

# Public Document Pack



**Assistant Director, Governance and  
Monitoring**

**Julie Muscroft**

Governance and Democratic Services

Civic Centre 3

High Street

Huddersfield

HD1 2TG

**Tel:** 01484 221000

Please ask for: Richard Dunne

Email: richard.dunne@kirklees.gov.uk

Wednesday 11 January 2017

## 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 19 January 2017**.

(A coach will depart the Town Hall, at 10:00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber).

This meeting will be webcast live.

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

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

**Julie Muscroft**

**Assistant Director of Legal, Governance and Monitoring**

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

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

### **Member**

Councillor Terry Lyons (Chair)  
Councillor Donna Bellamy  
Councillor Jean Calvert  
Councillor Donald Firth  
Councillor 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**

F Fadia  
E Firth  
S Hall  
C Scott

#### **Liberal Democrat**

R Eastwood  
J Lawson  
A Marchington

## **Agenda**

### **Reports or Explanatory Notes Attached**

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#### **Pages**

#### **1: Membership of the Committee**

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

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**2: Minutes of previous meeting**

1 - 4

To approve the Minutes of the meeting of the Committee held on 8 December 2016.

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**3: Interests and Lobbying**

5 - 6

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.

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**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.

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**5: Public Question Time**

The Committee will hear any questions from the general public.

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## **6: 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.

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## **7: Site Visit - Application No: 2016/91688**

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

Estimated time of arrival at site: 10.15am

Contact Officer: Louise Bearcroft, Planning Services

### **Wards**

**Affected:** Ashbrow

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## **8: Site Visit - Application No: 2016/91479**

Outline application for erection of 22 dwellings at Hart Street, Newsome, Huddersfield

Estimated time of arrival at site: 10:45am

Contact Officer: Bill Topping, Planning Services

### **Wards**

**Affected:** Newsome

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**9: Site Visit - Application No: 2016/92983**

Listed Building Consent for erection of two storey side extension, replacement windows and external and internal alterations at Lydgate Parsonage, Holmfirth Road, New Mill, Holmfirth.

Estimated time of arrival at site: 11:10am

Contact Officer: Nick Hirst, Planning Services

**Wards**

**Affected:** Holme Valley South

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**10: Site Visit - Application No: 2016/93365**

Reserved matters application pursuant to outline planning permission 2014/91533 for erection of 30 dwellings at land off, St Mary's Avenue, Netherthong, Holmfirth.

Estimated time of arrival at site: 11:25am

Contact Officer: Adam Walker, Planning Services

**Wards**

**Affected:** Holme Valley South

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**11: Local Planning Authority Appeals**

7 - 26

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

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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 16 January 2017.

To pre-register, please contact richard.dunne@kirklees.gov.uk or phone Richard Dunne on 01484 221000 (Extension 74995)

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.

### **12: Planning Application - Application No: 2016/91688** 31 - 44

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

Contact Officer: Louise Bearcroft, Planning Services

**Wards**

**Affected:** Ashbrow

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### **13: Planning Application 2016/91479** 45 - 56

Outline application for erection of 22 dwellings at Hart Street, Newsome, Huddersfield.

Contact Officer: Bill Topping, Planning Services

**Wards**

**Affected:** Newsome

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### **14: Planning Application 2016/92983** 57 - 68

Listed building consent for erection of two storey side extension, replacement windows and external and internal alterations at Lydgate Parsonage, Holmfirth Road, New Mill, Huddersfield.

Contact Officer: Nick Hirst, Planning Services

**Wards**

**Affected:** Holme Valley South

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**15: Planning Application 2016/93365**

69 - 82

Reserved matters application pursuant to outline permission 2014/91533 for erection of 30 dwellings at land off, St Mary's Avenue, Netherthong, Holmfirth.

Contact Officer: Adam Walker, Planning Services

**Wards**

**Affected:** Holme Valley South

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**16: Planning Application 2016/93142**

83 - 92

Erection of single storey rear extension (listed building) at 994, New Hey Road, Outlane, Huddersfield.

Contact Officer: William Simcock, Planning Services

**Wards**

**Affected:** Colne Valley

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**Planning Update**

93 - 96

The update report on applications under consideration will be added to the web agenda prior to the meeting.

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Contact Officer: Richard Farnhill

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

**Thursday 8th December 2016**

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

Apologies: Councillor Manisha Roma Kaushik  
Councillor Ken Sims

In attendance:

Observers:

#### **1 Membership of the Committee**

Apologies for absence were received from Councillors Manisha Kaushik and Ken Sims.

#### **2 Minutes of previous meeting**

The minutes of the meeting held on 27 October 2016 were agreed as a correct record.

#### **3 Interests and Lobbying**

Donna Bellamy indicated that she was a member of the Holme Valley Parish Council though had no involvement in planning matters in relations to application number 2015/90582.

Councillor James Homewood indicated that he had been lobbied in respect to application number 2016/91688.

Councillor Jean Calvert indicated that she had been lobbied in respect of application number 2016/91688.

**4 Admission of the Public**

All items were considered in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Site Visit - Application No: 2016/92180**

Site visit undertaken.

**7 Site Visit - Application No: 2015/90582**

Site visit undertaken.

**8 Local Planning Authority Appeals**

The Sub-Committee considered a report setting out information on the outcomes from Local Planning Authority Appeals.

**RESOLVED** - that the report be noted.

**9 Planning Application 2016/91688**

Sub-Committee gave consideration to Application to 2016/91688 – outline application for erection of 9 dwellings on land off Upper Quarry Rd and Bradley Rd, Bradley, Huddersfield.

Under the provision of Council Procedure Rule 37 Sub-Committee received representations from Nick Willock (Agent on behalf of the Applicant).

**RESOLVED** – Consideration of the application be deferred for the undertaking of a site visit.

A recorded vote was taken in accordance with Council Procedure Rule 40 (5) as follows;-

For Councillors Calvert, Homewood, Khan, Sarwar, Sokhal, Ullah and Walker

Against Councillor Iredale

Abstained Councillors Bellamy, D Firth, Lyons and Wilkinson.

**10 Planning Application 2016/92180**

Erection of 2 storey extension to side and rear at 82, Heaton Rd, Paddock, Huddersfield.

**RESOLVED** – That approval be given to the granting of conditional full planning permission subject to the delegation authority to the Head of Development Management to complete a list of conditions, including conditions set out below;

1/ The development hereby permitted shall be begun within 3 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 maybe specified in the conditions attached to this permission, which shall in all cases take precedence

3/ Not with standing the details indicated on the application form the walling and roofing materials of the extension hereby be 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 profile tiles for the roof covering.

A recorded vote was taken in accordance procedure rule 42 (5) as follows

For Councillors Bellamy, Calvert, D Firth, Homewood, Iredale, Khan, Lyons, McGuin, Sarwar, Ullah, Walker and Wilkinson (unanimous).

**11 Planning Application 2015/90582**

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

Under the provision of Council Procedure Rule 37, the Committee received representations from Nick Willock (Objector) A Broadbent (Objector) and Jeremy Child (Applicants Agent).

**RESOLVED** – That the application be refused for reasons of highway safety as it is considered that the provision of a turning circle does not outweigh the issue of highway safety due to the lack of passing places.

A recorded vote was taken in accordance with Council Procedure Rule 42 (5) as follows;-

**Planning Sub-Committee (Huddersfield Area) - 8 December 2016**

For Councillors Bellamy, Calvert, D Firth, Lyons, McGuin, Ullah and Wilkinson (7 votes)

Against Councillors Homewood, Khan, Sarwar, Sokhal and Walker (5 votes)

Abstain Councillor Iredale (1 vote)

# KIRKLEES COUNCIL

## DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

**Name of Councillor**

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

**LOBBYING**

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

Signed: .....

Dated: .....

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

### Lobbying

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



**Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)**  
**Date: 19 JANUARY 2017**

**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 <a href="#">Council's Forward Plan</a> ?   | No   |
| Is it eligible for "call in" by <a href="#">Scrutiny</a> ?  | No   |
| Date signed off by <u>Director</u> & name   | 10 January 2017 Jacqui Gedman  |
| Is it signed off by the Director of Resources?  | No financial implications  |
| Is it signed off by the Acting Assistant Director - Legal & Governance?   | No legal implications  |
| Cabinet member <a href="#">portfolio</a>  | Economy, Skills, Transportation and Planning<br>(Councillor McBride) |

Electoral [wards](#) affected: Ashbrow; Colne Valley; Greenhead; Crosland Moor and Netherton;  
 Ward councillors consulted: No

**Public or private: Public**

1. **Purpose of report**  
For information
2. **Key points**
  - 2.1 2016/62/90624/W - Erection of detached dwelling adj 322, Cowcliffe Hill Road, Fixby, Huddersfield, HD2 2HN. (Officer) (Dismissed)
  - 2.2 2016/62/90959/W - Demolition of existing garage and erection of triple garage with storage above at Land Adj, 10 Meal Hill, Slaithwaite, Huddersfield, HD7 5UR. (Officer) (Dismissed)
  - 2.3 2016/HHPD/91872/W - The proposal is for erection of single storey rear extension. The extension projects 4.75m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.8m, the height of the eaves of the extension is 2.6m at 44, Syringa Street, Marsh, Huddersfield, HD1 4PD. (Officer) (Dismissed)

- 2.4 2016/62/92517/W - Erection of two storey and single storey rear extensions at 107, Thornton Lodge Road, Thornton Lodge, Huddersfield, HD1 3SB. (Officer) (Dismissed)
- 2.5 2016/62/92039/W - Erection of single storey front extension with balcony at 1, Cawthorne Avenue, Fartown, Huddersfield, HD2 2QJ. (Officer) (Allowed)
- 2.6 2016/62/91526/W - Change of use from residential (Class 3) to non-residential institution (Class D1) (Listed Building within a Conservation Area) at 156, Trinity Street, Huddersfield, HD1 4DX. (Officer) (Allowed)

**3. Implications for the Council  
Not applicable**

**4. Consultees and their opinions  
Not applicable**

**5. Next steps  
Not applicable**

**6. Officer recommendations and reasons  
To note**

**7. Cabinet portfolio holder recommendation  
Not applicable**

**8. Contact officer and relevant papers  
Simon Taylor – Head of Development Management**

**9. Director responsible  
Jacqui Gedman**



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## Appeal Decision

Site visit made on 25 October 2016

**by Beverley Wilders BA (Hons) PgDurb MRTPI**

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

**Decision date: 28 November 2016**

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**Appeal Ref: APP/Z4718/W/16/3156441**

**322 Cowcliffe Hill Road, Fixby, Huddersfield, West Yorkshire HD2 2HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Hall against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/62/90624/W, dated 22 February 2016, was refused by notice dated 19 April 2016.
  - The development proposed is a detached dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The appeal site comprises part of the side garden of 322 Cowcliffe Hill Road. No 322 is a large detached two storey dwelling set back from and fronting onto Cowcliffe Hill Road and set in a fairly spacious plot. This is consistent with the limited number of other dwellings located on this part of the road. The low density form of development together with mature landscaping and an absence of development on the opposite side of the road give the area a verdant and open character. By contrast Lightridge Road is more built up in character in the vicinity of the appeal site with dwellings located on both sides of the road.
4. The proposal would result in a significant reduction in the size of the plot of the existing dwelling at No 322. The footprint and width of the proposed dwelling would be large in comparison to the size and width of the appeal site and would be sited close to the side boundaries. Though I note that the Council raised no objections to the design of the proposed dwelling, the scale and height of the dwelling above ground level would serve to emphasise its large size relative to the plot. Consequently notwithstanding the set back from the road, the proposed dwelling would appear cramped and would be out of keeping with the spacious and verdant character of the surrounding area.
5. The appellant has made reference to the less spacious character of Lightridge Road, to the existing dwelling at 75 Lightridge Road and to a

consented dwelling between 71 and 75 Lightridge Road. At my site visit I saw the dwelling at No 75 and the character of development on Lightridge Road and I have been provided with copies of plans relating to No 75 and to the land between Nos 71 and 75. However as stated, the character of Lightridge Road is different to Cowcliffe Hill Road onto which the proposed dwelling would face. Whilst I am not aware of the details or particular circumstances relating to the other sites referred to, neither appears to me to be directly comparable to the proposal and I therefore give them limited weight. In any event, I must determine the proposal before me on its own merits.

6. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area. It is therefore contrary to policies D2 and BE1 of the Kirklees Unitary Development Plan and to relevant paragraphs of the National Planning Policy Framework (the Framework). These policies seek, amongst other things, to ensure that development does not prejudice visual amenity and that it contributes to a built environment which is visually attractive and creates or retains a sense of local identity.

### **Other Matters**

7. In reaching my decision I have had regard to the fact that the Council does not currently have a five year housing land supply. However irrespective of this, in terms of paragraph 49 of the Framework, the policies referred to by the Council are not relevant policies for the supply of housing, they deal with more detailed matters including the potential impacts of development. In any event, whilst I note that the appeal site is in a reasonably accessible location, I consider that the economic and social benefits of providing one dwelling is significantly and demonstrably outweighed by the harm that would result to the character and appearance of the area.

### **Conclusion**

8. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Beverley Wilders*

INSPECTOR

## Appeal Decision

Site visit made on 15 November 2016

**by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

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

**Decision date: 6<sup>th</sup> December 2016**

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**Appeal Ref: APP/Z4718/W/16/3156424**

**Land adjacent 10 Meal Hill, Slaithwaite, Huddersfield HD7 5UR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Atkinson against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/62/90959/W, dated 21 March 2016, was refused by notice dated 31 May 2016.
  - The development proposed is described as a replacement garage.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council changed the description of application Ref 2016/62/90959/W to 'demolition of existing garage and erection of triple garage with storage above'. This is a more accurate description of the proposed development which I have therefore used in the determination of this appeal.

### Main Issues

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

### Reasons

*Whether or not inappropriate development*

4. The appeal property is located within the designated Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt. One exception is the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces.

5. The existing single storey building is in use as a garage and store which the Council suggest occupies a footprint of approximately 58.5sq m, is approximately 3.1m high and provides floor space of approximately 47.2sq m. The proposed building would be two storey and would be used as a garage on the ground floor with a store/gym on the first floor. The Council suggest that the proposed building would have a footprint of approximately 67sq m, would be approximately 5.7m high and have a floor space of approximately 109.7sq m. I have no evidence to suggest that the Council's calculation of footprint and floor space may be incorrect.
6. Although the proposed building would be broadly in the same use as the existing, I consider that it would be substantially larger than the one it replaces. I accept the appellant's contention that the Framework does not provide any detailed guidance on the extent to which a new building would be deemed to be 'materially larger' than the one it replaces. However, in my view, a proposed building that would more than double the floor space and be substantially higher than the one it replaces would be considered as being 'materially larger' within the context of the guidance provided in paragraph 89 of the Framework.
7. As such, I find that the proposed development would amount to inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

#### *Openness*

8. A fundamental aim of Green Belts is to keep land permanently open. An essential characteristic is their permanence. The existing garage is located in close proximity to a cluster of dwellings on Meal Hill. The proposed development would increase the height of the garage and would slightly increase the extent of built footprint. However, given the proximity to, and extent of existing built development in the vicinity of the garage I consider that, overall, the proposed building would have a broadly neutral effect on the openness of the Green Belt.

#### *Other considerations*

9. The appellant's case is founded mainly on the assertion that the proposed development is not materially larger than the existing building and that openness would not be harmed. I accept that there would be no significant harm to openness. However, a fundamental objective of the Framework with regard to a replacement building in the Green Belt is to ensure that it is not disproportionately larger than the size of the original building. Given my findings above, the proposed development cannot be reasonably considered as being no materially larger than the size of the existing property. Consequently, I attach limited weight to this consideration.
10. I accept that the proposed building would be of a design that is in keeping with the cluster of properties in the vicinity. Owing to its position, design and use of constructional materials the proposed building would not detract from the character or appearance of the locality. I accept the appellant's view that the proposed building would represent an improvement on the appearance of the existing garage. This does weigh in favour of the scheme but, against the background of the size of the proposed building in relation to the existing, I do

not consider that this benefit constitutes a very special circumstance that would carry significant weight in the consideration of this appeal.

**Conclusion**

11. The appeal proposal would be inappropriate development that would be harmful to the Green Belt by definition. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
12. The Framework indicates that substantial weight should be given to harm to the Green Belt and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As explained above, I only give limited weight to the material considerations cited in support of the proposal and conclude that, taken together, they do not outweigh the substantial weight to be given to Green Belt harm sufficient to demonstrate very special circumstances. Although the Council has not referred to any policies within the development plan, the proposal is therefore contrary to the guidance provided in paragraph 89 of the Framework in being materially larger than the building it would replace.
13. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Stephen Normington*

INSPECTOR

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## Appeal Decision

Site visit made on 5 December 2016

**by Anne Jordan BA (Hons) MRTPI**

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

**Decision date: 12<sup>th</sup> December 2016**

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**Appeal Ref: APP/Z4718/D/16/3156318**  
**44 Syringa Street, Huddersfield, HD1 4PD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Imran Khalid against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/91872, dated 7 June 2016, was refused by notice dated 14 July 2016.
  - The development proposed is a single storey pitched roof extension to rear projecting 4.750 beyond main house wall and 3.250 beyond projecting wall. Existing conservatory to be demolished.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The application is made for prior approval for a single storey rear extension. The Council consider that the proposal falls outside the scope of development permitted by Class A. The main issue is therefore whether the proposal is permitted development by virtue of satisfying the conditions, limitations and restrictions set out in Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### Reasons

3. The appeal property is a semi-detached dwelling with a relatively large rear garden. In common with other similar properties in the street it has a small outrigger at the rear which is constructed in the same brick as the side elevation. Historic maps provided by the Council confirm that this element of the building forms part of the original dwellinghouse.
4. The permitted development regulations state that where a proposal for an extension projects forward of the side elevation of the original property, permitted development rights will not apply if the proposal has a width greater than half the width of the original dwelling house. The *Permitted Development for Householders Technical Guidance* (2016) defines a side elevation as "A wall forming a side elevation of a house will be any wall that cannot be identified as a front wall or a rear wall". Therefore notwithstanding the limited extent of the

side wall which makes up the rear outrigger, it constitutes a side wall for the purposes of the regulations.

5. The proposal would span the width of the property. It therefore follows that it would have a width greater than half the width of the original dwelling house. As a result I must conclude that the proposal fails to meet the conditions laid out in Paragraph A1 (j) of Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Accordingly, they would not be permitted development under Class A.
6. I take into account the appellant's need for additional accommodation for his family and I have some sympathy for him in this regard. I also take into account that the aim of the legislation is to provide householders with the opportunity of extending their properties without needing to apply for formal planning permission. However, in this case, as it is clear from the technical guidance that the proposal would fail to comply with limitations set out in the legislation, I do not consider that I have any discretion to conclude otherwise. I am also mindful that although the proposal does not meet the requirements of permitted development, this does not alter the Council's ambit to determine a planning application for the same proposal on its own merits.
7. Therefore, for the reasons given above, I conclude the appeal should be dismissed.

*Anne Jordan*

INSPECTOR

## Appeal Decision

Site visit made on 29 November 2016

**by Michael Moffoot DipTP MRTPI DipMgt MCMI**

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

**Decision date: 13<sup>th</sup> December 2016**

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**Appeal Ref: APP/Z4718/D/16/3161063**

**107 Thornton Lodge Road, Thornton Lodge, Huddersfield HD1 3SB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Mussarat Begum against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref. 2016/62/92517/W, dated 22 July 2016, was refused by notice dated 23 September 2016.
  - The development proposed is a first floor rear extension.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The refused drawings show a two-storey rear extension to the appeal property providing a ground floor kitchen/diner and a first floor bedroom. There is no dispute between the parties as to the acceptability of the single-storey element of the scheme, which the Council advises is 'permitted development'. I am satisfied that this aspect of the proposal would cause no material harm and would not conflict with any development plan policies I have been referred to. I shall therefore confine my detailed considerations to the proposed first floor rear extension.

### Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular reference to outlook and daylight and sunlight.

### Reasons

4. The appeal site comprises a two-storey mid-terrace dwelling of stone construction under a slate roof. The proposed extension would adjoin an obscure glazed first floor bathroom window serving No 105. The window immediately abuts a large two-storey extension to the host property which no doubt reduces the amount of daylight and sunlight reaching the bathroom. The proposed extension would result in built development to each side of the window opening and would further diminish light to the room. Although the neighbour has not objected and it is not a habitable room where occupants are likely to spend a great deal of time, the reduction in daylight and sunlight would unacceptably harm their living conditions.



5. The adjoining dwelling to the south (No 109) has windows to habitable rooms on the rear elevation. However, it is set back from the appeal property and the new extension would be set in from the common boundary by some distance. As a result, the outlook from these windows would not be materially compromised and the daylight and sunlight reaching the rooms would not be significantly diminished. The extension would, however, increase the sense of enclosure for users of the amenity space to the rear of No 109 and reduce daylight and sunlight levels to this area, to the detriment of the occupiers' living conditions.
6. No 6 Yews Hill Road is situated at right angles to the terrace, so that the ground and first floor windows in the property face the appeal site at relatively close quarters. The proposed extension would dominate the outlook from these openings and create an oppressive living environment for the occupiers. Daylight and sunlight levels reaching these windows would also be reduced, but not to the degree that the occupiers' living conditions would be appreciably harmed.
7. In coming to these findings, I have taken into account a number of other two-storey extensions to the rear of properties in the vicinity of the appeal site drawn to my attention. However, in each case the relationship of the extension to adjoining dwellings differs to that of the appeal proposal and nearby properties, and comparison is not therefore relevant. I also acknowledge that the proposal would meet the family's requirement for additional bedspace, but this should not be at the expense of the neighbours' living conditions.
8. For these reasons, I conclude that the proposed extension would materially harm the living conditions of the occupiers of nearby properties. It would therefore conflict with saved policy D2 of the *Kirklees Unitary Development Plan* (2007) which, amongst other things, seeks to ensure that proposals do not prejudice residential amenity.
9. Accordingly, I conclude that the proposal is unacceptable and the appeal should fail.

*Michael Moffoot*

Inspector

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## Appeal Decision

Site visit made on 19 December 2016

**by Nigel Harrison BA (Hons) MRTPI**

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

Decision date: 21<sup>st</sup> December 2016

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**Appeal Ref: APP/Z4718/D/16/3159742**

**1 Cawthorne Avenue, Fartown, Huddersfield, HD2 2QJ**

- 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 M Javid against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref: 2016/62/92039/W dated 8 June 2016, was refused by notice dated 15 August 2016.
  - The development proposed is a single-storey front extension with additional balcony.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a single-storey front extension with additional balcony at: 1 Cawthorne Avenue, Fartown, Huddersfield, HD2 2QJ in accordance with the terms of the application, Ref: 2016/62/92039/W dated 8 June 2016, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at 1:1250 scale, and Plan dated 18 August 2014 at 1:50 and 1:100 scale (as amended on 16 June 2016 showing balcony to front increased in size).

### Background and Main Issue

2. Planning permission has already been granted for a single-storey front extension (projecting forwards by 1.6m), a hipped roof to the garage, a front-facing dormer window, and the facing of the front elevation in natural stone<sup>1</sup>. In this approved scheme the front extension is shown with a lean-to roof extending the full width of the frontage. In place of the lean-to roof, the revised proposal before me shows a flat roof across the frontage forming a balcony, with a 1.1m high stone balustrade to the balcony front and side returns. The other elements of the approved scheme (dormer window, garage roof, stone cladding) remain unchanged.
3. The Council has raised no objections to the garage roof, dormer window, and stone cladding, or to the *principle* of a front extension. Given the separation distances, it has also raised no objections to the effect of the proposal on the living conditions of the occupiers of neighbouring properties. Based on my own observations I find no reason to disagree, and consider the one main issue in this case is the effect of the proposed front extension/balcony on the character and appearance of the host dwelling and surrounding area.

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<sup>1</sup> 2014/92730

## Reasons

4. The appeal concerns a detached property in an elevated position at the junction of Richmond Avenue and Cawthorne Avenue on a corner plot. The property fronts Cawthorne Avenue which mainly comprises rendered semi-detached houses following a fairly uniform building line, although there is a hipped roof detached bungalow immediately to the south facing the side elevation. More traditional and older terraced houses are found on Richmond Avenue. The area generally has a spacious open appearance. However, to my mind, due the many and varied house types and styles it exhibits no strong prevailing character or especially local distinctiveness.
5. The *National Planning Policy Framework* requires local planning authorities to encourage high quality design. However, it also says policies and decisions should not attempt to impose architectural styles or particular tastes, should avoid unnecessary prescription of detail, and should concentrate on guiding the development in relation to neighbouring buildings and the area generally. Amongst other considerations, saved Policy BE1 of the *Kirklees Unitary Development Plan* (UDP) requires all development to (i) create or retain a sense of identity in terms of design, scale, layout and materials, and (ii) respect the local topography. Policy BE2 has similar aims, and says (i) new development should be in keeping with its surroundings. Policy BE13 specifically concerns extensions, and says these should respect the design features of the existing house and adjacent buildings. Policy BE14 says, amongst other considerations, that extensions will normally be permitted unless they would have a detrimental effect on visual amenity.
6. The proposed development was near completion at the time of my site visit with only the stone balustrade to the balcony and garage roof remaining to be completed. The Council says the revised arrangement would introduce a large, prominent balcony feature on the front elevation in a dominant position which would lead to the property appearing over-dominant and incongruous in the street scene. It adds that such features are not evident in the surrounding area, and as such would not reflect local distinctiveness.
7. However, in the context of the surrounding area I consider it would not significantly undermine the architectural integrity of the host dwelling and would respect the character of the area to which it relates. Although balcony features are not in evidence in the locality, I do not consider the incorporation of a balcony into the design is particularly harmful or sufficient reason to make the scheme unacceptable. Indeed, the approved scheme featured a recessed balcony to the centre part of the front elevation. Furthermore, the proposal to clad the front elevation in natural stone (which has already been carried out), is more in keeping with the local vernacular and the distinctiveness of the area generally. Compared with the approved scheme, I do not consider that the substitution of a balustraded balcony for a lean-to roof would make the proposal appear more dominant or incongruous in the street scene to any materially harmful extent.
8. Overall, I conclude that the proposed development would harmonise with the design of the host dwelling and respect the character and appearance of the surrounding area. As such, I find no conflict with saved UDP Policies BE1, BE2, BE13 and BE14.

9. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*. As the development is substantially complete, a time condition relating to the commencement of development is not necessary. The suggested condition requiring matching materials is not needed as these are clearly shown on the submitted plans. However, a condition to secure compliance with the submitted plans is needed for the avoidance of doubt and in the interests of proper planning.
10. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Nigel Harrison*

INSPECTOR

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## Appeal Decision

Site visit made on 19 December 2016

**by Nigel Harrison BA (Hons) MRTPI**

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

**Decision date: 23 December 2016**

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**Appeal Ref: APP/Z4718/W/16/3158454**  
**156 Trinity Street, Huddersfield. HD1 4DX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Halina Bujak against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref: 2016/62/91526/W dated 18 May 2016 was refused by notice dated 15 July 2016.
  - The development proposed is change of use from residential (Class C3) to a non-residential institution (Class D1)
- 

### Decision

1. The appeal is allowed and planning permission is granted for change of use from residential (Class C3) to a non-residential institution (Class D1) at 156 Trinity Street, Huddersfield. HD1 4DX in accordance with the terms of the application, Ref: 2016/62/91526/W dated 18 May 2016, subject to the conditions set out in the Schedule attached to this decision.

### Procedural Matter

2. I have taken the description of the proposed development from the Council's decision notice. Although it differs from that stated on the application form, I consider it more accurately describes the proposal.

### Main Issues

3. I consider there are two main issues in this case. Firstly, the effect of the proposal on the special architectural and historic interest of the Grade II listed building and the character and appearance of the Greenhead Park Conservation Area; and secondly, whether the proposal would result in increased pressure for parking on the surrounding streets, and if so whether it would be harmful to highway safety.

### Reasons

4. The application relates to a Grade II listed building on a corner plot at the junction of Trinity Street and Vernon Avenue within the Greenhead Park Conservation Area. The building has been used variously as a hotel and social club and appears to have been last used for residential purposes.
5. The application describes the proposal as an education study centre. Supporting information states that the intended use would provide GCSE and 'A' level revision courses, pre-university study skills, English language courses,

IT support for senior citizens and a variety of other courses that would benefit the local community. It is indicated that there would be 3 full-time and 8 part-time staff, and that the opening times would be 10.00 Monday to Saturday and 10.00-16.00 on Sundays. The appellant states that at this stage, it is not envisaged that any alterations will be made to the building.

*Listed Building/Conservation Area Issue*

6. Sections 16 and 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* state the need to have special regard to the desirability of preserving listed buildings and any features of special architectural or historic interest they possess. Section 72 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Moreover, paragraph 132 of the *National Planning Policy Framework* (the Framework) says great weight should be given to the conservation of a heritage asset (including listed buildings and conservation areas), and any harm to their significance should require clear and convincing justification. Paragraph 128 places the onus on applicants to describe the significance of any heritage assets affected.
7. Saved Policy BE5 of the *Kirklees Unitary Development Plan* (UDP) says proposals for development in conservation areas, including changes of use, should respect the architectural qualities of surrounding buildings and contribute to the preservation or enhancement of the character or appearance of the area. I have not been referred to any UDP policies in relation to listed buildings.
8. The appellant has not attempted to describe the significance of the building or evaluate the impact of any proposed works on its significance. Nor has a companion listed building consent application been made as would normally be the case, as the appellant says this would follow if planning permission was granted for the change of use. What is evident is that the building is currently disused, and has been for many years, and by 2016 had fallen into a state of disrepair. In April 2016 the Council served an Emergency Prohibition Order under Section 43 of the *Housing Act 2004* stating that hazards exist at the property and, in effect, preventing all uses other than storage.
9. However, the Council has raised no objections to the proposal in terms of its effect on the significance of the listed building and the character and appearance of the conservation, and in the circumstances I find no reason to disagree. The proposal would bring about a viable use for a building which is clearly in need of repair and refurbishment, and would help secure its future. No external or internal alterations are proposed and I note the intention to restore as many original features as possible, and to use the rooms as they exist for teaching purposes and for an office.
10. Taking all these matters together, I consider that the proposal would preserve the special architectural and historic interest of this listed building. For the same reasons I consider that the character and appearance of this part of the Greenhead Park Conservation Area would be preserved, causing no harm to the significance of any of these heritage assets. As such, I find no conflict with UDP Policy BE5 and National planning policy in the Framework.

*Parking/Highway Safety Issue*

11. The Council's sole reason for refusal relates to highway safety, and its main concern (and that of many neighbours) relates to the intensification of use of the site in the context of added pressures for on-street parking. The application form indicates that 2 No off-street parking spaces would be provided, although subsequent information from the appellant indicates that 4 No spaces could be provided at the rear of the site (including one 'disabled' space). Although no layout plan has been submitted to demonstrate this I am satisfied from my site visit that 4 No spaces could be accommodated in this area.
12. The road junction adjacent to the site has standard waiting restrictions around it and a residents' parking permit scheme is in effect on Vernon Avenue and Trinity Street. There is some unrestricted parking a short distance from the site on Park Drive adjacent to Greenhead Park, although parking along here is often heavily subscribed during the day time. This was evident from my site visit. As such, the Council considers that the level of off-street parking proposed would be wholly inadequate to cater for staff and students, as well as from people dropping off and collecting students.
13. It considers the proposal would worsen levels of parking stress in an area where the majority of free spaces are taken up early in the day by town centre workers, together with parking demands from local residents (many of the large houses are subdivided into flats and student lets), the nearby driving test centre, and from events held at the Caribbean Club and Greenhead Park. It is also concerned that increased parking in and around the busy junction would have a harmful impact on highway safety and traffic management. These views are echoed in the responses received from a number of local residents.
14. Saved UDP Policy T10 says new development will not normally be permitted if it will create or materially add to highway safety problems, or cannot be adequately served by the existing highway network or public transport. Policy T11 says the provision of off-street parking will be required in accordance with the Council's standards as set out in UDP Appendix 2.
15. Based on these standards the Council indicates that 15 No parking spaces should be provided, although has not attempted to quantify this figure. However, Appendix 2 confirms that these are maximum standards, with lower levels of provision being appropriate where the proposed use can still operate effectively or where the developer wishes to provide fewer spaces, unless there would be significant adverse consequences for road safety or traffic management. With similar aims, paragraph 39 of the Framework says that when setting local parking standards, local planning authorities should take into account the accessibility and type of the development, and the availability of and opportunities for public transport.
16. In this case the site is well served by public transport and is on the edge of the town centre where several public car parks are available. Furthermore, given the nature of the proposed use, I accept that many of the primary users of the study centre (students) are unlikely to be car users. The building has been used in the past for various commercial purposes, and it appears to me that almost any future use (other than a single private dwelling) is likely to generate some additional activity and demand for car parking. In any event, an important material consideration is the fact that the building is listed, vacant and in need of an occupier to help secure its restoration and future. In my view

this factor weighs heavily in favour of the proposal, as does the Framework's support for sustainable economic growth and the provision of new jobs.

17. Overall, and based on the nature of the use and the accessible location, I consider the additional demand for parking is likely to be modest and capable of being absorbed into the surrounding streets where some spare capacity exists. Paragraph 32 of the Framework says development should only be prevented on transport grounds where the cumulative impacts would be severe. In this case I consider the impact would not be severe, and conclude on this issue that the proposal would not lead to a significantly increased demand for parking in the surrounding area or materially harm highway safety. As such, I find no conflict with UDP Policies T10 and T11 and the Framework.

#### *Conditions*

18. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*. In addition to the standard time condition for the commencement of development, a condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. As potential uses of the building within Use Class D1 could be wide-ranging, I agree with the Council that a condition is needed to restrict the use specifically to an education study centre. This would allow the Council a degree of control over other potential uses in the interests of highway safety and residential amenity. For the avoidance of doubt I have also imposed a further condition which requires the submission and approval of details of the proposed parking area, before the development is brought into use.

#### *Conclusion*

19. I have taken account of the individual letters of objection from local residents and the Trinity and Greenhead Residents Association. These relate to the problems arising from parking pressures in the area, the impact on living conditions arising from the proposed opening hours, and a preference for residential use. Taken together, these demonstrate a considerable level of local feeling. Nonetheless, whilst I note these and other concerns, for the reasons given above none is sufficient to alter the considerations that have led to my conclusion.
20. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Nigel Harrison*

INSPECTOR



### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Lower Ground Floor Plan; Proposed Ground Floor Plan, Proposed First Floor Plan; Proposed Attic Plan, all at 1:100 scale.
- 3) The premises shall be used for an education study centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the *Town and Country Planning (Use Classes) Order 1987* (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The building shall not be occupied until the area proposed for car parking at the rear of the building has been surfaced, marked out, and lit in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 5) The use hereby permitted shall only take place between the following hours:  
1000 – 1800 Mondays - Saturdays  
1000 -1600 Sundays.

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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 27<sup>th</sup> March 2012, the Planning Practice Guidance Suite (PPGS) launched 6<sup>th</sup> 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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Originator: Louise Bearcroft

Tel: 01484 221000

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## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Jan-2017

**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

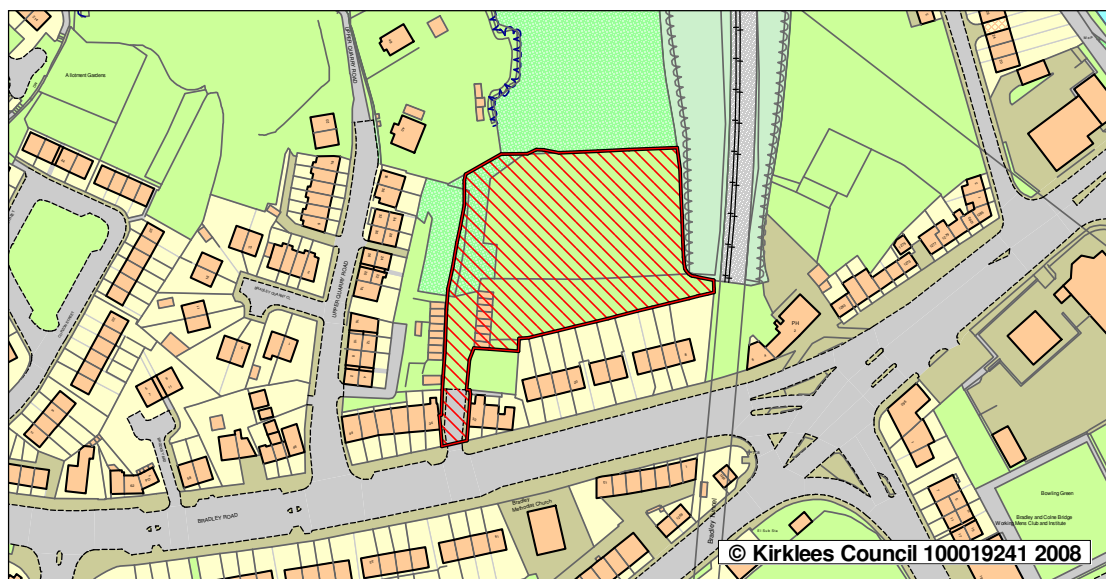
24-Jan-2017

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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

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**Electoral Wards Affected: Ashbrow**

No

Ward Members consulted

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**RECOMMENDATION: Grant conditional outline 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) and issue the decision.**

## **1.0 INTRODUCTION:**

- 1.1 The application seeks outline planning permission for the erection of nine dwellings on land which is part without notation and part 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. It was deferred from the 8 December 2016 committee meeting for a site visit.

## **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 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 (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 part without notation and partly 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 but it is considered there is sufficient space on site to accommodate 9 dwellings with associated, access and landscaping and amenity areas.

#### 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, this are précised 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 well as the amenity concerns over the comings and goings from the use of this access. Taking both these issues into account it is considered that the quantum of development that can be accommodated from the proposed access is no more than 10 dwellings. A condition to this effect is recommended.
- 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.

#### Other Matters

- 10.30 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.
- 10.31 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.

- 10.32 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.
- 10.33 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.
- 10.34 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 The Council cannot currently demonstrate a requirement of deliverable housing land supply sufficient for 5 years. 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"*. The proposal is considered to present a sustainable form of development. There are no other material considerations that outweigh this finding.

**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. Scheme for the low emission charging points
14. Biodiversity Plan
15. A scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second.
16. Conditions to secure a scheme relating to drainage, method statement and lighting as requested by Network Rail.
17. No more than 10 dwellings shall be served off the access as shown on the approved plans.

**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: Bill Topping

Tel: 01484 221000

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## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Jan-2017

Subject: Planning Application 2016/91479 Outline application for erection of 22 dwellings Hart Street, Newsome, Huddersfield, HD4 6LS

#### APPLICANT

Martin Devey FRICS,  
Benjamin Bentley &  
Partners

#### DATE VALID

02-Jun-2016

#### TARGET DATE

01-Sep-2016

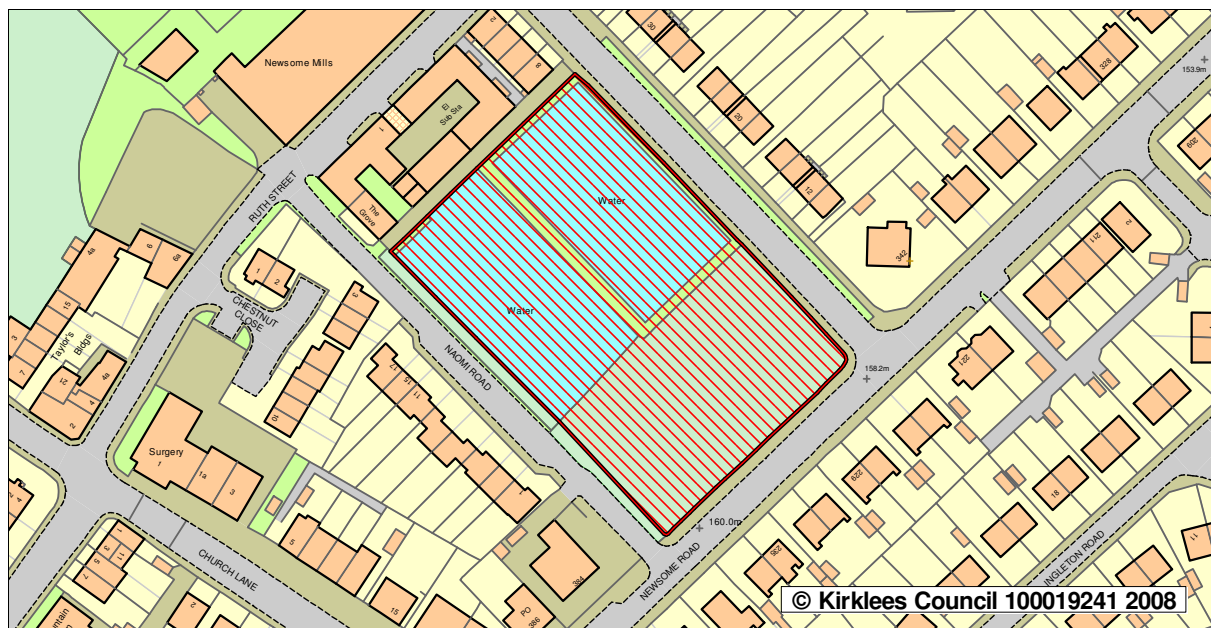
#### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected: NEWSOME.**

Yes

Ward Members consulted

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**RECOMMENDATION: REFUSE**

**1. The proposal would result in the loss of an area of open space and a habitat of principle importance that would detract from the character of the local area, contrary to Policies D1, D2 parts vii, and viii, NE6 of the Kirklees Unitary Development Plan, and the guidance contained in part 11 of the National Planning Policy Framework” Conserving and enhancing the natural environment”.**

**1.0 INTRODUCTION:**

1.1 The application is brought forward to Sub Committee as the site area exceeds 0.5 ha and given the extent of representations received.

**2.0 SITE AND SURROUNDINGS:**

2.1 The site comprises an area of 0.62 ha. It is a rectangular in shape and flanked on 3 sides by roads (i.e. Newsome Road, Hart Street and Naomi Road). To the NW, between the site and Ruth Street is a mix of housing and business units. The site of Newsome Mills, a grade 2 listed building fronts onto Ruth Street.

2.2 The application site contains 2 reservoirs to the NW that originally served Newsome Mills with a smaller area of land that is now largely overgrown fronting onto Newsome Road (this area of land was previously used as allotments).

2.3 Within the site running adjacent to Naomi Road are a number of mature trees that are protected by a Tree Preservation Order.

### **3.0 PROPOSAL:**

- 3.1 The application seeks outline permission for housing, with all matters reserved. An illustrative layout is provided which shows a series of blocks on the site totalling 22 units.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2008/92072 – Full application for 28 no dwellings with associated roads, parking, garaging, sewers and creation of new public open space.  
Refused for 3 reasons:
- the scheme failed to adequately address the impact of development on protected species;
  - part of the site is greenfield, therefore proposal contrary to PPS3 housing; and
  - insufficient garaging, parking provision and road design
- 4.2 Subsequent appeal dismissed. The Inspector, considered that the appeal proposal would result in the loss of a substantial area of undeveloped land to the detriment of the character and appearance of the area and that the provision of new housing did not outweigh this. (Note – at the time the decision was made the Council was able to demonstrate that it could deliver an appropriate level of housing. As such the context for the decision is different and the Inspector’s comment relates only to the former allotments area).The Inspector did not agree with the 2 other reasons for refusal.

### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Additional information in respect of Heritage and Biodiversity has been requested. This has been received and re-advertised.
- 5.2 Potential amendments to the scheme, including the possibility of developing the green field part of the site whilst retaining the ponds has been discussed. The applicant has chosen not to progress this.
- 5.3. Following the fire at Newsome Mill, consideration of this application was deferred. The potential to consider the comprehensive redevelopment of the Mill and this site has been raised. However, this site is in separate ownership and whilst the impact that any development may have upon the area and upon surrounding properties, including the former Mill, is a material consideration, it is not considered reasonable to defer consideration of this application indefinitely. The applicant cannot be required to include land in his ownership with that of the Mill to bring forward a comprehensive scheme.

## 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). 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 2007) remains the statutory Development Plan for Kirklees.

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

D1 – Development leading to the loss of valuable open land within towns or open countryside will not normally be permitted

D2 – Unallocated land

BE1 – Design principles

BE2 – Quality of design

BE23 – Crime prevention

T10 – Highway safety

T19 – Parking standards

H10 – Affordable housing

H18 – Provision of open space

G6 – Land contamination

R9 – Allotments

NE6 – proposals to develop a site containing water area

NE9 – Retention of mature trees

### 6.3 National Planning Guidance (NPPF):

Part 4: Promoting sustainable transport

Part 6: Delivering a wide choice of high quality houses

Part 7: Requiring good design

Part 8: Promoting healthy communities

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

Part 11: Conserving and enhancing the natural environment

Part 12: Conserving and enhancing the historic environment

### 6.4 Supplementary Planning Guidance / Documents:

Supplementary Planning Document 2 'Affordable Housing'



## 7.0 PUBLIC/LOCAL RESPONSE:

- 7.1. The application has been publicised by site notices, press notice and neighbour letters. Additional information received (an updated ecology report, and heritage statement) has also been advertised by neighbour notification letter site notices.

To date there have been 93 letters of objection, the main points of concern being:

1. The proposal will have an adverse effect on residential amenity, particularly on properties on Hart Street.
2. There are severe on street parking difficulties in the area already, these will be made worse by an additional 22 dwellings.
3. The site represents an important green area in the centre of Newsome Village that is an otherwise densely built up area.
4. The ponds are an important feature in the village and a valuable wildlife habitat to many types of birds and pond life. Their loss would have an adverse effect on the wildlife and biodiversity in the area.
5. The local infrastructure ie school and doctors surgeries are already overstretched.
6. The scheme shown would have a detrimental effect on the TPO'd trees along the boundary of the site.
7. Similar plans have already been turned down in 2008/9.
8. The loss of the ponds would be irreversible, and damage the character of the area and the setting of the Newsome Mills listed building.
9. The ponds are an important part of the surrounding surface water drainage system and their loss/ filling in could have significant implications for the surface water drainage of the area.

Newsome Grapevine: Research in the Community indicates that the land is valued and has high amenity value particularly for those who live nearby, in what is an otherwise densely populated area. The land is part of the historic Newsome Mills site and its redevelopment would have a large impact on the Mill and its setting/character

Growing Newsome: Support the campaign against this development and believe the ponds and the former allotments should be retained for community benefit, including the provision of allotments and the growing of food. There is a waiting list for people requiring allotments in this area.

They comment that in dismissing the last appeal on this site the Inspector stated that *"The openness of this previously undeveloped part of the site provides valuable visual relief in what is otherwise a fairly densely developed urban area. The loss of previously undeveloped land resulting from the proposal would have an unacceptable impact on the character and appearance of the area."*

Huddersfield Civic Society: Object to this application believing it should be refused as the removal of the ponds is tantamount to demolition of a listed structure, in contravention of the Planning Act 1990 and the guidance contained in NPPF paragraphs 131-133.

4 letters have been received supporting the application, on the following grounds:

1. The site is overgrown and unkempt and is an eyesore in the centre of the village.
2. There is a need for need for new housing and building on sites such as this is appropriate.
3. The site is an eyesore and of no use to villagers (inaccessible). If an alternative use is to be found it should either be housing or potentially additional parking for the benefit of the village.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**KC Highways DM** – No objections. The site is capable of being accessed, and in the event of an outline approval in this case access will need to be demonstrated, and agreed at that stage.

**Coal Authority** – Requested an updated Coal Mining Risk Assessment. This has been provided. Recommend a standard condition should outline approval be granted

### **8.2 Non-statutory:**

**KC Environmental Health** – Recommend conditions in the event of an approval covering decontamination and remediation.

**KC Trees** – The application is not accompanied by a Tree Survey and whilst the layout submitted is illustrative, it is not considered that adequate information has been provided to demonstrate that that number of units can be provided without adversely affecting the protected trees along Naomi Road. If outline permission is granted then a full tree survey, impact assessment and method statement would be required as well as a landscaping scheme.

**KC Ecology** – The proposal is inconsistent with the guidance contained in paragraph 118 of the NPPF, and the ponds are regarded as being a habitat of principle importance.

**KC Strategic Drainage** – Views awaited.

**KC Conservation and Design** – It is not considered that the development of the site would harm the setting of the listed building, and on balance no objection is raised.

**KC Strategic Housing** –There is a need for affordable housing within the Newsome area. If outline permission is granted then a condition should be applied requiring the provision of affordable housing at detailed stage.

**KC Landscape** – Views awaited.

**Yorkshire Water** – No objections are satisfied with the drainage strategy submitted.

**Yorkshire Wildlife Trust** - The scheme results in the loss of two mill ponds, such habitats are identified as being of principle importance in the natural environmental and rural communities act, and are regarded as conservation priorities. The loss of the ponds would be contrary to policy PLP30 in the draft local plan, and the guidance contained in paragraph 118 of the NPPF.

## 9.0 MAIN ISSUES

- Principle of development
- Housing Issues
- Highways Issues
- Heritage Issues
- Bio diversity Issues
- Drainage Issues.
- The Planning Balance

## 10.0 APPRAISAL

### 10.1 Principle of development

10.2 The site includes both brownfield and greenfield land. The ponds are man-made and associated with the Newsome Mill and are considered to be previously developed, whilst the former allotments are considered to be previously undeveloped 'greenfield'.

10.3 It is considered that both the ponds and the former allotments fall into the category of open space. The NPPF defines open space as "*all open spaces of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation, and can act as a visual amenity*". As such it is appropriate to consider the whole site as one area of open space.

10.4 Within the UDP the relevant policies for consideration include Policies D1, D2, NE6 and R9.

10.5 Policy D1 states that '*development proposals which would lead to a loss of valuable open land within towns or open countryside will not normally be permitted*'.

10.6 Policy D2 states that sites that...

*Planning permission for development ( including change of use) of land and buildings without notification on the proposals map, and not subject to specific policies in the plan will be granted provided that proposals do not prejudice:*

*i) the implementation of the plan;  
ii) the avoidance of over development*

*iii) the conservation of energy;*

*iv) highway safety*

*v) residential amenity*

*vi) visual amenity*

*vii) the character of the surroundings*

*viii) wildlife interests; and*

*ix) the efficient operation of existing and planned infrastructure.*

10.7 Policy NE6 states;

*Where it is proposed to develop a site containing a water area planning permission will normally be subject to a condition or legal agreement to retain the water area.*

10.8 Policy R9 states;

*Proposals involving development on allotments, or land last used as allotments will not be permitted unless replacement allotments of equivalent community benefit are provided or it can be demonstrated that there is no unsatisfied local demand for allotments. All proposals should make provision for the safeguarding of visual amenity and established wildlife.*

10.9 The site is considered to comprise an area of open space that makes a positive contribution to the character of the area, and as indicated by the Inspector in dismissing previous appeal, the green field element provides valuable visual relief in an otherwise densely built up area. This situation has not changed since the Inspectors comments, and the ponds themselves are considered to be of value contributing to the amenity of the site. Together with the TPO'd trees, this amenity can be appreciated without having to access the site.

10.10 The site does contain water areas which are not proposed to be retained and it would be possible to redevelop a portion of the site whilst retaining either or both of the ponds.

10.11 As such it would appear that the proposal is not compatible with Policy D1 and Policy D2 part vii and Policy NE6.

10.12 The allotments were originally used for works at the mill. These have been vacant a considerable time and it is not considered that an unsatisfied demand for allotments can be demonstrated. It should be remembered that in dismissing the previous appeal in 2008, the Inspector did not endorse the reason for refusal relating to loss of allotments.

#### 10.13 Housing Issues

10.14 The site is unallocated on the UDP, as such the principle of housing on the site is considered acceptable to subject to consideration of the matters identified in Policy D2 above.

10.15 Paragraph 49 of the NPPF indicates that housing developments should be considered in the context of the presumption in favour of sustainable development and that in the event the Council is unable to demonstrate a 5 year supply of deliverable housing sites, housing developments should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of delivering the new housing.

10.16 The Council is unable to demonstrate a 5 year supply of deliverable housing, and as such weight should be given to the delivery of new housing. The indicative drawing shows blocks of housing comprising a total of 22 units. It is not clear how many units could reasonably be accommodated on the site as a whole, but given the constraints of TPO'd trees it is likely to be less than the 22 units shown and if the ponds were to be retained it would be even less.

10.17 Whilst the provision of new housing is important and should be afforded weight in the planning balance, the contribution towards the Councils total shortfall would be limited. Whilst the Councils emerging Local Plan may only be afforded limited weight at the present time, it should be noted that the site is not allocated for housing. The level of housing provided would need to be considered against the potential harm to the character of the area, and loss of open space.

10.18 The Councils' Interim Affordable Housing policy seeks the provision of 20% of the numbers of dwellings on any scheme, over 10 dwellings. As such the number of affordable dwellings secured would be no more than 3 or 4 on this site depending on what detailed Layout was submitted as part of any Reserved Matters.

#### 10.19 Highway Issues

10.20 The principle of development only is sought on this application with all other matters reserved, including access. The indicative layout shows a potential access off Hart Street. The level of housing provided at a maximum of 22 units could be accommodated on the surrounding road network, and adequate access and visibility provided.

- 10.21 It should be remembered that on the previous application 2008/92072, (that Which was dismissed at appeal), t he Inspector did not endorse the highway reason for refusal.
- 10.22 As such there is no sustainable objection to the development of the site from a Highways viewpoint.
- 10.23 Heritage Issues
- 10.24 In considering the impact of development on heritage assets the relevant guidance is contained in Section 66 of the Planning( Listed Buildings and Conservation Area) Act 1990, which says that special regard should be given to the desirability of preserving the building or its setting any features of special or architectural interests which is possesses. Also of relevance is the guidance contained in part 11 of the National Planning Policy Framework in particular paragraphs 132-135, which indicates what weight should be afforded to the assets , and how any harm to that asset should be considered and set against other material factors, in arriving at a decision.
- 10.25 The applicant has provided Heritage Statement with this application. The Statement seeks to address the issue of the ponds on this site being within the curtilage of the listed mill. The Statement explains that the ponds are physically separate from the mill site, and have been in separate ownership for some time. The ponds were not mentioned in the listing, and a third party request to list the ponds in 2007, in its report English heritage concluded that the mill ponds have an association with the mill, but are separated from it by the Coach House. They also said that the physical separation from the mill buildings made it hard to assign group value and the northern mill pond with concrete walls has no architectural interests.
- 10.26 Officers have considered this statement and are aware of the English Heritage comments, and agree that the potential development on this site does not impact directly on the significance of the listed building (Newsome Mills), and the ponds are not curtilage listed building. However there does need to be consideration regarding the impact on the setting.
- 10.27 Due to its social history and the links to the mill it could be considered that the building is a non-designated heritage asset as defined in the National Planning Policy Framework. Therefore paragraph 135 of the NPPF applies where the effect on the significance of the structure should be taken into account in determining the application. As such a balanced judgement is required over the harm cause against the significance of the structure. Following the change in ownership and the condition of the mill itself, it is considered that there is little significance in regards to the mill ponds, and whilst their loss would be regrettable the link between the mill and the ponds has been severed, and paragraph 135 has been satisfied.

10.28 To summarise it is not considered that the principle of residential development on this site would result in a level of harm to both the setting of the listed building or its significance, or the significance of the non-designated heritage asset, to justify refusal on heritage grounds. This was also the view expressed by the Inspector in the previous appeal.

#### 10.29 Bio-diversity Issues

10.30 The guidance contained in paragraph 118 of the National Planning Policy Framework indicates that when determining application the aim should be to conserve and enhance biodiversity.

10.31 The Natural Environment and Rural Communities Act 2006 identifies habitat, of principle importance, which includes mill ponds, that should be regarded a conservation priorities. This principle is incorporated in the emerging Local Plan policy PLP30, which states:

*“Habitats of principle importance  
Proposals will be required to protect habitats and species of principle importance unless the benefits of the development clearly outweigh the importance of the bio diversity interests, in which case long term compensatory measures will need to be secured.”*

10.32 The Local Plan is at an early stage, however this draft policy does accord with the NPPF guidance.

10.33 The site including the ponds are considered to be a habitat of local importance, and the scheme does not indicate any compensatory mitigation, for the loss of the ponds, and therefore conflicts with the guidance contained in paragraph 118 of the NPPF, and part viii of Policy D2.

#### 10.34 Drainage issues

10.35 The site is located within Flood zone 1 ( ie an area least likely to flood), and new development should preferably be sited in this zone. The existing ponds are drained via pipes under Newsome Road, and the blockage of these pipes has caused issues in neighbouring streets previously. If the ponds were removed a residential scheme could be satisfactorily drained both in terms of foul and surface water and these matters could be satisfactorily conditioned Yorkshire Water have raised no objections to the proposal.

10.36 As such there are no objections to the proposal, on drainage grounds

### **11.0 CONCLUSION**

11.1 It is consider that the harm resulting from the development to the character of the area, the loss of open space and a habitat of principle importance, outweigh the benefits of the provision of much needed new dwellings and affordable housing and on balance refusal is recommended

**Background Papers:**

Application and history files.

2016/91479

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91479>

2008/92072

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2008%2f92072>

Certificate of Ownership B – Notice served on Mr M Smith and Mr M Devey.





Originator: Nick Hirst

Tel: 01484 221000

## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Jan-2017

**Subject: Planning Application 2016/92983 Listed Building Consent for erection of two storey side extension, replacement windows and external and internal alterations Lydgate Parsonage, Holmfirth Road, New Mill, Holmfirth, HD9 7LF**

### APPLICANT

G Wittrick

### DATE VALID

06-Sep-2016

### TARGET DATE

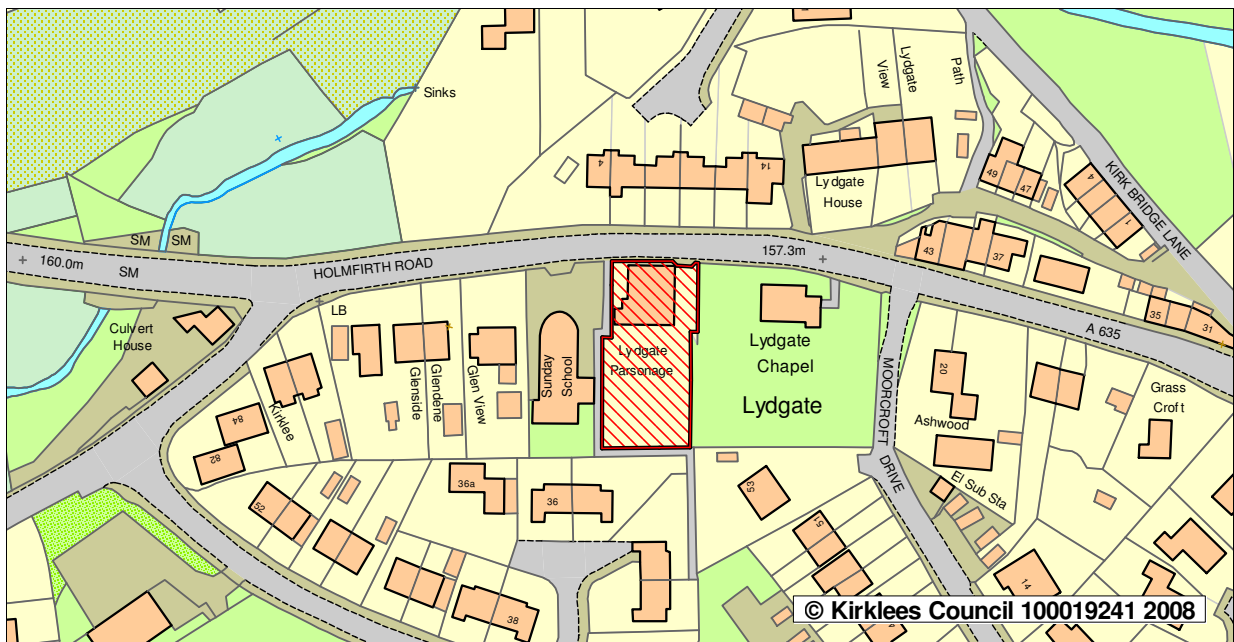
01-Nov-2016

### 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

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**Electoral Wards Affected:** Holme Valley South

**Yes**

Ward Members consulted

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**RECOMMENDATION: REFUSE LISTED BUILDING CONSENT**

**The proposed timber window frames, by virtue of their proportion, finish and detailing and overall design would result in an inappropriate alteration to the designated heritage asset causing less than substantial harm to the special architectural and historic interest of this Grade II listed building and to the setting of associated listed buildings to the east and west of the site. The proposal offers no public benefits that would outweigh the harm caused. The proposal therefore fails to accord with paragraphs 17, 131, 132 and 134 of the National Planning Policy Framework and Section.16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**1.0 INTRODUCTION**

- 1.1 This application is brought to Sub-Committee at the request of Cllr Nigel Patrick, who also requests a site visit, for the following reason:

*I think this is subjective and I think because the windows used are of a high quality they do not detract from the listing of the building as a whole or of the building within its setting. The building has been brought back into use from a derelict state and the owners have retained it largely as it was. It seems a bit picky to refuse this and then force them to change the windows back to something similar to the original which would have to be specially made.'*

- 1.2 The Chair of Sub-Committee has confirmed that Cllr Patrick's reason for making this request, and the request for a site visit, is valid having regard to the Councillors' Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS**

- 2.1 The site consists of a two storey detached dwelling faced in natural stone with slates on the gabled roof. The dwelling is located to the front of the site, close to the boundary with Holmfirth Road. A driveway to the east of the building leads to the rear garden and car parking area.

2.2 The building is the former Parsonage and Sunday school to the 17th Century Unitary Chapel. Adjacent to the site is the Oliver Heywood Sunday school, which partly replaced the functionally of the Parsonage. The Parsonage, the neighbouring Chapel and Oliver Heywood Sunday School are Grade 2 Listed.

### **3.0 PROPOSAL**

3.1 Listed Building Consent is sought for the erection of two storey side extension, replacement windows and external and internal alterations:

- *External alterations:* The previous rainwater and drainage goods were of upvc material and have now been replaced with cast iron which is more appropriate to the age and style of building. The boundary wall has been partially demolished to form a vehicular access which leads to the rear garden area.
- *Internal alterations:* A raised dining area has been created along with the erection of plasterboard to insulate the building. The first floor WC has been removed and a door way has been blocked up and re-plastered.
- *Demolition of single storey side extension and erection of two storey side extension:* A single storey side extension on the west elevation has been demolished and in its place a two storey extension has been erected. It projects 3.0m from the side elevation and is 6.1m deep. It is set back from the front elevation by 8.1m and is flush to the rear. The roof is gabled, with eaves 4.6m and ridge 6.35m in height. The extension's ridge is set 3.35m below the ridge of the host building. It is faced in reclaimed natural stone with stone slate roofing. Openings are sited to the front and rear, and include a Juliet Balcony at first floor level.
- *Replacement windows:* New windows, doors and frames are installed throughout the building. These are timber casement, brown in colour, with frames notably thicker than those they replaced. The windows are double glazed.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 The application before sub-committee seeks retrospective Listed Building Consent for the erection of a two storey side extension, replacement windows and external and internal alterations. An allied application seeking planning permission for the two storey side extension, referenced 2016/92982 was recently approved. The other alterations, including the window replacement, do not require planning permission.

4.2 The development subject of the current application commenced 06/01/2012 and was completed 23/12/2014 without either Planning Permission or Listed Building Consent. An enforcement investigation was opened in October 2012 following receipt of a complaint (ref: COMP/12/0332). The site owners were invited to submit retrospective applications for both planning permission and

listed building consent for the works undertaken on a variety of occasions between 2012 and late 2015, however no applications were forthcoming. This ultimately led to the issue of two separate enforcement notices, for the breach in Planning and Listed Building Consent, which were issued on the 6th of May 2016. The following reason is given for the Listed Building Enforcement Notice being issued;

*'It appears to the Council that [a] breach of planning control has occurred in contravention of section 9(1) of the Listed Building Act 1990.*

*It is considered that the works to the listed building represent less than substantial harm to the heritage asset, but given that the unlawful works fail to respect the local character and history of the building and its surrounding and provide no public value, they do not comply with chapters 7 and 12 of the National Planning Policy Framework. It is also considered that as a consequence of this, they degrade the intrinsic value of the listed building, contrary to Policy BE13 of the Kirklees Unitary Development Plan. Accordingly, they fail to preserve the special architectural and historic character of the building contrary to section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990'.*

- 4.3 Appeals were lodged against both enforcement notices, with the appeal start date being the 12th of July 2016. The appeal against the Listed Building Enforcement Notice is still pending decision with the Planning Inspectorate. For information the grounds of appeal is that listed building consent ought to be granted.
- 4.4 The appeal against the Planning Enforcement notice was recently withdrawn following the grant of planning permission for the two-storey side extension under delegated powers (2016/92982). This grant of permission followed additional/revised information being provided regarding the detailed design of rainwater goods and how these would intersect with an original window. Taking into account all the relevant material planning considerations, it was felt that this application could be supported subject to the imposition of conditions.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Following the commencement of works on 06/01/2012 the applicant was advised by officers in Conservation and Design and Planning Enforcement that a Listed Building Consent and a Planning Application were required for the development. These were not forthcoming.
- 5.2 Over time various meetings were held between council Planning enforcement officers and the applicant attempting to resolve the breach in planning control. Subsequently a meeting was held between the applicant, senior staff of the Planning Service and the local Ward members. This meeting resulted in the submission of the planning application, ref. 2016/92982, and the current application for Listed Building Consent.

5.3 Following the submission of the applications correspondence with the applicant resulted in amended details and supplementary information being submitted in relation to the planning application. The amended details allowed officers to positively determine the planning application, subject to conditions, under delegated powers.

## 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 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 2007) remains the statutory Development Plan for Kirklees.

### 6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design

### 6.4 Planning (Listed Buildings and Conservation Areas) Act 1990, S16

This imposes a duty on the local planning authority, in considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### 6.5 National Planning Guidance

- **Paragraph 17** – Core planning principles
- **Chapter 7** – Requiring good design
- **Chapter 12** – Conserving and enhancing the historic 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 and an advertisement in the local press.

7.2 No public representations were received.

7.3 Holme Valley Parish Council: *'Members do not support retrospective applications in principle, but this work has been done sympathetically and in keeping; it was also carried out in good faith before it was revealed that the building was in fact Listed.'*

*The Kirklees Enforcement Officer has visited site on a number of occasions, but he has taken no further action and no 'stop' notice has been issued.*

*Members are therefore happy to support this application'.*

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

K.C. Conservation and Design: No concerns are raised to the internal and external works. However object to the proposed two storey side extension and the window alterations. Conservation and Design consider that these aspects are harmful to the significance of the listed building.

### **8.2 Non-statutory**

Historic England: Consultation was undertaken with Historic England, to act as an independent party. Their consultation was not a statutory requirement.

Historic England has commented on the window alterations and side extension, as these are within their typical remit. Historic England object to the proposal, and advocate that the windows as implemented and the two storey side extension cause harm to the value of the building as a heritage asset.

## **9.0 MAIN ISSUES**

- General principle
- Assessing the building's heritage value
- Impact and harm on the heritage value of the designated heritage assets
- Considering the public benefit
- Representations

## **10.0 APPRAISAL**

### General principle

10.1 The application seeks retrospective Listed Building Consent for the erection of a two storey side extension, replacement windows and external and internal alterations. The proposal will be assessed having regard to the Planning (Listed Building and Conservation Areas) Act 1990 and the relevant

policies in Chapter 12 of the NPPF. Of particular relevance in the NPPF local authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and of development making a positive contribution to local distinctiveness. Furthermore that development causing harm to the significance of heritage assets should not be permitted unless a proportionate public benefit can be demonstrated to outweigh that harm.

- 10.2 These above requirements are reflected in one of the core principles of the NPPF stating that planning should “always seek to secure high quality design. It is also a main objective of Chapter 7 of the NPPF, with paragraph 56 stating that ‘the Government attaches great importance to the design of the built environment’.
- 10.3 Policies of the Kirklees UDP BE1 and BE2 are applicable in general design terms. Policies BE1 and BE2 seek to ensure that all development is of good quality design, creating and retaining a sense of local identity, is visually attractive, promotes a healthy environment and is energy efficient. They also stipulate that new development should be designed to be in-keeping with any surrounding development in respect of design, materials and scale. These and other material considerations are assessed below.

#### Assessing the building’s heritage value

- 10.4 The NPPF requires local planning authorities to identify and assess the particular significance of a heritage asset. This assessment is required so as to be taken into account when considering the impact of a proposal on a heritage asset. This is in the interest of preserving the specific features of the asset which contribute to its heritage value.
- 10.5 The significance of Lydgate Parsonage derives primarily from its architectural and historic interest. Designed in Jacobean style of the period, this two storey building was constructed from hammer dressed stone with a natural stone slate pitched roof. The building is well detailed with a Tudor arched doorway, tall diagonally set chimney stacks and mullioned double chamfered windows that mimicked those of the Tudor period. Together with the Sunday school and Unitarian Chapel, the Grade II listed buildings form an important group, clearly visible from Holmfirth Road, which provides a significant contribution to understanding how Lydgate developed during the 19th century.

#### Impact and harm on the heritage value of the designated heritage assets

- 10.6 When considering the impact of development on the significance of the designated heritage assets affected, great weight should be given to the asset’s conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para.132, NPPF). A Heritage Impact Assessment was submitted in support of the application and suggests that the works are

necessary to bring the building into a viable long term use, provides a positive contribution to the community and the intrinsic value of the Jacobean parsonage has been maintained.

- 10.7 **External alterations:** The installation of metal/cast construction rainwater and foul drainage is considered acceptable. Their use is considered preferable to the previous uPVC goods, being a benefit to the building's architectural significance by using materials that are appropriate to a building of this age. Regarding the vehicular access, a small section of stone wall approx. 1.5m in height has been removed. The vehicular access replaced a pedestrian access: the original gate piers were retained and used to frame the enlarged access. The formation of the access is not considered to compromise the significance of the host building as the majority of the wall is retained.
- 10.8 **Internal alterations:** It is acknowledged that various and extensive works have been undertaken internally. Equally officers acknowledge that a level of internal renovations were necessary to facilitate a modern residential use. Officers consider that the internal alterations have been undertaken sympathetically, with key internal architectural and design features being retained where appropriate. On these grounds it is not considered that the proposal harms the significance of the building's heritage value, as identified in paragraph 10.5.
- 10.9 **Demolition of single storey side extension and erection of two storey side extension:** The single storey extension which was demolished was a simple utilitarian addition, constructed from stone and covered with a stone slate mono-pitched roof. Evidence that Conservation and Design has on file which relates to the structure suggests that it contained very little architectural and historical significance. Therefore its demolition can be supported.
- 10.10 The two storey extension is faced in materials matching the host building, which is acceptable. Overall the extension's design is considered basic and functional; however concern was raised over how the roof sits adjacent to the roof of the host building, including the junction between the extension's gutter line and the existing chamfered stone window surrounding at first floor level. Overall this feature was considered to cause the extension to appear incongruous upon the host building, which in turn impacted upon its heritage value.
- 10.11 Following negotiations with the applicant amended details regarding the guttering close to the window surround have been submitted. Their implementation could be conditioned if minded to approve. In regards to the side extension, the amended details are considered to overcome the concerns expressed in the Listed Building Enforcement Notice.



- 10.12 Subject to the amended details being implemented, on balance, officers consider that the extension does not impact upon the significance of the host building in a way that is harmful to its heritage value. The extension is small in scale to the host building, appearing a subservient element. Furthermore the design is not detrimental to the appearance of the host building, either from a general built development perspective or when considering its value as a heritage asset.
- 10.13 **Replacement windows:** Windows make a substantial contribution to the character and physical integrity of most historic buildings and also to the character and interest of historic streets and places. The size, shape and position of the openings are significant, as are the form and design of the framing and glazing. Their style, detailing and materials help us to understand when a building was constructed or altered, its function and advances in related technology.
- 10.14 Originally the building's windows were of timber construction and of a Georgian-esque design containing 8 panes with slender glazing bars, with the exception of those in the upper sections at ground floor level which contained 4 panes. This design harmonised with the building's overall Jacobean architecture and character. Additionally the window design was replicated in the neighbouring Sunday school. These provided a visual link between the Parsonage and Sunday school.
- 10.15 In contrast the windows which have been installed are timber casements with a single horizontal bar that do not architecturally sit well with the prevailing Jacobean character of the property. This style of window is more associated with properties which are more modest in scale, such as the traditional vernacular worker cottages. The design of the new windows also means that the property's visual connection/relationship with the neighbouring Sunday school, and to a lesser extent the Church, is completely eradicated.
- 10.16 Window proportions and frame thickness are an important component of architectural design. Where these are altered it significantly impacts upon the character of the building. The thickness of the frames which have been installed are significantly greater, particularly in the case of opening units, than the property's original frames. The result of this action has meant that the elegance from slender profiled frames and glazing bars that once was exhibited throughout the property has been completely obliterated, which in turn has significantly harmed the character of the host building.
- 10.17 The above identifies that the proposal as a whole would cause harm to the heritage value of the asset. The NPPF identifies two categories of harm when considering a proposal's impact. These are substantial harm/total loss of significance and less than substantial harm. The works outlined are considered to cause less than substantial harm.

### Considering the public benefit

- 10.18 Paragraph 134 of the NPPF states that where development will cause less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. This does include securing its optimum viable use.
- 10.19 Weight is given to the fact that the building was brought back into use and that the improvements represented a visual improvement over the neglected and vandalised appearance prior to the works. However the weight of this is lessened as the undesirable window design under consideration was not a fundamental catalyst in its holistic restoration. An alternative, sympathetic and suitable design could have been achieved that would still have allowed the building to be brought into use. There is no evidence to suggest that by using a more sensitively designed window would not have brought about the optimum use of the building.
- 10.20 Conversely the outlined harm to the building's heritage value is considered detrimental to public interest. In light of the above, the proposal is considered to provide limited public benefit.

### Representations

- 10.22 Holme Valley Parish Council: *'Members do not support retrospective applications in principle, but this work has been done sympathetically and in keeping; it was also carried out in good faith before it was revealed that the building was in fact Listed.'*

*The Kirklees Enforcement Officer has visited site on a number of occasions, but he has taken no further action and no 'stop' notice has been issued.*

*Members are therefore happy to support this application'.*

- 10.23 **Response:** The comments in support are noted. Officers do not disagree with the comments in regard to the internal and external alterations and the side extension. However as outlined in paragraphs 10.12 – 10.15 officers disagree in regards to the window alterations.

Comments in regard to when the building was identified as listed and actions of enforcement officers are not considered material considerations to the determination of this application.

## **11.0 CONCLUSION**

- 11.1 The proposed works to the building, specifically the alterations to the fenestration, has been identified as causing less than substantial harm to the significance of the designated heritage assets: the host listed building and adjacent listed buildings.

- 11.2 The harm identified is not outweighed by any public benefit and there is no evidence to suggest that the alterations would bring about the optimum use when compared with more sympathetic alterations. This is contrary to guidance in the NPPF.
- 11.3 The application is therefore not in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, or Chapter 12 of the National Planning Policy Framework.
- 11.4 The NPPF has introduced a presumption in favor of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting consent would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

### **Background Papers**

Application web page: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92983>

Certificate of Ownership – Notice B served. The applicant, Mr Wittrick, served notice on land owner Rebecca Fisher, on the 29<sup>th</sup> of June 2016.

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Originator: Adam Walker

Tel: 01484 221000

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## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Jan-2017

**Subject: Planning Application 2016/93365 Reserved matters application pursuant to outline permission 2014/91533 for erection of 30 dwellings Land off, St Mary's Avenue, Netherthong, Holmfirth, HD9 3XN**

#### APPLICANT

Howard Gray

#### DATE VALID

04-Oct-2016

#### TARGET DATE

03-Jan-2017

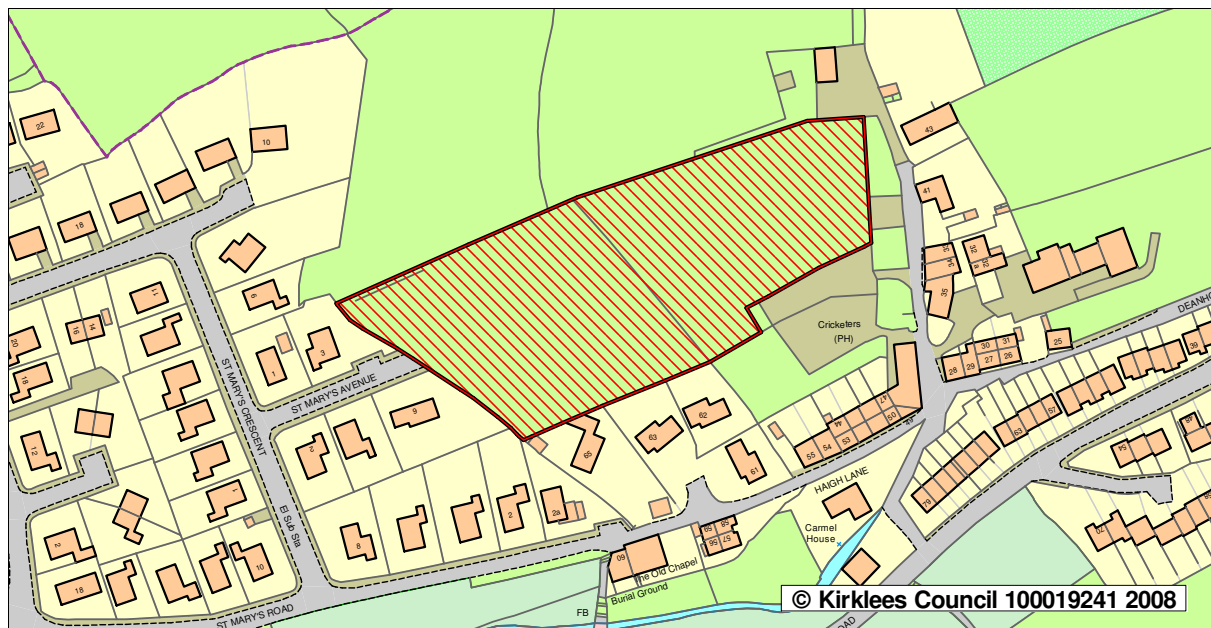
#### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected: Holme Valley South**

Y

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**DELEGATE approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee) and issue the decision.**

**1.0 INTRODUCTION:**

- 1.1 The proposals are brought forward to the Sub Committee for determination in accordance with the Council's Scheme of Delegation because of the significant volume of objections received.
- 1.2 The principle of residential development was established by outline planning permission 2014/91533 with access to the site via a continuation of St Mary's Avenue approved as part of the consent. The current application is now seeking approval of the reserved matters i.e. the layout, scale, appearance and landscaping of the site.
- 1.3 The number of dwellings was not specified under the outline application although supporting information showed a site layout of 34 dwellings for illustrative purposes and the highways assessment allowed for this number of dwellings. The layout as currently proposed provides a total of 30 dwellings.
- 1.4 A separate application to discharge conditions relating to the provision of affordable housing and public open space on the outline permission is currently being considered by the council (reference 2016/94029).
- 1.5 It is proposed that six of the proposed units would be affordable (plots 1-6). This equates to 20% of the total number of units which is in accordance with the interim affordable housing policy.
- 1.6 An off-site POS contribution is proposed for the development. Based on the 30 dwellings as proposed, the contribution has been provisionally calculated as £79,350 and the applicant has agreed in principle to pay this figure. The money would most likely be used at either Netherthong play area or Oldfield recreation ground.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application relates to a site of approximately one hectare bounded by open fields to the north and dwellings off St Mary's Avenue to the west. The southern boundary abuts dwellings on St Mary's Road and Haigh Lane. The western boundary approaches an access road serving further properties off St Mary's Road. The eastern boundary abuts car parks to the Cricketers Public House and the Cider Press Café, however the site does not have a frontage to that road.
- 2.2 The Netherthong /Deanhouse Conservation Area lies to the south and east of the site and abuts a section of the site's southern boundary.
- 2.3 Public footpath Hol/25/10 shares the access road to the east continuing to Honley and Oldfield. The site is crossed by a 'line of tread' from the end of St Mary's Avenue in a north easterly direction, however this is not a definitive right of way.
- 2.4 Dwellings on St Mary's Avenue, St Mary's Crescent and St Mary's Road comprise dormer bungalows principally faced in brick with concrete roof tiles. The area to the south-east at Deanhouse comprises older, traditional vernacular stone buildings.
- 2.5 The site is grassland and scrub with sporadic semi-mature trees and drystone boundary walls. The levels drop down on either side of a central ridge with a shallow drop down to Deanhouse to the east.

## **3.0 PROPOSAL:**

- 3.1 Reserved matters submission seeking approval of the appearance, landscaping, layout and scale of development pursuant to outline permission 2014/91533 for erection of residential development.
- 3.2 Access to the site via an extension of St Mary's Avenue was approved under the outline consent.
- 3.3 The layout provides for 30 dwellings comprising of 24 detached dwellings, one pair of semi-detached houses and a row of four terraced dwellings.
- 3.4 An access road dissects the site and leads to a turning head in the eastern part of the site. There is linear development along the northern side of the access road, a cluster of properties around the turning head and a group of six dwellings served off a short cul-de-sac on the southern side of the access road with a small number of houses to either side.

- 3.5 All of the dwellings are proposed to be two storeys in height and the appearance of the properties is typical estate type housing with gable frontages and bay windows a common feature. Six of the properties are constructed of natural stone with the remainder being artificial stone or artificial stone with render. Artificial slate is proposed to the roofs.
- 3.6 External boundary treatment mainly comprises of a mixture of timber fencing or artificial stone walling with fencing. Part of the southern boundary will retain an existing drystone wall with new planting adjacent.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2013/93271 - Outline application for erection of residential development Refused & appeal upheld
- 4.2 2014/91533 - Outline application for erection of residential development - Approved
- 4.3 2016/94029 - Discharge conditions 5 (affordable housing) and 6 (public open space) on previous permission 2014/91533 for outline application for erection of residential development – Undetermined

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Negotiations were undertaken during the course of the application in order to secure amendments that would improve the appearance, layout and landscaping of the development. These negotiations took into account the main comments made on the application by councillors Sims and Patrick at a ward councillor briefing meeting; this was particularly in respect of the density of development, design and materials, separation distances and boundary treatment.
- 5.2 As a result of the negotiations the scheme has been revised. The main changes are:
- Plots 1-4 re-orientated
  - Spacing between plots 4-14 increased to 2m
  - Plot 15 re-orientated to front onto the street (and consequent re-siting of plot 14)
  - Use of natural stone on plots 16-21 (adjacent to Conservation Area)
  - Additional planting within the western part of the site
  - Provision made for a potential future footpath link to the south east corner of the site
- 5.3 The applicant has considered reducing the number of dwellings on the site but has advised that reducing the number of dwellings may affect the viability of the scheme and is likely to impact on S106 contributions. The applicant also considers that the proposed density represents an efficient use of land at a time when Kirklees does not have a five year housing land supply and that the layout/density is in keeping with the character of the area. The applicant considers that the design of the houses is appropriate given the scale of the development and the site's wider context.



## 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). 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 2007) remains the statutory Development Plan for Kirklees.

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

The site is allocated as Provisional Open Land on the Unitary Development Plan Proposals Map.

BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about dwellings  
BE23 – Crime prevention  
D2 – General development principles  
G6 – Land contamination  
NE9 – Retention of mature trees  
H1 – Housing needs of the district  
H18 – Provision of open space  
T10 – Highway Safety  
T19 – Parking Standards  
EP11 – Ecological landscaping

### 6.3 Supplementary Planning Guidance / Documents:

K.C. Supplementary Planning Document (SPD2) – 'Affordable Housing'  
Interim affordable housing policy (December 2016)

### 6.4 National Planning Guidance:

6.4.1 The following parts of the NPPF are relevant:

Core planning principles:  
Chapter 4: Promoting Sustainable Transport  
Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring good design  
Chapter 8: Promoting healthy communities  
Chapter 11: Conserving and enhancing the natural environment  
Chapter 12: Conserving and enhancing the historic environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been advertised by press advert, site notices and neighbour notification letters.
- 7.2 A total of 51 representations have been received. The main concerns are summarised as follows:

### Visual amenity and character:

- Overdevelopment
- Density not in keeping with surroundings
- Location of property types and size of gardens not in keeping with surroundings
- Design not in keeping
- Detrimental impact on quiet, rural character
- Harmful impact on Conservation Area
- Eyesore
- Screening on boundaries needed

### Highways:

- Detrimental impact on highway safety
- Traffic and congestion
- Cumulative impact of this and other developments in the area
- Concerns with emergency vehicle access
- Local road network inadequate to sustain the development
- No visitor parking spaces provided
- Development reliant on private car
- Inaccessible/unsustainable location
- Garages not big enough and will lead to on-street parking
- Impact on parking in Netherthong village and St Mary's estate

### Residential amenity:

- Loss of light/overshadowing
- Loss of privacy/overlooking
- Loss of outlook

### Flood risk & drainage:

- Increased risk of flooding and drainage problems

### Other matters:

- Increased pressure on local facilities and services including the local school which is oversubscribed
- Loss of green/recreation space/loss of footpaths
- Impact on wildlife
- Disruption from construction

- On site POS should be provided
- Plot 29 will prevent maintenance to an adjacent gable wall

**Jason McCartney MP:**

*“I am writing to place on record my objection to the above application. Whilst outlining planning exists on this site I have serious concerns for the number of houses planned on this application. I hope this application is looked at in committee so that all views can be considered. My principle objections are*

- 1. 30 more houses will be in reality 60 more cars passing through the narrow country lanes of an already congested village. The road infrastructure is just not there to sustain such a number of additional vehicles.*
- 2. The village school is oversubscribed with no space to extend the buildings. The facilities are just not there to support the additional school places required of so many more families.*
- 3. The visual amenity of this area will be spoiled by such a densely planned development on the edge of a conservation area.*

*I hope these views are taken into account so a more suitable and sustainable plan is brought forward for this site.”*

**Holme Valley Parish Council:**

*“Object to the application on the grounds of:*

- 1) Over-intensification of the site.*
  - 2) A better mix of properties would be preferred i.e. 1, 2 and 2.5 (cot) bed houses and too many 4 bed properties would be inappropriate.*
  - 3) Concerns regarding sewerage, drainage and footpaths.*
- It would be sensible for provision to be made for a pedestrian access to the nearby public house and for community access/dog walkers etc.”*

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

KC Highways Development Management – No objections in principle although the internal garage dimensions on two of the property types are substandard and parking for plots 2 and 3 is not overly convenient which could result in residents preferring to park on street.

**8.2 Non-statutory:**

KC Landscaping – Planting of native trees and shrubs should be incorporated into the layout to provide green corridors and enhance biodiversity. Sympathetic design required to preserve and preferably enhance landscape setting. Space for screen planting on boundary of plot 29 and existing adjacent dwelling is needed.

KC Conservation & Design - Amendments have gone some way to towards addressing initial concerns with layout and design

## 9.0 MAIN ISSUES

- Layout
- Scale
- Appearance
- Landscaping
- Representations

## 10.0 APPRAISAL

### Layout

- 10.1 The proposed layout provides 30 dwellings which are predominantly detached (24 no.) with a small number of terraced (4 no.) and semi-detached houses (2 no.) located in the northwest corner of the site.
- 10.2 There is a linear row of development along the northern flank of the access road, a cluster of properties set around the turning head and a group of six dwellings served off a short cul-de-sac on the southern side of the access road with houses to the east and west of the cul-de-sac fronting onto the access road.
- 10.3 The character of the surrounding area is mixed with relatively spacious 1960s detached dormer bungalows lying to the west, a variety of traditional stone-built properties to the east and a small number of more modern detached houses to the south. The areas to the south and east fall within the Netherthong/Deanhouse Conservation Area. To the north of the site is open land and the Cider Press.
- 10.4 The density of development equates to 28.5 dwellings per hectare. By way of context, this is below the 30 dwellings per hectare minimum requirement in the emerging Local Plan (Policy DLP6). The NPPF also states that planning decisions should aim to ensure that the potential of a site to accommodate development is optimised. The proposed layout represents an efficient use of land to meet future housing needs at a time when the Council is unable to demonstrate a 5 year supply of land for housing. Taking these factors into account and considering the mixed character of the surrounding area the proposed density and the type of residential development proposed are considered to be acceptable.
- 10.5 The layout has been amended to enable a more spacious form of development to be provided and to enhance the overall appearance of the scheme. For example, separation distances between plots 4-14 have been increased to 2m, plots 1-4 have been re-orientated so that they continue the linear form of development along the northern side of the access road which has allowed the design of the terrace to be improved and plot 15 has also

been re-orientated so that it fronts onto the street in order to give it a stronger presence within the streetscene.

- 10.6 The amendments to the layout are considered to make it acceptable in terms of its impact on the visual amenity and character of the area, including the setting of the adjacent Conservation Area. As such the application is considered to comply with Policies BE1 and BE2 of the UDP and guidance in the NPPF.
- 10.7 The layout satisfies the council's space about buildings policy (BE12) in respect of separation distances between windows within the proposed dwellings and windows within existing properties surrounding the site and are considered to be acceptable. Separation distances between the proposed buildings and adjacent undeveloped land, including neighbouring gardens, are also considered to be acceptable.
- 10.8 Separation distances internal to the site generally meet Policy BE12 standards although there are a small number of instances where a slight shortfall occurs in relation to proposed dwelling to proposed dwelling. Nevertheless, it is considered that in these instances the development would still provide an acceptable standard of amenity for future occupiers.
- 10.9 The parking area for plots 1-3 that is adjacent to 3 St Mary's Avenue is unlikely to have any significant implications for the amenity of this neighbouring property. Details of how the parking area will be constructed relative to no.3 have been requested from the applicant.
- 10.10 Overall officers are satisfied that the development would not prejudice the residential amenity of existing and future occupiers.
- 10.11 In highway safety terms the layout is considered to be acceptable although officers have sought an amendment to the parking for plots 2 and 3. It is considered that a single parking space should be provided to the front of these dwellings with a second place within the parking courtyard to the west (rather than both parking spaces being located within the courtyard). Whilst this will increase the visual prominence of parking along the street frontage and slightly reduce the scope for landscaping in this part of the site, it is considered that having a parking space to the front of these dwellings is likely to reduce the likelihood of on-street parking. An amended plan is awaited.
- 10.12 The level of parking access the site for the dwellings is considered to be acceptable.
- 10.13 Dedicated visitor parking is not provided although officers are satisfied that this can be safely accommodated on street on this development.
- 10.14 The proposal would not prejudice highway safety and is considered to comply with Policy T10.

10.15 The site layout has been amended to include a footway up to the boundary with the adjacent land associated with the Cricketers public house (in front of plot 20). It is not within the applicant's gift to provide a formal link to this land and consequently allow a connection to be made between the development and the facilities and services within the village. The layout does however safeguard the provision of a link in the future should access over third party land be secured. This enhances the sustainability of the development.

Scale:

10.16 All of the proposed dwellings are two storeys in height and development at this scale would be in keeping with the character of the surrounding area.

10.17 The scale of development is considered to be acceptable in terms of the impact on surrounding properties having regard to the topography of the area and separation distances.

10.18 In respect of 'scale' the application is considered to comply with Policies BE1, BE2 and D2 of the UDP and guidance in the NPPF.

Appearance:

10.19 The appearance of the properties is typical estate type housing with gable frontages and bay windows a common feature. The applicant has sought to simplify the appearance of the dwellings by incorporating pitched roofs across the whole development rather than having a mixture of pitched and hipped roofs. As previously identified, the surrounding area has a mixed character and it is considered that the general design of the proposed houses is therefore acceptable in this location.

10.20 Six of the properties are constructed of natural stone with the remainder being artificial stone or artificial stone with render. Artificial slate is proposed to the roofs.

10.21 Plots 16-21 are constructed of natural stone and lie in the western part of the site adjacent to the Conservation Area boundary. The use of natural stone will help the development to harmonise with the Conservation Area. The use of artificial stone and render on the remainder of the development is considered to be acceptable. The layout allows for a natural transition between the use of artificial stone and natural stone within the site because the natural stone properties are grouped around the turning head. It is to be noted that plots 24 and 29 are also adjacent to the Conservation Area boundary but it is considered that artificial stone would be appropriate here in order to enable consistency within the material palette in relation to neighbouring plots. The artificial stone and artificial slate tile as proposed within the application are considered to be of an acceptable quality.

- 10.22 The re-orientation of plots 1-4 has resulted in an improved design for this part of the site by addressing an unsatisfactory relationship between plot 1 and the remainder of the terrace. Furthermore, plot 1 has active elevations towards the site entrance with principal elevations for plots 2-4 onto the street which gives these properties a strong presence when entering the site.
- 10.23 In respect of 'appearance' the application is considered to comply with Policies BE1, BE2 and D2 of the UDP and guidance in the NPPF.

Landscaping:

- 10.24 The proposed development provides some tree planting within the front gardens of a number of plots which helps to soften the appearance of the development and mitigate the visual impact of the off-street parking.
- 10.25 Planting to the boundaries is reasonably limited although additional shrub/tree planting has been incorporated along the northern part of the western boundary and hedge planting is proposed along a section of the southern boundary.
- 10.26 The use of native species of plants for the planting will enhance the biodiversity of the development and this can be conditioned.
- 10.27 External boundary treatment mainly comprises of a mixture of timber fencing or artificial stone walling with fencing. Drystone walling to the western and southern boundaries will remain with either timber fencing or hedge planting alongside.
- 10.28 An artificial stone wall with timber fence panels is proposed to the eastern boundary. It is considered that a natural stone wall would be more appropriate for this boundary given that it is adjacent to the Conservation Area and considering that the proposed and existing dwellings adjacent to the boundary are natural stone. It is considered that this should continue along parts of the northern and southern boundaries adjacent to plots 16, 19 and 20 to enclose this part of the site before transitioning to timber fencing. This has been requested from the applicant and an amended plan is awaited.
- 10.29 Part of the southern boundary will retain an existing drystone wall with new hedge planting adjacent; this is to the side of plots 24 and 29 which adjoin the Conservation Area boundary. The boundary proposals would preserve the character of this area and also provide privacy for neighbouring occupiers.
- 10.30 The timber fencing that is proposed to the western boundary and for plots 1-15 on the northern boundary is considered to be acceptable and would not significantly harm the visual amenity of the area.
- 10.31 Within the site, where rear gardens adjoin the access road (plots 21, 26 & 27) the boundary treatment is artificial stone walling with timber fencing to give a more attractive appearance to the streetscene.

10.32 The site does not provide any public open space but a contribution in lieu of this is to be provided for off-site provision.

Representations:

10.33 51 representations have been received. A number of the issues raised relate to the principle of developing the land for housing. The principle of development has already been established under the outline consent and as such these matters are not material to the assessment of the reserved matters.

10.34 A significant proportion of the objections cite highways concerns, especially in the context of the number of dwellings proposed. Access was approved under the outline consent and an assessment was made on the basis of there being up to 34 dwellings on the site. As the layout is for fewer dwellings the proposed density of development does not alter the original highway assessment.

10.35 Issues with the density and appearance of the development have been addressed within this report and the representations do not raise any other issues that would materially alter the assessment of this application.

**11.0 CONCLUSION**

11.1 The density of the development is considered to be acceptable having regard to the need to make efficient use of land and at a time of housing shortage. Furthermore the scheme provides an acceptable layout and design which would not unduly harm the visual amenity or character of the area and would preserve the setting of the adjacent Netherthong/Deanhouse Conservation Area.

11.2 The layout and landscaping of the site are such that the amenity of neighbouring occupiers would be preserved and the site also provides adequate parking and turning facilities such that highway safety would not be unduly prejudiced.



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

1. Development in accordance with approved plans
2. Native species of planting
3. Minimum boundary hedge height adj. plots 24 and 29

**Background Papers:**

Application and history files.

2016/93365

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93365>

2013/93271 (outline planning permission refused and appeal upheld)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2013%2f93271>

2014/91533 (outline planning permission related to the reserved matters now applied for)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f91533>

Certificate of Ownership – Not required.

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Originator: William Simcock

Tel: 01484 221000

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## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Jan-2017

Subject: Planning Application 2016/93142 Erection of single storey rear extension (Listed Building) 994, New Hey Road, Outlane, Huddersfield, HD3 3FJ

#### APPLICANT

C Mitton

#### DATE VALID

26-Sep-2016

#### TARGET DATE

21-Nov-2016

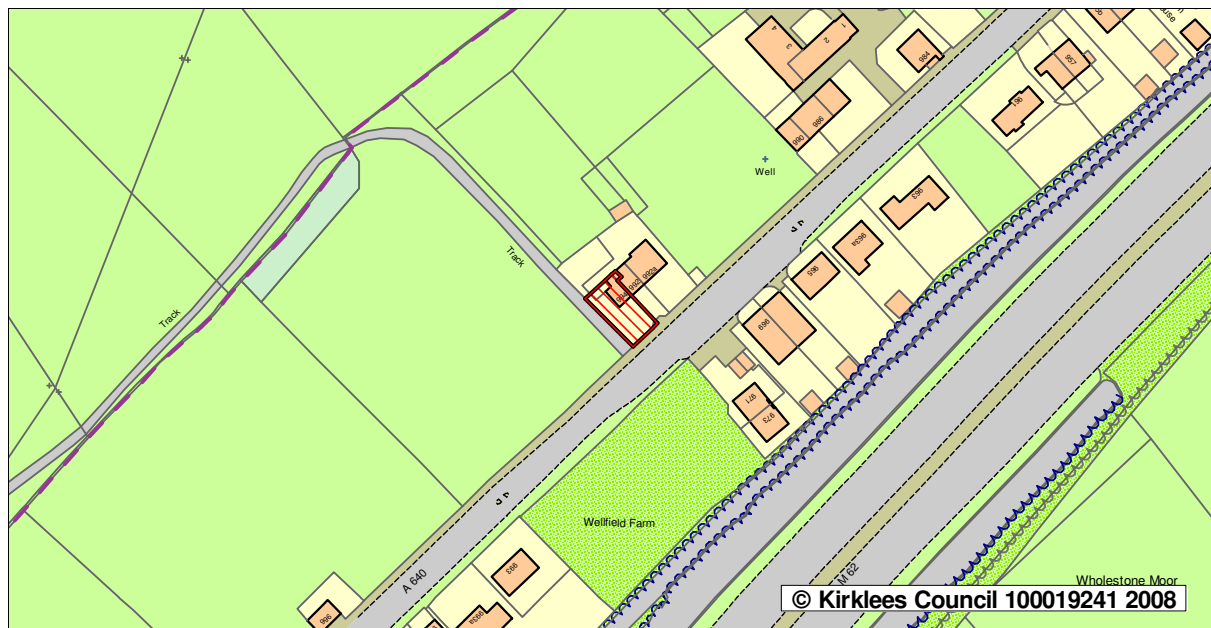
#### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected: Colne Valley**

No

Ward Members consulted

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**RECOMMENDATION: Refuse**

**The dwelling has already been substantially extended and the proposed extension would in this context amount to a disproportionate addition to the original building, failing to retain the original dwelling as the dominant element and would be harmful to the openness of the Green Belt. This would constitute inappropriate development in the Green Belt which is harmful to the Green Belt by definition. No very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt by reason of inappropriateness or other harm. The extension would therefore fail to comply with Policy D11 of the Kirklees Unitary Development Plan and Chapter 9 of the National Planning Policy Framework – Protecting Green Belt land.**

**1.0 INTRODUCTION:**

- 1.1 The application is brought before Sub-Committee at the request of Cllr Nicola Turner for the following reason.

“I will be requesting a committee decision should you be minded to refuse as I do not see that this application has a detrimental effect on the green belt, nor an impact on the listed building. The site is not overlooked and the next door neighbour has an extension to the rear. I cannot really see why this property should not have an extension to the rear, which will help accommodate this family.”

- 1.2 The Chair of Sub-Committee has confirmed that the reason Cllr Turner has put forward is valid having regard to the council’s protocol for planning committees.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 994 New Hey Road is the end property in a row of three joined buildings which were originally a single farmhouse and barn but now comprise 3 separate dwellings of which 994 is at the western end. It is mostly 2-storey, with a single-storey lean-to structure at the rear, and has a two-storey side extension. There is a shared yard area at the front used for vehicular access and parking for nos. 994, 992 and 992a. The dwelling is located on the north side of the highway.
- 2.2 There is a garden to the rear but this does not form part of the application site. There is a narrow paved yard at the rear with some land behind this informally used as amenity space although outside the recognised curtilage.
- 2.3 The surroundings of the property are semi-rural with sporadic residential development along New Hey Road and undeveloped open land behind.

## **3.0 PROPOSAL:**

- 3.1 The proposal is the erection of a single-storey rear extension. The extension would be total of 6.5m wide and would project 3.4m from the main rear wall of the dwelling. It would extend across almost the full width of both the original rear elevation and the side extension, set in 400mm from the west side wall. It would have a lean-to roof and would join up with an old lean-to extension which outwardly appears to be part of the adjoining property, no. 992, but in fact is part of 994. Maximum height to roof junction is to be 3.25m. It is proposed that the walling and roofing materials are to match the original building but with more extensive use of glazing.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2006/90231 – Listed building consent for erection of 2-storey and single-storey extensions. Refused.

2006/91609, 91610 – Planning permission and Listed Building Consent for erection of 2-storey extension (listed building). Approved and implemented

2014/91360, 91361 – Planning permission and Listed Building Consent for erection of single-storey extension. Listed Building Consent granted, planning permission refused and appeal dismissed (on green belt issues).

2016/93143 – Listed Building Consent for erection of single-storey extension. Awaiting determination.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 No negotiations were entered into as it was considered that the proposal could not be amended in such a way as to overcome the objections on Green Belt policy grounds.

## **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 was published for consultation on 7<sup>th</sup> 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.

### **6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:**

- **D11** – Extensions within the Green Belt.
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)

### **6.4 National Planning policy Framework:**

- Section 7 – Requiring good design
- Section 9 – Protecting Green Belt land
- Section 12 – Conserving and enhancing the historic environment.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Ward Councillor Nicola Turner's comments on the application have been set out in section 1 of this Report.

7.2 The application was publicised by site notice, neighbour notification letter and press notice. No representations have been made by members of the public or other third parties.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**K.C. Planning (Conservation & Design)** – no objections raised, written response to 2014 application for listed building consent verbally reconfirmed

## 8.2 **Non-statutory:**

None

## 9.0 **MAIN ISSUES**

- Principle of development
- Green Belt issues
- Urban design issues
- Residential amenity
- Representations
- Other matters

## 10.0 **APPRAISAL**

### Principle of development

- 10.1 The site is within the Green Belt on the Kirklees UDP Proposals Map. As such the proposal will be assessed having regard to NPPF part (9) which advises that planning authorities should ensure that “very substantial weight” is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated to clearly outweigh the harm by reason of inappropriateness or any other harm. Under NPPF policy, extensions to buildings may be appropriate if they are not disproportionate.
- 10.2 Policy D11 of the UDP advises that extensions will be considered having regard to their impact on the openness of the Green Belt, the scale relative to the original building which should remain the dominant element, and the impact on the character of traditional buildings.
- 10.3 When making decisions on planning applications for development that would affect a Listed Building or its setting, there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore Chapter 12 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification.
- 10.4 Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), and T10 (development should not create or materially add to highway safety problems).

### Green Belt issues

- 10.5 The dwelling has already had a two-storey extension added (2006/91609) which is quite large compared to the original dwelling. Its volume amounts to approximately 43% of that of the original dwelling.
- 10.6 The previous application 2014/91360 was refused on the grounds that it would, cumulatively, amount to a disproportionate addition to the original building and would adversely affect the openness of the Green Belt, and would therefore be inappropriate under the NPPF part (9) and Policy D11. When taken to appeal the Inspector concurred with this reason for refusal and the appeal was dismissed.
- 10.7 It is noted that the wording in the paragraph 89 of the NPPF refers to the original “building” not the original “dwelling”. The agent at the time put forward the case that the entire group of 3 dwellings should be treated as one building for the purpose of applying Green Belt policy as the three dwellings would originally have been occupied and used as a single unit, and that in relation to the 3 dwelling, the extension would not amount to a disproportionate addition.
- 10.8 However each dwelling is a separate “planning unit” for the purposes of applying Green Belt policy even if they were built at the same time. There is now no connection between no. 994 as an individual planning unit and the other dwellings now formed at 992 and 992a New Hey Road. So the dwelling at no. 994 should be treated as the “original building” regardless of its earlier history.
- 10.9 This approach was affirmed by the Appeal Inspector in the decision letter for application 2014/91360. The Inspector took the view that the “building” should be taken to mean that which is the subject of the planning application. The Inspector, taking this approach, concluded that the extension would be disproportionate and would constitute inappropriate development, by definition harmful to the Green Belt and that although the harm would be modest this would not be outweighed by other considerations.
- 10.10 The extension has only been slightly altered, having been reduced in width by 400mm. It is considered that with this minor reduction it would still constitute inappropriate development by reason of its being, cumulatively, a disproportionate addition over and above the original building, which is by definition harmful to the Green Belt. A further consideration is whether the original building would remain the dominant feature on the site. This extension is single storey and set back along the rear elevation but when assessed with the previous additions would emphasise the increased scale and mass of the whole development. This would be in contrast to the simple linear character of the original building. The ensuing result is that the extensions would dominate the original building which is considered contrary to Policy D11 of the UDP.



- 10.11 The general design of the extension and materials of construction would harmonise with the principal dwelling in accordance with Policies BE1 BE2 and BE13 of the UDP. However, this does not weigh in favour of the proposal but rather has a neutral effect on the overall balance when taking Green Belt issues into account.
- 10.12 NPPF paragraph 79 says that ‘the essential characteristics of Green Belts are their openness and their permanence’. This area contains sporadic residential development set in a semi-rural landscape. To the rear and side of this property there are open fields. While the extension would be seen in the context of the host dwelling and other properties in the short terraced it would be built upon land that is currently open. Consequently, the extension would result in a reduction in openness here. It is noted this harm would be modest in relation to a loss of openness.
- 10.13 Consideration needs to be given to whether there are any ‘very special circumstances’ to clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. A statement written in support of the application has set out information in support of the design and also states that ‘the extension will be greatly beneficial to my clients and will allow them to remain in the house, and meet the needs of a growing young family’. This has been taken into account but the personal benefit to the applicants is not considered to constitute such very special circumstances that clearly outweighs the harm to the Green Belt by reason of inappropriateness and other harm.
- 10.14 The proposed development is considered to be both disproportionate and dominant to the original building. The development is contrary to Chapter 9 of the NPPF and Policy D11 of the UDP. Therefore the proposal represents inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. For this reason the development would be contrary to Policy D11 of the UDP and guidance in Chapter 9 of the NPPF.

#### Urban Design issues

- 10.15 The proposed extension is of simple design and would use traditional materials, and despite the inclusion of substantial full-height glazing, which is not a traditional feature, it is considered that it would respect the appearance and character of the existing building and would comply with the aims of Policies BE1-2 and BE13.
- 10.16 It is considered that the extension would also comply with the duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with guidance in part 12 of the NPPF, in that it would preserve this Grade II listed building and its setting, and would not result in the loss of any features of interest. The reasons for this are as follows. The host building is a former long barn which has been significantly altered and extended over the years. This part of the building has a two-storey side extension that whilst attempting to tie in does reduce its significance. The proposed extension

would tie in the rear elevation of the original building with the aforementioned extension. It would follow the projection and height of a single storey 'off shot' filling in the gap. The significance of the building is not harmed by this proposal due to the amount of alterations that have been carried out.

### Residential Amenity

- 10.17 The extension would exceed the recommended projection of 3.0m for a rear extension set out in Policy BE14 but it would not project any further than the existing extension, and would not be particularly close to any neighbouring boundaries. It is considered that the extension would not adversely affect the amenities of any neighbouring residential property and would accord with the aims of BE14.

### Representations

- 10.18 Councillor Nicola Turner's comments relating to Green Belt and Listed Building issues have been addressed in the main part of the assessment but are highlighted here together with other issues raised.
- 10.19 I do not see that this application has a detrimental effect on the Green Belt,  
**Response:** This issue has been thoroughly examined in the assessment and taking into account the appeal decision related to a broadly similar application in 2014. It is considered that if the development would be harmful to the Green Belt
- 10.20 (I do not see that this application has a detrimental effect) nor an impact on the listed building.  
**Response:** It is accepted that the development would not cause harm to the significance of the Listed Building.
- 10.21 The site is not overlooked and the next door neighbour has an extension to the rear.  
**Response:** It is accepted that the development would not cause any harm to residential amenity.
- 10.23 I cannot really see why this property should not have an extension to the rear, which will help accommodate this family.  
**Response:** The creation of additional living accommodation would be of benefit to the current occupants but any wider benefits would be very limited and could not be classed as "very special circumstances" that clearly overcome the presumption against inappropriate development in the Green Belt.

### Other Matters

- 10.24 The proposal is not considered to raise any further issues of planning significance.

## 11.0 CONCLUSION

- 11.1 The proposed extension would, for the reasons set out in the Assessment, constitute inappropriate development by reason of its being, cumulatively, a disproportionate addition over and above the original building. Inappropriate development is by definition harmful to the Green Belt and although the harm would be modest this would not be clearly outweighed by other considerations. Inappropriate development should not be allowed except in the event of “very special circumstances” and such very special circumstances have not been demonstrated here to clearly outweigh the harm cause. It is therefore recommended for refusal.

### **Background Papers:**

Application and history files.

2016/93142

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93142>

2014/91360 (including appeal decision)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f91360>

Certificate of Ownership –Certificate A signed.

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## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

#### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

#### PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

19 JANUARY 2017

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**Planning Application 2016/91688**

**Item 12 – Page 31**

#### **Outline application for erection of 9 dwellings**

#### **Land off, Upper Quarry Road and Bradley Road, Bradley, Huddersfield, HD2 1XD**

The agent has submitted a copy of a letter sent to Ward Members dated 6<sup>th</sup> January 2017.

#### Land Ownership

The agent wishes to bring to the attention of Members that the land ownership around the access point excludes the footways on either side, which belong to nos. 32 & 34 Bradley Road. Notice has been served on these properties.

The agent has submitted a 'rights of way' plan that shows that rights of way exist for the applicant and any successors in title to pass and repass on foot through the existing access. Existing ownership rights, or rights of way over the road or footways held by other neighbours, would remain unchanged.

#### Access Width and Footway Provision

The agent wishes to bring to the attention of Members that the footway on the left of the access would be widened to 2 metres and the carriageway width for vehicles (to be resurfaced) would be a minimum of 5.45 metres wide which would allow sufficient width for two vehicles to pass one another.

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**Reserved matters application pursuant to outline permission 2014/91533 for erection of 30 dwellings**

**Land off, St Mary's Avenue, Netherthong, Holmfirth, HD9 3XN**

**Amended plans received:**

Parking area for plots 1-3:

Further details of the parking area for plots 1-3 adjacent to 3 St Mary's Avenue have been provided, as referred to in paragraph 10.9 of the report. This demonstrates that the existing ground level would be lowered slightly to create the parking area and a low retaining wall formed to the boundary with 3 St Mary's Avenue. The extent of these works would not give rise to any significant impacts.

Parking layout for plots 2 and 3:

An amendment to the parking layout had been sought by officers in order to relocate one of the parking spaces for plots 2 and 3 to the front of these plots. This was to reduce the likelihood of these property owners parking on-street (paragraph 10.11).

A revised site layout plan has been submitted which incorporates the requested amendment and is considered to be acceptable. As a consequence of this amendment the parking area for plots 1-3 has been reconfigured and this has meant that there is no longer a need for tandem parking spaces and the parking is also further away from 3 St Mary's Avenue with additional planting provided along the boundary which is a benefit.

Eastern boundary treatment:

Paragraph 10.28 states that it would be more appropriate for the artificial stone wall with timber panel as proposed to the eastern boundary to be replaced with a natural stone wall and that this should continue along parts of the northern and southern boundaries adjacent plots 16, 19 and 20 to enclose this part of the site.

An amended plan has been submitted which shows a natural stone wall with timber panel to the eastern boundary which continues along the majority of the side boundary to plot 19 (southern boundary).

On balance the amended boundary treatment is considered to be acceptable. The inclusion of natural stone will mean that the boundary treatment harmonises with the adjacent proposed dwellings and will respect the character of the adjacent Conservation Area. The boundary treatment extends an acceptable distance along the southern boundary to adequately enclose this part of the site before transitioning to timber fencing. The revised boundary treatment does not extend along the northern side of plot 16 but a continuation of the proposed timber fence with trellis would not be unduly harmful in this location, which borders a commercial site (The Cider Press).

**Consultation responses:**

KC Conservation and Design: *"I think the amendments go some way towards the issues I raised in my consultation response but I do wonder if there are still too many dwellings which produces a cramped appearance with little space between the dwellings. I think there is a need to reduce numbers"*

The above comments were taken into account in the overall assessment of the application.

**Clarification on off-site POS provision:**

Paragraph 1.6 states that "An off-site POS contribution is proposed for the development." The applicant has requested that some clarification is provided around this because prior to the application being submitted officers had indicated that the principle of an off-site sum in lieu of on-site POS was acceptable. The site is located in between 2 existing equipped play areas where there is scope for upgraded facilities to be provided and therefore off-site provision was deemed to be acceptable in this instance.

**Representations:**

An objector who is registered to speak at the meeting has submitted a number of photos which have been circulated to members of the committee and these will be made available at the meeting. The photos show on-street parking associated with a nearby housing development on Dean Brook Road and examples of the condition of the road surface in the vicinity of the site.

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