

Public Document Pack



**Assistant Director, Governance and
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Wednesday 1 March 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 9 March 2017**.

(A coach will depart the Town Hall, at 9.15am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber.)

This meeting will be webcast live.

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

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

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

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

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

Member

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

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

Substitutes Panel

Conservative

B Armer
L Holmes
N Patrick

Green

K Allison
A Cooper

Independent

C Greaves

Labour

F Fadia
E Firth
S Hall
C Scott

Liberal Democrat

R Eastwood
J Lawson
A Marchington

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of previous meeting

1 - 6

To approve the Minutes of the meeting of the Committee held on 19 January 2017.

3: Interests and Lobbying

7 - 8

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

4: Admission of the Public

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

5: Public Question Time

The Committee will hear any questions from the general public.

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.

7: Site Visit - Application No: 2016/90951

Erection of 27 dwellings and ancillary works Forest Road, Huddersfield.

Estimated time of arrival at site: 9.25am

Contact Officer: Adam Walker, Planning Services

Wards

Affected: Dalton

8: Site Visit - Application No: 2016/92812

Demolition of industrial building and erection of 17 No. apartments with integral garages and associated parking Victoria Works, Fisher Green, Honley, Holmfirth.

Estimated time of arrival at site: 9.45am

Contact Officer: Farzana Tabasum, Planning Services.

Wards

Affected: Holme Valley North

9: Site Visit - Application No: 2016/91356

Erection of 2 detached dwellings (within a Conservation Area) adj 141, Church Street, Netherthong, Holmfirth.

Estimated time of arrival at site: 10.00am

Contact Officer: Louise Bearcroft, Planning Services

Wards

Affected: Holme Valley South

10: Site Visit - Application No: 2016/91343

Erection of attached dwelling and erection of extensions and alterations to existing dwelling (Listed Building) 141A, Church Street, Netherthong, Holmfirth.

Estimated time of arrival at site: 10.05am

Contact Officer: Louise Bearcroft, Planning Services

Wards

Affected: Holme Valley South

11: Site Visit - Application No: 2016/91344

Listed Building Consent for erection of attached dwelling and erection of extensions and alterations to existing dwelling 141A, Church Street, Netherthong, Holmfirth.

Estimated time of arrival at site: 10.05am

Contact Officer: Louise Bearcroft, Planning Services

Wards

Affected: Holme Valley South

12: Site Visit - Application No: 2016/93923

Change of use of land to domestic for erection of two storey and link extension (Listed Building within a Conservation Area) Westroyd Farm, Fulstone, White Ley Bank, New Mill, Holmfirth.

Estimated time of arrival at site: 10.25am

Contact Officer: Nick Hirst, Planning Services

Wards

Affected: Holme Valley South

13: Site Visit - Application No: 2016/94001

Erection of extension to and rebuilding of fire damaged winery building at Holmfirth Vineyard, Woodhouse Farm, Woodhouse Lane, Holmbridge, Holmfirth.

Estimated time of arrival at site: 11.00am

Contact Officer: Bill Topping, Planning Services

Wards

Affected: Holme Valley South

14: Site Visit - Application No: 2015/91796

Engineering works relating to improvements and road widening to Lees Mill Lane (within a Conservation Area) Grosvenor Chemicals, Lees Mill Lane, Linthwaite, Huddersfield.

Estimated time of arrival at site: 11.40am

Contact Officer: Glenn Wakefield, Planning Services

Wards

Affected: Colne Valley

15: Local Planning Authority Appeals

9 - 40

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

Contact: Mathias Franklin, Planning Services

Planning Applications

41 - 44

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

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 6 March 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 to the web Agenda.

16: Planning Application - Application No: 2016/90951

45 - 56

Erection of 27 dwellings and ancillary works Forest Road, Huddersfield.

Contact Officer: Adam Walker, Planning Services

Wards

Affected: Dalton

17: Planning Application - Application No: 2016/92812

57 - 70

Demolition of industrial building and erection of 17 No. apartments with integral garages and associated parking Victoria Works, Fisher Green, Honley, Holmfirth.

Contact Officer: Farzana Tabasum, Planning Services.

Wards

Affected: Holme Valley North

18: Planning Application - Application No: 2016/93985 71 - 84

Outline application for residential development at Land at Bank End Lane, Almondbury, Huddersfield.

Contact Officer: Farzana Tabasum, Planning Services

Wards

Affected: Almondbury

19: Planning Application - Application No: 2016/91356 85 - 102

Erection of 2 detached dwellings (within a Conservation Area) adj 141, Church Street, Netherthong, Holmfirth.

Contact Officer: Louise Bearcroft, Planning Services

Wards

Affected: Holme Valley South

20: Planning Application - Application No: 2016/91343 103 - 116

Erection of attached dwelling and erection of extensions and alterations to existing dwelling (Listed Building) 141A, Church Street, Netherthong, Holmfirth.

Contact Officer: Louise Bearcroft, Planning Services

Wards

Affected: Holme Valley South

21: Planning Application - Application No: 2016/91344 117 - 126

Listed Building Consent for erection of attached dwelling and erection of extensions and alterations to existing dwelling 141A, Church Street, Netherthong, Holmfirth.

Contact Officer: Nick Hirst. Planning Services

Wards

Affected: Holme Valley South

22: Planning Application - Application No: 2016/93871 127 - 144

Erection of detached dwelling (within the curtilage of a Listed Building) Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield.

Contact Officer: Matthew Woodward, Planning Services

Wards

Affected: Almondbury

23: Planning Application - Application No: 2016/93923 145 - 158

Change of use of land to domestic for erection of two storey and link extension (Listed Building within a Conservation Area) Westroyd Farm, Fulstone, White Ley Bank, New Mill, Holmfirth.

Contact Officer: Nick Hirst, Planning Services

Wards

Affected: Holme Valley South

24: Planning Application - Application No: 2016/94001 159 - 170

Erection of extension to and rebuilding of fire damaged winery building at Holmfirth Vineyard, Woodhouse Farm, Woodhouse Lane, Holmbridge, Holmfirth.

Contact Officer: Bill Topping, Planning Services

Wards

Affected: Holme Valley South

25: Planning Application - Application No: 2016/91796 171 - 182

Engineering works relating to improvements and road widening to Lees Mill Lane (within a Conservation Area) Grosvenor Chemicals, Lees Mill Lane, Linthwaite, Huddersfield.

Contact Officer: Glenn Wakefield, Planning Services

Wards

Affected: Colne Valley

26: Planning Application - Application No: 2016/93680

183 -
190

Erection of two storey rear extension 40, Springwood Avenue,
Springwood, Huddersfield.

Contact Officer: William Simcock

Wards

Affected: Newsome

Planning Update

191 -
200

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

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 19th January 2017

Present: 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 Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Rob Walker
Councillor Linda Wilkinson

Apologies: Councillor Mohammad Sarwar

In attendance:

Observers:

1 Membership of the Committee

There were no substitutions of membership.

2 Minutes of previous meeting

The Committee was informed of the following correction to the minutes of the meeting held on 8 December 2016.

That Cllr McGuin was not present for the vote on application 2016/92180.

That subject to the above amendment, that the minutes of the meeting held on 8 December 2016 be approved as a correct record.

3 Interests and Lobbying

Members declared interests and identified planning applications on which they had been lobbied as follows:

Councillors Bellamy, Sims, Wilkinson, Calvert, Khan, and Homewood declared they had been lobbied on application 2016/93365.

Councillors Bellamy, McGuin, D Firth, Sims, Wilkinson, Sokhal, Walker, Calvert, Khan, Homewood and Lyons declared they had been lobbied on application 2016/92983.

Councillors Bellamy and D Firth declared an 'other' interest in applications 2016/93365 and 2016/92983 on the grounds that they were members of the Holme Valley Parish Council.

Councillors Calvert and Homewood declared they had been lobbied on application 2016/91688.

Councillor Lyons declared he had been lobbied on applications 2016/91479 and 2016/93142.

4 Admission of the Public

All items were taken in Public Session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit - Application No: 2016/91688

Site visit undertaken.

8 Site Visit - Application No: 2016/91479

Site visit undertaken.

9 Site Visit - Application No: 2016/92983

Site visit undertaken.

10 Site Visit - Application No: 2016/93365

Site visit undertaken.

11 Local Planning Authority Appeals

That the report be noted.

12 Planning Application - Application No: 2016/91688

The Sub-Committee gave consideration to Planning Application 2016/91688 – Outline application for erection of 9 dwellings land off, Upper Quarry Road and Bradley Road, Bradley, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Nick Willock (Agent).

RESOLVED –

1) That Conditional Outline Planning Permission be granted subject to the delegation of authority to the Head of Development Management to finalise conditions including:

1. Detailing the required standard conditions to secure Reserved Matters.
2. A scheme of the proposed internal adoptable estate roads.
3. A scheme for the provision of an improved access from Bradley Road into the development site.
4. A schedule of the means of access to the site for construction traffic.
5. An Intrusive Site Investigation Report covering Phase II of the development.
6. A Remediation Strategy.
7. A revised Remediation Strategy where other contamination is encountered.
8. A Validation Report.
9. An agreement to secure a Public Open Space contribution.
10. A scheme for providing low emission charging points.
11. A Biodiversity Plan.
12. A scheme to restrict the rate of surface water discharge from the site to a maximum of 5 litres per second.
13. Conditions to secure a scheme relating to drainage, method statement and lighting as requested by Network Rail.
14. That no more than 10 dwellings shall be served off the access as shown on the approved plans.

2) An additional condition to require that footways and access road improvements are in place before the superstructure of the dwellings commences.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Calvert, Homewood, Iredale, Kaushik, Khan, Lyons, Sokhal, Ullah, Walker and Wilkinson (10 Votes).

Against: (0 votes)

Abstained: Councillors Bellamy, D Firth, McGuin and Sims

13 Planning Application 2016/91479

The Sub-Committee gave consideration to Planning Application 2016/91479 Outline application for erection of 22 dwellings Hart Street, Newsome, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Diane Sims (Local Resident) and Martin Devey (Applicant). Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Julie Stewart-Turner (Local Ward Member).

RESOLVED –

That the application be refused in line with the following reasons that were included in the considered report:

The proposal would result in the loss of an area of open space and a habitat of principal 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.

A recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Bellamy, Calvert, D Firth, Homewood, Iredale, Kaushik, Khan, Lyons, McGuin, Sims, Sokhal, Ullah, Walker and Wilkinson (14 Votes).
Against (0 Votes).

14 Planning Application 2016/92983

The Sub-Committee gave consideration to 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.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Jeanette Wittrick and Graham Wittrick (Applicants).

RESOLVED –

That the application be granted Listed Building Consent.

Contrary to the Officer's recommendation, the Committee considered that the public benefits of the works that had taken place to bring a derelict building back into use provided a significant visual improvement that outweighed the less than substantial harm created by the proposed timber window frames.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Bellamy, Calvert, D Firth, Homewood, Iredale, Kaushik, Khan, Lyons, McGuin, Sims, Sokhal, Ullah and Walker. (13 Votes)

Against: Councillor Wilkinson (1 Vote).

15 Planning Application 2016/93365

The Sub-Committee gave consideration to Planning Application 2016/93365 Reserved matters application pursuant to outline permission 2014/91533 for erection of 30 dwellings at land off, St Mary's Avenue, Netherthong, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Jenny Evans, Sarah MacDonald, Phil Kendall and Keith Johnson (Objectors) and Jonathan Ainley (speaking on behalf of the applicant).

RESOLVED -

Delegate approval to the Head of Development Management in order to complete the list of conditions contained within the considered report including:

1. Development to be completed in accordance with approved plans.
2. Details of the requirements for the planting of native species.
3. Details of the minimum boundary hedge height adjacent to plots 24 and 29

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Calvert, Homewood, Kaushik, Khan, Lyons, Sokhal, Ullah, Walker and Wilkinson. (9 Votes)

Against: Councillors Bellamy, D Firth, Iredale, McGuin, and Sims (5 Votes).

16 Planning Application 2016/93142

The Sub-Committee gave consideration to Planning Application 2016/93142 Erection of single storey rear extension (Listed Building) 994, New Hey Road, Outlane, Huddersfield,

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Craig Mitton (applicant).

RESOLVED –

That the application be granted Conditional Full Permission.

Contrary to the Officer's recommendation, the Committee considered that very special circumstances existed to clearly outweigh the harm caused to the green belt by reason of inappropriateness.

Planning Sub-Committee (Huddersfield Area) - 19 January 2017

The extension would enhance the character of the listed building without harm to the openness of the Green Belt.

For: Councillors Bellamy, Calvert, D Firth, Homewood, Iredale, Kaushik, Khan, Lyons, McGuin, Sims, Sokhal, Ullah, Walker and Wilkinson. (14 Votes)

Against: (0 Votes).

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)

Date: 9 MARCH 2017

Title of report: LOCAL PLANNING AUTHORITY APPEALS

The purpose of the report is to inform Members of planning appeal decisions received in the Huddersfield area since the last Sub-Committee meeting.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports) ?	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Assistant Director & name	Paul Kemp 28 February 2017
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	No financial implications
Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No legal implications
Cabinet member portfolio	Economy, Skills, Transportation and Planning (Councillor McBride)

Electoral wards affected: Colne Valley; Crosland Moor and Netherton; Almondbury; Holme Valley South; Golcar; Greenhead;
Ward councillors consulted: No

Public or private:

1. Summary

This report is for information only. It summarises the decisions of the Planning Inspectorate, in respect of appeals submitted against the decision of the Local Planning Authority. Appended to this Item are the Inspector's decision letters. These set out detailed reasoning to justify the decisions taken.

2. Information to note: The appeal decision received are as follows:-

- 2.1 2015/62/94019/W - Erection of one dwelling at High Beeches, 585, Manchester Road, Linthwaite, Huddersfield, HD7 5QX. (Officer)
 (Appeal against non- determination of application allowed)

- 2.2 2015/60/93253/W - Outline application for demolition of existing bungalow and erection of two dwellings with integral garages at Craig Heath, 7, Beaumont Park Road, Beaumont Park, Huddersfield, HD4 5JT. (Officer) (Allowed)
- 2.3 2016/62/91707/W - Erection of front and rear dormers at 35, Station Road, Fenay Bridge, Huddersfield, HD8 0AA. (Officer) (Dismissed)
- 2.4 2016/62/91881/W - Erection of 14 dwellings at HI Pylon Works, Slades Road, Bolster Moor, Huddersfield, HD7 4JS. (Officer) (Dismissed)
- 2.5 2016/62/92197/W - Erection of extension and alterations to existing garage to form dwelling adj Rose Glen, Far Lane, Hepworth, Holmfirth, HD9 1TL. (Officer) (Dismissed)
- 2.6 2016/62/92227/W - Erection of first floor extension and alterations to convert integral garage to living accommodation at 6, St Marks View, Longwood, Huddersfield, HD3 4TF. (Officer) (Allowed)
- 2.7 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

3.1 There will be no impact on the four main priority areas listed below

- Early Intervention and Prevention (EIP)
- Economic Resilience (ER)
- Improving outcomes for Children
- Reducing demand of services

4. Consultees and their opinions

Not applicable, the report is for information only

5. Next steps

Not applicable, the report is for information only

6. Officer recommendations and reasons

To note

7. Cabinet portfolio holder recommendation

Not applicable

8. Contact officer

Mathias Franklin –Development Management Group Leader (01484 221000) mathias.franklin@kirklees.gov.uk

9. Background Papers and History of Decisions

Not applicable

10. Assistant Service Director responsible

Paul Kemp

Appeal Decision

Site visit made on 20 December 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 January 2017

Appeal Ref: APP/Z4718/W/16/3158631

Land to the front of High Beeches, 585 Manchester Road, Linthwaite, Huddersfield, HD7 5QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr James Charlton against Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/94019/W, is dated 15 December 2015.
 - The development proposed is described as a pair of semi-detached houses to the frontage of 585 Manchester Road, Linthwaite.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at Land to the front of High Beeches, 585 Manchester Road, Linthwaite, Huddersfield, HD7 5QX in accordance with the terms of the application, Ref 2015/62/94019/W, dated 15 December 2015, subject to the attached schedule of conditions.

Procedural Matters

2. During consideration of the application by the Council, the proposed development was amended by the appellant. This resulted in the proposed semi-detached dwellings being superseded by a proposed detached dwelling. I have therefore determined this appeal on the basis of that amendment with the proposed development being for the erection of a detached dwelling.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

4. The appeal site comprises an area of sloping land in the front of High Beeches that is predominantly grassed. It occupies a transition point in the character of the street scene on the eastern side of Manchester Road with stone built

terraced properties immediately to the north east and bespoke designed detached and semi-detached properties to the south west that are set well back from the road with substantial intervening shrubs and trees. The western side of Manchester Road is occupied by a variety of commercial properties set at a lower level from the road.

5. The proposed development would involve the construction of a modest sized two storey detached dwelling constructed in stone with accommodation in the roof space. It would occupy the north eastern half of the site and as such would be sited close to the existing terraced block where the proposed front elevation would be positioned slightly forward of the front wall of this row of properties. The south western half of the site would be occupied by car parking and turning space. A substantial stone faced retaining wall would be constructed at the rear of the site to retain the access drive and garden of High Beeches.
6. The construction of a modest sized dwelling positioned close to the terrace block would have synergy with the urban form of development to the north east. Whilst there would be an un-doubtable change in the character and appearance of the site, the proposed dwelling would respect the scale, mass and materials of the adjacent terrace block. In addition, the site would retain its role as forming a transition between stone built properties positioned close to the road and more substantial bespoke properties set back from the road with intervening substantial planting. Consequently, I do not consider that this would cause unacceptable harm to the character and appearance of the area.
7. The Council suggest that the proposed design of the dwelling, and in particular the glazed doors with balcony at first floor level, would not reflect the simplistic design of the terraced block. However, given the position of the site in marking a transition in contrasting design styles in the locality, in my view, the proposed scale and mass of the dwelling and the use of stone is reflective of some of the character of the terraced block whilst also being reflective of the individual and varied design style of the properties to the south west. As such, the design also has a transitional visual appearance that would not markedly contrast with the character and appearance of existing development in the locality of an extent to cause any significant harm.
8. Taking the above matters into consideration, I conclude that the proposal would not significantly harm the character and appearance of its surroundings. It would not therefore conflict with Saved Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan (UDP). These policies, amongst other things, require that new development should be of a good quality design that is in keeping with surrounding development in terms of materials, design, scale, mass and density and does not prejudice the character of the surroundings.

Highway safety

9. The proposed development would introduce an additional access point on Manchester Road in close proximity to an existing access where two driveways converge. The Council indicate that the cumulative number of properties served by the existing access is five.
10. The horizontal alignment of Manchester Road in the vicinity of the proposed access is relatively straight. Consequently, there would be adequate visibility in both directions from the proposed access. The submitted plan No

HBL/2015/01 Rev B shows achievable visibility splays of 2m x 70m. The Council suggest that sightlines of 2.4m x 70m should be provided. From my observations at my site visit I consider that the Council's suggested visibility splay can be accommodated and can be provided by the imposition of an appropriate planning condition, were I minded to allow the appeal.

11. Although the proposed access would be located close to the existing access, given the likely traffic that would be generated as a consequence of the proposed single dwelling I do not consider this would be of a level that would cause any demonstrable conflict with the use of existing access. I recognise that there may be occasions when both access points are in simultaneous use. However, the proximity of the accesses to each other would enable driver communication that would assist in managing any potential conflict.
12. In any event, there is nothing unusual in the relative configuration between the proposed and existing accesses to suggest that this arrangement is unique or would give rise to unfamiliar circumstances that would demonstrably compromise highway safety. In addition, given the attainable visibility from both the existing and proposed access, I do not consider that any simultaneous use of the respective access points would unacceptably impede visibility.
13. I agree with the Council that there is adequate space within the proposed site to accommodate the required level of car parking but the internal layout of the parking and turning area could be improved to enable vehicles to manoeuvre within the site and avoid reversing movements on to the road. An appropriate layout of the proposed parking and manoeuvring area can also be secured by means of an appropriate planning condition, were I minded to allow the appeal.
14. Taking the above factors into account, I do not consider that the proposed development would cause any demonstrable harm to highway safety. Consequently, there would be no conflict with Saved Policies T10 or D2 of the UDP. These policies, amongst other things, require that new development does not prejudice highway safety.

Other matters

15. I have taken into account the concerns of some residents that the proposed development may interrupt the subsurface drainage regime of the locality as a consequence of the excavations that would be necessary to the existing sloping site. However, I have no evidence that this would be the case and nor has the Council raised any concerns regarding such matters. Consequently, I have attached minimal weight to these concerns.
16. My attention has also been drawn to the proximity of the proposed development to the side windows of the upper floor of No 581 Manchester Road. However, I agree with the Council that there would be a reasonable degree of separation between these windows and the side elevation of the proposed dwelling and whilst there would be some reduction in light and outlook, this would not be of an extent to cause any significant harm to the living conditions of the occupants of No 581.

Conditions

17. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the

government's Planning Practice Guidance. As a result, I have amended some of them for clarity and eliminated some elements of them for the reasons set out below.

18. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. In order to protect the character and appearance of the area, I have also imposed conditions concerning the external materials to be used in the form a sample panel and details of an artificial roofing slate to be submitted for approval by the Council.
19. Also, in order to protect the character and appearance of the area, I agree that a condition is necessary concerning the details of boundary treatment. In the interests of highway safety I have attached conditions concerning the submission of the design details of the access, parking and turning areas and a requirement for these areas to be retained, free of obstructions and available for access and parking. I have also attached a condition requiring that the proposed sightlines of 2.4m x 70m should be provided.
20. The Council has also suggested a condition requiring the provision of a sparrow terrace nest box. Whilst I understand the desire for the provision of such nest box I have no evidence to suggest that there are any planning reasons its provision or how the suggested condition reasonably relates to the development proposed. Consequently, I have deleted the suggested condition.

Conclusion

21. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

1. The development hereby permitted shall be begun within 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; HBL/2015/01 Rev B – Site Layout; HBL/2015/02 Rev B – Proposed Floor Plans; HBL/2015/ 03 Rev B – Elevations Part 1; HBL/2015/04 Rev B – Site Section; HBL/2015/05 - Elevations Sheet 2.
3. No development involving the construction of the dwelling shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall has been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample and shall be thereafter retained as such.
4. Notwithstanding the submitted details, the proposed roofing material shall comprise of an artificial slate tile, the details of which shall be submitted to and approved in writing by the local planning authority before works to construct the roof of the dwellings commences. The dwelling shall be constructed of the approved material and thereafter retained as such.
5. Notwithstanding the submitted details, details of the boundary treatment of the site shall be submitted to and approved in writing by the local planning authority before the dwelling is first occupied. The boundary treatment so approved shall be provided before first occupation and thereafter retained as such.
6. Notwithstanding the submitted details, revised details of the parking and turning areas shall be submitted to and approved in writing by the local planning authority before the dwelling is first occupied and the development shall be constructed in accordance with the approved details.
7. The development shall not be brought into use until all areas indicated to be used for access, parking and turning, approved pursuant to the requirements of condition No 6 above, have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this area shall be so retained, free of obstructions and available for access and parking thereafter.
8. The development shall not commence until sightlines of 2.4m x 70m have been provided from the access in both directions and these shall be kept free of any obstruction to visibility exceeding 1.0m in height thereafter.

Appeal Decision

Site visit made on 13 December 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/Z4718/W/16/3155496

Craig Heath, 7 Beaumont Park Road, Beaumont Park, Huddersfield

HD4 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Frost against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/60/93253/W, dated 9 October 2015, was refused by notice dated 1 July 2016.
 - The development proposed is the demolition of existing bungalow and erection of two dwellings with integral garages.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing bungalow and erection of two dwellings with integral garages at Craig Heath, 7 Beaumont Park Road, Beaumont Park, Huddersfield HD4 5JT in accordance with application Ref 2015/60/93253/W, dated 9 October 2015 and subject to the conditions in the schedule below.

Procedural Matters

2. The application is made in outline with details of access and layout submitted for consideration at this stage.
3. The appeal site lies within the Green Belt. However, the Council is content that the proposal would accord with Saved Policy D13 of the Kirklees Unitary Development Plan 2007 (UDP) and relevant provisions in the National Planning Policy Framework such that the development would not amount to inappropriate development within the Green Belt. Based on the information before me, I have no reason to take a different view.
4. Concern was raised following the public consultation exercise regarding a discrepancy between plans. The Council confirmed that this was rectified by the submission of an amended location plan.

Main Issues

5. The main issues are i) the effect of the development on the character and appearance of the area and ii) whether future occupiers would be provided with acceptable living conditions having particular regard to external amenity space.

Reasons

Character and Appearance

6. Beaumont Park Road is characterised by mainly two storey dwellings, generally set within spacious plots along a verdant sloping lane. The appeal site is located on the more sparsely developed side of the road, with many of the buildings separated by generous gaps.
7. Whilst the proposed dwellings would be spaced quite close to one another, the tightness of this relationship would be mitigated by the pronounced stagger in the forward building line which would also serve to retain a sense of spaciousness at the front of the plot. In addition a significant gap would be retained between the nearest dwelling and the western side boundary. I do not therefore concur with the Council that the development would appear cramped within the plot. Although a large area at the front of the site would be used as vehicle parking and turning space, the presence of nearby existing mature tree cover would help to soften its visual impact.
8. Accordingly I conclude that the proposal could be satisfactorily assimilated into the street scene and would not result in harm to the character and appearance of the area. It would not therefore conflict with Saved Policies BE1 and D13 of the UDP insofar as they seek to promote good design that in particular, retains a sense of local identity and protects the character of the surrounding area.

Living Conditions

9. In terms of amenity space available to future occupiers of the dwellings proposed, the rear garden areas shown would be relatively shallow due to the constraint of a steeply sloping embankment beyond. However, the garden widths would be generous with more substantial space available to the side of the western plot, albeit that this is likely to be at a raised level in the interests of tree protection. In addition, the plots would incorporate raised patio areas.
10. The rear garden and patio areas would retain an open south facing aspect and would be large enough not to be unduly compromised as a result of shading from tall mature trees which, though nearby, are substantially confined to the periphery of the site. I am satisfied that although the depth of the proposed garden areas may not comply with Saved Policy BE12 of the UDP, sufficient useable space would, nevertheless, be available for future occupiers who would be provided with satisfactory living conditions in this regard. Moreover, the presence of the embankment and abrupt change in levels to the rear means that this would not result in any detriment to occupiers of adjacent premises either. The Council notes that, as the adjacent trees grow over time, they may overhang the dwellings leading to pressure for their removal. However any such issue in relation to protected trees would need to be considered on its merits at the time.
11. I therefore conclude, on this issue, that the proposed development would incorporate satisfactory amenity space for residents and would not conflict with Saved Policy BE12 of the UDP which seeks to protect the living conditions of residents.

Other Matters

12. I have a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the setting of the nearby No 72 Hanson Lane which is a Grade II listed building. This property is a two storey stone building set back behind a substantial stone wall. It seems to me that the special interest of this building derives from its age, form and appearance. The elements of setting that contribute to its significance include its relationship with the street and its immediate plot. The appeal site is substantially separated from this plot and due to intervening buildings there is little if any inter-visibility between the two sites. In that context, I consider that the appeal site contributes little, if anything, to the significance of the building or its setting and there would be no harm in this regard.
13. Whilst the existing building has the potential to be used by crevice dwelling bats, the Council acknowledges that the appellants' bat survey revealed no visible signs of bat occupation. Based on the information before me, I have no reason to suppose that the site is currently being used by roosting bats. In the event that bats are discovered during the course of development, protection would be secured through the requirement for the developer to obtain a European Protected Species License.

Conditions

14. I have considered the conditions suggested by the Council. Conditions requiring the submission of outstanding reserved matters, time limits for commencement of the scheme, compliance with approved plans and the protection of retained trees are required to protect the character and appearance of the area and to secure a satisfactory form of development. Conditions controlling the surfacing and protection of vehicle parking and turning areas, entrance gate details and protection of visibility splays are required in the interests of highway safety and satisfactory drainage.
15. I am satisfied that a condition is required to control the development of extensions and curtilage buildings within the properties to protect the openness of the Green Belt. However with this in place a separate condition would not be required to control the extent of curtilages. A condition regarding finished floor levels is required to ensure the living conditions of existing residents and the character and appearance of the area is protected. A condition requiring the provision of electric vehicle charging points is required in order to promote sustainable travel. A condition requiring adherence to the recommendations in the relevant bat survey would not be required for the reasons set out above.
16. I have made alterations to the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in Planning Practice Guidance.

Conclusion

17. For the aforementioned reasons, and having had regard to all other matters raised, I conclude that the appeal should succeed and outline planning permission be granted.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, and scale , (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No 02 – Proposed Site Plan but only insofar as it relates to matters of access and layout (this excludes the sections shown which are for illustrative purposes only).
- 5) The development shall not be occupied until space has been laid out within the site in accordance with the approved Drawing No 02 – Proposed Site Plan to enable vehicles to park and turn within the site. The areas shown on the approved plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
- 6) Prior to installation details of the surface material for parking and turning areas and any proposed gates or barriers relating to the vehicular access to the site shall be submitted to and approved in writing by the Local Planning Authority.
- 7) The dwellings shall not be occupied until sightlines of 2m x 43m along the site frontage have been cleared of all obstructions to visibility exceeding 1m in height above the level of the adjacent carriageway and shall be retained free of any such obstruction thereafter.
- 8) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the

protection of the retained trees shall be carried out as approved.

- 9) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection plan. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.
- 10) Before the superstructure of the dwellings commences detailed plans indicating existing site and proposed site, building and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in complete accordance with the details so approved.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no extensions or outbuildings included within Classes A, B, C, D or E of Part 1 of Schedule 2 to that Order shall be developed.
- 12) An electric vehicle recharging point shall be installed within the garages or in a location accessible from the dedicated parking areas of the site before first occupation of the dwellings. The cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall thereafter be retained.

Appeal Decision

Site visit made on 6 February 2017

by **Michael Moffoot DipTP MRTPI DipMgt MCMi**

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

Decision date: 15th February 2017

Appeal Ref: APP/Z4718/D/16/3165931

35 Station Road, Fenay Bridge, Huddersfield HD8 0AA

- 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 Alison Grant against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2016/62/91707/W, dated 19 May 2016, was refused by notice dated 5 October 2016.
 - The development proposed is dormer loft conversion with dormers front and rear to form additional bedrooms.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is submitted that planning permission is not required for the proposed dormer to the rear of the dwelling. This is not an issue before me however, and the opportunity exists for the appellant to pursue the matter through procedures set out in sections 191 and 192 of the Town and Country Planning Act 1990.
3. That said, there is no dispute between the parties as to the acceptability of the rear dormer. 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 front dormer.
4. The appellant has suggested a reduction in the size of the front dormer. However, this is not in plan form and has not been subject to public consultation. I shall therefore determine the appeal on the basis of the application plans as refused.

Main Issue

5. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is prominently located at a bend on the busy Station Road in a predominantly residential area characterised by dwellings of various age, style, form and materials. The end-of-terrace property is constructed of stone and brick under a slate roof and sits slightly higher than many other dwellings in the area due to the steeply sloping nature of this section of Station Road. The

proposed dormer would feature tile hanging to the front and sides and GRP cladding to the roof.

7. Saved policy BE15 *Kirklees Unitary Development Plan* [Revised 2007] ('the UDP') states that dormer extensions to front or main elevations of dwellings will normally be permitted provided that certain detailed criteria are met. Applying them to this case, the proposed dormer would exceed 50% of the width of the original roof and would not be centrally placed. Moreover, it would not achieve the required 1m set back from the gutter line nor would it be set down from the ridge by the stipulated distance. The dormer would be a large, box-like feature that would dominate the roof and front elevation of the dwelling and seriously unbalance the visual rhythm of the terrace. It would be a discordant addition to the street scene on a highly prominent site and would severely compromise the visual amenity of this stretch of Station Road, where no similar front dormers are evident or have been drawn to my attention.
8. In coming to these findings, I acknowledge that the use of tile hanging to the front and cheeks of the dormer would be less conspicuous than white uPVC cladding. However, this does not overcome my concerns regarding the inappropriate design and scale of the proposal.
9. For these reasons, I conclude that the proposed development would seriously harm the character and appearance of the area. It would conflict with those parts of policies D2, BE1, BE2 and BE15 of the UDP which seek to safeguard the visual amenity and character of an area, and secure good quality design that contributes to the built environment and is in keeping with surrounding development in respect of design and scale.
10. The appeal therefore fails in relation to the front dormer. Whilst I consider the rear dormer to be acceptable, it is reliant upon the front dormer to provide access via a new staircase according to the plans. This is a matter for the appellant to pursue with the Council should she wish.

Michael Moffoot

Inspector

Appeal Decision

Site visit made on 5 January 2017

by **Helen Heward BSc (Hons) MRTPI**

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

Decision date: 8 February 2017

Appeal Ref: APP/Z4718/W/16/3159792

Hi Pylon Works, Slades Road, Golcar, Huddersfield HD7 4JS

- 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 David Fisher against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/91881/W, dated 16 June 2016, was refused by notice dated 20 September 2016.
 - The development proposed is erection of 14 dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

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

Main Issues

3. The site is within a Green Belt therefore the main issues in this case are:-
 - i. Whether or not the proposed development is inappropriate development within the Green Belt, and
 - ii. If the proposal is inappropriate development, whether or not there are very special circumstances to justify the harm caused to the Green Belt by reason of its inappropriateness and any other harms.

Reasons

Green Belt

4. Paragraph 79 of the National Planning Policy Framework (2012) (the Framework) advises that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 87 and 89 of the Framework include advice that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that the construction of new buildings should be considered inappropriate unless they fall within specific exceptions listed at paragraphs 89 and 90.

5. The exception in the sixth bullet point of paragraph 89 provides for the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. One of the 5 main purposes of a Green Belt set out at paragraph 80 is to preserve the setting and special character of historic towns.
6. The appellant refers to the High Court Case *Timmins & Anor v Gedling Borough Council*¹ and argues that a key factor in judging openness is the relative size of existing and proposed buildings, with particular reference to empirical calculations of volumes and areas, and that visual impact and architectural design are factors that do not effect openness.
7. However, the Court of Appeal in *Turner v SSCLG & East Dorset Council*² recognised that the question of visual impact is implicitly part of the concept of openness of the Green Belt and the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt. The Court of Appeal found that, with regard to the *Timmins & Anor v Gedling Borough Council* judgement, the judge had gone too far in stating that there is a clear conceptual distinction between openness and visual impact and stating that it was wrong in principle to arrive at a specific conclusion as to the openness by reference to visual impact. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. But this does not mean that the openness of the Green Belt has no visual dimension (paragraph 25). Accordingly I shall proceed to consider this matter.
8. The main visual impacts of existing buildings are appreciated in views from Slades Road. In these views commercial buildings built to the back edge of the public path present a solid and continuous built frontage to the street. With the exception of one relatively short two storey section, they appear to be single storey, notwithstanding the pitch of roofs over. Save for an access way width, the single storey buildings appear to wrap around the southern corner, extending back into the site where they meet a flat roof building and present another view of a continuously developed edge. The flat roof building can only be partially seen but appears to be two-storey in scale. From the north views into the site are more limited but a site access provides a restricted view. Photographs in the appellant's Design and Access Statement (D&A) demonstrate that previously single-storey buildings could be seen at the rear of the site. But from what I saw the site was largely open at the rear.
9. In the proposed scheme the gable ends to a pair of semi-detached dwellings would be seen at the site frontage, set a short distance back from the pavement. The gables would be quite wide and occupy roughly half the width of the site frontage. The eaves would be set above the first floor but large flat roof dormer windows would occupy most of the roof area with their cheeks close to the main gable ends. The dormers and vertical emphasis to fenestration would create a strong impression of three-storey dwellings. The effect would be that side elevations facing the street would appear broadly rectangular in outline, roughly three storeys in height and large in scale. I

¹ *Timmins & Anor v Gedling Borough Council* [2014] EWHC 654 (Admin)

² *John Turner v SSCLG and East Dorset Council* [2016] EWCA Civ 466

conclude that from Slades Road they would be seen to occupy a similar or equal amount of space as the existing frontage buildings.

10. Oblique views including side and rear elevations of the frontage dwellings would emphasise the scale and mass. In most views two terraces of similar three-storey dwellings spanning most of the width of the rear of the site would be seen behind. The relatively close positioning of the main building elements, together with their height, scale and mass would result in the buildings often being viewed together. In many views the gaps between would often be indistinguishable with few opportunities to perceive spaces between and around them. The impression from Slades Road would be of a large mass of closely developed three-storey buildings appearing to occupy almost all of the site.
11. The large three-storey scale and mass of the proposed dwellings would be emphasised when seen in close juxtaposition with the smaller scale of existing development, particularly the modestly scaled stone cottages adjacent the southern boundary. The verticality of the proposed fenestration would emphasise this and neither the limited setback of the rear dwellings, nor the separation from the frontage dwellings, would materially diminish the impact of the apparent scale on the perception of space occupied by the development, and its effect upon openness visually.
12. Boundary walls and the close proximity of the dwellings would enclose and restrict appreciation of two new garden spaces adjacent to the frontage. The central access parking area would be very much enclosed by the three-storey buildings built close to parking spaces which would often be occupied by vehicles also diminishing openness.
13. In plan form the layout of the buildings would be more spacious than that of all of the previous buildings. The site is located on a broad hillside which offers some elevated viewpoints in which the dwellings might not break the sky line. In most views I could see that a large part of the rear of the site was clear. Photographs in the D&A demonstrate that until relatively recently buildings covering a large area of the site were partially visible in these views. The buildings were commercial in scale and some had large gables, but from what I saw and in studying the D&A, most appeared single storey and I am not persuaded that they would have appeared to rise across the site.
14. Overall, I find that the scale, height, mass and design of the development would appear significantly less open than existing development and moderately less open than the previous buildings shown in the appellant's D&A.
15. The appellant refers to paragraph 7.15 of the report to the Secretary of State in APP/B1930/W/15/3028110 where it was noted there would be a marked reduction in the amount of built development on the site which should be afforded substantial weight. I am informed that the previous buildings occupied 57% of the site area and the 14 dwellings would occupy 26.5%. The Council accepts that the overall layout would result in a reduced footprint in comparison to the previous buildings and would not have a greater impact on the openness of the Green Belt than the previous buildings in this way. Nor does the Council contend that the volume of the commercial buildings that had occupied the appeal site was 7423.5m³ or that the proposed would have a volume of 6956.3m³. These changes would result in a noticeably lesser area of ground covered by buildings and an absolute physical reduction in the total volume of built form in comparison to the previous buildings.

16. However, the appellant's ground of appeal and D&A are predicated upon an extent of commercial buildings on the site that I did not find, some of the buildings shown in the D&A were no longer in existence. The Planning Officer's report also informs me that at the time the application was considered a number of buildings had been demolished.
17. There is no evidence before me in relation to the area or volume of the buildings in existence at the time of my visit and I have no way of knowing the exact amount of buildings removed. Nonetheless, from my observations on my visit and having studied the submitted drawings of the proposed development. I am not persuaded that the proposed buildings would occupy a lesser area or volume than proposed. This limits the weight I attach to the empirical evidence.
18. The Council's first reason for refusal includes that the proposal would be contrary to one of the five purposes of the Green Belt by failing to preserve the setting and special character of historic towns. There is little evidence before me in this regard and from my observations I saw nothing to indicate the potential for a greater impact.
19. Overall, and on balance, I conclude that the proposal would result in a loss of openness and therefore fails to comply with the provisions of the sixth bullet point of paragraph 89 of the Framework for the partial or complete redevelopment of previously developed sites, and as such the proposal would be inappropriate development within the Green Belt and is contrary to advice in the Framework. I attach substantial weight to these harms to the Green Belt.

Other Matters

20. In considering an outline planning application in 2015 the Council concluded that demolition of the existing buildings and erection of eight dwellings met the requirements for redevelopment of brownfield land within the provisions of the sixth bullet point in paragraph 89 of the Framework (outline planning permission 2015/93066). The Planning Officer's report informs me that the indicative layout for the eight dwellings was similar to that before me. Images in the D&A indicate that the previous scheme had been illustrated to have a similar two-storey with roof dormers design. However, the footprint for the eight dwellings appears somewhat less than the proposal I am considering and I am not persuaded that there is evidence to say that that permission would enable development of similar overall scale and mass as this proposal. Nor is there evidence to say that the effect on openness of domestic paraphernalia and parked cars, including those of visitors, would be the same for 14 dwellings as it would be for eight. Nonetheless, I attach significant weight to the existence of this permission.
21. The development would result in modest contributions to the local economy during construction and by supporting local services after. I attach a modest amount of weight in favour of these economic gains.
22. Redevelopment of a brownfield site of known environmental constraints would contribute to reducing pressure for development of green field sites. Gardens would be created and new planting made on the former brownfield site. I attach a modest degree of weight to these environmental gains.

23. Paragraph 50 of the Framework advises that where affordable housing is needed, policies should be for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Paragraph 176 advises that where safeguards are necessary to make a particular development acceptable in planning terms, the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. However the need for such safeguards should be clearly justified.
24. The Planning Officer's report informs me that there would be a requirement for affordable housing under UDP Policies H10 and H12 and that the Council's Supplemental Planning Document (SPD2) set out the objectives for the provision of affordable housing. However, the Council has not provided evidence of these requirements. I am also informed that a viability assessment was submitted to demonstrate that an affordable housing contribution would make the development unviable, but it has not been submitted in this appeal. I have no way of knowing what it demonstrates, or if it would comply with advice in the Framework and the principles on viability in the Planning Practice Guidance. However, given my conclusions in respect of the Green Belt this issue is not determinative in this case.
25. The site is adjacent to Grade II listed buildings, 70, 72-74 Slades Road which the Planning Officer's report informs me were former weavers' cottages. They are characterised by their modest scale, traditional stone construction and being set well back from the road behind a garden with a low stone wall. Existing industrial buildings adjacent the northern boundary include a quite large flat roof office block and extend forward of the cottages alongside the garden. The appeal site appears lower than the cottages. The closest dwellings would be set back behind the front elevation of the cottages. Those in front would be separated by some distance. These details would mitigate the impact of the development. On balance, I find that the proposal would cause no harm to, and would preserve the setting of, these nationally designated heritage assets and so would not harm their significance. This does not weigh in favour of the proposal. It is neutral in effect.
26. This part of the Green Belt has the character and appearance of a settled landscape. Topography and landform strongly influence the layout and positioning of built form on the broad hill side. In the wider locality buildings are seen set at a variety of levels with some appearing higher or taller than neighbouring dwellings. There are differently scaled buildings, including stone dwellings with tall gables facing roads, tall terraced dwellings, a large Wesleyan Chapel, a range of styles and sizes of modern dwellings and a variety of densities and plot sizes. All influence the character and appearance of the locality. The Council's Conservation and Design Officer noted that the range of industrial buildings added little or nothing to the surrounding area and that the design would make reference to the materials of the surrounding area and respond to the mixture of house types. They concluded that the design was acceptable and, on balance, I agree. This neither adds weight for or against.
27. The side elevation to plot 2 and 4 (facing the rear plots) would include secondary habitable room openings and allow access onto balconies at first floor level. These openings face the front elevations of proposed dwellings to

- the rear of the site. The Planning Officer's report states that the proposal satisfies the requirements of Policy BE12 of the Kirklees Unitary Development Plan (UDP). It seeks to ensure that a reasonable amount of space be provided around new dwellings in the interests of the amenity of future residents, and to prevent overlooking and undue loss of privacy to any existing residents.
28. The secondary window elevations would be narrow allowing only restricted views. There would be doors to a small balcony at the first floor. The front elevations of the rear dwellings would include a garage and door opening at ground floor, bedroom and hall windows at first and second floor levels. The main aspects to their principle habitable rooms would be west facing. The limited potential overlooking of the western plots from openings in the east side elevations of plots 2 and 4 would not be significantly overbearing.
29. Frontage dwellings would cast some shadows across the front elevations of some plots to the rear. The main aspects of the rear dwellings are west facing. The shadows that would fall upon the first and second floor bedroom windows would not be significant and the siting and design of plots two and four would not have a significant adverse effect upon the living conditions of future occupiers of proposed dwellings to the rear.
30. Plots 1 and 2 would have rear openings facing 54 Slades Road and Plots 3 and 4 would have openings facing towards 70 Slades Road. The potential for direct overlooking would be limited to garden areas and given the separation distances would not significantly adversely affect the living conditions of the occupiers of these dwellings. I find no conflict with one of the core planning principles at Paragraph 17 of the Framework which advises that planning should always seek to secure a good standard of amenity for all future occupiers of land and buildings.
31. The appellant submits that the Council has consistently fallen short of achieving a five year housing land supply and has a shortfall of housing land, and the proposal will provide housing in an appropriate location close to local services including a shop, school and nursery. There is no evidence before me on housing land supply and as I have been unable to determine if affordable housing is needed I am not persuaded there is evidence to say the proposal would meet the social dimension of sustainable development.

Conclusions

32. The proposed development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than existing development and therefore fails to comply with the provisions of the sixth bullet point of Paragraph 89 of the Framework for the partial or complete redevelopment of previously developed sites. The proposal is inappropriate development within the Green Belt, which the Framework indicates should not be allowed except in very special circumstances.
33. On balance, the setting of Grade II heritage assets adjacent the site would be preserved and the character and appearance of the wider locality not harmed. There would be no harm to the living conditions of occupiers of existing dwellings adjacent the site or those of future occupiers of dwellings within the proposed scheme. None of these matters amount to very special circumstances and neither weigh for or against the scheme.

34. I have been unable to determine if the development should make appropriate provision to secure affordable housing provision and if so whether a contribution in lieu of on-site provision would be robustly justified.
35. The proposal would result in the redevelopment of a brownfield site and modest economic and environmental gains to which I attach a moderate degree of weight in favour.
36. In this case there was a greater quantum of buildings on the site until recently and which led to the Council granting outline permission for eight dwellings. That application indicated a similar layout to that of the proposed and the permission is still extant. This attracts significant weight in favour.
37. In weighing all of these matters I find that the weight in favour to be attached to the existence of an outline planning permission, and the modest environmental and economic gains that redevelopment would bring, do not together clearly outweigh the substantial harms to the openness of the Green Belt and by reason of inappropriate development within it. Accordingly very special circumstances do not exist.
38. Therefore, and having taken all other matters raised into consideration, including that the application attracted many representations, I conclude that the appeal should be dismissed.

Helen Heward

PLANNING INSPECTOR

Appeal Decision

Site visit made on 24 January 2017

by **Andrew McCormack BSc (Hons) MRTPI**

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

Decision date: 15 February 2017

Appeal Ref: APP/Z4718/W/16/3163230

Rose Glen, Far Lane, Hepworth, Holmfirth HD9 1TL

- 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 Michael Walker against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/92127/W, dated 24 June 2016, was refused by notice dated 21 October 2016.
 - The development proposed is extension of existing double garage and conversion to single dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The proposed development is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal would be 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 it.

Reasons

Inappropriate development

3. Paragraphs 89 and 90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The appellants contend that the proposal would not be inappropriate development as it would not result in any disproportionate additions over and above the size of the original garage building. In addition, it is argued, the existing building is of robust construction which would facilitate conversion and extension.
4. Whilst the proposed extension may be modest in the appellants' view, it would constitute a significant increase in the total volume and floor area of the building by more than 50%. In my view, this would be a disproportionate and

substantial addition to the original building and would result in a significant change in the character and appearance of the building.

5. As such, the proposed development would not fall within the categories of buildings or structures allowed for in Paragraph 89 of the Framework. Consequently, I conclude that the proposal would be inappropriate development for the purposes of the Framework. Accordingly, the resultant harm must be given substantial weight in determining this appeal.

Effect on openness

6. The appellants argue that the proposed development would be small and have very little impact on its surroundings or on the openness of the Green Belt. Furthermore, it is argued that there would be little adverse effect on openness as the garage building, the garden use and surrounding land, the driveway and access already exist. Therefore, in the appellants' view, the small extension, which does not exceed the existing roof ridge height of the appeal building, would not have a detrimental impact on the openness of the Green Belt.
7. Notwithstanding the above, I find that the proposal would represent a significant increase in the footprint of the building. Whilst not increasing its height, it would extend the bulk and volume of the building on the site. Although it would be below the level of the public highway on Far Lane, the enlarged building would inevitably be more visible and prominent given that it is the first building to be seen on that side of Far Lane when approaching from the south. The impact would be exacerbated due to the area to the east of Far Lane having a predominantly open and rural character. Therefore, the proposed development would increase the physical and visible extent of the appeal building in its surrounding area which is predominantly open in character and appearance. As a result, it would have a detrimental impact on the Green Belt and would reduce its openness as a result.
8. Having considered the above, I conclude that the proposed dwelling would cause material harm to the openness of the Green Belt and would impact on the Green Belt purpose of safeguarding the countryside from encroachment. Consequently, I conclude that the proposal would be contrary to Policy D11 of the Kirklees Unitary Development Plan and the Framework. This policy and guidance seeks to strictly control development in the Green Belt and keep land permanently open.

Other considerations

9. I have had due regard to the personal circumstances of the appellants and their desire to have the proposed dwelling as a lifetime home. I have also considered the described features of the scheme put forward in support of the scheme in the Design and Access Statement.
10. The purpose of the proposal is to provide the appellants, who currently occupy the host property 'Rose Glen', with a suitable and accessible home due to personal circumstances and future needs. I appreciate the private and sensitive nature of these matters and I am conscious of the appellants' special needs and best interests. However, from what I have seen and read, there is no substantive evidence to indicate that it would be impossible for the appellants to adapt their existing dwelling to meet their future requirements.

Against this background, I see no overriding justification for further development within the Green Belt and its consequent harm.

11. The appellants state that the proposal could be achieved through permitted development rights. However, this has not been demonstrated and it is not appropriate under Section 78 of the Town and Country Planning Act 1990, as amended, to determine whether or not this would be the case. I therefore attach very limited weight to this matter.

Conclusion

12. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, where there would be adverse effects on openness and the Green Belt purpose of safeguarding the countryside from encroachment, substantial weight should be given to the harm caused. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
13. Having had regard to all other matters raised, I conclude that the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate the very special circumstances necessary to justify the proposal. I am also satisfied that dismissal of the appeal is a proportionate response necessary in the wider public interest having also had regard to my public sector equality duties.
14. Consequently, for the reasons given above, and in accordance with national and local policy, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR

Appeal Decision

Site visit made on 2nd February 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/Z4718/D/16/3162641

6 St Marks View, Longwood, Huddersfield, West Yorkshire, HD3 4TF.

- 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 Simon Holmes against the decision of Kirklees Metropolitan Council.
 - The application Ref: 2016/62/92227/W, dated 30 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is conversion of garage and two storey extension.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of garage and two storey extension at 6 St Marks View, Longwood, Huddersfield, West Yorkshire, HD3 4TF, in accordance with the terms of the application, Ref: 2016/62/92227/W, dated 30 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: SMV01: Location Plan: 1:1250@ A4; Drawing No SMV02: Existing Site Plan; Drawing No: SMV03: Existing Plans and Elevations; Drawing No: SMV04 Rev:A: Proposed Plans and Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in this appeal are the implications of the proposal for (1) the character and appearance of the area and (2) highway safety.

Reasons

3. The proposed extension would be in place of an existing attached garage to the side of the property which is also link attached to the adjoining dwelling No 8. It would significantly increase the scale of the resultant dwelling, particularly at first floor. However, by virtue of the significant setback on both the front and rear elevations, it would not dominate the host property and would nonetheless appear as a harmonious addition thereto, despite the matching ridge line. The windows would not line through with the existing windows, but the difference would be scarcely noticeable on the front elevation and not discordant on the rear. Merely
-

because the pitched roof would not exactly match the existing roof forms on the property would not look out of place, as the existing dwelling has no particular symmetry in its design.

4. I accept the proposal would result in some loss of openness between the appeal property and its neighbour No 8. However, given the aforementioned setbacks to the front and rear elevations, coupled with the slightly higher ridge line than No 8 and the fact the latter property is of a different design, I do not accept that it would give rise to a true terracing effect. Moreover, as there are only two pairs of houses in this particular row, the relative spacing between them does not form a noticeable rhythm in the street scene, which it is essential to retain.
5. For these reasons, I conclude on the first main issue that the proposal would integrate comfortably with the host dwelling and prevailing character and appearance of the area. I thus find no conflict with saved Policies D2, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan (Revised with effect from 28 September 2007) (UDP), or the advice in the National Planning Policy Framework, which seek to secure good quality design in new development (including residential extensions), which respects the design features of the existing house, is in keeping with its surroundings and does not result in an undesirable terracing effect.
6. The Council's concern in relation to the second main issue centres on the increase in size of the property generating an increased requirement for car parking. Although the proposal would retain the current car parking space, any additional parking on street, would it is maintained, compromise the safe and efficient use of the highway. This is not a proposition I accept for the following reasons.
7. Firstly, an additional bedroom does not automatically translate into increased car ownership and many additional bedrooms are occupied by children or utilised as guest accommodation on an occasional basis. I accept that if the proposal did generate additional car ownership at the property, this would likely be accommodated on street, but it does not follow that highway safety would be compromised as a result.
8. Although St Marks View has a narrow and relatively steeply graded access, it is possible to park on street in several places. Moreover, as a cul-de-sac it is very lightly trafficked. With this in mind and given the aforementioned narrow access and parking spaces, drivers are likely to be moving at very slow speed and exercise care when navigating in the vicinity. In such an environment, I cannot accept that any marginal increase in on street parking that did occur, would materially compromise the safe and free flow of traffic. Accordingly, I find no conflict with Policy T10 of the UDP, which seeks to avoid development which would create or materially add to highway safety.
9. The Council have not suggested any conditions other than the standard time limit for commencement of development, confining the approval to specified plans and requiring the use of matching materials. The latter two are necessary for the avoidance of doubt and to ensure a satisfactory finish to the development and I shall therefore impose them.

ALISON ROLAND

INSPECTOR

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: 24th January 2017

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)
-

This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 23 December 2016.

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 - 20.00 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:
10.00 – 20.00 Mondays - Saturdays
10.00 -16.00 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 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

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

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

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

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

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

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

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Originator: Adam Walker

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/90951 Erection of 27 dwellings and ancillary works Forest Road, Huddersfield, HD5 8EU

APPLICANT

C Noble, D Noble LTD

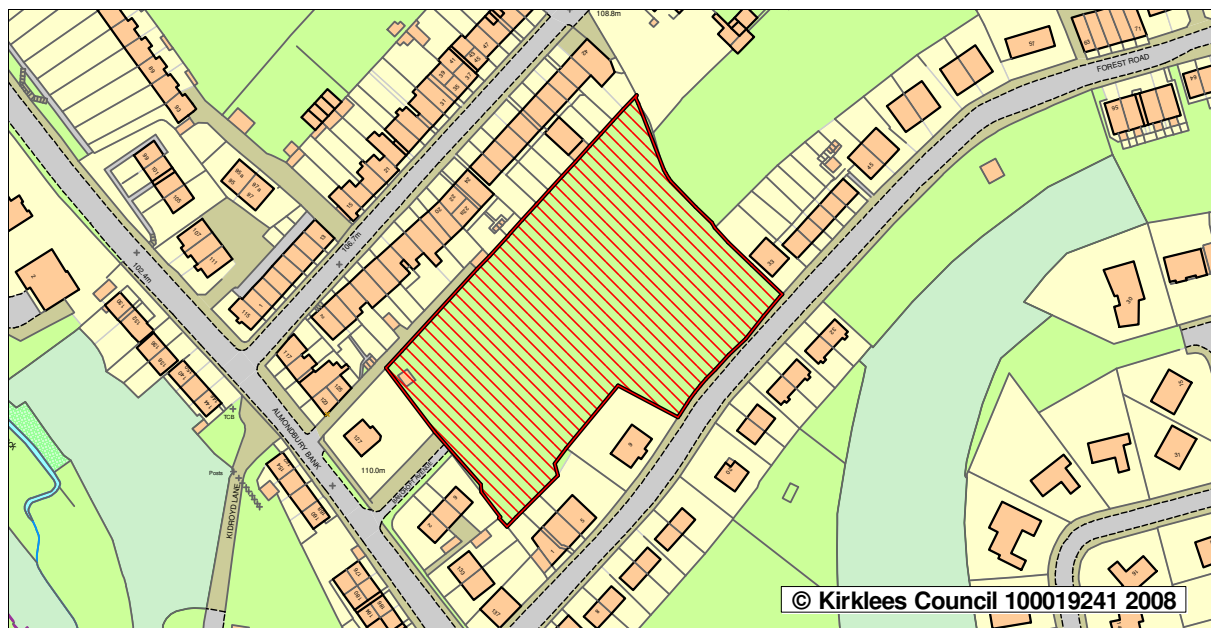
DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
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22-Mar-2016	21-Jun-2016	
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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your 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

Electoral Wards Affected: Dalton

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 The proposals are brought forward to the Sub Committee for determination because the site exceeds 0.5 hectares, in accordance with the Council's Scheme of Delegation. The site is allocated for housing in the UDP.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises an area of grazing land that slopes down very steeply from Forest Road towards Ravensknowle Road at the rear/ north west of the site.

2.2 The site lies within a residential area. There are traditional terraced houses to the north western boundary on Ravensknowle Road that are set down from the site and houses to the south western boundary on Bancroft Avenue/Almondbury Bank. To the north east is no.33 Forest Road and an area of woodland. The southern part of the site adjoins a children's nursery and houses.

3.0 PROPOSAL:

3.1 The proposal is for the erection of 27 dwellings (reduced from 28) comprising 22 houses and 5 flats. The houses are a mixture of detached, semi-detached and terraced properties. Access to the site is via Forest Road.

3.2 The layout provides a block of flats to the Forest Road frontage of the site with two rows of houses set on either side of the access road within the site. Due to the site levels the buildings are all split level. Facing materials are artificial stone with tiled roof.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2001/91708 – Erection of 12 no. detached dwellings with garages – Refused on the grounds that the proposal would develop a greenfield site before identified brownfield sites and detrimental impact on highway safety and residential amenity
- 4.2 2000/92314 Erection of 12 detached dwellings with garages – Refused on the grounds that the proposal would develop a greenfield site before identified brownfield sites, failure to provide POS within the site, detrimental impact on highway safety and residential amenity
- 4.3 1999/90884 Erection of 24 dwellings with integral garages - Withdrawn
- 4.4 1998/90803 Erection of 26 no. dwellings – refused and subsequent appeal dismissed

Application 1998/90803 was the subject of an Informal Hearing against the Council's failure to determine the application. This Hearing was held in June 1999 and the Inspector dismissed the appeal and refused the application, the main reasons being the scheme failed to provide Public Open Space within the site and an offer of payment in lieu to upgrade existing facilities was inappropriate in this case given the distance and time taken to get to these existing facilities; he was dissatisfied with the layout and form of development relative to the topography of the site and the neighbouring dwellings.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application has been amended to reduce the impact on neighbouring properties on Ravensknowle Road which has resulted in a dwelling being removed and the massing and design of plots 1-11 being modified.
- 5.2 Amendments have also been secured to make the streetscene within the site more 'active' including by reducing the dominance of parking.
- 5.3 The design of the block of flats has been altered and parking for the flats moved away from Forest Road to be undercroft parking.
- 5.4 The internal road layout has been modified to meet Highways requirements and visitor parking provided.

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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is allocated for housing 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
H6 – Allocated housing sites
H10 – Affordable Housing
H18 – Provision of open space
T10 – Highway Safety
T19 – Parking Standards
EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

- 6.3 K.C. Supplementary Planning Document (SPD2) – ‘Affordable Housing’ Interim affordable housing policy adopted December 2016

National Planning Guidance:

- 6.4 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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was originally advertised by site notices, press advert and neighbour letters.

In response to the publicity 15 representations were received. These are summarised as follows:

Principle:

- Planning permission previously refused on this site. Same reasons for refusal apply.

Amenity:

- Loss of green space/playing area (loss of play area would force children to cross Almondbury Bank to access play facilities)
- Loss of privacy/overlooking
- Boundary treatment to prevent overlooking may cause overshadowing
- Scale and massing of houses causing overshadowing
- Impact on visual amenity of the area/loss of outlook
- Flats on Forest Road not in keeping with character of area and will dominate the appearance of the development
- Houses packed tightly onto the site/overdevelopment
- Lack of green space
- Noise and disruption from construction
- Query how close development is to 127 Almondbury Bank
- Obstructive/overbearing

Highways:

- Detrimental impact on safety
- Width of Forest Road, on street parking and the tight junction with Almondbury Bank make access difficult, especially for emergency vehicles
- Forest Road is a two-way street and cannot accommodate a junction next to the nursery
- Increased traffic and congestion
- Cumulative impact on traffic of this and other approved developments nearby
- Access more appropriate via Bancroft Avenue

Flood risk & drainage:

- Impact on existing drainage systems and potential flood risk
- Loss of natural drainage, replaced with hard surfaces
- Concerns with surface water drainage given gradient of site
- Concern where sewer pipes will go

Ecology:

- Impact on habitat for birds and owls

Other matters:

- Development may cause subsidence to adjacent property
- Error and omissions on application form regarding trees being on the site and no information provided on materials.

Following the submission of amended plans, these were publicised by letters sent to near neighbours and interested parties. Two representations were received in response. The representations are summarised as follows:

- Overlooking of property to the rear of the site on Ravensknowle Road
- Flood risk to existing properties that are lower down on Ravensknowle Road
- Overdevelopment of the site
- Poor site for housing because of its size and gradient
- Loss of green space within an urban area

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objections

8.2 Non-statutory:

KC Environmental Services – No objections

KC Trees – No objections

KC Ecology Unit – No objection subject to conditions

KC Education – A contribution of £69,190 is required towards local education provision

KC Landscaping – There is minimal landscaping within the site and the applicant should review this situation and provide more landscaping where possible to soften the appearance of the development and enhance biodiversity

KC Strategic Housing – Development triggers an affordable housing contribution and there is a need for affordable housing in this area.

KC Flood Management & Drainage – No objections to the principle of the drainage strategy subject to conditions relating to detailed design. Consideration of flood routing within the site is required.

Yorkshire Water – Surface water disposal should follow the hierarchy of disposal. Discharge via infiltration or watercourse should be considered before disposal to public sewer. The public sewer does not have capacity to accept an unrestricted discharge of surface water.

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 seeks planning permission for 27 dwellings on land allocated for housing on the adopted development plan (Policy H6, site no. H7.25). The principle of the development is accepted in accordance with the site's allocation.
- 10.2 Paragraph 14 of the National Planning Policy Framework (NPPF) outlines a presumption in favour of sustainable development. For decision-taking this means 'approving development proposals that accord with the development plan without delay'.
- 10.3 In respect of planning policies related specifically to housing in the UDP, consideration must be made as to whether these can be classed as 'up to date' following the publication of the NPPF. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.
- 10.4 This site is considered to be greenfield (i.e. not previously developed). The NPPF encourages the effective use of land by reusing land that has been previously developed (Brownfield land) but it does not set out a 'brownfield first' approach to development. The site has some limited value from a visual and ecological perspective but it is concluded that this does not outweigh the benefits of the development, in particular the provision of housing.

Urban Design issues

- 10.5 The design and layout of the development is heavily influenced by the topography of the site which slopes very steeply down from Forest Road towards the rear. What is more, access to the site is only achievable from Forest Road because access via Bancroft Avenue involves third party land and the applicant has been unable to secure an agreement with all third party landowners. The effect of this is that the proposed internal estate road is a fixed element of the scheme because it is the only practical means of delivering an access from Forest Road and into the site. This has determined the layout of the houses on the remainder of the land. The site levels also influence the design of the buildings which are all split level.
- 10.6 The site lies within a residential area with surrounding development comprising of a range of property types. There is traditional terraced housing to the northwest and a mixture of detached, semi-detached and short rows of terraced houses to the southwest, southeast and northeast.
- 10.7 The scheme is predominantly semi-detached dwellings (16 no.) with a small number of detached (3 no.) and terraced houses (3 no). The scheme also includes a block of apartments (5 units) that front onto Forest Road. The overall design is fairly typical estate type housing. Variety within the design is provided across the site through architectural detailing and differences in the scale of dwellings, for example some properties have three storey frontages and others have single and two storey frontages. The design of the apartment block has been altered to strengthen its presence to Forest Road and to simplify its appearance at the rear by omitting the Juliet balconies. Amendments have also been secured to make the streetscene within the site more 'active' by reducing the dominance of parking at the front of dwellings and altering the internal arrangement of some properties at street level to include more main window openings to promote surveillance and 'ownership' of the internal estate road by future occupiers.
- 10.8 Taking into account the complexities of developing this site because of its steep gradient, on balance the proposals are considered to be acceptable in terms of their design and layout. The scheme represents a relatively dense form of development although it is not out of keeping with the character of the surrounding area and it is to be borne in mind that this type of density of development is necessary to make the scheme viable. The general design approach is considered to be appropriate for the site and on balance would not result in any significant harm to the visual amenity of the area.
- 10.9 Facing materials are artificial stone with tiled roof. The surrounding area is predominantly natural stone and render with some brick. Subject to approval of the samples the materials are acceptable in principle. The initial section of the access road down to plot 1 will form a significant retained structure within the site and it is important that the facing material of the retaining walls is in keeping with the remainder of the development; details of the material can be conditioned.

10.10 In conclusion the application is considered to satisfy Policies BE1 and BE2 of the UDP and design guidance in the NPPF.

Residential Amenity

10.11 One of the main considerations is the impact of the development on the terraced houses to the northwest of the site on Ravensknowle Road which are set down from the site.

10.12 The scheme has been amended to mitigate the impact on these neighbouring properties by:

- deleting a dwelling which has allowed more openness to be provided within the row of development forming plots 1-11 and help to break up its built form
- reducing the massing of plots 1-11 by lowering their eaves height at the rear (incorporating asymmetrical roofs and dormers as an alternative to a full storey height)
- Ensuring that a minimum separation distance of 21m is achieved between all habitable windows
- Amended rear garden levels and boundary treatment to plots 1-11 to limit the height of the rear boundary treatment relative to the adjacent properties

10.13 Separation distances comply with Policy BE12 and in some instances exceed the policy requirement. The physical constraints of the site mean that it is not feasible to increase the separation distances any further or reduce the height of the buildings any more than that proposed. On balance it is considered that the amendments have mitigated the impact on the adjacent properties on Ravensknowle Road to an acceptable extent.

10.14 Plots 1-11 include raised terraces at the rear with the height of each terrace reducing significantly from plots 1 and 2 down to plot 11. The terraces bring the dwellings closer to the boundary but it is not considered that the use of the terraces would significantly prejudice the amenity of neighbouring occupiers.

10.15 In terms of relationships to other surrounding properties officers are satisfied that an acceptable standard of amenity is provided having regard to separation distances and taking into account the scope for boundary treatment which can be agreed by condition. The site is within a residential area and the proposal is therefore compatible with the surroundings.

Landscape issues

10.16 There is very limited landscaping although this is as a consequence of the challenges of developing the site and the subsequent impact on the road and housing layout. On balance officers accept that meaningful landscaping cannot realistically be provided for this development.

Housing issues

- 10.17 The site was allocated for housing in 1999 on the UDP Proposals Map. For information the site is also allocated for housing in the Draft Local Plan. The proposal will bring forward this long-standing allocation which will boost the supply of housing in the district at a time when the council is unable to demonstrate a five year housing land supply. The development provides a mixture of 3, 4 and 5 bedroom houses as well as 2 and 3 bedroom flats. There is an identified need for 1-3 bedroom properties in this area.

Highway issues

- 10.18 Access to the site is via a simple priority junction off Forest Road. Acceptable sightlines can be provided and officers have no objections to the proposed point of access.
- 10.19 The access road provides acceptable gradients and the layout affords sufficient space for a turning head to be provided. Detailed highway design will be dealt with by condition and under separate process relating to road adoption.
- 10.20 The development provides off-street parking at a rate of 2 spaces per dwellinghouse (excluding apartments). Given the size of the some of the properties there is a shortfall in parking provision in respect of maximum standards as set out in the UDP. Nevertheless on balance officers are satisfied that an acceptable level of parking is provided for each property and additional parking could be adequately accommodated on street when necessary. Two visitor parking spaces are also provided. The level of parking provision for the apartments is accepted.
- 10.21 The development can be accommodated on the local highway network without prejudicing highway safety. The application is considered to accord with Policy T10 of the UDP.

Drainage and flood risk issues

- 10.22 It is proposed that surface water will discharge to the public sewer in Almondbury Bank Road via Bancroft Avenue. An attenuation tank/oversized pipes would be provided to restrict the rate at which water discharges to the sewer. This is acceptable to Kirklees Flood Management and Drainage subject to conditions relating to detailed design. The restricted rate of discharge will satisfy the requirements of Yorkshire Water.
- 10.23 The site is within Flood Zone 1 and is therefore at low risk of flooding. In major storm events overland floods the access road would provide the natural conduit for overland flows. The impact of this on the risk posed to proposed dwellings within the site can be managed through separate process relating to road adoption; for example with regards to kerb design.

Representations

10.24 A total of 17 representations have been received. The main issues raised have been addressed within the relevant sections of this report. A response to the other issues raised by objectors is provided below but in summary the issues raised do not materially alter the conclusions reached in this assessment.

- Reasons for refusal relating to previous applications on this site still apply:
Officer response: Relevant planning history is set out at section 4.0. The previous reason for refusal relating to a brownfield first approach to development is no longer relevant. The absence of on-site POS has been dealt with through a viability assessment. Specific consideration of the highways and residential amenity impacts having regard to the development proposals have been considered separately.

- Loss of green space/playing area
Officer response: The site is allocated for housing in the UDP (as well as the draft Local Plan) and forms a largely enclosed area of steeply sloping grazing land. The development would not result in the loss of any publicly accessible open land. The loss of this greenfield site does not outweigh the provision of housing on this allocated site.

- Noise and disruption from construction
Officer response: This is not a material planning consideration

- Development may cause subsidence to adjacent property
Officer response: Land stability is a material planning consideration however officers are satisfied that this matter can be adequately addressed through the Building Regulations regime.

- Error and omissions on application form regarding trees being on the site and no information provided on materials.
Officer response: The information submitted has enabled a proper assessment to take place. The trees officer has assessed the application and has not raised any concerns and information on the materials was included within the Design and Access Statement and is discussed earlier in this report.

Planning obligations

10.25 The development has undergone an independently assessed viability appraisal. This has concluded that the development is unviable with any S106 contributions (affordable housing, public open space, education). The reason for this is because of the significant costs associated with developing this site resulting from its topography. Officers accept the conclusions of the independent assessment.

Other Matters

- 10.26 The site comprises grazing land that is of limited ecological value and as such there are not any significant ecological implications to developing the site. Biodiversity enhancement can be secured by conditions for the provision of bat and bird boxes on the new dwellings.
- 10.27 There are no mature trees that would be adversely affected by the development.
- 10.28 There are no contaminated land issues with this site.
- 10.30 Electric vehicle charging points for the dwellings to be provide by condition in accordance with current guidance.

11.0 CONCLUSION

- 11.1 It is acknowledged that this is a challenging site to develop and this has strongly influenced the form of development proposed. In this context officers have sought to improve the appearance of the development and mitigate the impact on adjacent property as far as reasonably practical. The site is allocated housing in the UDP and it is noted that the site is retained for housing in the emerging draft Local Plan. As such significant weigh is afforded to the delivery of housing on this allocated site whilst noting that the site has viability challenges preventing it complying with other relevant policies of the Development Plan. On balance officers consider that the scheme is acceptable and will enable this housing allocation to be brought forward at this time.

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

1. Time limit condition
2. Development in accordance with approved plans
3. Approval of samples of facing materials
4. Scheme for external boundary treatment
5. Detailed drainage scheme
6. Surfacing of parking spaces
7. Details for construction of access road
8. Provision of sightlines
9. Biodiversity enhancement (bat and bird boxes)
10. Electric vehicle charging points

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planningsapplications/detail.aspx?id=2016%2f90951+>

Certificate of Ownership – Notice served on J. Fryer, 102 Huddersfield Road, Holmfirth



Originator: Farzana Tabasum

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/92812 Demolition of industrial building and erection of 17 No. apartments with integral garages and associated parking Victoria Works, Fisher Green, Honley, Holmfirth, HD9 6DP

APPLICANT

Mr Eastwood, Eastwood
Homes Ltd

DATE VALID

19-Aug-2016

TARGET DATE

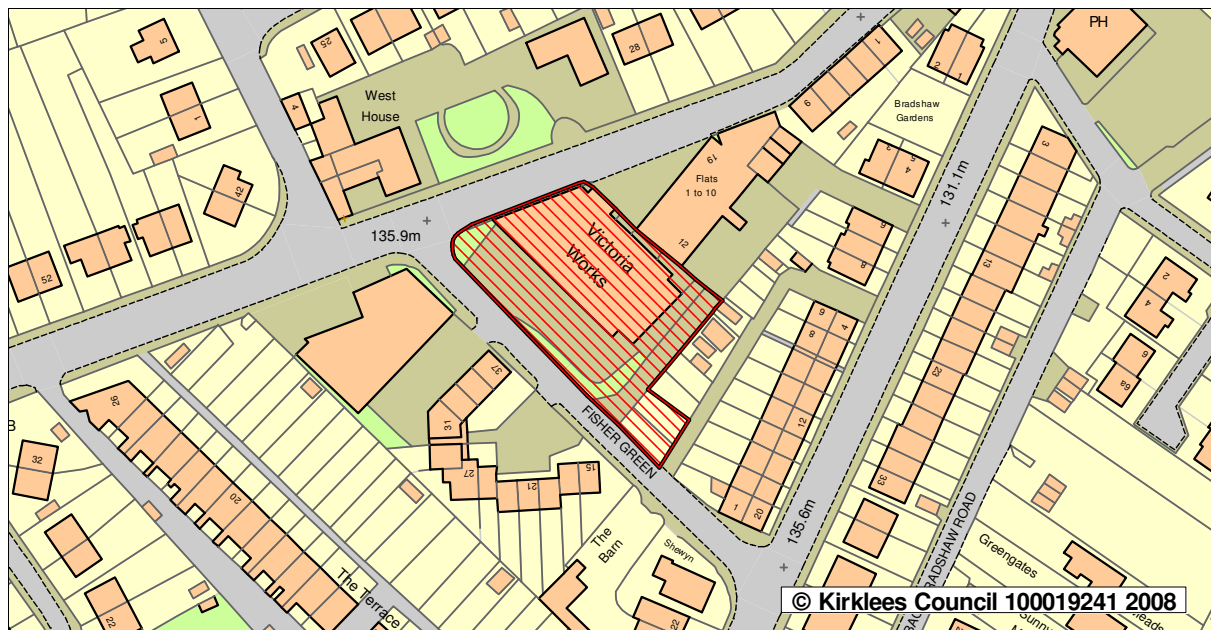
18-Nov-2016

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

Electoral Wards Affected: Holme Valley North

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report (and any added by the Committee):

1.0 INTRODUCTION:

- 1.1 The application is brought to Committee at the request of Cllr Charles Greaves along with a request for a site visit. Cllr Greaves reasons for referral are:

“the inadequate parking arrangements for the development (insufficient spaces, tandem parking, inadequate width of spaces and garages to be capable of parking a car, turning space, visitor parking) and the impact on highway safety (on a street and at a junction noted for parking problems) that will result from additional vehicles being pushed on street due to the poor provision for parking in the development.”

Cllr Edgar Holroyd-Doveton confirms he *“supports Cllr Greaves request based on the same criteria”*

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a site on a prominent corner plot with two road frontages, currently accommodating a stone constructed building set back into the site from Fisher Green with car park and open forecourt area to the front and side (south east) of the building. The application red line also includes an existing vehicular access which serves the apartment to the north east and an area of land in the southern corner which appears to be formerly used in association with residential properties along Bradshaw Road.

- 2.2 The site is separated from residential properties by Meltham Road to the north. Immediately to the north east lies an apartment block, and to the south east are properties along Bradshaw Road separated from the application site by a strip of land mainly used as garden areas. Fisher Green runs parallel to the south west boundary of the site with residential properties beyond and Taylor's Food store on the junction with Meltham Road. On the opposite side of the junction, north- west of the site, lies a grade II listed building.
- 2.3 The building operates a long established industrial use by PA Welding a welding and fabrication company, covering a large extent of the site with external storage and appears to be with unrestricted hours of operation.

3.0 PROPOSAL:

- 3.1 The proposals are to demolish the existing building and erection of 17 no. apartments within one "L" shaped block with integral garages and associated parking. The proposed building would provide accommodation over three floors with a shared car park courtyard to the rear, internally within the site, to be served by the existing vehicular access road. The proposals would also include alterations to this vehicular access by setting back the wall along Fisher Green and providing a footpath along the full site frontage, to be tied into the proposed widened footpath along Meltham Road.
- 3.2 Proposed materials of construction are natural stone and concrete roof tiles with window frames. The proposed use of render initially proposed has now been omitted.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2016/92825 – erection of industrial unit and repositioning of site access – granted November 2016
- 2004/95352 – erection of 7 no. terraced dwellings with integral garages - conditional permission May 2005
- 2006/92311 – demolition of industrial building and erection of 17 no. apartments with undercroft parking – withdrawn
- 92/03125 – erection of covered loading bay and revised parking layout granted Sept 1992
- 89/03764 – alterations to form offices in part of workshop and re-roofing – granted conditionally Sept 1989

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 25/08/16 - Site plan to include existing walls to site frontage along Fisher Green
05/10/16 – Agents agreement to update Phase 1 contaminated land report in accordance with Environmental Health Officers advice dated 4th Oct 2016 and agreement to pre commencement conditions
25/11/16 – amended plans following advice of Officer
25/01/17 - amended plan (16/D03-16C) with details of bin storage
08/02/16 – detached garage details
21/02/17 – agents agreement to extension of time until after 9th March and conclusion to viability appraisal for contributions

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 The site is unallocated on the UDP Proposal maps and benefits from an established industrial use.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- D2 – Unallocated Land
- B4 – Change of use of land and buildings last used for business or industry
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Materials
- BE12 – Space about buildings
- EP4 – development and noise
- T10 – Highway safety
- T19 – parking provision
- G6 – Land contamination
- T10 – Highway safety
- H10 – Affordable housing
- H12 – Arrangements for securing affordable housing

Supplementary Planning Guidance / Documents:
K.C. Supplementary Planning Document (SPD2) – ‘Affordable Housing’

National Planning Guidance:

Building a strong competitive economy (Section 1)

Delivering a wide choice of high quality homes (Section 6)

Requiring good design (Section 7)

Meeting the challenge of climate change, flooding and coastal change (Section 10)

Conserving and enhancing the natural environment (Section 11)

Conserving and enhancing the historic environment (Section 12)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The Council has advertised the application in the press, by site notices and through neighbour letters on receipt. This is in line with the Councils adopted Statement of Community Involvement. The final publicity period expired on 08th Feb 2017. As a result of the above publicity there has been seven objection/representations received. The concerns of which are summarised below:

- Adequacy of bin storage facilities and width of path
- Loss of sun light currently received to nos. 1,2 and 3 Fisher green from the proposed detached garage.
- Loss of sun light to no. 6 Fisher Green
- Highway concerns and lack of on street parking
- Existing inconsiderate parking on pavement
- three storey building not in keeping with the area
- design and appearance not in keeping with the area
- lack of parking and garage sizes only to accommodate “modern European family cars”
- Gates opening onto road from proposed access
- Clarity is sought on the siting and footprint of the garage and as to whether this would be up against the site boundary
- The potential length of time and delays which could occur to complete the development and impact on the neighbouring development from these delays

Holme Valley Parish Council - Support the application.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management – support revised proposals subject to conditions

Yorkshire water – support subject to conditions

- 8.2 **Non-statutory:**
K.C. Environmental Services - support subject to conditions
K.C. Conservation & Design – support revised plans
K.C Flood Management and Drainage – awaiting comments on revised proposals
K.C. Strategic Housing – standard comments for the provision of affordable housing

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is on land without allocation in the UDP proposals plan, therefore Policy D2 is relevant which states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.
- 10.2 Furthermore as the site accommodates established business premises, Policy B4 of the UDP is also of relevance. Any proposals submitted relating to established business premises where the proposals are not to continue with the business use shall be accompanied with a statement demonstrating the suitability of the land and premises for continued business, the compatibility of the proposed use with the surroundings uses, the effect on any buildings of architectural or historic merit, the effect on the local amenity and highway network.
- 10.3 In terms of policy B4, the applicant has submitted a statement in this respect of this Policy along with details of the suitability of the land and premises for continued business use, the level of employment together with the current status of the existing business and future proposals to relocate the existing business on an alternative site within the district. The submitted statement in part states:

“The existing site occupied by PA Welding Ltd, has been an engineering works for the past 10 years and was originally built for the textile industry. Due to expansion within the fabrication industry, and a new site for the business has been located within the Huddersfield area, to meet the business’s current

and future requirements. Along the boundaries of the site are residential, therefore it is assumed that this site would be better suited as residential to fit in with the surrounding houses and to lessen the impact of noise and industrial vehicular movements from any industrial business on the neighbouring houses”.

- 10.4 Officers are of the opinion the information provided goes a reasonable way to satisfying the B4 requirements for a site of this size. This together with the intentions of the existing business to be relocated to a new building/site (recently granted under application no. 2016/92825) situated in Slaithwaite, thereby would retain the existing employment within the district of Kirklees and as such can justify the loss of the site as an established business site and would satisfy the stipulations of Policy B4.

Urban Design issues

- 10.5 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. NPPF chapter 7 and 12 encourages and supports opportunities for improving the character and quality of an area and the way it functions. Paragraph 128 of the NPPF advises the significance of any heritage asset likely to be effected should be included.
- 10.6 Section 66 (1) of the Listed Buildings Act states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 10.7 Paragraph 132 of the NPPF notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 10.8 A listed building exists to the north west of the site. It is noted the existing building on site is not of any architectural merit and does little to enhance or preserve the setting of the aforementioned listed building, therefore the loss of the existing building on site offers an opportunity to not only improve the setting of the historic asset but also this site with two road frontages.
- 10.9 Following advice of officers the plans have been amended taking into account the points raised. The layout is a good response to the site and its constraints and turns the corner well using the topography of the site. The revisions include reducing the height of the proposed building and an increased separation distance from the listed building. The scale of the proposed building is considered to be proportionate when viewed in the context of the adjacent listed building which would sustain and enhance the setting of this Grade II listed building. Furthermore, the proposed block has been designed and would form a stepped approach in the roof line to the north- west corner.

This would sit well within the street scene and the listed building on the opposite side of the road so as not to harm its setting. In addition the “L” shape would provide a sense of enclosure to both Meltham Road and Fisher Green. The submitted section drawing demonstrates the scale and height of the proposed building would respect the scale of neighbouring buildings and is also a good response to the topography of the site and surrounding development. The final amended plans have omitted the use of render and now include the use of natural stone which would be in keeping with the materials that are prevalent in the immediate area. The use of stone walls with wrought iron railings to the Meltham Road boundary would again be in keeping with the area. The proposals are considered to accord with Policies BE1, BE2 & BE11 of the UDP.

- 10.10 To summarise, the harm caused by the proposals is less than substantial as defined by the NPPF. In such cases, where less than substantial harm occurs, paragraph 134 of the NPPF requires that this harm is weighed against the public benefit accrued by the proposal. In this case the public benefit is the proposals would be providing additional housing, regeneration of an unsightly building and redevelopment of a brownfield site which would accord with the three strands of sustainable development as set out in the NPPF.

Residential Amenity

- 10.11 UDP Policy BE12 sets out minimum separation distances to maintain privacy and open space for the occupants of residential development. Distances less than the recommended minimums will only be accepted if by reason of permanent screening, changes in levels, or innovative design, no detriment would be caused to existing or future occupiers. The separation distances to the existing apartment block to the north would be approximately 18m. A distance of 31m would be achieved to the properties to the east (disregarding the garage block) and 14m to the blank gable of the no. 37 Fisher Green to the south. These distances are in excess of the separation distances as set out in Policy BE12 of the UDP.
- 10.12 The external and internal layout of the proposed development has been designed in order to ensure compliance with Policy BE12. The general layout of the development would not be detrimental to residential amenities of the surrounding dwellings

Landscape issues

- 10.13 The hard/soft landscaping balance has been altered in order to maximise areas of soft landscaping (details to be conditioned) and the hard landscaping materials to include block pavements with roads and drives to be finished in tarmac.
- 10.14 Stone boundary walls along Fisher Green and Meltham Road are proposed. Wrought iron railings will be included above the stone boundary wall along Meltham road to provide a sense of enclosure to the amenity areas for proposed units along Meltham Road.

Housing issues

- 10.15 The NPPF states that (Paragraph 49) that “housing applications should be considered in the context of the presumption in favour of sustainable development.” The Government has stated in the NPPF that there are three dimensions to sustainable development: economic, social and environmental. These matters are considered elsewhere in this assessment. These proposals to provide an addition of 17 apartments will make a small contribution to housing provision in the Kirklees borough and make efficient use of a previously developed site.

Highway issues

- 10.16 UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network...”
- 10.17 The proposals would provide a total of twenty one car park spaces and eight garage spaces as shown on drawing no 16/D03/16 Rev B. The provision of a footway along Fisher Green along the full site frontage is proposed which would tie into the existing footway onto Meltham Road, which is to be widened.
- 10.18 Bin storage will be provided in the north east part of the site. Both the Highway Officers and Street Scene Area Manager have confirmed, the revised plans satisfactorily demonstrate the access, layout and parking elements of the scheme along with scope for bin storage/capacity and access to this area. The proposals are considered would not generate a significant number of journeys and can be served adequately by the existing highway network in a sustainable location and subject to conditions would address highway issues.

Drainage issues

- 10.19 Both foul sewage and surface water were initially indicated to be disposed of by mains drainage. Mains drainage is generally the least sustainable option but it is considered that as it relates principally to the conversion of an existing building it would not materially add to water run-off and is judged acceptable.
- 10.20 Following consultation response from both Yorkshire Water and the Council's flood management drainage Officer, the proposals have been amended to continue the existing surface water discharge into an existing culvert shown on drawing no. 16/D03/19A. This would be in accordance with the advice given by Yorkshire Water which states *“consideration should be given to surface water disposal to a culverted watercourse which is understood to be located adjacent to the site, prior to the public sewer”*.

10.21 Additional information in the form of drainage calculations has also been provided, which is currently being considered by the drainage Officer. An update on this matter will be reported in the committee update or at the meeting.

Representations

- 10.22 Adequacy of bin storage facilities and width of path

Response: plans have been amended to address this and the Area Manager from Streetscene has confirmed the revised details are acceptable

- Loss of sun light currently received to nos. 1,2 and 3 Fisher green from the proposed detached garage.

Response: The distance from the proposed garage to these properties ranges from approximately 15m to 16m. The garage block would be single storey with pitch roof with an overall height of approximately 2.50m to the eaves and 4.30m to the ridge. To accommodate the garage this would result in the removal of the dense hedge and given the separation distance to be retained it is considered the impact on the light currently received by these properties would not be a significantly affected that would warrant a refusal.

- Loss of sun light to no. 6 Fisher Green

Response: The distance from no.6 to the proposed building would be significantly increased in comparison to the distance to the existing building. As such the impact on the light currently received by this would not be detrimentally affected by the proposed development.

- Highway concerns and lack of on street parking
- Existing inconsiderate parking on pavement
- three storey building not in keeping with the area
- design and appearance not in keeping with the area
- lack of parking and garage sizes only to accommodate “modern European family cars”

Response: the above concerns have been considered and addressed in main body of this report.

- Gates opening onto road from proposed access

Response: the proposals do not include gates at the entrance of the driveway

- Clarity is sought on the siting and footprint of the garage and as to whether this would be up against the site boundary

Response: the garage would be sited up against the south east corner of the site and result in the removal of the existing hedge.

- The potential length of time and delays which could occur to complete the development and impact on the neighbouring development from these delays
Response: The time taken to complete the development cannot be conditioned or controlled through the planning remit. However, to minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside certain hours. A note to this effect will be included on the decision notice should Members approve the application.

Planning obligations

- 10.23 The application is accompanied with a viability appraisal. This has been reviewed independently on behalf of the Council. The assessor concludes “that the proposed scheme is not viable as it is and to include a contribution for affordable housing it will make the scheme less viable”. In light of this no affordable housing contribution would be sought.
- 10.24 Due to the size of the site and number of units proposed, this does not trigger the provision for education or POS contributions.

Other Matters

- 10.25 This site is on the Councils system as potentially contaminated due to present/past industrial uses. Environmental Health Officers advise the Phase I (Desk Top Study) submitted (RGS Ltd September 2011 Ref J1967/11/EDS) is now out of date and was produced for a residential development site with gardens to the East of this site (now developed). None of the RGS text refers to this current site but again to the developed site to the north.
- 10.26 On the basis of the above Environmental Health officers recommend a Phase I report in relation to the application site along with the risk assessment based on the past/present and proposed use/s of this site should be submitted. This can be conditioned as part of any consent granted along with remediation and validation strategy /reports. The agent/applicant is amenable to this and accepts this would be pre- commencement conditions .
- 10.27 Although there are no known Air Quality issues in this specific location, in order to improve Air Quality throughout Kirklees a condition can normally be imposed to provide electric charging points to promote the use of electric vehicles. This is in accordance with paragraph 124 of the NPPF which requires the cumulative impacts on air quality from individual sites to be considered. A condition to this effect will be included.
- 10.28 Finally, it is indicated to provide a disabled access to all dwellings via ramped or stepped access to the primary entrance doors to each unit in accordance with the current Building Regulations

11.0 CONCLUSION

- 11.1 The change of use of employment land to a residential use is considered to be acceptable when assessed against the criteria in UDP policy B4. The proposals would help provide housing in the borough and design would help improve the character and quality of the area whilst safeguarding residential amenity and highway safety. The proposed development will remove an incompatible use from a predominantly residential area with all other relevant matters considered capable of being dealt with through conditions.
- 11.2 The overall benefits of the proposals would provide:
- additional housing,
 - remove external plant storage and noise nuisances from the existing industrial use, to the nearby residential uses
 - redevelopment of a brownfield site which officers consider would preserve the setting of the nearby listed building and street scene, and
 - enable the existing business to relocate within the district to other more suitable premises
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. 3 year Time limit condition
2. Development in accordance with approved plans
3. Approval of samples of materials
4. Landscape scheme
5. Condition development to be completed in accordance with sections provided showing relationship with neighbouring properties
6. Vehicle parking areas to be surfaced and drained in accordance with details to be submitted
7. A scheme detailing the footway to be provided along Fisher green and widened footway along Meltham Road
9. Bin storage area to be provided prior to occupation of development in accordance with revised plan
10. Details of drainage proposals to include proposed means of disposal of surface water drainage, any balancing works and off-site works
11. Pre commencement condition requiring an updated Phase 1 along with remediation and validation strategy /reports

12. Provision of electric vehicle charging points

Background Papers:

Application and history files as noted above under section 4.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92812>

Certificate of Ownership –Certificate A signed by the agent

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Originator: Farzana Tabasum

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/93985 Outline application for residential development Land at, Bank End Lane, Almondbury, Huddersfield, HD5 8ES

APPLICANT

Roy Brook (Builders) Ltd.

DATE VALID

30-Nov-2016

TARGET DATE

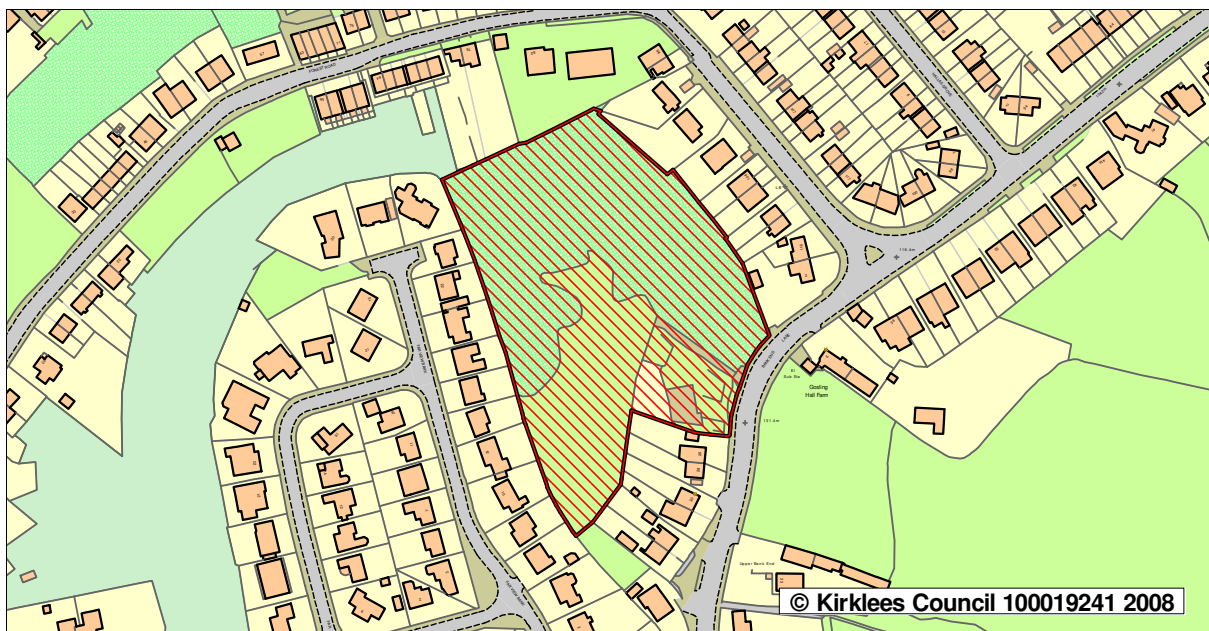
01-Mar-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Almondbury

Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matter:

1. Maintenance of the drainage proposals through a management company, taking into account of the period before which the Statutory Undertaker can adopt the system and in the event adoption of such system is not undertaken.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

1.1 This application is brought to Committee as it is a site in excess of 0.5ha

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises approximately an area of 1.24 ha and is located off Bank End Lane, Almondbury. It is flanked by residential properties on Far View Bank to the west, Forest Road to the north and east and to the south by existing dwellings on Bank End Lane.

2.2 The site slopes steeply from west to east and is extensively overgrown with shrubs and a number of trees and is predominantly a scrub habitat

3.0 PROPOSAL:

- 3.1 Outline planning permission is sought for residential development, with details of point of access only to be considered at this stage, which are shown on drawing no. 13/D69/05. It is proposed to access the site directly from Bank End Lane via a new priority junction, with 5.5m wide carriageway and 2m wide footways to either side and visibility splays of 2.4m x 43m. All other matters are reserved for subsequent consideration.
- 3.2 Whilst layout and the number of dwellings are not being applied for, the applicant's supporting statement and indicative details are submitted showing one option of how the site could potentially be developed to accommodate forty five dwellings.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Detailed permission for 14 pairs of semi detached houses granted in 1965. One pair of semis has been built, as such the development has commenced and this permission is still extant.

2001/91362 - Erection of 11 dwellings with integral garages and access road. Refused. –Conflict of the access with neighbouring school building; Presumption in favour of developing brown field land before green field.

2006/94488 - Demolition of school building and outline application for residential development (5 dwellings). Approved. The school building has now been demolished and the site cleared.

2014/90160 – Outline application for residential development – approved April 2014

2016/90079 – Discharge of condition no. 6 (affordable housing) on previous permission 2014/90160 for outline for residential development – granted April 2016

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The agent agreed to remove all reference to 'Scale' from the application form due to scale being one of the reserved matters.

11/01/17 – revised planning statement to reflect and confirm the above.

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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

The application site includes the whole of housing allocation H7.27 and a smaller area (that formerly occupied by the school) which is unallocated but has previously had planning permission for residential use. The site is also designated as a Green Corridor Gap on the UDP Proposals maps

- 6.2 H1- Housing needs of the district.
H6 - Allocated housing sites.
H7.27 - Housing allocation Bank End Lane, Dalton.
H10 - Affordable housing
H18 - Provision of open space
D6 - Land adjoining green corridor
D7 - Green corridor gap.
G6 - Land contamination
T10 - Highway safety
T19 - Parking standards
BE1 - Design principles
BE2 - Quality of design
BE12 - Space about buildings
BE23 - Crime prevention
EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

- 6.3 Council's policy regarding education contributions.
K.C. Supplementary Planning Document (SPD2) – 'Affordable Housing'

National Planning Guidance:

- 6.4 Promoting sustainable transport (Section 4)
Delivering a wide choice of high quality homes (Section 6)
Requiring good design (Section 7)
Promoting healthy communities (Section 8)
Meeting the challenge of climate change, flooding and coastal change (Section 10)
Conserving and enhancing the natural environment (Section 11)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The Council has advertised the application in the press, by site notices and through neighbour letters on receipt. Five representations have been received. The concerns raised are summarised below:

- three storey town houses not in keeping with area and could potentially restrict light to already shady gardens
- unable to understand design of house types and floor area from the information submitted
- loss of nature reserve/ wildlife
- loss of privacy to existing dwellings that back onto the site
- drainage issues due to removal of established trees
- proposals would “increase traffic on existing dangerous road”
- traffic calming measures on Bank End Lane should be provided and slip road
- would impact on local resources and services

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways DM – support subject to conditions

Environment Agency – no comments to date- previously raised no objections on 2014/90160

Yorkshire Water – no objections subject to conditions

8.2 Non-statutory:

K.C. Arboricultural Officer – no objections

K.C. Environmental Services -

K.C. Ecology & Biodiversity Officer – no objections to the principle of developing this site subject to further surveys to accompany subsequent applications

K.C Flood Management and Drainage – no objections subject to conditions to include a detailed drainage strategy with long term maintenance details for the drainage proposals

K.C. Landscape Architects – verbally advised no objections

K.C. School Organisation & Planning (Education contributions)- none

K.C. Strategic Housing (affordable housing) – general

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The application site includes the whole of housing allocation H7.27 within the UDP, and a smaller area (that formerly occupied by the school) which is unallocated but has previously had planning permission for residential use including an extant permission.
- 10.2 The NPPF states that there is a presumption in favour of sustainable development which for decision-taking means 'approving development proposals that accord with the development plan without delay'. The application seeks permission for new housing on a site allocated for such purpose on the adopted development plan.
- 10.3 Furthermore, Policy H1 seeks to meet the housing needs of the District and at this time the council cannot currently demonstrate a 5 year supply of deliverable housing sites. In these circumstances the NPPF states that "relevant policies for the supply of housing should not be considered up-to-date". Paragraph 14 states that where "relevant policies are out of date" planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in this Framework indicate development should be restricted".
- 10.4 It is therefore considered that, unless it is judged that there are any adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits, the development proposal should be approved. In light of this and the extant approval in principle, there is no objection to residential development at this time as it accords with both the UDP and National Planning Policy Framework guidance.

Urban Design issues

- 10.5 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. The layout of buildings, shown on this application, should respect any traditional character the area may have. Development should respect the scale, height and design of adjoining buildings/land levels and be in keeping with the predominant character of the area.
- 10.6 Other than access the application is submitted with all other matters reserved. Whilst the submitted documents makes reference to the potential for two, three and four storey dwellings, the indicative layout which is for illustrative purposes only, shows how the site could be developed. The indicative layout appears not to have taken account of the existing constraints on site which would need to be considered in any future layout in accordance with all relevant material considerations. Therefore a full assessment of the layout, scale, landscaping and appearance of the proposed development would be made upon the receipt of any subsequent application for approval of reserved matters if outline permission is granted.

- 10.7 It is however acknowledged given the steep topography of the site, there is potential for the site to be developed with dwellings of varying heights. Whilst Officers are conscious of the variation in levels on site in comparison to the existing surrounding development and as such would take into account existing and proposed levels, including separation distances between properties on any subsequent application. This would be to assess the full impact on visual amenity of the area as well as to avoid any potential overbearing impact on the amenities of existing residential properties. Should outline planning permission be granted this would not approve the indicative layout submitted with this application. In addition, the layout would need to be informed taking into account the need to accord with UDP Policies D6 & D7 for the continuity of the green corridor.

Residential Amenity

- 10.8 Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.
- 10.9 In this instance, the layout submitted is for indicative purposes only. As such at this stage no assessment is made on the standards for space about buildings (existing & proposed). Furthermore, achieving the distances as set out in Policy BE12 alone may not be sufficient to retain the amenity of existing and future residents. Details of reserved matters would need take account of (amongst other things) topography, building heights of surrounding development in relation to new dwellings and finished ground levels. This is so as to avoid any potential adverse effect on the amenities of both the existing and future residents. Subject to the above, Officers are satisfied that details of layout, scale and design could be designed so as to safeguard residential amenity of future occupants as well as those that are located within close proximity to the application site in accordance with Policy BE12 of the UDP.

Ecology & Landscape issues

- 10.10 Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity” by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments. UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The site lies in an area which has been identified within a bat alert area and as stated above forms part of a Green Corridor Gap on the UDP Proposals maps.

- 10.11 The application includes a preliminary ecological site appraisal. This type of report and its content are intended to inform design of the scheme and application of the 'mitigation hierarchy', and does not include an explicit assessment of the ecological effects of the proposals. While the current report is suitable for outline application, where scheme design is not complete, any reserved matters application will require an Ecological Impact Assessment (EclA) report that defines the importance of the site habitats and species value on a geographic scale, and describes how this value will be maintained, i.e. avoiding significant ecological impacts.
- 10.12 The Ecology Officer advises the proposals will result in the loss of a significant area of scrub habitat, which is a priority habitat on the Kirklees Local Biodiversity Action Plan and of specific value for nesting and foraging birds and potentially other species. Loss of these habitats without mitigation would be contrary to national planning policy. However, in this instance given the application is submitted in outline, with an indicative layout. As stated above there is no objection in principle to the development proposed, subject to the recommendations and the requirement for further survey work as set out in the preliminary ecological site appraisal, together with appropriate advisory notes/conditions suggested by the Ecology Officer) to ensure mitigation and enhancement of the site in relation to ecology. The results of all subsequent reports shall then form the final layout and landscape and any Reserved Matters application will need to include within it the retention of an element of existing habitat, particularly where it links to neighbouring woodland and scrub habitats which adjoin the site.

Highway issues

- 10.13 UDP Policy T10 states that "New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network ...". Policy T19 addresses car parking in relation to the maximum standards set out in Appendix 2 to the UDP. Guidance in the NPPF states under paragraph 32 that plans and decisions should take account of whether, amongst other things, "safe and suitable access to the site can be achieved for all people".
- 10.14 The site is situated in a predominantly residential area to the northwest of Bank End Lane, Almondbury, around 1.7km east of Huddersfield Town Centre. In terms of network hierarchy Bank End Lane is considered to be a residential collector linking between Almondbury Bank to the south and Greenhead Lane to the northeast, Greenhead Lane extending northeast towards Wakefield Road (A629). In the vicinity of the site Bank End Road is a two-way single carriageway, approximately 7.3m wide with footways to both sides. Bank End Road is subject to a 30mph speed limit with street lighting to appropriate standards.

10.15 Access details are identical to that granted under application no. 2014/90160, Highway officers advise there have been no discernible Highways/Traffic related changes. As such Highways Development Management raises no objections to this proposal and comments as follows:

Access:

It is proposed to access the site directly from Bank End Lane via a new priority junction, with 5.5m wide carriageway and 2m wide footways to either side. Access geometry and visibility accord with current guidance and the access is considered acceptable to serve a development of the scale proposed. The existing access, which served the former Rosemeade preparatory school, now demolished, will be permanently closed with a full kerb face and the footway returned to full footway status.

Traffic Generation:

Assessment using industry standard TRICS database indicates that the development is forecast to generate around 26 and 28 two-way vehicle movements respectively in the AM (08.00 - 09.00hrs) and PM (17.00 - 18.00hrs) peak periods.

Forecast arrivals and departures are set out in Table 1:

Peak Hour Vehicle Trips			
Weekday AM Peak		Weekday PM Peak	
Arrivals	Departures	Arrivals	Departures
71	19	18	10
Total 2628			

It is considered that traffic generated by the proposed development is likely to be indiscernible from normal daily fluctuations in flow and will have no material impact on the safe operation of the local highway network or significantly add to any peak time congestion. It should be noted that the previous use of part of the site as a school is likely to have generated more traffic with significant levels of on street parking, particularly at school start and finish times.

Accessibility:

Bus stops on Almondbury Bank, Fernside Avenue and Wakefield Road within acceptable walking distance provide a combined service frequency Monday to Saturday daytime of 12 buses per hour to Huddersfield Town Centre.

Planning policy highlights the need for sustainable developments to have good accessibility to education, health facilities and local shops. Assessment in accordance with recommended sustainability tests show that facilities are accessible within prescribed criteria. The site is therefore considered to be in a sustainable location.

Accidents:

Review of accident records indicates that in the preceding five year period there have been no reported injury accidents on the section of Bank End Lane and Greenhead Lane between the junctions with Far View Bank and Harwood Close. To Sum; Access arrangements accord with current guidance and are considered acceptable to serve development of the scale proposed. It is considered that traffic generated by the proposal can be accommodated in the local highway network and that the proposals will not have a material detrimental impact on the safe and efficient use of the highway.

- 10.16 To summarise Highway officers are satisfied that an adequate access point to accommodate the principle of developing this site for residential development can be achieved subject to conditions without creating or materially adding to highway safety or environmental problems on the surrounding highway network, in accordance with Policy T10 of the UDP.

Drainage issues

- 10.17 The NPPF requires Local Planning Authorities to take account of climate change over the longer term, including factors such as flood risk and water supply. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
- 10.18 The application is within Flood Zone 1 (i.e. the lowest level of risk). However as the site exceeds 1ha in area the contents of a Flood Risk Assessment is largely contained within the accompanying drainage strategy statement. Although, both the foul and surface water is indicated on the application form to be drained to the existing mains sewers, no formal drainage submission has been submitted at this stage
- 10.19 The Environment Agency previously raised no objection. Yorkshire Water raises no objections subject to conditions. The Council's Flood Management and Drainage supports the principle of developing the site. However, it is advised that further information is required to demonstrate how attenuation can be accommodated and the long term maintenance of the drainage proposals can be secured. These details should take account of the period before which the Statutory Undertaker can adopt the system and should adoption not take place. Therefore, it is considered in addition to conditions a Section 106 to ensure a management company is set up for this purpose satisfy the guidelines contained in the National Planning Policy Framework part 10" Meeting the challenge of climate change, flooding and coastal change".

10.20 Representations

- three storey town houses not in keeping with area and could potentially restrict light to already shady gardens
- unable to understand design of house types and floor area from the information submitted
- loss of nature reserve/ wildlife
- loss of privacy to existing dwellings that back onto the site

Response: the assessment above discusses the concerns raised. The proposals seek the principle of developing the site for residential development with details of access only at this stage. Scale, layout, landscape and appearance are matters to be considered at reserved matters on subsequent applications.

- Potential drainage issues due to removal of established trees on site

Response: Drainage proposals to be conditioned.

- proposals would “increase traffic on existing dangerous road”
- traffic calming measures on Bank End Lane should be provided and slip road

Response: DM Highway Officers have advised the proposals would not create or materially add to highway safety or environmental problems on the surrounding highway. As such this would not require any improvements on the surrounding highway network including traffic calming measures or a slip road.

- would impact on local resources and services

Response: This is not a valid planning consideration.

Planning obligations

10.21 The NPPF 2 states that

“to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

10.22 The planning practice guidance ‘Viability’ states 3:

“Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.”

10.23 Information regarding development viability accompanied an application to discharge Condition 6 (affordable housing provision) earlier this year. This information was independently assessed by a third party company commissioned by the Council, and it was accepted that the profit levels for the development would be significantly below normal market expectations without including Section 106 costs. Although the discharge of condition application related to affordable housing the viability appraisal demonstrated that the development would be unviable with any Section 106 contributions.

- 10.24 In light of this further advice was sought from the independent assessor who has confirmed the developer was not pursuing an excessively high target profit and in any event the assessment of the viability of the scheme suggested it was not particularly viable. Furthermore, it is advised if any developer contributions were to be applied, this would have the effect of increasing the cost of the development which would reduce the viability of the scheme further. On this basis and taking into account the previous viability assessment prepared in March 2016, the Council has been advised by the independent assessor, that in his professional opinion the proposed scheme could not viably sustain any s.106 costs.
- 10.25 Officers having considered the above recent advice, taken a pragmatic approach and do not consider it reasonable to impose any condition or requirements under S106 for planning contributions other than that set out in the recommendation above.

Other Matters

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

11.0 CONCLUSION

- 11.1 To conclude the proposals are acceptable in principle, as they would provide for housing development on an allocated housing site. All other material planning considerations not deliberated at this stage in assessing the principle and point of access, would need to be addressed on any subsequent application. This can be conditioned.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.
- 11.3 Having regard to the surrounding development in the area and the relevant provisions of the development plan and the National Planning Policy Framework, the principle of developing this site would be in accordance with the development plan as it is sustainable development. The proposal is therefore recommended for approval.

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

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

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

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

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

5. A scheme detailing the location (including cross sectional information together with the proposed design and construction details) for all new retaining structures adjacent to existing/ proposed adoptable highways and details of all temporary and permanent highway retaining structures within the site

6. Further ecological surveys, as specified in the Preliminary Ecological Site Appraisal dated 7th November 2016

7. Details of landscape and layout submitted pursuant to conditions 1 and 2 shall include full a:

- a landscape and ecological management plan (LEMP) in accordance with the advice of the Council's Ecology /Biodiversity Officer, dated 10th February 2017,
- a method statement for the protection of ecological features identified in the submitted Preliminary Ecological Site Appraisal and in further ecological surveys under condition no. 6 above, and
- to show how the development shall incorporate facilities for recharging electric vehicles

The development shall thereafter be carried out in complete accordance with the approved schedule and timescales which form part of the approved scheme, prior to occupation of the development and retained thereafter.

8. Details of sections, signing, street lighting, sight lines together with an independent Road Safety Audit covering all aspects of work

9. Full drainage strategy/details to include the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works

Background Papers:

Application and history files - As noted above under section 4

Website link to be inserted here:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93985>

Certificate of Ownership –Certificate A signed

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Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/91356 Erection of 2 detached dwellings (within a Conservation Area) adj 141, Church Street, Netherthong, Holmfirth, HD9 3EA

APPLICANT

Mr & Mrs Farmiloe

DATE VALID

29-Apr-2016

TARGET DATE

24-Jun-2016

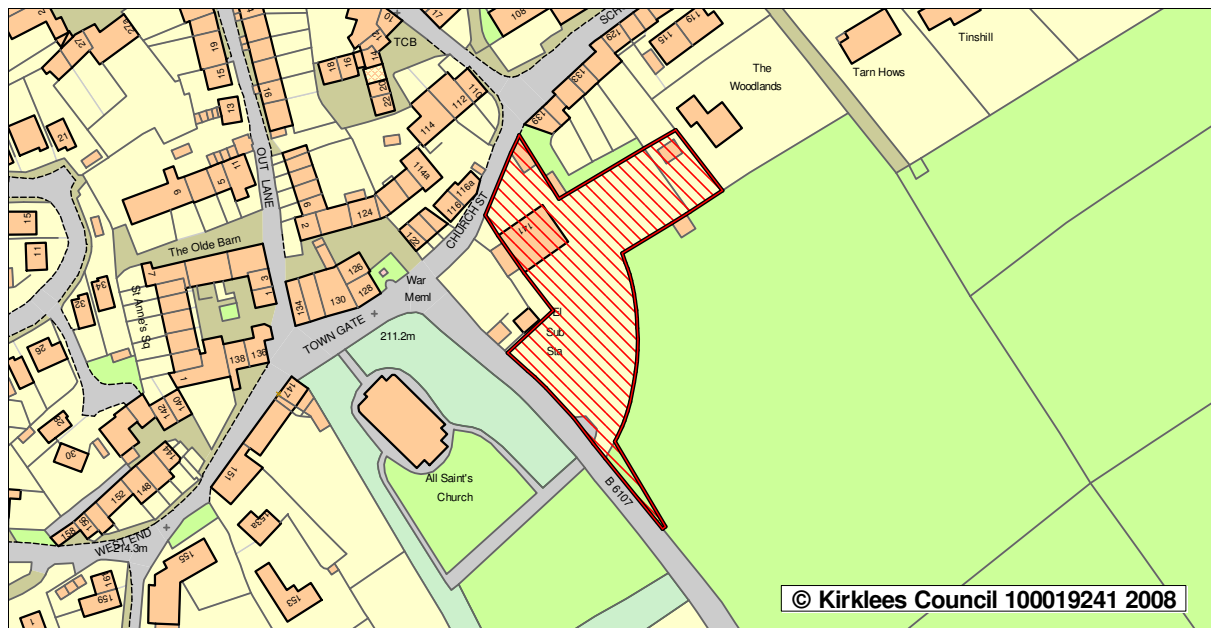
EXTENSION EXPIRY DATE

17-Mar-2017

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

N

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1. The application seeks approval for the erection of two detached dwellings within the curtilage of 141 Church Street at Netherthong. The principle of housing development is considered to be acceptable on this unallocated site. The proposal would result in minor harm to the significance of the character and appearance of the Netherthong Conservation Area. It is considered the public benefits of housing development, at a time when the Council is unable to demonstrate a five year housing supply, weigh in favour of the development. The proposal would not have a detrimental impact on the setting of the grade II listed 141a Church Street, or the setting of neighbouring listed buildings 131-135 School Street. There would be no detrimental impact on highway safety or residential amenity.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises the rear garden area of 141 Church Street at Netherthong. Within the site is an area of amenity grassland and a vegetable plot, with a greenhouse at the north-eastern end of the garden. Access into the site is via an existing vehicular and pedestrian entrance off New Road. There is a group of mature trees along the eastern boundary protected by a group Tree Preservation Order, together with two trees located centrally within the site which are also protected by a Tree Preservation Order.

2.2 The site is bordered by the rear of neighbouring properties off Church Street and School Street to the north, by neighbouring property "The Woodlands" to the east, by undeveloped green belt land to the south and by New Road to the west.

2.3 The site is unallocated on the Unitary Development Plan Proposals map. It is however included within the Netherthong Conservation Area which extends from the north of the village and includes 141 and 141a Church Street and its amenity spaces. Land to the south of the application site is not included within the Conservation Area. The nearest listed buildings include 128 Towngate to the west of the site, and 131-135 School Street to the east of the site.

3.0 PROPOSAL:

3.1 The application seeks approval for the erection of two detached dwellings within the curtilage of 141 Church Street.

3.2 The proposed dwellings would be positioned to the south-east of the existing dwelling on an area of grassed amenity space and vegetable plot. The dwellings would be positioned 5 metres away from the southern boundary with private amenity spaces to the rear, and a private driveway / off-street parking area between the dwellings and the northern boundary of the site.

3.3 The proposed dwellings would be two storeys in scale. The proposed construction materials include natural coursed stone and natural stone slates and their design incorporates a high degree of glazing on the rear (southern) elevation.

3.3 Access is proposed via the existing vehicular access off New Road. It is proposed to extend the existing private driveway into the north of the site to provide a shared access and off-street parking. To replace the existing parking of 141 Church Street, it is also proposed to construct a new driveway on part of the garden to the rear of this property.

4.0 RELEVANT PLANNING HISTORY:

4.1 2015/93291 – Change of use of dwelling (C3) to hotel use (C1) (Listed Building within a Conservation Area) - Withdrawn

4.2 2015/93274 – Listed Building Consent for change of use from a dwelling (C3a) to hotel use (C1) (within a Conservation Area) – Withdrawn

4.3 2016/91343 – Erection of attached dwelling and erection of extensions and alterations to existing dwelling (Listed Building)

4.4 2016/91344 – Listed Building Consent for erection of attached dwelling and erection of extensions and alterations to existing dwelling – pending

5.0 HISTORY OF NEGOTIATIONS:

5.1 Officers have negotiated with the applicant to secure:

- A reduction in the number of dwellings from 3 to 2
- Revisions to the siting of the dwellings to address the impact on the protected trees.

- Revisions to the scale and elevation treatment of the dwellings to address the impact on the Conservation Area.

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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 BE1 – Design principles
- BE2 – Quality of design
 - BE5 – Preservation/enhancement of conservation areas.
 - BE6 – Infill sites
 - BE12 – Space about buildings
 - T10 – Highway Safety
 - EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

6.3 Biodiversity Action Plan

National Planning Guidance:

6.4 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
 Chapter 12 – Conserving and Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by neighbour letter, site notice and press notice expiring 10th June 2016. As a result of this publicity 20 objections have been received. A summary of the comments made is set out below:

7.2 Highway Safety

- Church Street is a walking route for Netherthong and Holmfirth High School. The roads in the village are narrow and heavily congested. Further congestion could endanger pedestrians.
- Concern about heavy traffic from new residents and construction. Few houses have off-road parking.
- Concern about damage to cars and increased obstruction and accidents. HGVs taking an incorrect 'sat-nav' route, reverse and cause damage.
- Concern about a danger to pupils with no pavements and blind bends
- Concern about congestion generated by delivery /building/construction traffic.
- The site is unsustainable, provides poor visibility and adds to congestion.
- Church Street is narrow and restricted by residents cars. There are no buses on evenings or Sunday.
- Peak times extend beyond 8-9am and 5-6pm. Parents picking up children from the primary school park on New Road or Church St. during morning peak time and afternoon 3pm-3.45pm). difficult for buses and HGVs to move between parked cars and delivery vehicles
- Concern about the parking proposed, vehicles will park on New Road.
- Highway Services are accepting below standard visibility due to no reported injury accidents. Concern about risk of accidents.
- The development will add to existing parking problems.
- The transport system is operating at capacity.
- New Road is used for residents parking. It is hazardous to pedestrians, poorly lit due to parking.
- Access will be restricted due to parked cars onto a narrow, poorly lit frequently single lane. Pedestrians are not considered.
- The visibility splays are not sufficient on a road reduced to a single width. Highway Services have not monitored the road and are using poor data.
- Additional cars will mean access and egress is compromised.
- Cars parked New Road a single lane road, with no pavements/footpaths. gated entrance access is between parked cars – outwards into a narrow, poorly lit, already hazardous section of road.
- The 308 bus service is a slow service. The last bus to Netherthong from Huddersfield is 17:25; a deterrent for commuters.
- Larger vehicles will require most of the road width to re-join the carriageway and hamper traffic flows.
- The number of trips is not accurate. The local school is at capacity and children will be transported to other schools, as well as other activities.
- Concern over the bin emptying point.
- Buses and lorries cannot pass along New Road because of congestion.
- Employment potential within the local area is limited to the lower wage scale, people who can afford these properties would have to commute.

7.3 Visual Amenity / Heritage Concerns

- 141 and its walled garden and orchard marks the beginning of the conservation area. No grade 2 listed buildings to the north are seen from New Road. The house, 135, 133 and 131 School Street and the trees are seen across the valley. The garden provides a boundary between the open fields and conservation area and enhances the houses character. The garden is an integral part of the history.
- The design of the dwellings does not represent the character of the village. The 3D visual distorts the scale.
- Concern about extensive use of glass and aluminium, the design does not fit alongside listed buildings. The development will stand out from New Road, the public footpath and across the valley.
- Concern the proposal will not blend in with the village and spoil views, cut out light, and lose a sense of space
- The properties will be a blot on landscape, the design is modern and out of keeping.
- Properties on Church Street need to be conserved.
- The proposal would be out of keeping with neighbouring properties, particularly those with narrow weavers' windows.
- Aluminium window frames are not sympathetic. The style of windows does not fit with the dominant style in the village.
- Heritage statement fails to note 131 School Street is a Grade 2 listed building.
- Overdevelopment. One or two properties would be preferable.
- No connection made between listed buildings within the curtilage of Holmleigh (141A Church Street). Widening of gate will expose the site.
- Housing density in the village is high, the plot provides a much needed space.
- 141 is an imposing property at the entrance to the village, Planning Act 1990 requires councils to 'have special regard to the desirability of preserving the building or its setting'. The garden is part of the history of the house.

7.4 Amenity Concerns

- The proposal does not meet the requirements of policy BE12.
- The dwellings would block sun light to the ground floors of No's 131-135 sit lower than the northern boundary wall.

7.5 Ecological Concerns

- The garden supports nesting birds, hedgehogs and bats. A bat survey needs to be undertaken.
- The loss of mature apple trees has not been considered.
- 2 mature Elms (T8 and T9) extend into the area of build. Concern about interference with roots and crown spread. The house structures may be compromised.
- Hedgerow dividing the garden/orchard from the Woodlands. Elm (T11) need space to develop. The build will be compromised by T11's spread and roots.
- Existing boundary walls within the walled garden/orchard site.

- Within the proposed development site is a wall dividing part of the garden to the east from the other two thirds of the orchard garden
- T19 Oak in field south of the entrance. Wall proposed be lowered and re-aligned to enable widening of gated entrance and extension of sight lines. 2 trees next to T19 which will also be affected.
- 2 trees behind gateposts T20 Sycamore and T21 Beech (copper beech). Only two trees are found to be 'damaged' to warrant felling. Arboricultural report suggests loss of T20, and proposal will prejudice safe retention of T21.
- Significant impact on Woodlands property making trees covered by Tree Protection Orders, also be too close to properties and driveway and could easily be damaged.

7.6 Other Concerns

- Concern about noise, dirt and dust, disturbing peace of small village.
- The school is over-subscribed and impossible to expand.
- A change of use from stables to garage on the north east side of Holmleigh needs to be declared.
- No evidence the sewer system can accommodate waste water. A previous application for a single storey dwelling was refused on inadequacy of existing sewer system.
- Covenant in title deed WYK922149 for plot of land behind 131 School Street to maintain a stone dry-wall or fence on the westerly side. The wall has not been accounted for.
- Question whether the grade 2 listing of 131 School Street extends to the acquired land, particularly boundary walls. Listed building consent will need to be applied for.

7.7 Holme Valley Parish Council comments – Object to the application on highways. Potential loss of TPO's. Dangerous due to lack of parking and existing parking on New Road. Over-intensification of the site and number of houses and design not in keeping with Conservation Area.

7.8 Amended plans which proposed the erection of two dwellings were re-advertised by neighbour letters. Correspondence was sent to neighbours originally consulted and to all interested parties for a period of 14 days expiring 23rd November. As a result of this publicity 16 representations have been received including 9 objections and 7 letters of support.

7.9 Points in support:

- An opportunity to make use of a small pocket of land to build well designed properties that will benefit and blend into the village. Thought has been given when designing the development to be sympathetic to nearby properties.
- The dwellings have been sympathetically designed to fit into the village.
- The development is in keeping with organic way in which the centre of the village has evolved.
- The dwellings have been sensitively arranged to be consistent in proportion and in their materials, echoing the local identity and fitting in with listed buildings.

- The houses are designed to provide privacy and open space.
- The proposal will address the under supply of housing in Netherthong and will provide much needed accommodation for families who will support local amenities.

7.10 Additional Points of Objection:

- There is little difference in the new plan. The dwellings are not in the building line of the existing properties. The proposal does not fit into the standards required in a Conservation Area
- The plan no longer sits together as a coherent design for such a prominent site.
- There is still proposed extensive use of glass in the new design which sets them apart from other surrounding buildings. The development will stand out from the rest of the village when viewed from New Road and the public footpath to the south of the development.
- The design of the proposed new builds are not in keeping with the conservation area
- In the 1970s permission was refused on the grounds that there is no sewer access.
- Mature hedges and trees have root protection orders which need to be observed.
- The proposed infill development would create an unnaturally straight line to the edge of the village / conservation area.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **K.C Highway Services** – No objections

8.2 Non-statutory:

- **K.C Arboricultural Officer** – No objections
- **K.C Ecology** – No objections
- **Historic England** – **No objections in principle. Request further information is given to the fenestration detailing.**
- **K.C Conservation & Design** – **No objections**

9.0 MAIN ISSUES

- Principle of development
- Urban design / Heritage issues
- Residential amenity
- Landscape issues
- Highway issues

- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

10.1 Principle of development

- 10.11 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 application site is located within the Netherthong Conservation Area, otherwise the site is unallocated on the Unitary Development Plan where Policy D2 applies. Policy D2 of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.
- 10.12 With regard to developing the site for residential purposes, the Council’s deliverable land supply is below five years. In these circumstances, in accordance with the National Planning Policy Framework (NPPF) paragraph 49, “relevant policies for the supply of housing should not be considered up to date”. Consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14.
- 10.13 The NPPF states that the purpose of the planning system “is to contribute to the achievement of sustainable development” (para 6). NPPF notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples’ quality of life (para 9). NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. “Economic, social and environmental gains should be sought jointly and simultaneously through the planning system” (para 8). NPPF stresses the presumption in favour of sustainable development. A proposal for two dwellings provides some economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF, new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. There would be a social gain through the provision of new housing at a time of general shortage. The site is a green field site, however, although national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. The principle of housing development is considered to be acceptable, in accordance with the sustainability principles of the NPPF.

10.2 Urban Design / Heritage Matters

- 10.21 The application site comprises a Grade II listed, three storey, early/mid 18th century weavers cottage adjoining a substantial early 19th century dwelling with expansive domestic curtilage. This irregular shaped plot lies within the Netherthong Conservation Area and forms part of the eastern boundary with views over the Holme Valley. The site is surrounded by residential development to the north and east which includes the grade II listed properties at 131-135 School Street. Land to the south comprises undeveloped Green belt land where land levels fall away steeply.
- 10.22 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “in the exercise of (of planning functions), with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’. Section 66 (1) of the Listed Buildings Act states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 10.23 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. Policy BE6 stipulates that development on infills sites will not normally be permitted when it would adversely affect the character or appearance of a conservation area. A significant amount of concern has been raised in the representations received regarding the impact on the Netherthong Conservation Area and the setting of adjacent listed buildings. These concerns are précised in the representations section.
- 10.24 The initial proposal was for a development of three detached dwellings which together with their associated private amenity spaces and off-street parking areas would have represented a cramped form of development on this infill site. This would have amounted to an overdevelopment of the site contrary to policy D2 of the Unitary Development Plan.
- 10.25 In light of the initial concerns raised, amended plans have been secured proposing a scheme of two dwellings, which include a reduction in the footprint of development across the site. The proposed dwellings would be positioned five metres back from the southern boundary, and the reduction in footprint facilitates a more spacious layout with larger amenity spaces and greater distances between dwellings. The revised layout is considered to be able to be satisfactorily accommodated within this infill plot without amounting to a detrimental overdevelopment of the site.
- 10.26 The proposed layout would not meet all the requirements of Policy BE12 of the UDP. There would be less than 10.5 metres between a habitable room window of the new dwelling and the boundary of the undeveloped land to the south. The adjacent land is allocated as Green Belt where housing development represents inappropriate development. It is considered therefore that the proposed shortfall would be acceptable in this case, as the scheme would not prevent future development on this adjacent site.

- 10.27 The proposal is assessed with regards to the impact upon the Netherthong Conservation Area. The Councils Conservation and Design section are satisfied that, whilst there would be some limited harm to the character of the conservation area from the positioning of the proposed dwellings, this can be justified in order to satisfy paragraphs 132 and 134 of the framework. They also consider the proposed development would not adversely impact upon the architectural significance of the adjacent Grade II listed buildings, 131 & 141a Church Street & 131-135 School Street
- 10.28 Officers recognise that the scheme could be improved by positioning the dwellings so that they follow the established building line however, they note much of Netherthong's special character derives from its organic and haphazard form. They consider the proposed positioning of the dwellings is a response to the prevailing urban form of the village, which would serve to preserve its character and appearance. Furthermore, aligning the development with the established building line would cause conflict with the trees to the north of House Type A, which contribute positively to this part of the Netherthong Conservation Area, and would also result in bringing the development much closer to the grade II listed cottages on School Street.
- 10.29. Historic England welcomes the proposed revisions which retain a greater proportion of spaciousness. They consider the proposal would result in minor harm to the significance of the character and appearance of the Netherthong Conservation Area, which should be weighed against the public benefits of the scheme. In weighting the heritage considerations in the planning balance, it is considered the benefits of providing housing at a time when the Council is unable to demonstrate a five year supply outweigh the limited harm in this case. It is considered that the requirements of the framework have been met.
- 10.30. In respect of design officers consider that size, scale, design and material palette would not cause undue harm to the setting of the neighbouring listed buildings and would not undermine the character of the Netherthong Conservation Area. Historic England note that further consideration could be given to simplifying the proposed fenestration on the south elevation of the dwellings. They suggest the number of apertures could be reduced with a greater proportion of masonry to glazing to reflect the vernacular of the wider conservation area.
- 10.31 There is a high degree of glazing proposed on the rear elevations, which provides a contemporary appearance, and takes advantage of the views to the south. Paragraph 60 of the NPPF stipulates that planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The proposed dwellings would be located on the boundary of the conservation area, and due to land levels would be visible from views looking north outside of the Conservation Area. The degree of glazing has been reduced from the initial submission. Whilst Historic England suggests further consideration could be given to the fenestration detailing, it is considered the contemporary

approach does respond satisfactorily to the sensitive historic context, with an acceptable balance between solid and void.

10.3 Residential Amenity

10.31 UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. The nearest neighbouring properties to the site which would be affected by the development 'The Woodlands' located to the east and no's 133-139 Church Street located to the north.

10.32 With respect to the impact on The Woodlands, House 'B' would be sited at a distance of 9 metres to this property. Taking into account that only part of the proposed dwelling would align with The Woodlands, and no habitable room windows are proposed on the side elevation it is considered there would be no loss of privacy. Due to the orientation of the dwellings to each other it is considered there would be no detrimental overbearing impact.

10.33 With respect to the impact on properties 133-139 Church Street there would be a distance of over 30 metres to these properties and there would be no loss of privacy. Land levels slope gently downwards away from the neighbouring listed properties 131-135 School Street. The proposed access and driveways would run to the rear of these properties. There would be a level of disturbance that does not currently exist from the comings and goings of occupants of the proposed two dwellings. However, it is considered that this would not have an undue impact on the residential amenity.

10.34 There would be no detrimental impact on residential amenity and the proposal would accord with policy D2 of the Unitary Development Plan.

10.4 Landscape issues

10.41 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The application is supported by an Arboricultural Survey and Bat Report.

10.42 There is a group of mature trees along the eastern boundary of the site which are protected by a group Tree Preservation Order, together with two trees located centrally within the site which are also protected by a Tree Preservation Order. The Council's arboricultural officer initially raised concerns regarding the proposed siting of the dwellings and the driveway in relation to the protected trees. An updated Arboricultural Report has been submitted to accompany the revised scheme for two dwellings. The arboricultural officer is satisfied that the proposal would now satisfactorily protect the mature trees within the site. This is subject to the development being carried out in accordance with the Arboricultural Impact Assessment and Method Statement. This can be addressed by condition.

- 10.43 With respect to the impact on protected species, the Council's ecologist has reviewed the bat survey dated August 2016. It is considered the proposals are unlikely to result in significant ecological impacts. There are no objections to the development, subject to conditions for the protection of trees (which may support roosting bats) being included in any permission. A condition is also suggested that all ecological measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Report.
- 10.44 With respect to landscaping, it is proposed to create individual soft landscaped areas to the rear and side of the dwellings together with a soft landscaped area underneath the protected trees. To accommodate the scheme a separate parking area for 141 Church Street and a turning area is proposed, however the scheme will retain sufficient soft landscaped areas within the wider site to avoid a detrimental impact on visual amenity.

10.5 Highway issues

- 10.51 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. Significant concern has been raised in the representations received regarding highway safety. The comments raised are précised in the representations section above.
- 10.52 The development site is currently a residential garden and parking area associated with 141 Church Street. The site has direct access onto New Road (B6107) via an existing gated access. New Road has a narrow carriageway at this location with a footway on the opposite side to the existing entrance, which is un-segregated. This application is supported by a Highways Statement (HS) which has been prepared by PAH Highway consultants.
- 10.53 The HS has indicated that the proposed development would generate 2 additional trips onto the highway network during peak periods. Although Highway Services do not accept the trip generation rate used in the HS they do accept that the number of trips likely to be generated by the development would not have an adverse impact on highway capacity.
- 10.54 The application proposes to improve the existing gated access onto New Road to accommodate the additional movements generated by the development. These improvements include widening the entrance and the lowering of the boundary wall height to 900mm on both sides of the access. The HS promotes these improvements which would provide a visibility splay of 2 metres x 33 metres. Whilst Highway Services would not usually accept this size of visibility on a classified road, the entrance already exists with no reported injury accidents and the numbers of vehicle movements through it are likely to be low. Therefore Highway Services accept the below standard visibility at this access. The proposal is for two additional dwellings to be served off this existing vehicular access, and it is considered that the amount of movements through the site would be low and therefore it is reasonable to accept a lower standard of visibility in this case. As noted in the representations received, on-street parking reduces the width of the road and slow vehicular speeds.

10.55 Internally the proposed access road has the benefit of a turning head and the HS has provided swept path analysis which indicates that the site would be accessible for service and emergency vehicles. The private driveway would serve three dwellings which is below the number which requires it to be adopted therefore it would remain as a private driveway.

10.66 Parking provision as proposed is marginally below the Councils maximum parking standards for the existing dwelling, however additional vehicles could park on the proposed driveway and any overspill parking is unlikely to take place on the adopted highway network.

10.67 There are no objections to the proposal subject to the inclusion of conditions. These include appropriate surfacing and draining of areas to be used by vehicles, that no gates are proposed across the vehicular access from New Road, and the provision of sightlines of 2 metres x 33 metres along the site frontage onto New Road.

10.7 Representations

10.71 29 objections and 7 letters of support have been received. The comments made in the letters of support are précised in the representations section. In so far as the objections have not been addressed above:

10.72 Concern about noise, dirt and dust, disturbing peace of small village.

Response: The proposal is for noise sensitive development within an existing residential area and it is considered there would be no detrimental impact arising from noise disturbance. There will be a level of temporary disruption created during the construction phase. However, this is a normal part of the development process and is not a reason to refuse the application.

10.73 The school is over-subscribed and impossible to expand.

Response: Kirklees Council Policy Guidance "Providing for Education Needs Generated by New Housing Estates" states that the provision of additional school places will be a material consideration but the threshold for consideration is 25 dwellings. Therefore the demand or otherwise for school places cannot be taken into account in the assessment of the application.

10.74 A change of use from stables to garage on the north east side of Holmleigh needs to be declared.

Concern: This is not material to the assessment of this application.

10.75 Covenant in title deed WYK922149 for plot of land behind 131 School Street to maintain a stone dry-wall or fence on the westerly side. The wall has not been accounted for.

Response: This is not a material planning consideration

10.76 Question whether the grade 2 listing of 131 School Street extends to the acquired land, particularly boundary walls. Listed building consent will need to be applied for.

Response: When 131 School Street was listed in 1983 the application site formed a part of the wider curtilage of the property. The removal of the boundary wall will required Listed Building Consent as at the date of listing, this wall (in its entirety) was a structure which was fixed to the listed building.

10.76 A change of use from stables to garage on the north east side of Holmleigh needs to be declared.

Response: This is not a material consideration to this application.

10.78 No evidence the sewer system can accommodate waste water. A previous application for a single storey dwelling was refused on inadequacy of existing sewer system.

Response: The proposal is to drain foul water to the mains sewer. This is a minor development for which Yorkshire Water is not a statutory consultee. The applicant will be required to discuss this matter with Yorkshire Water.

10.77 Covenant in title deed WYK922149 for plot of land behind 131 School Street to maintain a stone dry-wall or fence on the westerly side. The wall has not been accounted for.

Response: This is not a material planning consideration.

10.78 Holme Valley Parish Council commented on the original scheme. They objected on the grounds of highways safety and the potential loss of TPO's. They consider the proposal would be dangerous due to lack of parking and existing parking on New Road. They also raise concern that the proposal would represent an over-intensification of the site and that the number of houses and design is not in keeping with Conservation Area.

10.79 In response to this, the number of proposed dwellings has been reduced to two. It is considered this satisfactorily addresses the concerns regarding overdevelopment of the site. As noted in the report, it is considered the revised proposal would not have a detrimental impact on highway safety, or on the protected trees. It is considered that whilst the design of the dwellings would have a contemporary appearance, this would not undermine the character of the Netherthong Conservation Area, or have a detrimental impact on the setting of listed buildings.

Planning obligations

10.8 The proposal would not trigger the thresholds for any contributions.

Other Matters

10.9 In the interests of sustainable transport, charging plug-in points will be conditioned to be installed in the curtilage of each dwelling. This will accord with the sustainability objectives of the National Planning Policy Framework.

11.0 CONCLUSION

- 11.1 Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted “unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”.
- 11.2 The proposal would result in minor harm to the significance of the character and appearance of the Netherthong Conservation Area, which should be weighed against the public benefits of the scheme. In weighting the heritage considerations in the planning balance, it is considered the benefits of providing housing at a time when the Council is unable to demonstrate a five year supply outweigh the limited harm in this case. It is considered that the requirements of the framework have been met. It is also considered the proposal, for an additional two dwellings, would not have a detrimental impact on highway safety and there would be no detrimental impact on residential amenity. It is considered, on balance, that the proposal would be acceptable.

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

1. Timeframe for development
2. Development to be in accordance with the approved plans
3. Surfacing and draining of the vehicle parking areas and driveways
4. No gates or barriers to be erected across the vehicular access from New Road
5. Sightlines of 2 metres x 33 metres along the site frontage onto New Road to be cleared of all obstructions to visibility exceeding 900mm in height above the level of the adjacent carriageway.
6. Development to be carried out in accordance with the Arboricultural Impact Assessment and Method Statement.
7. Details of any additional tree works not identified to be submitted for approval
8. Submission of written / photographic evidence to demonstrate that the arboricultural supervisions specified in 7.1 of the Arboricultural Method statement are undertaken.

9. Samples of facing and roofing materials
10. Details of boundary treatments
11. Removal of PD rights for extensions
12. Removal of PD rights for ancillary curtilage buildings
13. Provision of charging plug in points

Background Papers:

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91356>

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Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/91343 Erection of attached dwelling and erection of extensions and alterations to existing dwelling (Listed Building) 141A, Church Street, Netherthong, Holmfirth, HD9 3EA

APPLICANT

Mr & Mrs Farmiloe

DATE VALID

25-Apr-2016

TARGET DATE

20-Jun-2016

EXTENSION EXPIRY DATE

17-Mar-2017

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1. The application seeks permission for the erection of an extension to 141a Church Street at Netherthong, and for the erection of an attached dwelling within its amenity space. 141a Church Street is a Grade II listed dwelling located within the Netherthong Conservation Area. The scheme proposes to extend and reconfigure the layout of the listed property, and to erect a three storey attached dwelling within the residential curtilage to the west.
- 1.2. The proposal would not have a detrimental impact on the existing listed building, the setting of neighbouring listed buildings or the Netherthong Conservation Area. There would be no detrimental impact on highway safety or residential amenity.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises 141a Church Street at Netherthong, a three storey listed weavers cottage located on the corner of Church Street and New Road. The dwelling is attached to the more substantial 141 Church Street.
- 2.2 141a Church Street has an existing vehicular access off New Road leading to a paved area of off-street parking and a grassed amenity space. A stone boundary wall screens the site from Church Street and New Road, and an internal stone wall separates the rear of 141a and 141 Church Street from the amenity space.
- 2.3 The site is unallocated on the Unitary Development Plan Proposals map. It is however included within the Netherthong conservation area which extends from the north of the village and includes 141 and 141a Church Street and its amenity spaces. Land to the south of the application site is not included within

the Conservation Area. The nearest listed buildings include 128 Towngate to the west of the site, and 131-135 School Street to the east of the site.

3.0 PROPOSAL:

- 3.1 The application seeks permission for the erection of a three storey extension and alterations to the existing 141a Church Street to reconfigure the internal space. The proposed extension would be constructed of natural stone and stone slate.
- 3.2 Permission is also sought for the erection of an attached dwelling in the existing amenity space to the west of the existing dwelling. The proposed dwelling would also be three storeys in height. Externally it is proposed to divide the space to the rear into two private amenity spaces.
- 3.4 It is proposed that both the extended and newly created property would utilize the existing vehicular access onto New Road leading to an area of off-street parking. It is also proposed to create a new exit point onto Church Street. It is intended vehicles would enter from New Road and exit onto Church Street. Visibility at the Church Street exit would be improved by the reduction in height of the existing boundary wall to 900mm, which would also give some visibility improvement at the Church Street / New Road junction.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2015/93291 – Change of use of dwelling (C3) to hotel use (C1) (Listed Building within a Conservation Area) - Withdrawn
- 4.2 2015/93274 – Listed Building Consent for change of use from a dwelling (C3a) to hotel use (C1) (within a Conservation Area) – Withdrawn
- 4.3 2016/91344 – Listed Building Consent for erection of attached dwelling and erection of extensions and alterations to existing dwelling – pending a decision
- 4.4 2016/91356 – Erection of two detached dwellings – pending a decision

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A reduction in the height of the attached dwelling by 600mm to mitigate the impact on neighbouring properties directly opposite the site.

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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 BE1 – Design principles
BE2 – Quality of design
BE5 – Preservation/enhancement of conservation areas
BE12 – Space about buildings
T10 – Highway Safety
EP11 – Ecological landscaping
NE9 – Retention of mature trees

Supplementary Planning Guidance / Documents:

- 6.3 None

National Planning Guidance:

- 6.4 Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring Good Design
Chapter 12 – Conserving and Enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was initially publicised by neighbour letter, site notice and press notice. The period of publicity expired on 3rd June 2016. 16 letters of objection were received.

7.2 Highway Issues

- Access through the village is restricted with frequent blockages as lorries and buses are unable to negotiate the bends. Any further development will cause congestion. The application is hazardous proposing access and egress very near to the junction of Church Street and New Road. At school opening and closing times Church Street clogs with traffic, inevitably tempting drivers exiting the site to use the entry point with a risk of accidents.
- Few houses have off-road parking where the proposed development is.
- School pupils walk to school in both directions adjacent to the site
- The area cannot accommodate more traffic, the streets are narrow with parked cars. There is no capacity for on-street parking.
- Concern how construction traffic would reach the site.

- Query how cars would exit when residents park opposite.
- The ingress from New Road could be problematic, school parents park there.
- The private access could become a short cut to miss the top of New Road.
- The entrance from New Road is close to a junction with Towngate and a 90 degree badly sighted bend. This is a blind spot and potentially dangerous.
- The entrance would impact on people walking on New Road which is currently dangerous given that there is no footpath.
- This area is difficult to access at certain times of the day and if parking is restricted on Church Street vehicles will park on New Road.
- On-street parking effectively means all three roads at and leading away from this junction are limited to single file traffic.

7.3 Heritage Issues

- The proposal would damage the character and environment of the village, this land is the only open space. The proposal would destroy views and alter the spatial relationship between buildings.
- There has never been any previous building on site. The listed cottage has no land of its own and belongs to the attached house.
- Key views and vistas in the conservation area including the view from Towngate and the war memorial south east across the valley will be lost.
- There are two sites on the north site of the village (St Mary's and Deanhouse) proposed for development, both are outside of the village and the conservation area. No more development sites need adding with the inadequate infrastructure.
- The building and its gardens and mature trees add to the character of the conservation area and are a good example of Georgian building and gardens which should be preserved.
- The proposal will have a detrimental impact on the conservation area. The development is on the main approach route into the village.
- The extensions are staggered in height and width which looks disjointed and unnatural to the existing building and surrounding rural area.
- The large house and listed building are a centre piece to the older part of Netherthong
- The proposals are without sympathy to the conservation area and distinctive rural location. The buildings will diminish the character of 'the big house'.

7.4 Amenity Issues

- The distance between the front elevation of the proposed new dwelling and existing properties on Church Street is less than 21m.
- The proposed dwelling will harm residential amenity by virtue of overshadowing/overbearing.

7.5 Other Matters

- Wildlife and green space will be lost forever
- Concern about an increases in noise, dirt and dust
- A new build will not blend in with the village, will spoil views, cut out light and sense of space.
- Concern about loss of view.
- The primary school is over-subscribed, this would entail further use of cars
- The built on terraced houses will de-value Holmleigh.

7.6 **Holme Valley Parish Council** – Support the application subject to Listed Building Officer being satisfied.

7.7 The amended plans were advertised by neighbour letter. The period of publicity expired on 23rd November 2016. 4 letters of objection and 6 letters of support have been received. A summary of the comments received is set out below:

7.8 Points in Support:

- The proposals have been sympathetically designed to fit into the village. The development will be in keeping with the organic way in which the centre of the village has evolved throughout its history.
- The dwellings follow the lines of existing properties and have been sensitively arranged to be consistent in both proportion and in their materials, echoing the local identity and fitting in with listed buildings.
- The houses are designed to provide privacy and open space for their occupants as well as good physical separation from adjacent properties.
- The proposals will help address the under supply of housing in Netherthong and will provide much needed accommodation for people and families who will support local amenities.

Additional objections:

7.9 Whilst acknowledging the design is better in terms of windows the plan seriously impacts on the visual amenity in the centre of the village with its height and taking up space.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** None

8.2 **Non-statutory:**

K.C Conservation and Design – No objections

K.C Ecologist – No objections

K.C Arboricultural Officer – No objections

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Ecology issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 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 application site is located within the Netherthong Conservation Area. The site is otherwise unallocated on the Unitary Development Plan. Policy D2 of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.
- 10.2 The NPPF sets out a presumption in favour of sustainable development. For decision taking this means ‘approving development proposals that accord with the development plan without delay’. The application site is a greenfield site which forms part of the curtilage to No’s 141 and 141a Church Street. The site is located within a sustainable location in Netherthong village with local amenities, and the principle of housing development is considered to be acceptable in accordance with the sustainability principles of the National Planning Policy Framework.

Urban Design / Heritage issues

- 10.3 The site forms part of the curtilage to No’s 141 and 141a Church Street which is a grade II listed, three storey, early/mid 18th century weavers cottage and adjoining 19th century dwelling. The site also sits within the Netherthong Conservation Area.
- 10.4 A number of concerns have been raised in the representations received regarding the impact on views within the conservation area, and the design and proportioning of the extensions.

- 10.5 Paragraph 128 of the NPPF stipulates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 131 states local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness. There are views looking towards the southern boundary of the Conservation Area from New Road, and views of the site from within the village.
- 10.6 Alterations and extensions to a building should be designed to be subordinate to the main building (both physically and visually) and sympathetic to its character, both original and existing. Extensions need to respect the form and character of the listed building and its setting and be subordinate in nature to the existing building. Where a traditional approach is intended proportions, detailing and materials need to be appropriate for the context of the site, including the roof form. Conservation and Design are satisfied that the proposed development, whilst being of an uncharacteristic and unprecedented scale would not adversely impact upon the architectural significance of the adjoining Grade II listed building, 141 Church Street as it largely complies with the points raised above. Whilst it could be argued that its scale and height are not reflective of a subordinate structure, officers consider that what is being proposed does not prejudice the heritage assets as a structure any lower would appear contrived in the given context.
- 10.7 With regards to its impact upon the Netherthong Conservation Area, officers are satisfied that the development has been designed with consideration to Netherthong's organic and haphazard form, and therefore conclude that the development will preserve its special character and appearance in accordance with UDP policy BE5 and the objectives of paragraph 131 and 137. The proposal would be seen from immediate views within the centre of the village, but would be relatively concealed from views looking towards the southern boundary of the conservation area due to the existing mature trees.
- 10.8 It is concluded that in terms of their size, scale, design and material palette the addition of the proposed extension and dwelling would not cause undue harm to the setting of the adjoining listed buildings and furthermore would not undermine the character of the Netherthong Conservation Area. The application is considered to be compliant with the objectives of paragraphs 131, 132, 134 and 137 of the NPPF as well as policies BE1, BE2, BE11 and BE13 of the UDP. This is subject to the imposition of appropriate conditions to secure appropriate materials and design features.

Residential Amenity

- 10.9 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy D2 of the UDP stipulates that development should protect the residential amenity of neighbouring residential properties and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows. The nearest neighbouring properties to the site which would be affected by the development include Nos 116 and 116a Church Street; a pair of semi-detached two storey dwellings: and Nos 118-122 Church Street; a terrace of three dwellings, all of which are located to the north of the site.
- 10.10 Concerns have been raised in the representations received that the distance between the front elevation of the proposed new dwelling and existing properties on Church Street is less than 21m, and that the proposed dwelling would harm residential amenity by virtue of overshadowing/overbearing.
- 10.11 The relevant distances are:
- A distance of 15 metres from the principal elevation of the proposed extension to 141a Church Street to the principal elevation of No.116 Church Street
 - A distance of 14 metres from the principal elevation of the new dwelling to the principal elevation No.118 Church Street
- 10.12 These distances will accord with policy BE12 of the UDP, subject to their being no habitable room windows proposed on the principal elevations of the proposed extension and attached dwelling. Policy BE12 requires a distance of 12 metres between habitable room windows and a blank wall or a wall containing non habitable room windows.
- 10.13 The layout of the extension and attached dwelling has been designed such that only non-habitable room windows on the principle elevation at first and second floor level in accordance with policy BE12 of the UDP. Habitable room windows are proposed at ground floor level, however due to the difference in land levels between the application site and the neighbouring properties, there would be no direct relationship to the existing ground floor windows in neighbouring properties. This would be further mitigated by the stone boundary wall, which although this would be lowered to 900mm, would due to the differences in levels screen these windows.
- 10.14 There would be no impact from the proposed reconfiguration of 141a which has existing habitable room windows on the principal elevation.
- 10.15 There would be a distance of between 14 and 15 metres from the proposed extension and attached dwelling to neighbouring properties directly to the north of the site. There are level differences between the site and neighbouring properties which assist in mitigating the impact of the proposed extension and attached dwelling. Notwithstanding this however, officers have

negotiated with the applicant to lower the height of the proposed attached dwelling by 600mm to further mitigate the impact. It is acknowledged there would be some loss of outlook to these neighbouring properties, however it is not considered this would be unduly detrimental. The close siting of neighbouring properties reflects the existing character of the area.

- 10.16 It is considered, on balance, there would not be a detrimental impact on residential amenity and the proposal would accord with policies D2 and BE12 of the UDP.

Highway issues

- 10.17 The development site is currently a residential garden and parking area associated with 141A Church Street. The site is located on the junction of New Road (B6107) and Church Street with vehicle access directly onto New Road. The application is supported by a Highways Statement. A number of objections have been received regarding the impact on highway safety which are précised in the representations section above.
- 10.18 The application includes proposals for new access arrangements but also amendments to the access to an adjoining property. The extended and newly created property will utilize the existing vehicular access onto New Road and have a new access onto Church Street. The proposals include vehicles entering the parking area from New Road and exiting the parking area onto Church Street. Visibility at the Church Street exit would be improved by the reduction in height of the existing boundary wall to 900mm, which would also give some visibility improvement at the Church Street / New Road junction. In addition it is advised the wall to the New Road frontage be reduced to 900mm to further improve visibility. The adjoining property 141 Church Street has an existing gated vehicular access in close proximity which is far from ideal, however the application proposed to close this vehicular access point which would remain for pedestrian access.
- 10.19 The parking provision for the size of the dwellings is in line with current Council parking standards and therefore acceptable. The parking layout is also acceptable. Highway Services suggest a condition of the drainage on the parking and access areas to ensure it is sustainable.
- 10.20 In terms of traffic generation, the extension on one dwelling and the creation of a new dwelling is unlikely to generate traffic to a level that would have any detrimental impact on the local highway network.
- 10.21 The development will use an existing vehicular access to enter the site, the impact of the new vehicle access onto Church Street will be offset by the closure of a substandard vehicular access. The reduction in the height of the boundary walls will offer some additional visibility improvements to the existing junction and the proposed parking arrangements are in line with Council standards. Highway Services raise no objections subject to the inclusion of suitable conditions. The proposal would accord with policy T10 of the UDP and there would be no detrimental impact on highway safety.

Ecology

- 10.22 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The application is supported by a Bat Survey. The report indicates the presence of at least two common pipistrelle roosts on the southern elevation of 141a Church Street. These roosts will not be directly affected by the proposals, although there is a possibility of some disturbance caused by noise / vibration. The ecologist has no objections to the proposals, as there is little likelihood of the proposals resulting in significant long-term ecological impacts. A condition is suggested, that all ecological measures and/or works be carried out in accordance with the Bat Survey Report. Subject to the inclusion of this condition, ecological matters are addressed.
- 10.23 There are protected trees within the site but these are located to the south of the site and would be unaffected by the proposals. The proposal would accord with policy NE9 of the UDP.

Representations

- 10.24 21 letters of objection and 6 letters of support have been received. In so far as they have not been addressed above:
- 10.25. Wildlife and green space will be lost forever
Response: The site is a private amenity space enclosed by a stone boundary wall. It is not considered the proposal for one dwelling and an extension to the existing dwelling would have a detrimental impact on greenspace provision, taking into account the undeveloped Green belt land to the south of the site. There are no objections from an ecological perspective to the application.
- 10.26 Concern about an increases in noise, dirt and dust
Response: Disruption caused during the construction phase is a normal part of the planning process and is not a reason to refuse the application.
- 10.27 A new build will not blend in with the village, will spoil views, cut out light and sense of space.
Response: The proposal has been designed with consideration to Netherthong's organic and haphazard form and it is considered the proposal would not have a detrimental impact on the character of the conservation area. As noted above, a proposal for one dwelling would not have a detrimental impact on greenspace provision.
- 10.28 Concern about loss of view.
Response: The impact on views into and out of the Conservation Area has been considered. Otherwise the loss of a view is not a material planning consideration.

10.29 The primary school is over-subscribed, this would entail further use of cars
Response: The proposal does not trigger a contribution towards school places. It is likely residents would use a private car(s), however Highway Services are satisfied that this proposal for one dwelling and an extension would not have a detrimental impact on highway safety.

10.30 The built on terraced houses will de-value Holmleigh.
Response: this is not a material planning consideration.

10.31 The Holme Valley Parish Council support the application subject to the Listed Building Officer being satisfied.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Time limit for development
2. Development to be carried out in accordance with the approved plans
3. Vehicle parking areas shall be surfaced and drained.
4. No gates or barriers shall be erected across the vehicular access
5. Nothing to be planted or erected within a strip of land 2.0m deep from the carriageway edge of New Road and Church Street along the full frontage of the site which exceeds 0.9m in height above the adjoining highway.
6. Signing of the vehicle ingress and egress with 'IN' 'OUT'.
7. Development to be constructed of regular coursed natural stone and the roofing materials of natural stone slates
8. Specification of any structural support required and a method statement for installation
9. Details of boundary treatments

10. All ecological measures and/or works to be carried out in accordance with the Bat Survey Report.

11. Removal of PD rights

Background Papers:

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91343>

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Originator: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/91344 Listed Building Consent for erection of attached dwelling and erection of extensions and alterations to existing dwelling 141 A, Church Street, Netherthong, Holmfirth, HD9 3EAA

APPLICANT

Mr & Mrs Farmiloe

DATE VALID

25-Apr-2016

TARGET DATE

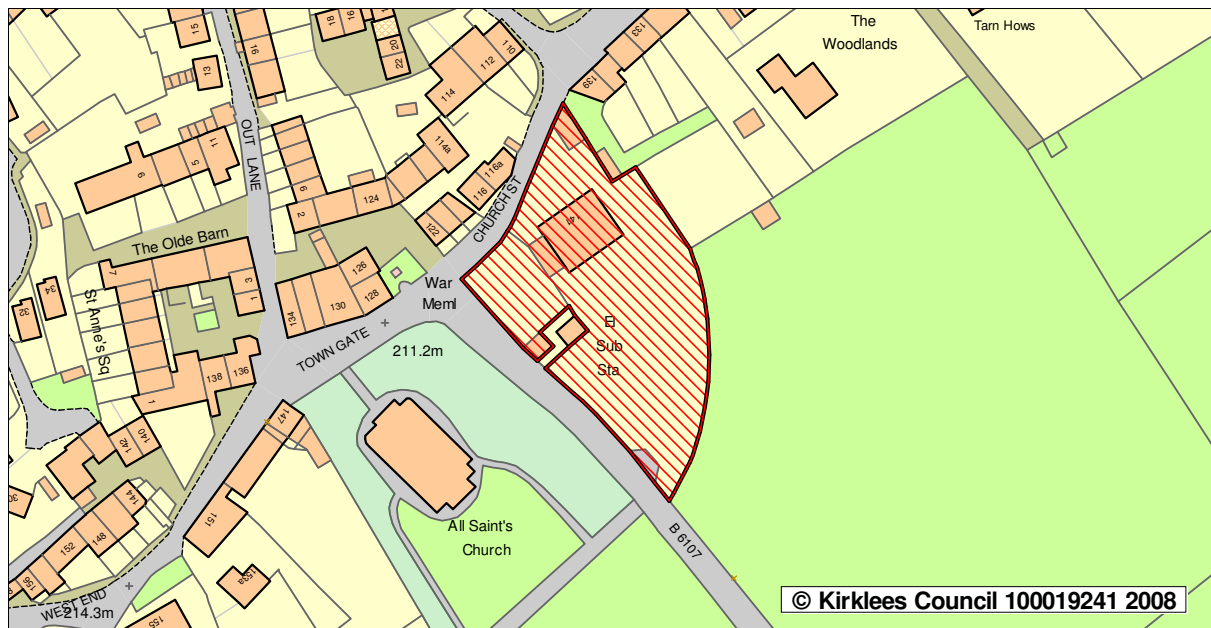
20-Jun-2016

EXTENSION EXPIRY DATE

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

N

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1. The application seeks listed building consent for the erection of an extension to 141a Church Street at Netherthong, and for the erection of an attached dwelling within its amenity space. 141a Church Street is a Grade II listed dwelling located within the Netherthong Conservation Area. The scheme proposes to extend and reconfigure the layout of the listed property, and to erect a three storey attached dwelling within the residential curtilage to the west.
- 1.2. The proposal would not have a detrimental impact on the existing listed building, the setting of neighbouring listed buildings or the Netherthong Conservation Area.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises 141a Church Street at Netherthong, a three storey listed weavers cottage located on the corner of Church Street and New Road. The dwelling is attached to the more substantial 141 Church Street.
- 2.2 141a Church Street has an existing vehicular access off New Road leading to a paved area of off-street parking and a grassed amenity space. A stone boundary wall screens the site from Church Street and New Road, and an internal stone wall separates the rear of 141a and 141 Church Street from the amenity space.
- 2.3 The site is unallocated on the Unitary Development Plan Proposals map. It is however included within the Netherthong conservation area which extends from the north of the village and includes 141 and 141a Church Street and its amenity spaces. Land to the south of the application site is not included within

the Conservation Area. The nearest listed buildings include 128 Towngate to the west of the site, and 131-135 School Street to the east of the site.

3.0 PROPOSAL:

- 3.1 The application seeks permission for the erection of a three storey extension and alterations to the existing 141a Church Street to reconfigure the internal space. The proposed extension would be constructed of natural stone and stone slate.
- 3.2 Permission is also sought for the erection of an attached dwelling in the existing amenity space to the west of the existing dwelling. The proposed dwelling would also be three storeys in height. Externally it is proposed to divide the space to the rear into two private amenity spaces.
- 3.4 It is proposed that both the extended and newly created property would utilize the existing vehicular access onto New Road leading to an area of off-street parking. It is also proposed to create a new exit point onto Church Street. It is intended vehicles would enter from New Road and exit onto Church Street. Visibility at the Church Street exit would be improved by the reduction in height of the existing boundary wall to 900mm, which would also give some visibility improvement at the Church Street / New Road junction.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2015/93291 – Change of use of dwelling (C3) to hotel use (C1) (Listed Building within a Conservation Area) - Withdrawn
- 4.2 2015/93274 – Listed Building Consent for change of use from a dwelling (C3a) to hotel use (C1) (within a Conservation Area) – Withdrawn
- 4.3 2016/91343 – Erection of attached dwelling and erection of extensions and alterations to existing dwelling – pending a decision
- 4.4 2016/91356 – Erection of two detached dwellings – pending a decision

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A reduction in the height of the attached dwelling by 600mm to mitigate the impact on neighbouring properties directly opposite the site.

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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 None

Supplementary Planning Guidance / Documents:

6.3 None

National Planning Guidance:

6.4 Chapter 12 – Conserving and Enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was initially advertised by neighbour letter, site notice and press notice. The period of publicity expired 3rd June 2016. As a result of that publicity 4 letters of objection have been received.

7.2 Heritage Issues

- The proposal would damage the character and environment of the village, this land is the only open space. The proposal would destroy views and alter the spatial relationship between buildings.
- There has never been any previous building on site. The listed cottage has no land of its own and belongs to the attached house.
- Key views and vistas in the conservation area including the view from Towngate and the war memorial south east across the valley will be lost.
- There are two sites on the north site of the village (St Mary's and Deanhouse) proposed for development, both are outside of the village and the conservation area. No more development sites need adding with the inadequate infrastructure.
- The building and its gardens and mature trees add to the character of the conservation area and are a good example of Georgian building and gardens which should be preserved.
- The proposal will have a detrimental impact on the conservation area. The development is on the main approach route into the village.
- The extensions are staggered in height and width which looks disjointed and unnatural to the existing building and surrounding rural area.
- The large house and listed building are a centre piece to the older part of Netherthong

- The proposals are without sympathy to the conservation area and distinctive rural location. The buildings will diminish the character of ‘the big house’.

7.3 Other Issues

- Access through the village is restricted with frequent blockages as lorries and buses are unable to negotiate the bends. Any further development will cause congestion. The application is hazardous proposing access and egress very near to the junction of Church Street and New Road. At school opening and closing times Church Street clogs with traffic, inevitably tempting drivers exiting the site to use the entry point with a risk of accidents.
- Few houses have off-road parking where the proposed development is.
- School pupils walk to school in both directions adjacent to the site
- The area cannot accommodate more traffic, the streets are narrow with parked cars. There is no capacity for on-street parking.
- Concern how construction traffic would reach the site.
- Query how cars would exit when residents park opposite.
- The ingress from New Road could be problematic, school parents park there.
- The private access could become a short cut to miss the top of New Road.
- The entrance from New Road is close to a junction with Towngate and a 90 degree badly sighted bend. This is a blind spot and potentially dangerous.
- The entrance would impact on people walking on New Road which is currently dangerous given that there is no footpath.
- This area is difficult to access at certain times of the day and if parking is restricted on Church Street vehicles will park on New Road.
- On-street parking effectively means all three roads at and leading away from this junction are limited to single file traffic.
- Wildlife and green space will be lost forever
- Concern about an increases in noise, dirt and dust
- A new build will not blend in with the village, will spoil views, cut out light and sense of space.
- Concern about loss of view.
- The primary school is over-subscribed, this would entail further use of cars
- The built on terraced houses with de-value Holmleigh.

7.4 Holme Valley Parish Council – Support the application subject to Listed Building Officer being satisfied.

7.5 The amended plans were advertised by neighbour letter. The period of publicity expired 23rd November. 1 objection and 6 letters of support have been received. A summary of the comments received is set out below:

7.6 Points in Support:

- The proposals have been sympathetically designed to fit into the village. The development will be in keeping with the organic way in which the centre of the village has evolved throughout its history.

- The dwellings follow the lines of existing properties and have been sensitively arranged to be consistent in both proportion and in their materials, echoing the local identity and fitting in with listed buildings.
- The houses are designed to provide privacy and open space for their occupants as well as good physical separation from adjacent properties.
- The proposals will help address the under supply of housing in Netherthong and will provide much needed accommodation for people and families who will support local amenities.

7.7 Additional Objections:

No additional points have been raised.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Conservation and Design – No objections

8.2 Non-statutory:

9.0 MAIN ISSUES

- Heritage issues
- Representations
- Other matters

10.0 APPRAISAL

Heritage Issues

- 10.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority or Secretary of State shall be special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.2 The site forms part of the curtilage to No's 141 and 141a Church Street which is a grade II listed, three storey, early/mid 18th century weavers cottage and adjoining 19th century dwelling. The site also sits within the Netherthong Conservation Area.
- 10.3 A number of concerns have been raised in the representations received regarding the impact on views within the conservation area, and the design and proportioning of the extensions.
- 10.4 Paragraph 128 of the NPPF stipulates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 131 states local planning authorities should take account of the

desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness. There are views looking towards the southern boundary of the Conservation Area from New Road, and views of the site from within the village.

- 10.5 Alterations and extensions to a building should be designed to be subordinate to the main building (both physically and visually) and sympathetic to its character, both original and existing. Extensions need to respect the form and character of the listed building and its setting and be subordinate in nature to the existing building. Where a traditional approach is intended proportions, detailing and materials need to be appropriate for the context of the site, including the roof form. Officers are satisfied that the proposed development, whilst being of an uncharacteristic and unprecedented scale would not adversely impact upon the architectural significance of the adjoining Grade II listed building, 141 Church Street as it largely complies with the points raised above. Whilst it could be argued that its scale and height are not reflective of a subordinate structure, Officers consider that what is being proposed does not prejudice the heritage assets as a structure any lower would appear contrived in the given context.
- 10.6 With regards to its impact upon the Netherthong Conservation Area, Officers are satisfied that the development has been designed with consideration to Netherthong's organic and haphazard form, and therefore conclude that the development will preserve its special character and appearance in accordance with UDP policy BE5 and the objectives of paragraph 131 and 137. The proposal would be seen from immediate views within the centre of the village, but would be relatively concealed from views looking towards the southern boundary of the conservation area due to the existing mature trees.
- 10.7 The proposal would result in some harm to the fabric of the listed building and to its setting. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The public benefits of the proposal include the provision of housing at a time when the Council is unable to demonstrate a five year supply. It is concluded that in terms of their size, scale, design and material palette the addition of the proposed extension and dwelling would not cause undue harm to the setting of the adjoining listed buildings and furthermore would not undermine the character of the Netherthong Conservation Area. The application is considered to be compliant with the objectives of paragraphs 131, 132, 134 and 137 of the NPPF as well as policies BE1, BE2, BE11 and BE13 of the UDP. This is subject to the imposition of appropriate conditions to secure appropriate materials and design features.

Representations

- 10.7 5 letters of objection and 6 letters of support have been received in all. The heritage matters raised have been addressed above, and all planning matters have been addressed in the corresponding planning application Ref 2016/91343.
- 10.8 The Holme Valley Parish Council support the application subject to the Listed Building Officer being satisfied.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Time limit for development
2. Development to be carried out in accordance with the approved plans
3. Development to be constructed of regular coursed natural stone and the roofing materials of natural stone slates
4. Windows and Doors shall be set in a reveal a minimum of 75mm and shall not be mounted flush with the face of the building
5. All windows and external doors to the extensions shall be of timber construction with a painted finish
6. All double glazing shall be of a slim profile and shall be no thicker than 12mm
7. Guttering shall be of timber or cast-aluminium construction and shall have a painted black finish.
8. Downpipes shall be of a cast aluminium construction and shall have a painted black finish
9. Specification of any structural support required and a method statement

10. All flues shall have a factory applied black powder coated/painted finish where they externally project

11. Details of boundary treatments

Background Papers:

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91344>

Certificate of Ownership – Certificate A signed:

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Originator: Matthew Woodward

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/93871 Erection of detached dwelling (within the curtilage of a Listed Building) Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA

APPLICANT

J Harris

DATE VALID

12-Dec-2016

TARGET DATE

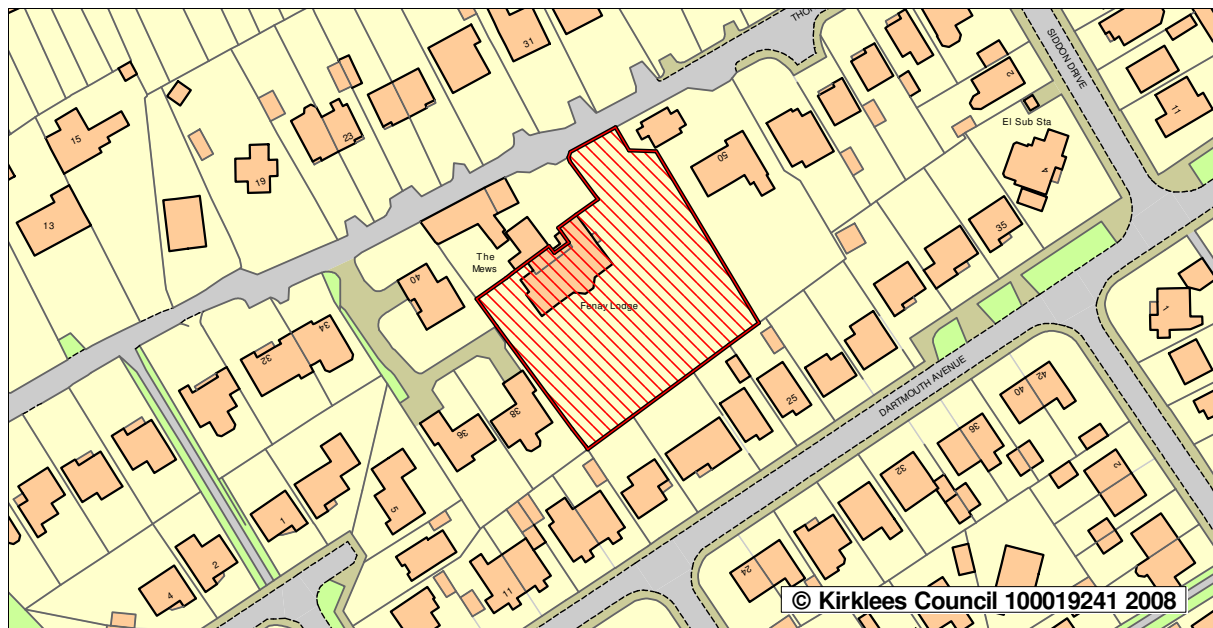
06-Feb-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Almondbury

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

REFUSE for the following reason:

1. The proposed development, by virtue of siting and scale, would fail to preserve the special interest and setting of the listed building (Fenay Lodge) by substantially reducing the rear garden area which is a component part of the assets' significance. The harm to the asset is less than substantial in accordance with paragraph 134 of the National Planning Policy Framework. Set against this, the public benefits associated with the development do not outweigh the harm. The development is therefore contrary to Policy BE2 of the Unitary Development Plan (UDP) chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application is brought before the Sub-Committee at the request of Councillor Hughes:

"I would like to object to the above planning application based on its proximity to the Grade 2 listed building Fenay Lodge. A similar application was refused in 2016 and at appeal the inspector upheld the committees' decision. Even though the building is smaller than before it still encroaches onto the listed building."

If you are minded to approve the application I would ask for it to be forwarded to the planning committee."

The Chair of the Sub-Committee has confirmed that Councillor Hughes' reasons for making their requests are valid having regard to the Councillors' Protocol for Planning Sub Committees.

In addition to the above, a total of 62 representations have been received, a total of 51 of these are in support of the application, contrary to officer recommendation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application is for the erection of a detached dwelling within the grounds of Fenay Lodge. The site comprises includes a Grade II listed Georgian style mansion set within a substantial garden area. The proposal would be located to the rear of the existing dwelling and towards the rear of the garden area.
- 2.2 The site lies within a residential area with numbers 19-25 Dartmouth Avenue lying at lower level to the rear, numbers 38 and 40 Thorpe Lane beyond the western site boundary and number 50 Thorpe Lane to the east.
- 2.3 The site lies on the southern side of Thorpe Lane. Thorpe lane is made up of varied detached units and the street narrows and is enclosed near the application site by mature trees and traditional boundary walls and buildings.
- 2.4 The proposed development proposes to utilise the existing grounds of Fenay Lodge. The proposal takes the existing access from Thorpe Lane and proposes to 'fork' the existing driveway in order to provide a separate access which would run in a southerly direction, close to the north eastern boundary of the plot, before terminating at the southern point of the existing grounds where a gravel parking area would be provided.
- 2.5 Close to the southern boundary it is proposed to erect a single storey dwelling which would consist of two distinct blocks which would be linked in the middle by a glazed central block. The dwelling would contain three bedrooms with a courtyard area immediately to the west and a garden area beyond.
- 2.6 The dwelling would be set down within the existing garden so that it would not be visible above the garden area associated with Fenay Lodge. Further mitigation would be provided in the form of vegetation planting along the boundary with the garden of Fenay Lodge along with a ha-ha wall. The elevations would be dressed in a sandstone cladding with Ashlar stone surrounds to the windows. The roof would be lawned to complement the existing lawn adjacent. The proposed development takes on a contemporary form.

3.0 RELEVANT PLANNING HISTORY:

- 3.1 Members may recall that a planning application for a detached dwelling on the same site (ref – 2015/93052) was considered in March 2016 with a resolution to refuse planning permission, although no detailed reasons were formulated at the time of the committee. In May 2016 Members were asked to formulate reasons to support the resolution to refuse planning permission. By this time the applicant had appealed against non-determination. At the May 2016 Planning Sub-Committee meeting Members resolved that the following reasons should form the basis of the Local Planning Authority's Statement to the Planning Inspectorate:

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

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

3.2 The appeal was dismissed by the Inspector on 12th July 2016. In his written summary the Inspector drew the following conclusions:

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

3.3 The current application has been submitted in an attempt to address the reasons why the appeal was dismissed. In summary the current application differs from the previous submission (ref - 2015/93052) in the following areas:

- The proposed dwelling is single storey as opposed to two storeys.
- The design of the dwelling has been altered and it now represents two primary rectangular blocks linked by a glazed central block, although it remains a contemporary design.
- Small alterations have been made to the driveway which has been reduced in width.
- The north facing terrace has been removed and there are no terraces at first floor level.
- The courtyard area to the west of the proposed dwelling has been extended.

3.4 Detailed history:

2015/93053 Listed Building Consent for erection of new entrance gates – Undetermined.

2015/93052 - Erection of detached dwelling and associated landscaping – Appeal against non-determination by the Council.

Subsequent appeal reference (APP/Z4718/W/16/3149647) dismissed. More detail contained within the main body of this officer report.

2005/90042 – Erection of detached dwelling and associated landscaping.

4.0 PLANNING POLICY:

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.

Development Plan:

The site is unallocated on the UDP Proposals Map.

BE1 – Design principles
BE2 – Quality of design
BE11 – Materials
BE12 – Space about buildings
H1- Housing needs of the district
T10 – Highway safety
T19 – Parking standards
NE9 – Retention of mature trees

National Policies and Guidance:

Paragraph 14 – Presumption in favour of sustainable development
Paragraph 17 – 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 10 - Meeting the challenge of climate change, flooding and coastal change
Chapter 11- Conserving and enhancing the natural environment
Chapter 12 - Conserving and enhancing the historic environment

Other Policy Guidance:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

5.0 CONSULTATIONS

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

5.1 Statutory:

KC Highways Development Management – Raise concerns with the entrance width of the Fenay Lodge entrance. More details contained in the remainder of this report.

5.2 Non-Statutory:

KC Conservation & Design – No objection.

“Conservation and Design conclude that in terms of its size, scale, design and material palette the addition of the proposed dwelling would not cause undue harm to the setting of the neighbouring listed building and furthermore, is of an innovative design to which great weight needs to be given to, in accordance with paragraph 63 of the NPPF.

Therefore this application (subject to conditions) is considered to be compliant with the objectives of paragraphs 17, 56, 58, 60, 63 131, & 132 of the NPPF as well as policies BE1, BE2 & BE11 of the UPD. As such this application can be supported by the Conservation & Design Team.”

KC Arboricultural Officer – Object on the basis that no tree survey has been provided.

KC Ecology – No objection subject to a condition concerning hedgerow and tree removal outside the bird nesting season.

6.0 REPRESENTATIONS

The application was originally advertised by site notice, neighbour notification letters and press advert.

A total of 11 representations from 10 parties have been received objecting to the proposal. The objections are mostly from properties within close proximity of the site including no's 38 and 40 Thorpe Lane and no's 19, 21 and 23 Dartmouth Avenue. Other representations received are from the Huddersfield area with one being received from Wakefield.

A total of 51 representations have been received in support of the application. The supporting comments are geographically varied including Bristol, Bath, Driffield, Wakefield, London, Sussex as well as a number from the Huddersfield area. However, there is a single letter of support from no27 Thorpe Lane which lies opposite the site entrance.

In addition to the above, two representations objecting to the application have been received from Ward Councillors.

6.1 **Summary of objections**

Impact on Listed Building

- Proposed dwelling not in keeping with the Lodge
- Development of grounds of Fenay Lodge would be sacrilege
- It is an important listed building and any building work would be detrimental to its character. How can it be worth degrading this piece of heritage just to build one more residence
- Harm to the setting of Fenay Lodge; in the past it enjoyed much land which has already reduced significantly over the years now left with approx. 29m from the front of the building to the fence bordering the houses on Dartmouth Ave and smaller areas to the sides. The garden remaining is therefore crucial in giving a sense of the buildings historical importance
- Area of the car parks for the proposed building would be larger than the garden left at the front of the Lodge
- New application continues to jeopardise the space around Fenay Lodge ruining the landscape setting which is in keeping with the formal architecture of the grand building
- Views would also be diminished of Fenay Lodge from a distance
- Agree with Inspector that “heritage assets are irreplaceable.....and great weight should be given to their conservation”
- Proposed reduction in height does not address the fundamental concerns about the effect of the development would have on the size of the setting of Fenay Lodge
- Appearance and nature of the setting of Fenay Lodge would be changed entirely and would be entirely unsuitable for a heritage asset
- What is being suggested would be a blight, an eyesore with the building materials not in keeping with the old building

Impact on highway safety

- Thorpe Lane is very narrow, already dangerous for pedestrians due to a lack of pavement
- Entry and exit to Thorpe Lane would increase dangers and difficulties
- Narrowness of Thorpe Lane where the drive is to enter and exit, would it be safe for large emergency vehicles to turn into the narrow driveway?
- The gates and walls of Fenay Lodge do not allow clear sight lines either up or down Thorpe Lane, further exacerbating the problems caused by the traffic to and from the development

- Consultation responses from Highways Development Management raise concerns about the access to the site and to the width of the access gate in particular, increasing the concerns raised above

Impact on amenity

- Security lights from Fenay Lodge already shine into bedroom window all night and intrusion could be exacerbated by yet more lights from a prospective car park which could be further lit
- Proximity of new house will be exacerbate potential neighbour problems such as noise, security lights, privacy, high hedges, late night movements, car park activity, which together with the actual proximity and bulk of the new house will diminish the enjoyment of the garden and be harmful to the living conditions of the occupiers of No. 21
- Proposed to be built close to the perimeter of houses on Dartmouth Avenue and would overlook and spoil enjoyment of their gardens
- Sad to spoil the look of stately Georgian house with the building of a modern monstrosity so close to it
- Proposed building would run the whole length of the back garden of No. 21 Dartmouth Avenue which is too close given its size and would disrupt the enjoyment of the property and garden
- Too close to No. 23 and from the plan it seems that the distance is less than that recommended by the Council for new developments
- Proposed substantial planting to screen the proposed dwelling from Fenay Lodge and a single storey development will clearly interrupt the view of Fenay Lodge from the surrounding lower properties
- In line with Ecology consultation, it is not known whether a grass roof will grow or be maintained successfully and this is not a matter that can be enforced. Failed grass roof would be an eyesore
- Would be closer to No. 19 Dartmouth Avenue than the previous application and would sit on higher ground than No. 19
- New development and associated planting, fencing and landscaping would dominate views from No. 19's kitchen and rear garden and very substantially diminish the enjoyment of the property
- Proposed courtyard and garden area of the proposed dwelling would immediately adjoin garden of No. 19 and enjoyment of only private amenity space would be greatly reduced by the significant intensification of user which would result from the immediate proximity of the amenity space of a new 3 bedroom dwelling

Comment made in respect of how this proposal relates to the previous appeal

- Paragraphs 5 and 7 of the appeal decision refers to the preservation of the setting of Fenay Lodge and space around the building. The new proposal takes up about 50% of the depth of the present garden and the balance of the new house against the harm to the heritage asset has hardly changed
- Totally agree with the statement made previously by the Inspector
- The grounds have already been disposed of for the purpose of further building

- Proposal for building is unnecessary, just for financial gain by the owners who obviously don't value the property they have for the right reasons. It should be refused
- Proposed development fails to address the principal reason why the appeal against the previous application failed

Design

- Design would be totally out of keeping with Fenay Lodge which is of Georgian design and age and will leave the imposing older house with very little garden not in keeping with its size

Other matters

- Altered plans merely add a greater fear of spectacular subsidence caused by deep excavation close to old walls which already threaten to collapse
- Would create a precedent and soon open the floodgates for any owner of such dwellings until now protected by strict regulations

6.2 Summary of support

Impact on Listed Building

- Single storey building, discreetly positioned at the lowest level of the steeply sloping garden overcomes any detrimental impact on Fenay Lodge or neighbouring properties
- Proposed dwelling and its position gives a 'nod' to this historical characteristic by being out of sight of the main property not only preserving but also enhancing the character and appearance of Fenay Lodge
- Sympathetic proposal within the grounds of this Listed Building

Design

- Proposal offers an exciting and innovative architectural solution which compliments rather than challenges its neighbours incorporating strong sustainable features such as the sedum roof which should be commended
- Would be an architectural asset to the area
- Would blend seamlessly into its surroundings
- Demonstrates a sustainable quality of architecture and will enhance its environment
- Impressed with how the proposed dwelling and its design site well in the grounds of Fenay Lodge
- Innovative and modern design with planted roof would minimal the visual impact and avoid contrast or comparison with Fenay Lodge
- Please to see a single storey fully accessible (no steps) dwelling within the extensive grounds. Accessible properties like the one proposed are extremely rare in this area
- The design ensure the building would contrast and complement the existing buildings

- Visual impact will not interfere with other properties and the design has been sympathetically created

Impact on amenity

- Property virtually invisible to neighbouring dwellings
- Minimal amount of garden lost to the house leaving a substantial amount remaining with Fenay Lodge thus making the overall plot more sustainable in the future
- Really high quality design that will do nothing to detract from the area and would enhance the immediate environment
- Cannot see any negative impact on the surrounding properties, particularly as the proposed building is so attractive in style and being just one storey in height
- By utilising an unused area of garden for a new building whilst still retaining a large garden for Fenay Lodge, the site will become more sustainable
- The dwelling would be unobtrusive and tastefully positioned, innovatively designed to offer beauty, sustainability and to minimise the environmental impact

Impact on highway safety

- Access is adequate and is a quiet road and one house will make little impact
- Will cause no problems regarding access, traffic or the highway
- Availability of building material storage space within the grounds should avoid interference to traffic during construction

Other matters

- By making it single storey, addresses all the concerns raised by the committee including the impact on the Listed Building and neighbouring properties
- Grass roof is a great way to encourage biodiversity
- Georgian houses traditionally have some kind of outbuilding in the form of 'orangeries'
- Sedum roof maintains the visual flow of the lawn encouraging biodiversity and sustainability
- Will be of architectural interest and should help to protect the site from any less desirable future development
- Comments from Sub-Committee and Planning Inspector have been addressed and the proposed dwelling redesigned to minimise any impact on Fenay Lodge and neighbouring properties whilst still maintaining a unique architectural approach
- Scale of the dwelling has been reduced and redesigned as single storey whilst incorporating environmental attributes to encourage biodiversity and to maintain the visual aesthetics of the existing lawn
- Local businesses and services in the high street rely on local residents to survive and support this and other carefully planned proposals in the interest of keeping the high street alive

- The area of garden or the proposed dwelling extends beyond the needs of the property and over the years it has not provided purpose or been in use by either the current or previous owners of Fenay Lodge and future generations may struggle to maintain
- Hope that the application is approved especially in a time where housing is short the and applicant has gone above and beyond to make this development fit into its environment with minimal impact
- Providing another house in an already built up area will help to save a little more of the Green Belt
- Plus sides for the local authority is the increase in Council Tax applied to the new property, employment of local labour and resources for the build and owners sympathetic to the existing building wishing to maintain it for posterity

6.3 Ward Member Comments:

- Councillor McGuin – “I wish to make formal representation for the planning application above to be formally put to the Huddersfield Area sub-committee of the planning authority. My reason being that this is likely to be a contentious issue and should be open to democratic scrutiny. As a ward member of Almondbury, I have received an e-mail notifying me of the opposition to this application.”
- Councillor Hughes – “I would like to object to the above planning application based on its proximity to the Grade II listed building Fenay Lodge. A similar application was refused in 2016 and at appeal the Inspector upheld the committee decision. Even though the building is smaller than before it still encroaches onto the listed building.”

7.0 MAIN ISSUES

- Principle of development
- Impact on setting of Heritage Assets
- Design
- Residential Amenity
- Highways
- Trees and Ecology
- Drainage
- Other issues

8.0 ASSESSMENT

General principle

- 8.1 The site is on unallocated land on the Unitary Development Plan (UDP) proposals map and therefore Policy D2 is applicable. Policy D2 of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are

addressed later in this assessment. Subject to these not being prejudiced, the development of the site would be acceptable in principle in relation to policy D2 of the UDP.

8.2 The site forms residential garden and is therefore classed as 'greenfield'. Whilst the NPPF encourages the use of brownfield land for development, there is nothing within the NPPF to preclude development on greenfield land. The site lies within an area of existing housing stock and is considered to represent an accessible location by different modes.

8.3 Paragraph 14 of the National Planning Policy Framework (NPPF) outlines a presumption in favour of sustainable development. It goes on to state that, for decision making:

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- specific policies in this Framework indicate development should be restricted.*

8.4 The Council is currently unable to demonstrate a five year housing land supply and ordinarily this would mean that planning permission should be granted *unless any adverse impacts of doing so would significantly and demonstrably outweigh benefits* (taken from the first limb of para14 of NPPF above). However, and crucially in this case, the 'weighted balance' in favour set out in the first limb of para 14 above does not apply where a proposed development has to be assessed against another policy in the NPPF which is restrictive, and which cuts across the underlying presumption in favour of sustainable development. As the proposed development involves works within the curtilage of the Grade II listed Fenay Lodge, and there is a specific restrictive policy in the NPPF relating to heritage assets, the weight applied to the provision of a single dwelling in light of a lack of 5 year housing supply hinges on whether the proposal affects the setting of Fenay Lodge.

8.5 The remainder of this report will go on to identify that the proposal does have an impact on the setting of Fenay Lodge and therefore, in accordance with the above, a non-weighted planning balance should be applied in this case.

Impact on the setting of Heritage Assets

8.6 In accordance with the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. Policies BE1 and BE2 of the UDP focus on good quality design. Chapter 7 of the NPPF focuses on good design, chapter 12 relates to heritage assets.

8.7 Fenay Lodge, which is a Grade II listed building, was constructed in mid-19th Century and is a large two storey building with a hipped roof and sash windows. The dwelling sits on a large plot and there is a well-established large garden to the side and rear which is commensurate with the large scale of the dwelling.

8.8 The Conservation and Design team have assessed the proposal and conclude that the land levels between the informal and formal gardens is of a sufficient distance to ensure that low profile development could be accommodated without undermining the significance of the formal garden, and if sensitively and innovatively designed would not be detrimental to the overall setting of Fenay Lodge. However, in the recent appeal decision on the same site for a dwelling with a similar footprint, the importance of the spacious garden area in its determining the significance of the heritage asset was a point noted by the Planning Inspector in the appeal decision (ref - APP/Z4718/W/16/3149647).

“The loss of space around the building would compromise its formal character, which is in part provided by its spacious setting. It would also diminish the quality of views of the asset by reducing the opportunity to appreciate the building from a distance.”

8.9 Having carefully considered the detailed comments provided by the Conservation and Design Team and the equally detailed appraisal of the perceived ‘setting’ of Fenay Lodge detailed in the recent appeal decision; it is considered that the proposed dwelling, parking and landscaping, by virtue of its position on the on the southern portion of the rear garden of Fenay Lodge, would significantly reduce the area of the existing rear garden associated with the lodge. The loss of the garden area is considered to deprive the Lodge of its spacious setting. The reduction in height of the dwelling proposed over and above the previous proposal (ref – 2015/93052), whilst reducing the visibility of the proposal when viewed from the Lodge and its immediate surroundings, would not address concerns in respect of the large loss of garden space which in itself makes a significant contribution to the significance of the heritage asset.

8.10 In short, and having regard to the recent appeal decision and consultee comments, the proposed development is considered to reduce the spaciousness and sense of space surrounding the Lodge and consequently, it is considered to represent an impact on the setting of the listed building to which considerable importance and weight should be applied, in accordance with the overarching statutory duty set out in S66 of the LBCA. The harm to the setting of the listed building is considered to be less than substantial and in accordance with the NPPF, this harm should be weighed against the public benefits of the scheme.

Design

- 8.11 A number of representations received in support of the application have commented on the innovative design. The scheme has been designed so as to utilise the slope of the rear garden in order to reduce views of the proposed dwelling from the surrounding area, including views from within the grounds of the listed building. The front elevation would include a heavily glazed entrance. The remainder of the dwelling would include natural stone features which would dress the elevations so that they replicated a dry stone wall. The central portion of the building would be glazed to add contrast.
- 8.12 The Conservation and Design team have commented extensively on the proposed design and consider it to be extremely innovative.
- 8.13 It is acknowledged that the proposed design of the building represents a bespoke and contemporary design which has a geometric, understated appearance, yet utilises traditional materials which are representative of the local vernacular. In this regard, para 63 of the NPPF notes that 'great weight' should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 8.13 Para 61 of the NPPF makes it clear that securing high quality design goes beyond aesthetics. Development should address the integration with the natural, built and historic environment. Therefore, despite a contemporary and innovative design approach, the proposal fails to address the heritage asset in which it is set due to the impact on the setting of Fenay Lodge. Therefore, the development cannot be said to constitute a high quality design given its spatial setting.

Residential Amenity

- 8.14 Policy BE12 of the UDP sets out the Council's policy in relation to space about buildings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified in the policy will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no unacceptable detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises or potential development land.
- 8.15 The main impact of the proposal relates to properties to the rear, no's 19, 21 and 23 Dartmouth Avenue. No 21 Dartmouth Avenue is closest and lies at a lower level immediately to the rear of the proposed dwelling. The rear wall of no.21 is 11.8m from the mutual boundary with its main private garden space lying in between and sloping up gently towards the application site. The existing boundary treatment mainly comprises of timber fencing. The proposed development has addressed previous concerns in respect of the impact on residential amenity. As the development comprises a single storey, it would not represent an overbearing presence and it therefore, addresses the concerns expressed by the Inspector as part of the recent appeal decision

(ref - APP/Z4718/W/16/3149647). Whilst it is acknowledged that the site is particularly close to the boundary of no's 19, 21 and 23; there would be a sufficient gap between the dwelling and proposed garden area to introduce a suitable boundary treatment in order to protect the amenity of the nearest properties. This could be secured by condition.

- 8.16 The windows facing east would not adversely affect the garden space of no50 Thorpe Lane. In respect of spacing standards and amenity impacts, the proposed development is considered to comply with policy BE12 of the UDP.
- 8.17 In respect of general disturbance associated with the proposed dwelling; an appropriate boundary screen and vegetation could be placed along the boundaries with rear gardens on Dartmouth Avenue. This would reduce any potential impact from lighting/car lights. There is sufficient distance between the properties on Dartmouth Avenue and the proposed parking area to ensure no unacceptable amenity impacts and the submitted plans indicate that the proposed dwelling would be sunk into the ground and be screened behind a hedge. A planning condition could be imposed in the event that planning permission is granted to address the boundary of the site.

Highways

- 8.18 Access to the site is via the existing point of access for Fenay Lodge off Thorpe Lane. A new gravel access route is to be formed off the existing driveway which would lead to a parking and turning area. The site plan also shows parking and turning space being retained for Fenay Lodge.
- 8.19 The scheme provides adequate parking space and turning facilities for both the existing and proposed dwellings.
- 8.20 Visibility onto Thorpe Lane is constrained by the height of boundary walls to each side of the access and there is very limited scope for the boundary walling to be lowered because of the listed status of the property and some of the walling being in separate ownership. Whilst sightlines are substandard, the development relates to a long established access where the intensification in its use would be modest. Furthermore, there have not been any recorded accidents within the vicinity of the access within the last 5 years which suggests that it is operating effectively despite sightline issues and a lack of footway along this part of Thorpe Lane. It is also to be noted that there are similar types of access onto Thorpe Lane close to the site.
- 8.21 Kirklees Highways raise concerns with regards the width of the access to Fenay Lodge. However, it is noted that access remains unchanged from the appeal scheme (ref - APP/Z4718/W/16/3149647) and in that case the Inspector concluded that there was no significant impact upon highway safety.
- 8.22 Taking the above into account, it is considered that the development would not result in any material harm to highway safety and the application accords with Policies T10 and D2 of the UDP.

Trees and Ecology

- 8.23 Development affecting trees would ordinarily require a tree survey. However, the previous application (ref – 2015/93052) was assessed on the basis of no tree survey and as it was found that the development would not affect protected trees. The proposal offers to retain existing trees towards the south west and north east boundaries as well as a large mature tree which sits adjacent to the proposed gravel track. Subject to a condition requiring tree protection measures, the proposed development is considered to comply with policy NE9 of the UDP.
- 8.24 The Council's ecology officer has assessed the impact of the development on biodiversity interests and raises no objection subject to a condition ensuring no tree/hedgerow removal outside the bird nesting season without an appropriate survey. A condition could be implemented in order to secure biodiversity improvements. The development is considered to comply with the NPPF in this respect.

Drainage

- 8.25 It is proposed to connect the dwelling to the existing drain which runs adjacent to the existing driveway. This could be conditioned in the event planning permission is granted.

Other Issues

- 8.26 A number of concerns have been raised by objectors. In no particular order, the concerns that have been raised are addressed as follows:
- 8.27 Noise

Officer response: Concerns have been raised about increased noise as a result of the proposed parking area which is close to the rear site boundary. The amount of vehicular activity associated with the dwelling is likely to be very modest and as such Officers do not consider that the use of the parking area would result in any material harm to the amenity of adjacent properties. The parking spaces would be screened along the rear boundary by a new hedge which would help to mitigate the limited amount of noise generated and also block glare from headlights.

Some concern has also been raised about noise associated with construction; nuisance caused by construction noise would be dealt with under separate environmental health legislation.

- 8.28 Height of proposed hedge on rear boundary

Officer response: Full details of the proposed hedge have not been supplied although the elevation drawings indicate that the hedge would be approximately 3m in height. There is a gradual change in ground levels along the length of the rear boundary but the plans suggest that the hedge would

generally be around 1.3m above the height of the existing boundary fence; this would screen the ground floor of the proposal as well as the garden and parking areas. It is noted that there have previously been numerous mature trees along this boundary and the hedge would be significantly lower in height than these. A condition is recommended requiring full details of the hedge in the interests of residential amenity.

8.29 Impact on amenity from lighting

Officer response: No lighting is proposed in the prospective parking area and adjacent properties could be protected from car lights by appropriate boundary treatment.

8.30 Possible subsidence and impact on stability of adjacent land

Officer response: The NPPF indicates that planning decisions should take into account ground conditions and land instability. Given the scale of the proposed development and the nature of the site it is considered that adequate control over such matters would be provided through the Building Regulations regime.

8.31 Impact on structural integrity of boundary walls

Officer response: The dwelling and its garden area are reasonably well separated from the nearest stone boundary walls and it is considered that any potential impact on the structural integrity of existing boundary walls would be sufficiently controlled through the Building Regulations regime.

8.32 Absence of information on finished levels

Officer response: A condition regarding finished levels is recommended

8.33 Grass roof maintenance

Officer response: In response to concerns raised about the maintenance of the proposed grass roof, a condition could be imposed dealing with landscaping and subsequent maintenance of landscaped areas and the proposed grass roof. Comments from a resident and the Council's ecologist have commented that the grass roof could be beneficial for biodiversity.

9.0 Conclusion

9.1 The site involves a proposed development comprising an innovatively designed single storey dwelling located in the rear garden area of the Grade II listed Fenay Lodge. The proposed dwelling would take up a large amount of the rear garden associated with Fenay Lodge and consequently it is considered to adversely affect the setting of Fenay Lodge. There is a statutory duty contained in the LBCA to give considerable weight to the desirability of preserving the setting of listed buildings.

- 9.2 Whilst changes have been made to the scheme to reduce its visual impact over and above the recent appeal decision (ref - APP/Z4718/W/16/3149647), the impact on the setting of Fenay Lodge is considered to be less than substantial in NPPF terms.
- 9.3 Conversely, weight has also to be given to the provision of a single dwelling in light of the Council's inability to demonstrate a 5 year housing land supply. In addition, the innovative and high quality design and appearance of the dwelling would ordinarily attract great weight in accordance with para 63 of the NPPF, but the fact that the proposed development affects the setting of the listed building means that it does not integrate into the historic environment, contrary to the requirements of para 61. It cannot be considered a high quality design.
- 9.4 Overall the public benefits associated with the provision of one additional dwelling and associated design merits are not sufficient to outweigh the less than substantial harm, and the considerable weight attached to the preservation of heritage assets.
- 9.5 All other matters including highways, amenity, ecology and trees have been adequately addressed. However, the proposed development does not constitute a sustainable form of development and conflicts with policy BE2 of the UDP. Contrary to the requirements of chapter 12 of the NPPF, the public benefits of the scheme do not outweigh the less than substantial harm.

10.0 RECOMMENDATION

The proposed development, by virtue of siting and scale, would fail to preserve the special interest and setting of the listed building (Fenay Lodge) by substantially reducing the rear garden area which is a component part of the assets' significance. The harm to the asset is less than substantial in accordance with paragraph 134 of the National Planning Policy Framework. Set against this, the public benefits associated with the development do not outweigh the harm. The development is therefore contrary to Policy BE2 of the Unitary Development Plan (UDP) chapter 12 of the National Planning Policy Framework.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93871>

Certificate of Ownership –Certificate A signed



Originator: Nick Hirst

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/93923 Change of use of land to domestic for erection of two storey and link extension (Listed Building within a Conservation Area) Westroyd Farm, Fulstone, White Ley Bank, New Mill, Holmfirth, HD9 7DL

APPLICANT

Damian Hosker, C S
Planning Ltd

DATE VALID

06-Dec-2016

TARGET DATE

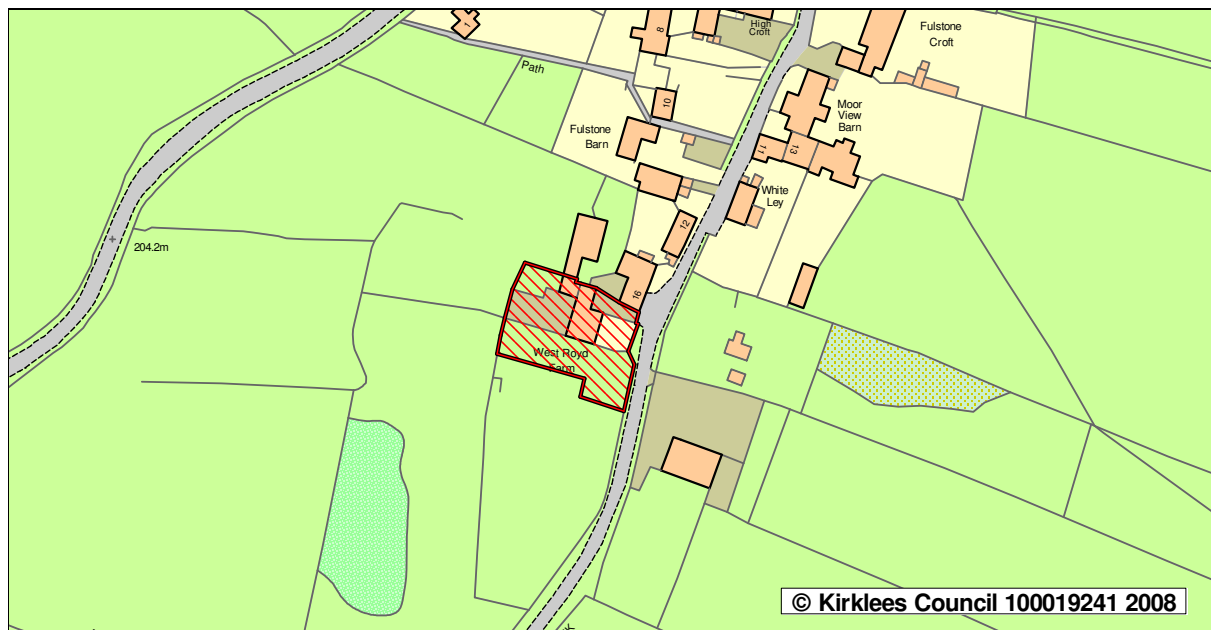
31-Jan-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

No

Ward Members consulted?

RECOMMENDATION: REFUSE for the following reason:

1. The application site is located within the designated Green Belt whereby, as set out in the National Planning Framework (NPPF), the construction of new buildings is regarded as inappropriate development. The arguments for very special circumstances submitted with the application do not clearly outweigh the harm that would result to the Green Belt by reason of inappropriateness and the harm to the openness and character of the Green Belt. It is therefore concluded that the proposal would conflict with Policy D11 of Kirklees Unitary Development Plan and Chapter 9 of the National Planning Policy Framework.

1.0 INTRODUCTION

1.1 This application is brought to Sub-Committee at the request of Cllr Nigel Patrick for the following reason:

'I think from what you are saying the decision comes down to an opinion of scale in the green belt which could be subjective'

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

2.0 SITE AND SURROUNDINGS

2.1 Westroyd Farm house is a two storey detached property faced in stone with slates on the gabled roof. Attached is a two storey barn. The dwelling has small front and rear gardens. An access running along the north of the house leads to the old farm mistal, which originally received permission in 2015 to convert to a separate dwelling. To the south of the site is an open field, under the farm's ownership.

2.2 The farm house is grade 2 listed, within Fulstone Conservation Area. The site is within the Green Belt.

3.0 PROPOSAL

3.1 The extension is to project 8.5m from the dwelling's south facing side elevation. The extension includes a 1.5m wide glazed linking section. The main body of the extension is to be 6.3m wide. The extension is to be two storeys in height, with a double pitched roof. The eaves and ridge heights are to be 4.0m and 6.0m respectively. The extension is to be set back 3.5m from the front elevation of the original dwelling.

3.2 The main body of the extension is to be faced in materials matching those of the host building. Openings are proposed on each exposed elevation of the dwelling.

4.0 RELEVANT PLANNING HISTORY:

4.1 Westroyd Farm

2015/92006: Erection of extension and alterations to store/workshop to form living accommodation and change of use of land to extend garden (Listed Building within a Conservation Area) – Conditional Full Permission (Not implemented)

2015/92007: Listed Building Consent for erection of extension and alterations to store/workshop to form living accommodation and change of use of land to extend garden (within a Conservation Area) – Consent Granted (Not implemented)

2016/92822: Listed Building Consent for erection of extensions and other alterations and change of use of land to garden (within a Conservation Area) – Consent Granted (Not implemented)

2016/92821: Erection of extensions and other alterations and change of use of land to garden (Listed Building within a Conservation Area) – Conditional Full Permission (Not implemented)

2016/93924: Listed Building Consent for change of use of land to domestic for erection of two storey and link extension (within a Conservation Area) – Ongoing (Allied application)

2017/90452: Certificate of lawfulness for existing use of land as curtilage for Westroyd Farm – This application is pending consideration. If the application is determined before the 9th March an update will be brought to Committee.

4.2 The Old Mistal, West Royd Farm

2015/92008: Erection of extension and conversion of former mistal and adjoining building to form one dwelling with garden (within a Conservation Area) – Conditional Full Permission (Not implemented)

2015/92009: Listed Building Consent for erection of extension and conversion of former mistal and adjoining building to form one dwelling (within a Conservation Area) – Consent Granted (Not implemented)

2016/93206: Erection of extension and conversion of former mistal and adjoining building to form one dwelling with garden (modified proposal) (within a Conservation Area) – Conditional Full Permission (Implemented)

2016/93361: Listed Building Consent for erection of extension and alterations to openings – Consent Granted (Implemented)

5.0 HISTORY OF NEGOTIATIONS

5.1 The application under consideration has been submitted following the determination of 2016/92821. 2016/92821 approved various works to the dwelling, formation of a parking area, rear extensions and the enlargement of the rear garden.

5.2 2016/92821 initially included a two storey side extension similar, albeit larger, to that proposed. Concerns over the scale of the extension and encroachment into the Green Belt were expressed by the LPA. While the applicant maintains that the land in question is domestic curtilage, it was agreed that the side extension would be removed from 2016/92821 with a view of submitting a separate application for the extension only. A certificate of lawfulness, ref. 2017/90452, has been submitted to attempt to resolve this matter.

5.3 Negotiations have been held between the applicant and LPA to discuss potential amendments. This included a two storey rear extension. However this was concluded to be unsuitable by both parties. While the size of the side extension has been reduced this does not overcome the LPAs concerns about encroachment into the Green Belt nor concerns of the cumulative scale of the extensions compared to the original building.

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

- **D11** – Extensions in the Green Belt
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Conservation Areas
- **BE13** – Extensions to dwellings (design principles)
- **T10** – Highway safety
- **T19** – Parking standards

6.4 National Planning Guidance

- **Paragraph 17** – Core planning principles
- **Chapter 7** – Requiring good design
- **Chapter 9** – Protecting Green Belt land
- **Chapter 11** – Conserving and enhancing the natural environment
- **Chapter 12** – Conserving and enhancing the historic environment

7.0 **PUBLIC/LOCAL RESPONSE**

7.1 Six representations have been received from the proposal. Five are in objection with one in support.

7.2 The objections raised can be summarised as follows;

- The proposal will harm the character and aesthetics of both the listed building and the conservation area.
- The development will harm views of Fulstone from Kirklees Way.
- The proposal will extend the village beyond its historic origins, with Fulstone not changing in over 300 years.
- Objections to agricultural land, within the Green Belt, being changed to domestic land.
- The glazed link extension does not harmonise with the host building or wider area.
- Question why two 'identical applications' were submitted, however only one was advertised via post.
- Approval of the development would make 'future undesirable developments' easier to attain.
- The proposal is inappropriate development in the Green Belt. The very special circumstances provided do not clearly outweigh the harm caused.

7.3 The letter in support can be summarised as follows;

- The village of Hepworth has changed significantly over the last several decades. Therefore comments that the village has no changed are incorrect.
- Comments that Kirklees Way would be harmed via the proposal are incorrect, due to the site's separation distance from the way. The extension will not be readily distinguishable from Kirklees Way.
- The land in question is curtilage associated with Westroyd Farm. The extension is not disproportionate.
- The proposal will enhance the listed building and conservation area by bringing a damaged building back into use. There are no close-by separate listed buildings to be impacted upon.
- Each application is taken on its own merits, and the granting of this application would not establish a precedent which could lead to greater harm to the Conservation Area.

8.0 CONSULTATION RESPONSES

8.1 Non-statutory

K.C. Biodiversity: Requested a bat survey as part of 2015/92008. The same survey was submitted. Given the age of the survey some concern was raised. To address this it was requested that, in addition to the development being implemented in accordance with survey, an additional methodology for roof works be conditioned. Subject to these conditions no objection.

8.2 K.C. Conservation and Design: No objection subject to condition. However it was considered most suitable for the conditions to be imposed on the associated Listed Building Consent (ref. 2016/93924).

9.0 MAIN ISSUES

- 1) Principle of development
- 2) Impact on the listed building and Hepworth Conservation Area as heritage assets
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

10.0 APPRAISAL

Principle of development

10.1 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 89 or 90 of the NPPF.

- 10.2 The erection of an extension to an existing building is considered acceptable in the Green Belt by policy D11 of the UDP and Paragraph 89 of the NPPF subject to the extension not being disproportionate in size to the original building or dominant in appearance.
- 10.3 The land that the extension is to be sited upon is an open and undeveloped field. It is not considered to be part of the dwelling's domestic curtilage. Therefore the proposal includes a change of use of land to domestic. Neither paragraph 89 or 90, nor a saved policy in the UDP, makes reference to the change of use of open land to residential as appropriate development within the Green Belt.

Whether the proposal is inappropriate development in the Green Belt

- 10.4 The change of use of land adjacent to the site, the NPPF and UDP do not contain policies supporting the change of use of open Green Belt land to residential and/or parking. Therefore this aspect of the proposal is considered inappropriate development in the Green Belt.
- 10.5 The proposal, considered cumulatively with the extensions approved under application 2016/92821, would represent a volume increase of approx.60% to the original building. This is considered to be a disproportionate addition to the scale of the original building. Therefore the scale of the proposed extension is considered inappropriate development within the Green Belt.
- 10.6 Notwithstanding the above the applicant disputes this calculation. It is argued that percentage increase is not a suitable method to determine the scale of the extension. The applicant states that the volume of the extension to the structure post development should be used, to establish a ratio between the original building and extensions. Using this method the extensions would be 38% of the building as proposed.
- 10.7 The use of percentage increase as opposed to ratio by the Local Planning Authority is well established and considered to be supported by the National Planning Policy Framework, which makes reference to comparing additions to the scale of the original building (paragraph 89) as opposed to the extended building.

Whether there would be any other harm to the Green Belt, including visual amenity

- 10.8 The general design of the extension, including the architectural features, fenestration and materials of construction, would reflect that of host building in accordance with Policies BE1 BE2 and BE13 of the UDP. Conversely the glazed link extension is a modern feature. Nevertheless well design and harmonizes modern features can be used to compliment historic environments, which is considered to be the case here.

10.9 The design of the proposed extension is not considered detrimental to the visual amenity of the built environment. This includes the individual appearance of the host building, and wider built environment. The proposed extension is therefore deemed to comply with Policies BE1, BE2 and BE13 of the UDP and Chapter 7 of the NPPF. 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.

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

10.10 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. Notwithstanding the dispute regarding interpretation of the use of the land and disproportionate additions, during the course of the application the following very special circumstances have been provided;

- *Bring a listed building back into use*

Response: The building has two extant permissions, 2016/92821 and 2015/92006. It is not considered by officers that the proposed side extension or change of use of land to residential is intrinsically required to ensure the building can be brought back into use. Personal financial arrangements are not a material consideration in this regard.

- *Provision of woodland planting*

Response: the planting of trees will not mitigate the harm to the Green Belt caused by the proposed development. Therefore limited weight is given to this consideration.

- *Works approved under previous application [2016/92821] were permitted development*

Response: Certain aspects of 2016/92821 could have been erected under Permitted Development. However extensions approved under permitted development are still considered extensions and not part of the original building. Paragraph 89 states 'disproportionate additions over and above the size of the original building'. Original is defined as;

"Original" - means a building as it existed on 1 July 1948 where it was built before that date, and as it was built when built after that date.

Therefore extensions which are/could be erected under Permitted Development are a material consideration when assessing if development would represent a disproportionate addition.

- *Fallback position of permitted development*

Response: The agent states that, were the site not within a Conservation Area, a side extension could be erected under Permitted Development. As outlined the Local Planning Authority does not agree that the land to the south is domestic curtilage. Permitted Development Class A relates to domestic curtilage land only. Therefore a side extension could not be erected under Permitted Development, in addition to the Conservation Area restriction.

- *Development in the local area*

Response: All planning applications are assessed on their own merits. Development within the local area will have been assessed against the relevant planning policies and appropriately approved or refused. This may have included the applications having very special circumstances of their own which clearly outweighed the harm caused to the Green Belt. Nevertheless the grant of other development in the area itself does not form a very special circumstance for the development being considered.

- *Comments regarding the SHLAA*

Response: The SHLAA identifies potential housing sites, including within the Green Belt. The applicant states that developing these Green Belt sites would have a greater impact on the Green Belt. The SHLAA is policy neutral and does not take into account the Green Belt. The three tests for the SHLAA are 'suitable, available and achievable', without taking into account planning constraints. An application on a site noted within the SHLAA would still have to comply with Green Belt policy.

10.11 Considering the above 'very special circumstances' it is not considered, either individually or cumulatively, that they clearly outweigh the identified harm to the Green Belt.

Principle of development: Conclusion

10.12 The proposal would be inappropriate development in the Green Belt, causing harm to the Green Belt's openness and permanence. As per the NPPF substantial weight is given to harm to the Green Belt. It is not considered that there are any very special circumstances which clearly outweigh the harm to the Green Belt. The proposal is in breach of policy D11 and Chapter 9 of the NPPF, and the principle of development is considered unacceptable.

Impact on the listed building and Hepworth Conservation Area as heritage assets

10.13 The site is located within the Fulstone Conservation Area and is a grade 2 Listed Building. Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduce a general duty for the protection of listed buildings and conservation areas respectively. For Conservation Areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Additionally, Policy BE5 and NPPF

Chapter 12 outline the principle of development and restrictions for development in Conservation Areas. For development which affects a listed building or its setting the LPA should 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.

- 10.14 Paragraph 129 of the NPPF requires LPAs to identify the particular significant of a heritage asset which may be impacted via a proposal. The heritage value of the listed building comes from its traditional architectural value and its farmstead setting, which are representative of its origins in the C18. The Fulstone Conservation Area does not have a formal appraisal, however its heritage value is deemed to stem from similar reasons to the Listed Building: the traditional form of development in the area, leading to a definitive characteristic of a C18 settlement.
- 10.15 As addressed within paragraphs 10.8 and 10.9 the design of the extension, including the architectural features, fenestration and materials of construction and modern glazed link, is considered to suitably harmonise with the host building. When considering the proposed extension's impact on the building's heritage value, the proposed extension is not considered to harm the aspects identified as contributing to the heritage value of the host building.
- 10.16 A more detailed analysis on the proposal's impact upon the listed building is undertaken in the associated Listed Building Consent, referenced 2016/93924. For the purposes of the Planning Application under consideration the development is not considered to cause harm to the building as a heritage asset.
- 10.17 Regarding the impact upon the Conservation Area, the proposal will not prejudice the traditional architecture and setting of the building which contributes to the wider area's heritage value. Looking at the wider context of the site and the Fulstone Conservation Area, while the site is located near a 'gateway' to the conservation area, it is set back from the dwelling's principal elevation, with a suitable subservient design, so as not to appear visually prominent. As noted previously the design is considered to harmonise with that of the host building and will not appear an incongruous feature. It is thereby deemed to comply with the objectives set out in paragraph 137 of the NPPF, UDP policy BE5 and Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990.

Impact on residential amenity

- 10.18 The proposed extension will not project towards any of the neighboring dwellings. It is not anticipated to impact upon the amenity of any neighboring property. The proposal is considered to comply with Paragraph 17 of the NPPF.

Impact on highway safety

10.19 The proposed extension is not sited to impact upon driver sightlines. The car parking area and amount of on-site parking, approved under 2016/92821, is sufficient for the scale of the dwelling. The proposal is considered to comply with Policy T10 of the UDP.

Other matters

Biodiversity Impact

10.20 During 2015/92008 a bat survey was undertaken. The survey was reviewed by K.C. Biology and deemed to be acceptable, subject to the recommendations being complied with. The survey found no bats present, however identified the building as having medium to high roost potential.

10.21 The same survey was submitted as part of this application. Typically bat surveys are considered valid for two years. However, the survey submitted recommended, because of the medium to high roost potential, that the survey only be valid for one year. This year has now lapsed.

10.22 Discussions were held with K.C. Biology. Given that only a single roosting season has passed, while the caution of the bat survey's author is noted, on balance the submitted survey is still deemed valid. This is subject to all other recommendations being complied with, in addition to a detailed method statement on roof works being submitted prior to development commencing. Should bats be found during development, work must stop and the appropriate process be followed. This is the case for all development. Therefore, subject to the outlined conditions, the proposal is deemed to comply with Chapter 11 of the NPPF.

Representations

10.23 Objections

- The proposal will harm the character and aesthetics of both the listed building and the conservation area.
- The development will harm views of Fulstone from Kirklees Way.
- The proposal will extend the village beyond its historic origins, with Fulstone not changing in over 300 years.
- The glazed link extension does not harmonise with the host building or wider area.

Response: Consideration of the proposal's impact upon the host building and Conservation Area as heritage assets is outlined within paragraphs 10.13 – 10.17. The impact was not considered harmful.

- Objections to agricultural land, within the Green Belt, being changed to domestic land.
- The proposal is inappropriate development in the Green Belt. The very special circumstances provided do not clearly outweigh the harm caused.

Response: Consideration of the principle of development within the Green Belt is outlined in paragraphs 10.1 – 10.12. The development was identified as being inappropriate, with no very special circumstances to outweigh the harm caused.

- Question why two 'identical applications' were submitted, however only one was advertised via post.
- Approval of the development would make 'future undesirable developments' easier to attain.

Response: The application under consideration, 2016/93923, was submitted alongside the associated Listed Building Consent 2016/93924. The LPA does not advertise Listed Building Consent applications by site notice.

Each application is assessed on its own merits, and the current development would not establish a precedent.

10.24 Support

- The village of Hepworth has changed significantly over the last several decades. Therefore comments that the village has no changed are incorrect.
- Comments that Kirklees Way would be harmed via the proposal are incorrect, due to the site's separation distance from the way. The extension will not be readily distinguishable from Kirklees Way.
- The proposal will enhance the listed building and conservation area by bringing a damaged building back into use. There are no close-by separate listed buildings to be impacted upon.
- Each application is taken on its own merits, and the granting of this application would not establish a precedent which could lead to greater harm to the Conservation Area.

Response: These comments are noted, and officers do not disagree, as detailed within the report.

- The land in question is curtilage associated with Westroyd Farm. The extension is not disproportionate.

Response: Consideration of the principle of development within the Green Belt is outlined in paragraphs 10.1 – 10.12. The development was identified as being inappropriate, with no very special circumstances to outweigh the harm caused.

11.0 CONCLUSION

- 11.1 The proposed development is considered to represent inappropriate development in the Green Belt which would be harmful to the openness and character of the Green Belt.
- 11.2 The justification submitted by the applicant has been assessed. However this is not considered to demonstrate very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute what sustainable development means in practice.
- 11.4 The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and that there are specific policies in the NPPF which indicate the development should be restricted

Background Papers

Application web page: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93923>

Certificate of Ownership – Certificate A signed

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Originator: Bill Topping

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/94001 Erection of extension to and rebuilding of fire damaged winery building Holmfirth Vineyard Ltd, Woodhouse Farm, Woodhouse Lane, Holmbridge, Holmfirth, HD9 2QR

APPLICANT

Ian Sheveling, Holmfirth
Vineyard Ltd

DATE VALID

06-Dec-2016

TARGET DATE

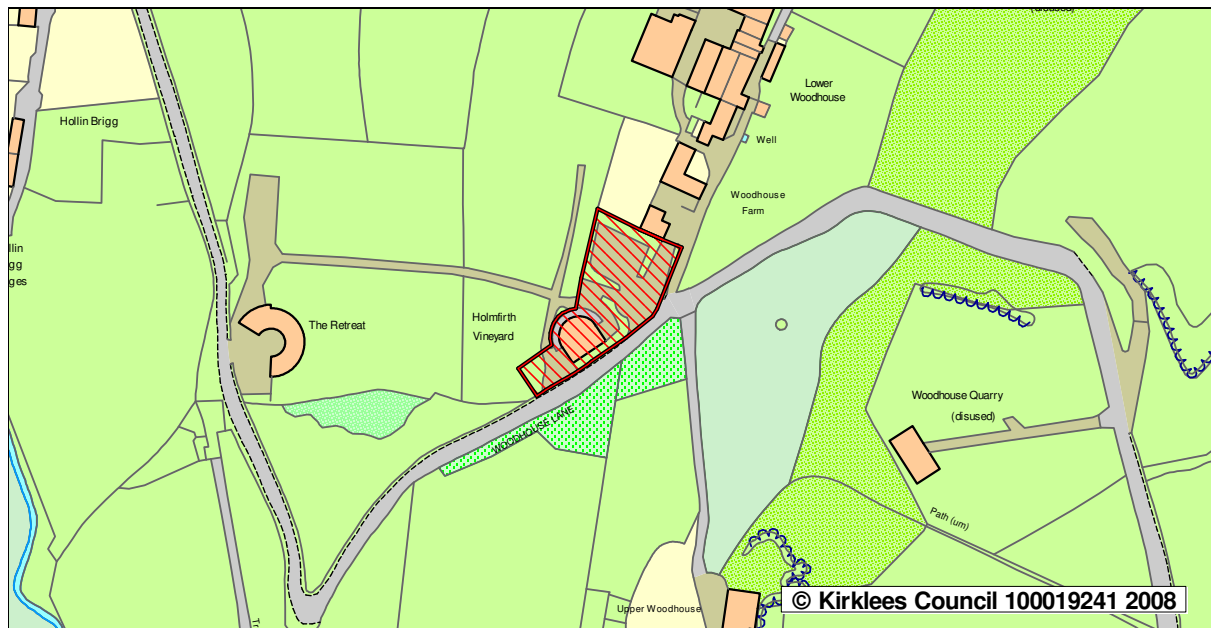
31-Jan-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:
DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Huddersfield Planning Sub Committee as it is a site which has been of interest to Members previously, and in view of the level of representations received.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located on Woodhouse Lane, approx. 2.5 km to the south west of Holmfirth, and forms part of the Holmfirth Vineyard, an agriculture/ viticulture enterprise located within the Green Belt. Access to the site is via Woodhouse Lane with a parking area located adjacent to the entrance.
- 2.2 The existing building on site comprises a wine tasting area, and bar, seating areas, toilets, and to the rear a winery building. The winery building was damaged by fire last year.
- 2.3 To the NE of the site is Woodhouse Farm, which is the residential property associate with the vineyard, and Lower Woodhouse Farm, which is a separate residential property. Also to the west, and at a lower level but still fronting onto Woodhouse Lane is a block of eco apartments.
- 2.4 The site is within the green belt. The neighbouring farmhouse as a listed building.

3.0 PROPOSAL:

- 3.1 The premises including the winery, has been damaged by fire. Permission is not needed to rebuild to the same size as the previous building, however a detailed application has been submitted for a larger building, that would include a replacement winery kitchen area and a new teaching/ function room. There would be a small mezzanine office area. The new building is over double the size of the fire damaged building
- 3.2 The existing curved terrace adjacent the restaurant is proposed to be enclosed within a conservatory like structure , and this extends to the entrance area.
- 3.3. Amended plans have been received reducing the size of the new building, and removing a terrace area that was previously proposed to the SW.
- 3.4. The applicants state that the enlargement will be an improvement on the cramped space currently available, and will reflect uses that already occur on the site. Clearly the designation of a specific function room is a material intensification of the sites use, and the proposed hours of opening are proposed to be 9.00am to 11.00pm, which would enable use of the function room as a venue either in the day or evenings/ weekends, as well the existing daily tours.

4.0 RELEVANT PLANNING HISTORY:

- 4.1. 2008/90052- Listed building consent for re-use of barn, new extensions to extend existing dwelling -Consent Granted.
- 4.2. 2008/90051- Reuse of exiting barn to extend dwelling (listed building) Approved.
- 4.3. 2009/90895- Agricultural Notification for prior approval for details of erection of building – Details approved.
- 4.4 2009/93461 Extension to existing agricultural building to form wine shop and tasting room with formation of access and additional parking provision. Erection of sedum-roofed eco lodge in existing quarry containing 7 units, 1 no wind turbine on 9 m mast, septic tanks and 32 no air source heat pumps- Approved and Implemented
- 4.5 2015/90173-Erection of agricultural building- Refused
- 4.6 2015/91522 -Erection of agricultural shed- Approved
- 4.7 2015/91532.Engineering works to form public area- Approved subject to two condition.
(Retrospective application)

4.8. One of the conditions was the subject of an appeal this condition stated:

“Notwithstanding the provisions of Schedule 2, Part 4 Classes A and B of the Town and Country Planning (General Permitted Development)(England) Order 2015.....the public area outlined in red on the location plan shall not be used for any temporary material change of use, and no buildings shall be erected upon it”.

4.9. Part 4 Class A relates to the provision of buildings or movable structures, in connection with, and for the duration of the operations being carried out Given that the engineering operations to form the public area had been complete, there was no legitimate basis for imposing this element of the condition.

4.10. Part 4 Class B allows any use of the land for not more than 28 days in a calendar year along with the provision of a movable structure for the purposes of the permitted use. Essentially prohibiting the erection of moveable structures such a marquee for wedding function.

4.11. The Councils reason for imposing this condition was to protect the open character of this green belt site, and in the interests of visual amenity.

4.12. The Inspector allowed the appeal, concluding that the condition wasn't either necessary or reasonable, as it failed to satisfy the test of necessity for the exceptional circumstances needed to justify such a condition outlined in the National Planning Practice Guidance.

5.0 HISTORY OF NEGOTIATIONS:

5.1 An amended plan has been received reducing the size of the new building on the south eastern side, and the removal of a terraced area adjacent to that building.

5.2 A Transport Assessment has been submitted, and a Noise Assessment, both have been sent for consultation. Further clarification/ justification on the parking and servicing proposal has been sought, subsequent to the receipt of the Transport Statement.

5.3. The amendments and additional information has been re-advertised.

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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 BE1 – Design principles
- BE2 – Quality of design
- T10 – Highway safety
- T19 – Parking standards
- EP6 – Noise generating development

National Planning Guidance:

6.3 Achieving sustainable development

- Part 3 Supporting a Rural Economy
- Part 4 Promoting sustainable transport
- Part 7 Requiring good design
- Part 8 Promoting healthy communities
- Part 9 Protecting Green Belt Land

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been publicised by site notices and neighbour letters.
- 7.2 13 representations have been received objecting to the proposal, the main points of concern being;
 - The replacement building is twice the size of the fire damaged one, any replacement should be like for like.
 - The building and new development will be totally out of character with the Green Belt.
 - The increase in size over the original building is excessive, and contrary to green belt policy;
 - The scheme will generate additional traffic on a very steep and narrow road, with a difficult junction onto Woodhouse Road, there have been problems with vehicles accessing the vineyard already;
 - The intensification of the use, and the creation of a function room, will result in unacceptable levels of noise and disturbance for residents- the existing operation already causes problems and these would be exacerbated.
- Previously there have been assurances that the vineyard would not be open beyond 15.30pm, this has not been honoured, and this application seeks to extend the hours of opening to 23.00pm

- The enlarged building will have a negative effect on the setting of the neighbouring listed building, and the rural character of this area.
 - The proposal has nothing to do with the making of wine, which was the original premise for allowing the building. this is a relentless creeping of development beyond the limits of what is acceptable within the green belt, whilst producing limited benefits for the local area;
 - No very special circumstances have been demonstrate to justify the extent of development and the introduction of an additional function room to outweigh the inappropriateness within the greenbelt.

42 representations in support of the scheme have been received, the main points being.

- Since it opened the Vineyard has been a huge asset to the whole area;
- The business should be afforded the opportunity to rebuild quickly given the damage caused by the fire;
- The business attracts tourists, and the development will enhance the visitor experience, maintaining tourist revenue for the area;
- The business is eco-friendly and uses local products;
- this business makes valuable contributions to the local community, including for schools, sports clubs and local charity;

Jason McCartney MP.

“I would put on record my support for this application. The vineyard has become an established successful business providing a number of jobs in my constituency. Sadly a fire led to the restaurant and visitor centre having to close, and it is important that the business is back up and running as quickly as possible. Holmfirth has needed to diversify its tourism industry since the end of the Last of the Summer Wine, and the Vineyard presents a shining example of an updated vision of the Holme Valley for decades ahead.”

The amended plans and the additional reports have been re-advertised, and to date there have been 2 representations both of which question if levels of parking indicated within the Transport Assessment are accurate and reaffirming their objection so highways grounds. Any additional representations will be included within the update, and reported verbally to the Sub Committee meeting.

8.0 CONSULTATION RESPONSES:

Statutory:

- 8.1 **KC Highways DM** –Initially requested a Transport Assessment to be submitted to enable the application to be properly assessed. Further clarification and justification of that statement, has been requested, and is awaited. A full update will be available at the Sub Committee.

Non Statutory:

KC Environmental Health Services- the issue of potential noise disturbance from a Function Room open until 11.00pm is of concern and needs to be satisfactorily addressed, and meaningful mitigation measures imposed and secured. These would be secured via the imposition of conditions, covering noise attenuation to the building, restriction on new openings, limits to levels of background music, and the preparation of a noise management plan, and its subsequent monitoring (the Noise Report submitted by the applicant recommends the preparation of such a Noise Management Plan.)

KC Conservation and Design- On balance the extension does not cause significant harm to the setting of the listed building, sufficient to warrant refusal.

KC Business and Economy- Tourism is an important part of Kirklees' Rural economy. Using data extrapolated from the Great Britain tourism survey and Great Britain day visit survey it is estimated that in 2015 the total day and overnight domestic leisure visits to Kirklees was £258.18 million. Holmfirth is a key tourism asset in Kirklees' economy, and Holmfirth Vineyard a successful visitor attraction in the area. Established in 2008 it now attracts 37,000+ visitors each year and is an important contributor to the rural visitor economy.

It is anticipated that the rebuild and extension would likely:

- Improve the visitor experience- supporting repeat visitors and recommendations to the district;
- increase capacity – supporting the local economy by facilitating additional overnight stays and spend in local businesses.

9.0 MAIN ISSUES

Principle of Development;
Green Belt Issues;
Heritage Issues;
Impact on amenity (visual and residential)
Highways Issues

10.0 APPRAISAL

Principle of development

- 10.1 In considering the principle of this application the relevant guidance is contained within Part 3 of the NPPF "Supporting a prosperous rural economy", and Part 9 "Protecting Green Belt land".

- 10.2 Part 3 of the NPPF “Supporting a Prosperous Rural Economy” indicates that planning policies should take a positive approach to sustainable new development, and to promote a strong rural economy should support the sustainable growth and expansion of all types of business and enterprise in rural area, both through conversion of existing building and well designed new buildings; and support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside, and this should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations.
- 10.3. The existing Vineyard business does attract a considerable number of visitors both from within the district and further afield. As such it is considered to deliver positive economic benefits to the area, as well as some local employment. As such there is no objection to the principle of this rural business expanding or diversifying its offer, subject to it respecting the rural character of the area.

Green Belt Issues

- 10.4 Part 9 of the NPPF “Protecting Green Belt land”, indicates that inappropriate development in the green belt should not be allowed unless very special circumstances have been demonstrate. Very special circumstances will not exist unless the potential harm to the green belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.5 A proposal to rebuild and extend an existing business is not by definition inappropriate development, however any potential harm to the green belt does need to be considered, ie how the development impacts upon the openness of the green belt.
- 10.6 In terms of extending existing properties the guidance is that an extension to a building is not inappropriate development “provided that it does not result in disproportionate additions over and above the size of the existing building”.
- 10.7 The new building does represent a significant increase in the size of the original building and also the enclosing of the terrace is also applied for. The impact that the proposal has on the openness of the green belt in this area is mitigated by the location of the extended building which is to the rear of the site, backing onto Woodhouse Lane. To the NE the new building bounded by the wall onto Woodhouse Road, and a retaining structure next to the access, this is a very self-contained location that results in very little if any impact on the open character of the area.
- 10.8 To the SW, the extended building has been reduced in length and a terraced area removed. Because of the levels and slope at this point the previous extension, plus the base of the terrace where very prominent, particularly as viewed when approaching up Wood house Lane. The reduction in size and the removal of the terrace is considered to significantly reduce the impact on openness form this viewpoint.

- 10.9 The enclosure of the existing terrace next to the wine tasting area, and entrance, is to be a lightweight conservatory type structure, and the extent of the terrace and any plinths supporting it are not to be altered. In this respect given the nature of the structure it is considered that the impact on openness is minimal.
- 10.10 As such whilst it is accepted that there has been a significant increase in size upon the original building, the specific design/ reductions in size secured and siting of the various elements of the proposal are not considered to harmfully impact upon the openness of the area, to the point where it would be considered to be inappropriate development in the green belt.

Heritage Issues

- 10.11 The site is close to Lower Woodhouse Farm which is a Grade 2 listed building, and as such the impact of the development on the setting of the listed building has to be considered.
- 10.12 The extended winery will be single storey with a low pitched roof which makes use of the topography which slopes from the listed building down towards the winery buildings. The setting of the listed building is one of an agricultural landscape which slopes down to the valley bottom, and as such relies on a degree of openness. As such any harm to the setting would be the extent of any intrusion into that openness, and that is considered to be minimal.
- 10.13 Paragraph 134 of the NPPF requires that any harm is balanced against any public benefit accrued. The public benefit in this case is limited to the tourist attraction side of the operation, which is considered to outweigh the minimal harm resulting from additional intrusion into the open landscape.
- 10.14 As such the extended building does not result in harm to the setting of the listed building, that would warrant refusal on heritage grounds.

Impact on Amenity

- 10.15 Visual Amenity- The extended building is of a similar style and materials to that which it is replacing and in this rural location a dark green clad building is appropriate. The conservatory construction to the front of the premises on the existing terrace, is a lightweight and largely glazed structure, adjacent to the wine tasting area, and complements the existing building.
- 10.16. As such the new building and extensions are satisfactory, and accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.
- 10.17. Residential Amenity- There are a number of dwellings in proximity to the application site, and given the sites location on a hillside and extensive range of uninterrupted visibility, the potential for disturbance for residents both within their homes, but also their gardens, is a significant planning issue that needs to be considered and satisfactorily addressed.

- 10.18 The potential for noise/disturbance comes from the function room, for example the potential use for wedding receptions, late into the evening, and subsequent car movements when leaving. Also the site has the benefit of permitted development rights which enables the erection of a temporary structure (ie domed marquee in this case) for a total of 28 days a year, so some restriction upon that uses, as part of the comprehensive use of the site, could be sought.
- 10.19. The proposed function room is to be contained within the new building, and amended plans have been secured which both reduces the size of the building and removal of the adjoining terrace, which was accessible from within the building via window/ door area in the gable.
- 10.20. The applicants have submitted a Noise Report, that itself acknowledges that Function room noise use in this building without noise attenuation measures would be audible within neighbouring dwellings. The mitigation proposed would need to be a mixture of measures. Firstly physical measures eg noise attenuation features incorporated into the structure, no opening doors or windows (mechanical ventilation would therefore be needed), as to allow open doors and windows would undermine any mitigation.
- 10.21. The second element would be Noise Management. A Noise Management plan would need to be produced which covered the operation of the function room. This would extend to controlling the hours of use, and arranging for the limiting of background music to agreed limits, and event management including parking management , and control of taxi usage (ie no sounding the horn when collecting visitors, also prior notification of events.
- 10.22. The site benefits from permitted development rights to erect temporary structures for 28 days a calendar year ie erect marquees. Mitigation measures to the replacement building will be ineffective, unless there is some agreement to mitigate potential nuisance from the Marquee, on the dates it is use. The applicants have agreed that any music played externally will be turned off at 9.00pm. This can be conditioned and also its implementation included within a Noise Management Plan. Under the permitted development rights, other than the limit on the number of days, there are no restrictions on the use, in terms of hours of use restriction.
- 10.23. Environmental Health have confirmed that mitigation for the entire site needs to be coordinated, and that without meaningful control on the marquees any other benefits are negated. The limit to 9.00pm, is positive, and an improvement on the unrestrictive permitted development rights, the need for outdoor music, with the presence of an indoor function room should be questioned, even until 9.00 pm.
- 10.24. As such it is considered that the levels of noise/ disturbance can be satisfactorily mitigate with appropriate conditions and monitoring

Highways Issues

- 10.25 The site is in a remote location served by a narrow local road network. The site is predominantly served by car. The proposal involves the intensification of the use of the site which will need to be satisfactorily accommodated in terms of access, parking and service delivery.
- 10.26. The applicants have submitted a Transport Assessment, as requested by officers and this has been re-advertised. Highways have requested further clarification and justification to enable a proper assessment to be undertaken.
- 10.27. The main consideration for the highways element of this application is can the site accommodate the proposed numbers of visitors safely and in a manner that does not cause significant disruption to local neighbours and the immediate highway network. The exact capacity and usability of this car park for both private cars and coaches is being assessed. The capacity of the car park will be a significant determining factor in assessing what level of activity the site can accommodate and how many guests at any one time can use the proposed building and the wider site. A full Highways Assessment will be provided at Committee and in the Committee update.

11.0 CONCLUSION

- 11.1. Clearly the replacement of a fire damaged property does not require permission. This is a fall-back position that the applicants are able to redevelop the site to and is material to the determination of this application. The applicants own a successful rural business which has delivered economic benefits to the area. The proposed development would likely continue this success and expand in its expanded form. The guidance in part 3 of the NPPF "Supporting the Rural Economy", encourages the growth/ diversity of businesses in rural areas, subject to there not having an adverse effect on the character of the area, where they are located.
- 11.3. The site is within the green belt and also affects the setting of a neighbouring listed building. As such the impact that the proposals have on the character of this area of green belt, and the setting of the listed building need to be assessed.
- 11.4 The common thread on both these matters is safeguarding the openness of the area and reducing any intrusion into the openness. It is considered that the setting of the listed building is satisfactorily safeguarded, and that given the site specific reduction in scale of the proposal, and the use of the site topography to minimise the impact of parts of the proposals, the impact on the openness of the green belt does not rise to a level of harm, that would result in the development being, "inappropriate development."
- 11.5. The operation of the new scheme needs to be satisfactorily addressed and covered by conditions that would include site monitoring. Adequate access and parking provision needs to be secured. Appropriate mitigation of potential noise disturbance both within the new function room and on the Marquee when that is in use can be satisfactorily conditioned.

11.6 As such on balance it is considered that any harm to the character of the green belt is outweighed by the economic benefits of the scheme, subject to the necessary conditions relating to noise / disturbance and traffic management

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

1. 3 year standard condition for the commencement of development

2. Standard condition- development to be completed in accordance with approved plans.

3. Samples of materials to be agreed.

4. Noise a number of conditions required covering:

- Restriction on the levels of amplified music within the function room;
- No openings(doors windows) within the function room- ventilation to be provided alternative means
- Hours of use restriction to both Function Room, and in connection with the Marquee if this is in use.
- Noise attenuation details to be submitted for approval.
- Verification that these levels have been achieved within prior to any functions being undertaken.
- Preparations of a Noise Management Statement Plan.

5. Parking provision for cars and coaches to be set out and be made available at all times the site is in use.

6. Delivery Management plan

7. Implementation and updating of Travel Plan.

8. Number of guests able to visit the site at any one time to be agreed (this will be confirmed in the update to committee)

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f94001>

Certificate of Ownership – Notice served on/ or Certificate A signed:



Originator: Glenn Wakefield

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2015/91796 Engineering works relating to improvements and road widening to Lees Mill Lane (within a Conservation Area) Grosvenor Chemicals, Lees Mill Lane, Linthwaite, Huddersfield, HD7 5QE

APPLICANT

Grosvenor Chemicals Ltd

DATE VALID

11-Jun-2015

TARGET DATE

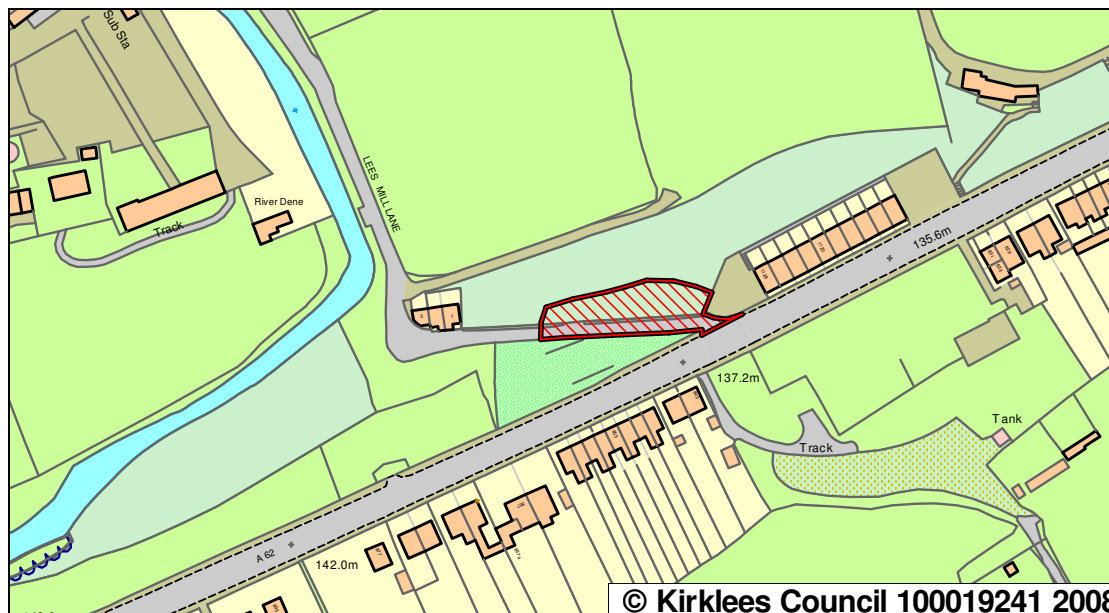
06-Aug-2015

EXTENSION EXPIRY DATE

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected:

Colne Valley

Yes

Ward members notified

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 This application is brought to sub-committee for determination at the request of officers and with the agreement of the Chair in accordance with the provisions of the current delegation agreement.
- 1.2 This proposal would see the repair and upgrade of a section of an existing vehicular access (Lees Mill Lane) which is also a public right of way. The works would ensure the long term stability of this section of the access and of the public right of way which runs along the route of the Lane.
- 1.3 Although the site is located within the Green Belt, it is considered that the proposed development would constitute appropriate development and would not therefore have a significant detrimental effect on the openness of this part of the Green Belt.
- 1.4 The development would see the construction of a substantial retaining embankment and whilst it is considered this would have some less than substantial detrimental impact on the setting of the Linthwaite Conservation Area, it is considered that the benefits associated with this development would outweigh this negative effect.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is located off Manchester Road approximately 650m south west of the centre of Linthwaite and forms part of an access road (Lees Mill Lane) serving residential properties, playing fields and Grosvenor Chemicals. The site occupies an area of approximately 900m², lies within an area allocated as Green Belt in the adopted Unitary Development Plan and is situated within the Linthwaite Conservation Area. The area immediately surrounding the site has a mixed residential/commercial character, although a significant amount of open land is evident in the wider landscape. The access road is an unadopted highway but is a public right of way (footpath Col/85/10).

3.0 PROPOSAL

- 3.1 The applicant proposes to create a new reinforced embankment adjacent to the northern boundary of the existing highway in order to strengthen and widen the carriageway from its current width of 4m to approximately 7.5m for a distance of approximately 50m. This would create a passing place sufficient for two vehicles moving in opposite directions to pass. The works would also even the current gradient slightly to alleviate problems with heavy vehicles losing traction in wet weather when pulling out onto Manchester Road.
- 3.2 This would involve the complete reconstruction of a section of the carriageway from its junction with Manchester Road for a distance of approximately 50m and the removal of the current temporary buttress. The level of the carriageway would be raised and a new supporting buttress formed which is capable of supporting the new carriageway loadings and the proposed passing place. The works would provide an even gradient along this section of the highway of 1:9, which at present is uneven and varies from 1:8 to 1:11. The supporting embankment would run adjacent to the new carriageway for approximately 50m and at its widest would extend for approximately 6.5m from the edge of the new carriageway. The raising of the carriageway level and the construction of the embankment will require the import of a significant quantity of foundation material. The proposal would also require the removal of 3 self-seeded semi-mature trees and would over tip an area of approximately 2m to 5m of self-seeded scrub beyond the current temporary buttress. The current surface of the affected section of the carriageway, which is dilapidated, would be replaced and upgraded as part of this proposed development.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Lees Mill Lane is the only vehicular access to the applicant's chemical works and is therefore used on a regular basis by heavy vehicles. In 2011 a retaining wall supporting the road collapsed and temporary buttress works were necessary to support the road to allow its continued use. These works have remained in position since that time but are wholly inadequate to provide continued access arrangements.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 During the consideration of this application the applicant was contacted and a request for further clarification regarding the potential implications this proposal might have in relation to the local highways network was sought. This information was subsequently provided.

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 (adopted 1999) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 The site is allocated as Green Belt on the UDP Proposals Map

BE1 – Design principles

BE5 – Development within conservation areas

T10 – Highway safety

R13 – Development affecting public rights of way

WD5 – Development for the disposal of waste by landfill

National Planning Guidance

6.3 It is considered that the following parts of the NPPF are relevant:

NPPF1 – Building a Strong Competitive Economy

NPPF7 – Requiring Good Design

NPPF 9 – Green Belt

NPPF 11 – Conserving and Enhancing the Natural Environment

NPPF 12 – Conserving and Enhancing the Historic Environment

Planning Practice Guidance - Waste

7.0 PUBLIC/LOCAL RESPONSE

7.1 Publicity:

This application was advertised in the Huddersfield Examiner, by the posting of 2 site notices in the vicinity of the site and the mailing of 12 neighbourhood notification letters. 12 separate representations were received and the concerns raised as a result can be summarised as follows:

- The proposal does not make adequate provision for pedestrian users of the lane

- The land is not suitable for use by heavy vehicles
- This proposal should include widening along the entire length of the lane and the addition of additional safety measures in the vicinity of the bend close to the residential properties and close to the river
- Improvements to the road could prove counterproductive as HGV drivers would be less cautious
- If planning permission is granted then the applicant must be compelled to carry out the work
- Monies received by the Council from the sale of land to allow the implementation of this development should be used to improve Lees Mill Lane for the benefit of the community
- Details of the foundation materials should have been provided in the application submission
- Widening the access as proposed would encourage HGV drivers to turn left from Manchester Road which would be dangerous

8.0. CONSULTATION RESPONSES

8.1 Statutory

KC Highways Development Management – No objections subject to the inclusion of a planning condition requiring design and construction details for the supporting embankment to be submitted and approved.

8.2 Non statutory

KC Conservation and Design– No objections

9.0. Main issues

- Principle of development
- Design issues
- Local amenity
- Environmental issues
- Highway issues
- Drainage issues
- Representations

10.0 APPRAISAL:

Principal of development

- 10.1 The site is located within an area of land allocated as Green Belt in the Unitary Development Plan. Section 9 of the National Planning Policy Framework (NPPF) indicates that there is a presumption against inappropriate development in such areas unless there are very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm to allow it. Consequently, in this instance, the key issues are whether the proposal would amount to inappropriate development within the Green Belt; if so whether there would be any other harm to the Green Belt; and whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- 10.2 Paragraph 90 of the NPPF indicates that the following types of development are considered not to be inappropriate providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt:
- mineral extraction;
 - engineering operations;
 - local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.
- 10.3 The application site includes a section of surfaced vehicular highway and a substantial temporary buttress and is immediately adjacent to Manchester Road which is a major arterial route with a carriageway width of approximately 14m. Consequently, whilst the site falls within the Green Belt it is considered that it cannot be described as a particularly sensitive location.
- 10.4 Whilst it is accepted that that this proposal would have an impact with regard to the appearance of this section of Lees Mill Lane, as the site is not in a particularly prominent location, it is considered that this would be a localised effect and as the proposed supporting embankment would be soiled and seeded, this would soften its overall impact. Officers therefore consider that the development would not have a significant material effect on the openness of the Green Belt and thus would preserve openness so not conflicting with the purposes of including land within the Green Belt.

- 10.5 Consequently it is considered that as this proposal involves engineering operations which would preserve the openness of the Green Belt it constitutes appropriate development within the Green Belt as defined in paragraph 90 of the NPPF and is therefore acceptable in principle subject to there being no conflict with relevant UDP policies or other sections of the NPPF.

Design

- 10.6 This proposal represents a fairly practical design which essentially arises from the nature of the development involved. Much of this development would be sited below the level of both Lees Mill Lane and Manchester Road. However, a significant proportion would be visible, the major elements being the reinforced embankment, which would take the form of an engineered buttress immediately adjacent to the vehicular carriageway, a high kerb edge and crash barrier. Whilst the development would appear as somewhat utilitarian it is considered that it would not appear out of character in this location and could be enhanced and softened through the treatment of the embankment i.e.; seeding/planting. It is therefore considered that this proposal would accord with UDP policies BE1, and section 7 of the NPPF.

Impact on local amenity:

- 10.7 The proposal is of a relatively small scale and in a position which is not easily overlooked, although users of PROW (Co/85/10) would gain views of the development when progressing along the route. Residential properties to the south of the site on the other side of Manchester Road are at a higher level and some of these properties would gain views of the development, although existing vegetation would screen and filter those views. Having said this, the affected section of Lees Mill Lane is immediately adjacent to Manchester Road, which is a main arterial route, and there is already an urban element associated with this setting. It is therefore considered that this development would not result in any significant detrimental impact to the visual amenity of the area and would therefore accord with Section 11 of the NPPF.

Impact on the environment:

Local heritage assets

- 10.8 The application site is located within the Linthwaite Conservation Area. In considering applications for planning permission the duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 132 of the NPPF states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation. It is therefore important to assess the impact of this development on the significance of the Conservation Area, principally its setting. If there is considered harm this would require clear and convincing justification.

- 10.9 Paragraph 134 of the NPPF indicates that if development would lead to less than substantial harm, the harm should be weighed against the potential public benefits. The Council's Conservation and Design (C & D) Team was consulted with regard to this development and has indicated that whilst this proposal would cause some less than substantial harm to the setting of the conservation area, this would be localised and would not lead to the character of the conservation area being detrimentally affected. Furthermore officers consider that this proposal would result in significant public benefit which would outweigh that harm. This benefit would result from the formation of a safer access which would allow two vehicles to pass when moving in opposite directions along a critical section of Lees Mill Lane and by ensuring the stability of PROW (Col/85/10), which runs along the lane, is maintained. It is therefore considered that this proposal would accord with UDP policy BE5 and guidance contained within Section 12 of the NPPF.

Ecology

- 10.10 The site and its immediate surroundings comprise an area of surfaced road, rough scrubland and self - seeded immature trees and whilst this is likely to offer some habitat opportunities, these are likely to be limited. The application site has previously been over-tipped with hard-core to form the temporary buttress and this proposal is therefore unlikely to have a significant impact on local ecological systems and the sympathetic treatment of the site could potentially offer an opportunity to improve local biodiversity. It is therefore considered that this proposal would accord with Section 11 of the NPPF with regard to its potential impact on local ecological systems.

Impact on Highway safety:

- 10.11 Initially the Council's Highways Development Management Team requested further information regarding the following issues:
- i) The provision of a road safety audit
 - ii) Justification as to why the proposed gradient of the road is suitable
 - iii) Details of swept path analysis and visibility splays
 - iv) How HGVs would access the Lees Mill lane from Manchester Road
 - v) Possible remodelling of the junction of the Lane with Manchester Road
 - vi) If the use of the access intensifies then what measures will be introduced to prevent scrubbing of the highway surface
 - vii) Whether existing drainage would require upgrading
 - viii) How pedestrians would be kept safe during construction operations and when the development is completed

Further information was therefore submitted by the applicant which satisfactorily clarified issues with regard to points (ii) to (viii).

10.12 A Stage1 Road Safety Audit was subsequently provided which has made a number of recommendations. These are summarised as follows:

- A realignment of the containment kerbing to guide vehicles away from the car park adjacent to the junction with Manchester Road.
- The footway on the north side of the junction should be extended and dropped kerbs and tactile paving provided to the footways on both sides of the junction.
- Give way and hazard markings be provided at the junction.

The applicant has agreed to include the above recommendations in the design of the development.

10.13 It is considered that the design changes indicated in the Road Safety Audit would result in a general improvement in this junction with Manchester Road and, bearing in mind this proposal would not lead to an intensification of vehicular use on Lees Mill Lane, these design changes would satisfactorily alleviate any impact on highway safety.

10.14 The proposal would involve the construction of a significant retaining structure which would support the new section of highway. As previously indicated the route of PROW Col/85/10 follows Lees Mill Lane and it is therefore important to ensure this route remains structurally sound to allow the continued use of the PROW. Should planning permission be granted it is therefore proposed to seek the submission of design and construction details prior to development commencing to ensure the proposed retaining structure is sufficient to provide the necessary support to the highway and thus the PROW.

10.15 The works involved with this proposal would involve the temporary diversion/closure of the aforementioned PROW for the duration of the construction works. This would therefore require the applicant to make a separate formal application for an order under separate legislation for temporary closure/diversion of the definitive footpath.

10.16 It is therefore considered that this proposal accords with UDP Policies T10 and R13 with regard to its potential impact on highway safety.

Drainage:

10.17 The lane currently has poor drainage arrangements in place and these will require upgrading to accommodate surface drainage from the upgraded carriageway. Indicative drainage arrangements have been provided but full details will be required prior to development commencing on site. It is considered that such measures can be dealt with through an appropriately worded planning condition and it is therefore considered that this proposal would accord with Section 11 of the NPPF with regard to associated drainage issues.

Representations:

10.18 As previously indicated 12 representations have been received in relation to this proposal. The concerns raised and responses can be summarised as follows:

10.19 The proposal does not make adequate provision for pedestrian users of the lane.

Response: Lees Mill Lane is a mixed vehicular and pedestrian route and would continue to operate as such. The application submitted does not include specific measures for pedestrian safety. However, it would provide continued unhindered use of the PROW and would upgrade the surface of the lane within the application site.

10.20 The land is not suitable for use by heavy vehicles

Response: It is accepted that Lees Mill lane was never designed to cope with the heavy vehicles which now use it. However, the applicant has a right of access to his commercial premises and the use of such vehicles is not precluded. The lane is un-adopted and is not therefore the responsibility of the Council to maintain. This proposal would see the improvement of a critical section of the lane where vehicles enter and exit Manchester Road. Evidence indicates that, in wet weather, HGVs currently struggle to gain traction at this junction and this proposal seeks to alleviate this problem.

10.21 This proposal should include widening along the entire length of the lane and the inclusion of additional safety measures in the vicinity of the bend close to the residential properties and close to the river.

Response: Whilst such measures would be desirable, this could only be achieved through the use of a Section 106 agreement. 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.

This proposal does not seek to intensify the use of Lees Mill Lane which is an un-adopted highway and officers consider that it would therefore be unreasonable to use this proposal to seek the upgrade other parts of the lane outside the planning application site. Consequently officers consider that the measures suggested would not meet any of the above tests and as such cannot be required under the terms of this planning application.

10.22 Improvements to the road could prove counterproductive as HGV drivers would be less cautious.

Response: Officers consider that the proposed improvements to the highway would not lead to significant changes to driver habits. Negotiating the lane would still require a cautious approach and the proposed passing place would prevent the need for vehicles to reverse or manoeuvre as currently occurs when they meet at this point on the Lane.

10.23 If planning permission is granted then the applicant must be compelled to carry out the work.

Response: In this instance there is no provision under current planning legislation to compel an applicant to implement a planning permission.

10.24 Monies received by the Council from the sale of land to allow the implementation of this development should be used to improve Lees Mill Lane for the benefit of the community.

Response: This is a separate issue which cannot form part of the assessment of this application. Lees Mill Lane is an un-adopted highway for which the Council is not responsible for maintaining. Using monies realised from the sale of any Council land to upgrade Lees Mill Lane would be a matter for the Council's Physical Resources and Procurement Team to consider.

10.25 Details of the foundation materials should have been provided in the application submission.

Response: It is proposed to secure the technical detail of this proposal through an appropriately worded planning condition which will not allow the development to commence until those details have been submitted to the Local Planning Authority for consideration.

10.26 Widening the access as proposed would encourage HGV drivers to turn left from Manchester road which would be dangerous.

Response: It is acknowledged that such a manoeuvre would be dangerous. However, it is not accepted that this proposal would make this manoeuvre any more likely. The junction would not be widened as part of this proposal and it would still be as difficult for HGVs turning left from Manchester Road as at present. The applicant instructs drivers visiting the site to only access the lane by turning right from Manchester Road and by turning left onto Manchester Road when exiting the lane.

10.27 The scope of the supporting Road Safety Audit (RSA) is not wide enough as it does not adequately consider the impact of pedestrian users of the Lees Mill Lane.

Response: The RSA does consider the impact of the development on pedestrians crossing the junction of Lees Mill Lane and Manchester Road and makes recommendations to alleviate highway safety impacts. With regard to Lees Mill lane itself, the widening of this section of Lees Mill Lane will provide additional space for pedestrians to avoid conflict with vehicles. It is therefore considered that this proposal would not result in a significant additional detrimental impact on highway safety.

11.0. CONCLUSION

11.1 This proposal would see the repair and upgrade of a section of an existing vehicular access (Lees Mill Lane) which has had a temporary buttress in place retaining the lane for 5 years. The works would ensure the long term stability of this section of the access and of the public right of way which runs along the route of the Lane.

11.2 Although the site is located within the Green Belt, it is considered that the proposed development would constitute appropriate development and would not therefore have a significant detrimental effect on the openness of this part of the Green Belt nor would it conflict with the purposes of including land within the Green Belt. Whilst it is considered that the works would cause less than substantial harm to the setting of the Linthwaite Conservation Area, it is considered that the public benefits associated with this development would outweigh the harm caused.

11.3 Furthermore it is considered that this development would not have any significant detrimental impact on local amenity, the local environment or highway safety

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

1. Standard condition requiring development to be implemented within 3 years from date of permission.

2. Condition requiring development to be carried out in complete accordance with the plans and specifications submitted.

3. Condition requiring design and construction details for the proposed embankment supporting Lees Mill Lane to be approved prior to development commencing

4. Condition requiring details of the measures to be employed to ensure that the site is adequately drained are approved prior to development commencing

5. Condition requiring a scheme to be approved which indicates measures to plant/seed the external face of the retaining embankment.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f91796>

Certificate of Ownership – Certificate C signed.



Originator: William Simcock

Tel: 01484 221000

Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/93680 Erection of two storey rear extension 40, Springwood Avenue, Springwood, Huddersfield, HD1 4BH

APPLICANT

Mr Iqrar Hussain

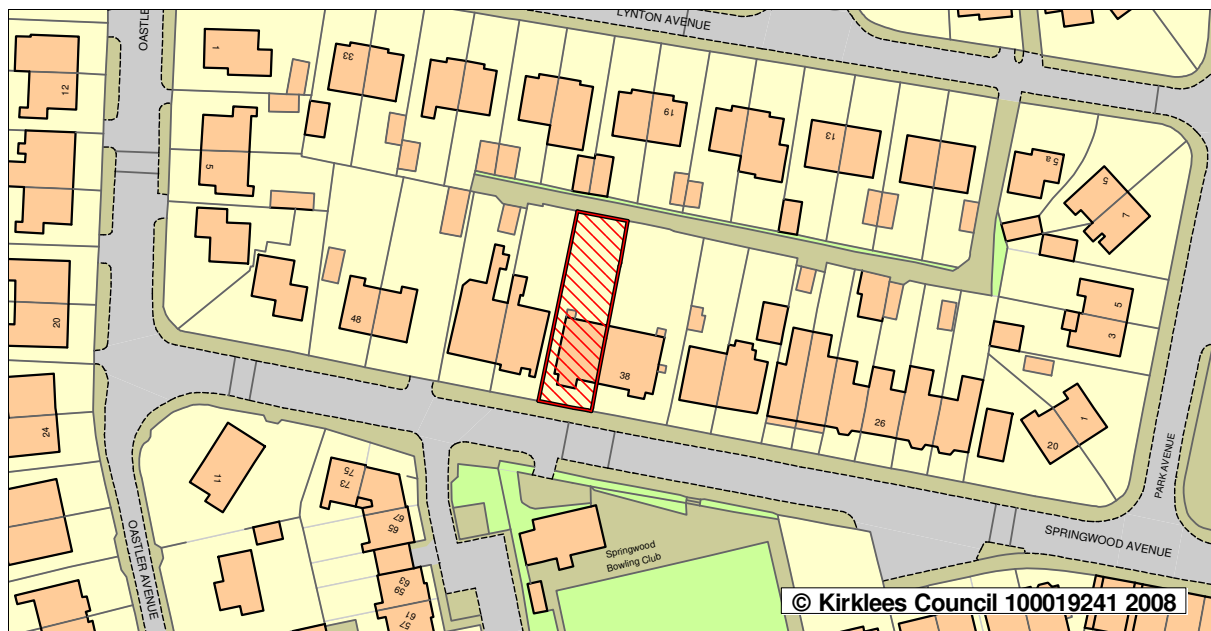
DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
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04-Nov-2016	30-Dec-2016	
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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your 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

Electoral Wards Affected: Newsome

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

REFUSE for the following reason:

1. It is considered that the proposed rear extension, owing to its projection and its relationship to neighbouring dwellings, would have an overbearing and oppressive impact upon the occupants of neighbouring properties resulting in loss of residential amenity, contrary to the aims of Policies BE14 and D2, and the NPPF Core Planning Principles.

1.0 INTRODUCTION:

1.1 This application is brought before Sub-Committee at the request of Ward Councillor Andrew Cooper, for the following reason:

“I can confirm that having been out to look at the site for the proposed extension I am happy to refer this application to committee if it is recommended for refusal. I’ve looked at the plans and its relationship to surrounding properties and do not believe it would have a detrimental impact on neighbouring properties.”

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

2.0 SITE AND SURROUNDINGS:

2.1 40 Springwood Avenue is a large 2-storey semi-detached dwelling situated on the north side of the highway. It has a small front yard enclosed by a stone wall with. Most of the amenity space at the rear, where the land has been surfaced to form a patio and parking area taking access to Lynton Avenue by means of a shared unadopted track. The dwelling is built in stone and blue slate. It does not have any extensions except a small single-storey utility room at the rear.

- 2.2 It is situated within a row of 19th Century properties which are either semi-detached or large terraced houses, with a bowling green and club house on the opposite side of the road, and more modern semi-detached houses to the rear (north) which front onto Lynton Avenue.
- 2.3 The wider area is mostly residential, mostly 19th Century houses of mixed type. There is a gentle downward gradient along the street from west to east, with the adjoining property, no. 38, being lower.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of a two-storey rear extension. It is to project 5.6m and is to be 5.4m wide, just over half the width of the existing rear elevation, aligned towards the western side wall of the existing dwelling. It would have a hipped roof, height to eaves to be 6.0m, or 1.7m below that of the existing dwelling. It would replace the existing 2.8m single-storey extension. Materials are to match the existing building.
- 3.2 The extension would form a kitchen with breakfast bar at ground floor with a master bedroom above. The kitchen would have folding glazed doors to the rear and a secondary window to the east side. According to the design and access statement it is envisaged that a fence is erected along each side boundary, which is also shown on the plans to a height of approximately 2.0m above yard level, built up from the existing stone wall. The main outlook to the master bedroom would be to the rear, with secondary windows to the east side. The plans indicate that the lower part of the window would have obscure glazing up to 1.7m above internal floor level.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 21-Dec-2016: Case officer requested amended plans clarifying the height of the extension relative to the original building and reducing its projection, but did not specify a figure that would be acceptable. Plans were submitted reducing it from 6.25m to 5.6m projection.

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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 **Kirklees Unitary Development Plan:**

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)

National Planning Guidance:

6.4 National Planning Policy Framework – Core Planning Principles.

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 Publicity expires 15th December 2016. No representations have been made.

8.0 **CONSULTATION RESPONSES:**

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

8.2 **Non-statutory: No consultations were considered necessary.**

9.0 **MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Housing issues
- Highway issues
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of development

10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted

provided that the proposals do not prejudice [a specific set of considerations]”. 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). The main relevant policy within the NPPF is the Core Planning Principle which states that planning should always seek to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Urban Design issues

- 10.2 It is considered that the scale, proportions and design details of the extension would respect the appearance of the property and its surroundings and would not harm visual amenity.

Residential Amenity

- 10.3 Policy BE14 of the UDP states that extensions to the rear of semi-detached dwellings will usually be acceptable provided they do not exceed 3.0m in overall projection. This is not taken to be an absolute maximum – larger extensions may be allowed if it can be demonstrated that they would not have a detrimental impact on neighbouring properties or land. The 3.0m figure is however a starting point for the assessment of extensions requiring planning permission and any extension substantially in excess of this requires justification.
- 10.4 As it is a two-storey extension, there is a 3m limit on projection under permitted development rights, so it could not be built without planning permission even if it were 2m away from both side boundaries.
- 10.5 Along the north side of Springwood Avenue, there are some larger extensions but these are very old. The two-storey extensions to nos. 30-32 which project approximately 6.5m, appear on the 1922 historic Kirklees map, as do the somewhat smaller extensions to 22-26 further east. To the west, nos. 44 and 42 both have extensions projecting 5.6m or more but these are single-storey and again are not recent, as they too appear on the 1922 map. None of the extensions on Springwood Avenue can therefore be held to set a precedent for the current proposal.
- 10.6 On the east side the dwelling adjoins no. 38, which is also two-storey but has floor levels set lower on account of the natural change in ground levels. It is noted that the extension would maintain a substantial gap on this side, the distance from the eastern side wall of the proposed extension to the neighbour’s curtilage boundary being 3.3m.

- 10.7 In the other direction, towards no. 42, the extension would be 1.4m from the common boundary, and there is also a passageway between the boundary and the side wall of no. 42, so that the combined separation distance between the two side walls would be 2.8m.
- 10.8 Both side neighbouring properties have ground floor habitable room windows fairly close to the boundary with no. 40. Both would be liable to experience some reduction in direct sunlight as a result of the extension, with no. 42 being affected in the mornings and no. 38 in the evenings.
- 10.9 It is noted that the extension, although two storeys in height, would have a lower eaves height than the existing dwelling. This, and the separation distance from the side boundaries, would go some way towards mitigating its impact.
- 10.10 With the privacy measures (the fence and obscure glazing) indicated on the plans and in the design and access statement, any adverse impacts on privacy could be avoided. It is considered on balance however that an extension of this scale, which would project 2.6m beyond the recommended limit for rear extensions as set out in BE14, would have an overbearing and oppressive impact upon the occupants of neighbouring properties resulting in loss of residential amenity, contrary to the aims of Policies BE14 and D2, and NPPF Core Planning Principle 4.

Highway issues

- 10.11 The development would not affect parking or access arrangements and sufficient space to park at least two vehicles would remain within the curtilage. It is therefore considered it would not have any impact on highway safety and would accord with Policy T10.

Representations

- 10.12 No representations have been made.

Other Matters

- 10.13 The site is not in the bat alert layer and the development would appear to have no ecological implications.

11.0 CONCLUSION

- 11.1 It is considered that the proposed rear extension, owing to its projection and its relationship to neighbouring dwellings, would have an overbearing and oppressive impact upon the occupants of neighbouring properties resulting in loss of residential amenity, contrary to the aims of Policies BE14 and D2, and the NPPF Core Planning Principles.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93680>

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)

9 MARCH 2017

Planning Application 2016/92812

Item 17 – Page 57

Demolition of industrial building and erection of 17 No. apartments with integral garages and associated parking

Victoria Works, Fisher Green, Honley, Holmfirth, HD9 6DP

Formal comments are awaited from the Strategic Drainage Officer on the revised drainage proposals. In the absence of these, appropriately worded conditions no. 10 as set out in the agenda would address this issue, should Members be minded to accept the officer recommendation.

Planning Application 2016/93985

Item 18 – Page 71

Outline application for residential development

Land at, Bank End Lane, Almondbury, Huddersfield, HD5 8ES

Amendment to the recommendation

Draft condition no. 9 in the agenda would be worded to include details to be submitted for the maintenance and management of approved drainage proposals. On this basis it would alleviate the requirement of a S106 for such works as stated in paragraph 10.19 of the agenda and as such it would not be reasonable to require a S106 in particular where the permission (should Members be minded to approve) would be speculative where there is currently no end user lined up.

In view of the above the wording of the recommendation is amended to read

DELEGATE approval of the application to the Head of Development Management subject to completing the list of conditions, including those contained within this report.

Consultees

Environmental Health - to date no comments received.

Given the application is accompanied with the same Phase 1 Geo-Environmental Survey as that on the earlier application, it is reasonable again to include conditions requiring a Phase II intrusive Site Investigation Report along with remediation and validation reports

Erection of 2 detached dwellings (within a Conservation Area)

adj 141, Church Street, Netherthong, Holmfirth, HD9 3EA

Highway Issues

The information contained within paragraphs 10.51-10.67 assesses the impact of the development on highway safety. In paragraph 10.54 the improvements to the existing gated access by widening it, reducing the wall height to 900mm either side of the access and providing visibility splays of 2 metres x 33 metres is discussed. Taking into account the entrance already exists with no reported injury accidents and the vehicle speeds passing this access are expected to be low, visibility splays of these dimensions would accord with Manual for Streets which recommends a sight line distance of 33m for vehicle speeds of 25 mph and are considered acceptable at this location. As paragraph 10.54 concludes the proposal is for two additional dwellings to be served off this existing vehicular access, and it is considered that the amount of movements through the site would be low. As noted in the representations received, on-street parking reduces the width of the road and slows vehicular speeds.

Erection of attached dwelling and erection of extensions and alterations to existing dwelling (Listed Building)

141A, Church Street, Netherthong, Holmfirth, HD9 3EA

Highway Issues

Further consideration has been given to the proposed access arrangements, taking into account the possibility for on street parking to occur on Church Street directly opposite the proposed entrance. In the event that cars are parked opposite the entrance it is considered that access would be best served by cars entering from Church Street and exiting onto New Road. To facilitate this, the proposed access from Church Street would need to be widened.

To address this, a scheme will be required detailing the arrangements and specification for layout and parking, which will need to include the widening of the proposed access onto Church Street. This could be secured by condition.

The existing condition 6 reads:

6. Signing of the vehicle ingress and egress with 'IN' 'OUT'.

It is recommended that condition 6 be revised to read:

6. Notwithstanding the details shown on the approved plan AL0006 rev A, a scheme detailing arrangements and specification for layout and parking including the widening of the proposed access onto Church Street to create a vehicular access from Church Street with egress onto New Road shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of the extension or attached dwelling commence. Thereafter the access shall be constructed in complete accordance with the approved details before first occupation of the extension and attached dwelling and be retained.

Planning Application 2016/93871

Item 22 – Page 127

Erection of detached dwelling (within the curtilage of a Listed Building)

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

Paragraph 3.3 of the committee report highlights the main difference between the current application and the previous application which was refused (ref – 2015/93052). However, in addition to the differences between the respective application as detailed in para 3.3, it should also be noted that the length of the garden associated with Fenay Lodge has been increased because the width of the proposed dwelling and associated garden area has been reduced. Therefore, the length of the garden associated with Fenay Lodge would be increased from 12m (previous application) to 15.4m as part of the current proposal.

Response: Notwithstanding the above reduction in the scale of the proposed development, it is still considered to involve the development of a large proportion of the existing rear garden to the detriment of the setting of Fenay Lodge.

Paragraph 5.2 details that the tree officer objects to the application on the basis that no tree survey has been submitted with the application. However, the objection from the tree officer has been removed for the reasons set out in paragraph 8.23.

Paragraph 6.0 details the letters of support received. However, Members should note the following:

- A total of five letters of support have been received from residents on Thorpe Lane.
- Approximately 10 letters of support have been received from residents within the Kirklees District.
- Other letters of support have been received from residents in London, Leeds, Bournemouth, Harrogate, Bath, York, Doncaster and other areas within England which fall outside the Kirklees District

Change of use of land to domestic for erection of two storey and link extension (Listed Building within a Conservation Area)**Westroyd Farm, Fulstone, White Ley Bank, New Mill, Holmfirth, HD9 7DL**

The applicant has submitted further information for members to consider and which the applicant considers to constitute 'very special circumstances' to allow the development. This information is to be read in conjunction with that detailed within paragraphs 10.10 – 10.12. These are as follows;

- The current approved schemes are unviable to implement. NPPF Paragraph 173 details 'ensuring viability and deliverability' and that development must be expected to provide 'competitive returns'. The building's long-term retention and use are considered to be the competitive returns. The building is Grade 2 Listed, in a Conservation Area and the Green Belt: These are argued to be constraints that impact on the viability.

Response: The application site has two extant permissions, 2015/92006 and 2016/92821. These both allow extensions to the dwelling. The first was approved before the applicant purchased the property. Whilst Paragraph 173 is noted, this is contained within the section relevant to using a proportionate evidence base for plan making rather than development management. It refers in this context to the 'scale of obligations and policy burdens' whereby the ability to develop viably is threatened. The local planning authority is seeking no obligations in respect of this application and there are none relevant within the UDP.

- The submitted Landscape and Visual Impact Assessment identifies that the structure is not prominent visible from the majority of location on the road and surrounding footpath networks. This is by virtue of obscuring topography and existing vegetation. Therefore there will be no harm to openness. Additionally the development is considered to sit well within the dimensions of characteristic of the south gable, and does not constitute urban sprawl. The development will not impact on residential amenity of neighbours, or the wider landscape.

Response: The NPPF at paragraph 79 says that 'the essential characteristics of Green Belts are their openness and their permanence'. The hamlet of Fulstone is a small collection of buildings within an otherwise open rural landscape. Westroyd Farm is at the most southerly point of this hamlet. To the rear and southern side of this property there are open fields. While the extension would be seen in the context of a collection of buildings to the north it would be built upon land that is currently open. Consequently, the extension would result in a reduction in openness here and would conflict with one of the purposes of the green belt which is to safeguard the countryside from encroachment. This harm to the Green Belt must be considered to be substantial.

- The proposal is sustainable development. This includes the development being carbon neutral through ground source heating and renewable energy solutions. The proposal will support the rural economy, providing to nearby village services. This complies with the aims of NPPF Chapter 3. Furthermore the development will bring a derelict building, in a rural area, back into use after seven years.

Response: The NPPF establishes a presumption in favour of sustainable development unless specific policies in this Framework indicate development should be restricted. This includes the restrictions of the Green Belt, as outlined in Chapter 9. The aim of being carbon neutral is noted, and supported in principle. However this is not considered to clearly outweigh the identified harm caused to the Green Belt.

- The proposed development will create significant employment for these local craftsmen and women, boosting the local economy.

Response: This is noted and supported. However given the scale and nature of the development the contribution to the local economy will not be sufficient to clearly outweigh the identified harm to the Green Belt.

To clarify further the text for the reason for refusal has been updated as follows;

RECOMMENDATION: REFUSE for the following reason;

The site is within land designated as Green Belt within the Kirklees Unitary Development Plan where new buildings should be regarded as inappropriate development. One exception to this is the extension of a building provided it does not result in disproportionate additions to the original building. The property benefits from an extant permission to extend it. The cumulative impact of the existing permission and the proposed development would amount to disproportionate additions to the original building. Furthermore the proposed extension is sited beyond the curtilage of the dwelling in open land. This would conflict with one of the purposes of the Green Belt which is to safeguard the countryside from encroachment. The proposal 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.

Note: Amendment to paragraph numbers 9.0 and 10.24. The application site falls within Fulstone Conservation Area not Hepworth.

Erection of extension to and rebuilding of fire damaged winery building

**Holmfirth Vineyard Ltd, Woodhouse Farm, Woodhouse Lane,
Holmbridge, Holmfirth, HD9 2QR**

An updated parking plan has been submitted together with tracking for the coach parking, and an updated Transport Assessment. The applicants have agreed to the provision of a Travel Plan and the monitoring of said plan to ensure use is properly managed, especially when functions / events take place. Also there is an agreement to restrict the numbers of users (including staff) at the site at anyone time to 140.

Highways Comments

The vineyard upon the application site has been in operation since 2008 and has accommodated parking for circa 38 cars. Located within the application site is also a residential development containing 7 apartments.

The site is accessed via two points of vehicular access, both being taken from Woodhouse Lane, with one providing access to the main vineyard building and car park and the other providing access to the residential element.

Woodhouse Lane is a rural road of single carriageway status of some 4m in width but ranges from 6m to 4.4m within the vicinity of the site.

A full PIA assessment has been undertaken for the most recent 5 year period. Within the study period, one “slight” accident has been recorded. This office is satisfied that there are no existing accident trends that this proposal would likely exacerbate.

The site is moderately served by existing public transport facilities and in keeping with what would be expected for a location such as this.

The submitted information suggests that since 2008, the vineyard has accommodated around 2 tours per day, with each tour experiencing around 40 guests. The apartment building provides guest accommodation.

The vineyard attracts some 37,000 visitors per year and also caters for larger events such as weddings of up to 200 guests per event that utilises a marquee.

The proposal is to extend the main building associated with the vineyard which currently houses a winery, bar, restaurant and associated kitchen facilities so that the existing facilities remain, but with a larger building so as not to frequently make use of a marquee.

The supporting statement suggests that there would be no discernible increase in visitors, but the proposal would improve the experience for the existing use.

The site employs circa 15 full time and 3 part time staff. The proposal would not increase staff numbers.

As such, with tours and an event taking place simultaneously the site accommodates up to 240 guests at any one time. The applicant has now proposed to reduce the maximum allowable visitors at any one time to 140 guests from 240, equating to a reduction of 42% during the busiest periods.

Parking is provided for 38 cars as well as coach parking.

On balance, and subject to a 56 seater coach being utilised during the busiest periods, and with guest numbers being limited to 140, Highways development Management can accept the rationale for parking as presented within the supporting Highways Statement and the proposal would be acceptable in that regard.

With guest numbers being limited to 140 then traffic impact can be considered as being at an acceptable level.

In line with the above, and in line with the commitment from the applicant to provide a robust Travel Plan that should be agreed and implemented before the site is bought into use, Highways Development Management raises no objections to the principle of this proposal.

Additional representations received.

6 additional objections received, in summary the concerns are:

- The intensification of use, will generate additional parking needs that cannot be satisfactorily met;
- The existing road is steep, narrow and hazardous with problems of run off.
- The design of the building is out of character with the local vernacular, and detracts from the character of the green belt;
- The noise report doesn't properly consider all affected houses;
- The music from the Marquee was clearly audible from Acre Lane, but not objectionable;
- Can the existing waste disposal arrangements cope with the increased number of visitors?
- The Transport Assessment does not take proper account of the location of the Hinchliffe Mill J & I school on Hollinbrigg Road

1 additional letter of support has been received, stating the business is a positive impact on the local economy, uses local produce and is eco-friendly.

Cllr Nigel Patrick has submitted the following observations:

I have read the Highways report prepared by Paragon Highways on behalf of the applicant. It says in paragraph 3.6 that there has been no overspill onto the highway since the site was operational in 2008. It infers that existing car parking provides sufficient space for cars and coaches visiting the site now and for the proposed extension. I have been sent photographs showing overspill car parking on the road which I have attached. I think these photos should be shown to members of the committee, but suggest you blank out the number plates if you can. The photos were not sent to me as jpg so apologies for the format.

Para 10.25 of officers report says: *'The site is in a remote location served by a narrow local road network. The site is predominantly served by car. The proposal involves the intensification of the use of the site which will need to be satisfactorily accommodated in terms of access, parking and service delivery.'*

Para 10.27 of Officers report says:

'The main consideration for the highways element of this application is can the site accommodate the proposed numbers of visitors safely and in a manner that does not cause significant disruption to local neighbours and the immediate highways network.'

Given there is insufficient off road parking provision to meet the existing demand and no more appears to be planned, then this would suggest the site cannot accommodate the proposed numbers of visitors without causing significant disruption to the local highway network. The road is very narrow and steep without pavements and is unlit. At one point there is a hairpin bend. It is dangerous enough without cars parking on it and visitors walking along it. It is very likely that cars will have to park on the road after dark as well as during daylight hours unless the opening times are limited to daylight hours. This is a rural location and these roads are used by tractors and trailers as well as cars. There isn't room to park cars on the road and not block other users. The business will have to identify additional off road parking provision to ensure there is no on road parking. I would suggest the safety of visitors and other road users is a significant risk especially after dark.

Officer report goes onto say:

'The exact capacity and usability of this car park for both private cars and coaches is being assessed. The capacity of the car park will be a significant determining factor in assessing what level of activity the site can accommodate and how many guests at anyone time can use the proposed building and the wider site.'

The Paragon report suggests there are two car parks each accommodating 30 cars plus coaches. There is some surprise amongst neighbours that the parking provision as described exists. There is some off road parking yes, but can it accommodate 60 cars plus coaches? We do know, however, from the photographic evidence that the parking provision is currently insufficient for the existing use. Without the provision of additional off road car parking we can already see that there will be even more on road parking if the intensification of the use of the site is allowed given that it is acknowledged that the site is predominantly served by car.

Whilst it is important to support businesses, this is not done at any cost. In the Holme Valley we have numerous successful businesses, many situated close to neighbouring properties which trade without difficulty. If approved I'd like to see the approval conditioned such that all the problems are overcome, that includes parking on the road, access, deliveries not blocking neighbours access, and opening times controlled to prevent noise nuisance. The conditions need to be precise and not vague so that enforcement action can be taken if necessary. Given the problems that have taken place I would like to see the decision on the conditions brought back to committee and not taken at officer level. That way everyone can have some input in finding a solution.

It is important for committee to recognise the problems experienced by the neighbouring properties and use the right conditions to control the impact of development at this site.

If no additional off road parking can be provided then it may well be that the proposals before Committee should be refused on grounds of insufficient off road parking and highway safety, and the applicant advised to amend his plans.

(Photographs are available to view on screen if requested)

Recommended conditions:

Before the development approved is brought into use further details regarding the construction envelope of the function room building (walls and glazing) and how this will protect local residents from entertainment noise from within the structure shall be:

- submitted to and approved in writing by the local planning authority;
- the approved details incorporated into the construction envelope of the function room building.

The approved details shall thereafter be retained.

No additional openings shall be inserted within the new structure, without the prior consent in writing of the Local Planning Authority.

The use hereby permitted shall not be open to customers outside the hours of 09.00 to 23.00 Monday to Sunday inclusive.

Prior to the development being brought into use a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- Times of operation(internally and externally)
- How and when staff will patrol external areas to ensure guests are not noisy, and that no excessive noise is escaping from the function room;
- Doors and windows to the function room remaining closed during regulated entertainment;
- The placement of signage around the function room and external areas requesting that guests are quiet and respect neighbours.
- Arrangements with local taxi firms regarding being quiet on late night collections and no sounding of horns;
- Provision of Noise Limiter within the function room,
- Telephone numbers and names of those in charge on the night of functions(in case of complaint)

The development shall thereafter be undertaken in accordance with the approved Noise Management Plan.

There shall be no live amplified music or regulated entertainment within any temporary structure site on Holmfirth Vinery Land (*plan to be provided to define this land*) outside of the hours of 09.00 to 21.00 on any day.

No part of the development shall be brought into use, until a Full Travel Plan for all business activity at the site has been produced, submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- Measures, objectives and targets for reduced car usage and increased non –car transport usage, including modal split targets;
- The provision of Travel Plan Co-ordinator, including roles, responsibilities and annual monitoring;
- The provision of travel information;
- Implementation and review of time scales; and
- Enforcement, sanctions and corrective review mechanisms

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/ measures are necessary, in which case the revised details would be implemented.

This permission extends to the use of the building and entire site (*Plan to be provided*), for a maximum of 140 people (including staff) on site at anyone time.
