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**Assistant Director, Governance and
Monitoring**

Julie Muscroft

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Wednesday 30 November 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 8 December 2016**.

(A coach will depart the Town Hall, at 10.55am 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 - 10

To approve the Minutes of the meeting of the Committee held on 27 October 2016.

3: Interests and Lobbying

11 - 12

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: Site Visit - Application No: 2016/92180

Erection of two storey extension to side and rear at 82 Heaton Road, Paddock, Huddersfield

Estimated time of arrival at site: 11:05am

Contact Officer: Teresa Harlow, Planning Services

Wards

Affected: Greenhead

7: Site Visit - Application No: 2015/90582

Erection of 2 detached dwellings with integral garages and 2 detached garages to nos 18 and 20, and formation of turning head adjacent to 18 and 20 Marsh Platt Lane, Honley, Huddersfield.

Estimated time of arrival at site: 11:35am

Contact Officer: William Simcock, Planning Services

Wards

Affected: Holme Valley North

8: Local Planning Authority Appeals

13 - 24

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: Teresa Harlow, Planning Services

Planning Applications

25 - 28

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 5 December.

To pre-register, please contact andrea.woodside@kirklees.gov.uk or phone Andrea Woodside on 01484 221000 (Extension 74993)

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added at the end of this Agenda.

9: Planning Application 2016/91688

29 - 42

Outline application for erection of 9 dwellings land off, Upper Quarry Road and Bradley Road, Bradley, Huddersfield

Contact Officer: Teresa Harlow, Planning Services

Wards

Affected: Ashbrow

10: Planning Application 2016/92180

43 - 52

Erection of two storey extension to side and rear at 82 Heaton Road, Paddock, Huddersfield

Contact Officer: Teresa Harlow, Planning Services

Wards

Affected: Greenhead

11: Planning Application 90582

53 - 66

Erection of 2 detached dwellings with integral garages and 2 detached garages to nos 18 and 20, and formation of turning head adjacent to 18 and 20 Marsh Platt Lane, Honley, Huddersfield

Contact Officer: William Simcock, Planning Services

Wards

Affected: Holme Valley North

Planning Update

The update on applications under consideration will be added at this point on the Agenda prior to the meeting.

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 27th October 2016

Present: Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Jean Calvert
Councillor Christine Iredale
Councillor Manisha Roma Kaushik
Councillor Bernard McGuin
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Rob Walker
Councillor Linda Wilkinson
Councillor Eric Firth

Apologies: Councillor Donald Firth
Councillor Musarrat Khan
Councillor Mohammad Sarwar

1 Membership of the Committee

Councillor E Firth substituted for Councillor Homewood.

2 Minutes of previous meeting

That the minutes of the meeting held on 04 August 2016 be approved as a correct record.

3 Interests and Lobbying

In connection with item 12 planning applications, members declared interests and identified planning applications on which they had been lobbied as follows:

Councillors Lyons, Wilkinson, McGuin, Bellamy, Sims and Calvert declared they had been lobbied on application 2016/90477.

Councillor Iredale declared an 'other' interest in application 2016/92257 on the grounds that she was a close friend of an objector of the application.

Councillor Sokhal declared an 'other' interest in application 2016/92257 on the grounds that he had provided assistance to an objector of the application.

Councillor McGuin declared an 'other' interest in application 2016/92257 on the grounds that an objector of the application was a family friend.

Councillor Bellamy declared an 'other' interest in applications 2016/90477 and 2016/91729 on the ground that she is a member of the Holme Valley Parish Council.

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 2015/93754

Site visit undertaken.

8 Site Visit - Application 2016/91729

Site visit undertaken.

9 Site Visit - Application 2016/90245

Site visit undertaken.

10 Site Visit - Application 2016/92257

Site visit undertaken.

11 Local Planning Authority Appeals

That the report be noted.

12 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 2016/90477 – alterations to convert outbuilding to holiday accommodation adjacent to 1 Wheat Close, Holmbridge, Holmfirth – Caroline Kane and Jane Gledhill (objectors) and Dave Trueman (applicant)
- (b) Application 2015/93754 – Erection of single storey cattery building adjacent to 49 Stirley Hill, Almondbury, Huddersfield – Malcolm Sizer (in support), Andrew Murray (applicant) and Councillor Andrew Cooper (local ward Councillor)
- (c) Application 2016/91729 – Erection of side extension to form garage, demolition of existing porch at 3 Syke Bottom, Penistone Road, New Mill, Holmfirth – Dan Hockey (planning agent)

Planning Sub-Committee (Huddersfield Area) - 27 October 2016

- (d) Application 2016/92257 – Erection of rear dormer window (within a conservation area) at 27 Rumbold Road, Edgerton, Huddersfield – Mary Whitehouse (objector) and Toby Ahern (applicant)
- (e) Application 2016/91431 – Listed Building Consent for installation of replacement shop front, signage and internal alterations (within a conservation area) at 7-9 Cross Church Street, Huddersfield – Saeed Akhtar (in support), Ghassan Bateha (applicant) and Councillor Andrew Cooper (local ward Councillor)

RESOLVED –

That the applications under the Planning Acts including the list submitted for considered 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)
27 OCTOBER 2016

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2016/90477	<p data-bbox="523 246 1466 324">D Trueman, Alterations to convert outbuilding to holiday accommodation, adj 1, Wheat Close, Holmbridge, Holmfirth</p> <p data-bbox="523 358 1466 504">DEFERRED (TO PROVIDE AN OPPORTUNITY FOR OFFICERS TO INVESTIGATE EVIDENCE PRESENTED AT THE MEETING THAT DISPUTED THE CERTIFICATE OF OWNERSHIP SIGNED ON THE APPLICATION FORM).</p> <p data-bbox="523 537 1466 616">A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p data-bbox="523 649 1364 728">FOR: Councillors Calvert, E Firth, Iredale, Kaushik, Lyons, Sokhal, Ullah, Walker and Wilkinson (9 votes)</p> <p data-bbox="523 761 813 806">AGAINST: no votes</p> <p data-bbox="523 840 1284 884">ABSTAINED: Councillors Bellamy, McGuin and Sims</p>
2015/93754	<p data-bbox="523 940 1466 1019">A Murray, Erection of single storey cattery building, adj 49, Stirley Hill, Almondbury, Huddersfield</p> <p data-bbox="523 1052 1466 1612">CONDITIONAL FULL PERMISSION (SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS INCLUDING RESTRICTING THE BUILDING USE TO A CATTERY ONLY AND THAT THE HIGHWAY IMPROVEMENTS ARE UNDERTAKEN BEFORE THE BUILDING IS BROUGHT INTO USE) – CONTRARY TO OFFICERS RECOMMENDATION (THE SUB COMMITTEE CONSIDERED THAT THE DEVELOPMENT WOULD NOT ADVERSLEY IMPACT ON THE OPENNESS OF THE GREEN BELT; AND THAT THE CREATION OF FULL TIME EMPLOYMENT AS A RURAL ECONOMY DEMONSTRATED SUFFICIENT VERY SPECIAL CIRCUMSTANCES THAT WOULD CLEARLY OUTWEIGH THE HARM TO THE GREENBELT).</p> <p data-bbox="523 1646 1466 1724">A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p data-bbox="523 1758 1364 1836">FOR: Councillors Calvert, E Firth, Iredale, Kaushik, Lyons, Sokhal, Ullah and Walker (8 votes)</p> <p data-bbox="523 1870 1093 1915">AGAINST: Councillor Wilkinson (1 vote)</p> <p data-bbox="523 1948 1300 1975">ABSTAINED: Councillors Bellamy, McGuin and Sims</p>

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2016/91729	<p data-bbox="526 246 1452 358">I Ewart, Erection of side extension to form garage, demolition of existing porch, 3, Syke Bottom, Penistone Road, New Mill, Holmfirth</p> <p data-bbox="526 392 1452 694">CONDITIONAL FULL PERMISSION (SUBJECT TO THE DELEGATION OF AUTHORITY OF OFFICERS TO IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS INCLUDING A CONDITION THAT THE EXTENSION IS RETAINED AS A GARAGE). CONTRARY TO OFFICERS RECOMMENDATION (THE SUB COMMITTEE CONSIDERED THAT THE PROPOSED EXTENSION DUE TO ITS SITING WOULD NOT IMPACT OR HARM THE GREEN BELT.</p> <p data-bbox="526 728 1452 806">A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS:</p> <p data-bbox="526 840 1452 918">FOR: Councillors Bellamy, Kaushik, Lyons, McGuin, Sims, Sokhal, Ullah and Walker (8 votes)</p> <p data-bbox="526 952 1452 1030">AGAINST: Councillors Calvert, E Firth, Iredale and Wilkinson (4 Votes)</p>
2016/90245	<p data-bbox="526 1064 1452 1142">T Smith, Erection of one dwelling (within a Conservation Area), Land at, 1, Carr Top Lane, Golcar, Huddersfield</p> <p data-bbox="526 1176 1053 1209">CONDITIONAL FULL PERMISSION</p> <ol data-bbox="526 1209 1452 2049" style="list-style-type: none"> <li data-bbox="526 1209 1452 1288">1. The development hereby permitted shall be begun within three years of the date of this permission. <li data-bbox="526 1288 1452 1467">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. <li data-bbox="526 1467 1452 1691">3. Before works to construct the superstructure of the dwelling are commenced, details of the all external facing and roofing materials shall be left on site for the inspection and approval in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved materials. <li data-bbox="526 1691 1452 1915">4. The hereby approved dwelling shall not be brought into use until sight lines of 2.4m x 43m at the site frontage have been cleared of all obstructions to visibility exceeding 1m in height. Thereafter no obstructions which exceed 1.0m in height above the adjacent highway shall be planted or erected within the sight lines along the site frontage. <li data-bbox="526 1915 1452 2049">5. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of

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

2016/90245 cont....

front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

6. The turning area, as shown on plan '0159_15 Rev.D', shall be provided in complete accordance with the approved details, prior to the hereby approved dwelling being brought into use. Thereafter it shall remain free of obstructions and be kept available for vehicle turning purposes only and retained throughout the lifetime of the development.

7. Prior to occupation of the dwelling, 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 vehicle recharging point 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) no development included within Classes A, B 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.

9. Notwithstanding the hereby approved development, all new windows shall be timber framed and shall be recessed by a minimum distance of 75mm from the face of the building. 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 windows shall thereafter be retained as such.

10. Development shall not commence on the roof structure of the dwelling until a scheme detailing landscaping for the site including boundary treatment and tree/shrub planting, has been submitted to and approved in writing by the Local Planning Authority. The development and the works comprising the approved soft landscape scheme shall be implemented within the first planting season following commencement of development and boundary treatment shall be installed before first occupation of the dwelling. The approved soft landscape scheme shall, from its completion, be maintained for a period of five years. If, within this period, any shrub or tree 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. The boundary treatment shall be retained throughout the life of the development.

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2016/90245 cont....	<p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors E Firth, Kaushik, Lyons, Sokhal, Ullah, Walker and Wilkinson (7 votes)</p> <p>AGAINST: Councillors Bellamy, Calvert and Iredale (3 votes)</p> <p>ABSTAINED: Councillors McGuin and Sims</p>
2016/92257	<p>T Ahern, Erection of rear dormer window (within a Conservation Area), 27, Rumbold Road, Edgerton, Huddersfield</p> <p>CONDITIONAL FULL PERMISSION</p> <ol style="list-style-type: none"> 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. <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Bellamy, E Firth, Lyons, Walker and Wilkinson (5 votes)</p> <p>AGAINST: Councillors Calvert, Kaushik, McGuin and Ullah (4 votes)</p> <p>ABSTAINED: Councillor Sims</p>
2016/91431	<p>G Bateha, Listed Building Consent for installation of replacement shopfront, signage and internal alterations (within a Conservation Area), 7-9, Cross Church Street, Huddersfield</p> <p>GRANT LISTED BUILDING CONSENT (SUBJECT TO THE DELEGATION OF AUTHORITY OF OFFICERS TO IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS) – CONTRARY TO OFFICERS RECOMMENDATION (THE SUB COMMITTEE CONSIDERED THAT THE WORKS DID NOT HARM THE SIGNIFICANCE OF THE HERITAGE ASSET; AND THAT THERE WAS PUBLIC ECONOMIC BENEFITS IN BRINGING THE BUILDING BACK INTO USE AND SUPPORTING A LOCAL BUSINESS).</p>

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2016/91431 cont...	<p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Bellamy, Calvert, E Firth, Iredale, Kaushik, Lyons, McGuin, Sims, Sokhal, Ullah and Walker (11 votes)</p> <p>ABSTAINED: Councillor Wilkinson</p>
2016/92739	<p>M Whitehead, erection of single storey rear extension, 40, Briarlyn Avenue, Lindley, Huddersfield</p> <p>CONDITIONAL FULL PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:</p> <ul style="list-style-type: none"> • SECURE AMENDED PLANS TO REVISE/REMOVE THE PARAPET WALL FEATURE SUCH THAT IT NO LONGER CAUSES HARM TO THE VISUAL AMENITY OF THE AREA • IMPOSE ALL NECESSARY AND REASONABLE PLANNING CONDITIONS; AND • SUBJECT TO THERE BEING NO MATERIAL CHANGE IN CIRCUMSTANCES, ISSUE THE DECISION <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Bellamy, Calvert, E Firth, Iredale, Kaushik, Lyons, McGuin, Sims, Sokhal, Ullah, Walker and Wilkinson (12 votes)</p> <p>AGAINST: (0 votes)</p>

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: 8 DECEMBER 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 Is it signed off by the Director of Resources? Is it signed off by the Acting Assistant Director - Legal & Governance?	29 November 2016 Jacqui Gedman No financial implications No legal implications
Cabinet member portfolio	Economy, Skills, Transportation and Planning (Councillor McBride)

Electoral [wards](#) affected: Holme Valley South; Crosland Moor & Netherton;
 Ward councillors consulted: No

Public or private: Public

1. **Purpose of report**
For information
2. **Key points**
 - 2.1 2016/62/91381/W - Erection of garden room and fence at 10A, Penistone Road, New Mill, Holmfirth, HD9 7JR. (Officer) (Part Dismissed/Part Allowed)
 - 2.2 2016/62/91438/W - Erection of attached garage and lobby (within a Conservation Area) at 23, Midway, South Crosland, Huddersfield, HD4 7DA. (Officer) (Dismissed)
 - 2.3 2016/62/91030/W - Erection of one detached dwelling adjacent to, 2, Lighenfield Lane, Netherton, Huddersfield, HD4 7WJ. (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 9 November 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/Z4718/D/16/3158810

10A Penistone Road, New Mill, Holmfirth HD9 7JR

- 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 Donald Angir against the decision of Kirklees Metropolitan Council.
 - The application Ref 2016/62/91381/W, dated 25 April 2016, was refused by notice dated 14 September 2016.
 - The development proposed is described as: 'We have built a garden room in the garden and require retrospective planning permission. The garden room is built out of stone and has a conservatory as part of the building. The garden room is in the garden and it is separate to the main dwelling. We have built a fence to maintain neighbour privacy.'
-

Decision

1. The appeal is dismissed insofar as it relates to the erection of a fence.
2. The appeal is allowed and planning permission is granted for the erection of a garden room at 10A Penistone Road, New Mill, Holmfirth HD9 7JR in accordance with the terms of the application Ref 2016/62/91381/W, dated 25 April 2016, and the plans submitted with it, Refs 02, 03, the drawing entitled Summer House Elevations and the Plan that shows the site edged red.

Procedural matters

3. The proposed garden room and fence are complete and appear to have been constructed broadly in accordance with the plans.
4. For clarity and brevity, I have used the Council's description of development, which is the erection of a garden room and fence, in my decision.

Main issues

5. The main issues are the effect of the fence on the living conditions of the occupiers of 14 and 16 Penistone Road with regard to visual impact and the effect of the garden room on the character and appearance of the local area.

Reasons

Living conditions

6. To overcome overlooking problems towards and from the garden of the appeal property, a timber fence has been erected along the common boundary with 14 and 16 Penistone Road, which are mid-terrace properties that back onto the
-

site. A significant effect of the fence, which according to the Council stands between 2 metres and 2.4 metres high, is to partly enclose the short rear gardens of these neighbouring properties from which the fence is visible. The fence would also be evident at close range from the first floor rear windows of both Nos 14 and 16, which are just above the sloping garden of No 10A due to the notable difference in ground levels. Having viewed the rears of Nos 14 and 16 from the site, I have little doubt that the fence, due to its height and position close to the first floor rear windows of these properties, has an overly imposing presence and overbears on the occupiers of these properties.

7. On the first main issue, I therefore conclude that the fence unacceptably harms the living conditions of the occupiers of Nos 14 and 16. Accordingly, it conflicts with Policy D2 of the Kirklees Unitary Development Plan (UDP) insofar as it aims to safeguard residential amenity. It also fails to adhere to a core principle of the National Planning Policy Framework (the Framework), which is to secure a good standard of amenity for all occupiers of land and buildings.
8. The appellant states that the height of the fence could be reduced so that it qualifies as permitted development or it could be removed in its entirety. Nevertheless, planning permission is sought for the fence, as erected, and so I have assessed it on that basis.

Character and appearance

9. The garden room stands towards one corner of the garden of No 10A, which occupies an elevated position to the main house. The new addition has two main elements: a stone building with a dual pitched roof and a conservatory that faces towards the front of No 10A. The overall building is single storey and is modest in scale and height, with external materials that are of reasonable quality and are compatible with those of other nearby buildings.
10. The juncture between the conservatory and the stone building is rather abrupt largely due to their contrasting roof form and use of different materials. Nevertheless, the overall appearance of the garden room is a domestic outbuilding and it does not look out of place in its residential setting. Its design, while unusual, is not so jarring as to cause significant harm to the predominantly residential character of the area. Although the elevated position of the garden room accentuates its prominence, public views of it are limited due to the screening provided by existing buildings and boundary treatment. Consequently, the development is not readily visible in its entirety from public vantage points.
11. On balance, I conclude on the second main issue that the garden room does not cause significant harm to the character and appearance of the local area. As such, it does not conflict with UDP Policies BE1 and BE2, which broadly aim to ensure that new development achieves good quality design and is in keeping with the surrounding area.

Other matters

12. Interested parties raise additional concern that the garden room, if permitted, would set an undesirable precedent for further development in the garden of No 10A. However, I disagree. Such proposals would be likely to require planning permission and should be assessed on their own merits.

13. The garden room is close to the boundary that is shared with the adjacent property just to the north. According to the Council the windows in the elevation facing the site are required to include obscure glazing. From what I saw, overlooking towards this neighbouring property from the garden room would not be significantly greater than would be possible from standing within the garden of No 10A. As this adjacent property is broadly to the north of the garden room there would be no significant loss of sunlight as a result of the new built form. Reasonably generous distances would separate the garden room from other neighbouring properties. Consequently, there would be no undue loss of privacy through overlooking or an undue loss of light to other nearby occupiers. The problems associated with debris and weeds on and adjacent to the site are a private matter between individuals that is outside the remit of this appeal.

Conditions

14. As the garden room is clearly severable to the fence I am able to issue a split decision that grants planning permission solely for it. The Council has put forward 2 suggested conditions if planning permission were to be granted. As the development is complete, the standard time limit condition is unnecessary. I have, however, specified the approved plans in my decision for certainty.

Conclusion

15. Overall, for the reasons set out above, I conclude that the appeal should be dismissed in part and allowed in part.

Gary Deane

INSPECTOR



Appeal Decision

Site visit made on 9 November 2016

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/Z4718/D/16/3159204

23 Midway, South Crosland, Huddersfield HD4 7DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Wilson against the decision of Kirklees Metropolitan Council.
 - The application Ref 2016/62/91438/W was refused by notice dated 4 July 2016.
 - The development proposed is the erection of a garage extension.
-

Decision

1. The appeal is dismissed.

Main issue

2. The site falls within the Green Belt. The Council considers that the proposal would not represent inappropriate development in the Green Belt as defined in development plan policy and paragraph 89 of the National Planning Policy Framework (the Framework). I concur with that position. Therefore, the main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The appeal property is a semi-detached 2-storey house within a mainly residential area. It lies within the South Crosland Conservation Area (CA), within which buildings vary in style, age and size as the appellant's photographs show. Along Midway in the vicinity of the site some properties include frontage buildings that are close to the road. Even so, most properties are set back from the highway behind gardens and reasonably open frontages, which collectively give a spacious feel to the local street scene.
 4. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 5. The proposal is to erect a new single storey extension at the front of the house with additional paving to the front garden. The new porch element would have a short mono pitched roof and extend across about one half of the front façade. The new garage component would connect with and stand further forward of the new porch and include a dual pitched roof. External materials would match those of the host building.
-

6. Taken together, the new porch and garage would be a sizeable front addition. The proposed extension could not reasonably be described as relatively small in scale to which Policy BE14 of the Kirklees Unitary Development Plan (UDP) refers. Furthermore, the new extension would be placed to one side of the front façade and significantly forward of the main front wall. In this position, the scale and forward projection of the extension would cause it to unduly disturb the flat and balanced façade of the host building. As a result, it would detract from the intrinsic character and appearance of the appeal property.
7. As the proposed garage would extend a significant way to the site's front boundary, it would stand out prominently in relation to the existing dwelling and the properties on either side. In oblique views from the road close to the site's entrance, the proposed garage would be obtrusive due to its size and position notwithstanding the partial screening provided by an adjacent boundary wall. From these public vantage points, the new garage would appear as an incongruous intrusion into a relatively open space at the front of No 23 even in the context of varied built form along this section of the road.
8. The effect of the proposal on the presence of the neighbouring property, which is 19 Midway, the traditional style of which adds to the CA would be modest given that a stepped wall partly separates these properties. Even so, the introduction of a sizeable new building in front of No 23, as proposed, would appear as a discordant addition that would noticeably reduce the sense of space in the local street scene. Consequently, the proposal would detract from and thus fail to preserve the character and appearance of the CA, to which I attach considerable importance and weight.
9. Reference is particularly made to a nearby property that includes a block of garages close to the highway. This block is conspicuous from the road and forms part of the character of the area. Nevertheless, sizeable front garages that attach to the front of dwellings are not a strong or prevailing characteristic of the local area. Furthermore, it is a central principle of the planning system that every proposal should be considered on its own merits, which I have done.
10. The harm caused by the appeal scheme on the significance of the CA as a designated heritage asset would be less than substantial. In those circumstances, the Framework advises that the harm should be weighed against the public benefits. Constructing the new development would positively contribute to the local economy through the provision of jobs and the sale of construction materials. However, these public benefits do not outweigh the significant harm that I have identified.
11. On the main issue, I conclude that the proposed development would have a detrimental impact on the character and appearance of the local area. Accordingly, it would not comply with UDP Policies BE1, BE2, BE5 and BE14. These policies aim to ensure that development achieves good quality design, creates or retains a sense of local identity, is in keeping with surrounding and does not prejudice visual amenity or the character of the area.
12. It also fails to comply with the Framework, which emphasises the importance of securing high quality design. It also notes that development should respond to local character, add to the overall qualities of an area and safeguard designated heritage assets such as conservation areas.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

Appeal Decision

Site visit made on 25 October 2016

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

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

Decision date: 03 November 2016

Appeal Ref: APP/Z4718/W/16/3154981

Adjacent to No 2 Lightenfield Lane, Netherton, Huddersfield HD4 7WJ

- 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 R Burgin (NHBC Builder) of Field View Homes Yorks Ltd against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/91030/W, dated 28 March 2016, was refused by notice dated 10 June 2016.
 - The development proposed is one detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on
 - i. the character and appearance of the area; and
 - ii. the living conditions of the occupants of adjacent dwellings with particular reference to outlook.

Background

3. The Council is unable to demonstrate a five year housing land supply and therefore, according to Paragraph 49 of the National Planning Policy Framework (the Framework) relevant policies for the supply of housing are considered to be out of date. According to Paragraph 14 of the Framework proposals that accord with the development plan should be approved without delay, unless any adverse impacts would significantly and demonstrably outweigh the benefits.

Reasons

Character and appearance

4. The appeal site is a triangular plot of land situated off Lightenfield Lane within a predominantly residential area. Although the plot does have a positive role in presenting an open character of the prominent site on the approach to the nearby South Crosland Junior School car park and Netherton and South Crosland Conservative Club, it is currently in an overgrown and unkempt condition.

5. The site slopes steeply and is at a lower level than the adjacent highway, yet at a higher level than the adjacent rear garden of 2 Lightenfield Lane and the rear of the adjacent bungalows on Noble Court. There is a variety of boundary treatments around the site, comprising mainly a low stone wall along Lightenfield Lane and low wooden fencing.
6. There is a variety of residential and other development in the vicinity of the site. No 2 Lightenfield Lane which lies immediately adjacent to the plot is a brick two storey pitched tiled roof detached house set within a reasonable plot, beyond which is the Conservative Club with its associated car parking area and bowling green. A bungalow development known as Noble Court is situated adjacent to the western boundary of the appeal site. Also in the immediate vicinity is a row of single storey pitched roof historic bungalows known as Cottage Homes. There are modern large detached properties on Coppice Drive and a large estate of mainly two storey terraced and mews type modern dual and mono-pitched houses off Coppice Drive.
7. The proposed two storey pitched roof house would be situated very close to the highway on the highest part of the site near to No 2. The openness of the site and its relationship with the surroundings are key factors in identifying the effect of the development on the character and appearance of the area. Given the sloping nature of the site the appellant has presented some contextual elevations showing how the property would relate to its immediate surroundings and the topography of the site. No detailed sections and existing and proposed levels have been submitted in support of the appeal.
8. Having observed the topography of the site during my site visit I do not consider the submitted drawings are conclusive in terms of accurately representing the relationship of the house to its immediate surroundings, including No 2, the adjacent highway and the rear of properties on Noble Court. From the evidence presented it is difficult to envisage how the property could be constructed on site as shown with eaves and ridge levels below those on No 2. Even if this could be achieved it seems that it could only be done with substantial excavation works and potentially retaining structures.
9. Nonetheless, the substantial property on the highest part of this prominent site situated adjacent to the highway would be particularly dominant in the street scene. Its awkward and uncharacteristic relationship with the highway would be at odds with other properties in the area and would constitute an incongruous development which fails to respect its surroundings.
10. The proposal would provide on-site parking and private garden space. The plot is larger than others in the area and is comparable to the adjacent house No 2. Given the wide range of properties and plot sizes in the vicinity I do not consider the scale of the development in relation to the plot size to be in itself harmful to the character and appearance of the area.
11. Although the property would have a relatively shallow pitched roof there is a great deal of variety on roof styles in the area. However, when combined with concerns with respect to the uncharacteristic relationship of the dwelling with its surroundings I consider that the roof form would add to the incongruity of the proposal.
12. On this issue I therefore conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with the design

requirements of Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan (the UDP) and the National Planning Policy Framework (the Framework).

Living conditions

13. The proposed dwelling would comply with the requirements of Policy BE12 of the UDP with specific reference to minimum separation distances that will normally be applied. However, Policy D2 of the UDP is clear that residential amenity is an issue that should not be prejudiced by new development.
14. Of particular concern in this case is the relationship of the proposal to the bungalows on Noble Court and No 7, in particular. The bungalows which have habitable room windows facing directly towards the proposed dwelling would be at a significantly lower level than the two storey house and at close proximity. Given the topography of the site and the relationship between the bungalows and the proposed dwelling the circumstances cannot be described as those where the minimum separation distances should be rigidly applied. The proposal would be an overbearing and dominant feature and would be detrimental to the outlook from No 7.
15. Although I understand that no objection has been raised by the occupant of No7 I do not consider the lack of objection to be a reason to grant planning permission for a development that would harm the living conditions of local residents.
16. On this matter I therefore conclude that the proposal would harm the living conditions of the occupants of adjacent dwellings with particular reference to outlook. As such it would conflict with the amenity requirements of policy D2 of the UDP and the Framework.

Conclusion

17. In the absence of there being a five year supply of housing land the relevant policies for the supply of housing should not be considered to be up to date. However, in this case the adverse impacts of granting planning permission would significantly and demonstrably outweigh the limited benefits of the proposal.
18. For the above reasons and taking account of other matters I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR

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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 Kirklees Unitary Development Plan (saved Policies 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 Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

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

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

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

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

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

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

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

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

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

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

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

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Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 08-Dec-2016

Subject: Planning Application 2016/91688 Outline application for erection of 9 dwellings land off, Upper Quarry Road and Bradley Road, Bradley, Huddersfield, HD2 1XD

APPLICANT

G R E Bottomley

DATE VALID

25-Jul-2016

TARGET DATE

24-Oct-2016

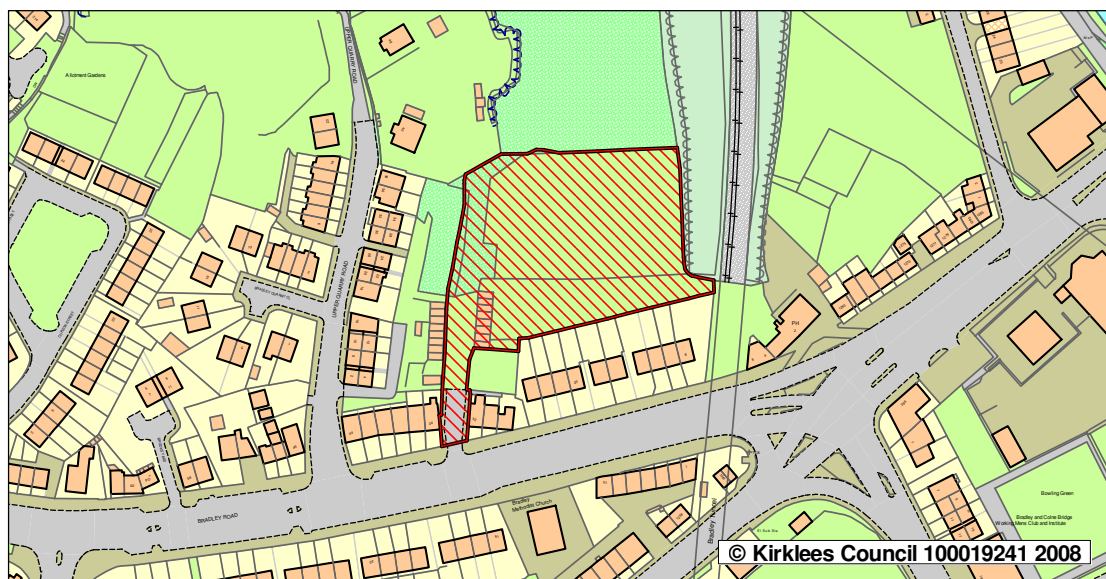
EXTENSION EXPIRY DATE

12-Dec-2016

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

Electoral Wards Affected: Ashbrow

No

Ward Members consulted

RECOMMENDATION: Grant conditional full planning permission subject to the delegation of authority to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee).

1.0 INTRODUCTION:

1.1 The application seeks outline planning permission for the erection of nine dwellings on land allocated on the Unitary Development Plan as Provisional Open Land (POL). Access is to be determined at this stage with all other matters reserved. The principle of housing development is considered to be acceptable, and it is considered the application site can be accessed safely in highway terms. There would be no harmful effect on visual or residential amenity, and the development would not prejudice any potential future development of the wider POL allocation. The application is brought to Huddersfield Sub-Committee as it represents a departure from the Development Plan and is for less than 60 dwellings.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises a steeply sloping green field to the rear of properties off Bradley Road. The site is allocated as Provisional Open Land on the Kirklees Unitary Development Plan, and comprises part of a wider allocation which extends to the north of the application site and abuts the green belt boundary.

2.2 The site is accessed via an un-adopted track between No.32 and No.34 Bradley Road that has a standard priority junction with Bradley Road which is a classified road (A6107). The access serves a former garage colony which is now disused and there are a number of private dwellings also served by the access. The site is heavily overgrown and levels slope steeply upwards to the north of the site.

2.3 The application site abuts the remainder of the undeveloped POL allocation to the north, a railway line to the east which is screened by a line of mature trees, and the garden areas of dwellings off Bradley Road to the south and Upper Quarry Road to the west.

3.0 PROPOSAL:

- 3.1 Outline planning permission is sought for the erection of nine dwellings, to approve matters of access. The application seeks improvements to the Bradley Road access to provide an adoptable road into the site. The proposed works include improving the corner radius, widening the footways, the provision of a hard margin within the site, and resurfacing the carriageway. The application is supported by an indicative layout plan.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 88/03072 – Outline application for residential development – Refused
- 89/05087 – Outline application for residential development – Refused. Appeal Dismissed

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The red line boundary of the application site has been widened adjacent to the junction with Bradley Road to meet the width requirements of an adoptable highway. An indicative layout plan has also been received to demonstrate that nine dwellings can be accommodated on the part of the site which could be drained via gravity.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).
- 6.2 The Council's Local Plan will be published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 D2 – Unallocated Land
BE1 – Design principles
BE2 – Quality of design

BE12 – Space about buildings
BE23 – Crime prevention
NE9 – Retention of mature trees
T10 – Highway safety
H10 – Affordable housing
H12 – Arrangements for securing affordable housing
G6 – Land contamination
H18 – Provision of open space
B4 – Change of use of land and buildings last used for business or industry
EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

6.4 Supplementary Planning Document 2 Affordable Housing

National Planning Guidance:

- 6.5 Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring Good Design
Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
Chapter 11 – Conserving and enhancing the Natural Environment

7.0 PUBLIC/LOCAL RESPONSE:

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

Highway Safety Matters:

- Upper Quarry Road is extremely congested with frequent accidents
- More traffic will add to heavy flows and queuing at traffic lights in both directions. Access will be into 3 lanes of traffic often queuing past the access. Turning right out of the access will cause congestion back through the traffic lights and up the other way towards Bradley Bar.
- The track is too small to provide access.
- Concern about an extra 25 cars requiring access onto Bradley Road.
- The existing parking problem at the bottom of Bradley Road, from people using the local businesses and the church will be exacerbated.
- The road is the only access for the houses and is not wide enough to take more traffic. The road is narrow and there is no room for 2 cars to pass.
- There have been accidents with cars exiting onto Bradley Road and when cars are turning right across traffic to park. People use the road to park if visiting friends or family on Bradley road.
- This road is used as a turning circle for cars to get through the traffic lights at Colne Bridge, coming up Bradley Road, turning round and go back down to the traffic lights, this being quicker than queuing to turn right at the lights. There have been accidents trying to cross two lanes of traffic to turn back down Bradley Road.

- The existing footways provide safe access to house numbers 32 & 34. If the footpath is removed traffic would swerve around an existing garden fence, making it likely to be hit, which is a safety concern.
- The road is extremely difficult to get out of, especially at peak times. Collisions have occurred due to vision being restricted by parked cars in designated parking bays on Bradley Road. Cars coming down Bradley Road use the cycle lane to squeeze past traffic. It is not uncommon to wait 10 minutes to exit onto Bradley Road due to the traffic and restricted visibility. Extra traffic would have a big impact.
- Several accidents have occurred at the junction as cars have been trying to get to the traffic lights at the bottom of Bradley Road. Traffic has increased considerably.

Other Matters:

- Concern whether surface water would be adequately drained and concern about the impact on 24 Bradley Road. The proposal is to drain by gravity on the land adjacent, will the surface sewer be adequate.
- This part of the land is Green Belt and home to wildlife.
- The boundary lines incorporate the path at the side of the houses which is private property. Do not intend to give up this pathway.
- The site is used by children, dog walkers and a variety of wildlife.
- The site was previously a land fill site and it omits bad odours.
- There are several tunnels under the ground (previous coal seams). Concern about odours if this land is excavated.
- Concern Bradley will lose the little green land available.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highway Services – No objections

Network Rail – No objections

8.2 Non-statutory:

K.C Environmental Services – No objections

K.C Arboricultural Officer – No objections

Parks and Recreation – No objections

K.C Policy – No response received

K.C Flood Management and Drainage – No objections

West Yorkshire Ecology – No response received

Strategic Housing – No contribution required.

National Grid – No objections

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application site is allocated as Provisional Open Land (POL) on the Unitary Development Plan. As such the proposal is considered against Policy D5. Policy D5 states that:

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

- 10.2 The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 49 and 215. These indicate that policies regarding housing should not be considered up to date unless the authority can demonstrate a five year supply of housing. The Council is currently unable to demonstrate a five year supply of deliverable housing sites.
- 10.3 Paragraph 14 states that there is a presumption in favour of sustainable development. For ‘decision taking’ this paragraph goes on to state that this means where relevant policies are out-of-date, planning permission should be granted *“unless any adverse impacts ... would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*.
- 10.4 Therefore consideration must be given as to whether the proposal is sustainable development. The NPPF identifies the dimensions of sustainable development as economic, social and environmental (Para.7). It states that these facets are mutually dependent and should not be undertaken in

isolation (Para.8). The proposal has been assessed against each role as follows:

- 10.5 A proposal for nine dwellings provides some economic gains by providing business opportunities for contractors and local suppliers, and there will be a social gain through the provision of new housing at a time of general shortage. The development of a greenfield site represents an environmental loss. However, whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. The principle of a proposed development of nine dwellings on this part of the wider POL allocation is considered to be acceptable.
- 10.6 In terms of more detailed issues within the site, NPPF paragraph 58 sets out the requirement for developments to “*optimise the potential of the site to accommodate development*”. As this proposal only covers part of the POL site, the proposal would need to demonstrate that it does not prevent the remainder of the POL site being developed. Whilst no highway link is shown on the indicative plan into the adjacent POL site Highway Services consider that subject to assessment limited additional development could be acceptable on this site via the proposed access. The proposal would not therefore prevent the remainder of the POL site being developed, although the number of dwellings which could be achieved off the access may be restricted.
- 10.7 The principle of development is considered to be acceptable.

Urban Design issues

- 10.8 A full assessment of the layout, scale, and appearance of the dwellings and the landscaping of the site would be assessed as reserved matters.

Residential Amenity

- 10.9 UDP Policy D2 requires residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows.
- 10.10 As noted a full assessment of the layout, scale and appearance of the dwellings, to include the positioning of windows would be assessed as reserved matters. However, the indicative layout plan illustrates nine dwellings could be accommodated either side of the proposed access road, which would achieve a distance of over 21 metres to neighbouring properties off Upper Quarry Road and Bradley Road. It is considered an acceptable scheme could be brought forward at reserved matters stage which would meet the requirements of distances between dwellings as set out in policy BE12 of the UDP, and would ensure there would not be a detrimental loss of privacy or amenity to neighbouring properties, their habitable room windows or garden areas.

- 10.11 There would be some disturbance to residential amenity from the proposed access road between No.32 and No.34 Bradley Road. This would arise from the comings and goings of pedestrians and vehicles using the road to access the proposed dwellings, and it would impact on the properties immediately adjacent to the access and their private amenity spaces. There is however, an existing access which serves these residential properties and the former garage colony which would have generated a number of vehicular and pedestrian trips. There is therefore an existing level of disturbance, and it is considered the development of the site for nine dwellings would not create a level of disturbance which would have an undue detrimental impact on the amenity of adjacent neighbouring properties. To protect the amenity of future occupiers a condition restricting the total number of dwellings the access road can serve is necessary. The actual number will need discussing with the applicant and the outcome of the discussion will be included in the update to Planning Committee report.
- 10.12 In respect of future occupiers, Environmental Services have reviewed the report by ENS Environmental Noise Solutions dated 20 May 2016 Ref: NIA/6625/16/6475/v2) and agree with the report and its recommendations. This confirms that the ambient noise climate arising from road traffic noise and rail movements on the railway line does not pose a constraint to the proposed development.

Landscape issues

- 10.13 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. An Ecological Appraisal by Quants Environmental Ltd supports the application. The conclusion of the report confirms the main body of the site comprises rank grassland which supports very limited botanical diversity. The proposed development is considered to have a minor adverse impact on biodiversity and highly unlikely to have significant adverse impact on biodiversity. It concludes the proposed development can sufficiently offset and enhance the loss of the grassland through the implementation of an appropriate planting scheme. The report goes on to say that the site is adjacent to the wooded banks of a railway line, this is a habitat of principal importance for the conservation of biodiversity in England. This tree line should be protected from development impacts.
- 10.14 The arboricultural and landscape officer raises no objections, subject to the provision of high quality green infrastructure given the location and opportunities to link with existing green corridors and trees adjacent to the site. To address these matters, a biodiversity and mitigation plan will be conditioned.

Housing issues

- 10.15 As noted above the principle of development is considered to be acceptable.

Highway issues

- 10.16 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. There have been a number of concerns raised in the representations received regarding highway safety matters, these are préciséd in the representation section above.
- 10.17 This application is supported by a Transport Statement (TS) prepared by HY Consulting. In terms of traffic generation the TS has forecast that at its busiest the development would generate 8 trips in the evening peak period, which highways considered to be an acceptable figure for 9 dwellings. Roughly translated this means a vehicle will arrive or depart every 7 to 9 minutes which is not considered to be excessive. The site already generates vehicle trips from the existing garages within the application site which would be demolished as part of the proposals. There are no reported capacity problems at the existing junction and no reported injury accidents over the last 10 years. Highway Services therefore consider that the highway network around the site has the capacity to accommodate the size of development proposed. In terms of the sites sustainability there is access to regular bus services along Leeds Road and Bradley Road and good links into the cycle network, however there are limited local facilities within a suitable walking distance. The site is considered to be moderately sustainable.
- 10.18 This application wishes to determine access into the site. The initial proposal was for a private driveway with a shared surface which would tie into the existing footways. Council standards require however, that an adopted access is required for the number of dwellings proposed which can accommodate two-way traffic turning into or out of the access.
- 10.19 In response to concerns raised, the applicant has widened the red line boundary to include the adjacent footways, and submitted plan Ref 1603301 which shows proposed improvements to the Bradley Road access to provide an adoptable road. An indicative layout plan has also been included. The proposed works include improving the corner radius, widening the footways, the provision of a hard margin within the site, and resurfacing the carriageway.
- 10.20 Highway Services consider the revised details to be acceptable, subject to conditions to secure details of a scheme for the provision of the improved access from Bradley Road, and details of the proposed internal adoptable estate road. A construction traffic plan would also be required. It is also considered appropriate to seek to condition to the total number of dwellings the access can reasonably accommodate in highway safety terms. As with the amenity concerns over the comings and goings from the use of the access a condition is necessary but the details are yet to be discussed with the applicant and the outcome of these will be reported to Committee via the update report.
- 10.21 Highway Services also note that the indicative plan shows nine large detached houses with ample space to provide sufficient off-street parking served by a

shared carriageway and a turning head. Subject to the inclusion of the conditions suggested it is considered there would be no detrimental impact on highway safety and the proposal would accord with policy T10 of the Unitary Development Plan.

Drainage issues

- 10.22 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach. Concerns have been raised in the representations received as to whether there is a suitable surface water drainage solution for this site.
- 10.23 The submitted Flood Risk Assessment and supporting drainage constraints plan Ref EWE/1938/01 indicates that only part of the site can be drained via gravity and that a pumped system will be required. Flood Management object to any proposal for a pumped system as this introduces a risk to the development. Due to the constraints of only being able to drain a section of the site via gravity, this could impact on the number of units the site can accommodate.
- 10.24 The applicant was asked to demonstrate that nine dwellings can be accommodated on site which could be drained via gravity. The land available for draining by gravity (shown hatched pink on the plan submitted as part of the Flood risk / drainage report) comprises 0.48 ha, approximately 75% of the site area. The applicant has provided an indicative layout which shows that the footprints of the dwellings (not the garden areas) can be accommodated within this area at a density of 20 per hectare. Flood Management have no objections subject to the inclusion of a condition to secure a scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second.

Representations

- 10.25 Eight representations have been received. In so far as they have not been addressed above:
- 10.26 This part of the land is Green Belt
Response: The site is a green field site but it is not located within designated Green Belt. The principle of development on this site allocated as Provisional Open Land is considered to be acceptable.
- 10.27 The boundary lines incorporate the path at the side of the houses which is private property. Do not intend to give up this pathway.
Response: The red line boundary has been enlarged at the entrance to the site which now incorporates footpaths in the ownership of neighbouring properties. The application is considered to be valid, however the consent of the land owners is a private matter. This does not affect the consideration of the application.

10.28 The site is used by children, dog walkers / Concern Bradley will lose the little green land available.

Response: Whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

Planning obligations

10.29 The site is over 0.5 hectares and requires the submission of the provision of Public Open Space. This is an outline application, and the layout of any areas of Public Open Space are unknown at this time. Accordingly, it is appropriate to impose a condition requiring the provision of Public Open Space and that it is maintained in perpetuity. This can be addressed by a subsequent Section 106 agreement.

10.30 The development will not meet the requirement for affordable housing, unless the total footprint of the dwellings exceed 1000sqm gross floor space. This is an outline application and the scale of the dwellings is unknown. Accordingly it is appropriate to include a condition to secure affordable housing if this threshold is met.

Other Matters

10.31 The proposal is in close proximity to a High Voltage Transmission Overhead line and a railway banking. The National Grid and Network Rail were both consulted for their comments and raise no objections to the principle of development.

10.32 Network Rail has stipulated a number of considerations to be either conditioned or included as a footnote. These include that all surface and foul water is diverted from Network Rail property, that all operations be carried out in a fail safe manner with no excavations/ earthworks interfering with Network rail infrastructure. The applicants is required to provide a suitable trespass proof fence, a method statement outlining the method of construction, risk assessment and construction traffic management plan. Details are also required of adequate sound proofing, and landscaping, and external lighting should not dazzle train drivers or confuse signalling arrangements. Network Rail also wish to approve details of development works within 15 m from the outside face of the tunnel. The matters relating to drainage, the method statement and lighting can be addressed by condition, the other matters can be covered by appropriate informative notes.

10.33 Concern has been raised in the representation received the land was previously a land fill site and experiences bad odours. There is also concern that there are former coal seam tunnels which cross the site, and concern about possible odours if the land were to be excavated. A phase I report by Demeter Environmental Ltd dated February 2016 has been provided and reviewed by Environmental Services. Environmental Services agree with its conclusions, and recommend the submission of a Phase II Contaminated

Land Report together with the submission of the gas monitoring report from the Phase I report. Contaminated Land issues can be addressed through condition.

- 10.34 In respect of Coal Mining Legacy, the site falls within the Coal Authority's Low Risk Area where the risk is such that they do not provide comments.
- 10.35 The application has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The development is regarded as a minor development and will require relevant mitigation, however due to the proximity of the proposed development to the AQMA Environmental Services require the submission of an air quality impact assessment. Environmental Services have received the document provided and note that while the modelling used in the assessment significantly under predicts the levels when compared to monitoring data, the conclusions are in line with recent modelling conducted by Kirklees Council. Environmental Services raise no objections subject to a condition requiring low emission vehicle charge points in all allocated parking and in 10% of unallocated parking spaces which may be phased with 5% initial provision and the remainder at an agreed trigger level.

11.0 CONCLUSION

- 11.1 Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted "*unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted*".

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

- 1-4. Standard conditions to secure Reserved Matters
5. A scheme of the proposed internal adoptable estate roads
6. A scheme for the provision of an improved access from Bradley Road into the development site
7. A schedule of the means of access to the site for construction traffic
8. Phase II Intrusive Site Investigation Report
9. Remediation Strategy

10. Revised Remediation Strategy where other contamination encountered.
11. A Validation Report.
12. Agreement to secure Public Open Space contribution
13. Agreement to secure Affordable Housing Contribution
14. Scheme for the low emission charging points
15. Biodiversity Plan
16. A scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second.
17. Conditions to secure a scheme relating to drainage, method statement and lighting as requested by Network Rail.

Background Papers:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91688>

Certificate of Ownership – Notice served on the owner/occupier of 32 and 34 Bradley Road

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Originator: Sam Jackman

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 08-Dec-2016

Subject: Planning Application 2016/92180 Erection of two storey extension to side and rear. 82, Heaton Road, Paddock, Huddersfield, HD1 4JB

APPLICANT

Imran Saleem

DATE VALID

09-Aug-2016

TARGET DATE

04-Oct-2016

EXTENSION EXPIRY DATE

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

Electoral Wards Affected: Greenhead

Ward Members consulted

No

RECOMMENDATION: Grant conditional full planning permission subject to the delegation of authority to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee).

1.0 INTRODUCTION:

- 1.1 This application is reported to Sub-Committee as the applicant is related to a member of staff who works in Investment and Regeneration. This is in accordance with the delegation agreement.

2.0 SITE AND SURROUNDINGS:

- 2.1 82 Heaton Road, Paddock is a semi-detached property located close to the junction of Heaton Road with Fir Road. To the north east is a terraced row of 4 properties. No 80, adjacent the application site, has a single storey rear extension. This property is close to the shared boundary with No 82 where the ground level is at a higher level than No 82 Heaton Road.
- 2.2 The host property is faced in stone to the ground floor with render to the first floor and has a hipped roof. Whilst forming a semi-detached property it is no identical to the attached no. 84. No. 82 is half the depth of its neighbour with a small gable for the side elevation facing towards the adjacent terrace property. The unique relationship of nos. 82 and 84 is highlighted in the 'red line' application site plan. This indicates that to the rear of the property there are a couple of flat roofed extensions/outhouses, with the rear outhouse owned by No 84. These are in line with the rear elevation of No 84.
- 2.3 It is understood that the pair of properties are within the ownership of the same family and are currently internally linked using the same kitchen. However the proposal is for no.82 only. To the right of the property there is a single width drive accessed from Heaton Road which appears to serve both properties which extends to the rear boundary.

3.0 PROPOSAL:

- 3.1 The proposal is to demolish the existing single storey rear extensions and build a new two storey extension. This would extend across the rear of the property to a point 0.5m off the north eastern boundary with no. 84, a total width of approximately 7.1m. The depth of the extension would be just over 5.7m. Extending over the existing drive the extension would provide a kitchen and carport at ground floor level. The first floor, which would be partly supported by piers, would provide a bedroom with en-suite bathroom and walk in wardrobe. The extension would be set back around 4.5m from the front elevation of the property.
- 3.2 The external appearance of the extension is a simple gabled structure with an overall height of approx. 6.5m. It would have windows in the front and rear elevations, with a blank gable facing no. 84. The application form sets out that this would be faced in 'brick' with a 'slate' roof.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Various requests have been made with the agent to submit plans which clearly show accurate details of both the existing property and the proposed extension. This has partly arisen because of the complexity of the relationship between nos. 82 and 80. Further amendments have also been requested, and submitted, to simplify the front elevation of the side extension by having a square arch to the car port feature and removing a large window with Juliet balcony together with a block plan to clearly show the position of the extension in relationship to the boundary. The amendments have also simplified the scale of most drawings to 1:100.

6.0 PLANNING POLICY:

- 6.1 The Council's Local Plan has been published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 – unallocated land
BE1 - Design principles
BE2 – Quality of design
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
T10 - Highways

6.4 National Planning Policy Framework.

NPPF Requiring good design (Chapter 7)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The Council has advertised the application by site notice /neighbour letters which expired on 22.9.2016. The adjacent neighbour was also notified by letter of the amended plans on 8.9.16. This is in line with the Council's Development Management Charter.

2 letters of representation have been received from the adjacent neighbour, received in respect of the original proposal and the first set of amendments. The concerns raised are summarised below:-

- The proposal is overly dominant and has an adverse impact on the amenity of our property (80 Heaton Road).
- Whilst the side extension is set back from the front elevation of the house it is the same height as the main roof rather than set down. It will create an overly dominant addition.
- side extension measures more than 3.3m in width and is offset from the common boundary with No. 80 by an inadequate distance of 500mm
- The two storey side extension has a depth of almost 6m and this massing so close to the boundary is unacceptable.
- The extension would lead to a loss of sunlight to a side window in no 80 from midday onwards, this will have an adverse impact on amenity (photographs provided).
- Proposed first floor balcony is an alien feature to the front of the property and streetscene. The scale of this window its failure to align with other windows means the shape and form of the side extension is at odds with the rest of the property.
- The proposed balcony would harm the paired appearance of the semi-detached properties which are relatively stone and rendered properties of traditional design.

- The overall design appears to maximise internal space with little regard given to the design and character of the host dwelling and the wider streetscene. The extension does not create a subservient addition.
- The proposed extension is not in context and would have an overly dominant impact on my property, and the streetscape as such should be refused.
- Member of staff related to the applicant, and given this would like to ensure that there is no involvement with this planning application
- The plans are unclear. They are at insufficient scale and clarity to clearly see the extent of the proposal. Would prefer to see them at a scale of 1:100 and for committee members to visit the site.

7.2 The above issues have been discussed over the phone with the objector. Plans have been requested with dates and number, along with a block plan. Also her side window which is clear glass is a secondary window to her sun room.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** There were no statutory consultees.

8.2 **Non-statutory:** There were no non - statutory consultees.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

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

- 10.2 The general principle of making alterations to a property is assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. Highway safety issues will be considered against Policy T10 of the UDP. All these require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.

Visual amenity

- 10.3 The proposed extension would result in a significant addition to the host dwelling. No. 82 is a small property adjoined by a complicated arrangement to no. 84. The extension would remove a series of structures to the rear and simplify this arrangement with the erection of a single gabled extension matching the ridge height of the existing roof. From Heaton Road this would appear as a projection to the side of the property extending to a point some 500mm from the shared boundary with no. 80. This adjacent dwelling is set on rising land and there is 2m gap between its side wall and the shared boundary. This means there would be no potential for a terracing effect to occur.
- 10.4 The extension, whilst matching the ridge height of the main property, is set back from the front elevation and a considerable distance from the road. The amended plans have removed a large window and Juliet balcony from the first floor front elevation and an arched feature to the car port. The first floor window would now match the pattern of fenestration in the main house and the square opening of the car port has significantly lessened its prominence. The side and rear elevations are not visible from public viewpoints but notwithstanding this the general form and appearance are considered acceptable. Subject to the use of matching materials, (comprising coursed stone to the ground floor, render to the first floor and red coloured flat profiled tiles for the roof) it is considered that the proposal as amended has overcome the visual harm of the original scheme. The simplified design of the extension would now acceptably harmonise with the principal dwelling, no. 84 and the general pattern of development in the streetscene. Although matching the ridge height of the dwelling the significant set back of the front elevation and the fact that no. 80 next door is on higher ground further reduce the prominence of the mass. This would comply with Policies D2, BE1, BE2, BE13 and BE14 of the UDP and Chapter 7 of the NPPF. In combination and amongst other matters, these policies seek to secure development which is appropriate in townscape terms; the first requiring development to be of good quality design such that it contributes to a built environment which 'creates or retains a sense of local identity' and is 'visually attractive'.

Residential Amenity

- 10.5 The adjacent property at no. 80 Heaton Road would be affected by this proposal. The two-storey extension would be sited around 0.5m from the shared boundary with this property and within 2.5m of a window serving a single storey extension to this property. The window currently has an open

aspect to the south west, across no. 82, which would be lost. Rather this window would look towards the car port with the side wall of the bedroom above. Sunlight to the window would be lost from around midday to late afternoon/evening. Whilst this is a material consideration this is balanced against site observations where it appears this window is a secondary opening to the room it serves. The rear extension to no. 80 incorporates French windows to the rear elevation which would retain an open aspect to the rear garden of this property. This part of the dwelling projects beyond the rear elevation of the proposed extension. There are no other windows in the side elevation of no. 80, all other openings are to the front and rear elevations. Given this it is considered, on balance, that the extension would not have an unduly prejudicial impact on the amenities of no. 80 Heaton Road by reason of loss of light and outlook to this window.

- 10.6 The extension would project approximately 2m beyond the original rear elevation of no. 80 Heaton Road which would lead to an oblique loss of outlook and light to first floor windows. However given the limited projection, the separation between these windows and the extension (around 2.5m) and the fact that no. 80 is on rising land the impact is not considered undue.
- 10.7 Policy BE14 of the UDP sets out that, on closely spaced dwellings (such as semi-detached dwellings), extensions to the rear should not exceed 3.0m in overall projection. In this instance, the extension would extend 5.7m at the rear of No 82, but this does not extend beyond the rear elevation of No 84 and would not have a material impact on the amenities enjoyed by occupants of this property. Whilst it would project 2m beyond the rear elevation of no 80 the impact of this, as previously set out, is not considered undue.
- 10.8 In assessing the application it has been acknowledged that most planning approvals are likely to interfere to some extent, with adjoining/adjacent occupier's enjoyment of their property. However, the test is whether this is proportionate balancing the rights of the developer to develop and the rights of those affected by the development. In this instance it is considered that undertaking this balancing exercise the impact of the development would be acceptable. The proposal is deemed to comply with Policies BE14 and D2 of the UDP and core planning principles of the NPPF in regards to residential amenity.

Highway issues

- 10.9 In terms of highway safety the property currently benefits from off-street parking for 4 cars. The application is shown with a carport for the side extension which will retain the parking albeit restricting the width in part. However if the carport was unused there would still be sufficient parking for 2 cars to the front of the extension. The development complies with Policies D2 and T10 of the UDP.

Representations

10.10 The objections received insofar as they have not been addressed in the report above.

10.11 Member of staff related to the applicant, and given this would like to ensure that there is no involvement with this planning application.

Response: the Council's delegation agreement requires planning applications submitted by relatives of Investment and Regeneration staff to be reported to sub-committee for determination. The case officer is not related to the applicant and members will visit the application site as part of the sub-committee process.

10.12 The plans are unclear. They are at insufficient scale and clarity to clearly see the extent of the proposal. Would prefer to see them at a scale of 1:100 and for committee members to visit the site.

Response: the amended plans have been submitted at a scale of 1:100. Committee members will visit the site as part of the sub-committee process.

11.0 CONCLUSION

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations, in particular the impact on No 80 Heaton Road. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

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. Notwithstanding the details indicated on the application form the walling and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building. This shall comprise coursed natural stone to the ground floor, render to the first floor and red flat profiled tiles for the roof covering.

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92180>

Certificate of Ownership – Certificate B signed:

Notice served on:

Mr Mohamed Salim 84 Heaton Road Huddersfield HD1 4JB 28th June 2016
Mrs Shan Akhtar 84 Heaton Road Huddersfield HD1 4JB 28th June 2016



Originator: William Simcock

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 08-Dec-2016

Subject: Planning Application 2015/90582 Erection of 2 detached dwellings with integral garages and 2 detached garages to nos 18 and 20, and formation of turning head adj 18, & 20 Marsh Platt Lane, Honley, Huddersfield, HD9 6JZ

APPLICANT

F Eaton

DATE VALID

05-Aug-2015

TARGET DATE

30-Sep-2015

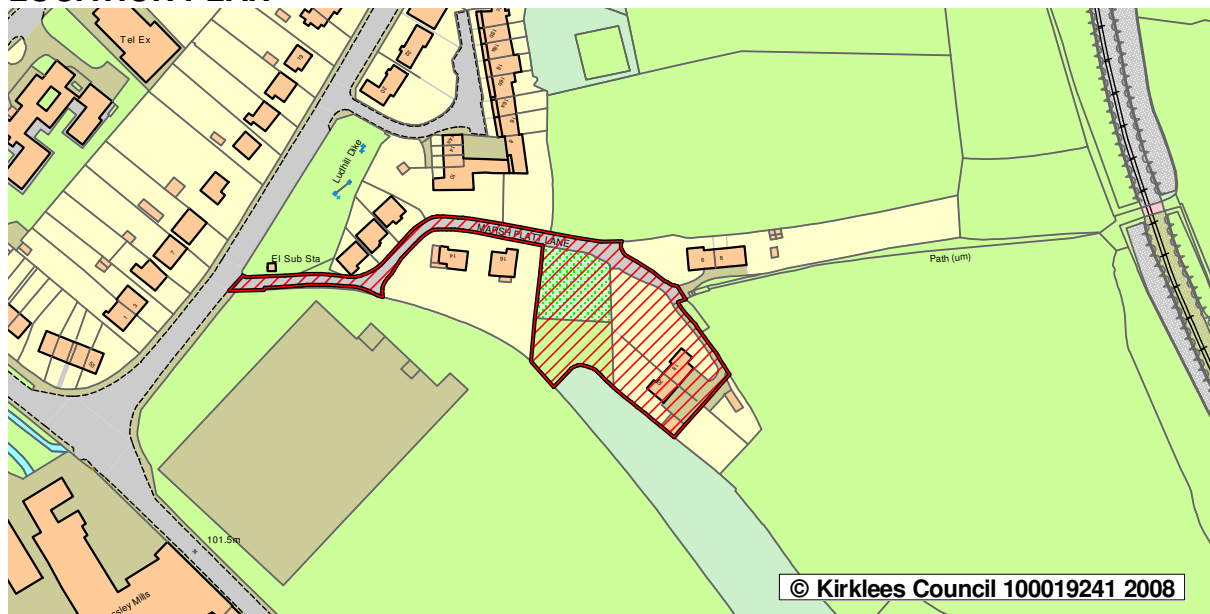
EXTENSION EXPIRY DATE

23-Oct-2016

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

Electoral Wards Affected: Holme Valley North**List** YESWard Members consulted
(referred to in report)

RECOMMENDATION: Grant conditional full planning permission subject to the delegation of authority to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee).

1.0 INTRODUCTION:

- 1.1 The application is brought to Sub-Committee at the request of Cllr Greaves for the following reason:

“I believe that a decision to relax policy in respect of highways arrangements ought to be decided by committee, having been presented with reasons for and against and having had the opportunity to see the lane for themselves”.

- 1.2 The Chair of Sub-Committee has confirmed that Cllr Greaves’ reason for making this request is valid having regard to the Councillors’ Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located on the southern side of Marsh Platt Lane, a metalled but unadopted road off Gynn Lane which is tarmacked for most of its length. It also forms the route of a public right of way. The site comprises: a pair of semi-detached dwellings (nos. 18 and 20 Marsh Platt Lane) with large gardens situated at the end of the lane; and immediately to the west of these, a small area of undeveloped land containing a number of mature trees, measuring approximately 30m from east to west and 45m north to south, and in which the land slopes down from north to south. Marsh Platt Lane, is within the site boundary. The setting is semi-rural, with open undeveloped land to the north, a sports ground to the south and a narrow belt of woodland to the south-east, and with mostly low-density residential development to the west. The closest property to the west is no. 16 Marsh Platt Lane which is a bungalow.

3.0 PROPOSAL:

3.1 The proposal is for:

- The erection of 2 detached dwellings on the land to the west of the existing dwellings;
- The erection of 2 detached garages to serve nos. 20 and 18;
- The formation of a turning head (for service vehicles) serving both the proposed and existing dwellings and other road users of Marsh Platt Lane.

3.2 The two new dwellings would be located near the top of the existing slope (i.e. near the northern end of the site) with finished floor level approximately 1m below existing ground level. Each dwelling would be 2 storeys in height and with 4 bedrooms. Both would have 2 external parking spaces in addition to the attached single garage and there would be a single visitor parking space to the front of the second dwelling.

3.3 The two new garages are to be established close to the existing dwellings and each is to measure 6.0m square in footprint and have a pitched roof. The narrow footpath leading to no. 20 is to be replaced with a driveway with a turning head to serve the new garage, and a new turning head is also to be formed to serve no. 18's garage.

3.4 Materials are described as "dyed and tumbled stone" and artificial blue slate. Foul drainage is to be via the mains, surface water drainage is to be by a soakaway.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2005/93224 for the erection of 3 detached dwellings off Marsh Platt Lane and 2004/93368 for the conversion of a barn to residential which both take access from Marsh Platt Lane. Both applications approved and implemented.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Amendments were requested in September 2015 consisting of an ecological survey, a tree survey and method statement. In December 2015, the case officer requested a number of clarifications and amendments regarding the highways safety aspects including increased dimensions for garages and parking spaces, demonstration that the turning head would be adequate, and clarification of the treatment of the public right of way, as well as sections.

5.2 The Tree and Ecological Surveys were submitted in July 2016 along with sections and amended plans and elevations which attempted to address the case officer's highway safety concerns. Further amendments were submitted in early November 2016, which changed the layout of one of the two dwellings so as to avoid an overbearing impact on no. 16 Marsh Platt Lane. Based on

the most recent submitted plans and surveys it is officers' recommendation that the scheme can be approved.

6.0 PLANNING POLICY:

6.1 The Council's Local Plan has been published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE12** – Space about buildings
- **NE9** – Trees on development sites
- **T10** – Highway safety
- **T19** – Parking standards
- **R13** – Public rights of way
- **EP11** – ecological landscape.

6.3 Supplementary Planning Guidance / Documents:

No supplementary planning guidance or documents are considered applicable here.

6.4 National Planning Guidance:

- Section 6 – Delivering a wide choice of high-quality homes
- Section 7 – Requiring good design
- Section 11 – Conserving and enhancing the natural environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by the posting of 1 site notice in the vicinity of the site, the mailing of 9 neighbourhood notification letters and an advertisement in the local press. This resulted in the submission of 4 letters of representation from 3 local residents: 4A, 14, 16 Marsh Platt Lane. The issues raised can be summarised as follows:

Highway safety concerns:

- Extra traffic will increase accident risk especially because of children walking to school, and cross-country runners. It would affect a public right of way and no impact assessment has been submitted.
- Marsh Platt Lane is substandard and already serves 6 dwellings, there are no passing places. The road forming Marsh Platt Lane is of single vehicle width, with blind bends, no passing places, no speed limit.
- The turning head may prevent service vehicles having to reverse but this has to be weighed against the estimated 21-28 vehicle movements per week that the development would be likely to generate.
- The extra traffic will also cause the surface of the lane to break up.
- The plans do not show swept path analysis for the turning head.
- Can it be guaranteed that the turning head can be retained and kept free at all times?

Residential amenity concerns:

- Oppressive and overbearing impact and loss of sunlight owing to the nearest new property being 4m higher than no. 16.

Other concerns:

- It will involve cutting down long-established trees, which will affect birds and other wildlife. The root systems of the two protected trees could be affected. The trees are valuable to amenity and their loss would be contrary to the aims of D2 and BE2(iv).
- There are houses on Marsh Platt Lane that have been on the market for a long time so it makes no sense to build any more.
- Increased water run-off with implications for drainage.
- Construction traffic would have difficulty gaining access.

7.2 Holme Valley Parish Council comments – Support the application subject to materials being in keeping, and Highways being satisfied regarding access. Members are concerned there would be too many properties off a narrow private drive.

7.3 Ward Councillor Greaves' comments – The track is quite narrow along its full length and is not wide enough for 2 cars for cross. There are no passing places unless you pull onto someone else's property on the lower section, so meeting oncoming traffic would be a problem. I would like this referred to Committee, with a site visit. Residents have engaged an agent to act on their behalf and they would like the opportunity to raise their concerns direct with the Planning Committee. I believe that a decision to relax policy in respect of highway arrangements ought to be decided by Committee, having been presented with reasons for and against and having had the opportunity to see the lane for themselves.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

There were no statutory consultees.

8.2 Non-statutory:

K.C. Ecology Officer – No objections subject to conditions.

K.C. Highways Development Management – No objections subject to conditions.

K.C. Public Rights of Way – Has significant concerns about the implications for users of the PROW. If consent is granted conditions must be imposed.

K.C. Arboricultural Officer – No objections subject to conditions

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Ecology Issues
- Other Matters
- Representations

10.0 APPRAISAL

10.1 Principle of development

10.2 The site has no specific allocation on the UDP Proposals Map Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. These considerations are addressed in the appraisal. Subject to these not being prejudiced the proposal is considered acceptable in principle in relation to policy D2.

10.3 In accordance with the NPPF, new houses will support growth and satisfy housing needs and thereby contribute to the building of a strong economy. There would be a social gain through the provision of new housing at a time of general shortage and the proposal and the scheme would result in highway improvements that would serve other properties along Marsh Platt Lane. The

surrounding area is predominantly low density residential and the site is located a short distance from Honley Local Centre and bus routes to Huddersfield Town Centre. It is therefore considered to be a sustainable location for development in principle in accordance with NPPF paragraph 14.

10.4 Urban Design issues

10.5 In the area surrounding the proposed development site there is no single dominant house type. Nos. 18-20 are two-storey semi-detached houses. The two nearest neighbouring properties to the west (14 and 16) are bungalows on medium-sized plots. Further down Marsh Platt Lane to the west there are three detached dwellings which are large in relation to the plot size and occupy most of the site frontage. The proposed dwellings would both be two-storey but would be set back a considerable distance from the site frontage – 10m in the case of Plot 1, 16m in the case of Plot 2. They would be sited near the top of the slope but there would be some lowering of existing ground levels, and the proposal would involve the retention of trees near the southern or lower end of the site which, with the presence of a belt of woodland just outside the site to the south-east, would ensure that its visual impact and prominence when viewed from the south (from New Mill Road or the playing fields) would be very slight.

10.6 In this context it is considered that the proposed dwellings and the new domestic garages to serve the existing dwellings, by reason of their scale, siting and relationship with the local topography, would not amount to overdevelopment and would respect the character of their surroundings. It is considered that all aspects of detailed design are visually appropriate. It would therefore accord with the aims of Policies BE1-2 subject to conditions samples of materials and a landscaping scheme to be submitted and approved before work on the superstructure of the dwellings commence, and a condition removing permitted development rights for extensions or new outbuildings in the interests of preventing overdevelopment of the site.

10.7 Residential Amenity

10.8 The dwelling on Plot 1 would be 2m from the boundary with the nearest established residential dwelling, no. 16, and 12m from the nearest facing wall of the dwelling itself. The new dwelling would be set higher than no. 16, with finished floor level being approximately 2m higher, but with the latest amended plans which show it “handed”, so that the part of the new dwelling in closest proximity to no. 16 would be the single-storey garage. No. 16 has windows in all four elevations, most of which are clear-glazed and are likely to be to habitable rooms. This includes one habitable room window in the east side elevation, but this gives light to a room that also has south-facing windows, which is its main source of light and main outlook. The two east-facing windows, one large and one smaller, have a limited outlook anyway because they face directly towards no. 16’s own garage and garden store. The dwelling also has rooflights in all four elevations but the main ones are in the west and south. It is considered that with the latest amendments to

design, the proposed dwelling on Plot 1 would not have an oppressive or overbearing impact.

10.9 No other existing dwellings are close enough to be significantly affected by the new dwellings or garages. All windows in the proposed dwellings would be compliant with the recommended minimum distances set out in Policy BE12. The only windows in the sides are minor non-habitable or secondary windows. It should be conditioned that these be obscurely glazed and that no further windows are formed in the side elevations at ground floor (above-ground floor windows are already limited by the General Permitted Development Order). In addition, a condition should require that screen fencing is erected along all side boundaries (as shown on the proposed sections) to protect the privacy of existing and future occupants. It should also be subject to a condition removing permitted development rights for extensions or new outbuildings, both in the interests of visual amenity as set out above, and preventing the possibility of overbearing impact.

10.10 In summary it is considered that, as conditioned, the development would not have an adverse impact on residential amenity and would comply with Policies D2, BE12 of the UDP and core planning principle of the NPPF.

10.11 Landscape issues

10.12 It is considered that whilst the development would result in the loss of a number of trees it would have no significant impact upon the wider landscape.

10.13 The two trees covered by a Tree Preservation Order (TPO) are within the curtilage of no. 18 and no. 20 and these are to remain. Several other, mostly smaller, mature trees towards the front of the new housing plots and near the centre of the site, are to be removed – these are not covered by a TPO and the Council's Arboricultural Officer has confirmed there are no objections to the scheme subject to conditions. This would include the submission of an arboricultural method statement to demonstrate that the scheme, in particular regarding the construction of the new vehicular access to no. 20 Marsh Platt Lane which is within the crown spread of a protected tree, could be implemented without harm to the protected trees.

10.14 Under Policy NE9 of the UDP, the retention of mature trees on development sites should be secured if possible. Given the large number of trees of the site it would not be possible to preserve them all, and priority is given to protecting trees that are under a TPO and which have a greater impact on public amenity. The loss of other soft landscape is considered to be outweighed by the provision of two new dwellings.

10.15 Housing issues

10.16 The Council is currently unable to demonstrate a 5-year supply of housing land. In these circumstances, in accordance with NPPF paragraph 49, "relevant policies for the supply of housing should not be considered up to

date". Consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14. The two new dwellings will make a small contribution towards meeting the housing supply which even though a small addition is still given weight in the assessment of this application and adds to the benefits of the scheme when considering the planning balance.

10.17 Highway issues

- 10.18 Marsh Platt Lane, which carries the route of a Public Footpath, Hol/23/10, is substandard in terms of its width and alignment, lacks footways or passing places, and has a bend a short distance west of the application site restricting vehicle-pedestrian intervisibility. The lane cannot be brought up to adoptable standards and is therefore weight must be afforded to whether it is suitable to serve additional residential development. It is noted that the lane already provides vehicular access for 10 no. dwellings including four that have been built, or converted, as a result of recent planning permissions – in particular 2005/93224 for the erection of 3 detached dwellings and 2004/93368 for the conversion of a barn to residential use taking access to Marsh Platt Lane.
- 10.19 The proposal, as amended, includes the formation of a turning head which could be used by all residents and visitors to Marsh Platt Lane and which would allow service vehicles to turn. It is considered on balance, taking into account the benefits of the creation of a shared turning head, that the erection of a further 2 dwellings in addition to the ten already taking access to Marsh Platt Lane would not materially add to highway safety problems or materially increase risks to users of the Public Right of Way. The Highways Officer has assessed the proposal, based on the most recent amended plans, as being acceptable subject to conditions requiring the turning head and private parking areas to be created and retained, a schedule of access for construction traffic and a survey of Marsh Platt Lane to ensure that any possible deterioration during construction is repaired.
- 10.20 The proposed single garages to serve the new dwellings are of standard dimensions as are the parking spaces, meaning that each new dwelling would have sufficient space to park three vehicles. This is in line with recommended requirements set out in the UDP Appendix 2. The proposed garages to serve the existing dwellings are substandard in their internal dimensions, being only 5.4m wide internally, but as they would not result in the loss of any existing garaging or parking arrangements this is not considered problematic.
- 10.21 The Public Rights of Way Officer has recommended a scheme for the protection of public footpath users during development works should be submitted to and approved in writing by the Council before development commences. This should be imposed as a condition.
- 10.22 In conclusion it is considered that this proposal accords with UDP policy T10 and R13 and is acceptable subject to conditions requiring all parking and turning arrangements to be provided before the dwellings are occupied and

thereafter retained, and other conditions as set out in paragraph 10.19 as recommended by the Highways Officer.

10.23 Drainage issues

10.24 It is proposed that the development would be drained by a soakaway. For a development of this scale the scheme for suitable surface water drainage would be dealt with under Building Regulations. This would require porosity tests being undertaken to demonstrate that soakaways are effective or for an alternative scheme of drainage to be secured.

10.25 Ecology Issues

10.26 It is noted that the development would result in the loss of a number of mature trees from the northern and middle part of the site. The Ecological Report concludes that the site supports a limited range of mostly low value habitats, the loss of which would be of minor significance, and that the proposed development can be carried out without significant ecological impacts. The Ecology Officer concurs with this view and has no objection to the proposal subject to four recommendations.

- a. The Badger survey recommended in the report is undertaken and, if a Badger sett is found, appropriate mitigation proposed.
- b. The inspection of the trees for bat roost potential is completed in full and, if features suitable for supporting bats are found, appropriate mitigation proposed.
- c. Any vegetation clearance is undertaken outside of the bird breeding season (March to August inclusive), or is preceded by a nesting bird check by an ecologist and any nests protected until such time that the young have fledged.
- d. The proposals include a bat box built into the fabric of each of the two new dwellings or attached to mature trees to be retained. This would ideally be sited along the southern elevation or close to the southern boundary.

It is recommended that the a., b., and d should be imposed as conditions and that c. be added as an advisory note. This would be in accordance with Chapter 11 of the NPPF and policy EP11 of the UDP.

10.27 Other Matters:

10.28 Air Quality:

10.29 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.

10.30 Representations

10.31 Concerns relating to visual and residential amenity and highway safety have been examined but are highlighted here together with other issues raised.

- Extra traffic will increase accident risk especially because of children walking to school, and cross-country runners. It would affect a public right of way and no assessment has been submitted.
- Marsh Platt Lane is substandard and already serves 6 dwellings, there are no passing places. The road forming Marsh Platt Lane is of single vehicle width, with blind bends, no passing places, no speed limit.
- The turning head may prevent service vehicles having to reverse but this has to be weighed against the estimated 21-28 vehicle movements per week that the development would be likely to generate.

Response: It is accepted that Marsh Platt Lane is below adoptable standards. It is noted however that there have been recent permissions for residential development along Marsh Platt Lane, including 2005/93224 for the erection of 3 detached dwellings and 2004/93368 for the conversion of a barn to residential use taking access to Marsh Platt Lane. It is considered that sufficient information has been submitted to allow the application to be determined; it is recommended however that a scheme for the protection of users of the Public Footpath should be submitted and approved. It is considered on balance that the erection of a further 2 dwellings in addition to the 10 already taking access to Marsh Platt Lane would not materially add to highway safety problems, especially once the benefits of the creation of a shared turning head are taken into account, subject to conditions.

10.32 The extra traffic will also cause the surface of the lane to break up.

Response: Given that 10 dwellings are already served by Marsh Platt Lane it is considered unlikely that a further 2 would have a significant impact on the road surface and as there is no objective evidence to suggest this is likely to occur, it would not form a defensible reason for refusal.

10.33 The plans do not show swept path analysis for the turning head.

Response: The Highways Officer has examined the turning head and has confirmed that it is suitable for its intended purpose.

10.34 Can it be guaranteed that the turning head can be retained and kept free at all times?

Response: The turning head is within the site boundary and on land owned by the applicant so a standard condition can be imposed requiring it to be retained and kept clear of all obstructions.

10.35 Residential amenity concerns:

-Oppressive and overbearing impact and loss of sunlight owing to the nearest new property being 4m higher than no. 16.

Response: The sections indicate that the proposed dwelling on Plot 1 would have 2m higher ground floor level and would be 3m higher at the ridge compared to the existing dwelling, no. 16. From observations on site, no. 16 appears to have its main outlook to the south. Furthermore the proposed new dwelling has been handed so that the single-storey garage would be the part closest to no. 16, and it would be compliant with minimum distances.

10.36 Other concerns:

- 10.37 It will involve cutting down long-established trees, which will affect birds and other wildlife. The root systems of the two protected trees could be affected. The trees are valuable to amenity and their loss would be contrary to the aims of D2 and BE2(iv).

Response: It is desirable to retain all mature trees within a development site where practicable. It is considered however that as the site is not under any protective designation and that the Ecological Report concluded that it was of minor importance to biodiversity, it would be impossible to defend a refusal on this basis especially as the Council is currently unable to demonstrate a 5-year housing supply and the benefits of new housing at a time of national shortage. The submission of an Arboricultural Method Statement should be imposed as a condition so as to ensure no damage to the protected trees' root systems occurs.

- 10.38 There are houses on Marsh Platt Lane that have been on the market for a long time so it makes no sense to build any more.

Response: A perceived lack of demand in the immediate local area does not amount to a reason for refusing an application especially since the Council is presently unable to demonstrate a 5-year housing land supply.

- 10.39 Increased water run-off with implications for drainage.

Response: The construction of new dwellings will normally lead to some increase in water run-off if they are to be served by mains drainage. In this instance, the intended method of drainage is by soakaway. Whether the developer is able to install soakaways depends on whether it can be demonstrated that they will work but this is covered by the Building Regulations and it is not standard practice, for developments of fewer than 5 units, to seek to control it through the planning system as well. It should however be conditioned that new parking spaces are either formed using permeable surfacing as stated on the application form, or made to drain to a soakaway, so as to minimise run-off.

- 10.40 Construction traffic would have difficulty gaining access.

Response: A condition can be imposed to require a scheme for access to the site for construction traffic and the parking of contractors' or employees' workers within the site to ensure that this does not affect the safety or convenience of highway users. A further condition can be imposed requiring a survey of the condition of the lane before and after development and requiring the developer to remedy any damage, in the unlikely event of any occurring during the construction period.

10.41 Holme Valley Parish Council comments – Support the application subject to materials being in keeping, and Highways being satisfied regarding access. Members are concerned there would be too many properties off a narrow private drive.

Response: Concerns relating to highway and access issues have been addressed previously in part 10.17 to 10.21 of the Assessment.

10.42 Ward Councillor Greaves' comments –The track is quite narrow along its full length and is not wide enough for 2 cars for cross. There are no passing places unless you pull onto someone else's property on the lower section, so meeting oncoming traffic would be a problem. I would like this referred to Committee, with a site visit. Residents have engaged an agent to act on their behalf and they would like the opportunity to raise their concerns direct with the Planning Committee. I believe that a decision to relax policy in respect of highway arrangements ought to be decided by Committee, having been presented with reasons for and against and having had the opportunity to see the lane for themselves.

Response: Highway safety issues have been addressed in the main report and Members will undertake a site visit before consideration of the application at sub-committee.

11.0 CONCLUSION

11.1 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.

11.2 The land is unallocated and the development is therefore appropriate in principle. Subject to suitable conditions as set out in detail earlier in the Assessment, it is considered that the development would constitute sustainable development and it is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Standard 3 year implementation deadline
2. Development in accordance with approved plans
3. Samples of facing and roofing materials to be inspected and approved
4. Finished floor and ground levels to be no higher than those shown on the approved drawings.
5. All side facing windows in the new dwellings to be obscurely glazed.
6. No additional windows to be formed in the side elevations of either new dwellings.
7. Timber fencing to be erected along the side boundaries as shown on the plans before first occupation.
8. Removal of permitted development rights for extensions or outbuildings.

9. All the parking and turning arrangements, for the new dwellings and the revised parking arrangements for existing dwellings, to be formed before either new dwelling first occupied and thereafter retained without obstruction.
10. Garages not to be converted to living accommodation.
11. Issues arising from the Ecology report related to badger and bat surveys and new bat boxes in new dwellings.
12. Provision of electric vehicle charging points.
13. A scheme for the protection of public path users during development works.
14. An Arboricultural Method Statement, in accordance with British BS 5837, to be submitted and approved, which shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots.
15. Details of any additional tree works required during the construction process, not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out.
16. Schedule of means of access to site for construction traffic including construction deliveries and the parking of construction workers' vehicles within the site.
17. Survey of the condition of Marsh Platt Lane before and after development, including a scheme to remedy any subsequent defects.

Background Papers:

Application file

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90582>

Certificate of Ownership – Notice D completed (where land ownership not known). Steps taken were to place a notice of the application in the Huddersfield Daily Examiner on 29th August 2015.