

Public Document Pack



**Assistant Director, Governance and
Monitoring**

Julie Muscroft

Governance and Democratic Services

Civic Centre 3

High Street

Huddersfield

HD1 2TG

Tel: 01484 221000

Please ask for: Richard Dunne

Email: richard.dunne@kirklees.gov.uk

Wednesday 27 July 2016

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 4 August 2016**.

(A coach will depart the Town Hall, at 11.00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber.)

This meeting will be webcast live.

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

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

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

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

Member

Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Jean Calvert
Councillor Donald Firth
Councillor James Homewood
Councillor Christine Iredale
Councillor Manisha Roma Kaushik
Councillor Musarrat Khan
Councillor Bernard McGuin
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Rob Walker
Councillor Linda Wilkinson

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

Substitutes Panel

Conservative

B Armer
L Holmes
N Patrick

Green

K Allison
A Cooper

Independent

C Greaves

Labour

G Asif
F Fadia
E Firth
C Scott

Liberal Democrat

R Eastwood
J Lawson
A Marchington

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of previous meeting

1 - 42

To approve the Minutes of the meeting of the Committee held on 12 May 2016 and 30 June 2016.

3: Interests and Lobbying

43 - 44

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

4: Admission of the Public

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

5: Deputations/Petitions

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

6: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application 2015/93861

Erection of 28 dwellings and engineering operations at land off, Millmoor Road, Meltham, Holmfirth

Estimated time of arrival at site – 11.15am

Contact – Neil Bearcroft, Planning Officer

Wards

Affected: Holme Valley North

8: Site Visit - Application 2016/91730

Erection of two storey rear extension at 55 Matthew Lane, Meltham, Holmfirth

Estimated time of arrival at site – 11.40am

Contact – Beatrice Kunaka, Planning Officer

Wards

Affected: Holme Valley North

9: Local Planning Authority Appeals

45 - 56

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

Contact: Mathias Franklin, Development Control

Wards

Affected: Almondbury; Greenhead; Holme Valley North

10: Planning Applications

57 - 142

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

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on 1 August 2016. To pre-register, please contact richard.dunne@kirklees.gov.uk or phone 01484 22100 and ask for Richard Dunne.

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Public Document Pack Agenda Item 2:

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 12th May 2016

Present: Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Jean Calvert
Councillor Donald Firth
Councillor Carole Pattison
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Linda Wilkinson
Councillor Andrew Marchington
Councillor Bill Armer
Councillor Sheikh Ullah

Apologies: Councillor Musarrat Khan
Councillor Amanda Pinnock
Councillor John Taylor

1 Membership of the Committee

Councillor B Armer substituted for Councillor M Hemingway.

Councillor S Ullah substituted for Councillor M Khan.

2 Minutes of previous meeting

That the Minutes of the meeting of the Committee held on 31 March 2016 be approved as a correct record.

3 Interests and Lobbying

In connection with item 15 – Planning Applications, Members declared interests and identified Planning Applications in which they had been lobbied as follows:-

Councillors Bellamy and D Firth declared an ‘other’ interest in Applications 2015/91832, 2016/90373 and 2016/90576 on the grounds that they were Members of the Holme Valley Parish Council.

Councillor Sims declared that he had been lobbied on Applications 2015/91832 and 2016/90373.

Councillor Wilkinson declared that she had been lobbied on Application 2015/93052.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application 2015/91857

Site visit undertaken.

8 Site Visit - Application 2015/91832

Site visit undertaken.

9 Site Visit - Prickledon Mills, Woodhead Road, Holmfirth

Site visit undertaken.

10 Site Visit - Application 2016/90576

Site visit undertaken.

11 Site Visit - Application 2016/90499

Site visit undertaken.

12 Local Planning Authority Appeals

RESOLVED - That the report be noted.

13 Application 2015/93052, Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield

The Sub Committee considered a report that outlined the grounds for refusal of Application 2015/93052, erection of detached dwelling and new entrance gate (listed building) at Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield.

The report contained details of the background to the refusal, the implications for the Council and officer recommendations and reasons.

RESOLVED -

That the Secretary of State be informed that this Authority would have been minded to refuse planning permission on the grounds that:

(1) The proposed dwelling, by virtue of its siting, scale and design, would harm the setting of the listed building (Fenay Lodge) by substantially reducing the curtilage of the building and introducing a form of development to the site that fails to sustain the significance of the designated heritage asset. The development is therefore contrary to Policy BE1 criteria I of the Unitary Development Plan (UDP) and to chapter 12 of the National Planning Policy Framework.

(2) The proposed dwelling, by virtue of its proximity and scale, would harm the amenity of 21 Dartmouth Avenue by having an overbearing and dominant impact on the main private garden space belonging to this neighbouring property and by introducing a form of development that would detrimentally affect the outlook at the rear of number 21. The proposal is therefore contrary to Policy D2 criteria v of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

14 Prickledon Mills, Woodhead Road, Holmfirth

The Sub Committee considered a report that outlined a recommendation to discharge Condition 24 (Construction Management Plan) attached to Planning Application 2012/90738 at Prickledon Mills, Woodhead Road, Holmfirth.

The report contained details of the background to the application, the construction management plan, the implications for the Council and officer recommendations and reasons.

The Sub Committee heard representation from Neil Tunnacliffe (objector), Councillor Nigel Patrick (Ward Councillor) and Russel Earnshaw (planning agent).

RESOLVED -

That Condition 24 (Construction Management Plan) be discharged subject to a commitment to carry out a post development survey of Lower Mill Lane; make arrangements to create and engage with a resident liaison group; and provide a means to cover the cost of a Traffic Regulation Order.

15 Planning Applications

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

- (a) Application 2016/90499 – Erection (750 square metres) of portable modular buildings at Moor End Academy, Dryclough Road, Crosland Moor, Huddersfield – David Martin (representing the applicant Kirklees Council)
- (b) Application 2015/91832 - Variation of conditions 27 (hours of opening) and 39 (floodlights) on previous permission 2011/92600 for demolition of existing building and erection of food store with associated car parking, landscaping, highways works and relocate existing sub station at Lidl UK GmbH, Huddersfield Road, Holmfirth – Councillor Nigel Patrick (Ward Councillor) and Robert Dibden (planning agent)
- (c) Application 2016/90373 - Change of use of 1st floor room to taxi office at Pink Fusion Lounge, Sheffield Road, New Mill, Holmfirth – Councillor Nigel Patrick (Ward Councillor)
- (d) Application 2015/91857 - Erection of agricultural building at land off, Lumb Lane, Almondbury, Huddersfield – John Eastwood, Mark Taylor and Jennifer Taylor (objectors)

Planning Sub-Committee (Huddersfield Area) - 12 May 2016

(e) Application 2016/90576 - Formation of a porch to front of 3 Digley Cottages, Bank Top Lane, Holmbridge, Holmfirth – Councillor Nigel Patrick (Ward Councillor) and Paul Brown (applicant)

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

KIRKLEES COUNCIL
LIST OF PLANNING APPLICATIONS DECIDED BY
PLANNING SUB-COMMITTEE (HUDDERSFIELD)
12 MAY 2016

APPLICATION NO.

2016/90499

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

Kirklees Council, PRP - Erection (750 square metres) of portable modular buildings - Moor End Academy, Dryclough Road, Crosland Moor, Huddersfield

GRANT TEMPORARY PERMISSION UNDER REGULATION 4

(1) The modular buildings shall cease use on 31st December 2017. Before May 2018 the modular buildings shall be wholly demolished and the land shall be restored to its condition prior to the implementation of the development.

(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) Prior to the modular buildings being brought into use, the pedestrian access points as shown on drawing no. A01 rev A, namely from Dryclough Road and Gilbert Grove shall be provided and made operational and retained thereafter whilst ever the modular buildings are in use.

(4) Prior to the modular buildings being brought into use, details of the start and finish times for the use of the modular buildings as classrooms, which shall be staggered from the school hours of the main building constituting Moor End Academy, shall be submitted to and approved in writing by the Local Planning Authority. The temporary school shall operate within the times specified thereafter. The times of operation of the breakfast and after school clubs at Moor End Academy are unaffected.

(5) The gated vehicular access proposed from Wellfield Bank as shown on drawing no. A04 Rev A, shall remain locked at all times other than when used in association with servicing of the site, including construction traffic, deliveries and in emergencies only.

(6) 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) there shall be no staff or pedestrian access to the development from Wellfield Bank

(7) Prior to first use of the temporary school a method a method statement setting out how the hereby approved development will be serviced including details of:

- times of servicing,
- the size and type of vehicle that will service the site,
- loading and unloading of vehicles, and

APPLICATION NO.

2016/90499 Cont'd

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

- how servicing will be managed including the control of the access gate onto Wellfield Bank

shall be submitted to and approved in writing by the Local Planning Authority. The temporary school shall be serviced in accordance with the approved details for the lifetime of the development.

(8) The modular buildings shall not be brought to site until the access road from Wellfield Bank and the turning area as shown on approved drawing no. A04 Rev A has been made operational.

(9) The modular buildings shall not be brought into use until all areas indicated to be used access and servicing on the submitted plans have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the uses specified on the submitted/ plans

(10) Prior to the commencement of development, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

- point of access for construction traffic,
- construction workers parking facilities
- times of use of the access,
- turning/manoeuvring facilities,
- vehicle routing of construction traffic to and from the site
- traffic management,
- signage,
- where vehicles will be loaded unloaded, and
- mud prevention measures
- Hours of construction and construction deliveries

The hereby approved development shall thereafter be carried out in complete accordance with the approved details

(11) Within the first 3 months of any part of the development being brought into use, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

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

2016/90499 Cont'd

- the provision of 'live' and other bus/train information;
- provision of METRO passes;
- car sharing facilities
- the upgrade of bus stops and shelters where necessary;
- the introduction of working practices to reduce travel demand and
- the provision of on-site cycle facilities and information.

The Travel Plan will include details of when these measures will be introduced. To support the promotion of the use of sustainable modes the travel plan will also include: how the travel plan will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site; a programme for monitoring the travel plan and its progress and how the travel plan and its objective of more sustainable travel will be promoted. The approved travel plan shall thereafter be adhered to at all times

(12) 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.

(13) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition no. 12. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

| APPLICATION NO. | DESCRIPTION, LOCATION OF PROPOSAL AND DECISION |
|-------------------|--|
| 2016/90499 Cont'd | <p data-bbox="528 215 1106 253">Footnote to be applied to all applications</p> <p data-bbox="528 293 1417 398">All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.</p> <p data-bbox="528 439 1410 510">A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p data-bbox="528 551 1358 622">FOR: Councillors Armer, Calvert, Lyons, Pattison, Sarwar, Sokhal, Ullah and Wilkinson (8 Votes)</p> <p data-bbox="528 663 1369 696">AGAINST: Councillors Bellamy, D Firth and Sims (3 Votes)</p> |
| 2015/91832 | <p data-bbox="528 730 1442 947">Lidl UK GmbH - C/O Agent - Variation of conditions 27 (hours of opening) and 39 (floodlights) on previous permission 2011/92600 for demolition of existing building and erection of food store with associated car parking, landscaping, highways works and relocate existing sub station - Lidl UK GmbH, Huddersfield Road, Holmfirth</p> <p data-bbox="528 987 1426 1205">REFUSED – CONTRARY TO OFFICER RECOMMENDATION (THE SUB COMMITTEE CONSIDERED THAT THE ACTIVITY ASSOCIATED WITH THE OPERATION OF THE STORE DURING THE LATER OPENING HOURS WOULD HAVE AN UNACCEPTABLE IMPACT ON THE RESIDENTIAL AMENITY OF THE ADJACENT RESIDENTIAL PROPERTIES)</p> <p data-bbox="528 1245 1410 1317">A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p data-bbox="528 1357 1442 1429">FOR: Councillors Armer, Bellamy, D Firth, Marchington, Sarwar, Sims, Sokhal, Ullah and Wilkinson (9 Votes)</p> <p data-bbox="528 1469 1410 1503">AGAINST: Councillors Calvert, Lyons and Wilkinson (3 Votes)</p> |
| 2016/90373 | <p data-bbox="528 1536 1422 1641">Mr Mohammed Abaidullah - Change of use of 1st floor room to taxi office - Pink Fusion Lounge, Sheffield Road, New Mill, Holmfirth</p> <p data-bbox="528 1682 1437 1865">DEFERRED (TO PROVIDE THE OPPORTUNITY FOR OFFICERS TO DISCUSS WITH KIRKLEES LICENSING THE ISSUES ARISING FROM THE PARKING OF VEHICLES ON THE FORMER MIDLOTHIAN SITE AND TO BE CONSIDERED BY THE SUB COMMITTEE AT A FUTURE MEETING)</p> <p data-bbox="528 1906 1410 1977">A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p data-bbox="528 2018 1137 2083">(1) A VOTE TO SUPPORT THE OFFICER RECOMMENDATION</p> |

| APPLICATION NO. | DESCRIPTION, LOCATION OF PROPOSAL AND DECISION |
|-------------------|---|
| 2016/90373 Cont'd | <p>FOR: Councillors Calvert, Pattison and Sarwar (3 Votes)</p> <p>AGAINST: Councillors Armer, Bellamy, D Firth, Lyons, Marchington, Sims, Sokhal, Ullah and Wilkinson (9 Votes)</p> <p>(2) A VOTE TO DEFER</p> <p>FOR: Councillors Armer, Bellamy, Calvert, D Firth, Lyons, Marchington, Pattison, Sarwar, Sims, Sokhal, Ullah and Wilkinson (12 Votes)</p> <p>AGAINST: (0 Votes)</p> |
| 2015/91857 | <p>R Airey - C/O Agent - Erection of agricultural building - Land Off, Lumb Lane, Almondbury, Huddersfield</p> <p>REFUSAL – CONTRARY TO OFFICER RECOMMENDATION (THE SUB COMMITTEE CONSIDERED THE DESIGN AND APPEARANCE OF THE BUILDING WAS UNSIGHTLY AND A DETRIMENTAL IMPACT ON THE VISUAL AMENITY OF THE AREA; IN ADDITION THE SUB COMMITTEE AUTHORISED OFFICERS TO PROCEED WITH ENFORCEMENT ACTION AGAINST THE UNAUTHORISED DEVELOPMENT)</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS:</p> <p>FOR: Councillors Armer, Bellamy, Calvert, D Firth, Lyons, Marchington, Pattison, Sarwar, Sims, Sokhal, Ullah and Wilkinson (12 Votes)</p> <p>AGAINST: (0 Votes)</p> |
| 2016/90576 | <p>P Brown - Formation of a porch to front - 3 Digley Cottages, Bank Top Lane, Holmbridge, Holmfirth</p> <p>CONDITIONAL FULL PERMISSION</p> <p>(1) The development hereby permitted shall be begun within three years of the date of this permission.</p> <p>(2) The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.</p> <p>(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.</p> |

APPLICATION NO. DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2016/90576 Cont'd

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

(1) A VOTE TO REFUSE

FOR: Councillors Armer, Bellamy, D Firth and Sims (4 Votes)

AGAINST: Councillors Calvert, Lyons, Pattison, Sarwar, Ullah and Wilkinson (6 Votes)

(2) A VOTE TO SUPPORT OFFICER RECOMMEDATION

FOR: Councillors Calvert, Lyons, Pattison, Sarwar, Ullah and Wilkinson (6 Votes)

AGAINST: Councillors Armer, Bellamy, D Firth and Sims (4 Votes)

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 30th June 2016

Present: Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Jean Calvert
Councillor Donald Firth
Councillor James Homewood
Councillor Musarrat Khan
Councillor Bernard McGuin
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Rob Walker
Councillor Linda Wilkinson
Councillor Gulfam Asif
Councillor John Lawson

1 Membership of the Committee

Councillor Asif substituted for Councillor Kausik

Councillor Lawson substituted for Councillor Iredale

2 Interests and Lobbying

Councillor Lyons declared an pecuniary interest in Application 2016/91144 – 150, Wessenden Head Road, Meltham, Holmfirth – House extension due to him being the owner of the property and left the meeting during consideration of this application.

Councillor Bellamy declared an 'other' interest in Applications 2016/90477, 2015/92993, 2016/90373, and 2016/91193 due to being a member of Colne Valley Parish Council.

Councillor Bellamy indicated that she had been lobbied in respect of Application 2016/90477.

Councillor Sims indicated that he had been lobbied in respect of Applications 2016/90477 and 2015/92993.

3 Admission of the Public

All items considered in public session.

4 Deputations/Petitions

No deputations or petitions were received.

5 Public Question Time

No public questions were asked at the meeting.

6 Site Visit - Application 2016/90066

Site visit undertaken.

7 Site Visit - Application 2015/92993

Site visit undertaken.

8 Site Visit - Application 2016/90477

Site visit undertaken.

9 Site Visit - Application 2016/91193

Site visit undertaken.

10 Local Planning Authority Appeals

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

RESOLVED – That the report be noted.

11 Planning Applications

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

- (a) Application 2016/90066 - Erection of 8 dwellings with parking on land to Rear of Lindley WMC, Blackthorn Drive, Lindley, Huddersfield – Dan Henighan (for application)
- (b) Application 2016/90477 - Alterations to convert outbuilding to holiday accommodation adjacent 1 Wheat Close, Holmbridge, Holmfirth – Andy Rushby (for application)
- (c) Application 2015/92993 - Outline application for erection of residential development on land off, Butt Lane, Hepworth, Holmfirth – Jeremy Child (for application)
- (d) Application 2016/91193 - Erection of detached dwelling with integral garage (modified Proposals) at plot 19, Honey Head Lane, Honley, Holmfirth – Nick Willock (objector)

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 (HUDDERSFIELD)
30 JUNE 2016

APPLICATION NO. DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2015/92433

Tony Barry, Casey Environ - Variation of conditions 2 (time scale) and 17 (land form/surface restoration) on previous permission 99/90597 for restoration of mineral workings with imported controlled wastes; construction of new road and site access; ancillary processing and use of minerals arising from engineering and site development works; processing, sorting, composting and re-cycling of wastes and all other associated engineering operations - Laneside Quarry, Bellstring Lane, Upper Hopton, Mirfield

Approve removal or modification of conditions identified by the applicant subject to the delegation of authority to officers to:

- (i) Impose all necessary and appropriate conditions
- (ii) Secure a deed of variation to the existing S106 agreement which requires:
 - (a) the continued payment of an annual highways maintenance contribution until the end of the extended operational period in the sum of £15000 per annum
 - (b) The upgrade of on-site wheel washing facilities and the provision of a formal road cleaning regime
- (iii) and, subject to there being no substantive changes to alter this recommendation, to issue the decision notice

TIME LIMITS

(1) Use of the site for the deposit of waste shall be completed within 10 years of the date of the permission hereby approved and the application site shall be restored for use for agriculture, woodland and amenity within 11 years of the date of the permission hereby approved or within 12 months of achievement of permitted final levels in accordance with condition 15 below, whichever is the earlier.

PRIOR CESSATION

(2) In the event of a cessation of waste deposit on the site before the achievement of the approved scheme referred to in Conditions Nos. 10, 15 and 23 which is for a period in excess of 18 consecutive months or the use of the site for waste disposal is discontinued for a like period, a revised scheme to include details of restoration and aftercare, shall be submitted in writing for the approval of the Local Planning Authority within 3 months of the cessation of waste deposit. The approved revised scheme shall be fully implemented, with the exception of aftercare, within 12 months of the Local Planning Authority's written approval

APPLICATION NO.

2015/92433 cont

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

unless otherwise agreed in writing by the Local Planning Authority.

ACCESS

(3) The sole means of vehicular access to and egress from the site for the purposes of waste disposal and restoration of the site shall be as indicated on approved amended drawing No. G110-004.Rev.3.

(4) The site shall be operated at all times in accordance with the following HGV controls:

- HGVs entering or leaving the site shall not exceed an average of 120 vehicles a day at the site (i.e. 60 in and 60 out) for a 5.5 day working week when measured over one calendar month.
- A maximum of 220 (i.e. 110 in and 110 out) HGV may enter or leave the site on any one working day. This figure shall be reduced to 110 (i.e. 55 in and 55 out) on a Saturday.
- A record of HGV movements entering the site for landfill purposes shall be kept on site and shall be made available to the LPA when requested.

(5) The site access road as indicated on drawing No. G110 - 004. Rev. 3 shall be maintained in a good state of repair and kept clean and free of mud and other debris. Verges and baffle mounds to the access road, shall be maintained free of weeds and rank vegetation.

6. No commercial vehicles shall enter the public highway from the permitted site unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

PREPARATORY WORKS/LANDSCAPING

(7) The diversion of the watercourse crossing the site shall be carried out in accordance with the following plans and documents:

Stream Diversion G110 – 063

Typical Sections to Stream Diversion G110 – 064 Steam

Diversion Longitudinal Section G110 – 065 Balancing Pond
detail G110 - 066

Revised Planting Proposals G110 – 202 Rev. 3 Amended Final
Restoration G110 – 203 Rev. 2

APPLICATION NO.

2015/92433 cont

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**OPERATION OF THE SITE PHASING**

(8) Tree and scrub and hedge planting proposed on application drawing No. G110-007 shall be implemented in accordance with the specification set out in amended application drawing No. G110-011 Rev 2 and in accordance with a revised timetable which shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of the date of this approval.

(9) Waste shall not be imported to or deposited on the site until Condition Nos. 56, 57, 60 and 63 have been complied with.

(10). The site shall be progressively backfilled with waste in phases in a west to east direction in accordance with the phased programme set out in approved Drawing Nos. G110-008 and G110-009 and as described in the Environmental Assessment and planning application supporting statement.

11. The developer shall notify the Local Planning Authority in writing within 14 days of the date of commencement/completion of the following:

- (i) commencement of site preparation works.
- (ii) commencement of the deposit of imported waste
- (iii) entering a new phase of waste landfill as identified on approved drawing Nos. G110- 008 and G110-009.
- (iv) completion of each waste landfill phase.
- (v) completion of restoration of each landfill site.
- (vi) completion of the landscaping/planting scheme required by Condition 8.
- (vii) completion of final restoration.
- (viii) estimated date for completion of aftercare.

LIMITS OF WASTE DEPOSIT AND FINISHED LEVELS

(12) No deposit of waste shall take place outside the land bounded with a green line on approved Drawing No. G110-007 except for;

- (a) soil and soil making materials for any purpose and or
- (b) waste and other materials required in connection with site engineering and construction works.

13. During the operation of the landfill site, no deposit of waste shall take place other than in accordance with the Condition Nos. 10 and 12 above.

14. Before the commencement of the landfill operations in any of the phases shown on approved Drawing No. G110-008 and G110 - 009 and as described in the Environmental Statement and the planning supporting statement with the

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application, the limits of the area to be backfilled shall be clearly defined on site and notified to the Local Planning Authority.

(15) Final post settlement landform and surface restoration levels shall accord with the finished restored contours shown on approved post settlement drawing No G110-203-Rev2”

(16) As the operation approaches final pre-settlement waste deposit levels and in any case before the final grading of cover and before the spreading of subsoil, the surface levels shall be checked by competent land surveyors. Thereupon markers shall be erected to indicate the approved final levels, approved restored surface levels and any appropriate approved intermediate levels.

SOIL CONSERVATION AND SAFEGUARDING THE AGRICULTURAL INTEREST IN THE SITE**SOIL STRIPPING**

(17) The Local Planning Authority shall be given at least 48 hours’ notice (excluding Sundays and Bank Holidays) of any intended phase of topsoil or subsoil stripping, such works to proceed only subject to their agreement.

(18) All available topsoil and subsoil shall be stripped from any areas to be excavated, developed or used for the stationing of plant and buildings, storage of material, haul roads and other areas to be traversed by heavy machinery, and stored until required for restoration purposes unless otherwise approved for progressive restoration.

(19) The stripping and movement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions to avoid soil smearing and compaction and to ensure that all available soil resources are recovered.

SOIL STORAGE

(20) Topsoils, subsoils and other soil making materials which are to be used for restoration, shall be stored according to their quality in separate mounds which do not overlap and in locations which have the prior agreement of the Local Planning Authority. No topsoil or subsoil shall be removed from the site.

(21) Once formed, all mounds in which soils are to be stored for more than 6 months, or over the winter period, shall be grass seeded in accordance with a specification agreed beforehand with the Mineral Planning Authority, to minimise erosion and weed infestation. Any excess weeds shall be regularly controlled.

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SITE MAINTENANCE

(22) From commencement of the development until restoration of the site the following shall be carried out:

- (a) the maintenance of fences in stockproof condition between any areas used for development and any adjoining agricultural land
- (b) the retention of fencing around trees and hedgerows
- (c) the treatment of trees affected by disease in accordance with accepted principles of good woodland practice
- (d) all areas including stacks of soil and overburden to be kept free of weeds and all necessary steps taken to destroy weeds at an early stage of growth to prevent seeding.

RESTORATION

(23) Except as specified in condition 24 below, the site shall be progressively restored for agriculture, woodland and amenity use in accordance with the following plans and documents:

Pre-operation mitigation measures G110 - 007 Rev.1 Revised Planting Proposals G110 – 202 Rev 3 Amended Final Restoration G110 – 203 Rev. 2 Fencing Type 1 1200mm Stockproof G110 – 040 Fencing Type 4 2400mm Palisade G110 – 042
Field Gate 4.0 Galvanised Steel G100- 044 Waymarking post and Finger post G110 -045 Signboard 1200 x 800mm G110 – 046
Stile G110 – 047
Signboard 600 x 400mm G110 – 048 Kissing Gate G110 – 049
Fencing Type 6 1000mm Post and Wire G110 – 50 Cycle Gateway with Sand Trap G110 – 51

(24) Notwithstanding the approved restoration planting details contained in plan G110 – 202 Rev. 3 the following species shall not be planted on site and shall be replaced by a mixture of other appropriate substitute species indicated in the aforementioned plan:

Grey Alder (*Alnus Incana*) Ash (*Fraxinus Excelsior*) Blackberry (*Rubus Fruticosus*) Dewbury (*Rubus Caesius*)
Burnet Rose (*Rosa Pimpinellifolia*)

(25) Notwithstanding the management programme described in the supporting Habitat Management Plan, all hedges planted as part of the approved restoration scheme shall only be trimmed or pruned during the month of February.

(26) After waste landfill operations including capping have been completed on any phase shown on approved drawing No. G110-008 the Local Planning Authority shall be given the

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opportunity (with at least 48 hours' notice excluding Sundays and Bank Holidays) to inspect the surface before further restoration work is carried out.

(27) Imported soils or soil making materials and soil making materials arising from permitted engineering or minerals extraction operations on the site shall be made available for inspection by the Local Planning Authority prior to use in restoration of the site.

(28) Soils stripped and stored on site, together with any soil-making materials recovered from the incoming infill waste shall only be spread when in a dry and friable condition.

(29) Subsoil and soil making materials shall be re-spread in layers not exceeding 45cm thickness, and the final layer shall be cross-rippled to a depth of 400mm using a heavy duty subsoiling implement with winged tines set no wider than 600 mm apart and any non-subsoil type material or rock, boulder or stone larger than 150 mm in any dimension shall be removed from the surface and not buried within the respread soil.

(30) Wherever topsoil is respread it shall be cross-rippled to alleviate compaction and any stone larger than 100 mm in any dimension shall be removed and taken away.

(31) After spreading the soil all reasonable steps shall be taken to ensure that within the top 400 mm of topsoil and/or subsoil there is no:

- (a) rock, boulder, stone, wire, cable or wire rope
- (b) sterile material injurious to plant life
- (c) excessively compacted zone.

(32) The spreading of soil shall only be carried out when the material and the ground which it is to be placed on are in a dry and friable condition and in sufficient time for subsoiling, cultivation and seeding to take place under dry weather conditions unless otherwise agreed in writing by the Local Planning Authority.

(33) Within 3 months of the restoration of the final top layer the developer shall make available to the Local Planning Authority a plan with contours at sufficient intervals to indicate the final restored pre-settlement form of the site, together with a record of the depth and composition of the reinstated soil profiles.

(34) Notwithstanding the preceding conditions, no stripping, movement, replacement or cultivation of topsoils and/or subsoils shall be carried out during the period October - March without

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the prior consent of, by methods and for a period agreed with, the Local Planning Authority.

(35) Trees and shrubs shall be planted on the permitted site only during the months of November, December, January, February or March.

AFTERCARE

(36) The period of aftercare shall commence following compliance with Condition Nos. 29 and 30 on any part of the site and shall extend for a period of 5 years effective management from the date of final restoration of the whole site, or smaller manageable blocks within the site, as confirmed in writing by the Local Planning Authority.

(37) In order to allow time for consultations and any amendments to be made before a scheme is agreed, at least six months prior to commencement of aftercare on all or part of the site, outline proposals for the 5 year aftercare period shall be submitted to the Local Planning Authority. The proposals shall comprise:

- (a) the outline strategy which should identify who is responsible for carrying out the aftercare, broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme. All areas subject to aftercare are to be included on a map, with separate demarcation of any areas having different periods or management proposals. It should be submitted to the Local Planning Authority at least three months prior to the commencement of aftercare.
- (b) The detailed annual programme covering requirements for the forthcoming year. The first detailed programme should be submitted with the outline strategy.

Aftercare proposals submitted for consideration shall comply with guidance contained in Section 6 of the Minerals Chapter of National Planning Practice Guidance

(38) Subsequent detailed programmes shall be submitted annually to the Local Planning Authority for consultation not later than one month prior to the annual aftercare meeting with the Local Planning Authority to which the following parties shall also be invited:

- (a) All owners of land within the site
 - (b) All occupiers of land within the site
 - (c) Representatives of other statutory bodies as appropriate
- The developer shall arrange additional aftercare meetings as required by the Local Planning Authority.

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(39) During the final year of the aftercare period and prior to the final aftercare inspection, the developer shall prepare a report on the Physical Characteristics of the site sufficient to demonstrate to the satisfaction of the Local Planning Authority that these have been restored, so far as it is practicable to do so, to what they were when the site was last used for agriculture.

MAINTENANCE OF HEDGES AND TREES

(40) Hedges and Trees planted in accordance with any restoration scheme shall be maintained during the aftercare period in accordance with good woodland and/or agricultural practice, such maintenance to include the following:

- (a) Replacing plants which die or are lost in the subsequent planting season.
- (b) Weeding early in each growing season and as necessary thereafter to prevent the growth of plants being retarded.
- (c) Maintaining any fences around planted areas in a stockproof condition.
- (d) Appropriate measures to combat all other pests and/or diseases which significantly reduce the viability of the planting scheme.

DRAINAGE AND WATER PROTECTION

(41) No development approved by this permission in respect of the land edged orange on approved application No. G110-013 shall commence until:

- (a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment, and agreed in writing by the Local Planning Authority.
- (b) Details proposals for the removal, containment or otherwise rendering harmless any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority including details of any proposed leachate storage or treatment facilities.
- (c) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.
- (d) If during reclamation works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

(42) Within 3 months of the date of the permission hereby approved a scheme detailing existing and proposed surface water management measures shall be submitted in writing to

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and approved by the Local Planning Authority. The approved scheme shall be retained throughout the life of the development.

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

(44) No deposit of waste or temporary storage of waste shall take place within 4.5m of any watercourse. Under no circumstances shall waste enter any watercourse or culvert.

(45) Only general, dry, commercial, industrial, household and inert waste types shall be deposited at the site.

HOURS OF OPERATION

(46) Except in the event of an emergency when immediate action is required to prevent a serious environmental pollution incident from occurring or escalating and the Council is notified of the emergency within the following 24 hours, no vehicles shall enter and leave the site and no work shall take place on the site except during the following hours:

07.00 - 18.00 Monday to Friday

07.30 - 13.00 Saturday

with no working at all on Sundays or Bank Holidays.

(47) HGVs carrying waste shall not enter the site any further than the site office/weighbridge on the access road shown on approved amended application drawings No. G110-004 Rev 3 except during the following hours:

07.30 - 18.00 Monday to Friday

08.00 - 13.00 Saturday

and not at all on Sundays or Bank Holidays. These hours shall be displayed at the entrance to the site off Bellstring Lane as the official opening times for the receipt of waste for disposal at the site.

(48) Operations involving the stripping, storage and replacement of soil and the construction and removal of noise baffle and screen mounds and initial works adjacent the

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residential area of Mountain Way and Stafford Hill Lane site boundary shown on Section A-A on approved drawing No. G110 - 009 and works involved in the diversion of the watercourse crossing the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 and 14.00 on Saturdays and for no longer than 28 days total in any calendar year unless otherwise agreed in writing by the Local Planning Authority.

(49) Except in the event of an emergency when immediate action is required to prevent a serious environmental pollution incident from occurring or escalating and the Council is notified of the emergency within the following 24 hours, no servicing, maintenance and testing of plant shall be carried out at the site between 20.00 and 07.30 hours on any day and at no time on Sundays or Bank or National Holidays unless otherwise agreed in writing by the Local Planning Authority.

NOISE

(50) The noise attributable to site operations excluding the operations referred to in Condition 48 above but including the flaring or conversion to electricity of landfill gas or water or leachate pumping operations shall not exceed the following levels at the location specified below:

LOCATION NOISE LEVEL - dB Laeq (1 hour) Freefield
Carr Mount Farm 45 Kirkheaton Cemetery 45 Laneside 45
Mountain Way 45 Cockley Hill Farm 47

(51) The site shall be operated in accordance with the noise monitoring scheme Ref. AJB/JMS/P1300 and subsequent amendment approved on 6 MARCH 2002.

(52) The results of noise monitoring required by Condition No.51 above shall be kept at the site and made available to the Local Planning Authority at all reasonable times and copies of noise monitoring results shall be made available to the Local Planning Authority on request.

(53) The engines of vehicles, plant and machinery involved in the engineering, landfill and restoration operations on the site shall not be started up before 07.00 hours.

54. No plant, machinery or vehicles shall be used on the site unless fitted with silencers maintained in accordance with the manufacturer's recommendations and specification.

DUST

(55) The site shall be operated in accordance with the following dust suppression measures:

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- Mobile water bowsers shall be used when airborne dust is generated on site
- dust suppression chemicals shall be used when necessary
- All plant used on site shall have upward facing exhausts
- All heavy plant used on site shall be equipped with radiator deflector plates
- The movement of soils, overburden and the deposit of waste on site shall be suspended when the local wind speed exceeds 20 metres per second and is blowing in the direction of any residential premises within 1000 metres of the area of operation
- An on-site anemometer shall be provided and maintained in good order
- Dust suppression or collection equipment shall be used on any drilling rig used on site
- Effective wheel, tyre and chassis cleaning equipment shall be provided at the site exit
- Complaints about dust and nuisance incidents shall be recorded

LITTER

(56) Emission of windblown litter from the landfill site shall be prevented in accordance with a scheme which shall be submitted to and approved in writing prior to the deposit of any waste (other than excavation soils or demolition rubble) on the site. The submitted scheme shall, inter alia, provide for:

- daily covering of waste deposited on the site with clean soil or other suitable material
- suspension of waste disposal/treatment operations on the site when local wind speed exceeds 20 metres per second.
- the regular recovery and disposal of any fugitive litter.

CONTROL OF SCAVENGING BIRDS

(57) Other than the deposit of excavation soils and demolition rubble, no landfilling shall be commenced until a scheme for keeping the site free of scavenging birds has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented during the hours of

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daylight throughout the life of the site unless otherwise agreed in writing by the Local Planning Authority.

ODOUR

(58) No waste shall be burnt within the boundaries of the site and a fire at the site shall be regarded as an emergency and immediate action shall be taken to extinguish it.

PREVENTING LIGHT POLLUTION

(59) The details of all external floodlighting and other illumination proposed at the site shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include: height of the floodlighting posts, intensity of the lights (specified in Lux levels), spread of light including appropriate light spillage to the rear of floodlighting posts (in metres), any measures proposed to minimise the impact of floodlighting or disturbance through glare (such as shrouding) and the times when such lights will be illuminated.

LANDFILL GAS INSTALLATIONS AND SITE RESTORATION

(60) Landfill gas generated by the waste deposited at the site shall be controlled and utilised only in accordance with a scheme submitted prior to the deposit of any non-inert waste on the site for the approval of the Local Planning Authority. The submitted scheme shall be designed and installed in accordance with best practice and guidance from the Department for Environment Food and Rural Affairs and its Agencies:-

- (i) to minimise the likelihood of gas collection pipework and extraction well failure and the need for replacement and maintenance of pipes and wells which would adversely affect the restoration of the site.
- (ii) to minimise interference with the afteruse of the site for agriculture, woodland and amenity.
- (iii) to prevent odour nuisance from landfill gas vents. The submitted scheme shall provide for, inter alia:
 - (i) scaled plan(s) which locate monitoring stations and wells, extraction wells, well heads/manifolds, collection pipework, flares and generating stations and access to installations and plant;
 - (ii) indication of which installations are above ground and elevations for above ground installations;
 - (iii) method statements for the installation of gas collection/extraction and control systems; and for the subsequent replacement of failed wells and collection pipes.
 - (iv) a programme of works which provides for the installation of collection pipework and extraction wells prior to the spreading of restoration soils on the site.

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(61) All landfill gas extraction, collection, control and conversion installations and structures excluding those buried below 0.5 metres of restoration soils shall be removed from the site within 6 months from the date of issue of a Completion Certificate by the Environment Agency or its successor authority.

(62) Landfill gas extraction and/or monitoring wells and underground collection pipes shall not be replaced unless the restoration soils which would be disturbed are in a dry and friable condition. The replacement works shall be undertaken in accordance with a method statement agreed by the Local Planning Authority and designed to prevent contamination and compaction of restoration soils and to ensure the satisfactory restoration of the area of land affected.

WASTE RECYCLING/TREATMENT

(63) Waste shall not be treated/recycled, stored or re-exported from the site except in accordance with a scheme which shall be submitted to and agreed by the Local Planning Authority prior to the commencement of such operations on the site. The submitted scheme shall:

(i) describe the categories and quantities of the waste to be stored, treated/recycled and re-exported, the plant and operations required.

(ii) the location, extent and height of stockpiles and the ultimate use of the treated/recycled waste.

(iii) indicate on a scaled plan the location and extent of land required for such operations at each phase of the development.

(iv) describe how the operations would be screened from residential properties to the west and the south and how potential dust and odour nuisance would be avoided.

(64) Any skips stored on the site shall be incidental to the landfilling of the site and shall be confined to an area which shall have been agreed in writing by the Local Planning Authority.

MISCELLANEOUS

(65) All plant and machinery not in current use shall be stored in a tidy manner and all the site operator's redundant plant, machinery, vehicles and scrap shall be removed from the site.

(66) A survey of levels shall be carried out and submitted to the Local Planning Authority at intervals of not less than every 12 months starting from the date on which the deposit of imported waste on land within the green line shown on approved drawing No. G110-007 operations commences.

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(67) From the commencement of development to the cessation of the use hereby permitted, a copy of the terms of this planning permission including all documents hereby permitted and any documents subsequently approved or agreed in accordance with this permission or amendments approved or agreed pursuant to this permission shall be on the site during working hours and shall be made known to any person(s) given responsibility for the management or control of waste activities/operations on site.

NOTE: This proposal will require the formal diversion of public rights of way crossing the site. The affected rights of way must not be obstructed or interfered with at any time, prior to, during or after works without the written authority of the local highway authority. The applicant should contact the council's public rights of way unit at Civic Centre 3, Huddersfield on 01484 225575 for further advice regarding the temporary/permanent closure or diversion of those routes to facilitate this proposal. The safety and protection of members of the public using the public footpaths must be considered at all times during the proposed works.

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

FOR: Councillors Asif, Calvert, Homewood, Khan, Lawson, Lyons, Sawar, Sokhal, Ullah, Walker and Wilkinson (11 votes)

AGAINST: Councillors Bellamy, D Firth, McGuin and Sims (4 votes)

2016/90066

S Armitage, Armitage Developments UK Ltd - Erection of 8 dwellings with parking - Land to Rear of Lindley WMC, Blackthorn Drive, Lindley, Huddersfield

Full Conditional Approval

Approval subject to the following conditions together with additional conditions to retain obscure glazing and prevent insertion of further new windows on outward facing side gables of plots 1 and 8:

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

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

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

(3) Construction of the superstructure of the hereby approved dwellings shall not commence until details of external materials to be used have been submitted to and approved in writing by the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

(4) The development shall not be brought into use until the car parking area and access to from Blackthorn Drive as shown on the submitted plans has been marked out, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the submitted/listed plans for the lifetime of the development.

(5) Before the properties are occupied driveways with a gradient not exceeding 1:12 shall be provided in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority before development of the driveways commences. 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 driveways shall be retained, free of obstructions, for the life of the property.

(6) Notwithstanding the requirements of condition 10 prior to the occupation of the dwellings, a scheme detailing the boundary treatment of the all of the site shall be submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme completed. The boundary treatment as approved shall thereafter be retained.

(7) Construction of footways shall not commence until full details of the approved footway crossings have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all footway crossings have been completed in accordance with the approved details.

(8) Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all modifications to the

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existing retaining wall on Blackthorn Drive to form the new access road shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

(9) Development shall not commence until a scheme detailing foul, surface water and land drainage, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until such approved drainage scheme has been provided on the site to serve the development and be thereafter retained.

(10) Construction of the superstructure of the hereby approved dwellings shall not commence until a report specifying the measures to be taken to protect the development from noise from Lindley Working Men's Club (LWMC) has been submitted to and approved in writing by the Local Planning Authority. The report shall

(i) Determine the existing noise climate

(ii) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development (this is for housing think whether there would be alternative wording for other uses)

(iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

(11) Prior to occupation of the dwellings, in all residential units that have a dedicated parking area 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. The electric vehicles charging points so installed shall thereafter be retained

(12) Notwithstanding the details shown on the approved plans, before the hereby approved dwellings are occupied, details of storage and access for collection of wastes from the premises including details of screening shall be submitted to and approved in writing by the Local Planning Authority. The works comprising the approved details shall be provided before the dwellings are occupied and shall be so retained thereafter free of obstructions and available for storage thereafter.

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NOTE: Hours of Construction

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

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate.

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

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

FOR: Councillors Asif, Calvert, D Firth, Homewood, Khan, Lawson, Lyons, McGuin, Sawar, Sims, Sokhal, Ullah, Walker and Wilkinson (14 votes)

AGAINST: no votes

ABSTAINED: Councillor Bellamy

2016/90477

D Trueman - Alterations to convert outbuilding to holiday accommodation - adj 1, Wheat Close, Holmbridge, Holmfirth

A grant of full planning permission is approved subject to delegation of authority to Officers to:

- (i) Secure a section 106 obligation (Unilateral Undertaking) to limit the use and periods of occupation of the building and, notwithstanding any other restrictions agreed, shall restrict occupation of the building to no more than 10 months per year;
- (ii) Impose all necessary and reasonable conditions, which may include those set out below; and
- (iii) Subject to there being no material change in circumstances, issue the decision

(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

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

(3) 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 retained as such thereafter.

(4) 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) no extensions or outbuildings included within Classes A to E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

(5) An electric vehicle recharging point shall be installed within the dedicated parking area of the approved holiday accommodation before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

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

FOR: Councillors Asif, Calvert, Homewood, Khan, Lawson, Lyons, Sarwar, Sokhal, Ullah, Walker and Wilkinson (11 votes)

AGAINST: Councillors Bellamy, D Firth, McGuin and Sims (4 votes)

2015/92993

Acumen Designers & Architects Ltd - Outline application for erection of residential development - land off, Butt Lane, Hepworth, Holmfirth

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

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

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

2015/92993 cont

(1) Approval of the details of the access, appearance, layout, scale and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

(2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access, appearance, layout, scale and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

(3) Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(4) The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

(5) The development shall be carried out in complete accordance with the approved Flood Risk Assessment produced by AVIE Consulting Ltd reference no. P1793 dated November 2015 and shall incorporate all the proposed mitigation measures which include:

- No development in flood zone 3
 - Finished floor levels to be set 150mm above ground levels
 - Flood resilience measures to be installed up to 600mm above ground levels
 - No ground level changes as set out in section 8 (8.1- 8.4) of the approved Flood Risk Assessment
 - Overland flow routes throughout the site
- before the dwellings are first occupied and thereafter retained as such at all times.

(6) Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority, unless it can be demonstrated to the Local Planning Authority that discharge from site does not cause an increased risk in flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow

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

2015/92993 cont

restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

(7) 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. The electric vehicles charging points so installed shall thereafter be retained

(8) 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 with or without modification) no development included within Class A, Part 2 of Schedule 2 to that Order shall be erected within Flood Zone 3 as delineated on the Environment Agency's flood-map and on the submitted drawing 'EA Flood Envelope Overlay' PF793 – SK1.

(9) 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 with or without modification) no development included within Classes A and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

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

FOR: Councillors Asif, Calvert, Khan, Lawson, Lyons, Sarwar, Sokhal, Ullah, Walker and Wilkinson (10 votes)

AGAINST: Councillors Bellamy, D Firth, McGuin and Sims (4 Votes)

ABSTAINED: Councillor Homewood

2016/90373

Mr Mohammed Abaidullah - Change of use of 1st floor room to taxi office - Pink Fusion Lounge, Sheffield Road, New Mill, Holmfirth

CONDITIONAL FULL PERMISSION

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

| APPLICATION NO. | DESCRIPTION, LOCATION OF PROPOSAL AND DECISION |
|-----------------|---|
| 2016/90373 cont | <p>(2) The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.</p> <p>(3) No more than two licensed private hire vehicles or taxis in addition to a maximum of two vehicles for office based staff connected with the booking office shall park or wait in the car park at any one time during those hours when the restaurant is open to the public or between the hours of 22:30 to 08:00.</p> <p>(4) There shall be no picking up or depositing of passengers and no waiting by passengers at the taxi office.</p> <p>This recommendation is based on the following plans and specifications schedule:-</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Asif, Calvert, Homewood, Khan, Lawson, Lyons, Sarwar, Sokhal, Ullah, Walker and Wilkinson (11 votes)</p> <p>AGAINST: Councillors Bellamy, D Firth, McGuin and Sims (4 votes)</p> |
| 2015/93861 | <p>J Mayo, Heywood Homes - Erection of 28 dwellings and engineering operations - land off, Millmoor Road, Meltham, Holmfirth</p> <p>DEFERRED</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Asif, Bellamy, Calvert, D Firth, Homewood, Khan, Lawson, Lyons, McGuin, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson (15 votes)</p> <p>AGAINST: No votes</p> |
| 2016/91193 | <p>D Hair - Erection of detached dwelling with integral garage (modified Proposals) - plot 19, Honey Head Lane, Honley, Holmfirth</p> <p>CONDITIONAL FULL PERMISSION</p> <p>(1) The development hereby permitted shall be begun within three years of the date of this permission.</p> |

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

2016/91193 cont

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

(3) Finished ground floor level shall be no higher than those shown on the approved sectional drawing (149.25m above Ordnance Datum Level).

(4) The walling materials shall be regularly coursed natural stone. Samples of all facing and roofing materials shall be submitted to or inspected on site by, and approved on writing by, the Local Planning Authority before the superstructure of the dwelling commences. The development shall be carried out using the approved materials.

(5) Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the external north side wall of the dwelling at ground floor level at any time, and the door in the north side elevation shall either be solid or fitted with obscure glazing only.

(6) Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification including paragraph A.1(ea)), no extensions or outbuildings shall be erected, altered or constructed within the land edged in red on the approved location plan without full planning permission having been first obtained from the Local Planning Authority.

(7) Notwithstanding the provisions of section 55(2)(a)(i) of the Town and Country Planning Act 1990 and 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 integral garage shall be retained as such and shall not be converted to living accommodation.

(8) All areas to be used for the parking and turning of motor vehicles shown on the proposed site plan shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance

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

2016/91193 cont

before the dwelling is first occupied. 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) these areas shall be so retained, free of obstructions thereafter.

(9) Notwithstanding the details on the approved site plan, details of fencing and other boundary treatments for the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority before the dwelling is first occupied and the approved scheme of boundary treatments shall be implemented in full before the dwelling is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the boundary treatments shall thereafter be retained.

(10) Before the dwelling is first occupied, a scheme detailing landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The works comprising the approved scheme shall be implemented before first occupation of the dwelling. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

(11) The external parking area shall have a minimum width of 4.8m.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

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

FOR: Councillors Asif, Khan, Lawson, Lyons, McGuin, Sarwar, Sokhal, Ullah and Wilkinson (9 votes)

APPLICATION NO. DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2016/91193 cont AGAINST: Councillors Calvert, Bellamy, D Firth, Homewood, Sims and Walker (6 votes)

2016/91144 Mr & Mrs Lyons - Erection of single storey rear extension and raised patio - 150, Wessenden Head Road, Meltham, Holmfirth

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 of the extension hereby approved shall in all respects match those used in the construction of the existing building.

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

FOR: Councillors Asif, Calvert, Homewood, Khan, Lawson, Lyons, Sarwar, Sokhal, Ullah, Walker and Wilkinson (11 votes)

AGAINST: No votes

ABSTAINED: Councillors Bellamy, D Firth, McGuin and Sims

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KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

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

LOBBYING

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

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

Lobbying

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



Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)
Date: 4 AUGUST 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 | 26 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: Holme Valley North; Almondbury; Greenhead;
 Ward councillors consulted: No

Public or private: Public

1. **Purpose of report**
For information
2. **Key points**
 - 2.1 2015/62/91776/W - Erection of 1no. dwelling at 37, Oakes Avenue, Brockholes, Holmfirth, HD9 7EE. (Officer) (Dismissed)
 - 2.2 2015/62/93052/W - Erection of detached dwelling and new entrance gates (Listed Building) at Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA. (Sub-Committee contrary to officer recommendation) (Dismissed)
 - 2.3 2015/62/93731/W - Two storey rear extension and alterations to roof to form rooms in roof space at 19, Fir Road, Paddock, Huddersfield, HD1 4JE. (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
To note**
- 7. Cabinet portfolio holder recommendation
Not applicable**
- 8. Contact officer and relevant papers
Simon Taylor – Head of Development Management**
- 9. Director responsible
Jacqui Gedman**

Appeal Decision

Site visit made on 14 June 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 30 June 2016

Appeal Ref: APP/Z4718/W/16/3146336

37 Oakes Avenue, Brockholes, Holmfirth, HD9 7EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Killick against the decision of Kirklees Council.
 - The application Ref 2015/62/91776/W, dated 6 June 2015, was refused by notice dated 7 January 2016.
 - The development proposed is the erection of a single new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a triangular plot of land which forms part of the side garden to No 37 Oakes Avenue. No 37 is a semi-detached 2-storey property set in a reasonably large corner plot, at the junction between Oakes Avenue and Bank View, a cul-de-sac. No 18 Bank View is located at right angles to the rear of the appeal site, with a shared boundary. Due to topographical differences, properties along Bank View are lower than properties along Oakes Avenue, and the appeal site is therefore elevated above No 18.
4. The general area consists of a residential housing estate, built in the latter half of the 20th century, which contains semi-detached dwellings and short rows of terraced housing. All dwellings in this area are 2-storey in height, are of a similar scale and share characteristics such as stone walling, and tiled hipped roofs. There is general consistency between their plot sizes, although dwellings located within corner plots have the benefit of larger garden areas.
5. The semi-detached dwellings and terraced rows are all regularly spaced, with reasonable gaps between them of around 5m. While some properties have been extended to the side, these are small scale and are set back into the plots. These have therefore not affected the spatial quality of the area to any great degree and, overall, the area has a pleasant and uniform character.
6. The junction between Oakes Avenue and Bank View is wide, with a significant visibility splay consisting of broad pavements and grass verges. No 37 Oakes Avenue and No 18 Bank View are located to the south side of this junction with

their side boundaries following the curve of the visibility splay, demarked by a low picket fence and vegetation. Due to the generous width of the junction and the low boundary treatment, the appeal site is prominent within the street scene.

7. The proposed dwelling would effectively infill the side garden of No 37, and would be orientated to face onto Oakes Avenue. Due to the triangular shape of the plot, the dwelling would be sited around 1.6m away from the boundary with No 18 Bank View, at its nearest point, and around 1.5m away from the flank boundary with No 37 Oakes Avenue.
8. While only around 22% of the appeal site would be developed, the creation of a development plot as a whole would lead to a significant reduction in the size of the garden of No 37. This would be in stark contrast to the reasonably large gardens enjoyed by the properties on these prominent corner plots.
9. Furthermore, due to the siting of the proposed development within the plot in close proximity to neighbouring properties, the dwelling would fail to respond to the general pattern of development in respect of the more generous spacing between properties in the locality. The overall effect would therefore be a visibly cramped form of development which would be at odds with the general, more spacious character of the area, causing harm.
10. The proposed dwelling would be 2-storey in height, thus providing a similar level of accommodation to surrounding properties. However, to ensure that the design of the proposed dwelling would avoid overlooking and overshadowing of No 37 Oakes Avenue and No 18 Bank View, it has been designed to exploit the falling land levels to the rear of the site and would be 'sunk' into the ground. It would therefore have the appearance of a single storey dwelling and would have a lower ridgeline than both No 37 Oakes Avenue and No 18 Bank View. The scale of the proposed development would therefore be considerably smaller in comparison to neighbouring properties.
11. This would result in a dwelling located in a prominent corner plot which is significantly out of keeping with the character of general area. Detailed elements of the proposed dwelling, such as the hipped roof, and use of matching materials and fenestration design to the other dwellings in the locality, would not overcome this concern to any great effect.
12. Overall, due to its cramped appearance and contrasting design in a prominent location within the street scene, I conclude that the proposed dwelling would be an incongruous addition and would have an adverse impact upon the character and appearance of the area. The proposals would therefore be in conflict with saved policies D2, BE1 and BE2 of the adopted Kirklees Unitary Development Plan which seek to avoid overdevelopment of sites, preserve the character of the area and ensure that new development is in keeping with its surroundings in terms of scale, layout, height and massing. I also find that the proposals would not accord with the National Planning Policy Framework (the Framework) in terms of responding to local character and quality of an area.

Other matters

13. I note the positive advice provided by the legal department of the Council prior to purchase in respect of development at the site. However, it is clear from the submitted correspondence that consent to develop at the property was given in

the Council's capacity as a landowner, and would not interfere in its exercise of any other statutory function. Therefore, the advice given would not have prejudiced the Council's formal decision on the planning application. In any event, it falls to me to assess the merits of the proposed dwelling based upon the information before me.

14. Similarly, there is no evidence in respect of positive pre-application advice which the appellant states the Council gave following the purchase of No 37. I therefore have no reason to suggest that the alleged advice was anything other than informal. In any case, it is clear from the submitted correspondence that during the course of the application, the appellant was consistently advised in respect of the concerns of the Officer.

Conclusion

15. I acknowledge that the proposed development is in a sustainable location and that residential amenity would be preserved. While I note that the appellant cites that the site would provide a small affordable property, there is no evidence to suggest that this would be affordable under the definition of the Framework and no means to secure this have been put forward. The weight I can give to this benefit is therefore limited.
16. Overall, I consider that the benefits would not outweigh the harm I have found in relation to character and appearance and, accordingly, this significantly and demonstrably outweighs the benefits of the development.
17. For all of the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C Searson
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: 12 July 2016

Appeal Ref: APP/Z4718/W/16/3149647

Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Jim Harris against Kirklees Metropolitan Borough Council.
 - The application Ref 2015/93052, is dated 24 September 2015.
 - The development proposed is a new bespoke 3 bed dwelling in the grounds of the existing historic lodge with a separate driveway from the original entrance and courtyard garden.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The submitted application form relates to both planning permission and listed building consent. The appeal is made only on the basis of the Council's failure to determine the planning application.
3. The site lies within the curtilage of Fenay Lodge, a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

4. Accordingly the main issues for the appeal are:
 - Whether the proposal would preserve the setting of Fenay Lodge;
 - The effect of the proposal on the living conditions of adjoining occupiers on Dartmouth Avenue;
 - The effect of the proposal on highway safety.

Reasons

The Effect of the Proposal on the Setting of Fenay Lodge

5. Fenay Lodge is a Grade II listed building. Constructed in the mid 19th Century, it is a 2 storey building of substantial size. It is built in ashlar stone with a hipped roof and regularly spaced sliding sash windows. It sits on a large plot, with a wide turning area in front of the front elevation leading to well established gardens which extend to the side and rear of the dwelling. These slope down from an elegant garden facing elevation which has a centrally placed canted bay with french casement windows. The space around the building is in keeping with its grand scale, and allows good views of both the front and the symmetrical garden facing façade. The significance of the asset is derived largely from it being a well preserved example of formal architecture from its period, which includes its landscaped setting.
6. The proposed dwelling would occupy the lower section of the garden, in a space which is currently overgrown and partly screened from Fenay Lodge by high vegetation. Nevertheless, it contributes to the sense of space around the listed building, with the established planting contributing to the verdant character of the plot. The proposed development would be a striking and well composed example of contemporary design which would utilise the slope of the garden to reduce the visible bulk of the dwelling in views from the listed asset.
7. Nevertheless, the dwelling would be of considerable size, and as it would use a large section of the garden to facilitate the building, its access and its parking, it would significantly reduce the extent of space in which the listed building is appreciated. This would be most apparent from the garden elevation where the depth of the available plot would be reduced by almost two thirds of its depth. The loss of space around the building would compromise its formal character, which is in part provided by its spacious setting. It would also diminish the quality of views of the asset by reducing the opportunity to appreciate the building from a distance. Furthermore, although the proposal has been designed to reduce the scale of the upper storey, and would be in part screened by planting, its presence would nonetheless be clearly apparent in views from the numerous windows from the facing elevation. In these views the reduction in perceived space would also have a harmful effect on the building's character.
8. The *National Planning Policy Framework* (the Framework) advises that the significance of a heritage asset can be harmed as a result of development within its setting. Having regard to the extent of harm identified above, the proposal would not preserve the special interest or setting of Fenay Lodge, and would conflict with guidance within the Framework which seeks to conserve heritage assets in a manner appropriate to their significance. The harm identified would amount to "less than substantial harm" which the Framework advises must be weighed against the public benefits of the scheme.
9. The proposal would provide a single dwelling. The Council is currently unable to demonstrate a five year housing land supply. It follows that the provision of an additional dwelling must carry substantial weight. Nevertheless, heritage assets are an irreplaceable resource and the Framework is also clear that in considering the impact of development on the significance of heritage assets, great weight should be given to the asset's conservation. Consequently I

conclude that the small contribution the proposal would make to housing supply would be insufficient to outweigh the harm the proposal would cause to the setting of the listed building, and its significance as a heritage asset. I therefore conclude the proposal would fail to comply with national policy outlined in the Framework.

Living Conditions

10. The appeal site is adjoined to the rear by properties on Dartmouth Avenue. The land slopes downhill away from Fenay Lodge and the neighbours to the south-east have sloping gardens, which are relatively narrow and provide their only private amenity space. I estimated on site that the rear of the dwellings at Nos 19 and 21 Dartmouth Avenue sat at least a metre and a half lower than the rear boundary fence with the appeal site. Both dwellings have a number of rear facing windows. No 19 would face onto the proposed side garden and parts of the ground floor and would retain some of its open aspect. However, No 21 would face directly onto the main body of the upper floor of the proposed dwelling and has a main kitchen window, the sole window to the dining room, and the rear living area window facing the appeal site, as well as two bedroom windows at first floor level.
11. The proposed dwelling would be located around 2 metres from the common boundary, with the upper floor set back around 6.3 metres. The 2 proposed windows would both be obscure glazed and I also note that at a distance of around 18.5 m the relative separation distances to No 21 would comply with the standards set out in policy BE12 of the *Kirklees Unitary Development Plan* (UDP). Nevertheless, due to the relative ground levels of the appeal site and No 21, and the extent to which it would occupy the space along the common boundary, the proposed dwelling would be seen as an overbearing and omnipresent feature in views from the garden and within the rear rooms. Furthermore, although the windows in the proposed side elevation would be obscure glazed, they would nonetheless lead to a perception of overlooking, which would diminish enjoyment of the adjoining garden of No 21.
12. The plans show boundary planting which would be located within a 2 metre gap between the rear fence and the proposed dwelling. However, taking into account the size and position of the gap, I am not convinced that a 3m high hedge such as the one indicated could be effectively established and maintained in this space and this reduces my confidence in its ability to mitigate the visual impact of the proposal.
13. On the second matter, I therefore conclude that although the proposal would not conflict with policy BE12 of the UDP, it would nonetheless be harmful to the living conditions of occupiers of No 21 Dartmouth Avenue and would thereby conflict with guidance within the Framework, which seeks a good quality of amenity for all existing and future occupiers of land and buildings.

Highway Safety

14. The site would be accessed via the existing access to Fenay Lodge from Thorpe Lane. This is single track in parts and I noted during my visit that it was relatively busy for the time of day. It had multiple accesses to properties along its length and parts of it had no footway. However, vehicles were slow moving and the access provided acceptable visibility in both directions. I am also advised that there is no recorded history of accidents in the vicinity. Taking into

account the very small increase in vehicle movements the proposal would give rise to, it would be unlikely to be a danger to highway safety.

15. On the third matter I therefore conclude that the proposal would not create or materially add to highway safety problems. It would thereby not conflict with policy T10 of the UDP which seeks to resist such development or with the Framework which has similar aims.

Conclusion

16. Although I have found no harm in relation to highway safety, the proposal would harm the living conditions of adjoining occupiers at 21 Dartmouth Avenue. It would also fail to preserve the setting of Fenay Lodge, a Grade II Listed Building. The stated benefits of the proposal would not outweigh this collective harm. Therefore having regard to all matters raised, the appeal is dismissed.

Anne Jordan

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/16/3149424

19 Fir Road, Paddock, Huddersfield HD1 4JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Nargas Hussan against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/93731/W, dated 20 November 2015, was refused by notice dated 12 February 2016.
 - The development proposed is a two storey rear extension and alterations to the roof to form rooms in the roof space.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposed extension on the character and appearance of the area.

Reasons

3. The appeal property is located in a predominantly residential area, on a corner plot at the junction of North Street and Fir Road. The wider area contains a mixture of both two storey and single storey properties with considerable variation in style and design. Despite this variation, there is a clear difference between the scale and mass of the bungalows and the houses. The appeal property is a modestly sized bungalow, which due to the topography, at the rear has a garage and store at basement level.
4. The proposed development would increase the height of the roof by over a metre, and would have a dormer window on both the front and rear elevation of the roof. It would also incorporate a first floor gabled roof, perpendicular to the main roof, that would extend the full depth of the dwelling. As a result the scale and bulk of the resultant dwelling would be considerably greater than the other bungalows in the area, and in particular the adjacent bungalow. This would make the proposal appear as an incongruous, and overly dominant, feature in the street scene. This would be exacerbated by the fact that, due to the topography, No 19 already occupies an elevated position in relation to the neighbouring property.
5. Furthermore, the scale of this gabled roof element, together with the proposed dormers would be out of keeping with the modest scale of roof alterations found on other dwellings in the area. In addition, the overall size of the

proposed rear extension, and the roof alterations, would fail to respect the modest proportions of the original property, to the detriment of its visual appearance.

6. All in all, the proposed alterations to the bungalow would so significantly alter the bulk, scale and mass of the original property that the resulting dwelling would unacceptably harm the character and appearance of the area. Accordingly, it would conflict with Policies D2, BE1 and BE2 of the *Kirklees Unitary Development Plan (adopted March 1999 and revised September 2007)* (UDP) which seek to ensure that new development does not have a detrimental impact on visual amenity, creates or retains a sense of local identity, and is in keeping with surrounding development.
7. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

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KIRKLEES COUNCIL

PLANNING SERVICE

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

04-Aug-2016

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

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

Simon Taylor - 01484 221000

**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 polices of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

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

The 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.

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

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

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

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

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

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

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

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| Type of application: 62m - FULL APPLICATION | |
| Proposal: Erection of 28 dwellings and engineering operations | |
| Location: land off, Millmoor Road, Meltham, Holmfirth | |
| Ward: Holme Valley North Ward | |
| Applicant: J Mayo, Heywood Homes | |
| Agent: Andrew Keeling | |
| Target Date: 13-Apr-2016 | |
| Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS | |
| Application No: 2016/90477 | 37 |
| Type of application: 62 - FULL APPLICATION | |
| Proposal: Alterations to convert outbuilding to holiday accommodation | |
| Location: adj 1, Wheat Close, Holmbridge, Holmfirth, HD9 2QL | |
| Ward: Holme Valley South Ward | |
| Applicant: D Trueman | |
| Agent: Andy Rushby, Assent Planning Consultancy Ltd | |
| Target Date: 03-Jun-2016 | |
| Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS | |
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| Type of application: 60m - OUTLINE APPLICATION | |
| Proposal: Outline application for erection of residential development | |
| Location: 98, Burn Road, Birchenclyffe, Huddersfield, HD2 2EG | |
| Ward: Lindley Ward | |
| Applicant: GSK Developments | |
| Agent: Robert Halstead Chartered Surveyor | |
| Target Date: 11-Apr-2016 | |
| Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL SUBJECT TO DELEGATION TO OFFICERS | |
| Application No: 2016/91062 | 69 |
| Type of application: 62HH - FULL APPLICATION | |
| Proposal: Erection of two storey side extension and alterations | |
| Location: 47, Meltham Road, Honley, Holmfirth, HD9 6HW | |
| Ward: Holme Valley North Ward | |
| Applicant: C Greaves | |
| Agent: Andrew Smith, Valley Properties | |
| Target Date: 26-May-2016 | |
| Recommendation: FC - CONDITIONAL FULL PERMISSION | |

Application No: 2016/91730.....76
Type of application: 62HH - FULL APPLICATION
Proposal: Erection of two storey rear extension
Location: 55, Matthew Lane, Meltham, Holmfirth, HD9 5JS
Ward: Holme Valley North Ward
Applicant: N Lyons
Agent: Andrew Smith, Valley Properties
Target Date: 18-Jul-2016
Recommendation: RF1 - REFUSAL

Application No: 2015/93861

Type of application: 62m - FULL APPLICATION

Proposal: *Erection of 28 dwellings and engineering operations*

Location: *land off, Millmoor Road, Meltham, Holmfirth*

Grid Ref: 409255.0 410711.0

Ward: *Holme Valley North Ward*

Applicant: *J Mayo, Heywood Homes*

Agent: *Andrew Keeling*

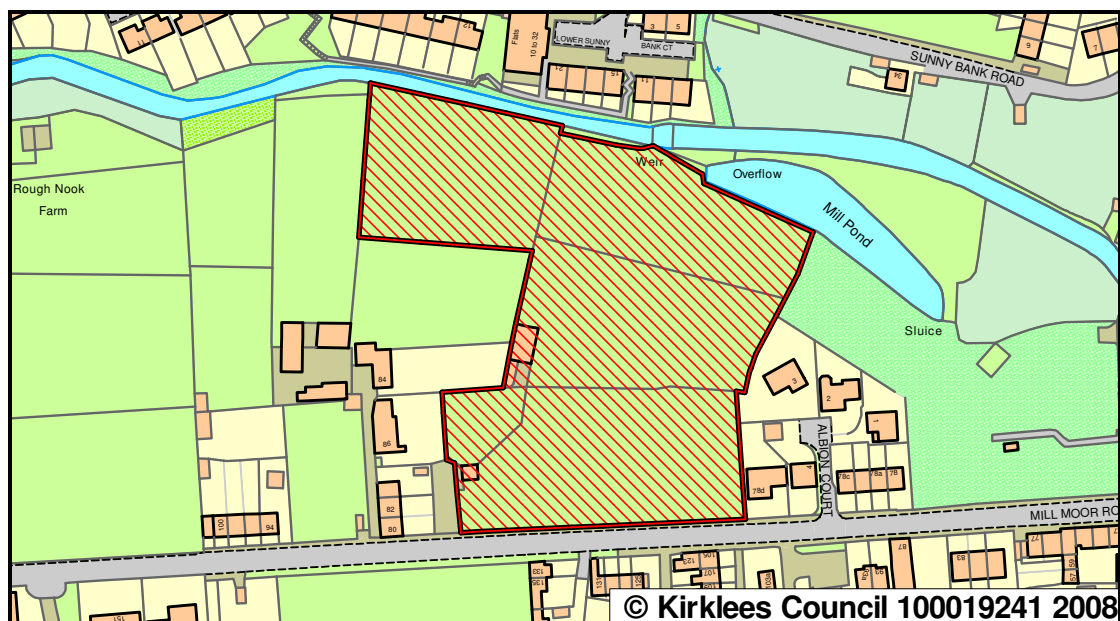
Target Date: *13-Apr-2016*

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

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY

| | |
|----------------------------------|---|
| Application Details | |
| Type of Development | Full application for the erection of 28 dwellings and associated engineering operations |
| Scale of Development | Site area: 1.35 ha Units: 28 |
| No. Jobs Created or Retained | N/A |
| Policy | |
| UDP allocation | Housing & Urban Greenspace |
| Independent Viability Required | Yes |
| Consultation | |
| Individual Support (No.) | 0 |
| Individual Objection (No.) | 59 responses in total. |
| Petition | No |
| Ward Member Interest | No |
| Statutory Consultee Objections | No |
| Contributions | |
| Affordable Housing | 6 on-site units. |
| Education | Not required |
| Public Open Space | Off-site sum of £74,750 |
| Other | N/A |
| Other Issues | |
| Any Council Interest? | No |
| Pre-application advice | No |
| Pre-App Consultation Undertaken? | No |
| Comment on Application | Proposal is for 28 dwellings on a housing allocation that has an extant outline planning permission for residential development. Part of the site is Urban Greenspace and this will remain as open land. No adverse impacts identified to significantly and demonstrably outweigh the benefits of the development. While there is local opposition the development is on balance considered to be acceptable. |

2. INFORMATION

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

The application was deferred at the sub-committee meeting on 30th June 2016 at the request of Councillor Greaves so that members could undertake a site visit.

Since the 30th June 2016 committee the Case Officers has also met with local residents and the applicant's agent on site to discuss the drainage proposals. At this meeting local residents requested that members view the application site from Mill Moor Road, and no.78d Mill Moor Road, and also from Sunny Bank Road to the north of the site.

3. SITE DESCRIPTION

The proposal relates to agricultural grazing land situated between 78d and 80 Mill Moor Road and approximately 0.8km to the west of Meltham town centre. The southern part of the site slopes gently downwards in an easterly direction and contains a garage and a small agricultural building. The northern part of the site falls away steeply towards Meltham Dyke and a neighbouring former mill pond.

The site is surrounded by sporadic clusters of stone built residential developments of varying ages to the south, east and west. Towards the north, on the opposite side of Meltham Dyke, is further residential development.

Much of the site forms part of a housing allocation; a parcel of land to the west of the site forms the remainder of the allocation and is excluded from this application. The northern part of the site, where the land slopes steeply downwards to Meltham Dyke, is allocated as Urban Greenspace.

4. PROPOSAL

This is a full application for the erection of 28 dwellings and associated engineering operations.

The layout provides a mixture of property types with four blocks of terraced houses fronting onto Mill Moor Road and semi-detached, detached and a small row of terraced houses set within the site. The detached houses are set towards the rear.

A new access is to be formed off Mill Moor Road which will provide an estate road to serve the development. Some of the terraced properties to the front of the site have an access directly off Mill Moor Road. Each dwelling has at least two off-street parking spaces.

The dwellings are of mixed design and are proposed to be faced in natural stone and artificial slate.

5. BACKGROUND AND HISTORY

Application Site

2014/91342 Outline application for residential development – Approved by Sub-Committee 16/1/15 (decision issued 24/4/15)

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

The following applications for residential development are in very close proximity to the site:

To the south of Mill Moor Road between no. 133 and no. 147 Mill Moor Road
2015/93847 Erection of 13 dwellings (land towards the south west on opposite side of Mill Moor Road & allocated for housing on UDP Proposals Map) – Undetermined

To the west of the application site on Mill Moor Road between no. 100 and no. 102 Mill Moor Road
2015/91640 Outline application for residential development – Approved by Sub-Committee 18/2/16, decision not yet issued, awaiting the finalising of the Section 106 legal agreement.

6. PLANNING POLICY

Site allocation:

The southern part of the site is allocated for housing (H2.3) and the northern part of the site is allocated as Urban Greenspace.

Relevant UDP policies:

BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention
D3 – Urban Greenspace
D6 – Land adjoining green corridor
EP11 – Ecological landscaping
T10 – Highway safety
T19 – Parking standards
H1 – Housing needs of the district
H6 – Allocated housing sites
H10 – Affordable Housing
H18 – Provision of open space
NE8a – Peak District NP
G6 – Land contamination
R13 – Footpath links

National Planning Policy Framework:

'Achieving Sustainable Development'
'Core Planning Principles'
Promoting Sustainable Transport (chapter 4)
Delivering a wide choice of high quality homes (chapter 6)
Requiring good design (chapter 7)
Promoting healthy communities (chapter 8)
Conserving and enhancing the natural environment (chapter 11)
'Decision taking'

Other Policy Considerations:

Manual for Streets (2007)

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

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

7. CONSULTATIONS

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

K.C. Highways – No objections subject to conditions

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

K.C. Strategic Drainage – No objections subject to conditions (following amendments to drainage scheme)

Yorkshire Water - No objections subject to conditions

K.C. Landscape – Off-site contribution of £74,750 is required towards POS in Meltham area. Further details of the landscaping of the site are required.

K.C. Strategic Housing – There is a need for affordable housing in this housing market area. The level of affordable housing to be provided should be in accordance with SPD2, taking into account the viability of the development, as necessary.

K.C. School Organisation & Planning – No financial contribution towards school funding is not required.

WY Police Architectural Liaison Officer – Advice provided on crime prevention measures

8. REPRESENTATIONS

The application was initially advertised by neighbour letter, newspaper advertisement and site notice.

In total 59 representations were received to the original and further round of publicity of this application.

Representations summarised as follows:

Principle:

Development within Urban Greenspace, application is contrary to Policy D3
Development on a greenfield site; brownfield sites should be developed first

Visual amenity:

Density of development excessive / Overdevelopment / Cramped form of development
Urbanising effect
Dwellings out of scale and proportion to neighbouring development
Visual intrusion / eyesore
Loss of drystone wall to frontage

Residential amenity:

Loss of privacy/overlooking
Loss of light
Loss of light and privacy to 78d Mill Moor Road; request for screen fencing along the boundary
Dwellings too close to Lower Sunny Bank Court; Policy BE12 requirements insufficient due to differences in level
Overbearing to neighbouring properties
Increased noise
Air quality
Glare from headlights

Highways:

Cumulative impact of traffic on the local highway network from this and other nearby proposed/planned developments
Mill Moor Road and the centre of Meltham cannot cope with the extra traffic generated
Concerns that the parking arrangement for plots 1-3 is impractical and will lead to on-street parking
Question accuracy of submitted highways information
Individual points of access will mean reversing manoeuvres onto Mill Moor Road
Impact on on-street parking
Development relies on private car

Flood risk & drainage:

General flood risk and drainage concerns that will be exacerbated by this development

Loss of an area that provides natural drainage and replaced by hard materials

Increased flood risk to adjacent properties

Drainage infrastructure already at capacity

Meltham Dyke floods regularly and this will increase as a result of the development

No mechanism to ensure that surface water from the proposed drainage pond/reservoir is not contaminated when it discharges to the dyke

Impact on how adjacent properties drain – gardens potentially becoming waterlogged for example

Drainage pond is liable to flood and questions over maintenance of it as well as safety and amenity issues associated with it

Proposed surface water scheme unsuitable

Impact on nearby former mill pond

Ecology:

Impact on wildlife using Meltham Dike

Pollution to the dike, including from surface water run-off

Gardens encroaching into Green Corridor

Detrimental impact on the function of the Green Corridor

Other matters:

Impact on schools, doctors, dentists

Meltham being targeted for building and more so than other nearby areas

Gardens for the properties extend beyond the red line boundary pertaining to the previous outline application

Impact on structural stability of adjacent properties due to proximity of new dwellings to existing and impact on neighbouring drystone walls

Development not needed/required; other houses in the area not selling

Developer not consulted with local residents

Query area of land adjacent to plot 23

Following changes to the drainage scheme and the site layout the application was re-advertised by neighbour notification letter to all neighbours/interested parties.

Further comments received to publicity of amended plans:

The representations reiterate the substantive concerns around the visual impact of the development, the impact of the development on residential amenity, significant drainage concerns (including impact on the nearby former mill pond), the impact on ecology (green corridor and Meltham dike) and the highways objections. The objections indicate that the revised drainage scheme remains unacceptable and specific concerns are raised about the

amount of engineering operations required to install the drainage infrastructure and the potential visual impact of such works. The level and location of the affordable housing on the site is queried.

Meltham Town Council:

The Council objects to the application due to:

- Concerns over the drainage proposal which the Council feels is inadequate and the suggested solution of the pond presents a safety hazard for the occupants of the new properties, particularly to children.
- Concerns over an increase in traffic and parking in this already congested area – parking restrictions on the corner of Westgate and at the junction of Matthew Lane / Mill Moor Road / The Hollow may assist with this.
- The gardens now appear to be encroaching on the green corridor
- Affordable housing is not sufficiently catered for.

9. ASSESSMENT

Principle:

The site comprises the majority of housing allocation H2.3 on the Council's Unitary Development Plan Proposals Map. Outline consent for residential development on the same portion of the allocation was approved by the Sub-Committee in early 2015 (point of access was the only matter applied for). The principle of residential development on this part of the application site is therefore established.

The application site includes land that is allocated as Urban Greenspace on the Unitary Development Plan Proposals Map. This land lies to the north of the housing allocation and adjoins Meltham Dyke. A proportion of the rear gardens belonging to plots 23-28 fall within the Urban Greenspace. In addition, the surface water attenuation and outfall lie within the Urban Greenspace.

Policy D3 of the Unitary Development Plan (UDP) relates to applications for development on Urban Greenspace.

Policy D3 sets out at part (i) that on Urban Greenspace sites planning permission will not be granted unless the development is necessary for the continuation or enhancement of the established use(s) or involves a change of use to alternative open land uses, or would result in a specific community benefit, and, in all cases, will protect visual amenity, wildlife value and opportunities for sport and recreation.

Or, as in part (ii), the development includes an alternative provision of Urban Greenspace equivalent in both quantitative and qualitative terms to that which would be developed and reasonably accessible to existing users.

The development would result in a small loss of Urban Greenspace as a result of the encroachment of the curtilage for plots 23 to 28. The agent has confirmed that 143 square metres of Urban Greenspace would be encroached into by the garden areas. The development does however allow for some alternative Urban Greenspace provision within the site and in quantitative and qualitative terms this compensates for the loss of open land that would occur. The agent has confirmed that 182 square metres would be provided, a net increase of 39 square metres.

Part of the housing allocation would not be built upon and would form an undeveloped strip of land that would adjoin the established Urban Greenspace. The purpose of the strip of land is to allow for maintenance access to the drainage infrastructure within the Urban Greenspace although it also provides an opportunity for an extension of the wildflower meadow into the housing site.

The strip of land in question would be distinct from the domestic curtilage of the proposed dwellings and the access with the land being gated off from the housing development. The replacement open land would run parallel to plot 23 to adjoin the existing Urban Greenspace.

The nature of the alternative Urban Greenspace provided would also be very similar to the existing land. The Urban Greenspace is essentially a wildflower meadow and so it would comprise a like-for-like replacement that would have an equivalent ecological value.

The existing Urban Greenspace does not have any public access and therefore accessibility to the alternative provision is not an issue.

The overall encroachment into the Urban Greenspace is very modest and would not significantly diminish the function of this area of open land as a green buffer between built-up areas. The limited encroachment would also not impinge upon the adjacent Green Corridor along Meltham Dike.

The remainder of the existing Urban Greenspace that is within the application site would be retained as an area of open land which would remain as an embankment and wildflower meadow (with some additional planting to be agreed). There would be some engineering operations within this part of the site to facilitate the installation of an oversized drainage pipe and an outfall to Meltham Dike but the land would then be restored to its existing level and would revegetate to its appearance. The works to install the drainage infrastructure would not therefore prejudice the Urban Greenspace.

Public access to the Urban Greenspace via the housing development is not proposed through the application with general access being restricted by a gate.

The applicant has advised that the intention is for the Urban Greenspace to the rear of plots 23-28 to be sold off to each individual property owner. It is important to note that this land would not form domestic curtilage for these properties and could not therefore be used as garden or benefit from permitted development rights. The extent of the domestic curtilage for these properties is defined by the site layout plan and this will also be clarified and restricted by a planning condition. The developer has also indicated that restrictive covenants would be imposed on the Urban Greenspace as part of the sale of the land. Officers have no concerns with this arrangement; the Urban Greenspace is currently in private ownership and this will remain the case.

In summary, the application is considered to satisfy Policy D3 of the UDP.

Paragraph 14 of the National Planning Policy Framework (NPPF) outlines a presumption in favour of sustainable development. For decision-taking this means 'approving development proposals that accord with the development plan without delay'.

It is noted that the majority of the site is allocated for housing in the UDP. This site is considered to be greenfield (i.e. not previously developed). The NPPF encourages the effective use of land by reusing land that has been previously developed (Brownfield land) but it does not set out a 'brownfield first' approach to development (unlike previous planning policy). Detailed assessment of the ecological impacts of the development are addressed later in this assessment but the environmental harm arising from the development of this greenfield site is clearly outweighed by the benefits to be gained from the provision of housing.

In respect of planning policies related specifically to housing in the UDP, consideration must be made as to whether these can be classed as 'up to date' following the publication of the NPPF. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a significant material consideration that weighs in favour of the development proposed.

In conclusion, the southern part of the site forms a site allocated for housing whereby the principle of residential development has previously been established under an extant outline consent. The part of the site which is allocated as Urban Greenspace would not be significantly altered by the development and its value as open land would be retained. In the absence of

a five year housing supply and any adverse impacts that would clearly and demonstrably outweigh the benefits, the principle of development is supported.

Impact on visual amenity:

Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.

The layout provides a mixture of property types with four blocks of terraced houses fronting onto Millmoor Road, semi-detached dwellings and a small row of terraced houses in the middle of the site with large detached dwellings set towards the back. All of the properties are two storeys in height. The development would be served by a new estate road taken off Millmoor Road.

Negotiations with the agent were undertaken to secure amendments to the scheme. This was in order to give the development a less suburban appearance and better respect the character of this part of Millmoor Road, which is considered to form the start of the transition between the main built-up area of Meltham out towards the more sporadic development and open countryside to the west. The main amendments are summarised as follows:

- A reduction in the amount of off-street parking spaces to the front of plots 7-13; the parking has been moved to the rear of these plots to reduce the visual dominance of the parking spaces along this part of the site frontage. There have also been amendments to the parking layout for plots 15-22 to help to make parked vehicles less prominent when entering the site.
- The design of plots 7-14 has been altered to give these dwellings a more traditional 'Pennine cottage' appearance. These rows of terraced houses are in keeping with similar type development within the vicinity.
- The properties along the site frontage (plots 1-14) have a 30 degree roof pitch to reduce their overall massing. Plots 1-3 have also been set slightly further down to reduce the massing of plot 1 in relation to 78d Millmoor Road.
- Drystone walling is to be retained along the site frontage. The drystone walling will form a return adjacent to the access road and will enclose the parking areas for plots 2-6. This will help to maintain the semi-rural feel of the area and help to screen parking areas.

- Improvements have been made to the design of plots 15-17 and 28; openings have been added to the gable ends of the plots 3 and 4 to break up the expanse of walling and add some visual interest given their prominence in relation to the access road; rooflights have been omitted from the front of plots 1-6 to simplify the appearance of these dwellings.

Officers consider that the changes have made the development acceptable in terms of Policies BE1 and BE2 and chapter 7 of the NPPF.

In general terms Officers are satisfied with the layout and appearance of the development. There are a mixture of property types and designs throughout the development which adds variety and visual interest to the scheme. The density of the development is considered to be acceptable; there is a higher density of development towards the front of the site because these properties form terraced houses that enables this part of the development to reflect the traditional character of Mill Moor Road. This has the effect of increasing the overall density on the site. The semi-detached and detached properties are located further within the site and whilst these are relatively closely spaced it is not considered that this density of development gives rise to any unacceptable impact on the visual amenity or character of the area.

With regard to the site frontage, the design of plots 1-6 is considered to be in keeping with the more modern development to the east whilst the design of plots 7-14 is in keeping with the more traditional development to the west. The frontage dwellings have a stepped appearance graduating upwards from east to west which respects the topography of Millmoor Road.

Plots 15-28 are less prominent within the context of the site. Plots 15-21 are largely obscured by the proposed terraces to the south and the detached dwellings (plots 22-28) are generally set down from the other dwellings and views of them are largely restricted to medium to long distance vistas.

The use of natural stone and a good quality artificial slate (as proposed) will help the development to blend in with the area.

Boundary treatment includes drystone walling to the site frontage, some of the parking areas within the site as well as the facing material for the retaining wall along the boundary with the Urban Greenspace (to the rear of plots 23-28); the use of drystone walling is in keeping with the character of the area and helps to soften the visual impact of the development. Timber fencing and beach hedging is proposed to many garden boundaries where they are internal to the site; this is considered to be acceptable. Hard surfaced areas to the front of the dwellings and for the parking spaces are a mixture of concrete setts and paving; this helps to provide some visual differentiation across the development.

Some concern has been raised by residents on Lower Sunny Bank Mills to the north of the site regarding the visual impact of the surface water outfall into Meltham Dyke. The drainage plan indicates that this would be a pre-cast concrete outfall and some examples of typical outfalls have been provided by the applicant for information, and will be shown at committee. It is not envisaged that the outfall would be an unduly large or incongruous feature and details of its size and appearance can be secured by condition to ensure a satisfactory appearance is achieved.

The Peak District National Park lies to towards the south and west of the site. At its closest point the National Park boundary is roughly 300m away to the south west. Given this separation distance and the fact that the site is for the most part set down from the National Park land it is considered that the development would not be intrusive in views from within the National Park or have a harmful impact on views into the National Park. The application would not therefore conflict with Policy NE8a of the UDP.

Residential amenity:

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

The nearest properties to the front of the site are 105 and 123-133 Mill Moor Road which lie on the opposite side of Mill Moor Road. Numbers 105 and 133 are side-on to Mill Moor Road and contain secondary/non-habitable windows. Numbers 123-131 front onto Mill Moor Road and contain main habitable windows.

Habitable windows in no.123 Mill Moor Road are 16.5m from habitable windows in plot 3. This is a front elevation to front elevation relationship across the street and privacy in this context is not the same as when considering rear elevation and private garden areas.

Habitable windows in 125-131 Mill Moor Road are 19.5m and 21.5m from habitable windows in plots 4-7.

The above separation distances do not fully accord with Policy BE12 however the relationship between these properties is similar to existing residential development along Mill Moor Road and the proposed layout therefore maintains the established character of the streetscene. Increasing the separation distance between habitable windows would result in a form of development that would less respectfully reflect the streetscene and would be detrimental to the overall quality of the proposed development. The separation distances that are provided are considered to afford a sufficient level of

privacy for existing and future occupiers and on balance existing space standards are considered to be acceptable. This also applies to the dwellings that are proposed on the separate housing allocation to the south of the application site.

The nearest properties to the rear of the site are on Lower Sunny Bank Court and lie at a lower level to the application site. Separation distances between plots 24-28 and the nearest properties on Lower Sunny Bank Court are 57-62m.

The separation distances are considered to be more than adequate to prevent any undue effects on the amenity of these occupiers and compensate for the difference in levels.

The nearest residential properties to the east of the site are 78d Mill Moor Road and 3 Albion Court.

Plot 1 would be located adjacent to 78d Mill Moor Road which has a conservatory to its rear. The side elevation of 78d contains two windows at ground floor level which are secondary windows to a main habitable room. Plot 1 is set up from 78d Plot and would be separated by a distance of 3.2m. Plot 1 would project beyond the original rear wall of 78d by approximately 1.8m. Concerns have been raised by this neighbour in terms of overshadowing and overlooking.

To lessen the impact on no.78d plots 1-3 have been amended during the course of the application. This has resulted in plot 1 being set slightly further down within its plot (by 450mm) and moved forward to reduce its projection relative to 78d. In addition, the reduction in the roof pitch of these dwellings to 30 degrees has also helped to reduce their overall massing.

The relationship between 78d and plot 1 is a typical gable to gable relationship and it is considered that the applicant has taken reasonable steps to mitigate the impact on the neighbour's amenity. There will inevitably be some impact on this neighbour but in this instance it is considered that the impact is proportionate and would not result in any unacceptable harm to living conditions.

Having said that, given the rear projection and the difference in levels there is the potential for any future extensions to the rear of plot 1 to have a pronounced effect on 78d. To this end it is recommended that permitted development rights for rear extensions are removed for plot 1 to protect the amenity of the neighbour.

The owner of 78d has requested that a screen fence is provided along the boundary to preserve their privacy. No windows are proposed in the side of plot 1 although the proximity and relative height of the curtilage for plot 1 is likely to give rise to a sense of being overlooked. It is considered that the neighbour's request is reasonable. To this end the plans have been updated to include a 1.8m high hit and miss timber fence along the boundary. Its provision and retention can be ensured by condition.

The neighbour has also requested that the aforementioned fence is installed before building works commence in order to protect against dust and to protect the existing stone boundary wall. In planning terms there is not considered to be any justification for requiring this however the developer has agreed to install the fence before main building works commence in the interests of neighbourliness and a note has been added to the site plan to this effect.

Windows in the rear of plot 1 would not directly overlook the rear garden of 78d with views of the neighbour's garden being at a somewhat oblique angle. This is an entirely normal relationship within areas of closely spaced dwellings and is not dissimilar to the relationship between 78d and 4 Albion Court.

The closest dwellings to 3 Albion Court are plots 22 and 23.

Habitable windows in the rear elevation of plot 22 are separated from the windows within the side elevation of 3 Albion Court by 22.5m and have a slightly oblique relationship. The rear elevation of plot 22 is 10.5m and 12m from the boundary with the garden of no.3. It is considered that acceptable separation between the respective dwellings is achieved.

Plot 23 is separated from 3 Albion Court by just over 13m and the dwellings are off-set from one another which gives a somewhat indirect relationship. There are no habitable windows facing towards 3 Albion Court – all of the windows in the east elevation of plot 23 are bathroom/WC windows. Officers are satisfied that the relationship would not prejudice residential amenity. Details of the boundary treatment to this property are to be required by condition.

The nearest dwellings to the west of the site are 80-86 Mill Moor Road which front onto part of the western boundary. These properties are marginally set up from the application site.

Numbers 80 and 82 Mill Moor Road front onto the gable end of plot 14 at a distance of 19m and 21m. The gable end of plot 14 forms a blank elevation. This relationship is such that the amenity of 80 and 82 would not be significantly affected.

Number 86 Mill Moor Road fronts onto the rear elevations of plots 15-17. Habitable windows are separated by 24.5m which exceeds Policy BE12 requirements. The rear elevations of plots 15-17 are 9m from the main garden area belonging to no.86 and this is considered to provide sufficient separation space and privacy.

Number 84 Mill Moor Road has a more oblique relationship with the site and the nearest habitable windows are around 26m away (to plot 17). The side wall of plot 17 is around 1.5m from the boundary with the garden belonging to no.86 although this is the lower part of what is a fairly long and substantial

garden. As such the impact of plot 17 on this neighbour's amenity space is somewhat limited.

The application does not wholly comply with Policy BE12 however for the reasons stated above the development would not result in any unacceptable detriment to the amenity of existing neighbouring or future occupiers and is considered on balance to be acceptable.

Access / highway safety:

The site is situated to the north of and adjoining Mill Moor Road, approximately 700m to the west of Station Street and the centre of Meltham. In terms of network hierarchy Mill Moor Road is considered to be an unclassified residential collector road connecting between Meltham and Leygards Lane which links to Wessenden Head Road and the wider highway network. In the vicinity of the site Mill Moor Road is a two-way single carriageway, with a carriageway width of around 6.5m and a pedestrian footway to the northern side. Mill Moor Road is subject to a 30mph speed limit with street lighting to main road standards.

Access onto the site from Mill Moor Road is via a simple priority junction. This point of access has previously been approved under outline consent 2014/91342.

The approved outline application was supported by a Transport Statement (TS) which considered traffic impact on the surrounding highway network including capacity assessment of the Westgate/Station Street junction. The applicant at that time was instructed to include the cumulative traffic impact of existing committed developments on that junction as well as traffic generated by the proposed development (this was done on the basis of the site accommodating 30 dwellings). These tests showed that the traffic from the development could be accommodated even with the cumulative impact of the committed developments. The TS also reviewed sustainability of the site, the site access and servicing requirements. The TS and its content were considered by the Highways Development Control Team and at that time were found to be acceptable.

This application is also supported by an addendum to the previously agreed Transport Statement which revisits the previous TS content and discusses issues such as site layout, parking, servicing provision and sustainability. The TS addendum includes information supplied from the TRICs database which predicts traffic generation.

It is accepted that the 28 dwellings as proposed would have marginally less traffic impact in comparison to the previous assessment which was based on there being 30 dwellings on the site.

The impact of additional traffic generated by the proposed development and potential other significant sites that are likely to impact on Mill Moor Road and the critical Westgate/Station Street and Greens End Road/Station Street

junctions have been included in considering traffic impact. This assessment has included a POL allocation to the west of the site, a separate allocated housing site on Mill Moor Road, a potential infill site to the west of Mill Close and extant permissions for residential development (including the former Albion Mills site and sites on Colders Lane and Matthew Lane).

The assessment indicates that the Westgate/Station Street and the Greens End Road/Station Street junctions would continue to operate within accepted parameters during the morning and evening peak periods. Officers therefore consider that the proposed development would not result in any significant detriment to the efficiency and safe use of the local highway network.

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

The site can also be accessed from Leygards Lane and from Red Lane/New Bridge Road to the west and it stands to reason that a proportion of the traffic generated by the development would use this route. In response to concerns raised about the intensification of the Leygards Lane/Mill Moor Road junction the developer has agreed to fund some road markings at the junction in order to improve its functionality. Such works represent the maximum the developer could reasonably achieve to improve highway safety at the junction and are welcomed by officers.

Visibility at the proposed access has been approved previously and remains at 2.4 x 43 metres which in this instance is acceptable. The development includes a standard footway along the front of the development on Mill Moor Road which will support the retention of the visibility splay.

The layout of the access road meets the Councils standards for adoption however further detailed information is required and this can be secured by condition. The internal access arrangements for servicing are supported by swept path analysis and the turning facilities as proposed can accommodate a refuse vehicle, therefore they are acceptable. The individual driveways directly onto Mill Moor Road are also considered to be acceptable.

The parking arrangements as shown on the submitted plans are considered acceptable both in provision and location.

In terms of accessibility, the site is considered to be sustainable for the following reasons:

- The site is less than 800m from Meltham local centre offering a range of community facilities and some employment opportunities therefore is within easy walking and cycling distance;
- Mill Moor Road is on the Meltham Local Minibus Circular route. Regular buses to outlying areas including Huddersfield town centre are available from Meltham. (Source: WY Metro);

- The site is approximately 1.2km from a primary school;
- The site is approximately 1km from a health facility.

On the basis of the above criteria the site is considered to be accessible.

In summary the application is considered to comply with Policy T10 of the UDP and is acceptable in highway terms.

Ecology:

Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity” by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments.

UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Under application 2014/91342 an ecological survey was carried out on the part of the application site that is allocated for housing. This established that the land consists of agriculturally improved pasture and is of very limited ecological interest. It also established that the buildings on site have no bat roost potential.

There has not been any material change in circumstances in terms of the make-up and nature of the housing allocation part of the site since application 2014/91342. It therefore remains the case that this land is of very limited ecological interest.

In terms of the Urban Greenspace, this part of the site is likely to have more ecological value, particularly as it adjoins Meltham Dyke which is a ‘Green Corridor’ on the UDP Proposals Map.

The small loss of Urban Greenspace and alternative provision has already been addressed but for completeness the ecological value of the alternative open land provided would be equivalent to that lost because the nature of the land would essentially be the same (wildflower meadow).

The main works within the Urban Greenspace comprise the installation of the drainage infrastructure in the form of a below ground oversized pipe and an outfall. The land will then be restored to its existing levels and landscaped to form a spring wildflower meadow with some additional planting to be agreed by the Local Planning Authority. A schedule for the planting will be agreed by condition. It is therefore considered that the development would not prejudice the ecological value of the Urban Greenspace.

As the site adjoins a Green Corridor Policy D6 of the UDP is relevant. This states that proposals on such sites will be considered having regard to their impact on: plants within the corridor and animals using it; any watercourse; visual quality of the corridor; public access along the corridor; and the physical continuity of the corridor. It is necessary for this development to ensure that

planning permission will not normally be granted unless it can be demonstrated that the green corridor can be safeguarded.

In addition to the above, a footnote to this specific housing allocation stipulates that the adjacent Green Corridor is to be safeguarded and enhanced.

The proposed dwellings are set up from Meltham Dyke and separated by a distance of around 40m. It is therefore considered that the dwellings would not have any significant impact on the function of the Green Corridor.

With regard to development operations in close proximity to the Green Corridor, an underground pipe would approach the dyke at the northwest corner of the application site and an outfall formed adjacent to the dyke for surface water to be discharged into the watercourse at a restricted rate of 3 l/s (full details to be agreed by conditions). The scope of the works adjacent to the corridor is very limited and would not result in any undue harm to flora and fauna along this part of the corridor. The visual quality of the corridor would not be significantly altered with the principal change being the creation of an appropriately sized outfall – details of the appearance of the outfall can be secured by condition. The works would also not disrupt the corridor's physical continuity.

It is not considered that water discharging into the dyke at a restricted rate would prejudice the function of the corridor as an aquatic environment. Surface water from many other residential properties/developments along Mill Moor Road is known to enter Meltham Dyke via local drainage networks such as culverted watercourses and so the principle of surface water discharging into the dyke in this area is long established. The additional water entering the dyke would not be so significant so as to materially affect the function of the dyke as a green corridor and the nature of the water would be the same as that already entering the dyke from existing residential development on Mill Moor Road. To help safeguard the dyke the developer has agreed to install an 'interceptor' within the drainage system to filter surface water, for example in the event that a petrol leak from a car was washed into the drainage system. Details for the interceptor are to be secured by condition.

A condition is recommended requiring a method statement for the construction of the drainage system where it is closest to the dyke to ensure that the works are carried out sensitively and the site restored appropriately.

On the basis of the above the Green Corridor would be safeguarded.

The footnote to the housing allocation also requires enhancement of the corridor. It is considered that this is satisfied through a landscaping scheme that includes native tree planting close to the dyke. This will help to support the biodiversity in this area.

To compensate and provide enhancement measures for the development (in line with NPPF paragraph 118 – conserving and enhancing biodiversity) bird

boxes and bat tubes can be provided on the dwellings as well as measures to allow the free movement across boundaries of animals such as hedgehogs (e.g. raised fences). The Environment Unit has not raised any objections to the application subject to biodiversity enhancement measures being incorporated. A condition requiring a Landscape and Ecological Management Plan is recommended.

It is considered that the application accords with Policy EP11 of the UDP and guidance in chapter 11 of the NPPF.

Flood risk & drainage:

Negotiations have taken place between the developer and Kirklees Flood Management and Drainage officers as there were concerns with the scheme as originally proposed. Kirklees Flood Management and Drainage consider the revised drainage scheme to be acceptable.

The revised surface water drainage scheme involves an oversized below ground pipe within the undeveloped land to the north of the new housing that will provide capacity for storage. The drainage pipes within the site are also slightly oversized to provide further storage capacity.

Surface water will discharge via an outfall directly into an adjacent watercourse (Meltham Dyke) at a restricted rate. An interceptor is to be included within the system to filter pollutants associated with rain water run-off from the development.

Access for maintenance of the oversized pipe and the outfall is provided to the front and side of plot 23; this would form an undeveloped strip of land. A condition restricting any development over this area can be imposed.

The drainage scheme also includes rainwater harvesting from the roof areas of a proportion of the dwellings (40%) and all private hardstanding areas within the site will drain via permeable paving. Overall approximately 50% of the site will drain via either permeable paving or rainwater harvesting systems before entering the surface water drainage system; this also provides for an element of water quality management.

For clarity, the proposed use of permeable paving and rainwater harvesting has been discounted by Kirklees Flood Management and Drainage when assessing the attenuation needed for this development (i.e. the size of the oversized pipe). This is because such permeable paving and rainwater harvesting cannot be relied upon throughout the lifetime of a development. The attenuation scheme does not therefore rely on a proportion of surface water being drained via such means.

Foul waste will discharge to a main sewer in Mill Moor Road.

Provisional information on overland flow routing across the site has been provided and is accepted in principle. The flood routing scheme may include some minor ground works within the Urban Greenspace to form a shallow ditch or shallow swale type feature in order to further mitigate flood risk by slowing the rate at which any flood water reaches the dike. A ditch may also be necessary to channel flood water away from the nearby mill pond. These features would be landscaped to form part of the spring flower meadow. The intention behind this would be to provide a 'belt and braces' approach in the event of a flood incident, for example if road gullies became blocked during a major storm. Detailed flood routing proposals are to be finalised through condition.

Kirklees Flood Management and Drainage support the application subject to conditions relating to the detailed design of the drainage scheme, detailed overland flow routing proposals and a temporary drainage plan for the construction phase. A S106 agreement has been recommended for the future maintenance and management of the surface water drainage system in the event that it is not adopted by Yorkshire Water. This can be extended to include details of the maintenance of the meadow (Urban Greenspace).

On the basis of the advice from Flood Management and Drainage the application is considered to comply with Policy BE1 of the UDP and guidance in the NPPF.

S106 matters/contributions:

Affordable housing provision:

UDP policies H10 and H12 set out that the provision of affordable housing is a material consideration and that where secured, it must be retained. The Council's SPD on affordable housing is being introduced on a phased basis. The intention is to secure 30% of the capacity of greenfield sites of 5 or more dwellings as affordable housing. Paragraph 50 of the NPPF promotes the use of policies to meet the need for affordable housing on-site.

The development exceeds the threshold for affordable housing provision.

The developer has offered 6 units within the scheme for affordable housing provision; these are terraced properties at the front of the site. Information relating to the viability of the development has also been submitted to justify the level of affordable housing provision, which is below the SPD2 requirement.

The viability information has been independently assessed and this assessment has concluded that the affordable housing offer is fair and reasonable. Officers have reviewed the independent assessment and concur with its conclusion.

The affordable units are to be secured by S106.

Public Open Space:

The site area is over 0.4 hectares and as such the proposal triggers a requirement to provide public open space (UDP policy H4). An off-site sum of £74,750 towards play provision within the Meltham ward is required and is to be secured by S106. For the purposes of the CIL, it is necessary to specify the site/project which the money will be spent on to ensure that the pooled threshold for contributions in the Meltham ward has not been reached. This will be dealt with through the drafting of the S106 Agreement.

The UDP identifies the whole length of Meltham Dike as a green corridor from the centre of the town to its outskirts from where there is access to a local walk, the Meltham Way and, eventually, the Pennine moors.

Policy D6 seeks to protect designated green corridors. Public access to these corridors is important and the written justification to the policy states that whenever development is proposed that would affect a green corridor agreement may be sought to incorporate, as part of the development, measures to enhance the quality of the corridor. These measures might include providing footpath or cycle links. A footnote to this specific housing allocation also stipulates that the adjacent Green Corridor is to be safeguarded and enhanced.

In considering development proposals UDP Policy R13 seeks to take advantage of any potential for creating new links in the public footpath network.

There is a long established desire to provide a public footpath along the green corridor. Such a concept was mooted in the Holmfirth and Meltham Local Plan published in 1987 and policies D6 and R13 of the UDP continue to support the provision of a footpath along the Meltham Dike valley.

There is a section of public footpath following the south bank of the dyke for about 300m (MEL/82/10) and the long-term intention has been to provide a continuous 'riverside' walk, although this can only ever be delivered on a piecemeal basis.

A previous planning application for residential development adjacent to the Green Corridor sought to provide a section of footpath on the south side of the corridor (reference 96/92853). A footway was formed to the rear of 28-36 New Street although it has not been dedicated for public use and is currently a dead end. A recent appeal decision has nevertheless upheld the principle of retaining this section of footway in the context of providing an extended footpath link along the corridor in the future.

There is clear justification for securing some form of public footpath provision adjacent to the Green Corridor as part of this application. However, at this time any such footpath would sit in isolation and would not link to any public right of way. There is also some doubt as to the prospect of achieving a link to

the east of the application site in the near future; this is because the dyke crosses land belonging to an individual homeowner.

In the circumstances officers are of the opinion that requiring the physical provision of a section of footpath would be excessive at this time. It is instead recommended that a strip of land adjacent to the Green Corridor is safeguarded to allow for the potential creation of a footpath link in the future, with appropriate access rights conveyed. The applicant has confirmed their agreement to this. This matter can be addressed through planning condition/obligation.

For information there is a footway on the north side of the dyke that is immediately opposite the application site. This was formed as part of a housing development off Sunny Bank Road under 2001/93831. This footway is not however a public footpath.

Education provision:

Kirklees Council's School Organisation & Planning team has advised that a financial contribution towards school funding is not required.

Air quality:

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

Other issues:

The proposals do not include part of the UDP housing allocation adjoining the site to the west. This land is not accessible from the highway. The proposed site layout allows for access to this adjoining land by way of the 6.5m wide private road/driveway to the front of plots 26-28. The remainder of the housing allocation would therefore not be prejudiced by this development.

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

Representations:

Following the submission of amended drainage information and amendments to the site layout and dwelling design the application was re-advertised.

In total 59 representations have been received on the application, but several of these letters are from the same address, of individuals have made multiple comments.

The representations are summarised at section 8 of this report. The main points of objection relate to the principle of development, the visual and residential amenity impacts, the effect on ecology with particular regard to Meltham dike and the adjacent green corridor, the impact on the local highway network and the effect on local drainage and flood risk. All these matters are addressed within this assessment.

Of the other matters raised a response is provided as follows:

Gardens for the properties extend beyond the red line boundary pertaining to the previous outline application

Response: This is a stand-alone application and the red line boundary is not bound by that on the outline consent.

It is to be noted as well that the application site boundary on the outline application did not include the full extent of the housing allocation at its north eastern corner (adjacent 3 Albion Court) and this previous application does not therefore define the housing allocation-Urban Greenspace boundary.

Impact on schools, doctors, dentists

Response: An education contribution is not required in this instance. The provision of medical services is a matter for medical providers and is unrelated to the planning process although it is likely to be influenced by changes in local population levels.

Meltham being targeted for building and more so than other nearby areas

Response: The LPA has no control over where developers choose to submit applications.

Impact on structural stability of adjacent properties due to proximity of new dwellings to existing and impact on neighbouring drystone walls

Response: It is considered that this matter can be adequately addressed through the building regulations regime.

Development not needed/required; other houses in the area not selling

Response: This is not a material planning consideration.

Developer not consulted with local residents

Response: There is no formal requirement for an applicant to carry out pre-application consultation on applications.

Conclusion:

The application is for 28 dwellings on land that is mainly allocated for housing. The site includes an area of Urban Greenspace but this would remain as open land. The development would not unduly harm the visual amenity and character of the area or the amenity of nearby residents, even acknowledging some shortfall in separation distances. The development would not result in any material detriment to highway safety and the ecology of the site and the adjacent Green Corridor would be safeguarded. The development would deliver valuable affordable housing provision on the site and a significant financial contribution towards public open space/play provision within the wider Meltham area, although acknowledging this is below the policy requirement due to viability.

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 on balance recommended for approval.

10. RECOMMENDATION

APPROVE SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. SECURE A S106 OBLIGATION FOR THE FUTURE MAINTENANCE OF THE PROPOSED SURFACE WATER DRAINAGE INFRASTRUCTURE**
- 2. SECURE A UNILATERAL UNDERTAKING (S106 OBLIGATION) FOR THE PROVISION OF AFFORDABLE HOUSING AND PUBLIC OPEN SPACE AS DETAILED IN THE REPORT**
- 3. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS THAT MAY INCLUDE SOME OR ALL OF THOSE MATTERS SET OUT IN THIS REPORT, AND**
- 4. SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

The following matters are to be covered by conditions:

- Approval of samples of facing materials
- Re-use of existing drystone wall to the front of the site

- Full details of a scheme for foul, surface water and land drainage (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations) based on the revised drainage proposals
- Details of an 'interceptor' to filter surface water before it enters Meltham Dike
- Details of a scheme for overland flood routing
- Details of a scheme for temporary surface water drainage provision during construction
- Design details of the outfall that is to discharge surface water from the development into Meltham Dike
- Method statement for the construction of the drainage system where it is closest to Meltham Dike and neighbouring mill pond
- Defining the extent of the domestic curtilage for plots 23-28 to that shown on the site plan
- Details of the finished levels of the wildflower meadow following installation of the drainage infrastructure (existing levels to be reinstated)
- Restriction on building operations within the alternative Urban Greenspace provision (adjacent plot 23) to maintain access to the drainage infrastructure on the northern part of the site
- Details of the proposed gate adjacent to plot 23 that encloses the alternative Urban Greenspace provided
- Landscape and Ecological Management Plan detailing biodiversity mitigation and enhancement measures (including bat and bird boxes and measures to allow the free movement of hedgehogs within the site)
- Removal of permitted development rights for extensions to the rear of plot 1 to protect the amenity of 78d Mill Moor Road
- Provision and retention of the 1.8m hit and miss timber fence along the western boundary of plot 1 to protect the amenity of 78d Mill Moor Road
- Details of boundary treatment to 3 Albion Court
- Electric vehicle charging points within parking spaces/garages

- Contaminated land investigation reports and site remediation in the event that contamination is found
- Scheme to demonstrate unrestricted vehicular access to the remainder of the housing allocation
- Provision of visibility splay
- Details of the internal adoptable estate road
- Permeable surfacing to private areas of hard surfacing
- Landscaping scheme for the meadow based on native planting

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

| Plan Type | Reference | Version | Date Received |
|---|----------------------------|----------------|----------------------|
| Design & Access Statement | - | - | 22/12/15 |
| Location Plan & Existing Site Plan/Topographical Survey | OLD_01_Meltham Sheet No. 3 | - | 22/7/16 |
| Site Layout | 1601 / 26 | - | 1/4/16 |
| Site Layout | 1601 / 01 | Rev B | 20/7/16 |
| Site Sections | 1601 / 16 | - | 1/4/16 |
| Street Scene Elevation Sketch | - | - | 4/4/16 |
| Plots 1- 3 Elevations | 1601 / 29 | Rev A | 20/7/16 |
| Plots 1- 3 Floor Plans | 1601 / 27 | Rev A | 8/7/16 |
| Plots 4-6 Floor Plans & Elevations | 1601 / 03 | Rev B | 1/4/16 |
| Plots 7-10 Floor Plans & Elevations | 1601 / 04 | - | 1/4/16 |
| Plots 11- 14 Floor Plans & Elevations | 1601 / 05 | - | 1/4/16 |
| Plots 15- 17 Floor Plans & Elevations | 1601 / 06 | Rev A | 1/3/16 |
| Plots 18-21 Floor Plans & Elevations | 1601 / 07 | Rev A | 1/3/16 |
| Plot 22 Floor Plans & Elevations | 1601 / 08 | Rev A | 1/3/16 |
| Plot 23 Floor Plans & Elevations | 1601 / 09 | - | 22/12/15 |
| Plot 24 Floor Plans & Elevations | 1601 / 10 | - | 22/12/15 |
| Plot 25 Floor Plans & Elevations | 1601 / 11 | - | 22/12/15 |
| Plot 26 Floor Plans & Elevations | 1601 / 12 | - | 22/12/15 |

| Plan Type | Reference | Version | Date Received |
|--------------------------------------|------------------|----------------|----------------------|
| Plot 27 Floor Plans & Elevations | 1601 / 13 | - | 22/12/15 |
| Plot 28 Floor Plans & Elevations | 1601 / 14 | Rev A | 1/3/16 |
| Landscaping Plan | 1607-1 | Rev F | 20/7/16 |
| Drainage Layout (sheet 1 of 2) | - | - | 1/4/16 |
| Drainage Layout (sheet 2 of 2) | - | - | 1/4/16 |
| Flood Route Plan | - | - | 1/4/16 |
| Area Plan & Microdrainage References | - | - | 1/4/16 |
| Preliminary Drainage Calculations | - | - | 1/4/16 |
| Transport Statement | - | - | 22/12/15 |
| Transport Assessment | - | - | 22/12/15 |
| Supporting Statement | - | - | 22/12/15 |

Application No: 2016/90477

Type of application: 62 - FULL APPLICATION

Proposal: Alterations to convert outbuilding to holiday accommodation

Location: adj 1, Wheat Close, Holmbridge, Holmfirth, HD9 2QL

Grid Ref: 411535.0 406485.0

Ward: Holme Valley South Ward

Applicant: D Trueman

Agent: Andy Rushby, Assent Planning Consultancy Ltd

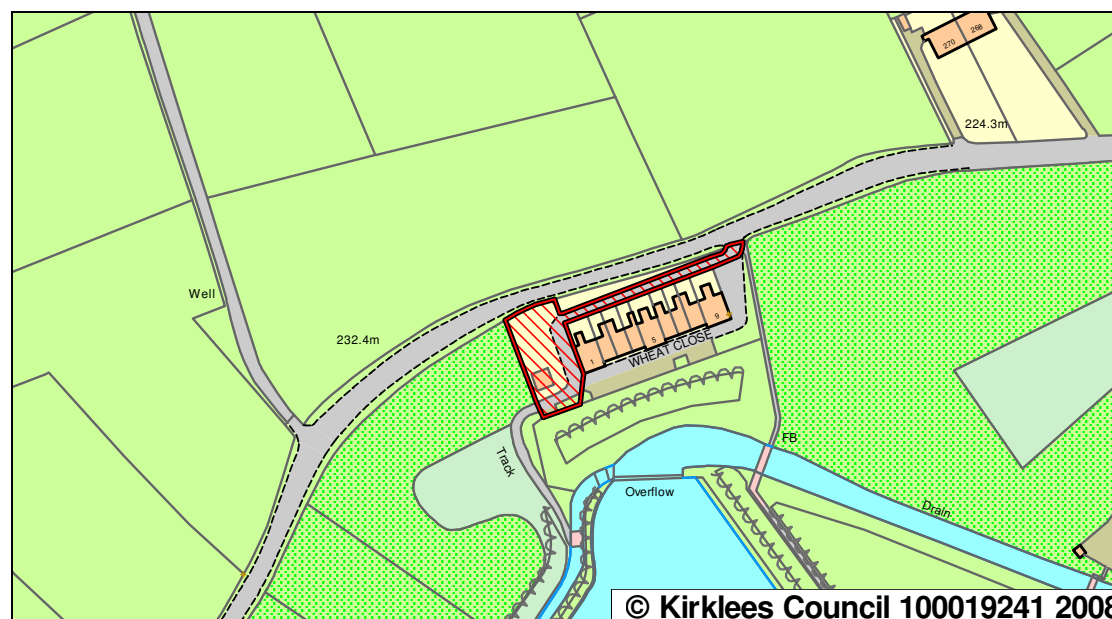
Target Date: 03-Jun-2016

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

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF THE APPLICATION

The application seeks planning permission to convert an existing outbuilding in the green belt into holiday accommodation. The proposal, taking into account the additional information reported to Members, is still considered not to adversely impact the character of the area, the openness or character of green belt, highway safety or residential amenity.

A grant of full planning permission is recommended subject to delegation of authority to Officers to:

- 1. Secure a section 106 obligation (Unilateral Undertaking) to limit the use and periods of occupation of the building;**
- 2. Impose all necessary and reasonable conditions; and**
- 3. Subject to there being no material change in circumstances, issue the decision.**

2. INFORMATION

The application was previously reported to the Huddersfield Sub-Committee on the 30th June 2016 under the Delegation Agreement at the request of Councillor Donald Firth for the following reasons:-

- Change of use from garage to living accommodation no planning permission
- Using it as Holiday accommodation
- Lack of parking already parking at a premium, plus site lines into Woodhead Rd very poor
- Site visit required and committee decision

- Another retrospective plan

Member resolved to approve the application in line with the officer recommendation stated below:-

To grant of full planning permission subject to delegation of authority to Officers to:

- 1. Secure a section 106 obligation (Unilateral Undertaking) to limit the use and periods of occupation of the building;**
- 2. Impose all necessary and reasonable conditions; and**
- 3. Subject to there being no material change in circumstances, issue the decision**

Since the 30th June Committee a complaint was received from a local resident into the assessment contained within the 30th June Committee report. To respond to this complaint Officers consider that the issues raised warranted returning this application to the planning committee to ensure that the decision made by the Committee was robust and based upon knowledge

of all relevant planning matters. The application is reported back to committee with the agreement of the Chair. This is for Members to reconsider the application taking into account the enforcement history of the site and a more detailed account of a letter of neighbour representation which was not fully summarised within the previously submitted report. This includes a number of photographs submitted with the representation which will be shown to the Committee in the meeting on 4 August 2016.

Enforcement History

In October 2001, a complaint was logged to planning enforcement for this site regarding the alleged erection of a garage and change of use of land to garden, both elements which are subject to this application. The complaint was investigated and closed with no further action taken on the matter for the following reasons:-

1. During that time, it appeared that the land in question may have been used for residential purposes for a period of more than 10 years preceding 2001; as such, permitted development rights would apply; and
2. Given the established residential use of the land, planning permission was not required for the construction of the detached double garage as it complied with the guidelines for permitted development set out in the Town and Country Planning (General Development) Order 1995 (as amended) at that time.

The complainant was informed in writing on 06 November 2001 that the investigation was being closed and the reasons for this.

The investigation concluded that there was no breach of planning control subject to the height of the garage not exceeding 4 metres in height. On this basis it was considered to be 'permitted development'. As such, there were no grounds for enforcement action to be taken during the time the enforcement issue was raised to the Local Planning Authority.

It is noted that this view differs from that set out in the Committee Report of the 30th June which considered the building in question would probably not be considered a curtilage building but was immune from Enforcement Action by reason of time. Members are advised that the earlier assessment from 2001 that the construction of the building under Permitted Development Rights was lawful should be used as the starting point in the determination of this application.

In 2009, a noise complaint was logged to Environmental Services which included a query with regards to the lawfulness of the garage building. The complainant stated that the building had been fitted out as a bar, pool room and dog shelter. It was stated that the structure did not have planning permission. This query was forwarded on to Planning Enforcement and no action was taken as the building did not require planning permission and it remained ancillary in term of use to the host property at no. 1 Wheat Close.

In addition Ward Members have previously stated that further complaints have been raised to planning enforcement with regards to the lawfulness of the building and its use.

As a response to these issues it is important to make reference to The Town and Country Planning General Permitted Development Order 2015 (as amended). This allows, in Schedule 2, Part 1, Class E for the provision and alteration of any building for a purpose 'incidental' to the enjoyment of the dwellinghouse.

In this case it is alleged that the building is occupied by the son of the occupiers of the host property – 1 Wheat Close. In these circumstances the judgment in ***Uttlesford District Council v Secretary of State for the Environment and White [1991]*** is relevant. This case and later case law has established that planning permission is not required to convert a garage in a residential curtilage to an annexe capable of independent accommodation, provided both it and the existing dwelling remain in the same planning unit. As there has been no information submitted alluding to the use of the building as a separate planning unit, the occupation of the garage in this manner would not require planning permission.

For clarity Section 171b of the Town and Country Planning Act 1990 (as amended) states that where there has been a breach of planning control consisting in the carrying out without planning permission of building operations, no enforcement action can be taken after the end of the period of four years beginning with the date on which the operations were substantially completed. In the case of any other breach of planning control, which in this case would be the material change of use of land, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

In this case the garage was completed around the end of 2001 and the enforcement officer who investigated the complaint in 2001 considered that the 'garden' area associated with no. 1 Wheat Close may have already been used for residential purposes for 10 years and the building comprises permitted development at the time. On this basis, the building operations were considered to be carried out under Permitted Development Rights and any material change of use of land to create the garden area would have been immune from enforcement action. The use as of the garage as an annex incidental to the principal dwelling would also not require planning permission.

Representations

In the previous report submitted to committee on this application one letter of neighbour representation was not fully summarised within the "Representations" section of the report. As such, the representation is set out in more detail for members' information:-

There is a history going back to 2000 (reference 92801) when outline planning permission was refused for the building of a dwelling house. Both the Holme Valley Parish Council and Kirklees Council were in agreement.

Response: The planning application history of the site has previously been acknowledged with the report submitted to members (please refer to full report for details). However it is recognised that the Enforcement History of the site was not fully set out in the 30th June 2016 report.

The small stretch of land to the side of no 1 had previously been an access road for Yorkshire Water's reservoir keeper. This was included in the sale to the current former Yorkshire Water owners of no1.

Response: The location of the proposed parking area for the holiday let was amended to ensure that the development would not obstruct this access road (please refer to full report for further information).

Over the years they made every effort to achieve their initial desire to have a home there for their adult son. After the refusal of the outline planning they built two garages on the plot, which quickly became a large well fitted interior when they removed the garage doors and installed a bar, and wood burning stove. In the last 5 years or so, they installed a toilet and shower. The son regularly stays in this annex. As he has been resident there for some years they then applied for a new " underground" double garage at the side of the existing pair of garages (currently garden) in 2012 ref 91536 and this too was rejected. Separately two years ago the family applied for an extension at the side of their house for the kitchen, and no objections were made on this occasion from any of us in the row and this was granted.

Response: It is recognised that the concerns of local residents and ward councillors as to the creation of a dwelling in this location has been tried previously but in this instance as the original outbuilding is lawful and the internal fit out of the building is not within the control of the planning system the assessment of the application has to be based upon this starting point. The planning history of the site considered; however, the application has been determined on its own merits and if it is approved measures would be taken via a legal agreement to ensure that the unit is not used a residential dwelling (please refer to full report for details).

All the residents in the row felt from the outset that another house at the end of the row was inappropriate in an already congested, privately owned close, where parking is at a premium, and where development so close to the Peak Park, and an area of High Landscape value, would not be in keeping or desirable. But to now want to convert the double garage into a holiday let seems even more unacceptable. There simply is nowhere for visitors to park that would not further inconvenience residents and their own visitors. But more important still is the idea that by stealth, the garages have become the dwelling house that was refused in 2000

Response: The matters relating to impact of the proposal on the character of the area, parking and highway safety has been assessed within the full report previously submitted to committee.

I currently reside next door at 2 Wheat Close, and own 3 Wheat Close, where my mother lived until her death three years ago, and we jointly own no 8 Wheat Close. Marcus Kilpin at no 4 is also angered at this new application. As we are all responsible for paying a share of the Tarmac drive round the terrace, and would all experience the inconvenience of having more cars coming around the private row of properties all the residents should have been consulted by No 1 prior to the application being submitted. No such moves were made to discuss these plans with me or Mr Kilpin as the closest neighbours to the garages, as a matter of courtesy.

Response: Pre-application neighbour consultations are not a material consideration to this determination of the application. Given the size and siting of the proposed holiday let it is not envisaged that the parking demand generated from a small one bedroomed facility would, even with it receiving visitors would be significant and cause demonstrable harm that would warrant a reason for refusal.

I hope that the Committee is in agreement again, in wanting to stop this undesirable and impractical application that is done by stealth and without regard to previous decisions made and residents concerns. I am attaching photos showing the congestion currently with residents' cars and the access road to the wooden gate that YW requires at all times, meaning this gravel drive should not be used for parking for any visitors. The photos also show how the garage doors have been removed, with Windows now installed at the left for the toilet and shower, in front of the Windows is a fishpond and to the right-hand side, where there was the other garage door, is a now a dog kennel.

Response: The photographs will be shown to members for consideration.

The complainant raised a further issue in their correspondence with officer's post 30th June Committee. The further issue asked why the reasons cited in the refusal of the 2000 outline application for a detached dwelling would not still apply to the current application for the use of the building as a holiday let.

Response: The 2000 outline application which predated the construction of the garage/outbuilding was for a new build dwelling in the Green Belt with a new vehicular access. The construction of new buildings in the Green Belt is inappropriate development except for select forms of development which can be considered appropriate forms of development in the Green Belt. The construction of ancillary residential outbuildings is one such form of development that can be accepted in the Green Belt. The change of use of existing building in the Green Belt to alternative uses is also an acceptable form of development in the Green Belt. As the current application seeks to utilise the existing driveway and not construct a new access the 2 main reasons cited in the 2000 reason for refusal would not still be relevant to the

current application. The third reason for refusal relating to sustainability considerations (i.e. access to public transport and local amenity facilities) is still relevant but the nature of the holiday let would likely result in users visiting the facility by car and therefore having access to local amenities and services. The 30th June Committee Report included a proposed condition to require an electric vehicle charging point to be installed to off set the impacts on the environment from the reliance by private car for occupiers of the holiday let.

Conclusion:

The additional information outlined within this report, provides clarity on the enforcement history of the site which had not been provided within the initial report submitted to committee. The concerns stated within the letter of neighbour representation can be considered fully by Members and are now addressed within the report. However, the proposal, taking into account the additional information reported to Members, is still considered not to adversely impact the character of the area, the openness or character of green belt, highway safety or residential amenity for the reasons stated within the report previously submitted to committee. Accordingly, as per the previous recommendations, officers recommend approval of the scheme.

3. RECOMMENDATION

A grant of full planning permission is recommended subject to delegation of authority to Officers to:

- **Secure a section 106 obligation (Unilateral Undertaking) to limit the use and periods of occupation of the building;**
- **Impose all necessary and reasonable conditions, which may include those set out below; and**
- **Subject to there being no material change in circumstances, issue the decision**

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. 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 retained as such thereafter.

4. 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) no extensions or outbuildings included within Classes A to E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

5. An electric vehicle recharging point shall be installed within the dedicated parking area of the approved holiday accommodation before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

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

| Plan Type | Reference | Version | Date Received |
|-----------------------------|------------------|----------------|----------------------|
| Location Plan | Tru.15/01 | | 22/02/2016 |
| Existing Topographical Plan | Tru.15/03 | | 22/02/2016 |
| Existing Elevations | Tru.15/05 | | 22/02/2016 |
| Existing Floor Plans | Tru.15/04 | | 22/02/2016 |
| Proposed Topographical Plan | Tru.15/08c | | 21/04/2016 |
| Proposed Floor Plan | Tru.15/06b | | 21/04/2016 |
| Proposed Elevations | Tru.15/07b | | 21/04/2016 |
| Planning Statement | | | 11/02/2016 |

REPORT FROM HUDDERSFIELD SUB-COMMITTEE 30 JUNE 2016

1. SUMMARY OF THE APPLICATION

The application seeks planning permission to convert an existing outbuilding in the green belt into holiday accommodation. The proposal would not adversely impact upon the character of the area, the openness or character of green belt, highway safety or residential amenity.

A grant of full planning permission is recommended subject to delegation of authority to Officers to:

- 1. Secure a section 106 obligation (Unilateral Undertaking) to limit the use and periods of occupation of the building;**
- 2. Impose all necessary and reasonable conditions; and**
- 3. Subject to there being no material change in circumstances, issue the decision.**

2. INFORMATION

The application is reported to the Huddersfield Sub-Committee under the Delegation Agreement at the request of Councillor Donald Firth for the following reasons:-

- Change of use from garage to living accommodation no planning permission
- Using it as Holiday accommodation
- Lack of parking already parking at a premium, plus site lines into Woodhead Rd very poor
- Site visit required and committee decision
- Another retrospective plan

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

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application site measures approximately 0.05 hectares and currently comprises a single storey detached outbuilding that is constructed in stone and designed with a gable roof that is finished in grey slate. It features a timber store and dog pen to the front elevation. There also appears to be a wooden hot tub to the front of the building. The building is located to the south of the site and to the north is some timber decking and sheds.

The site is currently in use in association with the dwelling at no. 1 Wheat Close. It is surrounded by a small woodland to the west, open undeveloped fields to the north, a row of nine terraced properties to the east and Brownhill Reservoir to the south. The terrace, along with the outbuilding, share a common access point via Wheat Close which is taken off Woodhead Road. A public footpath (Hol/88/10) runs off Woodhead Road from the access point to the far east of the site. It is separated from the site by the existing terraced dwellings and access road. The surrounding area is of rural character and it is allocated as Green Belt land within the UDP.

Description of Proposal

The application seeks planning permission for alterations to convert the existing outbuilding into holiday accommodation.

It was originally proposed that the existing store and dog pen structure to the front of the building is replaced by an extension to facilitate the conversion. However, during the course of the application amended plans were sought to remove the proposed extension so that the proposal would not result in greater impact on the openness of the green belt in comparison to existing development on site.

The proposal now seeks to remove the existing store and dog pen to the front of the building and convert the resultant outbuilding into holiday accommodation. No additional extensions are proposed to the building and the only external alterations would be the addition of new windows and doors.

The unit would contain a single bedroom, living space, kitchen and shower room. The unit would provide internal floor space of approximately 28.9 square metres.

Access to the holiday accommodation would remain as existing, via a common access point off Woodhead Road, and one parking space would be provided to serve the accommodation in front of the building. The siting of the parking space was modified during the course of the application to address concerns raised by K.C. Highways Development Management that its previous location would obstruct what appeared to be an access track to the adjacent reservoir, south west of the site, and beyond.

4. BACKGROUND AND HISTORY

In 2000 an outline application reference 2000/92801 was submitted for the erection of 1 detached dwelling on this site which was refused on the following grounds:-

1. The site lies within an area which has received approval as Green Belt within which it is intended that new development be severely restricted. The proposal would be unrelated to any existing settlement and extend an existing isolated group of dwellings and injuriously affect the rural character of this area of high landscape value and would therefore be

contrary to the provisions of Policies D8 and NE8 of the adopted Kirklees Unitary Development Plan, such development is neither appropriate to the Green Belt nor are there any special reasons why it should be permitted in this case.

2. The formation of a new vehicular access, together with the associated removal of stone walling, formation of adequate visibility splays and loss of existing landscaping would be detrimental to the appearance and openness of the Green Belt and an Area of High Landscape Value and would therefore be contrary to the provisions of Policies D8 and NE8 of the adopted Kirklees Unitary Development Plan.
3. The site lies in an isolated rural location outside walking distance of a regular bus service and the proposal is therefore considered unsustainable taking into account the advice contained in PPG13 Transport Para 3.2 relating to the avoidance of sporadic housing development in the countryside.

This application related to green field land within the green belt that had not been previously development. In addition, planning policy has changed since then, in particular the introduction of the NPPF, and the context and character of the site has also changed since. As such, this decision holds very limited weight in the determination of this application.

Following on from this refusal, historic maps indicate that a building was erected on this site in the period between 2000 and 2002. It is unlikely that this land would have been considered to be curtilage land for the dwelling at no. 1 Wheat Close and therefore the building would have required planning permission; however, there is no planning history relating to it. According to Section 171b of the Town and Country Planning Act 1990 (as amended) were there has been a breach of planning control consisting in the carrying out without planning permission of building, no enforcement action can be taken after the end of the period of four years beginning with the date on which the operations were substantially completed. Given the time that has lapsed since the building was erected, it is now immune from planning enforcement as the building operation was undertaken more than 4 years ago.

For members' information, within the letters of neighbour representation received, it has been stated that the outbuilding has been use as ancillary accommodation for approximately five years.

5. PLANNING POLICY

Kirklees Unitary Development Plan

BE1: Design Principles
BE2: Quality of Design
EP6: Development and Noise
D12A: Re-use of Buildings in the Green Belt
T10: Highway Safety

National Planning Policy Framework

Core planning principles

Part 1: Building a strong, competitive economy

Part 3: Supporting a prosperous rural economy

Part 6: Delivering a wide choice of quality homes

Part 7: Requiring good design

Part 9: Protecting green belt land

Part 10: Meeting the challenge of climate change, flooding and coastal change

Part 11: Conserving and enhancing the natural environment

6. CONSULTATIONS

K.C. Highways Development Management - No objections subject to conditions on the amended scheme.

7. REPRESENTATIONS

The original submitted scheme (comprising a front extension) was publicised by a press and a site notice and neighbours were notified; three letters of neighbour representations were received raising, in summary, the following matters:-

- Proposal would spoil rural area
- Access would be via a shared drive and proposal may increase the cost of repairs of the drive
- Property already has four cars parking and only pay one ninth of the upkeep of the drive
- Proposal would increase traffic and noise and encourage trespassing

When amendments were made to the scheme; a further two letters of neighbour representation were received raising, in summary, the following matters:-

- The application is on land that has already been refused several times before
- The garage was initially built without planning permission in the first instance
- Nothing substantial has changed to make this application any different to the application made in 2000 for a dwelling house
- Proposal would give rise to highway safety issues
- An application for a holiday let essentially is also for a "change of use" from a residential row (100%) to a commercial building and that this is inappropriate for this reason

Holme Valley Parish Council object to the application, on the grounds that this is inappropriate development and has insufficient parking. The Parish Council agreed that the garage was unsuitable for residential purposes/holiday accommodation and, therefore, the unauthorised work already carried out to combine the garages and install windows and door was a 'planning enforcement' issue. The Clerk was authorised to report the issue to the Kirklees Enforcement Officer accordingly.

8. ASSESSMENT

General Principle / Policy:

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

In part 9, the NPPF identifies protecting green belt land as one of the elements which contribute towards sustainable development. It states that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open; as such, it regards the construction of new buildings and other forms of development in the green belt as inappropriate unless they fall within one of the categories set out in paragraph 89 or 90.

Paragraph 90 of the NPPF permits the re-use of buildings provided that the buildings are of permanent and substantial construction, subject to the development not prejudicing the openness of the green belt or the purposes of including land within it. Following a site inspection, the existing outbuilding appears to be in good condition and of substantial and permanent construction capable of conversion. The building is constructed in stone and designed with a slate gable roof. The alterations proposed would not prejudice its structural integrity and the elements which were not of substantial construction (timber store and dog pen) would not form part of this proposal. The development proposed would result in the reduction in scale of the existing building due to the proposed removal of the existing dog pen and store to the front elevation, reducing the impact on openness of the green belt when compared to the existing development on site. The alterations proposed to the building would not increase its size. The whole application site appears to have been in use in association with and as part of the curtilage of land serving the dwelling at no. 1 Wheat Close for a period of over ten years. The land to the north of the outbuilding comprises timber decking and sheds. Given the domesticated nature of the site, it is not considered that the proposed use, despite being commercial in nature, would result in greater impact upon the openness of the green belt. Given these considerations, it is opined that this proposal constitute appropriate development within the green belt in accordance with paragraph 90 of the NPPF.

In a recent Court of Appeal judgement, Lee Valley Regional Park Authority v Epping Forest DC 22 April 2016, the Judge outlined that "development that is not, in principle, "inappropriate" in the Green Belt is...development "appropriate to the Green Belt". The judge commented that, on a sensible

contextual reading of paragraphs 79 to 92 of the National Planning Policy Framework, appropriate development is not regarded as inimical to the fundamental aims or purposes of green belt designation. On that basis, he noted, appropriate development does not have to be justified by very special circumstances. In light of this, it is considered that by reason of its appropriateness in line with Paragraph 90 of the NPPF, the development proposed is not contrary to the aims and function of the green belt.

The NPPF also encourages the planning system to support sustainable economic growth in general and in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This proposal would result in an income generating venture which, albeit on a minor scale, would contribute to the local economy. The venture would have limited impact on the character of the countryside given the domesticated nature of the existing site and the removal of the dog pen and store to the front would reduce the visual impact of building when considered from the wider open undeveloped land to the south of the site. The site is located in very close proximity to the Brownhill Reservoir thus can also support tourism in this location.

The proposal comprises development that is appropriate within the green belt and would encourage sustainable economic growth. Its location in the rural area means the proposal would support rural economy; however, the application site is relatively isolated from established residential areas and has no service provision. It is likely that the occupiers of the holiday accommodation would rely on the surrounding urban areas for provision of goods and services and therefore would be reliant on motor vehicles which would mean that the development would not contribute to mitigating climate change. However, consideration has to be given to the fact that the proposal would result in the creation of a small one bedroomed holiday accommodation, thus the number of people and vehicles likely to use the accommodation would be low. Its use as a holiday accommodation, located adjacent to the reservoir is also likely that people would be travelling from various areas to access the facility. Furthermore the structure is existing and the reuse of a substantially complete building is sustainable.

Objections have been raised that the proposal is paramount to a new dwelling within the green belt. This matter has been carefully considered given that accepting the principle of holiday accommodation in this location would mean accepting a C3 (dwelling house) use. The level of accommodation provided is small but acceptable for holiday accommodation as it would not be permanent home of the occupants and they would occupy the unit for a short period of time. However, as permanent accommodation the unit would offer a poor standard of amenity.

While the council does not have space standards, in 2015 the government provided a document titled "Technical housing standards – nationally described space standard" which set out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy. It states that a one bedroomed property serving one person should at least have the floor

space of at least 37 square metres and a one bedroomed property serving two persons should at least have the floor space of at least 50 square metres.

The proposed unit would have internal floor space of approximately 28.9 square metres. While space standards are purely guidance, they provide a good indication that the unit would not provide a good standard of amenity for permanent occupants. Part of the core planning principles outlined within the NPPF is the requirement for planning to always seek a good standard of amenity for all existing and future occupants of land and buildings. In addition, the use of the building for permanent residence could lead to pressure for the building to be extended which would affect the openness of the green belt. On this basis, the applicant (through the agent) has agreed to a legal agreement which will ensure that the building will stay in use solely as holiday accommodation and thus would not be used as a dwelling. The legal agreement would limit the periods of occupation for the building and excluding certain months of the year. The applicant (through) the agent has also agreed to keep occupation records of the units.

The introduction of the NPPF however does not change the statutory status of the development plan as the starting point for decision making. The application seeks planning permission for the change of use of an existing outbuilding within the green belt to a holiday accommodation.

Policy D12A of the UDP states that when planning permission is granted for the re-use of buildings in the green belt conditions will be imposed removing permitted development rights from specified areas within the associated land holding where the erection of structures permitted under the general permitted development order would prejudice the openness and established character of the green belt.

The UDP thus does not restrict the re-use of buildings provided that permitted development rights are removed where necessary and wherever possible to preserve the openness of the green belt. This application seeks change the use of an existing outbuilding into a holiday accommodation. Holiday accommodation is within the same use class C3 as residential dwellings. While a legal obligation can secure the use of the property as holiday accommodation and is not permanently occupied and used a dwellinghouse, it does not restrict permitted development rights afforded to building by virtue of its C3 use. As such, it is considered to be reasonable and necessary to restrict erection of further extensions on this site in order preserve the openness of the green belt and ensure that the development would not result in greater impact upon the openness of the green belt.

It is acknowledged that the proposal would give rise to unsustainable travel patterns for the resultant occupiers of the proposed holiday accommodation. However, subject to controlling occupation to this use, the proposal would result in the reuse of an existing building, the provision holiday accommodation, would promote economic growth and a prosperous rural economy on a small scale, and comprises development that is acceptable within the green belt and would not compromise the existing character of the

countryside. On balance, the scheme comprises of development that is not contrary to the overarching intentions of the NPPF as a whole and the benefits to be had from this proposal and its appropriateness is considered to significantly and demonstrably outweigh the harm which would result from unsustainable travel patterns. Accordingly, subject to appropriately addressing other planning matters, this proposal is acceptable in principle.

Impact on Amenity:

Apart from removing the existing timber store and dog pen to the front of the existing building, the proposal would not result in any significant alterations to the building that would alter its existing character. The elements to be removed would improve the visual amenity of the building and reduce its scale and prominence within its countryside setting. It is therefore not considered that this proposal would harm the openness or character of the green belt or the rural character of the area.

Given the above considerations the proposal is considered to be compliant with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and the guidance contained within Chapter 7 and 9 of the NPPF.

Impact upon Residential Amenity:

The nearest dwelling to the proposed holiday accommodation is the host property at no. 1 Wheat Close located approximately 10.5 metres to the east of the site. The proposed holiday accommodation would directly face a section of the side gable of this property which does not include any habitable room windows. The north facing windows on the holiday accommodation would also not comprise habitable room windows as the kitchen is separated from the living space. As such, there will be no adverse overlooking or overbearing impacts to the occupiers of the existing dwelling or future occupiers of the proposed holiday accommodation.

The holiday accommodation would include a habitable room window to the rear which would retain a separation distance of approximately 1.5 metres to the boundary shared with the undeveloped adjacent land to the west. This is acceptable in the case as the land comprises a woodland and is within the green belt; thus, the likelihood of it becoming built upon are relatively slim. It is therefore considered that on balance, in this case, the reduced distances are acceptable.

As previously outlined within the “General Principle / Policy” section of this report, the existing building is small in scale and would provide very limited internal space for the occupants. However, on the basis that the proposal is for holiday accommodation and would not be a permanent home for the occupants, the size of the accommodation proposed is considered to be acceptable. As previously discussed, a legal agreement will secure the use of the building solely as holiday accommodation.

Concerns have been raised within the letters of neighbour representation that the proposal would give rise to noise levels in the area. When considering the scale of the development proposed, it is likely that only a small number of people would be accommodated in the holiday home at any given time. As such, the proposal is unlikely to give rise to significant material increase in noise levels that would unreasonably harm the living conditions currently enjoyed by the occupiers of neighbouring properties.

Given the above considerations, this proposal would not adversely affect the amenities of the occupiers of existing properties within the vicinity and the level of amenity provided for the use proposed is acceptable subject to a legal obligation securing its use. The proposal thus complies with Policy EP4 of the UDP and the guidance contained within paragraph 17 of the NPPF.

Highway Issues:

The proposed holiday accommodation will be access off a private road which serves all the existing dwellings located along Wheat Close. One parking space is proposed to serve the development.

Objections have been received on the basis that the proposal would give rise to highway safety issues. K.C. Highways development management have considered the scheme and noted that Wheat Close not an adopted highway but it is well surfaced and maintained and there are no underlying road safety issues at the junction of Wheat Close and Woodhead Road. Accordingly, the access is acceptable. The single parking space proposed is also acceptable as it is proportionate to the development proposed. In addition, the amended location of the parking is away from the existing unadopted highway; thus, it would have no impact on existing parking provision or access. On this basis they do not have any objections to the scheme subject to a condition requiring the proposed parking to be adequately drained and surfaced; a condition which is reasonable and necessary in the interest of sustainable drainage and highway safety.

Subject to conditions, the proposal would not give rise to any highway safety issues and would comply with Policy T10 of the Kirklees Unitary Development Plan.

Other matters:

Footpath

There is a public footpath within the vicinity of the site to the east. Due to the nature of development proposed and the distance it retains (approximately 71 metres) to this footpath, this proposal is not considered to affect this footpath.

Air Quality

NPPF Paragraph 109 states that “ the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.....” The West Yorkshire Low Emission Strategy Planning Guidance has been drafted to take a holistic approach to Air Quality and Planning. In this particular instance taking into account the NPPF and the WYESPG it is considered that promoting green sustainable transport could be achieved on this site by the provision of an electric vehicle charging point which can be accessed by the occupiers of the holiday accommodation. This in turn can impact on air quality in the longer term.

Representations:

The matters raised within the letters of neighbour representations have been carefully considered and are addressed below:-

Original scheme

Proposal would spoil rural area

Response: The assessment of the development proposed within the “principle of development” and “impact on amenity” section of the report concludes that the amended proposal would not adversely affect the character of the rural area.

Access would be via a shared drive and proposal may increase in the cost of repairs of the drive

Response: This is a private matter that is not material to the determination of this application.

Property already has four cars parking and only pay one ninth of the upkeep of the drive

Response: This is a private matter that is not material to the determination of this application.

Proposal would increase traffic, noise and trespassing

Response: The assessment of the development proposed within the “highway issues” and “impact upon residential amenity” section of the report concludes that the proposal would not give rise to highway safety issues no adversely affect the amenities currently enjoyed by the occupiers of neighbouring properties. With regards to trespassing it is a private matter that is not material to the determination of this application.

Amended scheme

When amendments were made to the scheme; a further two letters of neighbour representation were received raising, in summary, the following matters:-

The application is on land that has already being refused several times before.

Response: History of the application is considered however each application determined on its own merits

The garage was initially built without planning permission in the first instance.

Response: Given the time that has lapsed since the garage was erected it would now be immune from enforcement action.

Nothing substantial has changed to make this application any different to the application made in 2000 for a dwelling house

Response: This matter has been addressed within the "background and history".

Proposal would give rise to highway safety issues

Response: The assessment of the development proposed within the "highway issues" section of the report concludes that the proposal would not give rise to highway safety issues.

An application for a holiday let essentially is also for a "change of use" from a residential row (100%) to a commercial building and that this is inappropriate for this reason

Response: This matter has been addressed within the "general principle / policy" section of this report.

Conclusion:

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

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

9. RECOMMENDATION

A grant of full planning permission is recommended subject to delegation of authority to Officers to:

- 1. Secure a section 106 obligation (Unilateral Undertaking) to limit the use and periods of occupation of the building;**
- 2. Impose all necessary and reasonable conditions, which may include those set out below; and**
- 3. Subject to there being no material change in circumstances, issue the decision**

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. 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 retained as such thereafter.
4. 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) no extensions or outbuildings included within Classes A to E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
5. An electric vehicle recharging point shall be installed within the dedicated parking area of the approved holiday accommodation before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

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

| Plan Type | Reference | Version | Date Received |
|-----------------------------|------------------|----------------|----------------------|
| Location Plan | Tru.15/01 | | 22/02/2016 |
| Existing Topographical Plan | Tru.15/03 | | 22/02/2016 |
| Existing Elevations | Tru.15/05 | | 22/02/2016 |
| Existing Floor Plans | Tru.15/04 | | 22/02/2016 |
| Proposed Topographical Plan | Tru.15/08c | | 21/04/2016 |
| Proposed Floor Plan | Tru.15/06b | | 21/04/2016 |
| Proposed Elevations | Tru.15/07b | | 21/04/2016 |
| Planning Statement | | | 11/02/2016 |

Application No: 2016/90073

Type of application: 60m - OUTLINE APPLICATION

Proposal: Outline application for erection of residential development

Location: 98, Burn Road, Birchencliffe, Huddersfield, HD2 2EG

Grid Ref: 412070.0 419086.0

Ward: Lindley Ward

Applicant: GSK Developments

Agent: Robert Halstead Chartered Surveyor

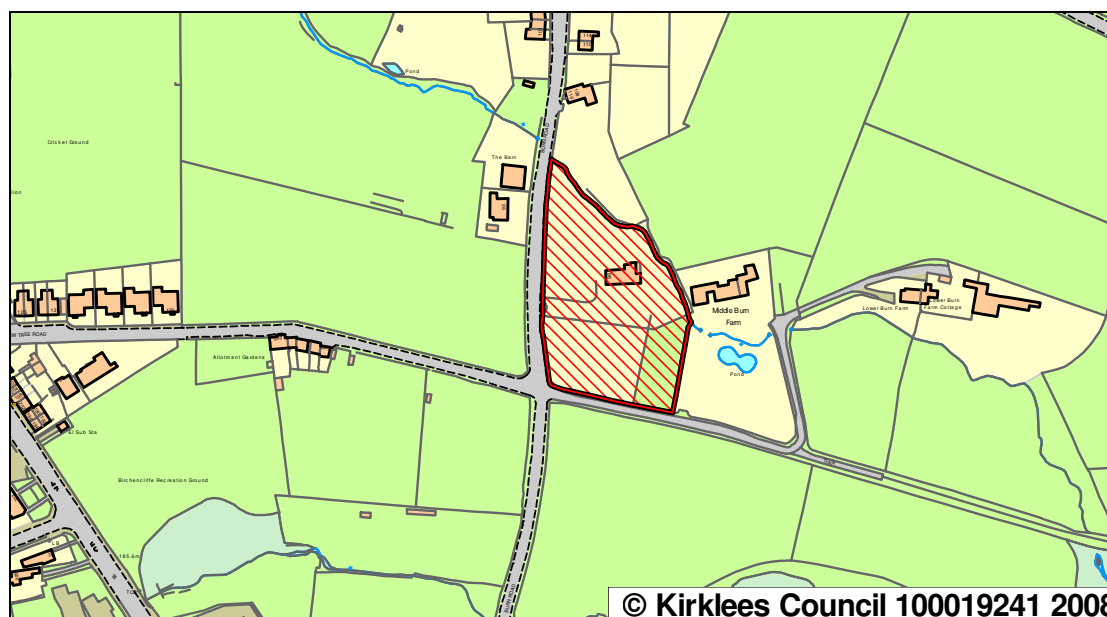
Target Date: 11-Apr-2016

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

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The application site comprises a large detached dwelling and its curtilage which is a small part of a larger area of land allocated as Provisional Open Land (POL) in the Councils Unitary Development Plan (UDP).

Given that currently the Council is unable to demonstrate a 5 year supply of deliverable housing sites weight should be afforded to the delivery of new housing a time of general need.

There is an extant outline planning permission for 190 dwellings on 9.9ha of the wider POL allocation which is adjacent to this site. It is considered that this site can be developed independently without prejudicing the comprehensive and coordinated delivery of the total POL allocation.

Given the size of the site a contribution towards the improvement of public open space in the area will be required. Issues of access, drainage, noise and biodiversity are dealt with by way of condition.

The grant of outline planning permission is recommended subject to the signing of a Section 106 Agreement to secure the POS contribution.

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

- **SECURE A SECTION 106 AGREEMENT FOR THE PAYMENT OF A FINANCIAL CONTRIBUTION TOWARDS THE IMPROVEMENT OF PUBLIC OPEN SPACE IN THE AREA IN LIEU OF PROVISION ON SITE.**
- **IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS;
AND**
- **SUBJECT TO THERE BEING NO MATERIAL CHANGES SINCE THE COMMITTEE RESOLUTION ISSUE THE DECISION NOTICE**

2. INFORMATION

This site is brought to Sub Committee in accordance with the Councils approved scheme of delegated authority as the development proposed departs from the Councils Unitary Development Plan (UDP) and is for less than 60 units on land allocated as Provisional Open Land (POL)

3. PROPOSAL/SITE DESCRIPTION

Site Description:

The site comprises an area of just under 0.6ha and is located at the junction of Burn Road and Yew Tree Road, Birchencliffe.

The site accommodates a large detached property, no 98 Burn Road (Burncroft). The existing dwelling has a substantial curtilage with a swimming pool and tennis court. There are a large number of trees within and to the perimeter of the site; these include formally laid lleylandi and holly hedges and a substantial number of indigenous trees, particularly on the northern boundary and the southern boundary onto Burn Road. The trees on the site are protected by a Woodland Tree Preservation Order. Along the northern boundary of the site is a stream, Grimscar Beck, which provides the line of a green corridor as allocated on the UDP.

The site is part of a much larger area which is allocated as Provisional Open Land (POL) on the UDP.

Proposal

Outline permission is sought for residential development with layout and access to be considered. As originally submitted 5 dwellings were proposed, amended plans have been received reducing the number to 4 with a reduction in scale of the largest unit.

Access is to be taken off the existing access from Burn Road which serves no 98, the layout proposes dwellings to the southern side of the site on land that includes the current tennis court.

4. BACKGROUND AND HISTORY

2014/93039 – Outline application for residential for 190 no dwellings.
Approved subject to a Section 106 Agreement

(NOTE: This application covers the majority of the large POL allocation the current application is located just to the north and west of the approval)

5. PLANNING POLICY

Kirklees Unitary Development Plan:

D5 – Provisional Open Land
D6 – Green corridor
H1 – Housing needs of the district
H18 – Provision of open space
T10 – Highway safety
T19 – Parking standards
NE9 – Retention of mature trees
EP11 – Ecological landscaping
G6 – Land contamination
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention

National Planning Policy Framework:

Part 4 Promoting sustainable transport
Part 6 Delivering a wide choice of high quality homes
Part 7 Requiring good design
Part 8 Promoting healthy communities
Part 10 Meeting the challenge of climate change, flooding and coastal change
Part 11 Conserving and enhancing the natural environment
Part 12. Conserving and enhancing the historic environment

6. CONSULTATIONS

KC Highways DM – No objections recommend conditions

KC Environmental Health – No objections recommend conditions

KC Strategic Drainage – No objections recommend conditions

KC Trees – The trees on site have been protected by a woodland TPO. The removal of the one dwelling in the northern area of the site and the reduction in scale of two other dwellings to the south is an improvement to the submitted layout. Recommend conditions in the event of an outline approval.

KC Strategic Housing – The number of dwellings is now only 4 as such affordable housing policy does not apply.

KC Landscape – The site is over 0.4 ha in size and therefore Policy H18 applies. There is no requirement for the provision of any equipment or play areas within the site, and as such a payment in lieu to improve existing facilities in the local area would be acceptable. This would be secured via a Section 106 Agreement. (The appropriate sum would be £11,500)

KC Environment Unit – The Ecological Survey undertaken is up to an appropriate standard. Recommend the implementation of the mitigation measures outlined in that report.

Yorkshire Water Authority – Recommend conditions in the event of an approval.

7. REPRESENTATIONS

The proposal has been publicised by site notices and neighbour letters. One letter of representation has been received. This does not object in principle to the development but says that the disposal of any surface water from the site would be best via public sewer, as the land near to the fields by Yew Tree Road is waterlogged.

8. ASSESSMENT

General principle/ Policy:

The application site is allocated as Provisional Open Land (POL) which is subject to Policy D5 of the Unitary Development Plan (UDP).

Policy D5 states that “ *planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term.*”

The weight that can be attributed to policy D5 in determining applications needs to be assessed in the context of the National Planning Policy Framework (NPPF) paragraphs 215 and 49.

In the context of paragraph 215 the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites. The weight that can be given to policy D5 in these circumstances was assessed in October 2010 by a planning inspector in his consideration of an appeal against the refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (Ref:APP/Z4718/A/13/2201353).

The Inspector concluded that “*The lack of a 5 year land supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it too is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement that there be a review of the plan before the land can be released. In these cases the Frameworks presumption in favour of sustainable development is engaged.*”

The presumption referred to by the Inspector is set out in NPPF paragraph 14 which states that where relevant policies are out of date, planning permission should be granted “*unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against this framework as a whole, or that specific NPPF policies indicate development should be restricted*”.

(Footnote 9: lists examples of restrictive policies but this does not include policies concerning safeguard land.)

Paragraph 14 of the NPPF indicates a presumption in favour of sustainable development, and paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour

of sustainable development, if the Council is unable to identify a 5 year supply of deliverable housing sites.

The Council is currently unable to identify a 5 year supply of deliverable housing land. The masterplan shows 4 detached dwellings proposed within the curtilage of the property on land identified as private garden. Private gardens are excluded from the definition of previously developed land. The site should therefore be considered greenfield in nature with one of the main issues being whether the introduction of dwellings will have any impacts on the character of this property or the immediate locality more generally.

The entire POL allocation exceeds 11 ha and there is already outline permission for housing on 9.9ha. The indicative layout for application 2014/9339 shows development of two large fields to the west and south of the application site.

The layout was informed by a framework masterplan for development of the wider POL allocation which took account of the existing topography, landscape, areas of woodland, green corridors, watercourses and highway network. It is considered that the development proposed would not prejudice the comprehensive development of the wider POL allocation.

The proposal has been amended to reduce any potential impact on the mature trees that surround the site and the trees themselves have been protected by a Woodland Tree Preservation Order which augments the existing TPO on neighbouring trees. The site can be developed independently from the rest of the POL with no adverse impact on landscape character or the comprehensive development of the wider POL allocation in accordance with the framework masterplan.

Highways Issues:

The application is for the construction of 4 new dwellings in the grounds of the existing property at 98 Burn Road, Birchencliffe. Access is proposed onto Burn Road utilising the existing property driveway.

A Transport Statement has been presented as part of the planning application submission. Highways Development Management are very familiar with this specific area and the existing characteristics of the transport networks in this area from recent planning applications.

The layout plans shows 4 dwellings which is forecast to generate four two-way vehicle movements in the AM peak hour and three two-way vehicle movements in the PM peak hour. Access to public transport services on Burn Road / Yew Tree Road are approximately 250m walk distance from the site and to the more frequent services on A629 Halifax Road are approximately 400m walk distance from the site.

The site access arrangements are shown on One17 Design drawing 2947 (0-) 01 Revision B dated June 2016. This shows a repositioned boundary wall to achieve a visibility envelope of 2.4m by 43m in each direction which achieves

the required standard for a 30mph speed limit. A turning head to accommodate a standard refuse vehicle is provided within the site to allow vehicles to enter the site, manoeuvre and leave the site in a forward direction.

The development is of such a scale that it will not lead to an impact that can be classified as severe in NPPF Paragraph 32 terms. While the access arrangements are not to an adoptable standard, the arrangements have been reviewed and are considered to be acceptable for this scale of development on the basis that they will not be put forward for adoption. This drawing should form the basis of a condition for access arrangements should planning permission be granted. On this basis, Highways Development Management does not wish to object to this application.

Impact on Amenity:

The site is located within a larger area of open rural landscape, containing fields and woodland areas. The site itself contains a significant number of mature trees that are of significant amenity value, both on their own and as part of the wider landscape. The proposed scheme has been amended so as to safeguard these trees. The dwellings proposed are in the southern part of the site and served by the existing access off Burn Road. As such the existing well treed perimeter on the western and southern boundaries of the site is retained, and will afford significant screening for at least 3 of the dwellings from Yew Tree Road.

As such it is considered the potential impact on the visual amenity of the area has been mitigated by the amendments received, and can be secured long term by conditions.

In terms of residential amenity the proposed dwellings are sited satisfactorily both in relation to each other and existing dwelling no 98, and the adjacent property Middle Burn Farm. The proposal will not have any adverse effect on residential amenity terms of loss of privacy or overbearing impact, and the issue of noise attenuation for the new dwellings is dealt with later in this assessment.

Bio Diversity:

The application is accompanied by an Ecological Assessment of the site and curtilage. The site does contain a significant number of trees which are covered by a woodland Tree Preservation Order, and there is a stream along the northern boundary, that is included as part of the route of a green corridor on the Unitary Development Plan.

The principle areas of ecological value are the trees along the northern boundary and the south western boundary, and the stream on the north. Within the site the dwellings have been improved and gardened extensively including provision of tennis courts and pool, and planting of Leylandii, and this area is of limited value.

The originally submitted scheme contained 5 dwellings including one on the site of the existing pooling the new corner of the site in close proximity to the Stream and protected trees, this siting has been deleted. On the southern boundary where the 4 dwellings are proposed, the footprints of the buildings have been reduced in order to safeguard the protected trees.

As such the proposal does not prejudice the integrity of the green corridor to the north, or protected mature trees. In addition a condition is recommended requiring details of habitat enhancement measures, ie bat and bird roost opportunities within the new development and surrounding treed areas. As such it is considered that the proposal safeguards existing valuable habitat, and that there is an opportunity for enhancement, in accordance with the guidance contained in part 11 of National Planning Policy Framework “Conserving and enhancing the natural environment”.

Flood Risk Drainage:

Despite there being a small stream on the northern boundary, this site is located within Flood Zone 1 (ie the area least likely to flood), and the applicants have submitted a Flood Risk Assessment. No objections have been received from the Yorkshire Water Authority, and Strategic Drainage.

The site is largely greenfield, and the erection of 4 no dwellings will increase the hard surfaced area of the site, and as such any future drainage scheme should seek to limit the surface water run off so that it is no greater than at present.

The FRA accompanying the application identifies a general scheme for satisfactory drainage of this site which combines the regulated flow of run off into the stream, (this will necessitate some on site storage), and a slightly raised floor level for the dwellings in case of an extreme event. Strategic Drainage have recommended that this scheme be conditioned. The representation received which suggested the site should be drained to sewer has been considered but the hierarchy of drainage options is to explore SUDs schemes first. As it is possible to utilise a SUDs scheme with storage and discharge to water course in a controlled manner this is preferred solution.

As such it is considered that the proposal accords with the guidance contained in part 10 of the National Planning Policy Framework “meeting the challenge of climate change, flooding and coastal change”.

Decontamination/ Noise and Air Quality:

The site is capable of being decontaminated and remediated to a state that is fit to receive the new residential development, and these issues can satisfactorily dealt with by conditions.

Whilst the site is in an open rural area, there are background noise levels resulting from heavily trafficked nearby roads, that need to be considered. An Acoustic Report has been received which identifies appropriate levels of noise

attenuation, both within the dwellings and the garden areas. This report has been accepted by Environmental Health, who recommend that the attenuation is appropriate and that its implementation be conditioned.

With respect to air quality the site as either a receptor or a generator of emission will have a negligible effect on the current situation. However in accordance with the guidance contained in paragraph 97 of the NPPF a condition requiring the provision of charging points for electric and low emissions vehicle is recommended.

Conclusion:

For the reasons detailed above, no objections are raised to this development, and outline approval is recommended subject to appropriate conditions.

9. RECOMMENDATION

**RECOMMENDATION: OUTLINE CONDITIONAL APPROVAL;
DELEGATE TO OFFICERS TO ENSURE;**

- **THE SIGNING OF A SECTION 106 AGREEMENT TO SECURE A PAYMENT IN LIEU TOWARDS THE PROVISION OF PUBLIC OPEN SPACE IN THE AREA;**
- **IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS;
AND**
- **SUBJECT TO THERE BEING NO MATERIAL CHANGE SINCE THE COMMITTEES RESOLUTION ISSUE THE DECISION NOTICE**

1. Approval of the details of the scale, appearance, and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the scale, appearance, 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. 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.

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

7. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 6. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

9. Before development commences details of the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required) shall be submitted to the Local Planning Authority.

Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in:-

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

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved then a further scheme shall be submitted for the written approval of the local planning authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have

been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

10. Prior to occupation of the dwelling(s), 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.

11. The development shall only be carried out in accordance with the approved Flood Risk Assessment, produced by EWE Associated Ltd dated January 2016 Ref 2015/1845 and shall incorporate all the proposed mitigation measures into the development.

12. Prior to development commencing details of bio diversity enhancement measures shall be submitted for the written approval of the Local Planning Authority. These details shall include numbers, types and locations of bird and bat roost opportunities within the development and its curtilage. He agreed details shall be implemented prior to the occupation of any of the dwellings hereby approved and thereafter retained.

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

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

| Plan Type | Reference | Version | Date Received |
|---|------------------|----------------|----------------------|
| Location Plan | | | 11/1/16 |
| Proposed block plan | 2947(0-)01 | B | 28/6/16 |
| Topographical and levels survey | 7187/1 | | 11/1/16 |
| Trees Constraints Plan | CCL 09402/TCP | 1 | 11/1/16 |
| Design and Access Statement | | | 11/1/16 |
| Planning Statement | | | 11/1/16 |
| Phase 1 Desk Top Study | | | 11/1/16 |
| Tree/ Arboricultural Survey | | | 11/1/16 |
| Flood Risk Assessment | 2015/1845 | B | 11/1/16 |
| Ecological Appraisal and Bat roost Assessment | | | 11/1/16 |
| Noise Assessment | J2424 | | 11/1/16 |
| Transport Assessment | 15139/ Dec 2015 | | 11/1/16 |

Application No: 2016/91062

Type of application: 62HH - FULL APPLICATION

Proposal: *Erection of two storey side extension and alterations*

Location: *47, Meltham Road, Honley, Holmfirth, HD9 6HW*

Grid Ref: 413143.0 411398.0

Ward: *Holme Valley North Ward*

Applicant: *C Greaves*

Agent: *Andrew Smith, Valley Properties*

Target Date: *26-May-2016*

Recommendation: *FC - CONDITIONAL FULL PERMISSION*

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF THE APPLICATION

The application seeks planning permission for the erection of extensions and alterations to an existing dwelling situated within an established residential area. The development is considered to be acceptable in principle and would improve the visual appearance of the existing property. It would not adversely affect the amenities currently enjoyed by the occupiers of neighbouring properties and would not give rise to any highway safety issues. Officers therefore recommend approval of the scheme subject to the imposition of all necessary and reasonable conditions.

2. INFORMATION

The application is being reported to sub-committee as it has been submitted by Cllr C Greaves in a personal capacity.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application relates to a two storey semi-detached bungalow that occupies a corner plot along Meltham Road and Moorside Road in Honley. It is constructed in stone to the front elevation and brick to the sides and rear. The main dwelling is designed with a gable roof that comprises accommodation within the roof space and is finished in concrete roof tiles. The dwelling benefits from a number of extensions. To the north-eastern (side) elevation is a single storey gable roofed garage extension with a flat roofed element to the rear. To the south-eastern (rear) elevation is another flat roofed extension which also features a conservatory to the back. There are also two flat roofed dormers to the front elevation and a single dormer to the rear. Land levels on site slopes down towards the east. Access to the plot is provided via vehicle drive off Meltham Road.

The dwelling is situated within a pre-dominantly residential area with dwellings of various character, design and styles. Materials of construction comprise stone, render and brick.

The site is surrounded by residential properties to the south, east and west and open undeveloped fields to the north.

Description of Proposal

The application seeks planning permission for the erection of a two storey side extension and alterations to the existing dwelling.

It is proposed that the single storey garage extension to the north-eastern elevation of the existing dwelling is demolished and replaced by a two storey extension measuring approximately 8.0 metres in length and 4.7 metres in width. The extension would be designed with a cross gabled roof and it would have a height to ridge that is similar to the main dwelling and eaves that is

higher than that of the existing dwelling at approximately 5.2 metres. The extension is proposed to be constructed in stone for the front elevation and silicone scraped textured polar white render for the side and rear elevation.

The alterations proposed to the existing dwelling are as follows:-

- Rendering the sides and rear elevations of the existing dwelling in silicone scraped textured polar white render;
- Removing the existing dormer to the rear and replacing it with a single roof light;
- Removing the existing dormers to the front elevation of the existing dwelling and replacing them with five roof lights; and
- Some windows to the sides of the existing dwellings would be removed.

All of the proposed alterations, except for rendering the sides and rear elevation of the existing dwelling, can be undertaken without planning permission under permitted development rights.

During the course of the application amended plans were received altering the design of the extension to address concerns raised by the officer with regards to the impacts it would have on the character and appearance of the existing dwelling.

4. BACKGROUND AND HISTORY

| | | | |
|----------|-------------------------------|----------|------------|
| 88/04880 | Formation of vehicular access | Approved | 28/10/1988 |
| 88/03236 | Erection of garage | Approved | 19/04/1988 |

It is worth to note that the plot to the west of the application site, occupied by no. 49 Meltham Road, previously comprised a detached bungalow which was demolished and replaced with two, two storey dwellings by virtue of planning application reference: 2009/91047 which was granted planning permission for Demolition of existing bungalow and erection of 2 No. two storey, 4 bedroom detached houses with double garages.

5. PLANNING POLICY

Kirklees Unitary Development Plan

BE1: Design Principles
BE2: Quality of Design
D2: Unallocated Land
BE13: Extensions to Dwelling (design principles)
BE14: Extensions to Dwellings (scale)
T10: Highway Safety
T19: Parking Standards

National Planning Policy Framework

Paragraph 17: Core planning principles
Chapter 7: Requiring good design

6. CONSULTATIONS

No consultations are required for this application.

7. REPRESENTATIONS

The application was publicised by a site notice and neighbours were notified; no responses have been received as a result of this publicity.

Holme Valley Parish Council wished to make no comment, as the applicant is one of its Members.

8. ASSESSMENT

General Principle / Policy:

The NPPF provides a presumption in favour of sustainable development.

Policy D2 of the UDP requires that new development on unallocated sites does not prejudice the implementation of proposals in the plan; the avoidance of over-development; the conservation of energy; highway safety; residential amenity; visual amenity; the character of the surroundings; wildlife interests; and the efficient operation of existing and planned infrastructure.

As the proposal comprises extensions and alterations to an existing dwelling that is situated within an established residential area, it is regarded as sustainable development and is acceptable in principle, subject to appropriately addressing other planning matters which will be addressed within this report.

Impact on Amenity:

The existing dwelling is of simple traditional design; however, the additions to the property, namely the flat roofed garage, flat roofed rear extension and dormers, when considered together with the original dwelling do not result in a comprehensive and balanced appearance to the property.

This application proposes extensions and alterations that would alter the existing character of the dwelling. The proposal would add a contemporary two storey element to a bungalow and the proposed alterations to existing finishing materials would result in the resultant dwelling being predominantly contemporary in nature. While extensions are generally required to be subservient to the main dwelling and alterations in keeping with the existing character of the property, it is considered that in this case the extensions and

alterations proposed are acceptable as they significantly improve the design and appearance of the existing property.

In addition, the dwellings within the vicinity are of different designs and styles, comprising bungalows and two storey properties. The plot to the west of the site previously comprised a bungalow which was demolished and replaced with two, two storey properties. As such, the resultant individually designed dwelling is not considered to compromise the character of the area.

The proposed two storey extension has been designed to take the form a sideway, seamless continuation of the existing dwelling. Its ridge height would match that existing. While its eaves would be higher than that of the existing property and would feature a projecting front gable, its scale and sitting would result in the extension integrating well with the existing property when considered along with other alterations proposed. To the side elevation (east) which would be prominent within the street scene, the extension would be appropriately detailed. The detailing also breaks up the massing of the extension. This extension along with the removal of existing unsightly dormers to the front and rear elevation and their replacement with roof lights which do not detract from the overall appearance of the property would result in a more balanced and comprehensive appearance to the property which would enhance its visual amenity.

The alterations proposed to the finishing materials of the existing dwelling to match that of the proposed extension, would result in a balanced appearance to the resultant dwelling. The resultant dwelling's front elevation would be constructed in stone and the side and rear elevations would be finished in silicone scraped textured polar white render. The type and colour of render proposed would not make the resultant dwelling unduly prominent within the street scene and would integrate well with the stone on the front elevation.

Furthermore, the size of the plot is large enough to accommodate the proposed extension and not result in overdevelopment of the plot.

Given the above considerations the proposal is considered to be compliant with Policies BE1, BE2 and D2 (criteria of the Kirklees Unitary Development Plan in this respect and the guidance contained within Chapter 7 of the NPPF).

Impact on Residential Amenity:

No. 2 Moorside is a semi-detached dwelling located to the south of the site. This property comprises a first floor habitable room window on its side gable which would face the first habitable room window proposed to the rear of the extension. However, as a distance of 20.0 metres will be retained between these windows, the proposal would not result in any adverse overlooking impacts that would harm the living conditions currently enjoyed by the occupiers of this property. In addition, the distance retained would also ensure that the proposal would not be overbearing to this neighbouring property.

No. 49 Meltham Road is a detached two storey property that is located to the west of the application site. The alterations proposed to the western elevation of the existing dwelling comprise removing the existing ground floor garage and first floor bedroom windows. As such, the proposal would not have any adverse material impacts upon the amenities currently enjoyed by the occupiers of this neighbouring property.

No. 45 Meltham Road is a semi-detached property located to the east of the application site. Given the separation distance of approximately 20.0 metres retained to this property, along with that there are no habitable room windows proposed for the eastern elevation of the extension, it would not have any adverse material impacts upon the amenities currently enjoyed by the occupiers of this neighbouring property.

There are no dwellings to the north of the site.

Given the above considerations, this proposal would not adversely affect the amenities currently enjoyed by the occupiers of existing properties within the vicinity. The proposal thus complies with Policy EP4 of the UDP and the guidance contained within paragraph 17 of the NPPF.

Highway Issues:

The existing dwelling benefits from three bedrooms and is served by two garages. This proposal would not increase the amount of bedrooms on the dwelling however, it would result in the loss of one of the existing garages. Notwithstanding this, adequate parking would be retained for two vehicles, one with the remaining garaged and the other on the drive way. In addition, the extensions and alterations proposed would not affect the existing access arrangements. Accordingly, it is not considered that the proposal would give rise to any highway safety issues and would comply with Policies T10 and T19 of the Kirklees Unitary Development Plan.

Other matters:

There are no other matters relevant for consideration.

Representations:

No reorientations have been received and Holme Valley Parish Council made no comments.

Conclusion:

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

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

9. RECOMMENDATION

CONDITIONAL FULL PERMISSION

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 extensions and alterations hereby approved shall be completed in accordance with the materials outlined on drawing no. 2015/076/03 Rev B received by the Local Planning Authority on 27 June 2016. The render shall be silicone scraped textured polar white render as shown on the photos submitted to Local planning Authority on 20 July 2016.

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

| Plan Type | Reference | Version | Date Received |
|---|------------------|----------------|----------------------|
| Location Plan | LP 01 | | 06/04/2016 |
| Existing Plans and Elevations | 2015/076/01 | | 06/04/2016 |
| Location Plan; Site Plan; Proposed Plans and Elevations | 2015/076/03 | Rev B | 27/06/2016 |

Application No: 2016/91730

Type of application: 62HH - FULL APPLICATION

Proposal: *Erection of two storey rear extension*

Location: 55, Matthew Lane, Meltham, Holmfirth, HD9 5JS

Grid Ref: 409425.0 410625.0

Ward: *Holme Valley North Ward*

Applicant: *N Lyons*

Agent: *Andrew Smith, Valley Properties*

Target Date: *18-Jul-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 THE APPLICATION

The application seeks planning permission for the erection of a two storey rear extension. While the principle of the development proposed is considered to be acceptable, the extension would adversely affect the character and appearance of the existing dwelling and visual appearance of the street scene. Accordingly, the proposal would be contrary to Policies BE1 (criteria i), BE2 (criteria i), BE13, BE14 (criteria ii) and D2 (criteria vi and vii) of the UDP and the guidance contained within the NPPF. It is considered that no amendments could be made to the rear extension to mitigate these impacts.

As the proposal is not in accordance with the Unitary Development Plan policies and the National Planning Policy Framework, Officers recommend refusal of the application.

2. INFORMATION

The application is being reported to sub-committee as the applicant is closely related to Cllr T Lyons.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application relates to a two storey semi-detached dwelling in Meltham that is constructed in stone and designed with a hipped roof that is finished in grey concrete tiles. The dwelling features a conservatory to the rear elevation and a single storey single garage to the side (south) elevation that is designed with a mono-pitched roof. It also benefits from a single storey end of terrace building to the rear of the plot that is adjoined to neighbouring terraced properties to the west of the site and is in use as a utility/workspace. Vehicle access to the property is taken off Mathew Grove. Land levels on site slope down towards the north.

To the east of the site is no. 2 Mathew Grove a semi-detached bungalow. Mathew Grove separates the site from other residential properties to the east. Immediately to the north of the site, is an access and amenity space (both within the applicant's ownership) serving the terraced dwellings to the north and west of the site.

The application site is within a predominantly residential area with dwellings of various characters, designs and styles.

Description of Proposal

The application seeks planning permission to demolish the existing conservatory to the rear elevation of the dwelling and replace it with a two storey extension. The extension would project approximately 3.6 metres from the rear elevation of the existing dwelling and extend 4.4 meters in width; it would occupy a similar footprint to the existing conservatory. It would be

designed with a flat roof and would have a total height of approximately 5.0 metres. The extension would be constructed in red cedar tongue and groove jointed boards and a green roofing system.

4. BACKGROUND AND HISTORY

No relevant planning history.

5. PLANNING POLICY

Kirklees Unitary Development Plan

BE1: Design Principles
BE2: Quality of Design
D2: Unallocated Land
BE13: Extensions to Dwelling (design principles)
BE14: Extensions to Dwellings (scale)
T10: Highway Safety
T19: Parking Standards

National Planning Policy Framework

Paragraph 17: Core planning principles
Chapter 7: Requiring good design

6. CONSULTATIONS

No consultations are required for this application.

7. REPRESENTATIONS

The application was publicised by a site notice and neighbours were notified; no responses have been received as a result of this publicity.

Meltham Parish Council supports the application.

One letter has been submitted in support of the application behalf of applicant raising, in summary, the following matters:-

1. The proposal would have insignificant impact on residential amenity for the dwellings at no. 67 and 69 Mill Moor Road as:- the main aspects of the dwellings face onto Mill Moor Road; the proposal would not result in further loss of sunlight to no. 67; the occupiers of the properties support the proposals; and the design of the extension would reduce impacts than a traditional pitched roof.
2. The proposal is highly environmentally friendly, utilises high quality sustainable materials which blends in with the host property and would not unduly prominent as it will not be visible from Mill Moor Road or Mathew Lane and only a small section would be visible from Mathew Lane.

3. There is a fall-back position, as an extension can be erected under permitted development which could be wider than that proposed, positioned closer to neighbouring properties and would have a higher roof.

8. ASSESSMENT

General Principle / Policy:

The NPPF provides a presumption in favour of sustainable development.

Policy D2 of the UDP requires that new development on unallocated sites does not prejudice the implementation of proposals in the plan; the avoidance of over-development; the conservation of energy; highway safety; residential amenity; visual amenity; the character of the surroundings; wildlife interests; and the efficient operation of existing and planned infrastructure.

As the proposal comprises extensions and alterations to an existing dwelling that is situated within an established residential area, it is regarded as sustainable development and is acceptable in principle, subject to appropriately addressing other planning matters which will be addressed within this report.

Impact on Amenity:

The application dwelling, due to its siting, occupies a prominent location within the street scene with all its elevation visible from the surrounding area. It is of simple traditional design and the existing extensions to the dwelling are subservient and retain its character and appearance. The existing single storey garage extension is constructed in matching stone and while it is designed with a mono-pitched roof, this roof form corresponds well with the gable roof of the existing property. The conservatory extension while contemporary in nature, it is small in terms of its scale, massing and height such that it is not prominent within the street scene and therefore it does not affect the overall character and appearance of the existing dwelling.

The application proposes a two storey extension to the rear elevation of the existing dwelling which would replace the existing single storey conservatory extension. Unlike the conservatory it replaces, this extension would be of a larger scale and massing such that it would be visually prominent within the street scene (particularly from Mathew Grove) and considered within the context of the dwelling as a whole. The roof form proposed for the extension would be out of keeping with the existing dwelling particularly for an extension of this scale and the materials proposed are out of keeping and would add to its massing. For these reasons, the extension would result in an uncomplimentary and prominent addition that fails to harmonise with the existing dwelling and thus harm the visual amenity of the street scene street when viewed from Mathew Grove.

In addition, the existing dwelling is designed with a gable roof and already benefits from a single storey extension designed with a mono-pitched roof; both these elements are prominent within the street scene and contribute to the character and appearance of the existing dwelling. It is considered that the addition of another roof form, particularly on a prominent extension of a larger scale, with such materials as that proposed, would introduce a prominent addition of poor design which detracts from the overall character and appearance of the existing dwelling.

The proposed extension would thus by reason of its scale, massing and design result in an incongruous and visually prominent development that would be detrimental to the character and appearance of the existing dwelling. While it is acknowledged that the dwelling is situated within an area comprising dwellings of various characters' designs and style, this extension would fail to complement and enhance the character or appearance of the existing dwelling and result in development that is poor design that fails to positively improve the built development within the surrounding area. Paragraph 64 of the NPPF stipulates that permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions thus the proposal is also contrary to this policy within the NPPF. Accordingly, it is contrary to Policies BE1 (criteria i), BE2 (criteria i), BE13, BE14 (criteria ii) and D2 (criteria vi and vii) of the UDP and Chapter 7 of the NPPF requiring good design

Impact on Residential Amenity:

No.'s 67 and 69 Mill Moor Road are two storey terraced dwellings located to the north of the application site. The layout of these properties are such that on the southern (rear) elevation which face the application dwelling, are non-habitable rooms window, with kitchens at ground floor level and bathrooms and landing windows at first floor level. The habitable room windows, living rooms and bedrooms, are located on the northern (front) of the properties. These properties sit in close proximity to and on lower ground level in comparison with the application site which is also secured by a high boundary fence along its northern boundary. As such, the ground floor windows on the southern elevation receive very restricted levels of sunlight. In addition, the relationship between these properties and the application site, create a detrimental sense of enclosure when considered from these ground floor windows.

However, due to the siting of the first floor windows on these properties and also owing to the lack of a two storey rear extension on the application property, these windows do receive a good amount of sunlight and the outlook from these windows is not overbearing. This extension would introduce a two storey rear extension to the existing dwelling which would be located approximately 6.5 meters away from these dwellings. The addition of a first floor element would result in both the ground floor and first floor windows on these properties losing natural sunlight and create a detrimental sense of enclosure created on both floors. Notwithstanding this, as the first floor windows are none habitable rooms with some obscurely glazed, it is not considered

that these impacts would create a poor quality environment that would unreasonably harm the living conditions of the occupants of this neighbouring dwelling.

71 and 73 Mill Moor Road are also terraced dwelling adjoined to no's 67 and 69 Mill Moor Road and are located to the north-west of the application site adjoined. Due to these dwelling's orientation and distance (10.0 metres +) retained to the proposed extension, they would not be adversely affected by the development proposed.

No. 2 Mathew Grove is a semi-detached dwelling that is located to the south-west of the application site. Given the orientation of this property to the extension proposed, it is not considered that the extension would result in any adverse material impacts that would affect the amenities currently enjoyed by the occupiers of this neighbouring property.

No. 59 Mathew Lane is a mid-terrace dwelling located to the west of the application site. The proposed extension would retain a separation distance of approximately 10.0 metres to this. As the extension would not directly face this dwelling but the adjoined single storey end of terrace building which is within the applicant's ownership, this proposal is not considered to give rise to any adverse material impacts that would affect the amenities currently enjoyed by the occupiers of this neighbouring property.

Given the above considerations it is considered that, on balance, the proposal would not affect the amenities currently enjoyed by the occupiers of neighbouring properties.

Highway Issues:

The application proposes the erection of a two storey extension which would add one single bedroom to the existing dwelling. As the proposal would result in the addition of a small one bedroomed room, it is not considered to give rise to a materially higher level of traffic generation that would require the provision of additional parking. In addition, the proposal would not affect the existing parking and access arrangements. As such, on balance, it is not considered to give rise to any highway safety issues and would not be contrary to the intension of Policies T10 and T19 of the Kirklees Unitary Development Plan.

Other matters:

There are no other matters relevant for consideration.

Representations:

No representations have been received for this application and Melham Town Council support the application.

One letter has been submitted in support of the application behalf of applicant. The matters raised are addressed below:-

The proposal would have insignificant impact on residential amenity for the dwellings at no. 67 and 69 Mill Moor Road as:- the main aspects of the dwellings face onto Mill Moor Road; the proposal would not result in further loss of sunlight to no. 67; the occupiers of the properties support the proposals; and the design of the extension would reduce impacts than a traditional pitched roof.

Response: The impacts on the amenities of neighbouring properties have been considered within the "Impact on residential amenity" section of this report. While the proposal would affect the amenities currently enjoyed by the occupiers of the dwellings at no. 67 and 69, this would be none-habitable room windows that the impact would not harm the living conditions of the occupiers.

The proposal is highly environmentally friendly, utilises high quality sustainable materials which blends in with the host property and would not unduly prominent as it will not be visible from Mill Moor Road or Mathew Lane and only a small section would be visible from Mathew Lane.

Response: There are no objections to the principle of a two storey rear extension. The use of timber boarding and sedum roof will provide some limited environmental credentials, this however, would not outweigh the harm to the character or the existing property and the street scene; further assessment is provided within the "impact on amenity" section of this report. The proposal would be visually prominent when considered from the Mathew Lane, given the sitting of the dwelling along the street scene.

There is a fall-back position, as an extension can be erected under permitted development which could be wider than that proposed, positioned closer to neighbouring properties and would have a higher roof.

Response: The application dwelling retains its permitted development rights and thus could erect a two storey rear extension under permitted development rights. As part of the conditions to comply with permitted development, the projection of the extension would be reduced to a maximum of 3.0 metres; it would be required to be constructed in matching materials and a similar roof pitch, elements which would result in the extension being in keeping with the general character and appearance of the existing dwelling in comparison to that proposed by this application. Permitted Development requires a matching roof form which would add a limited amount of massing to the extension over what is proposed by the applicant which would have a slight increased impacts on neighbouring properties, as the development would comprise permitted development it would not fall to be considered against the relevant policies protecting the amenities of neighbouring properties. In any case, there are no habitable room windows to the rear elevation of the neighbouring properties which would be affected by the development. Furthermore, this

proposal does not comprise permitted development thus has to be considered on its own merits in accordance with the relevant national and local policies.

Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations. The supporting statement setting out the benefits of using timber boarding and a sedum roof have been acknowledged. The impact upon the neighbouring residential properties has been examined and whilst some impacts exist to the properties 67 and 69 on balance, the proposal would not affect the amenities currently enjoyed by the occupiers of neighbouring properties. It is considered that the proposed two storey extension with a flat roof would adversely affect the character and appearance of the existing dwelling and visual appearance of the street scene. Accordingly, the proposal would be contrary to Policies BE1 (criteria i), BE13, BE14 (criteria ii) and D2 (criteria vi and vii) of the UDP and the guidance contained within the NPPF. It is considered that no amendments could be made to the rear extension to reduce these impacts. The proposal is thus recommended for refusal.

9. RECOMMENDATION

REFUSE PLANNING PERMISSION

1. The proposed two storey rear extension by reason of its scale, massing, sitting and design would result in an incongruous and visually prominent addition that fails to harmonise with the existing dwelling and would be detrimental its character and appearance and that of the street scene. The proposal would thus be contrary to Policies BE1 (criteria i), BE13, BE14 (criteria ii) and D2 (criteria vi and vii) of the Kirklees Unitary Development Plan and Chapter 7 (paragraph 64) of the National Planning Policy Framework which requires development to be of quality design.

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

| Plan Type | Reference | Version | Date Received |
|--|------------------|----------------|----------------------|
| Location Plan | LP 01 | | 25/05/2016 |
| Location Plan; Site Plan; Existing Plans and Elevations; Proposed Plans, Elevations and Sections | 2016/010/04 | | 27/05/2016 |

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KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

4 AUGUST 2016

APPLICATION NO: 2015/93861

PAGE 9

ERECTION OF 28 DWELLINGS AND ENGINEERING OPERATIONS

LAND OFF, MILLMOOR ROAD, MELTHAM, HOLMFIRTH

Since the publication of the committee report, one further representation has been received from the occupier of no.78d Mill Moor Road. The main body of the representation is set out below:

We are writing to you to re-iterate that the measures the applicant is proposing and which are included in the committee report for the planning meeting on 4th August do not address our concerns relating to our Residential Amenity. We refer you to our previous correspondence, but essentially changing the plots closest to our boundary so that their gardens are facing our boundary would address our concerns.

We would also like to point out that there is an error on page 22 of the report that you have prepared for the committee. The relevant text has been highlighted below.

*"The owner of 78d has requested that a screen fence is provided along the boundary to preserve their privacy. **No windows are proposed in the side of plot 1** although the proximity and relative height of the curtilage for plot 1 is likely to give rise to a sense of being overlooked."*

The drawing of the East elevation of plots 1 to 3 (Drawing #29 Rev. A) clearly shows a window on the first floor and the occupants of plot 1 would therefore overlook our conservatory leading to loss of privacy. We still require the fence that the developer has agreed to install but there is still an impact to our amenity even with the fence in place. If these plots were turned through 90 degrees as previously stated on numerous occasions the impact on amenity of our property would be significantly reduced.

Response: It is noted the side elevation of plot 1 does include 1 window at first floor level to serve a landing. However the landing is classified as a non-habitable room as such Officers do not consider that the window on the side elevation would lead to a detrimental overlooking impact to the occupiers of no.78d. To prevent any potential for overlooking the window will be conditioned to be obscurely glazed. Officers consider that this condition

combined with the non-habitable nature of the room will prevent any detrimental overlooking impact to the occupiers of no.78d. Furthermore the removal of permitted development rights for extensions and the provision of a boundary fence for plot 1 as set out in the committee report will ensure that the amenity of the occupier of no.78d is sufficiently protected.

Officers have also considered the suggestion of rotating plots adjacent to no.78d to have gardens and the rear elevations facing the side and garden of no.78d. Officers consider that such a proposal would lead to a greater degree of overlooking of the garden and conservatory of no.78d, from windows at first floor level to the detriment of their amenity. Furthermore such an arrangement would be detrimental to the street scene of Mill Moor Road and the entrance to the development, by introducing a blank gable end where currently an active frontage is proposed.

The occupier of no.78d has also requested that plot 1 be marked out on site for members to assess the impact of plot 1 on no.78d.

Response: Officers considered the request, but do not consider that it is necessary as members will be able to assess the relationship between no.78d to the application site, and proposed development based on the site visit and the submitted plans.

APPLICATION NO: 2016/90477

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ALTERATIONS TO CONVERT OUTBUILDING TO HOLIDAY ACCOMMODATION

ADJ 1, WHEAT CLOSE, HOLMBRIDGE, HOLMFIRTH, HD9 2QL

This application was previously considered by members at the last committee on the 30 June 2016. Since then, the application has been under review following complaints by a local resident and ward councillors that information relevant to the determination of the application was not included in the committee report and that the discussion at the meeting did not clearly identify the enforcement planning history. This review is currently on going and has not been completed. Officers therefore recommend that members defer this application until the review is concluded then the application will be returned to committee.

A statement has also been submitted by the applicant's agent in support of the proposal as he is not able to attend the meeting. This statement will be read out at committee if the application is not deferred.

Officer Amended Recommendation: Defer
