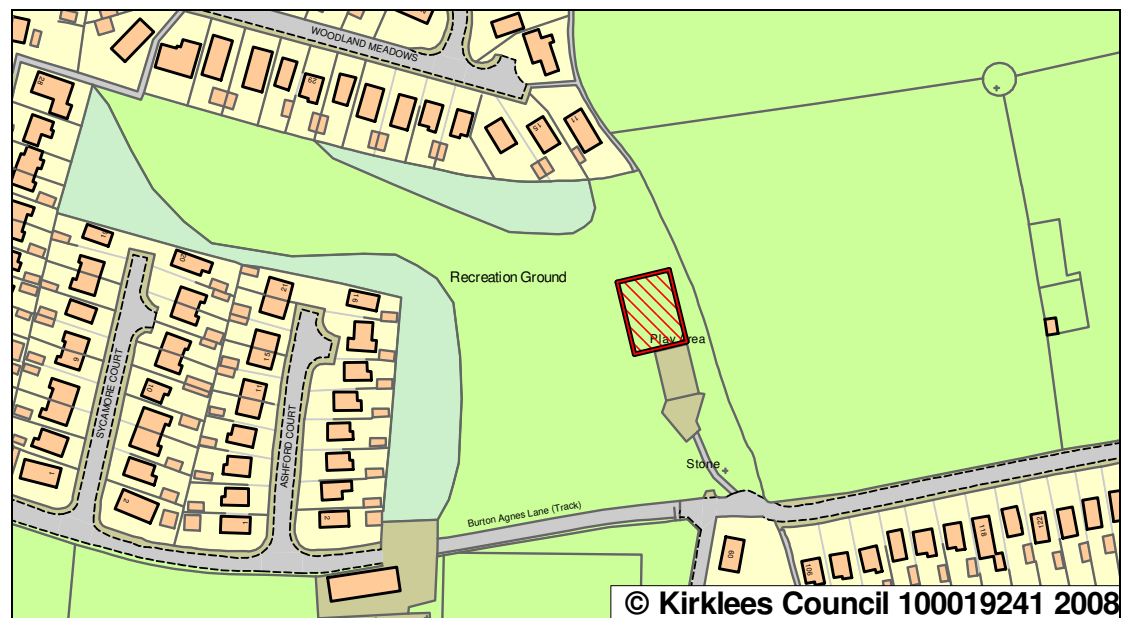
Target Date: 08-Jun-2016

Recommendation: GR2 - GRANT UNDER REG.4 GENERAL REGULATIONS

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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 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.

The application was deferred from the Heavy Woollen Planning Sub-Committee of 14th June 2016 to allow members to undertake a site visit.

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, 185 representations have been received.

- Against – 138;
- In support – 22;
- General comments or questions – 25

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
- No site visit was scheduled for members prior to the 14th June Sub-Committee
- Impact on users of the Public right of way

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 Unitary Development Plan.

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, 185 representations have been received.

- Against – 138;
- In support – 22;
- General comments or questions – 25

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.

- No site visit was scheduled for members prior to the 14th June Sub-Committee

Response: the application was deferred from the previous meeting to allow the members to undertake a site visit

- Impact on users of the PROW:

Response: the impact on users of the PROW has been assessed in the report. A condition has been recommended requiring details of the layout and appearance of the wheel park to be submitted prior to the application being determined – part of the reason for this recommended condition shall be to safeguard users of the PROW.

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

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KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY PLANNING SUB-COMMITTEE HEAVY WOOLLEN AREA

21 JULY 2016

APPLICATION NO: 2016/91013

PAGE 17

FORMATION OF WHEEL PARK

RECREATION GROUND ADJ, BURTON ACRES LANE, Highburton, HUDDERSFIELD

On 13 July 2016, amended comments were received from West Yorkshire Police, now raising objection to the proposal. On 20 July, these comments were revised further, and are set out below.

In addition, Councillor Jim Dodds has commented on the proposals and four additional representations of objection have been received from members of the public.

6. CONSULTATIONS (page 20)

West Yorkshire Police –

A summary of the concerns set out in the 13 July comments are as follows:-

- There are existing crime and anti-social behaviour issues within Highburton and Kirkburton
- Some incidents of crime and anti-social behaviour have taken place within close proximity of the site
- Youth travel to the area from other parts of Huddersfield
- No youth club, as this was closed due to rising anti-social behaviour by attendees
- Successful skate parks are located within high pedestrian/high traffic thoroughfares
- Some skate parks such as Skelmanthorpe's had to be relocated as a result of crime and anti-social behaviour
- The skate park would not benefit from natural surveillance
- Mature trees close to Woodland Meadows would obscure potential surveillance
- Concerns about the scale, design and layout and that a 'blind spot' could be created between the development and the houses
- The area is unlit and a CCTV van could not get to the site
- The public footpath provides a secluded area for people to loiter
- Many of the neighbouring residents are elderly
- No line of sight from PROW adjacent Woodland Meadows and the recreation ground

- PROW very narrow and cannot allow two people to pass without personal space being invaded
- Public pathway can be used to escape police detection
- Proposed location means that policing incidents here will be difficult
- Emergency access to the site is difficult as it is set away from the highway
- Additional traffic movements and potential blocking of driveways of residents, including elderly
- The skate park in Newsome is in a secluded location and suffers from graffiti, litter and anti-social behaviour
- A more suitable location would be closer to Burton Acres Lane near to the football club, tennis courts and car park which would benefit from more passing public attention.

Final comments received from Inspector Mark Trueman on behalf of West Yorkshire Police were received on 20 July, and state the following:-

“Please see the below as additional information in relation to the proposed skate park development.

I submit this report based upon my professional judgement and past experience of MUGA’s, Skate Parks and similar developments designed for children and teenagers.

With any development of this type, you historically see a rise in calls for service, especially around the issues of youths gathering on an evening time causing perceived low level ASB within the area.

There is also historically an increase in graffiti, as the majority of Skate Park projects are created with areas designed to allow expressions of art work to be produced.

In other projects of a similar nature, off road motor cycles have gathered as a meeting point.

The location of this particular venture, also brings an emotional attachment due to its genesis resulting out of the tragic death of Isaac Nash and as a result of this I feel obliged to advice of the potential issues that are likely to become apparent. I am not able to say whether or not any of the above concerns will manifest themselves in this particular venture at this time”.

7. REPRESENTATIONS (pages 20-23)

An additional 4 objections have been received to the application. 3 of the objections raise concern regarding the impact of the development on users of the Public Right of Way and the other is to the principle of the development.

All the issues raised in the additional representations have been raised previously and have been addressed within the main report.

For clarification, this takes the number of objections to 142 (from 112 individuals), with 189 representations being submitted overall.

An email has also been forwarded to the Case Officer by The Friends of Highburton Recreation Ground from Councillor Jim Dodds (Mayor) asking members of the Planning Committee to make sure they are satisfied with the proposed location and that it will not result in additional noise or anti-social behaviour issues for residents. In the email, Councillor Dodds sets out issues associated with the Skelmanthorpe skate park.

8. ASSESSMENT (pages 23-32)

Crime and Anti-social Behaviour (page 26):

As set out on page 26 of the main agenda, the initial comments were provided by the Police Architectural Liaison officer following discussion with the Local Neighbourhood Policing Team Inspector. However, following the publication of the agenda, comments were provided by the Sergeant for the area, raising objections, as summarised above. However, on 20 July, final comments were received from the Inspector of West Yorkshire Police setting out that the Police are not able to say whether or not any of the above concerns will manifest themselves in this particular venture at this time.

In light of the above, members need to consider whether this proposal would materially add to any crime and/or anti-social behaviour issues and therefore be considered as contrary to the aims of chapter 8 of the NPPF.

As previously set out on page 26 of the agenda, Sport England acknowledge that the proposed development could bring activities to engage young people which may, therefore, reduce crime and anti-social behaviour.

It is therefore, very much a matter of balancing the above and considering whether or not the proposal would materially add to crime and anti-social behaviour or the perception of it.

It is the view of officers that the proposal would not materially add to the existing situation and, as is the view from Sport England, may help to reduce it. Furthermore, as set out in the suggested conditions, the Local Planning Authority would have control over the size and style of wheel park and thus, it could be designed to be more appealing to younger children. As such, the recommendation of officer's remains as set out on pages 32 and 33 of the main agenda, which is to Grant under Regulation 4.

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