

# Public Document Pack



**Assistant Director, Governance and  
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Wednesday 12 April 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 20 April 2017**.

(A coach will depart the Town Hall, at 10.00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber).

This meeting will be webcast live.

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

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

**Julie Muscroft**

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

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

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

### **Member**

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

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

### **Substitutes Panel**

#### **Conservative**

B Armer  
L Holmes  
N Patrick

#### **Green**

K Allison  
A Cooper

#### **Independent**

C Greaves

#### **Labour**

F Fadia  
E Firth  
S Hall  
C Scott

#### **Liberal Democrat**

R Eastwood  
J Lawson  
A Marchington

# Agenda

## Reports or Explanatory Notes Attached

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Pages

**1: Membership of the Committee**

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

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**2: Minutes of previous meeting**

1 - 14

To approve the Minutes of the meeting of the Committee held on 9 March 2017.

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**3: Interests and Lobbying**

15 - 16

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

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**4: Admission of the Public**

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

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## **5: Deputations/Petitions**

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

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## **6: Public Question Time**

The Committee will hear any questions from the general public.

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## **7: Site Visit - Application No: 2017/90375**

Alterations and extension to convert public house to 6 no. self-contained apartments Newsome Tap, 1a, St Johns Avenue, Newsome, Huddersfield.

Estimated time of arrival at site: 10.15am

Contact Officer: Farzana Tabasum, Planning Services

### **Wards**

**Affected:** Newsome

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## **8: Site Visit - Application No: 2016/91900**

Change of use and alterations from B2 (general industrial) to B8 (storage or distribution) The Pink Link Ltd, Crosland Road, Oakes, Huddersfield.

Estimated time of arrival at site: 10.40am.

Contact Officer: Adam Walker, Planning Services.

### **Wards**

**Affected:** Lindley

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**9: Site Visit - Application No: 2016/94061**

Erection of two dwellings Land at Old Lane/ Taylor Lane, Scapegoat, Huddersfield.

Estimated time of arrival at site: 11.00am.

Contact Officer: Farzana Tabasum, Planning Services.

**Wards**

**Affected:** Colne Valley

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**10: Site Visit - Application No: 2017/90819**

Prior notification for erection of 15m monopole telecommunications antennae and installation of 2no. dishes and 4no. ground based equipment cabinets (within a Conservation Area) Marsden Football Club, 6 Carrs Road, Marsden, Huddersfield.

Estimated time of arrival at site: 11.30am.

Contact Officer: Nick Hirst, Planning Services.

**Wards**

**Affected:** Colne Valley

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**11: Local Planning Authority Appeals**

17 - 60

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

**Wards**

**Affected:** Almondbury; Ashbrow; Colne Valley; Dalton; Holme Valley North; South; Newsome

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## **12: Review of Planning Appeal Decisions**

61 - 66

The Sub Committee will receive a report that provides an annual overview of planning appeal decisions relating to the Huddersfield area.

Contact: Simon Taylor, Head of Development Management.

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## **Planning Applications**

67 - 70

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

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Tuesday 18 April 2017.

To pre-register, please contact [richard.dunne@kirklees.gov.uk](mailto: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.

## **13: Planning Application - Application No: 2017/90375**

71 - 80

Alterations and extension to convert public house to 6 no. self-contained apartments Newsome Tap, 1a, St Johns Avenue, Newsome, Huddersfield.

Contact Officer: Farzana Tabasum, Planning Services.

### **Wards**

**Affected:** Newsome

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**14: Planning Application - Application No: 2016/91900** 81 - 92

Change of use and alterations from B2 (general industrial) to B8 (storage or distribution) The Pink Link Ltd, Crosland Road, Oakes, Huddersfield.

Contact Officer: Adam Walker, Planning Services.

**Wards**

**Affected:** Lindley

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**15: Planning Application - Application No: 2016/94061** 93 - 104

Erection of two dwellings Land at Old Lane/ Taylor Lane, Scapegoat, Huddersfield.

Contact Officer: Farzana Tabasum, Planning Services.

**Wards**

**Affected:** Colne Valley

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**16: Planning Application - Application No: 2017/90819** 105 - 116

Prior notification for erection of 15m monopole telecommunications antennae and installation of 2no. dishes and 4no. ground based equipment cabinets (within a Conservation Area) Marsden Football Club, 6 Carrs Road, Marsden, Huddersfield.

Contact Officer: Louise Bearcroft, Planning Services.

**Wards**

**Affected:** Holme Valley South

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**17: Planning Application - Application No: 2016/92830** 117 - 126

Reserved matters application pursuant to permission 2015/92205 for outline application for erection of one dwelling Land off, Round Ings Road, Outlane, Huddersfield.

Contact Officer: Nick Hirst, Planning Services.

**Wards**

**Affected:** Colne Valley

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**18: Planning Application - Application No: 2017/90438** 127 -  
136

Formation of car park and erection of security cameras and lighting  
Acre Mill, Acre Street, Lindley, Huddersfield.

Contact Officer: Catherine McGuigan, Planning Services.

**Wards**

**Affected:** Lindley

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**19: Planning Application - Application No: 2017/90423** 137 -  
144

Erection of two storey extension to side and rear (modified proposal)  
82, Heaton Road, Paddock, Huddersfield.

Contact Officer: Sam Jackman, Planning Services.

**Wards**

**Affected:** Greenhead

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**Planning Update** 145 -  
148

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 9th March 2017**

Present: Councillor Terry Lyons (Chair)  
Councillor Donna Bellamy  
Councillor Donald Firth  
Councillor Eric Firth  
Councillor James Homewood  
Councillor Manisha Roma Kaushik  
Councillor John Lawson  
Councillor Mohammad Sarwar  
Councillor Ken Sims  
Councillor Mohan Sokhal  
Councillor Sheikh Ullah  
Councillor Rob Walker  
Councillor Linda Wilkinson

Apologies: Councillor Jean Calvert  
Councillor Bernard McGuin

In attendance:

Observers:

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

Councillor Lawson substituted for Councillor Iredale.  
Councillor E Firth substituted for Councillor Khan.

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

That the minutes of the meeting of the Committee held on 19 January 2017 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 and Walker declared they had been lobbied on application 2016/91796.

Councillors D Firth and Sims declared they had been lobbied on application 2016/94001.

Councillor Sims declared he had been lobbied on applications 2016/91356, 2016/91343 and 2016/91344.

Councillors Homewood, Lyons, Sarwar, Walker and Wilkinson declared they had been lobbied on application 2016/93923.

Councillors Bellamy and D Firth declared an 'other' interest in applications 2016/92812, 2016/91356, 2016/91343, 2016/91344, 2016/93923 and 2016/94001 on the grounds that they were members of the Holme Valley Parish Council.

**4 Admission of the Public**

All items on the agenda were taken in the public session.

**5 Public Question Time**

No questions were asked.

**6 Deputations/Petitions**

No deputations or petitions were received.

**7 Site Visit - Application No: 2016/90951**

Site visit undertaken.

**8 Site Visit - Application No: 2016/92812**

Site visit undertaken.

**9 Site Visit - Application No: 2016/91356**

Site visit undertaken.

**10 Site Visit - Application No: 2016/91343**

Site visit undertaken.

**11 Site Visit - Application No: 2016/91344**

Site visit undertaken.

**12 Site Visit - Application No: 2016/93923**

Site visit undertaken.

**13 Site Visit - Application No: 2016/94001**

Site visit undertaken.

**14 Site Visit - Application No: 2015/91796**

Site visit undertaken.

**15 Local Planning Authority Appeals**

That the report be noted.

**16 Planning Application - Application No: 2016/90951**

The Sub-Committee gave consideration to Planning Application 2016/90951 – Erection of 27 dwellings and ancillary works Forest Road, Huddersfield.

**RESOLVED –**

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 within the considered report including :

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

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

For: Councillors Bellamy, D Firth, E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sokhal, Ullah, Walker and Wilkinson. (12 Votes)

Against: (0 votes)

Abstained: Councillor Sims

**17 Planning Application - Application No: 2016/92812**

The Sub-Committee gave consideration to 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.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Michael Eastwood (Applicant) and Andrew Keeling (Planning Agent).

**RESOLVED -**

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 within the considered report including :

1. A 3 year Time limit condition.
2. Development to be in accordance with approved plans.
3. The approval of samples of materials.
4. A landscape scheme.
5. Development to be completed in accordance with the sections provided that show the 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 a widened footway along Meltham Road.
9. Bin storage area to be provided prior to occupation of development in accordance with the revised plan.
10. Details of the drainage proposals to include the proposed means of disposal of surface water drainage, any balancing works and off-site works.
11. A pre commencement condition requiring an updated Phase 1 along with remediation and validation strategy /reports.
12. The provision of electric vehicle charging points

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

For: Councillors Bellamy, D Firth, E Firth, Homewood, Kaushik, Lawson, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson. (12 Votes)

Against: (0 votes)

Abstained: Councillor Lyons

**18 Planning Application - Application No: 2016/93985**

The Sub-Committee gave consideration to Planning Application 2016/93985 - Outline application for residential development Land at, Bank End Lane, Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Darrell Brook (Applicant) and Alison Dumville (Planning Agent).

**RESOLVED -**

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

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:
  - 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

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

For: Councillors Bellamy, D Firth, E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson. (13 Votes)

Against: (0 votes)

**19 Planning Application - Application No: 2016/91356**

The Sub-Committee gave consideration to Planning Application 2016/91356 - Erection of 2 detached dwellings (within a Conservation Area) adj 141, Church Street, Netherthong, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Stephen Dorril (Objector), Helen Farmiloe (Applicant) and Michael Owens (Architect).

**RESOLVED-**

- 1) 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 contained within the considered report including:
  1. The 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.
  
- 2) An additional condition to investigate highway improvement measures at the junction of Church Street with New Road.

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

For: Councillors E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Ullah, Walker and Wilkinson. (10 Votes)

Against: Councillors Bellamy, D Firth and Sokhal (3 votes)

**20 Planning Application - Application No: 2016/91343**

The Sub-Committee gave consideration to Planning Application 2016/91343  
Erection of attached dwelling and erection of extensions and alterations to existing dwelling (Listed Building) 141A, Church Street, Netherthong, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Helen Farmiloe (Applicant) and Michael Owens (Architect).

**RESOLVED –**

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 contained within the considered report and the update list including:

1. The time limit for development.
2. Development to be carried out in accordance with the approved plans.

3. Vehicle parking areas to be surfaced and drained.
4. No gates or barriers to 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. 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.
7. Development to be constructed of regular coursed natural stone and the roofing materials of natural stone slates.
8. Specification of any structural support to be submitted 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.

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

For: Councillors E Firth, Kaushik, Lawson, Lyons, Sarwar, Sims, Walker and Wilkinson. (8 Votes)

Against: Councillors Bellamy, D Firth, Homewood, Sokhal and Ullah (5 votes)

**21 Planning Application - Application No: 2016/91344**

The Sub-Committee gave consideration to 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.

**RESOLVED –**

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 contained within the considered report including:

1. The 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 to be of timber or cast-aluminium construction and shall have a painted black finish.

8. Downpipes to be of a cast aluminium construction and have a painted black finish.
9. Specification of any structural support to be submitted required with a method statement.
10. All flues to have a factory applied black powder coated/painted finish where they externally project.
11. Details of boundary treatments.

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

For: Councillors E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Walker and Wilkinson. (9 Votes)

Against: Councillors Bellamy, D Firth and Ullah (3 votes)

Abstained: Councillor Sokhal

## **22 Planning Application - Application No: 2016/93871**

The Sub-Committee gave consideration to Planning Application 2016/93871  
Erection of detached dwelling (within the curtilage of a Listed Building) Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from David Hunter (Objector), Alison Dumville (speaking on behalf of local residents objecting to the application) and Michael Owens (Architect). Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Judith Hughes (Local Ward Member).

### **RESOLVED –**

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

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.

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

For: Councillors Bellamy, D Firth, E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson. (13 Votes)

Against: (0 votes)



**23 Planning Application - Application No: 2016/93923**

The Sub-Committee gave consideration to 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.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Russell Earnshaw (architect) and Kate Hosker (applicant). Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Nigel Patrick (Local Ward Member).

**RESOLVED -**

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

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.

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

For: Councillors Bellamy, D Firth, E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson. (13 Votes)

Against: (0 votes)

**24 Planning Application - Application No: 2016/94001**

The Sub-Committee gave consideration to Planning Application 2016/94001 Erection of extension to and rebuilding of fire damaged winery building Holmfirth Vineyard Ltd, Woodhouse Farm, Woodhouse Lane, Holmbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Brian Duckett (objector), Christine Smith (who submitted a statement objecting to the application read out on her behalf by the Committee Clerk), Steve Broughton (in support), David Storrie read out statements in support of the application from Sally Norton, Luke Tankard, Julie Tweedale and Teresa Millwood, David Storrie (planning agent) and Ian Sheveling (applicant). Under the

provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Nigel Patrick (Local Ward Member).

**RESOLVED –**

1) 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 contained within the considered report and the update list including:

1. The 3 year standard condition for the commencement of development.
2. The Standard condition that the development is 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 and ventilation to be provided through 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. The implementation and updating of a Travel Plan.
8. Number of guests able to visit the site at any one time to be agreed (as detailed in the recommended conditions that were included in update list shown in section 2 below).

2) The additional recommended conditions from the update list as follows:

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; and
- 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;

## Planning Sub-Committee (Huddersfield Area) - 9 March 2017

- 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 a 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 any one time.

3) An additional condition that the application site shall only be operated in conjunction with the wider use of the site as a viniculture operation.

In addition it was also agreed that:

1. Holme Valley South Ward Members would be involved in a liaison group with the applicants which would include looking at the travel plan and any other issues arising from the operation of the site such as noise.
2. Officers would explore the feasibility of constructing a vehicle passing place.
3. Holme Valley South Ward Members would be involved in the discharge of conditions process following the granting of planning permission.

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

For: Councillors D Firth, E Firth, Homewood, Kaushik, Lawson, Lyons, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson. (12 Votes)

Against: (0 votes)

Abstained: Councillor Bellamy

**25 Planning Application - Application No: 2016/91796**

The Sub-Committee gave consideration to 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.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Keith Saunders (objector), Tony Edwards and Malcolm Jones (who submitted statements objecting to the plan read out on their behalf by Keith Saunders).

**RESOLVED –**

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 contained within the considered report including:

1. The standard condition requiring development to be implemented within 3 years from date of permission.
2. A condition requiring the development to be carried out in complete accordance with the plans and specifications submitted.
3. A condition requiring that the design and construction details for the proposed embankment supporting Lees Mill Lane be approved prior to development commencing.
4. A condition requiring that the details of the measures to be employed to ensure that the site is adequately drained are approved prior to development commencing.
5. A condition requiring a scheme which indicates measures to plant/seed the external face of the retaining embankment is approved.

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

For: Councillors D Firth, Homewood, Lawson, Lyons, Sarwar, Sims, Sokhal, Walker and Wilkinson. (9 Votes)

Against: (0 votes)

Abstained: Councillor Walker

**26 Planning Application - Application No: 2016/93680**

The Sub-Committee gave consideration to Planning Application 2016/93680 Erection of two storey rear extension 40, Springwood Avenue, Springwood, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Michael Chow (Architect), Zafar Ali (who submitted a statement in support of the application read out on his behalf by Michael Chow) and Iqrar Hussain (applicant).

**RESOLVED –**

That the application be granted Conditional Full Permission.

## **Planning Sub-Committee (Huddersfield Area) - 9 March 2017**

Contrary to the Officer's recommendation, the Committee considered that the proposed rear extension would not have an overbearing and oppressive impact upon the occupants of neighbouring properties and would not result in a loss of residential amenity.

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

For: Councillors D Firth, Homewood, Kaushik, Lyons, Sarwar, Sokhal and Walker (7 Votes)

Against: Councillors Lawson and Wilkinson (2 votes)

Abstained: Councillors Bellamy and Sims

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## KIRKLEES COUNCIL

### DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

**Name of Councillor**

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

**LOBBYING**

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

Signed: .....

Dated: .....

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

### Lobbying

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



**Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD)**

**Date: 20 APRIL 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.

<b>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?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)</a>?</b>	<b>No</b>
<b>The Decision - Is it eligible for "call in" by Scrutiny?</b>	<b>No</b>
<b>Date signed off by Assistant Director &amp; name</b>	<b>Paul Kemp 6 April 2017</b>
<b>Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?</b>	<b>No financial implications</b>
<b>Is it also signed off by the Assistant Director - Legal Governance and Monitoring?</b>	<b>No legal implications</b>
<b>Cabinet member portfolio</b>	<b>Economy, Skills, Transportation and Planning (Councillor McBride)</b>

**Electoral wards affected: Newsome; Holme Valley South; Colne Valley; Ashbrow; Almondbury; Holme Valley North; Dalton;**  
**Ward councillors consulted: No**

**Public or private:**

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**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 2016/62/92220/W - Erection of first floor, front and side extensions and erection of single storey front extension with balcony above at 2, Broadgate, Almondbury, Huddersfield, HD5 8HW. (Officer) (Dismissed)

- 2.2 2016/62/90914/W - Erection of detached dwelling with integral garage and demolition of former fish & chip shop/garage at Former fish & chip shop/garage, Woodhead Road, Holmbridge, Holmfirth, HD9 2NW. (Officer) (Dismissed)
- 2.3 2016/ClassQ/92906/W - Prior approval for proposed change of use of agricultural building to two dwellings at Dutch Barn, Hey Farm, Holt Head Road, Slaithwaite, Huddersfield, HD7 5TU. (Officer) (Dismissed)
- 2.4 2016/62/92891/W - Erection of two storey side extension, demolition of outbuilding at 11, Gisbourne Road, Bradley, Huddersfield, HD2 1SD. (Officer) (Dismissed)
- 2.5 COMP/14/0063 - Alleged unauthorised erection of building at Land At, Lumb Lane, Almondbury, Huddersfield. (Officer) (The appeal is dismissed on ground (f) in that the steps required by the notice are not excessive. The appeal is upheld on ground (g) in that the applicant was allowed 3 months to remove the building). Members will recall a planning application was reported to sub-committee in respect of this building. The planning application was refused (ref: 2015/91857) on 23<sup>rd</sup> May 2016.)
- 2.6 COMP/14/0007 - Unauthorised erection of raised platform and failure to meet with S106 obligations at 28, New Street, Meltham, Holmfirth, HD9 5NU. (Officer) (The appeal is dismissed on 2 grounds regarding harm to visual amenity, but allowed in terms of extending the compliance period to demolish the raised decking to 6 months)
- 2.7 2016/62/91515/W - Erection of three detached dwellings at land off, Broomfield Road, Fixby, Huddersfield, HD2 2HQ. (Officer) (Dismissed)
- 2.8 2016/60/91893/W - Outline application for erection of one dwelling at adj 42A, Station Road, Fenay Bridge, Huddersfield, HD8 0AD. (Officer) (Dismissed)
- 2.9 2016/62/93236/W - Erection of two storey side extension and single storey rear at 74, Rawthorpe Lane, Dalton, Huddersfield, HD5 9NU. (Officer) (Dismissed)
- 2.10 2015/70/91832/W - Variation of conditions 27 (hours of opening) and 39 (floodlights) on previous permission 2011/92600 for demolition of existing building and erection of food store with associated car parking, landscaping, highways works and relocate existing sub-station at Lidl UK GmbH, Huddersfield Road, Holmfirth, HD9 7AG. (Allowed) (Sub-Committee contrary to officer recommendation)

### **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](mailto:mathias.franklin@kirklees.gov.uk)
- 9. Background Papers and History of Decisions**  
Not applicable
- 10. Assistant Service Director responsible**  
Paul Kemp

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## Appeal Decision

Site visit made on 27 February 2017

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

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

Decision date: 01<sup>st</sup> March 2017

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**Appeal Ref: APP/Z4718/D/16/3158482**

**2 Broadgate, Almondbury, Huddersfield, HD5 8HW**

- 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 Z Hussain against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref: 2016/62/92220/W dated 1 July 2016, was refused by notice dated 26 August 2016.
  - The development proposed is the erection of first floor front and side extensions and a single-storey front extension with balcony above.
- 

### Decision

1. The appeal is dismissed.

### 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. The Council has raised no objections to the effect of the proposal on the living conditions of neighbours. Based on the evidence and my own observations, I find no reason to disagree and consider there are two main issues in this case:
4. Firstly, the effect of the proposed development on the character and appearance of the host dwelling and surrounding area; and secondly, the effect of the proposed development on local biodiversity.

### Reasons

5. The appeal concerns a detached property in an elevated position at the junction of Broadgate and Templar Drive on a corner plot. The proposal comprises several elements: Firstly, a front facing first floor extension over the existing flat roofed extension. This would feature a double-pitched roof with twin gables; secondly, a smaller first floor extension with mono-pitch roof over the existing flat roofed side extension; and finally, a recessed ground floor front extension with its flat roof forming a balcony. It is also proposed to render the whole building (which I understand has had some fire damage). The roof would be covered with concrete roof tiles to match the existing.
6. The *National Planning Policy Framework* (the Framework) requires local planning authorities to encourage high quality design. However, it also says

- policies and decisions should not attempt to impose architectural styles or particular tastes, should avoid unnecessary prescription of detail, and should concentrate on guiding the development in relation to neighbouring buildings and the area generally.
7. Amongst other considerations, saved Policy BE1 of the *Kirklees Unitary Development Plan* (UDP) requires development to (i) create or retain a sense of identity in terms of design, scale, layout and materials, and (ii) respect the local topography. Policy BE2 has similar aims, and says new development should be in keeping with its surroundings. Policy BE13 specifically concerns extensions, and says these should respect the design features of the existing house and adjacent buildings. Policy BE14 says, amongst other considerations, that extensions will normally be permitted unless they would have a detrimental effect on visual amenity.
  8. The Council accepts that the appeal dwelling is unique locally in terms of its style and appearance. It is certainly not typical of the surrounding development which mainly comprises attractive regularly spaced stone built and slate roofed dwellings of traditional appearance fronting the street. No 2 has also been previously extended to the rear in a not particularly sympathetic manner with a tall, tower-like extension with a very shallow pitched roof, and the flat-roofed sections may not be part of the original design. Nonetheless, the Council considers that the design of the extensions is poorly conceived, particularly in terms of the first-floor front element, and would result in a development that is incongruous within the area. It adds that the mixture of gabled and lean-to roofs do not reflect others typically found in the area, and as such would not reflect local distinctiveness.
  9. I too have considerable reservations about the design of the proposed extensions; with the roof form in particular being somewhat confused and not wholly resolved. However, whilst not entirely convinced that the extensions would improve the overall appearance of the host dwelling, I consider on balance that they would not materially detract from its appearance or harm the established character and appearance of the area. Furthermore, the proposal to clad the building in a uniform painted render would, to my mind, represent an improvement in the appearance. This is one situation where it would be difficult and perhaps inappropriate to devise a form and style of extension which would reflect local distinctiveness.
  10. To summarise, I am satisfied on this issue that the proposed development would harmonise with the design of the host dwelling and respect the character and appearance of the surrounding area. As such, I find no conflict with saved UDP Policies BE1, BE2, BE13 and BE14.

#### *Biodiversity*

11. The Council's second reason for refusal states that the appellant has failed to demonstrate that there would not have no adverse effect on bats or areas of bat roost potential, arising from the proposal, which (in the absence of a survey) may be present. Bats are protected principally under the *Conservation of Habitats and Species Regulations (2010)*, and UDP Policy D2 (vii) says planning permission will only be granted where proposals do not prejudice wildlife interests. Additionally Paragraph 118 of the Framework states that planning permission should be refused if significant harm to biodiversity cannot be avoided or mitigated against.

12. The site is within the 'bat alert layer' identified on the West Yorkshire Ecology website, is close to woodland, and the property has some damaged eaves and boarding. Consequently the Council's Biodiversity Officer considers that the dwelling and site has bat roost potential, and in the absence of a bat survey I find no reason to take a contrary view. It follows that without a survey I am unable to make an informed decision as to the impact of the proposal on local biodiversity (including appropriate mitigation measures if bats are identified as being present).
13. Circular 06/2005<sup>1</sup> makes it clear that a survey should be carried out before planning permission is granted where there is a reasonable likelihood of a protected species being present on site or affected on site or affected by the proposed development. It further advises that surveys should only be required by planning condition in exceptional circumstances. No exceptional circumstances apply here, and consequently I cannot conclude on this issue that the proposal would not be harmful to the site's ecological interest. As such it would conflict with UDP Policy D2 (viii), Circular 06/2005, and National policy in the Framework.

### *Conclusion*

14. I have found that the proposal would not materially harm the character and appearance of the host dwelling and surrounding area. However, without a bat survey prepared by a competent authority I cannot conclude that the proposal would not harm local biodiversity. This represents an overriding objection which must be decisive. As such, the proposal would conflict with the policies in the development plan and the Framework taken as a whole.
15. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Nigel Harrison*

INSPECTOR

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<sup>1</sup> Circular 06/05: Biodiversity and Geological Conservation –Statutory Obligations and Their Impact Within the Planning System

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## Appeal Decision

Site visit made on 14 March 2017

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

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

**Decision date: 24 March 2017**

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**Appeal Ref: APP/Z4718/W/16/3165469**

**Former fish & chip shop/garage, Woodhead Road, Holmbridge, Holmfirth HD9 2NW**

- 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 Richard Hallam against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/62/90914/W, dated 15 March 2016, was refused by notice dated 4 November 2016.
  - The development proposed is a detached single dwelling with integral garage, including demolition of former fish & chip shop and garage.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The appeal site comprises a former fish and chip shop and garage located on the south side of Woodhead Road. Several blocks of stone built terraced properties are located to the east which have rendered gable ends that have considerably weathered to be a colour that is similar to the stone. The topography rises to the north of the road and the hillside is occupied by a variety of residential properties of varying size, construction ages and design styles but are predominantly constructed of natural stone.
4. A recreation ground is located to the south of the site which forms part of the River Holme valley floor before the land rises to the south with the hillside also being occupied by a variety of residential properties constructed of a variety of materials.
5. The fish and chip shop is vacated and is in a poor state of repair. Owing to its external walls being painted in a white colour it appears quite prominent in views along the road and from views across the valley to the south, particularly from Dobb Top Road, due to its contrast in colour with the stone material of the neighbouring buildings.



6. The proposed development would involve the demolition of the former fish and chip shop and garage and the construction of detached three storey dwelling. The dwelling would be set behind the boundary wall to Woodhead Road and at a floor level that would be slightly above the ground level of the recreation ground. The lower ground floor would be constructed in regular coursed stone with antique white coloured render to the ground and first floor.
7. I agree with the Council that the scale, mass, position and design of the proposed dwelling would be appropriate. Owing to it being set behind the highway boundary wall and at a lower level than the existing fish and chip shop, I agree that the majority of the proposed dwelling would be barely visible in views along Woodhead Road.
8. However, in views across the valley, particularly from Dobb Top Road and from the recreation ground, I consider that the use of white render would contrast markedly and unacceptably with the stone of the immediate building group and the dwellings to the north. This would result in the proposed dwelling having an unacceptable degree of prominence and appearing at odds with its setting and the character of development in the surrounding area.
9. Whilst I accept that the appeal site is not located within a Conservation Area and that the south side of the valley has dwellings constructed in a variety of materials, the northern side is characterised by buildings where the use of natural stone is both prevalent, dominant and prominent in views and strongly contributes to the character and local identity of this part of Holmbridge. The contrasting use of the render would fail to respect this character and the local identity of the surrounding area.
10. I do not share the appellant's views that the proposed dwelling would integrate harmoniously into the site due to the nature of the banking to Woodhead Road. In my view, the visual backdrop that this banking creates in views from the south is dominated by the preponderance of stone built properties in vistas. Whilst there is some degree of mature vegetation along Dobb Top Road, I observed at my site visit that the appeal site remains quite visible across the valley and the prominence of the existing fish and chip shop in such views reinforces my findings that the use of white render on the ground and first floor of the proposed dwelling would be inappropriate in this location.
11. I therefore conclude that the development would harm the character and appearance of the area and would be contrary to Saved Policies BE1 (i) (ii), BE2 (i) and D2 (vi) (vii) of the Kirklees Unitary Development Plan 2007. These policies, amongst other things, require that new development should be in keeping with the surrounding area in respect of materials, contributes to a sense of local identity and does not prejudice the character of the surrounding area.

*Other matters*

12. I accept that the removal of the garage and fish and chip shop would result in a localised visual improvement. I have also taken into account the modest contribution that the proposed development would make to housing supply. However, I do not consider that these benefits outweigh the harm that would be created to the character and appearance of the area by the use of white render on the proposed external surfaces of the dwelling.

**Conclusion**

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

*Stephen Normington*

INSPECTOR

## Appeal Decision

Site visit made on 14 March 2017

**by Siobhan Watson BA(Hons) MCD MRTPI**

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

**Decision date: 22 March 2017**

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**Appeal Ref: APP/Z4718/W/16/3162769**

**Dutch Barn, Hey Farm, Holt Head Road, Slaithwaite, Huddersfield, West Yorkshire, HD7 5TU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mrs Alison Smith against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/92906, dated 6 August 2016, was refused by notice dated 28 October 2016.
  - The development proposed is to convert the existing agricultural building which is sited on the south/west edge of the domestic curtilage of Hey Farm to two dwelling houses.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposed development is permitted under the above order.

### Reasons

3. Subject to certain limitations and conditions, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the change of use of an agricultural building to a dwelling.
4. Some external works are permitted under the Order. However, The Planning Practice Guidance specifically relates to Class Q and explains that it is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works that the building would be considered to have the permitted development right.<sup>1</sup>
5. At my visit I noted that the barn is constructed of block walls and a corrugated material, with the appearance of asbestos. There is also slatted timber forming part of the elevations. The blockwork is only on the lower portions of the walls and the corrugated material forms the majority of the external elevations and the roof. Clearly, this construction could not function as a dwelling as it is

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<sup>1</sup> Paragraph: 105 Reference ID: 13-105-20150305

- predominantly of thin and flimsy material. Furthermore, the plans show that one elevation would be completely new.
6. I note the appellant's comments that the existing roof frames would be used as part of the conversion but it is not evident how this would be achieved. It is not clear from the plans that the existing building is capable of providing the structural support for the new dwellings and it appears that the external walls would have to be substantially re-built.
  7. Due to a lack of existing solid external walls and the clear intention that one elevation would be a completely new construction, it appears from the information before me that it would not be possible to convert the building without the creation of substantial structural elements (i.e. supporting walls).
  8. In the absence of any technical evidence to lead me to a different view, I conclude that the building is so insubstantial that it would require almost complete demolition and reconstruction in order to form a dwelling and therefore, it clearly falls outside the scope of the Order, i.e., it would not be a change of use but a new building.
  9. Therefore, the proposed development is not permitted under the above Order. Given this conclusion, I do not have to consider whether the Conditions under Q.2 would be met.
  10. For the above reasons, I dismiss the appeal.

*Siobhan Watson*

INSPECTOR

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## Appeal Decision

Site visit made on 14 February 2017

by **Paul Singleton BSc (Hons) MA MRTPI**

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

Decision date: 08<sup>th</sup> March 2017

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**Appeal Ref: APP/Z4718/D/16/3166329**

**11 Gisbourne Road, Bradley, Huddersfield HD2 1SD**

- 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 L Craven against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/62/92891/W, dated 24 August 2016, was refused by notice dated 25 November 2016.
  - The development proposed is demolition of outbuilding and erection of two storey extension to side.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character and appearance of the host property and the street scene.

### Reasons

3. Gisbourne Road is characterised by regularly spaced pairings of semi-detached houses of mainly uniform design. Very few of the houses have been extended or have undergone significant external alterations. The houses on the south side follow a common building line but the sloping nature of the road provides for some variety in roofscape as each pair of properties steps down to accommodate the change in ground levels.
4. There is a standard separation distance between each pair of houses. At ground floor level, this gap is filled by the front elevation of the shared outhouse on the common boundary and a connecting, front boundary wall that extends to the side elevation of each house and frames a door or gate giving access to a side passageway. Because these connecting walls and front elevations to the outhouses are of limited height and are set back by about 0.5 metre (m) from the main façades of the houses, a clear physical and visual break between each pair of properties is maintained.
5. The 2 storey extension proposed would achieve a degree of subservience to the host property by means of its first floor elevation being set back by about 0.6m and its roof ridge being set below that of the existing dwelling. However, the positioning of its front elevation flush with that of the existing dwelling would significantly increase the width of the dwelling at ground floor level and create

a visual imbalance with the other half of the semi-detached pairing. It would also be discordant in the street scene because it would not respect the set back that has been used in the design of all of the outhouses and associated front boundary walls.

6. By reason of its projection to the shared boundary between Nos. 11 and 13, the proposal would lead to a substantial diminution in the visual break between the two houses, notwithstanding the set-back at first floor level. It would result in a terracing effect and, if No. 13 was to be extended in the same way, the physical and visual break between the two pairs of semi-detached properties would be lost completely. The introduction of an upper storey extension of the width proposed would also introduce a prominent and incongruous element into an otherwise uniform street scene.
7. The plans show no proposals for the infilling or other treatment of the open gap to the side of No 13 that would result from the demolition of the outbuilding and the front boundary wall that it supports. The presence of such a gap or its filling in by some alternative means would be likely to interrupt the existing rhythm of the street and add a further discordant element to the street scene.
8. For these reasons I find that the proposal would result in material harm to the character and appearance of the host property and of the wider street scene in Gisbourne Road. Notwithstanding the appellant's comments as to the circumstances required for other householders to be able to propose similar extensions, I consider that a grant of planning permission for the proposed development would create a precedent that could, over time, result in substantial harm to the character and appearance of the area.
9. The proposal would, therefore, conflict with saved Policy BE1 of the revised Kirklees Unitary Development Plan (UDP) (2007), which states that all development should be of good quality design, and saved Policy BE2 which requires that new development should be designed so that it is in keeping with any surrounding development. Conflict would also arise with saved UDP Policy D2 which states that planning permission will be granted for new development provided that the proposals do not prejudice visual amenity and the character of the surroundings.

### **Other Matters**

10. I note the appellant's reference to extensions carried out to other properties in the local area. I have no information as to the planning history of those developments and am unable to form any view as to whether or not the Council has consistently applied its policies with regard to residential extensions. However, I observed on my site visit that many of the examples are not comparable due to their siting and orientation relative to the nearest neighbouring properties. Although others might be more similar to the appeal proposal there are no such developments within Gisbourne Road where the uniform character and appearance of the properties remains largely intact.
11. I accept that the proposal would benefit the appellants in terms of the additional accommodation that it would provide. However, this would be a wholly private benefit that would not outweigh the harm to character and appearance of the area or the resultant conflict with the development plan.

**Conclusions**

12. For the reasons set out above and having regard to all matters raised I concluded that the appeal should be dismissed.

*Paul Singleton*

INSPECTOR

# Appeal Decision

Site visit made on 27 February 2017

by **A U Ghafoor BSc (Hons) MA MRTPI**

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

Decision date: 24 March 2017

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## Appeal Ref: APP/Z4718/C/16/3157226

### Land off Lumb Lane, Almondbury, Huddersfield HD4 6SZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 [‘the Act’].
- The appeal is made by Mr W H Airey against an enforcement notice issued by Kirklees Metropolitan Borough Council.
- The enforcement notice was issued on 28 June 2016.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a building.
- The requirements of the notice are to wholly demolish the building, clear any resultant debris from the site and restore the land to its previous condition prior to the development taking place.
- The period for compliance with the requirements is within 1 month.
- The appeal is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

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## Decision

1. The appeal is allowed on ground (g), and the enforcement notice is varied by the deletion of the digit and text ‘1 month’ in section 5, *what you are required to do*, and the substitution therefor by the following digit and text: ‘3 months’. Subject to this variation, the enforcement notice is upheld.

## Reasons - ground (f)

2. Mr Airey should show that the steps specified in the notice exceed what is required to remedy the breach of planning control or, as the case may be, any injury to amenity caused by the breach. As a lesser step, he contemplates an alternative scheme for this agricultural building by fixing timber cladding to the external elevations and re-roofing. A similar proposal was submitted to the Council in 2015 but subsequently refused in May 2016<sup>1</sup>. The submission before me is that this lesser step would remedy the breach, because the perceived harm to the Green Belt would be addressed.
3. Planning merits are to be considered only where ground (a) has been pleaded and the fee has been paid. It is not appropriate to introduce planning merits in the context of this ground (f) appeal. Section 174(2)(f) provides more limited powers than ground (a) in terms of instituting a solution short of total demolition. The power available to me under s 176(1) to vary the terms of the notice cannot be used to attack the substance of the notice.

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<sup>1</sup> Application describes proposed development as retention and alteration of agricultural storage buildings (part retrospective), dated 12 June 2015, ref: 2015/62/91857/W, refused permission on 23 May 2016.



4. Unlawful building operations occurred as a matter of fact and express planning permission is required for the erection of the subject building. The reasons for taking enforcement action are clearly set out in the notice. The requirement is to demolish the building and it is necessary to consider whether that requirement is excessive.
5. The notice should divulge its purpose. From the whole document, it is clear the aim is to remedy the breach of planning control by restoring the land to its condition before the breach occurred; that falls within the meaning of s 173(4)(a) of the Act. It does not simply seek to remedy injury to amenity as claimed by Mr Airey, who is best placed to know the condition of the land prior to the erection of the building.
6. The advanced lesser step falls short of what is necessary to remedy the breach. Such a variation has the potential to turn the notice into requiring something less through under-enforcement. A variation of the kind advanced would not achieve the purpose behind the requirements because the building would remain in place, albeit with a materially different external appearance.
7. Even if a different view is to prevail and the notice could be varied to bring about the alternative scheme, it seems to me significant building operations would be required to alter the appearance of the agricultural building. The notice's terms would need to be substantially reworded to require cladding and re-roofing in suitable materials. I do not consider the notice can require the submission of details for the Council's subsequent written approval as that would go beyond its powers and create imprecision in its terms.
8. There is nothing before me showing how anticipated work could be achieved by rephrasing the notice's terms with sufficient specificity. In my opinion, formulating suitable requirements of this kind would introduce considerable degree of ambiguity and imprecision. In turn, that would potentially create interpretative problems likely to generate considerable debate as to the exact meaning of the requirements. Given the potential criminal liability that comes with a failure to comply with the terms of notice, I find such a potential outcome to be unacceptable.
9. Pulling all of the above threads together, I find that the steps required by the notice are not excessive. For all of the above reasons and applying current Case Law to the facts and circumstances of this case, I have no hesitation in dismissing this ground (f) appeal.

### **Ground (g)**

10. I am of the opinion that one month is too short given the nature of the work required by the notice. However, the breach of planning control should not be allowed to continue more than absolutely necessary. So I also reject the claim that six months is required. Nonetheless, suitable contractors would need to be found and appointed; it is likely to take some time. Having regard to the scale and type of work involved in complying with the notice's terms, a compliance period of three months from the date of my decision is reasonable. I have therefore varied the period of compliance as stated above. Ground (g) succeeds.

### **Conclusion**

11. Having regard to all other matters relevant to the appeal, I conclude that the Appeal should not succeed on ground (f), but a reasonable period for compliance would be 3 months. I have varied the enforcement notice, prior to upholding it.

*A U Ghafoor*

Inspector

## Appeal Decision

Site visit made on 27 February 2017

by **A U Ghafoor BSc (Hons) MA MRTPI**

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

Decision date: 27 March 2017

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**Appeal Ref: APP/Z4718/C/16/3154329**

**Land at 28 New Street, Meltham, Holmfirth HD9 5NU**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 [‘the Act’].
  - The appeal is made by Mr Haigh against an enforcement notice issued by Kirklees Metropolitan Borough Council.
  - The enforcement notice was issued on 6 June 2016.
  - The breach of planning control as alleged in the notice is without planning permission, the erection of a raised platform.
  - The requirements of the notice are to demolish the raised platform and restore the land to its previous condition.
  - The period for compliance with the requirements is within 28 days.
  - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. It is directed that the enforcement notice be varied by:
  - a) The deletion of all of the text in section 5, *what you are required to do*, and the substitution therefor by the following text:

*Step (1) demolish the raised platform and restore the land to its previous condition.*
  - b) Insertion of the following text below step (1):

*The period of compliance with the enforcement notice is six months.*
2. Subject to the above variations, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Ground (a) and the deemed application

#### Reasons

3. The main issue is the effect of the development upon: (1) The character and appearance of the host building and that of the locality and (2) the function and openness of a green corridor.

#### *Character and appearance*

4. The surrounding area is mainly residential in character with a mix of detached and terraced dwellings. Meltham Dike forms a welcome visual break from built development, because of its wooded and tranquil quality. This green corridor functions as an open space for both humans and wildlife. In contrast,

the raised platform is a substantial structure. While an attractive human-made intervention, its overall height and scale is inconsistent with the external appearance of the host building. It forms a visually dominant addition to the rear elevation. It is prominent in views along the embankment due to its siting. The dimension of the timber deck draws the naked eye and represents spread of residential paraphernalia in this part of the green corridor. It causes significant visual harm to the pleasant setting of the open space and is out of keeping with the residential character of the locality, because of its prominent location. In my assessment, the extent and layout of the platform adversely interrupts the natural rhythm of the Dike and its setting.

5. I therefore conclude that the development has a materially harmful visual effect upon the character and appearance of the host building and that of the locality. Accordingly, the development conflicts with policies BE1 and BE2 of the Kirklees Unitary Development Plan [‘the UDP’] 1999, saved by Direction of the Secretary of State, which seek good quality design. The development is odds with national policy found in paragraph 56 of the National Planning Policy Framework, which these local policies are broadly consistent with.

#### *Green corridor*

6. The UDP identifies the whole length of Meltham Dike as a green corridor from the centre of the town to its outskirts from where there is access to a local walk, the Meltham Way and, eventually, the Pennine moors. Public access to these corridors is important and whenever development is proposed that would affect a green corridor agreement may be sought to incorporate, as part of the development, measures to enhance the quality of the corridor. These measures might include providing footpath or cycle links. The Council will seek to take advantage of any potential for creating new links in the public footpath network.
7. The green corridor is in reasonable proximity to the community it serves and has potential long-term amenity and recreational value. This is because of its wooded setting, wildlife and tranquil qualities. The raised platform prevents public access given its location. It physically obstructs its continuity and potentially restricts recreational opportunities and fails to safeguard this open space in the public interest. It has an adverse effect on public access and enjoyment of this green corridor. While the development does not affect plant or animals within the corridor nor the watercourse, the land’s use fails to retain the strip of land outside the residential garden so that it can be incorporated in a public path in the future. Mr Haigh suggests no alternative green corridor to overcome my concerns.
8. I therefore conclude that the development has a harmful effect on the function and openness of the green corridor and there is conflict with UDP policy D6, which seeks to protect designated green corridors. The retention of the raised platform is therefore at odds with national policy at paragraphs 58, 76 to 78 to the NPPF.

#### *Other considerations*

9. Uncontested evidence is that planning permission was granted for five dwellings in 1997. Pursuance to local planning policy then in force, a planning

obligation was agreed that required the developer to construct a footbridge over Meltham Dike and a footpath between the stream and the rear of the houses. From the end of the houses, the footpath was to have turned along the property boundary into and through a closed graveyard, from where an existing gate would give access onto Westgate. Before occupation of the dwellings, the bridge and footpath were to be constructed dedicated for public use and a commuted sum for maintenance of £6187 paid to the Council. However, the owners of the graveyard would not allow public access.

10. Subsequently, a new agreement was entered into which modified the obligation by omitting the requirement to form a link to the graveyard. The practical consequence of this modification is that the footpath then became a dead-end. Although they were constructed, dedication of the footbridge and footpath for public use has not occurred and no commuted sum for maintenance has been paid to the Council.
11. Mr Haigh's property is subject to the s 106 agreement. It is the nearest property to the footbridge. He acquired from the developer the whole of the strip of land including the footpath situated between the rear gardens and the stream. He has extended its residential garden and built the subject decking over the footpath installing a gate at the end of the footbridge. Because of this work, the footpath is no longer accessible from the footbridge or from anywhere else. Given the evidenced incidents of anti-social behaviour, Mr Haigh applied to the Council to have the obligation discharged. That application was refused consent and subsequently dismissed on appeal<sup>1</sup>.
12. Inspector Hellier found that the footpath could be extended to a bridge at Badger Gate that is about 50 m further upstream. From this point there is an existing public footpath following the south bank of the stream for some 300 m to a road bridge. This was completed in 2001 by means of s 106 agreement entered into in relation to an adjacent housing scheme. The provision of a footpath along the stream from the town centre to Badger Gate would not be inherently unsafe. Nor would it be inherently likely to lead to unacceptable levels of criminal activity. While the Council has attempted to negotiate public access to third party land since that decision, I have seen nothing to doubt the previous Inspector's findings. There is nothing that indicates these circumstances have materially changed.
13. Mr Haigh considers objections can be overcome because the raised platform could be removed at a later date if and when public access is required to the green corridor. The thrust of the main argument is temporary planning permission could be granted for the platform. I concur that unless and until the footpath becomes a through route there is no need for public access. However, pivotal to all of this is the retention of the footpath and strip of land outside the residential garden so that it can be incorporated in a public path at a later date as and when the opportunity arises. Otherwise the objectives of providing a green corridor would be defeated and seriously undermined by a grant of planning permission for the raised platform. I do not consider that such an outcome would be acceptable in the public interest.

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<sup>1</sup> Appeal reference has the same digits ending with /Q/15/3005117. I have adopted descriptive elements of that decision as nothing has materially changed.

14. I am not persuaded that the removal of the raised platform could be achieved by imposing a condition on grant of planning permission. A condition would need to limit the duration of the planning permission which, in these circumstances, would be unreasonable. This is because it is unclear how long it will take for a public path to be constructed and linked to the local network, given the apparent difficulties in securing access rights over third party land.
15. Circumstances may materially change in the future and public access might be required in the longer term. As an alternative to imposing conditions, Mr Haigh offers a unilateral undertaking ['UU'] pursuant to s 106 of the Act. This is a material consideration and provides a means to retain control over the development in the public interest.
16. The initial UU contained significant discrepancies that rendered it invalid. Apart from erroneous clauses, it referred to a retrospective planning application refused permission by the Council (ref: 2016/62/90997/W). It did not even identify the enforcement notice appeal and the potential grant of planning permission by virtue of this deemed planning application. I also had some concern about the effectiveness of the obligation and in the interests of fairness I invited additional comment and gave a further opportunity to submit a properly drafted and executed UU within certain timescales<sup>2</sup>.
17. The UU is a binding deed on owners and successors in title and it refers to the relevant legislative provisions. However, there are significant problems. Firstly, it is not properly executed; despite having an opportunity to redraft the document. A tracked document was submitted for my comment; I cannot draft the document for Mr Haigh and request him to submit it as a legally binding contract. That is his responsibility. Secondly, even if a signed and dated version had been submitted for my examination, there is a fundamental issue in the meaning and application of the planning obligation.
18. The obligation states the following:

*To remove the decking which is the subject of the enforcement notice from the property within 28 days of written notice to do so by the council in order to restore a footpath through the property in the event that the council require that the said footpath will then operate as a green corridor link to other footpaths in the area.*

The UU might address the development's impact on the function and openness of this green corridor because it seeks to secure public access to the footpath in the long term, which is in the public interest. Eventually the raised platform could be removed thereby limiting the duration of visual harm. The problem, however, is the terminology in the obligation. For example, the mechanics of achieving the removal of the decking, ceasing the residential use of the land, and reinstating the footpath is too vague and ambiguous. The document lacks precision and detail as to how operations are to be carried out in order to remove the raised platform and restore public access to the footpath. There is no obligation to submit a restoration scheme.

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<sup>2</sup> Correspondence dated 16 March 2017 setting deadline of 24 March 2017. The letter made clear that any revised UU, properly executed, must be submitted by the deadline. I made it clear that I shall proceed to a determination on the evidence before me.

19. Additionally it is unclear as to what is exactly meant by the following purpose:

*'...in order to restore a footpath through the property in the event that the council require that the said footpath will then operate as a green corridor link to other footpaths in the area'.*

This statement seems to bind the Council yet it is not a party to the UU and introduces significant doubt over the purpose and effectiveness of the planning obligation.

20. I consider that the UU has the potential to create substantial interpretational problems as to its meaning and effect. While a planning obligation is necessary to secure public access to the footpath in the long-term, the submitted document amounts to an ineffective vehicle in achieving that purpose. In its current form, the obligation fails both the statutory and policy tests. Having regard to relevant Case Law and planning policy on this topic, on the balance of probabilities, I find that the UU would not achieve its intended purpose. In my judgement, it does not fall within the scope of s 106(1) subsections (a) – (c), and is unlikely to be enforceable.

21. It may be the case that these minor drafting problems could be addressed. Given Mr Haigh's willingness to enter into a UU, I have considered the possibility of requiring a revised planning obligation by imposing a condition instead of refusing planning permission. However, permission should not be granted subject to a positively worded condition that requires the applicant to enter into a planning obligation. Such a condition is unlikely to pass the test of enforceability. A negatively worded condition limiting the development that can take place until an obligation has been entered into is unlikely to be appropriate in the majority of cases. It is certainly not appropriate here because unauthorised development has already occurred.

#### *Planning balance*

22. The development causes significant adverse visual harm to the character and appearance of the locality. The raised platform physically obstructs public access to a designated green corridor. The development fails to retain the strip of land outside the residential garden so that it can be incorporated in a public path at a later date as and when the opportunity arises. The development therefore fails to accord with local and national planning policies cited elsewhere. To these findings I attach substantial weight.

23. On the other hand, it is difficult to control the development and make it acceptable in planning terms by imposing reasonable and enforceable conditions. A planning obligation is required to meet the long-term policy aims of securing the land for public access. However, the UU provided by Mr Haigh is fundamentally flawed as is ineffective. I attach it little weight in support of planning permission. On balance, the other considerations advanced, considered individually or collectively, do not overcome my findings on the main issues above.

#### **Ground (f)**

24. Mr Haigh should show that the steps specified exceed what is required to remedy the breach of planning control or, as the case may be, any injury to

amenity caused by the breach. The terms of the notice is to demolish the raised platform and restore the land to its previous condition; firmly falling within the scope of s 173(4)(a). Apart from rehearsal of the merits arguments advanced on ground (a), there is no lesser step advanced to remedy the breach of planning controls. I consider that the purpose behind the remedial requirements can only be achieved by full compliance and steps required are not excessive. Therefore ground (f) fails.

### **Ground (g)**

25. For the following reasons, I am of the firm opinion that the specified compliance period, 28 days, is unreasonable. This is because of the nature and scale of the work required, which probably involves specialist operations and needs to be quoted and arranged. To overcome the planning difficulties short of total demolition, there is potential for the submission of a revised planning application together with a materially different, properly drafted and executed enforceable UU to the Council for determination. All of this will take time and an extended period of compliance of six months is reasonable and proportionate in the circumstances. Ground (g) succeeds.

### **Overall conclusions**

26. For the reasons given above and having regard to all other matters, I conclude that the appeal should not succeed on grounds (a) and (f). I have varied the period of compliance and upheld the enforcement notice and refused to grant planning permission on the deemed application.

*A U Ghafoor*

Inspector

## Appeal Decision

Site visit made on 21 March 2017

by **Daniel Hartley BA Hons MTP MBA MRTPI**

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

Decision date: 31 March 2017

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**Appeal Ref: APP/Z4718/W/16/3165564**

**Land off Broomfield Road, Fixby, Huddersfield HD2 2HQ**

- 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 Space Architecture and Design Limited against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/62/91515/W, dated 6 May 2016, was refused by notice dated 31 October 2016.
  - The development proposed is the erection of three houses.
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### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. The appeal site comprises a triangular area of mainly grass land and part of a private access drive (formerly a tramway) which leads to a detached residence known as Jilley Royd. The site is surrounded by residential development on two sides and immediately to the east of the access drive is ancient woodland. Access to the site is from Broomfield Road and the access drive is lined with trees.
4. It is proposed to erect three detached dwellings on the site which would be parallel with the detached dwellings on Saint Francis Gardens and with the front elevation of each of the properties, including private driveways, fronting the access drive. The dwellings would each have a front and rear garden and would be built in sandstone with blue slate roofs.
5. The site includes a long planning history. An appeal for two dwellings on the site was determined on 8 January 2013. In dismissing the appeal the Inspector commented that *"the site was considered to be a greenfield site within a built up area in the 2003 appeal decision relating to the site. I find no reasons to depart from that view now"*. The appellant considers that the site is previously developed as the access drive was once a tramway and as there is *"anecdotal evidence"* that the part of the appeal site where houses are proposed was used as a *"tram turning area"*. Whilst the access drive is developed, and the plans do indicate a previous use as a tramway, I consider



that even if the main part of the site was historically developed it is now essentially a grassed area. Therefore, the remains of any permanent structure or fixed surface structure have essentially now blended into the landscape in the process of time. Consequently, and having regard to the definition of "previously developed land" in the glossary to the National Planning Policy Framework (the Framework), I consider that the main part of the appeal site is greenfield.

6. In considering the above appeal the Inspector also commented that "*there is a clear change in the character of the area from the relatively built-up linear form of residential development along surrounding roads, to the more natural wooded appearance of the land along the access beyond the boundaries of rear gardens.....There are no active frontages to properties along the site and access. Instead private rear gardens abut the appeal site and access*". I do not disagree with the comments made by the Inspector in terms of the character and appearance of the appeal site. The appeal site, along with the ancient woodland to the east, provides a relatively green, spacious and undeveloped soft edge to the otherwise built up residential areas to the south and west. This adds distinctive character to the locality.
7. Notwithstanding the above, I note that since the above appeal was determined planning permission has been approved (Ref 2014/62/93699/W) for the erection of one detached dwelling on the appeal site. This planning permission is still capable of being implemented until April 2018 and so it is a weighty material planning consideration. However, and unlike the planning permission for one dwelling on the site, the three large detached dwellings, including the associated driveways, would be positioned in very close proximity to the road, would occupy almost the full width of each plot and would include very active/urban frontages along the access drive.
8. In addition to the above, and unlike the approved dwelling which would occupy a central position within the plot and with significant space around it, owing to the position, scale and bulk of the three dwellings they would appear cramped and dominant within the sylvan and relatively undeveloped setting. Whilst the proposed linear form of development would be similar to the pattern of development at Saint Francis Gardens, this would be at odds with the more sporadic pattern of development along Jilley Royd and within what is a less urban environment. Overall, the proposal would significantly detract from the relatively green, spacious and undeveloped soft edge to the surrounding built up area.
9. For the collective reasons outlined above, the proposal would cause significant harm to the character and appearance of the area. Therefore, the proposal would not accord with the design aims of Chapter 7 of the Framework and saved Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan 1999.

### **Other Matters**

10. Whilst I consider that the main part of the site is greenfield, this has not in fact been a determinative issue. I have not been made aware of any policies which would specifically preclude the erection of dwellings on greenfield sites, and I am aware that there is a planning permission in place for the erection of one dwelling on the site. Even if the whole site were to be considered as previously developed, this would not have altered my overall conclusion on the main issue.

11. I accept that the erection of three dwellings on the site would help to boost the supply of houses in the area. The Council has not disputed the appellant's claim that the local planning authority cannot demonstrate a five year supply of deliverable housing sites. However, the contribution to the supply of housing from three dwellings would be relatively limited. This contribution would not outweigh the significant harm that would be caused to the character and appearance of the area.
12. I have taken into account representations made by other interested parties. Some of the comments made have been addressed in my reasoning above. I note the concerns raised about traffic generation and the safety of the junction of Broomfield Road with Fixby Road. However, there is an extant planning permission in place for one dwelling and on the evidence that is before me, I do not consider that an additional two dwellings would lead to significant congestion or highway safety impacts. Furthermore, the proposal includes some improvements to the junction onto Broomfield Road. I have no reason to depart from the conclusion reached by the Highway Authority who raised no objection to the proposal.
13. None of the others matters raised outweigh or overcome my conclusion on the main issue.

### **Conclusion**

14. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal would not accord with the development plan for the area. Therefore, the appeal is dismissed.

*Daniel Hartley*

INSPECTOR

## Appeal Decision

Site visit made on 28 February 2017

**by Elaine Worthington BA (Hons) MTP MUED MRTPI**

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

**Decision date: 16<sup>th</sup> March 2017**

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**Appeal Ref: APP/Z4718/W/16/3164940**

**42A Station Road, Fenay Bridge, Huddersfield, HD8 0AD**

- 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 Gary Oldroyd against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/60/91893/W, dated 7 June 2016, was refused by notice dated 8 November 2016.
  - The development proposed is a detached house.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was submitted in outline with matters other than access and layout reserved for future consideration and I have dealt with the appeal on this basis. Nevertheless, indicative section plans have been provided showing two alternative schemes, one for a two storey house, and the other for a dormer bungalow, to which I have had regard.

### Main Issues

3. The main issues in this case are:
  - The effect of the proposal on the character and appearance of the surrounding area; and
  - The effect of the proposal on the living conditions of the occupiers of 42 Station Road, with particular reference to outlook; and
  - Whether the proposal represents an acceptable form of development having regard to its location within the Coal Authority's Development High Risk Area.

### Reasons

#### *Character and appearance*

4. The appeal site is an area of hardstanding used for car parking adjacent to No 42A which is a split level detached house accessed via a driveway from Station Road. The hardstanding is elevated in relation to the terraced garden area to the rear and side of No 42A. The properties beyond the appeal site to the north and west are at a significantly lower level than it.

5. In the immediate vicinity of the appeal site properties are set back from Station Road and Fenay Bankside at various distances and are spaced out at differing intervals. There is no particularly uniform pattern of development or layout to the buildings which are arranged on a more ad hoc basis largely in response to the topography. Notably Nos 42A, 44 and 46 are set well back from Station Road. There is also a mix of house types, sizes, designs and use of materials in the area.
6. The Council refers to generous separation distances between the properties on Station Road and those on Fenay Drive. It estimates that Nos 38, 40 and 42 Station Road are at least 15 metres from the adjoining rear boundaries of the properties in Fenay Drive with good size gardens separating them. In contrast, the Council estimates that the rear wall of the proposed dwelling would be 7 metres from the boundary with 21 Fenay Drive (a semi-detached bungalow to the west) and 20 metres from its rear wall.
7. I accept that the proposed house would be closer to the properties in Fenay Drive than Nos 38 to 42 and would not have such a deep rear garden. On the other hand, it would be no further rearwards into the site than No 42A which has a short rear garden and backs on Fenay Drive. Whilst I note that it is adjacent to a garage in Fenay Drive, No 42A nevertheless has a close relationship with the properties in the road below. The proposed house would be no closer to them than this existing property.
8. Although the appeal site provides a degree of openness and separation between the existing properties, such large gaps are not generally characteristic of the area, where the buildings are for the most part located closer together. In any event, No 42A is set back in its plot which widens to the rear and has only a narrow site frontage comprising its driveway. This being so, the open gap currently afforded by the appeal site is not immediately appreciated in the street scene. Additionally, the proposed house would be set off the boundary with No 42 by 1.5 metres and separated from No 42A such that some space would be maintained around both buildings.
9. In this context, even though the proposal would diminish the openness of the site, I am not persuaded that it would appear as a particularly constrained form of development that would be unduly at odds with the pattern of development nearby or unsympathetic to the character of the surrounding area.
10. I therefore conclude on this issue that the proposal would cause no harm to the character and appearance of the surrounding area. Thus, I see no conflict with Policy D2 of the Kirklees Unitary Development Plan (UDP) which is permissive of proposals provided that they do not prejudice the avoidance of over-development (ii), visual amenity (vi) and the character of the surroundings (vii). The proposal would align with UDP Policy BE1 which requires development to be of good quality design such that it contributes to a built environment which creates or retains a sense of local identity (i), and is visually attractive (ii). It would not undermine UDP Policy BE2 which indicates that new development should be designed so that it is in keeping with any surrounding development in respect of design, materials, scale, density, layout, building heights or mass (i). Nor would it be at odds with the core planning principle of the National Planning Policy Framework (the Framework) to seek to secure high quality design.

*Living conditions No 42*

11. The proposed dwelling would be set at the level of the existing garden area, about 1.4 metres below that of the parking area. The Council is satisfied that with appropriate screening and positioning of windows a single storey dwelling on the site would meet its guidance in terms of separation distances and would not have a harmful effect on the living conditions of nearby occupiers in either Fenay Drive or Station Road in relation to privacy.
12. Despite the concerns of local residents the Council is also content that the proposal would cause no harm to the living conditions of the occupiers of Nos 44 and 46 Station Road which are immediately adjacent to the appeal site's driveway and proposed visitor parking. I am mindful that the driveway is already used by the occupiers of No 42A. Whilst there would be more activity in terms of both pedestrian and vehicle movements to and from the site, given the modest size of the scheme any such increase would not be so great as to have an unduly adverse effect on the occupiers of Nos 44 and 46 in terms of noise and disturbance.
13. However, although it would meet UDP Policy BE12 in providing a separation distance of 1.5 metres from the boundary with No 42 (if a blank gable wall is assumed), I share the Council's concern about the effect of the proposal on the occupiers of No 42. Despite being set off the boundary, and even assuming a single storey structure, given the significant difference in levels between the appeal site and No 42, the proposal's flank wall would be in an elevated position close to the boundary. As such it would appear as an unduly imposing and overbearing feature from No 42's rear garden.
14. I therefore conclude on this issue that the proposal would be harmful to the living conditions of the occupiers of 42 Station Road, with particular reference to outlook. This would be contrary to UDP Policy D2 which is permissive of proposals provided that they do not prejudice (amongst other things) residential amenity (v). It would also be at odds with the core planning principle of the Framework to ensure a good standard of amenity for all existing and future occupants of land and buildings.

*The Coal Authority's Development High Risk Area*

15. The site falls within the defined Development High Risk Area. Within the site and surrounding area there are coal mining features and hazards which need to be considered, specifically the likely historic unrecorded underground coal mine workings at shallow depth. The information submitted with the planning application provides basic coal mining information in relation to the site, but does not include an assessment of the risks to any proposed new development. This being so, the Coal Authority considers that it does not adequately address the impact of coal mining legacy on the proposal and therefore objects to the scheme. It suggests that a Coal Mining Risk Assessment Report is submitted.
16. Paragraph 120 of the Framework advises that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. Paragraph 121 further requires decision to ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from former activities such as mining. National Planning Practice Guidance (the Guidance) advises that proposals in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment.

17. The Council indicates that the appellant is aware of the need to provide a risk assessment, but did not wish to go to that expense to support the planning application in the face of the Council's other reasons for refusal. However, despite the officer's report referring to the opportunity for a risk assessment to be provided to support any subsequent appeal, one has not been provided. The appellant's grounds of appeal are silent on this matter.
18. As described above, the appeal site is set well above the existing properties to the west and north. Additionally the proposed house would be dug into the site and considerable excavation works would be required in an area where local residents raise concerns of land stability and movement. Overall, in the absence a risk assessment, I cannot be satisfied that the proposed development is appropriate for its location, or suitable for its proposed use. Nor can I be content that past mining activity in the area poses no unacceptable risks to the future occupiers of the proposed house, or to the occupiers of neighbouring properties.
19. I therefore conclude on this issue that the proposal would not represent an acceptable form of development having regard to its location within the Coal Authority's Development High Risk Area. It would be contrary to UDP Policy G6 which advises that development proposals will be considered having regard to available information on the contamination or instability of the land concerned. It would also conflict with the advice in the Framework and the Guidance.

*The planning balance*

20. The Council acknowledges that it is unable to demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the Framework advises 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.
21. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development and indicates that, where the development plan is out-of-date, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
22. In this case, the appeal site is within the the existing urban area, accessible by public transport and close to services and facilities. As a windfall site the proposal would add to the supply and choice of new housing in the area and the resultant dwelling would be occupied by the appellant's elderly parents in law, who wish to downsize and to live close to their family. These are benefits of the scheme which accord with the social role of sustainable development. However, given its limited scale for a single dwelling, the scheme's contribution to the supply of housing would not be great. Although not cited by the appellant there would also be some limited economic benefits in terms of construction jobs and spending along with the ongoing support to local shops and services that would arise from the future occupants of the proposed house.
23. Although I have found that there would be no harm to the character and appearance of the area, that factor counts neither for, nor against the proposal. Moreover, I have concluded that the proposal would be harmful to the living conditions of the occupiers of No 42 (with particular reference to outlook) and would not represent an acceptable form of development having regard to its

location within the Coal Authority's Development High Risk Area. As such, it would not be in accordance with the development plan as a whole, and in my view the adverse impacts of granting permission in this case, would significantly and demonstrably outweigh the benefits. Accordingly, I do not regard the proposal to constitute sustainable development.

**Conclusion**

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

*Elaine Worthington*

INSPECTOR



## Appeal Decision

Site visit made on 15 March 2017

by **J D Clark BA (Hons) MCD DMS MRTPI**

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

Decision date: 30<sup>th</sup> March 2017

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### **Appeal Ref: APP/Z4718/D/17/3168075**

### **74 Rawthorpe Lane, Dalton, Huddersfield HD5 9NU**

- 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 Muhammed Waseem against the decision of Kirklees Council.
  - The application Ref 2016/62/93236/W, dated 19 September 2016, was refused by notice dated 15 November 2016.
  - The development proposed is two storey side extension and single storey rear.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. I consider that the main issue is the effect of the two storey side extension on the character and appearance of the area.

### **Reasons**

3. The proposal includes a rear extension but the Council has not raised any concerns about this. I also am not concerned about this. The boundary between Nos 72 and 74 is angled and the proposed two storey extension would be staggered to accommodate this angle. This would take the extension fairly close to the side boundary with No 72 leaving a narrow gap at the front. Its ridge height would follow the ridge line of the existing house and it would extend from the front to the rear of the house.
4. UDP Policy BE14<sup>1</sup> indicates that unless the proposal would have a detrimental effect on visual amenity, extensions to semi-detached houses will normally be permitted where it does not result in an undesirable terracing effect being established in relation to adjoining dwellings, amongst other things. Although the pair of semi-detached houses at Nos 74 and 76 differ in appearance to the pair of semi-detached houses at Nos 70 and 72, they are of a similar design and a terracing effect could occur. There is currently a generous gap between Nos 72 and 74 and this would be eroded. Due to the scale and proximity to the side boundary, the extension would appear imposing and have a harmful effect on the character and appearance of the area.

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<sup>1</sup> Kirklees Unitary Development Plan Written Statement – Revised with effect from 28 September 2007 (UDP).

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5. I note that an extension has been built to the side of No 78 but I have no information about this. I have taken all matters raised into consideration, including a number of other UDP policies that I have not mentioned here and I also note the concerns raised by the neighbour at No 76 but these do not alter my conclusion. I conclude that the two storey side extension would have a harmful effect on the character and appearance of the area, it would be contrary to Policy BE14 and therefore the appeal fails.

*J D Clark*

INSPECTOR

## Appeal Decision

Site visit made on 28 March 2017

by **Daniel Hartley BA Hons MTP MBA MRTPI**

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

Decision date: 03 April 2017

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**Appeal Ref: APP/Z4718/W/16/3162904**

**Lidl UK Gmbh, Huddersfield Road, Holmfirth, Kirklees HD9 7AG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Lidl UK Gmbh against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2015/70/91832/W, dated 4 June 2015, was refused by notice dated 16 May 2016.
  - The application sought planning permission for the demolition of existing building and the erection of a food store with associated car park, landscaping, highway works and to relocate an existing sub-station without complying with conditions 27 and 39 attached to planning permission Ref 2011/65/92600/W, dated 13 March 2012.
  - The conditions in dispute are Nos 27 and 39 which state that:
  - (27) *"The store hereby permitted shall not be open to customers outside the hours of 0700 to 2000 Monday to Sunday inclusive, other than up to ten occasions per annum when the store is permitted to open until 2200 hrs"*.
  - (39) *"The floodlights hereby approved shall not be operated between the hours of 2100 to 0730 on any day of the week"*
  - The reasons given for the conditions are:
  - (27) *"In the interests of safeguarding the amenities of residents arising from noise, and to accord with Policies D2 and EP4 of the Unitary Development Plan, and national planning policy guidance in PPG 24"*
  - (39) *"In the interests of safeguarding the amenities of residents arising from stray light during unsociable hours / night time; and to accord with Policies D2 and EP4 of the Unitary Development Plan, and national planning policy guidance in PPS 23"*.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building and for the erection of a food store with associated car park, landscaping, highway works and to relocate an existing sub-station in accordance with the application Ref 2015/70/91832/W dated 4 June 2015, without compliance with condition numbers 27 and 39 previously imposed on planning permission Ref 2011/65/92600/W dated 13 March 2012 and subject to the attached schedule of conditions.

### Background and Main Issue

2. The appellant seeks to modify condition No 27 of planning permission Ref 2011/65/92600/W so that instead of reading *"the store hereby permitted shall not be open to customers outside the hours of 0700 to 2000 Monday to Sunday*

*inclusive, other than up to ten occasions per annum when the store is permitted to open until 2200 hrs" it reads "the store hereby permitted shall not be open to customers outside the hours of 0700 to 2200 Monday to Sunday inclusive".*

3. The appellant also seeks to modify condition No 30 of 2011/65/92600/W so that instead of reading *"the floodlights hereby approved shall not be operated between the hours of 2100 to 0730 on any day of the week"* it reads *"the floodlights hereby approved shall not be operated between the hours of 2300 to 0730 on any day of the week"*.
4. In considering the Council's refusal notice, the main issues are whether or not the above proposals would cause harm to the living conditions of the occupiers of neighbouring residential properties in respect of (i) noise and disturbance from vehicular and pedestrian activity as a result of the proposed extended hours of customer use and (ii) light pollution from the proposed extended hours of use of the existing floodlights.

## **Reasons**

### *Noise and disturbance*

5. Planning permission No 2011/65/92600/W already permits customer visits to the Lidl store up to 22:00 hrs on up to ten occasions per annum. I do not know the background to the up to ten occasion's restriction, but, in any event, the appellant has submitted a noise assessment report which considers the noise effect of the proposed extended hours of customer use of the retail store. I have no reason to doubt the conclusions of the noise assessment report which states, with reference to the noise exposure hierarchy table in the National Planning Practice Guidance (PPG) on noise, that there would be *"no observed adverse effect"*, meaning that in respect of noise the site could operate within the *"lowest observed adverse effect level"* based on the proposed customer opening hours. Taking into account the PPG noise hierarchy table, no specific actions are required in respect of noise and the evidence indicates that there would not be a perceived change in the quality of life of surrounding residents. The Council's Environmental Services team were also consulted on the planning application and raised no objection to the proposed extension of the customer opening hours.
6. Given the findings of the noise report, the evidence before me indicates that in respect of noise the proposed extended hours would not result in a level of customer activity which would cause material harm to the living conditions of the occupiers of surrounding residential properties. I note that the Council has not received any noise complaints from members of the public based on the current customer opening hours which includes customer use of the store up to 22.00 hrs ten times per annum.
7. I do acknowledge that when compared to the current situation there would be additional customers coming and going (i.e. at all times of the year) between the hours of 20.00 hrs and 22.00 hrs. However, I do not consider that this would result in significant levels of disturbance and I consider that it is reasonable to conclude that customer visits/movements would likely tail off later into the evening. In any event, the noise assessment does not indicate that significant harm would be being caused as a result of customer activity during this period. Indeed, and based on the findings in the noise assessment

report, it is likely that noise associated with the A6024 Huddersfield Road would remain the dominant source of noise. I was able to hear this dominant noise source as part of my site visit.

8. I note that the Council officers recommended approval of planning permission subject to a temporary one year planning condition. I have not been provided with any reasonable evidence to substantiate why it would be necessary to opt for a trial run. This may have been necessary if, say, there was a need for some form of noise mitigation, but for the reasons outlined above this would not be required. In conclusion, the evidence before me indicates that the proposed extended customer opening hours would not cause material harm to the living conditions of the occupiers of surrounding residential properties in respect of noise and disturbance. I consider that a closing time of 22.00 hrs is reasonable as this would ensure that the residents would continue to benefit from a much quieter late evening/early morning environment (when most would sleep) and where there would be no comings and goings from customers. Therefore, the proposal would accord with the amenity aims of saved Policies BE1(iv) and D2(v) of the adopted Kirklees Unitary Development Plan 1999 (UDP); the National Planning Policy Framework (the Framework) and the PPG.

#### *Floodlights*

9. It is proposed to extend the operation of the car park floodlighting to facilitate the extended opening hours above. There would be a slight overlap in times, but this is reasonable in so far that it would allow a period of time for both staff and customers to leave the site, after the closing of the store, in a lit and therefore safe environment.
10. I note that the existing floodlights have been approved at lux level (10) with a uniformity of 0.25. Such floodlights are well within industry standards in terms of the lux level and based on the details submitted by the appellant they have been designed to minimise light spillage and glare to neighbouring land and properties. According to the Council, they have received no complaints in terms of the effect of the use of the lights upon the living conditions of the occupiers of surrounding residential properties.
11. It is proposed that the lights would not be on between the hours of 23.00 hrs and 07.30 hrs. I consider that these are reasonable times in so far that the lights would not be turned on during periods of the very late evening/early morning when most people would be asleep. The imposition of the proposed varied condition is, however, necessary as it is reasonable for the occupiers of surrounding residential properties (some dwellings face directly onto the car park) to have a reasonable period of time in the evening/early morning when there is relative darkness.
12. For the reasons outlined above, I conclude that proposed extended hours of operation for the floodlights would not cause significant harm to the occupiers of surrounding residential properties. Therefore, the proposal would accord with the amenity aims of saved Policies BE1(iv) and D2(v) of UDP and the Framework.

### **Other Matters**

13. I have taken into account representations made by other interested parties. A number of the comments made have already been addressed in the reasoning above.
14. The use of the Lidl car park, perhaps by non-customers, is a matter to be considered/enforced by the land owner. The land owner may wish to consider the use of bollards and/or other security measures for the site, but this is not relevant to the determination of this appeal.
15. A comment has been made that the supermarket appears to be little used by 20.00 hrs. I do not have details of average visitor numbers by time/day, but I have no reason to doubt that the proposal would make the Lidl store more competitive in the area and that the proposal would have some economic advantages. I am satisfied that subject to the imposition of planning conditions, the appeal can be allowed without material harm being caused to the living conditions of the occupiers of surrounding residential properties.
16. The Neighbourhood Policing Team was consulted at planning application stage and raised no objection to the proposal. There is no evidence of existing problems of anti-social behaviour at the site. I do not consider that there is any evidence to suggest that the proposals would give rise to an increase in anti-social behaviour.
17. None of the other matters raised outweigh my conclusions on the main issue.

### **Conditions**

18. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission (notwithstanding the fact that the Lidl store is built), I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
19. I have amended condition No 40 of planning permission 2011/62/92600/W so that it refers to the more up to date Town and Country Planning (General Permitted Development) (England) Order 2015 including reference to the relevant part/classes of development. The appellant and the Council have agreed to the amended wording of this condition.

### **Conclusion**

20. For the reasons outlined above, and the evidence before me, I conclude that the appeal should be allowed.

*Daniel Hartley*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
- 2) The front and side elevations of the building shall be constructed of regular coursed natural stone. No development shall take place until a sample of coursed natural stone and the materials to be used for stone heads, cills and surrounds have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be constructed using the approved materials and maintained as such.
- 3) No development shall take place until samples of all facing, roofing, hard landscaping materials has been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be constructed using the approved materials and maintained as such.
- 4) Notwithstanding the submitted details, no development shall take place until a revised soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a proportion of heavy standard / semi-mature trees. The approved scheme shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained in accordance with the approved Landscape Management Plan referred to in Condition 5. All specimens which die within a five year period shall be replaced on a like for like basis.
- 5) Within three months of the development becoming operational, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The principal aims of the Plan shall be to optimise biodiversity interests and shall include a timescale for implementation. The measures contained in the Landscape Management Plan shall be implemented in accordance with the approved timescale and the vegetation shall be maintained in accordance with the principles of the Plan for the lifetime of the development.
- 6) No development shall take place until details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls have been approved in writing by the Local Planning Authority. The approved walls / fences shall be erected before the development hereby approved is occupied and shall thereafter be retained.
- 7) The development shall be carried out in accordance with the recommendations set out in the submitted Bat Method Statement Document 2 dated December 2011, unless otherwise directed by the Local Planning Authority or Natural England in connection with the Protected Species Licensing Process. In addition to the measures outlined in the Bat Method Statement, no development shall take place until an appendix Bat Method Statement to address works to the retaining wall adjacent to the River Holme and / or the Hebble Dike Culvert has been submitted to and approved in writing by the Local Planning Authority. Any subsequent demolition / rebuilding works to the culvert and / or retaining wall shall be completed in accordance with the appendix Bat Method Statement unless otherwise

directed by the Local Planning Authority or Natural England in connection with the Protected Species Licensing Process.

8) No development shall take place until details of bird boxes and / or cavities for Swifts to be incorporated into the build structures has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details prior to the first occupation of the development, and thereafter maintained as such.

9) In the event that works on the retaining structures involve in-channel works on the river, a Mitigation Method Statement to take into account the possible presence of White-clawed Crayfish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works within the river shall be implemented in full accordance with the approved details.

10) Prior to any river bank works taking place, a search shall be carried out for Otter holts by a qualified Ecologist. In the event that Otter holts are discovered no river bank works shall take place until an Otter habitat Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the works within the river bank shall be implemented in full accordance with the approved details.

11) Trees within or on the boundary of the site shall be neither felled, topped or lopped except with the prior written approval of the Local Planning Authority, nor shall they be damaged or killed by fire or by the application of toxic or injurious substances.

12) Unless otherwise agreed in writing by the Local Planning Authority, before any materials are brought onto site or development commences the developer shall erect protective chestnut paling or similar fencing around all trees, shrubs or hedges to be retained, to the branch spread of individual trees or groups of trees/shrubs. The fence shall be maintained and such fencing unaltered until the development is complete. No work shall be carried out within the protected area.

13) No development shall take place until details of a scheme to eradicate Japanese Knotweed have been submitted to and agreed in writing by the Local Planning Authority. All works to eradicate the species shall be completed prior to the store first opening.

14) Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

15) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 14 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

16) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 15. In the event that remediation is unable to proceed in accordance with the approved Remediation

Strategy or contamination not previously considered (in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report) is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

18) No development shall take place until a scheme detailing crime prevention measures to protect the store, car park, staff, customers and cash in transit operations has been submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved scheme upon the store first being operated and retained as such for the life of the development thereafter unless otherwise agreed in writing by the Local Planning Authority.

19) No development shall take place until a scheme to upgrade the existing culvert as proposed within the submitted FRA by EJS Associates, dated December 2011 Ref 2011-1-3 rev05, has been submitted to and approved in writing by the local planning authority. Details must include appropriate access to the culvert for inspection, maintenance and repair, and confirmation that utilities will not be routed through the new culvert. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

20) Treatment of all surface water flows from parking areas and hardstandings shall be through the petrol / oil interceptors. Use of the parking areas/hardstandings shall not commence until the petrol / oil interceptors have been installed. Treatment shall take place prior to discharge from the petrol / oil interceptors. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development. Roof water shall not pass through the interceptor.

21) The development hereby permitted shall not be commenced until such time as a scheme to improve the existing surface water disposal system (to a maximum of 70% of the existing pre-development flow rate) has been submitted to, and approved in writing by, the local planning authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 and critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local



Planning Authority unless it can be demonstrated that discharge from site does not cause an increased risk in flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

22) Development shall not commence until a scheme detailing foul, surface water and land drainage, (including outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained / diverted / abandoned etc) has been submitted to and approved in writing by the Local Planning Authority. Sustainable systems of drainage (SuDS) shall be employed to manage flows and/or improve water quality of surface water where possible. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works. The completed works shall be retained thereafter.

23) The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, on drainage infrastructure and surface water run-off (overland flows) pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. The assessment should include alterations to ground levels including at site boundaries, designing for exceedance and flow blockage scenarios and flood routing. Mitigation measures to reduce flood risk recommended by the approved assessment shall be implemented prior to the development being brought into use and retained thereafter.

24) Unless otherwise agreed in writing by the Local Planning Authority, no building or structure shall be located over or within 3m either side of the centre line of the water main, which enters the site.

25) Unless otherwise agreed in writing by the Local Planning Authority, no building or structure shall be located over or within 3m either side of the centre line of the 225mm public main sewer, which crosses the site.

26) The store hereby permitted shall not be open to customers outside the hours of 0700 to 2200 Monday to Sunday inclusive.

27) Unless otherwise agreed in writing by the Local Planning Authority, there shall be no deliveries to or dispatches from the store outside the hours of 0730 to 20.00 Monday to Saturday, and 1000 to 1600 Sundays and Bank Holidays inclusive.

28) The net sales area of the store hereby permitted shall not exceed 1,063m<sup>2</sup> and the floorspace devoted to the sale of comparison goods within this net sales area shall not exceed 213 m<sup>2</sup>.

29) No development shall take place until a scheme detailing the proposed highway improvement works on Huddersfield Road/New Road, as shown for indicative purposes only on Sketch 10 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works,

street lighting, signals, signing, surface finishes and the treatment of sight lines, together with an independent road safety audit covering all aspects of work. The approved scheme shall be implemented in full before the development is first brought into use.

30) The development shall not be brought in to use until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

31) Concurrently with the construction of the new access being brought into use, all existing redundant vehicular accesses shall be permanently closed off with a full kerb face, and the footway returned to full footway status.

32) Prior to development commencing details of the specification and location of a real time bus information display to be sited in the store entrance foyer shall be submitted to and approved by the Local Planning Authority. The real time bus information display shall be provided in accordance with the approved scheme before the store is brought into use and shall thereafter remain operational.

33) Unless otherwise agreed in writing by the Local Planning Authority, prior to development commencing a scheme shall be submitted to and approved in writing by the Local Planning Authority for the introduction of two car parking spaces reserved for use by Hybrid/Electric vehicles. The spaces shall be located in a convenient and visible location and provide fast charging points (Specification to be agreed). The approved scheme shall be implemented prior to development becoming operational and retained thereafter throughout the life of the development.

34) No development shall take place until the design and construction details of all temporary and permanent highway retaining structures within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. All highway retaining structures shall be constructed in accordance with the approved details and shall be so maintained throughout the life of the development unless otherwise agreed in writing by the Local Planning Authority.

35) In advance of the completion/implementation of the Full Travel Plan for the development, the development shall be operated in accordance with the details set out in the submitted Framework Travel Plan dated August 2011.

36) Within 3 months of the development becoming operational, a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall adhere to the criteria/content of the Framework Travel Plan and shall be operated from the time of approval for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

37) No development shall take place until a scheme detailing how a minimum of 10% of the energy to be utilised by the development hereby approved will be

secured from decentralised or renewable/low carbon sources. All works which form part of the approved scheme for each part of the development shall be completed prior to the occupation of the development, and shall thereafter be maintained.

38) The floodlights hereby approved shall not be operated between the hours of 2300 to 0730 on any day of the week.

39) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no extensions to the store either on or projecting beyond the northern elevation included within Classes A, B, C and D of Part 7 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

40) All new areas of retaining wall adjacent to the River Holme shall be a green 'living' wall design and details of the proposed planting of the outer surface shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained in accordance with the approved Landscape Management Plan referred to in Condition 5. All specimens which die within a five year period shall be replaced on a like for like basis.

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**Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)**

**Date: 20 APRIL 2017**

**Title of report: A REVIEW OF PLANNING APPEAL DECISIONS  
 (January 2016 - December 2016)**

The purpose of the report is to provide Members with an annual overview of planning appeal decisions relating to the Huddersfield Area between 1<sup>st</sup> January 2016 to 31<sup>st</sup> December 2016.

<b>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?</b>	<b>No</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)</a>?</b>	<b>No</b>
<b>The Decision - Is it eligible for "call in" by Scrutiny?</b>	<b>No</b>
<b>Date signed off by Assistant Director &amp; name</b>	<b>Paul Kemp, Assistant Director of Place – 6 April 2017</b>
<b>Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?</b>	<b>No financial implications</b>
<b>Is it also signed off by the Assistant Director - Legal Governance and Monitoring?</b>	<b>No legal implications</b>
<b>Cabinet member portfolio</b>	<b>Economy, Skills, Transportation and Planning (Councillor McBride)</b>

**Electoral wards affected: All**  
**Ward councillors consulted: No**

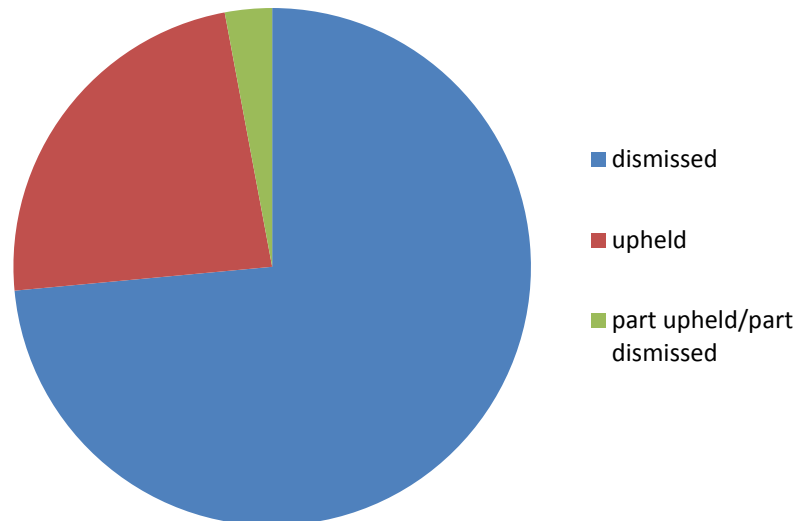
**Public or private: PUBLIC**

## 1. Summary

This report is for information only. It provides an annual overview of the decisions of the Planning Inspectorate, in respect of appeals submitted against the decision of the Local Planning Authority.

## 2. Information to note

- 2.1 Between 1<sup>st</sup> January 2016 and 31<sup>st</sup> December 2016, there were 34 planning application appeals submitted relating to the Huddersfield Area. Of these 74% were dismissed. Appendix 1 provides a list of relevant appeals and the level of decision.
- 2.2 Figure 1 below shows a breakdown of planning application appeals, whether dismissed or upheld.



*Figure 1: Breakdown of appeal decisions in the Huddersfield area.*

- 2.4 Of the planning application appeals, 29 decisions were delegated to officers, of which 86% were dismissed. 5 were decided by the planning committee – of which 80% were in accordance with officer recommendation. Of the decisions made by planning committee, 20% were dismissed.

## 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**  
**Simon Taylor – Head of Development Management**  
[Simon.taylor@kirklees.gov.uk](mailto:Simon.taylor@kirklees.gov.uk)
9. **Background Papers and History of Decisions**  
Not applicable
10. **Service Director responsible**  
Paul Kemp

## **Appendix 1 – List of planning application appeals between 1<sup>st</sup> January 2016 and 31<sup>st</sup> December 2016 (Huddersfield area)**

1. 2014/93192 - Outline application for erection of 2 semidetached dwellings with off road parking at Land adj Sude Hill Terrace, New Mill, Holmfirth, HD9 7BL (committee decision in accordance with officer recommendation – appeal upheld)
2. 2014/93807 - Erection of one dwelling (within a Conservation Area) at adj Hillcrest, Whitegate Road, Honley, Holmfirth, HD9 6RB (delegated decision – appeal dismissed)
3. 2015/92129 - Outline application for residential development at land between 5 & 37, Hall Bower Lane, Hall Bower, Huddersfield, HD4 6RP (delegated decision – appeal dismissed)
4. 2015/91455 - Erection of storage building at Shepherds Thorn Lane, Bradley, Huddersfield, HD6 3TU (delegated decision – appeal dismissed)
5. 2015/91541 – Erection of detached dwelling at Adj, 1, Yew Green Avenue, Lockwood, Huddersfield, HD4 5EW (delegated decision – appeal dismissed)
6. 2015/90851 -Erection of detached dwelling, formation of new access and demolition of existing dwelling at 124, Rowley Lane, Lepton, Huddersfield, HD8 0EJ (delegated decision – appeal dismissed)
7. 2015/90539 - Use of land for caravan/mobile home storage area and associated landscaping at Land at, Mount Pleasant Farm, 4, Jackroyd Lane, Upper Hopton, Mirfield, WF14 8EH (delegated decision – appeal dismissed)
8. 2014/93692 - Outline application for erection of 2 dwellings at Land Adjacent, 720, New Hey Road, Outlane, Huddersfield, HD3 3YQ (delegated decision – appeal dismissed)
9. 2015/91317 - Erection of detached dwelling with integral garage at rear of 17, Darnley Close, Meltham, Holmfirth, HD9 4BT (delegated decision – appeal upheld)
10. 2015/90804 –Erection of detached dwelling at Carlin Farms, Oldfield Road, Honley, Holmfirth, HD9 6RN (delegated decision – appeal dismissed)
11. 2015/94102 - Erection of detached garage at 20, Woodroyd Avenue, Honley, Holmfirth, HD9 6LG (delegated decision – appeal dismissed)
12. 2015/90452 - Outline application for erection of 22 dwellings and garages, and formation of access at Land Adjacent to Spotted Cow, New Hey Road, Salendine Nook, Huddersfield, HD3 4GP (decision by committee in accordance with officer recommendation – appeal upheld)
13. 2015/93625 – Erection of front extensions with dormer at 45, Clara Street, Fartown, Huddersfield, HD1 6EN (delegated decision – appeal dismissed)
14. 2015/93626 - Erection of front extensions with dormer at 47, Clara Street, Fartown, Huddersfield, HD1 6EN (delegated decision – appeal dismissed)
15. 2014/92739 - Outline application for erection of 5 dwellings at adj, 8, Miry Lane, Netherthong, Holmfirth, HD9 3UQ (delegated decision – appeal allowed)
16. 2015/92055 - Change of use of shop to taxi booking office (Listed Building within a Conservation Area) at Video Tech, 2, Cross Church Street, Huddersfield, HD1 2PT (delegated decision – appeal dismissed)
17. 2015/92507 - Outline application for erection of two dwellings at rear of 392/394, Bradley Road, Bradley, Huddersfield, HD2 1PU (delegated decision – appeal dismissed)
18. 2015/93731 - Two storey rear extension and alterations to roof to form rooms in roof space at 19, Fir Road, Paddock, Huddersfield, HD1 4JE (delegated decision – appeal dismissed)
19. 2015/91776 - Erection of 1no. dwelling at 37, Oakes Avenue, Brockholes, Holmfirth, HD9 7EE (delegated decision – appeal dismissed)



20. 2015/93052 - Erection of detached dwelling and new entrance gates (Listed Building) at Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA (decision by committee against officer recommendation – appeal dismissed)
21. 2015/91523 - Engineering works to form public area at Woodhouse Farm, Woodhouse Lane, Holmbridge, Holmfirth, HD9 2QR (decision by committee in accordance with officer recommendation – appeal in relation to condition allowed)
22. 2016/90010 - Variation condition 4 (opening hours) at Master Pizza Bar, 75, Huddersfield Road, Holmfirth, HD9 3AS (decision by committee in accordance with officer recommendation – appeal allowed)
23. 2015/93760 - Erection of 2 dwellings and demolition of existing building at adj 1, Highroyd, Lepton, Huddersfield, HD8 0EB (delegated decision – appeal dismissed)
24. 2016/90975 - Erection of first floor rear extension (within a Conservation Area) at 133, Helme Lane, Meltham, Holmfirth, HD9 5RL (delegated decision – appeal allowed)
25. 2016/90095 - Erection of single storey rear extension (Listed Building) at 4, Clough Hall, Clough Hall Lane, Almondbury, Huddersfield, HD4 6TF (delegated decision – appeal dismissed)
26. 2016/90092 -Listed Building Consent for erection of single storey rear extension at 4, Clough Hall, Clough Hall Lane, Almondbury, Huddersfield, HD4 6TF (delegated decision – appeal dismissed)
27. 2015/92881 - Erection of 2 no. one bed flats at 79, Greenhead Road, Huddersfield, HD1 4EZ (delegated decision – appeal allowed)
28. 2016/91030 - Erection of one detached dwelling at adjacent to, 2, Lightenfield Lane, Netherton, Huddersfield, HD4 7WJ (delegated decision – appeal dismissed)
29. 2016/91381 - Erection of garden room and fence at 10A, Penistone Road, New Mill, Holmfirth, HD9 7JR (delegated decision – part upheld/part dismissed).
30. 2016/91438 - Erection of attached garage and lobby (within a Conservation Area) at 23, Midway, South Crosland, Huddersfield, HD4 7DA (delegated decision – appeal dismissed)
31. 2016/90624 – Erection of detached dwelling at adj 322 Cowcliffe Hill Road, Fixby HD2 2HN (delegated decision – appeal dismissed).
32. 2016/90959 – Erection of triple garage with storage above at land adj 10 Meal Hill, Slaithwaite HD7 5UR (delegated decision – appeal dismissed)
33. 2016/91872 – Prior notification for single storey rear extension at 44 Syringa Street, Marsh HD1 4PD (delegated decision – appeal dismissed)
34. 2016/92517 – Erection of two storey and single storey rear extensions at 107 Thornton Lodge Road, Thornton Lodge HD1 3SB (delegated decision – appeal dismissed).

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**In respect of the consideration of all the planning applications on this Agenda the following information applies:**

## **PLANNING POLICY**

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

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

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

## **National Policy/ Guidelines**

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

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

## **REPRESENTATIONS**

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

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

## **EQUALITY ISSUES**

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

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

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

## **HUMAN RIGHTS**

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

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

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

## **PLANNING CONDITIONS AND OBLIGATIONS**

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

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

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

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

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

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

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Originator: Farzana Tabasum

Tel: 01484 221000

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## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Apr-2017

**Subject: Planning Application 2017/90375 Alterations and extension to convert public house to 6 no. self-contained apartments Newsome Tap, 1a, St Johns Avenue, Newsome, Huddersfield, HD4 6JP**

### APPLICANT

S Smith

### DATE VALID

02-Feb-2017

### TARGET DATE

30-Mar-2017

### EXTENSION EXPIRY DATE

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

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

### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral Wards Affected: Newsome**

Yes

Ward Members consulted.

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION**

1.1 The application is brought to committee at the request of Cllr Andrew Cooper for the following reason:

“I oppose the application on the grounds of loss of amenity grounds, and impact on the highway”

1.2 The chair of sub-committee has confirmed that Cllr Cooper’s reason for making this request is valid having regard to the Councillors’ Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application relates to the site accommodating the former working men’s club known as Newsome Tap on St. John’s Avenue in Newsome. This is a detached stone building with large two and single storey flat roof brick and render extensions to the rear, which project up to and against the rear (north east) boundary. There is an existing access to the side (north west) of the building which leads to the former bowling green site to the rear. Residential properties sit alongside the application site on St. John’s Avenue and Towngate. There is a housing office on the junction of Towngate with St. John’s Avenue and two public houses on Towngate. Listed buildings (27-31 Towngate) lie to the north of the site.

**3.0 PROPOSAL:**

3.1 The application seeks permission to alter, extend and convert the existing building to six no. 2 bed self-contained apartments. This would result in demolition of the existing single storey rear and side extensions and the provision of a new pitch roof over the existing two storey flat roof extension,



creating a gable to the rear. The proposals would also include the removal of the large openings in the south east elevation and their replacement with high level obscurely glazed openings in both side elevations. The submitted plans indicate the provision of two new dormers to the front of the existing building and the addition of roof lights in the new pitched roof.

- 3.2 Six on- site parking spaces are shown, one of which will be to the front, with bin storage to the rear along the north-west boundary. It is proposed to erect a fence along the north east boundary of the site. External finishes are to match the existing render with an artificial slate roof.

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

- 4.1 2015/92928 – demolition of existing extensions and conversion of the pub to a dwelling to a dwelling – granted Jan 2016

2015/ 91664 – Outline application for the erection of 7 dwellings, on the site of the bowling green, to the rear of the application site - Pending decision.

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

- 5.1 28/03/17 – amendments to:
- proposed parking layout on site,
  - dormers reduced in width, and
  - re-siting bin storage from front to side of 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). 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.

The site is unallocated on the UDP Proposals Map and in close proximity of the Newsome local centre.

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

D2 – Unallocated land  
BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
H8 – change of use to residential  
T10 – highway considerations  
T19 – parking provision

6.3 National Planning Guidance:

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.  
Core Planning Principles

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 A total of four objections have been received on the application. The concerns of which are summarised as:

- Highway safety issues and on street parking would be increased by additional vehicles and exacerbate concerns at the congested junction of St James Avenue and Towngate.
- Inadequate proposed parking provision on site
- Existing side access inadequate for service vehicles
  
- Minimal external amenity area for future residents
- Loss of light to existing properties/sites
- Apartments/proposals out of character with area
- Privacy & security for existing neighbours should be maintained
- Appropriate fencing to be provided
- Comments made in relation to land (former bowling green) outside the application site

In addition Cllr Julie Stewart-Turner has raised a number of concerns about this application stating:

- *I think there is insufficient space for vehicles, for the proposed 6 apartments.*
- *I think there isn't enough room for vehicles to turn on site.*
- *I think the proposal will be out of keeping with the streetscene*
- *The applicant cannot encroach on the old bowling green, even if he's removed it, the site is covered by a covenant, which means he can't do anything other than bowling on the land, and we won't agree to the covenant being lifted.*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

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

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

K.C. Environmental Services - support subject to conditioning the inclusion of an electric vehicle charging point

## **9.0 MAIN ISSUES**

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

## **10.0 APPRAISAL**

### **10.1 Principle of development**

This application seeks change of use from a public house to residential use to provide six apartments and demolition of existing extensions, erection of gable and roof extension including alterations to the building. The general policy for the change of use of a building to residential is outlined in policy H8 of the UDP. This policy supports the change of use, subject to the impact on employment, environmental, amenity and traffic considerations. This is reiterated under Policy D2 which is also of relevance given the site has no specific allocation.

10.2 It is noted the principle of change of use of the existing building to one dwelling house has recently been granted under application no. 15/ 92928 in January 2016. At the time Officers considered that the loss of former workings men's club would not reduce or hinder the community in meeting its day to day needs, in accordance with the paragraph 70 of the NPPF, given other public houses existed in close vicinity of the site. Whilst it would be desirable to try to retain existing community facilities, it is recognised that this property is vacant and work appears to have commenced on site to implement the 2015 permission. This, together with the surrounding uses being predominantly residential and the fact the site is within close proximity to Newsome local centre, means the change of use in principle remains acceptable.

10.3 The proposals would contribute and provide additional housing at a time when the Council is unable to demonstrate a five year supply of deliverable housing sites. Paragraph 14 of the NPPF 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". It is

therefore considered that, unless it is judged that there are any adverse impacts of granting permission that would outweigh the benefits, that the proposal should be approved. The assessment below will take into account the impact of the current scheme on environmental, amenity and traffic/highway considerations.

#### 10.4 Urban Design issues

Physical alterations to the building would result in the demolition of the existing single storey side/rear extensions and the removal of one chimney stack. There would also be a new pitched roof over the two storey flat roof extension, removal of existing signage and replacement of large openings in the south east elevation with smaller high sill openings. The alterations proposed are considered to be a visual improvement to the large mass of unsympathetically designed extensions that currently exist at the site.

10.5 At the request of Officers, the plans have been amended reducing the width of the proposed dormers to the front. This would ensure they follow the symmetry and appear more proportionate to the existing openings on the principal elevation of this building. The extension and addition of new pitched roof would be constructed in materials to match the existing facing materials. The dormers are stated to be clad in vertically hung slates to match the existing roof. This is would be sympathetic and in keeping with the character of the host building. However, notwithstanding the submitted drawings, officers are of the opinion the roof lights should be flush with roof slope to improve the visual amenity of the area, character of the host building and to preserve the setting of the nearby listed buildings. Should Members be supportive of the scheme, a condition can be imposed to such affect along with details of all boundary treatment to be submitted and agreed in writing by the Local Planning Authority. Turning to the replacement of existing large openings with smaller new openings with UPVC frames, this is considered acceptable within the context of the application site.

10.6 The submitted plans also indicate the reconfiguration and enlargement of the existing ramped entrance to the front. This will be confined to front garden and set behind the front boundary wall. The proposals would result in a positive impact on the appearance of the host property and the wider visual amenity of the area. The demolition of the existing single storey extensions to the side and rear and addition of a pitch roof to the two storey extension to the rear would improve the visual amenity of the area and host building whilst having a negligible impact on the significance of the nearby listed buildings to the north, thereby preserve its setting. The proposals would accord with Policies D2, H8, BE1 and BE2 of the UDP as well as guidance within the NPPF.

#### 10.7 Residential Amenity

In considering the impact on amenity in addition to Policies D2 and H8 of the UDP, Policy BE12 sets out recommended distances that should be achieved between existing and proposed dwellings.

- 10.8 With the removal of the existing single storey extensions, there would be a reduction in footprint of the building on site thus creating a more open aspect to no. 7 St. John's Avenue, this being the nearest dwelling to the south east. The addition of an extension above first floor level and new pitch roof over would maintain the existing separation distances from the neighbouring properties. With regards to the resultant increased massing and height of the new roof, this is designed to slope away from the neighbouring sites. Given the juxtaposition to these neighbouring sites, together with the separation distances to be maintained the addition of the new roof is unlikely to cause any undue detrimental impact on the residential amenities of the neighbouring properties.
- 10.9 Furthermore, the removal of the existing large openings in the south east and north-west side elevations would remove any overlooking and loss of privacy from these openings, should the existing building be brought back into use. This is because they would be replaced by smaller high level openings incorporating obscure glazing at both ground and first floor levels and serving non-habitable accommodation. Subject to conditions restricting these openings to remain obscurely glazed, high level together with withdrawing permitted development rights for any further openings in the side elevations, officers are satisfied the proposals would not have a detrimental impact on the amenities of the neighbouring properties to either side of the building.
- 10.10 To summarise the separation between neighbouring properties would remain the same. The removal of the large openings and single storey rear extension would improve the outlook from no. 7 St Johns Avenue and subject to appropriate conditions their amenity would be improved in comparison to the current situation.
- 10.11 With regards to the amenities of the future occupants of the apartments, they would benefit from a reasonable and open outlook from habitable room openings to be provided in the principal elevations receiving a good level of natural light. The amended layout plan provides car parking, ramped access and bin storage for future residents but would not provide external amenity areas. It is not unusual for apartment schemes in urban areas to be provided without external amenity areas. Within the footprint of the site it would not be possible to include an amenity area without reducing off-site parking. It is considered that the lack of amenity space would not lead to a poor standard of amenity for future residents. As such the proposed scheme would comply with the core planning principle of the NPPF and overall, the proposals are acceptable in terms of residential amenity and accords with Policies D2 and H8 of the UDP.
- 10.12 Highway issues  
UDP policy T10 sets out the matters against which new development will be assessed in terms of highway safety and Policy T19 sets out the provision of off street parking requirements.

10.13 The site lies in a sustainable location in close proximity to Newsome local centre, with facilities in close walking distance from the application site. The proposals would utilise an existing vehicular access to the side of the building and as amended provide six on site car park spaces. The car park layout is amended to allow better manoeuvrability and access to the proposed car park spaces within the site.

10.14 In terms of highway safety, Highway Officers on assessment of the revised plan, are satisfied with the use of the access proposals to the site, given this is already an access point and would have a width of 4.5m, as well as the internal parking arrangements. In addition it is considered, when compared to the traffic generation in association with the previous use of a working men's club, the proposals for six apartments are unlikely to create or materially add to highway safety issues, in a location where on street parking also exists and appears to be unrestricted. Taking into consideration the location and use, the proposed development would be acceptable and comply with policies T10 and T19 of the Unitary Development Plan.

10.15 Representations

Insofar as they are not addressed in the appraisal:

- Comments made in relation to land (former bowling green) outside the application site  
Response: noted, however not relevant to this application

Cllr Julie Stewart-Turner has commented about the existence of a covenant on the adjacent bowling green site. This land falls outside the application site. However, the presence of a covenant on the land is not a material planning consideration that can be taken into account in the assessment of a planning application. Rather this would be a private matter for the parties involved to address separately.

10.16 Other Matters

**Bats:**

The application is accompanied with the same bat survey as the previous application, dated 4<sup>th</sup> November 2015. This states no bats were found to be present on the site. In light of this a condition is considered appropriate for the provision of a bat box in the gable end to the rear to enhance biodiversity interest and to accord with advice in the NPPF .

10.17 **Bin storage:**

The revised plans indicate the bin storage to be provided along the northern part of the site. This is considered a more suitable location than initially proposed, within the front curtilage and would alleviate any potential environmental health concerns to the neighbouring properties.

### **10.18 Electric charging point:**

Paragraph 109 of the NPPF 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” Therefore, 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 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. 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 for commencement of development
2. Electric vehicle charging point
3. Boundary treatment
4. Bin storage details
5. Formation and retention of parking
6. Retention of high level windows with obscure glazing
7. Rooflights to be flush with the roof
8. Dormers to be clad in slates to match the main roof
9. Provision of bat box.
10. Withdraw PD rights for any openings to side elevations

### **Background Papers:**

Application and history files – as stated above

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90375>

Certificate of Ownership –:

**Certificate A signed by agent.**

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Originator: Adam Walker

Tel: 01484 221000

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## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Apr-2017

Subject: Planning Application 2016/91900 Change of use and alterations from B2 (general industrial) to B8 (storage or distribution) The Pink Link Ltd, Crosland Road, Oakes, Huddersfield, HD3 3PA

#### APPLICANT

Richard Alan, The Pink Link Limited

#### DATE VALID

07-Jun-2016

#### TARGET DATE

02-Aug-2016

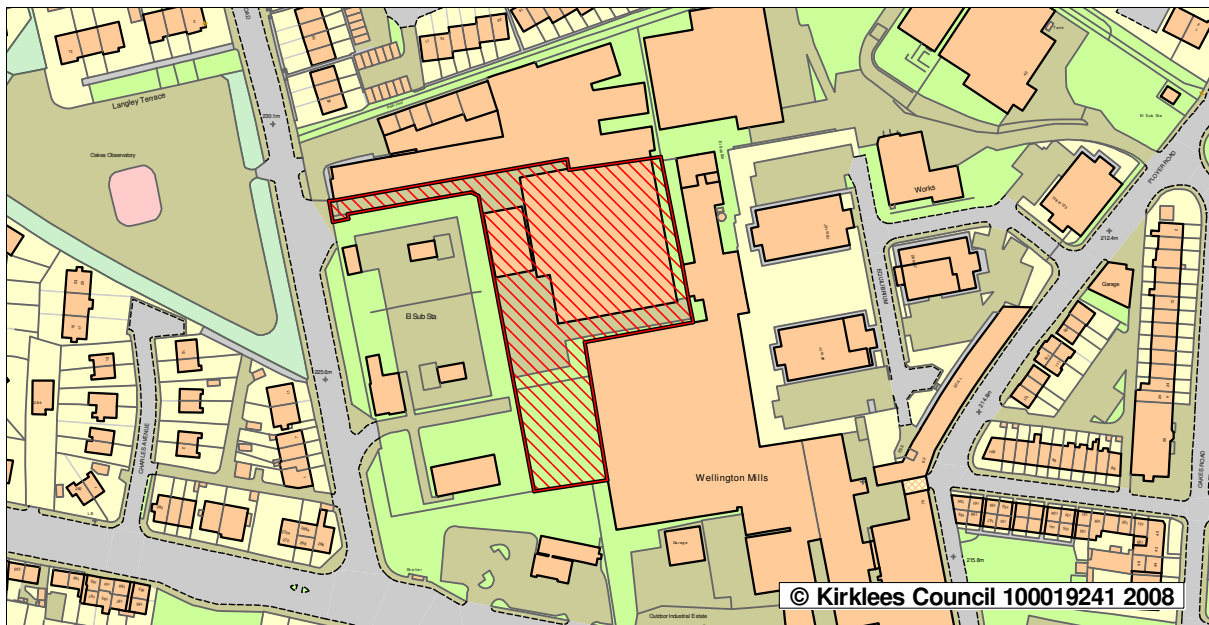
#### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected:**

**Lindley Ward**

No

Ward Members consulted

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**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 matters:**

**1. secure a S106 Obligation (Unilateral Undertaking) for a financial contribution towards the upgrade of front facing bedroom windows within 11 Crosland Road.**

**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 The application is brought to the Sub-Committee because of the size of the site, in accordance with the Council's scheme of delegation.

**2.0 SITE AND SURROUNDINGS:**

2.1 The site comprises of a large building and yard area currently occupied by The Pink Link road hauliers. There is a driveway off Crosland Road that provides access to the site.

2.2 Immediately to the north of the site is a food production business (Pennine Food Ingredients Limited) with residential development beyond. To the south of the site is a Merrie England coffee shop and Britannia Mills which is in commercial use. Part of the Britannia Mills complex abuts the eastern site boundary with modern apartment buildings lying slightly further to the east. To

the west is an electricity substation site. On the western side of Crosland Road is a row of six houses that are around 60m from the site access.

### **3.0 PROPOSAL:**

- 3.1 The application is for change of use and alterations from B2 (general industrial) to B8 (storage and distribution).
- 3.2 This is a retrospective application; The Pink Link business has been operating from the premises since July 2014.
- 3.3 The business operates six days a week. The site is operational from 0600 on Mondays to midday on Saturdays.

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

- 4.1 Enforcement case:

COMP/15/0150 - Alleged unauthorised change of use to warehouse/distribution

The application before the committee has been submitted as a result of the above enforcement investigation in order to regularise a breach of planning control in respect of the unauthorised use of the premises.

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

- 5.1 Officers have sought to mitigate the noise impacts associated with the development on the amenity of adjacent residential properties. This has resulted in the submission of a night-time noise management plan for the on-site operations and an offer from The Pink Link to pay up towards the upgrade of bedroom windows within the front of 11 Crosland Road in order to attenuate the night-time noise impact of vehicle movements. The owner of 11 Crosland Road has objected to the application.

### **6.0 PLANNING POLICY:**

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

and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

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

The site is unallocated on the UDP Proposals Map.

D2 – Unallocated land  
BE1 – Design principles  
B1 – Employment needs of district  
EP4 – Noise sensitive development  
EP6 – Noise generating development  
T10 – Highways safety

## 6.3 Supplementary Planning Guidance / Documents:

None

## 6.4 National Planning Guidance:

NPPF - 'Core planning principles'  
NPPF Chapter 4 – Promoting sustainable transport  
NPPF Chapter 1 – Building a strong, competitive economy  
NPPF Chapter 11 – Conserving and enhancing the natural environment

Planning Practice Guidance – Noise

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

7.1 Application advertised by site notice, newspaper advertisement and neighbour notification letters

7.2 Representations: One objection received

7.3 Objection received from 11 Crosland Road that lies around 60m to the south of the site access. Objection summarised as follows:

- Nature of business inappropriate in a residential setting
- Noise disturbance from vehicles accessing site and from business practices within the site. Buildings have no noise insulation.
- Noise impacting on sleep and affecting quiet enjoyment of property
- Air pollution
- Highway concerns – parking issues because of staff parking on Crosland Road, congestion on public highway, wear and tear on road surface, impact on safety of school children
- Should application be approved request that hours of operation are restricted

## 8.0 CONSULTATION RESPONSES:

A brief summary of consultee advice is provided below. Further details are contained within the assessment.

### 8.1 Statutory:

**KC Highways Development Management** – No objections on highway safety grounds.

### 8.2 Non-statutory:

**KC Environmental Services** – Concerns raised with the impact of vehicle movements on Crosland Road causing disturbance to residential properties along the access route. Issues of noise from within the site can be controlled through a noise management plan.

## 9.0 MAIN ISSUES

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

## 10.0 APPRAISAL

### Principle of development

10.1 The application site forms part of the former Decorative Panels premises which manufactured and supplied decorative faced sheet materials, panel components and flat pack furniture. The application describes the former use of the site as a general industrial use (B2). After the business ceased operating from the premises the site was split with Pennine Food Ingredients occupying the northern part of the site from 2013 and The Pink Link subsequently occupying the remainder. The Pink Link relocated from their previous site at Netherton.

10.2 The site is located on land which is without notation on the Unitary Development Plan (UDP) Proposals Map and therefore policy D2 of the UDP is relevant. This states that planning permission will be granted provided that a specific set of considerations are not prejudiced. These considerations include highway safety, residential amenity, visual amenity and the character of the surroundings. The principle of the development is acceptable provided that all these considerations are not unduly prejudiced.

- 10.3 Supporting information indicates that the business employs 45 people and the application would support the continuation of the business within the local area at a site that meets its needs in terms of access to the classified road and motorway network. The principle of the development is therefore considered to be in accordance with chapter 1 of the NPPF which seeks to support sustainable economic growth. This weighs in favour of the development proposed.

#### Urban Design issues

- 10.4 No physical alterations are proposed as part of this application and therefore the development does not give rise to any urban design issues.

#### Residential Amenity

- 10.5 The site has an established use for general industry and one of the main issues is whether the impacts associated with the proposed B8 storage and distribution use would result in any significant detriment to the amenities of the area.
- 10.6 A supporting statement sets out how The Pink Link business operates from the site.
- 10.7 There are two interconnected elements to the business – a local delivery and collection and a national delivery and collection.
- 10.8 The national delivery and collection operates using large (44T) articulated HGVs and involves deliveries and collections between The Pink Link site and other regional depots. These vehicles generally leave The Pink Link site between 4pm and 8pm and return to the site prior to the local delivery dispatch which starts at 6am.
- 10.9 The local delivery and collection predominantly operates using smaller (18T and 7.5T) HGVs and make collections and deliveries between The Pink Link site and local customers. This local operation generates the most vehicle movements to and from the site between the hours of 6am and 8pm.
- 10.10 The vehicles are predominantly loaded and unloaded within the existing building throughout normal daytime working hours. At night the loading and unloading is undertaken within the existing building to prevent noise disturbance associated with external loading/unloading.
- 10.11 The site includes an ancillary office use and a small vehicle repair and maintenance workshop.
- 10.12 A noise report has been submitted with the application and identifies sound sources at the premises. These consist of HGVs (both articulated and non-articulated) calling at the premises, manoeuvring and reversing into the unit buildings and being loaded or unloaded by forklift trucks inside the buildings. Noise from the opening and closing of roller shutter doors was also identified.

The report states that sound from the premises is intermittent since it exists only when HGVs are arriving or departing and being loaded or unloaded.

- 10.13 These activities take place at any time of day or night during weekdays and up to midday on Saturdays. There are no activities at the premises from midday on Saturdays until 06.00 hours on Mondays.
- 10.14 There are typically 25-30 HGVs in and out of the premises in each 24-hour weekday period consisting of 10 HGVs during weekday nights from 2300 to 0700 hours, very limited vehicle activity from 0700 to around 1600 hours, then around 15-20 HGVs in and out between 1600 and 2300 hours.
- 10.15 The noise survey did not identify any other sources of sound from the premises reaching outdoors, such as ventilation or fixed plant items.
- 10.16 The nearest dwellings to the development are:
- Nos. 1-11 Crosland Road at a distance of approximately 78m to the service yard and 100m to the front elevation of the Pink Link building. An electricity substation and a separate commercial site are located between the dwellings and the Pink Link premises.
  - No.22 Crosland Road, 11-23 Birkdale Avenue and 14-28 Oakdale Crescent at a distance of around 50m to the north and northwest of the Pink Link premises. A continuous line of industrial buildings lie in between.
- 10.17 The properties that are most likely to be affected by noise are 1-11 Crosland Road because these houses face towards the main elevation and yard area of the premises. What is more, HGVs access the site via New Hey Road which means that large vehicles are passing by these properties whilst having to accelerate uphill in a low gear. As HGVs approach the brow of the hill they are preparing to turn right into the site.
- 10.18 The properties towards the north are much more screened by built development and would either have far fewer or no HGVs passing by.
- 10.19 One objection to the application has been received and this is from number 11 Crosland Road. The main concern relates to the impact of noise including noise from activity within the site as well as from HGVs accessing the site from the bottom of Crosland Road.
- 10.20 The proposed use gives rise to a number of specific noise impacts which are intermittent but generally occur during periods when nearby residents are most likely to be affected by noise, for example evening periods, during the night and very early in the morning. Furthermore the nature and timing of noise will almost certainly be different to that generated by the previous use when the site was operated by Decorative Panels. That said, the established use of the site was an unrestricted general industrial use which therefore had the potential to generate a significant degree of noise.

- 10.21 Environmental Services have been consulted on the application and have previously been involved with a specific noise complaint from the owner of 11 Crosland Road. Environmental Services have confirmed that they have witnessed a noise problem from activities on the site due to staff leaving roller shutter doors open or partially open overnight, shouting to each other across the yard and fork lift trucks movements early in the morning. Such issues can however be controlled through the proper management of the site and to this end a night-time noise management plan has been submitted. This sets out how noise egress from the building, external staff noise, external forklift truck movements and HGV movements within the site will be managed in order to minimise disturbance to nearby residential properties.
- 10.22 Officers are satisfied that the measures set out in the management plan would help to address noise from within the site and thus mitigate the impact on the amenity of neighbouring properties. Compliance with the management plan can form a condition on the permission.
- 10.23 Environmental Services have raised concerns with the impact of noise resulting from HGVs travelling to and from the site via New Hey Road during the night. Environmental Services have carried out monitoring of the site prior to this application being submitted as part of a separate noise complaint relating to 11 Crosland Road and have witnessed that the level of vehicle noise on Crosland Road is such that it would disturb sleep within the front bedrooms of 11 Crosland Road. However given that the noise is on a public highway it cannot be classed as a Statutory Nuisance and therefore no action could be taken under Environmental Health legislation.
- 10.24 To address the concerns of the objector the applicant has offered to pay a sum of money towards the upgrade of bedroom windows within the front of 11 Crosland Road. A quote for a particular specification of glazing has previously been obtained by the objector and Environmental Services have advised that the level of glazing within the quote would be sufficient to mitigate disturbance within front facing bedrooms.
- 10.25 The applicant's offer addresses officers' concerns in terms of the impact on 11 Crosland Road. The money can be secured by way of a S106 agreement (unilateral undertaking) whereby the applicant would pay the money to the council and then the council would release the money to the objector once the works to the windows had been completed.
- 10.26 The applicant's offer is limited to 11 Crosland Road and does not extend to any other properties, including the adjoining semi-detached house and adjacent row of terraced houses (comprising 1-9 Crosland Road). Environmental Services have only witnessed an issue at 11 Crosland Road and no other properties have been found to be affected by noise disturbance and as such similar upgrades to other properties would not meet the test of necessity.



- 10.27 It is likely that 11 Crosland Road would experience the greatest noise disturbance because it is furthest from the background noise of New Hey Road and closest to the site access where vehicles are turning in and out near the brow of the hill.
- 10.28 Consideration has been given to routing traffic via an alternative direction during night-time hours (i.e. approaching the site from the north) as a way to avoid HGVs accelerating up Crosland Road when background noise levels are at their lowest. This has however been discounted because it would mean taking HGVs past a significantly greater number of dwellings which could exacerbate the overall impact of the development. Highways Development Management have also commented that accessing the site via New Hey Road represents the most suitable route for traffic because New Hey Road serves as a main distributor road and the site access is very close to it.
- 10.29 Imposing hours of use restrictions on The Pink Link operation as a means of controlling noise is not realistic because the nature of the business is such that it relies on the ability to operate 24 hours a day and it would become unviable if night time activities were restricted.
- 10.30 Taking into account the proposed noise mitigation measures and considering that the application site has a long-established and unrestricted general industrial use whereby some degree of noise is to be expected and the fact that noise will arise from any vehicle travelling along a public highway at any time of the day or night, on balance officers are of the opinion that the harm arising from the development would not be so detrimental so as to justify a refusal of the application on noise grounds.
- 10.31 In addition it is considered that the proposal would not have any material impact on the air quality within the vicinity of the site given that there is a long-established general industrial use of the site.
- 10.32 On balance the application is considered to satisfy Policies BE1, D2, EP4 and EP6 of the UDP and guidance in the NPPF.

#### Highway issues

- 10.33 The site forms part of an established industrial property which has been subdivided into two separate businesses which each benefit from separate points of access off Crosland Road. There are other commercial uses surrounding the site including a site to the south west which also has its own access off Crosland Road.
- 10.34 Highways Development Management considers that the proposed use would generate more vehicle movements in comparison to the established B2 use, especially from HGVs. The established use does however have the potential to generate unrestricted HGV movements and is likely to generate more parking demand.

- 10.35 Taking into account the size of the application site, in highway impact terms it is considered that the additional vehicle movements can be accommodated within the local highway network. It is also recognised that the site's location provides good connections to the classified road network and the M62.
- 10.36 Highways Development Management is generally satisfied that the site can accommodate the turning requirements of the expected HGV movements and that sufficient space is available for staff parking within the site, although it is acknowledged that there is some on-street parking taking place on Crosland Road. Details of parking and turning within the site have not been submitted with the application and it is considered that such details should therefore be required by condition.
- 10.37 The application is considered to be acceptable in highway safety terms and satisfies Policy T10 of the UDP.

### Representations

- 10.38 One objection has been received and the main issues raised by the objector have already been addressed within this appraisal.

## **11.0 Conclusion:**

- 11.1 The operation of the site as a 24 hour distribution business gives rise to a number of impacts that are mainly associated with the comings and goings of HGVs on the highway and the manoeuvring and loading/unloading of wagons within the site. The site nevertheless has an established general industrial use which is unrestricted in terms of the nature of the B2 activities that could take place and the hours any such business could operate. It is considered that noise from activities within the site from the proposed use can be adequately controlled through the submitted night-time noise management plan and disturbance to an objector's property from HGV movements on the highway can be mitigated by upgrading the glazing to road facing bedroom windows at the applicant's expense.
- 11.2 The vehicle movements generated by the proposal can be accommodated on the local highway network without unduly prejudicing highway safety or efficiency. There is sufficient space available for turning and parking within the site.
- 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. Development in accordance with the approved plans
2. Development in accordance with the approved night-time noise management plan
3. Details of the layout and surfacing of the car park for visitors and staff to be submitted within 4 weeks of approval and provided within four weeks following approval of the details.
4. Details of a turning area for 16.5 metre long service vehicle to be submitted within 4 weeks of approval and provided within 3 weeks of approval of details.

**Background Papers:**

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91900>

Certificate of Ownership – Certificate A signed.

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Originator: Farzana Tabasum

Tel: 01484 221000

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## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Apr-2017

Subject: Planning Application 2016/94061 Erection of two dwellings Land at Old Lane/ Taylor Lane, Scapegoat, Huddersfield, HD7

### APPLICANT

Briestone Ltd

### DATE VALID

02-Dec-2016

### TARGET DATE

27-Jan-2017

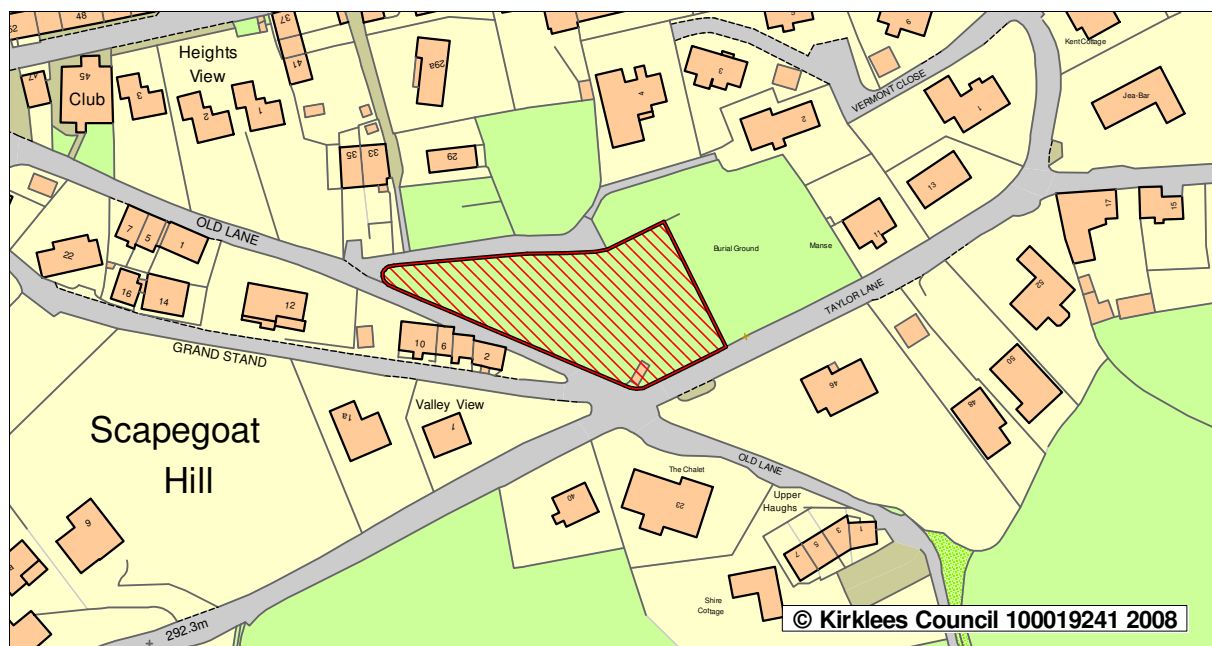
### EXTENSION EXPIRY DATE

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

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

### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral Wards Affected: Colne Valley**

Yes

Ward Members consulted  
(referred to in report)

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**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 is brought to Sub Committee at the request of Cllr Nicola Turner who states:

“I have concerns about the highway access to the site and would be requesting a committee decision”

1.2 The chair of sub-committee has confirmed that Cllr Turner’s reason for making this request is valid having regard to the Councillors’ Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 The site is of irregular shape and consists of overgrown shrubbery. Majority of land within the site slopes steeply down towards Old Lane and Taylor Lane in the southern direction. These roads run parallel with the south east and south west boundaries of the site, with residential properties beyond. East of the site is a burial ground. The site is separated from elevated land and the garden areas of properties to the north by a stone wall and an informal access/track beyond the stone wall

**3.0 PROPOSAL:**

3.1 The application is for the erection of two detached dwellings with integral garages to be served off individual drives onto Old Lane. The proposals would also include widening, in part of both Old Lane (approx. 35m in length ) and Taylor Lane (12m in length) by removing the existing boundary walls and providing a 600mm margin to the site entrances. The proposals would result in significant excavation works to accommodate the dwellings to be set into

the site. Parking, turning areas and provision for bin storage would be provided on site.

- 3.2 It is proposed to externally finish the dwellings in natural stone with slate roofs. A 3m wide landscape buffer along with a 1.5m wide access from Taylor Lane to allow easier access to the burial ground is also proposed between plot 1 and the burial ground.
- 3.3 An existing telegraph pole at the junction with Old Lane and Taylor Lane would be need to be relocated/sited. This would be the responsibility of the developer/applicant outside the scope of this planning application.

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

- 4.1 2015/92476 – erection of three detached dwellings – Pending decision

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

- 5.1 06/04/17 – location plan with amended red line  
10/02/17 – plot 2 amended reduced in massing & additional sections provided  
07/02/17 – sight lines included, resiting of external bin storage areas & external staircase (set back into 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.

The site is unallocated on the UDP Proposals Map.

- 6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:
  - D2 – Unallocated Land
  - BE1 – Design principles
  - BE2 – Quality of design
  - BE11 – Materials
  - BE12 – Space about buildings

T10 – Highway safety  
EP11 – Ecological landscaping

### 6.3 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

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

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 11 - Conserving and enhancing the natural environment

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

A total of thirteen representations are received. A summary of the concerns raised are set out below:

#### **Highway issues:**

- No provision of footways /lighting raising risks to pedestrians
- highway safety from increased volumes of traffic on narrow substandard highway infrastructure in area
- concerns over construction and building merchants vehicles using surrounding highway and accessing site
- Proposed access too close to existing junction between Old Lane and Taylor Lane.

#### **Visual amenity/character of area:**

- The development would remove this natural, open area, thus reducing the amount of green open spaces around our property.
- The scale and siting would have a significant negative impact from a visual perspective and dominate the surrounding area.
- The dry stone wall should be protected as part of our local heritage.
- Will over power nearby cottages on Grandstand
- The proposals would have a negative impact on nearby area of the green belt

#### **Drainage:**

- Proposals do not address current drainage issues in the area which will be increased by additional hard standing areas in site
- flood issues and increase in surface water in area

#### **Residential amenity:**

- headlights shining into the rear of no. 10 Grandstand
- concerned about the stability of sloping site
- Structural integrity of dry stone wall of Old Lane and damage to neighbouring property



**Other issues:**

- not affordable homes
- includes a public footpath and land that is used by local residents
- Why is there a need to create a new access to the graveyard
- Existing garage is used not derelict
- Not sustainable development
- majority of the site is designated as burial ground.
- Inaccurate information in ecological report submitted
- invasive plant species on site  
Loss of green area and wildlife

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

K.C. Highways Development Management - support revised plans subject to conditions.

K.C Conservation & Design – verbal comments, support proposals

**8.2 Non-statutory:**

K.C. Environment Officer – support subject to mitigation/enhancement measures

**9.0 MAIN ISSUES**

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

**10.0 APPRAISAL**

**10.1 Principle of development**

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 demolition of a small garage and erection of 2 detached dwellings on a site which is principally ‘greenfield’ except for the footprint of the garage building using the definition set out in the NPPF.

10.3 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.
- 10.5 The application site is located in an area that is unallocated under the Kirklees Unitary Development Plan. As such policy D2 is relevant to any proposals on the site and with this policy in mind, the proposed development in principle, would appear to be acceptable, subject to there being no undue harm caused to visual or residential amenity, highway safety, the environment or other similar considerations. These considerations will be assessed below.
- 10.6 Urban Design issues
- 10.7 In addition to Policy D2 of the UDP, Policies BE1 and BE2 of the UDP highlight the importance of achieving good design which is also a main objective set out in chapter 7 of the NPPF, entitled “requiring good design” and is a key component of the core planning principles. Paragraph 56 states that “it is important to plan positively for the achievement of high quality and inclusive design for all developments, including individual buildings, public and private spaces and wider area development schemes”. Paragraph 58 emphasises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings.....
- 10.8 The site is currently overgrown with shrubbery and other than a single garage in the southern corner, the site does not appear to be used for any other purpose. The context in which this site lies is evident of dwellings consisting of traditional stone terraced properties as well as dwellings of more contemporary design and large scale, set into hillsides and topography of land.
- 10.9 The proposed dwellings would be set back into the site and take access off Old Lane. The design is one of a contemporary style yet taking the traditional approach by using natural stone and slate roofs for external facing materials. In terms of scale the dwellings would be large and provide accommodation over three floors including rooms in the roof space. However as demonstrated in the sections provided it is considered the dwellings, in the siting, scale and massing as now revised, have been designed to respect the surrounding land levels. The proposed dwellings and rear gardens would be cut into the existing embankment and represent three storeys in height to the front with a basement level for garaging. The dwellings would be viewed against the backdrop of the existing embankment/ land to the north.

- 10.10 In terms of design, each dwelling would be bespoke in character and would clearly be seen from the road side. Only the roof line of plot one would project beyond the height of the existing wall to the north, which currently separates the application site from elevated land to the north. The existing ground levels will be dug out to create level vehicular access to the front onto Old Lane. In order to create the visibility splay the existing retaining stone wall along the site frontage will need to be repositioned and set back into the site. This together with retention of some of the existing land profile along the site frontage, adjacent to Old Lane would thereby retain the existing character (stone wall and graded banking) of the site. Officers are of the opinion the scope of works proposed would not unduly harm the visual amenity of the area, subject to a condition requiring alterations to wall along frontage to be natural stone to match the existing wall.
- 10.11 To summarise, Officers are of the opinion the proposals have been designed to respond well to the local character and would integrate sympathetically to the visual amenity of the area. Whilst the proposal is for two substantial detached dwellings, the siting of the dwellings and topography of the area mitigates their scale and consequently they would not appear as an incongruous addition to the street scene and are considered acceptable and would accord with Policies D2, BE1, BE2 of the UDP and advice within the NPPF.
- 10.12 Residential Amenity
- 10.13 In addition to Policy D2 of the UDP, Policy BE12 also applies and sets out recommended distances that should be achieved between existing and proposed dwellings.
- 10.14 The difference in levels and separation distances between the proposed dwellings would ensure that the amenity of the future residents would not be prejudiced. Both plots provide an acceptable standard of amenity for future occupiers including adequate amenity space. The proposals satisfy Policies BE12 and D2 of the UDP and guidance in the NPPF.
- 10.15 Highway issues  
Policy T10 of the UDP states that new development should not materially add to any highway safety implications.
- 10.16 Highway Officers on initial assessment advised:  
“The site is situated north of the junction of Old Lane and Taylor Lane; both Old Lane and Taylor Lane are subject to a 30-mph speed limit and have street lighting along their length.
- 10.17 The development consists of the erection of 2 dwellings with 8 associated vehicle parking spaces including internal double garages. Improvements to the roads have also been proposed by the applicant. In regards to the road improvements it has been proposed that Old Lane is widened along the full frontage of the development to a width of 4.8m and includes a 600mm margin, this is seen as acceptable and necessary from a highways point of

view. Taylor Lane is also proposed to be widened along the front of the site to a width of 5m with a 600mm margin. Waste collection points have also been shown on the plans. In regards to parking the correct number of vehicle parking spaces has been provided which comply within recommended standards”.

10.18 In response to this, the plans have been amended to provide the required sightlines from both plots by setting back the proposed retaining walls along Old Lane. In addition finished ground levels have been indicated on the revised plan with a maximum centre line gradient being 1 in 8. With this and an adequate level of on-site parking, turning and bin storage areas for both proposed dwellings, Highway Officers support the proposals subject to conditions as set out at the end of this assessment.

10.19 To summarise, the proposals, as revised, are considered acceptable from a highway perspective, and would accord with Policies D2 and T10 of the UDP.

10.20 Drainage issues

The application form states that surface water will be discharged to the mains sewer and soakaways with foul drainage to mains.

10.21 Drainage officers advise whilst there are no known re-emergence issues in the immediate area soakaways are likely to be appropriate in this location. However, in this instance and in the interest of public health and flood risk details for both foul and surface water drainage would need to be approved prior to occupation on any allied building regulation application, therefore it would not be necessary to impose any conditions relating to drainage on this planning application.

10.22 Representations

**Highway issues:**

- No provision of footways /lighting raising risks to pedestrians
- highway safety from increased volumes of traffic on narrow substandard highway infrastructure in area
- concerns over construction and building merchants vehicles using surrounding highway and accessing site
- Proposed access too close to existing junction between Old Lane and Taylor Lane.

**Response:** The proposals include localised road widening which would increase the radii of the junction between Taylor Lane and Old Lane. The proposals have been assessed by Highway Officers who, subject to these works and conditions, support the scheme. A condition to require details of construction vehicle parking and materials can be included on the decision notice. In light of the proposed highway works and on site provision for parking and appropriate visibility sight lines it is considered the proposals can be served by the existing highway infrastructure without creating or materially adding to highway safety issues.

**Visual amenity/character of area:**

- The development would remove this natural, open area, thus reducing the amount of green open spaces around our property.
- The scale and siting would have a significant negative impact from a visual perspective and dominate the surrounding area.
- The dry stone wall should be protected as part of our local heritage.
- Will over power nearby cottages on Grandstand
- The proposals would have a negative impact on nearby area of the green belt

**Response:** addressed in the assessment above. Given the proposed siting and juxtaposition with properties to the west along Old Lane/ Grandstand together with the proposed finished ground levels, officers are of the opinion the proposed dwellings would not appear overbearing or create an oppressive dominance to these neighbouring properties or appear incongruous given the wider character of the area.

**Drainage:**

- Proposals do not address current drainage issues in the area which will be increased by additional hard standing areas in site
- flood issues and increase in surface water in area

**Response:** to be considered by relevant authorities through building regulations

**Residential amenity:**

- headlights shining into the rear of no. 10 Grandstand  
Response: Old Lane is an existing road used by vehicles, which no. 10 Grandstand sits along. This property has minimal openings in the elevations facing Old Lane. The proposals would not create or materially add to the impact on this property from car headlights using an existing road.
- concerned about the stability of sloping site
- Structural integrity of dry stone wall of Old Lane and damage to neighbouring property

**Response:** Structural stability issues relating retaining walls adjacent to public highways is considered in the assessment above. The developer/applicant also has the liability and responsibility to ensure development within the site is designed appropriately to prevent unacceptable risks from land instability in accordance with chapter 11 of the NPPF

**Other issues:**

- not affordable homes

**Response:** It is acknowledged that the proposed dwellings are large and would not be considered 'affordable'. This is not a material consideration in the assessment of the application and the scale of development, two dwellings, would not trigger a requirement for an affordable housing contribution.

- includes a public footpath and land that is used by local residents  
**Response:** there is no definitive public right of way within the application red line.
- Why is there a need to create a new access to the graveyard  
**Response:** Clarity is sought from the agent on this issue and the requirement for this new access. Should this be deemed unnecessary, this can be omitted from the proposals by an appropriately worded condition.
- Existing garage is used not derelict  
**Response:** noted
- Not sustainable development  
**Response:** See assessment above, the development is considered sustainable.
- Majority of the site is designated as burial ground.  
**Response:** This is noted. However, the proposals appear to be restricted to an area of land which is unused and appears to be sold separate to the burial ground adjacent to the eastern boundary
- Inaccurate information in ecological report submitted
- invasive plant species on site
- Loss of green area and wildlife  
**Response:** Whilst, the Council's Ecology Officer raises no objections to the proposals, a revised reptile method statement shall be conditioned along with mitigation measures. See assessment above.

#### 10.25 Planning obligations

None required as the site area and proposals are below the threshold for any planning obligations, such as affordable housing, POS and education contributions.

#### Other Matters

#### 10.26 **Electric vehicle charging point:**

Paragraph 109 of the NPPF 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" Therefore, 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.

#### 10.27 **Impact on biodiversity and landscape:**

Chapter 11 of the NPPF relates to "conserving and enhancing the natural environment" and states under paragraph 109 that the "planning system should contribute to and enhance the natural and local environment" and that "local planning authorities should aim to conserve and enhance biodiversity"

10.28 The application is accompanied with an ecological report and reptile method statement. On assessment of these the Council's Ecology Officer states:

10.29 *"The ecology report fails to explicitly state the value of the habitats to be impacted, or the significance of ecological effects. However, due to the nature of the habitats and location of the site I am satisfied that the ecological effects of the proposed development can be fully mitigated subject to conditions.*

*With regards to the reptile method statement, the measures proposed are not proportional to the value of the site, the potential for direct impacts to reptiles, or the significance of impacts to any wider reptile population. The mitigation proposals, i.e. trapping effort, are based on assumptions that have not been verified through survey". The evidence presented within the ecological reports indicates that reptiles are either absent or present in low numbers".*

10.30 In light of this the Council's Ecology Officer raises no objections to the proposals subject to conditioning a revised reptile method statement to be submitted following the actions as set out in his advice dated 20/03/17. This requires stripping of vegetation amongst other actions. In addition an Ecological Design Strategy (EDS) addressing impact avoidance measures and enhancement measures including planting is also required. Suitably worded conditions to address the above issues could be included on the decision notice in accordance with the advice in the NPPF, should Members be supportive of the proposals.

10.31 Finally the proposals would include a landscape buffer along the eastern boundary. This can be conditioned to include planting to encourage ecological enhancement and biodiversity interests in the area, through the submission of a landscape scheme to be agreed in writing by the Local Planning Authority.

10.32 **Retaining walls:**

As states above the proposals to widen part of Old Lane and Taylor Lane would include the provision of new retaining walls along both these public highways. The onus is on the applicant /developer to ensure the proposals are constructed to ensure the structural integrity and stability of such structures and roads is not compromised as set out the advice within the NPPF and NPPG. In light of this, and given the retaining walls would be along public highways, the Local Planning Authority has a duty of care to the public and to ensure new retaining walls are designed appropriately to prevent unacceptable risks from land instability in accordance with chapter 11 of the NPPF. As such, it is prudent to ensure that the general design of the structures is suitable in the interests of highway safety. A condition is recommended in this regard along with an advisory note to make the developer aware of this responsibility and liability.

## 11.0 CONCLUSION

11.1 A very small part of the site constitutes brownfield land with the remainder being greenfield land. The principle of residential development as assessed above is acceptable. Furthermore, having regard to the pattern of existing

development in the area, representation received and the relevant provisions of the development plan and the National Planning Policy Framework, subject to conditions, the proposed scheme would be in accordance with the development plan as it is sustainable development, would not compromise the character of the area and would not have any significant adverse impacts neighbour amenity or highway safety.

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 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**

### **12.1 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 for commencement of development
2. Details of external materials to be approved
3. Parking & turning areas to be surfaced and retained
4. Details of a scheme for road widening at Old Lane and Taylor Lane
5. Schedule of means of access to the site for construction traffic
6. Access ramp to the car park not to exceed 1 in 8
7. Structural details/calculations relating to retaining walls/structures
8. Wall to site frontage to be faced in natural stone
9. Revised reptile method statement, ecological/ biodiversity enhancements
10. Landscape scheme to proposed buffer along eastern boundary
11. Potential omission of proposed pedestrian access to graveyard (agent to confirm, as set out in the appraisal above)
12. Electric vehicle charging point

### **Background Papers:**

Application and history files – as stated above

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f94061>

Certificate of Ownership

Certificate B signed by agent

**Notice served on Scapegoat Hill Baptist Church c/o John Stephenson**





Originator: Nick Hirst

Tel: 01484 221000

## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Apr-2017

**Subject: Planning Application 2017/90819 Prior notification for erection of 15m monopole telecommunications antennae and installation of 2no. dishes and 4no. ground based equipment cabinets (within a Conservation Area) Marsden Football Club, 6 Carrs Road, Marsden, Huddersfield, HD7 6JE**

#### APPLICANT

Shared Access Ltd C/O  
Agent

#### DATE VALID

07-Mar-2017

#### TARGET DATE

01-May-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

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**Electoral Wards Affected: Colne Valley**

No

Ward Members consulted

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**RECOMMENDATION:**

**Delegate approval of siting and appearance and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions contained within this report.**

**1.0 INTRODUCTION**

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

*{Because of} the amount of public concern that has been raised, and the visual impact it may have on a conservation area'*

1.2 Cllr Bellamy requested a site visit for the application.

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

**2.0 SITE AND SURROUNDINGS**

2.1 The site is located on the north edge of Marsden Football Club's single pitch, adjacent to a small wooded area. Adjacent to the site, to the east, is Holme Valley Mountain Rescue and, to the north, Pearson Funeral Services. Beyond Person Funeral Services is Manchester Road. To the west of the site, running adjacent to the pitch, is Fall Lane.

2.2 The site is near the centre of Marsden and is within Marsden Conservation Area. Approximately 40.0m to the north, across Manchester Road, is 30 Oliver Lane and 125.0m to the south are nos.4 and 6 Carrs Road. These properties are Grade 2 Listed.

### **3.0 PROPOSAL**

- 3.1 The application is a prior notification of proposed development by a telecommunications code system operator. The application seeks the installation of telecommunications equipment; namely a mast, three antenna, two dishes and ancillary equipment, to be sited to the north of the football pitch.
- 3.2 The Mast and Antenna are to have a combined height of 15.0m. Ancillary equipment includes four equipment cabinets. The largest is to measure 1.3m x 0.7m x 1.7m. The mast and cabinets would all be painted Olive Green (RAL 6003). The installation is to be built on a single concrete base.
- 3.3 The proposed mast is required following an existing mast being decommissioned. The existing mast, at New Mill, Brougham Road, Marsden, HD7 6AZ, has received a 'Notice to Quit' from the land owner. The current mast provides 2G coverage only.
- 3.4 The installation is to improve existing network coverage of 2G, 3G and 4G technologies for Telefonica (O2) and Vodafone. These companies provide coverage for various other mobile operations, including Giffgaff, Tesco Mobile, TalkTalk Mobile and Lebara Mobile.

### **4.0 RELEVANT PLANNING HISTORY**

#### **4.1 Fall Lane**

2010/91037: Installation of radio base station consisting of 1 no. 17.5M Jupiter, 830 column, 1 no. cannon type cabinet, 1 no. vodaphone erricon kbs 2106 cabinet & associated ancillary equipment (within a Conservation Area) – Refused

*Reason for refusal: The proposed column, by reason of its height, siting and appearance, would have an adverse impact on the character and appearance of the Marsden Conservation Area and the statement submitted with the application does not conclusively demonstrate all suitable alternative options (in particular, installation on a tall building) have been considered. The proposed development would therefore be contrary to the aims of Policies BE1 and BE5 of the Unitary Development Plan and Government advice contained in PPS5 (Planning for the Historic Environment) and PPG8 (Telecommunications).*

#### **4.2 Peel Street**

2012/93752: Prior notification for installation of telecoms cabinet (within a Conservation Area) – Details Approved

#### 4.3 Royal British Legion

2014/93363: Prior notification for installation of telecommunications equipment – Details Approved

The submitted Planning Statement comments that '*CTIL have not been able to implement the 2014 application as commercial terms have not been agreed with the site provider and are unlikely to be able to be resolved in the future*'

### 5.0 HISTORY OF NEGOTIATIONS

5.1 Formal negotiations have not taken place.

### 6.0 PROCEDURAL MATTERS AND POLICY CONTEXT

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 Town and Country Planning (General Permitted Development) (England) Order 2015

- **Schedule 2, Part 16, Class A:** Electronic communications code operators

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

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Conservation Areas
- **T10** – Highway Safety

#### 6.4 National Planning Policy Framework

- **Chapter 5** – Supporting high quality communications infrastructure
- **Chapter 7** – Requiring good design

- **Chapter 12** – Conserving and enhancing the historic environment

## **7.0 PUBLIC/LOCAL RESPONSE**

- 7.1 The application has been advertised by site notices around the site. This is in line with the requirements of the General Permitted Development Order 2015, Schedule 2, Part 16, Class A. The application was also advertised by a press notice in the Huddersfield Examiner. The end date for publicity is 19<sup>th</sup> April 2017. Representations received following the publication of the agenda will be reported to members in the update.
- 7.2 At the time of writing 11 representations have been received in objection to the proposal. No representations have been received in support. The below is a summary of the concerns raised;

### Visual Impact

- The mast would be prominently visible from various views and would be detrimental to the streetscene. This is exacerbated by the area's topography, as views from the hills towards Marsden will see the mast.
- The mast is not traditional or historic in appearance. The design is incongruous in its setting and would be harmful to the Marsden Conservation Area.
- The green paint will not camouflage it and, given its greater height and their sparseness, the trees will provide limited screening.
- Impact on the heritage value of listed buildings within the vicinity, with the heritage assessment makes no reference to.

### Other

- Other developments have been turned down in the area by planning. The proposal would have a greater impact than those previously turned down. Should the development be approved, the proposal may lead to more 'unsuitable' buildings in the area.
- Concerns of how the proposal will impact upon local businesses through interference.
- Impact on the amenity of nearby residents.
- The applicant has failed to demonstrate a need for the proposed mast and the sequential test is insufficient, failing to conclusively demonstrate that all other candidate sites have been investigated.
- Residents dispute that the proposed mast will aid in preserving the heritage of the football pitch. The benefits to Marsden are not universal and are limited to users of certain mobile phone networks.
- Concerns over the pre-submission consultation. The applicant has not undertaken a public meeting prior to submission, despite a request from Cllr Bellamy and MP Mr McCartney. Requests from local residents at pre-submission have not been appropriately considered or acted upon.

- Concerns that the application has not been properly advertised, and that there was discrepancies on the end date of representations on the application's webpage.

## **8.0 CONSULTATION RESPONSES**

### 8.1 Statutory

The Environment Agency: No objection

Sport England: No objection

K.C. Conservation and Design: No objection to the proposal. The proposal is not anticipated to harm the identified heritage value of the Conservation Area or the surrounding listed buildings.

### 8.2 Non-statutory

K.C. Trees: No objection

## **9.0 MAIN ISSUES**

- General principle
- Satisfying the sequential approach
- Impact on visual amenity, including the surrounding heritage assets, due to siting and appearance
- Impact on residential amenity due to siting and appearance
- Other impacts due to siting and appearance
- Representations

## **10.0 APPRAISAL**

### General principle

- 10.1 The proposal is submitted under the prior notification procedure set out in The General Permitted Development Order 2015, Schedule 2, Part 16, Class A (GPDO). In this instance, the installation does benefit from 'permitted development' under Part 16, in that the apparatus would be less than 20.0m above ground level. Therefore the principle of development is established. Notwithstanding this the local planning authority has advised the applicants that prior approval of the siting and appearance of the development will be required. These are the only two issues that can be assessed as part of this submission, as set out by the GPDO. Advice in National Planning Practice Guidance states this is deliberate as a 'light-touch' process where the principle of development, as in this case, has been established.

- 10.2 There are no saved policies in the UDP regarding telecommunications development. The main guidance is in Chapter 5 of the NPPF: Supporting high quality communications infrastructure. This establishes a general principle in favour of telecommunications development. Paragraph 42 states that; *'Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.'*
- 10.3 The general principle of providing communications infrastructure is supported subject to a more detailed assessment of the siting and appearance of the scheme. The assessment takes into account whether the applicants have undertaken an appropriate sequential approach to choosing this site for the development.

#### Satisfying the sequential approach

- 10.4 Chapter 5 of the National Planning Policy Framework outlines guidance for Telecommunications development. This includes, in paragraph 43, the guidance that *'existing masts, buildings and other structure should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate'*.
- 10.5 As this proposal seeks approval for a new mast the applicants have provided details of sequential approach and evidence base for the siting of new base stations. Paragraph 45 of the National Planning Policy Framework establishes that when a new mast is proposed the applicant should demonstrate that they have first explored:
1. Mast and site sharing
  2. Existing buildings/structures
- 10.6 The information provided relates to a 'Cell Search Area'. This is the area where the mast must be located to achieve the required propagation. In total 17 alternative sites were considered which could potentially achieve the required propagation. This includes 9 site sharing and building based installations and 8 new ground base installations. Limiting factors for potential sites include a willing landlord with reasonable commercial terms, adherence to planning and environment policy and other site specific issues such as suitable power supply.
- 10.7 The Sequential Assessment is outlined in Section 10 and Appendix 11 of the submitted Planning Statement. Officers consider that the Sequential Assessment is acceptable, and complies with the requirements of the NPPF. In summary it is considered that the sequential assessment demonstrates that the site is suitable for the development in principle, subject to consideration of its siting and appearance.

Impact on visual amenity, including the surrounding heritage assets, due to siting and appearance

- 10.8 General policies on design relevant to the proposed development are BE1 and BE2 of the Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.
- 10.9 Additionally the site is located within the Marsden Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Policy BE5 and NPPF Chapter 12 outline the principle of development and restrictions for development in Conservation Areas.
- 10.10 Paragraph 129 of the NPPF requires identification of a heritage asset's significance. The Marsden Conservation Area Appraisal identifies that Marsden is designated as a conservation area due to its special architectural and historic interest. This part of the conservation area, deemed part of the open space at Fall Lane, is included in the conservation area for historic interest as it represents the importance of the social aspects of industrialisation rather than for architectural interest.
- 10.11 The proposed mast and ancillary equipment are of a functional design that is typical of telecommunications equipment. It is of monopole design around 0.5m in diameter with visual screening provided by the adjacent trees and buildings to the north. The mast and equipment are to be painted Olive Green, seeking to lessen its impact when viewed with the surrounding trees. However at an overall height of 15.0m it would be taller than the surrounding structures. The tallest of the adjacent trees is approx.10.0m. For context, streetlamps on Manchester Road are also 10.0m in height. The proposed height is necessitated to achieve the required propagation and preventing the need for several smaller masts in the area.
- 10.12 At 15.0m the top section of the mast would be visible from Manchester Road and across the football pitch from Carrs Road. It is acknowledged that the proposed installation contrasts with surrounding built development, and would form a modern feature between the football pitch, electricity sub-station, funeral directors and mountain rescue premise. Nonetheless planning policy guidance recognises that compromise is often required between what would be ideal and what can practically be achieved to meet the need for improved telecoms development. A range of alternatives have been eliminated, with the proposed site being the sequentially preferable available site. It is not now uncommon in built-up areas to have such functional structures, either close to residential properties or in more remote locations, such as that proposed. Overall officers do not consider that the installation would appear unduly incongruous within the built environment's setting.



- 10.13 In regards to the impact on the Marsden Conservation Area, the proposal is not considered to prejudice the identified heritage value, as set out in paragraph 10.10. The proposal would not detract from the architectural merits and appeal of surrounding buildings or harm the historic context of the Fall Lane recreation ground. Given this the proposal is considered to cause less than substantial harm to the significance of the Conservation Area, because it would introduce functional telecommunications equipment of 15m in height where no such development of this height or appearance exists. Weighing the less than substantial harm against the public benefit of the scheme, the public benefit of providing high quality telecommunications is considered to outweigh the harm caused. This takes into account the results of the sequential approach and that this site is required to replace and existing site that is to be decommissioned.
- 10.14 Listed buildings in the vicinity include no.30 Oliver Lane and Nos.4 and 6 Carrs Road. No.30 is located approximately 40.0m to the north, with a tree screen, Pearson Funeral Service and Manchester Road in between. Nos.4 and 6 are located approx.125.0m to the south of the site and football club. Given the separation distances and intervening features the proposal is not considered to impact on the setting of the listed buildings.
- 10.15 It is therefore considered that the proposal complies with Policies BE1, BE2 and BE5 of the Unitary Development Plan and Chapters 7 and 12 of the National Planning Policy Framework.

#### Impact on residential amenity due to siting and appearance

- 10.16 The closest dwelling is approx.40.0m to the north of the site. The site is separated from this dwelling by trees, the buildings of Pearson Funeral Services and Manchester Road. Given these circumstances it is not considered that the proposed mast would lead to a material loss of amenity to the occupiers of local residents.

#### Other impacts due to siting and appearance

- 10.17 The site is adjacent to several mature trees. The trees are protected by virtue of their location within Marsden Conservation Area. Given the small footprint of the proposed mast and associated equipment K.C. Trees does not anticipate that the proposal would lead to immediate harm or affect the long term viability of adjacent trees. It is noted that progressive tree growth may interfere with the signal of the mast. Nevertheless KC Trees have indicated that the trees are considered to be of poor quality, and some pruning would not be unreasonable, should this be required in the future.
- 10.18 The site is adjacent to Marsden Football Club's pitch. Sport England was therefore consulted. However the proposal is not anticipated to lead to the loss of a playing field; the proposed mast's siting is considered to be on land incapable of forming a playing pitch.

- 10.19 The site is within Flood Zone 3. However, given the nature of the proposed development officers do not object from a flood risk perspective. While not formally defined, Telecommunications development is typically classified as 'Water Compatible' or 'Less Vulnerable' development within the National Planning Policy Framework's Flood risk vulnerability classification. The Environment Agency, a statutory consultee, does not object to the proposal.

### Representations

- 10.20 A total of 11 representations have been received. Many of the issues raised have been addressed within the relevant sections of this report. A response to the other issues raised by objectors is provided below. In summary the issues raised do not materially alter the conclusions reached in this assessment.

- Other developments have been turned down in the area by planning. The proposal would have a greater impact than those previously turned down. Should the development be approved, the proposal may lead to more 'unsuitable' buildings in the area.

**Response:** Each application is assessed on its own merits. Furthermore it is noted that the proposal is for Prior Notification, therefore only Siting and Appearance are considered, as opposed to a standard Planning Application. In regards to application no. 2010/91037, the proposal differs in that the policy context has changed, the mast is not as high and in a less prominent location. Additionally the current application has provided a more robust submission in support of a sequential approach.

- Concerns of how the proposal will impact upon local businesses through interference.

**Response:** No evidence has been provided as to how the proposal would lead to harm to local businesses. It is noted that telecommunications equipment is used throughout built up areas, with typically no identified harm caused to nearby business.

The application has been submitted with a Declaration of Conformity with the guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP) for public exposure. Paragraph 46 of the NPPF states that local planning authorities should not determine health safeguards in respect of telecommunications development if the proposal meets ICNIRP guidelines.

- The applicant has failed to demonstrate a need for the proposed mast and the sequential test is insufficient, failing to conclusively demonstrate that all other candidate sites have been investigated.

**Response:** Paragraph 46 of the National Planning Policy Framework outlines that it is not the Local Planning Authority's place to question the need for telecommunication systems. Officers considered that the submitted

information demonstrates that a satisfactory sequential approach has been taken.

- Residents dispute that the proposed mast will aid in preserving the heritage of the football pitch. The benefits to Marsden are not universal and are limited to users of certain mobile phone networks.

**Response:** The assessment above provides limited weight to the benefit to the Football Club, with the general weight provided by the NPPF in favour of telecommunications development being considered sufficient. The proposed installation is to be shared by numerous mobile phone networks. The submitted Planning Statement has identified a need for the proposed mast to enhance the service these networks provide. Paragraph 46 of the National Planning Policy Framework outlines that it is not the Local Planning Authority's place to prevent or question competition between operators.

- Concerns over the pre-submission consultation. The applicant has not undertaken a public meeting prior to submission, despite a request from Cllr Bellamy and MP Mr McCartney. Requests from local residents at pre-submission have not been appropriately considered or acted upon.

**Response:** There is no statutory requirement for a pre-submission consultation meeting to take place. It is not required by the Telecommunication Operator's Code of best practice.

- Concerns that the application has not been properly advertised, and that there was discrepancies on the end date of representations on the application's webpage.

**Response:** Following these comments additional site notices were posted and a further 21 days were provided to allow comments from residents.

## **11.0 CONCLUSION**

11.1 An overarching objective of planning policy is to ensure that everyone enjoys the same degree of access to high quality electronic communication opportunities. Officers considered that the application has justified the need for the proposed mast and satisfied the sequential test for identified the site.

11.2 While concerns of the proposal's potential to harm the Conservation Area are noted, on balance officers considered that the public benefit provided by the Telecommunications mast outweighs the less than substantial harm caused. Therefore, officers recommend that prior approval be given for the siting and appearance of the development applied for.

## **12.0 CONDITIONS**

- 1. Prior approval for siting and appearance subject to works being undertaken in accordance with restrictions and conditions outlined in Part 16 Class A. This includes the development being completed in accordance with the plans and commencement time.**

## **Background Papers**

Previous Planning Applications and history files as noted above under section 4.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90819>

Certificate of Ownership – Certificate of Ownership are not submitted for prior notification applications.



Originator: Nick Hirst

Tel: 01484 221000

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## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Apr-2017

**Subject: Planning Application 2016/92830 Reserved matters application pursuant to permission 2015/92205 for outline application for erection of one dwelling Land off, Round Ings Road, Outlane, Huddersfield, HD3 3FQ**

#### APPLICANT

E Barber, c/o agent

#### DATE VALID

15-Sep-2016

#### TARGET DATE

10-Nov-2016

#### EXTENSION EXPIRY DATE

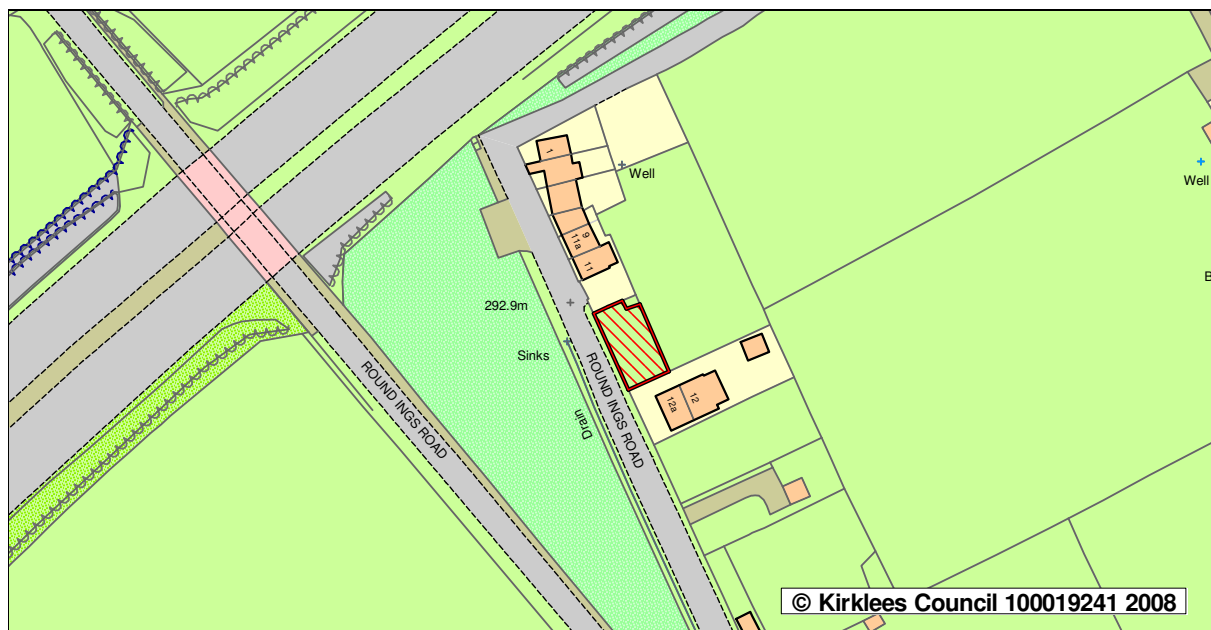
27-Apr-2017

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

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

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral Wards Affected: Colne Valley**

No

Ward Members consulted

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**RECOMMENDATION:**

**Delegate approval of the reserved matters 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 is brought to committee following the approval of Outline Planning Permission by Huddersfield Planning Committee on 18<sup>th</sup> February 2016.
- 1.2 Members considered that the Outline Application represented limited infilling within a village/settlement and was therefore in accordance with Chapter 9 of the NPPF and Policy D13 of the UDP. However Members resolved that the reserved matters submission be brought to the committee for determination to consider detailed matters, including scale and appearance.

**2.0 SITE AND SURROUNDINGS**

- 2.1 The application site comprises a relatively flat, rectangular piece of undeveloped land between numbers 11 and 12/12a Round Ings Road, Outlane. This section of Road Ings Road forms a spur road off the main highway that connects to Horse Pond Lane.
- 2.2 There is a row of terraced properties towards the north of the site (1-11 Round Ings Road) and a former Baptist Meeting House that has been converted to residential use to the south of the site (12/12a Round Ings Road). There is open land to the east (rear) and a small area of woodland to the west on the opposite side of the road. The site is close to the M62 motorway.
- 2.3 The site is located within the Green Belt, as defined on the Unitary Development Plan Proposals Map.

### **3.0 PROPOSAL**

- 3.1 This is a reserved matters submission following the approval of outline planning permission reference 2015/92205 for erection of 1 dwelling. Outline permission was granted with all matters reserved. All matters, access, appearance, landscaping, layout and scale, have been applied for.
- 3.2 The dwelling is to be two storeys in height with a footprint of 84.0m<sup>2</sup>. It is to have four bedrooms, with habitable rooms within the roof space. External walls are to be faced in natural stone, with natural slates on the gabled roof. Openings are proposed on the front, rear and north facing side elevation. Rooflights are also proposed.
- 3.3 Access is to be taken directly from Round Ings Road with two off-road parking spaces provided. They are to be surfaced in a permeable material. Remaining land within the plot is to be laid to lawn, and used as garden. The site's existing retaining wall to the site's north, east and south boundary is to remain.

### **4.0 RELEVANT PLANNING HISTORY**

#### **4.1 The site**

90/03364: Outline application for erection of dwelling – Refused

2013/93105: Outline application for erection of one dwelling – Refused (Dismissed at appeal)

2015/92205: Outline application for single dwelling – Conditional Outline Permission

#### **4.2 Site adjacent**

The surrounding area has no relevant planning history.

### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Initial concerns were held over the proposal's scale, appearance and layout. The size of the dwelling was considered harmful to the openness and character of the Green Belt, harmful to the amenity of neighbouring residents and harmful to highway safety. Design features, such as a roof terrace, were considered incongruous to the context of the site and the wider surroundings.
- 5.2 During ongoing negotiations various iterations of the design have been considered. The scheme now brought to committee has been reduced in scale, the layout and roofing material amended and the appearance redesigned.

## 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

- **D13** – Infill development in the Green Belt
- **BE1** – Design Principles
- **BE2** – Quality of design
- **BE11** – Materials
- **BE12** – Space about buildings
- **EP4** – Noise sensitive development
- **T10** – Highway safety

### 6.4 National Planning Guidance

- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 9** – Protecting Green Belt land
- **Chapter 11** – Conserving the natural environment

## 7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised by a site notice at the site and letters to neighbouring dwellings. This is in line with the Council's adopted Statement of Community Involvement. The end date for publicity is 14<sup>th</sup> April 2017. Representations received following the publication of the agenda will be reported to members in the update.



7.2 Seven representations have been received from three local residents. No representations have been received in support. The below is a summary of the concerns raised;

- The design, and use of blue concrete tiles, is not in keeping with the surrounding dwellings. It should be set further back in the site.
- No.11 has a septic tank/cesspool in close proximity to the boundary, where the proposed package treatment plant is to be located. Concerns are held that the proposed digging to fit the package treatment plant could damage the septic tank/cesspool. Residents are under the impression that there is a minimum distance for positioning dwellings near the septic tank/cesspool.
- Concerns that the plan showing the culvert is not correct and the general accuracy of the plan. Harm to the culvert could lead to local flooding.
- Size of the dwelling dominates the site and is overdevelopment.
- Concerns of overlooking towards neighbouring dwellings.
- Concerns of the dwelling causing an overbearing impact upon no.12.
- Concerns over vehicle visibility not being sufficient.
- Insufficient parking for the scale of the dwelling.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Non-statutory**

- K.C. Drainage: No objection.
- K.C. Environmental Health: No objection subject to conditions.

## **9.0 MAIN ISSUES**

- Assessment of the reserved matters as follows:
  - Impact on visual amenity, including the openness of the Green Belt
  - Impact on residential amenity
  - Impact on highway safety
  - Other considerations
  - Representations

## **10.0 APPRAISAL**

### Impact on visual amenity, including the openness of the Green Belt

10.1 While the principle of development within the Green Belt is established, consideration must be given to the proposal's impact on the character of the Green Belt. The Green Belt is characterised by its openness and permanence. Thought must also be given to the proposal's impact upon the local built environment, giving consideration to Policies BE1, BE, BE11 and BE12 of the Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

- 10.2 Following amendments which reduced the scale of the dwelling officers consider that the size of the dwelling is acceptable, taking into account the scale of the site and the neighbouring dwellings. It is considered that the scale of the proposed dwelling forms a natural progression in size and layout between the terrace row to the north and the original chapel (now nos.12 and 12a Round Ings Road) to the south. It is therefore considered that the proposal's scale and layout would not cause undue harm to the openness of the Green Belt.
- 10.3 Regarding general appearance and the built environment, the site is between a converted chapel and terrace row. There is not considered to be a prevailing design to the immediate area. Nevertheless the appearance of the proposed dwelling is considered to suitably harmonise within the streetscene, which includes adopting design features from neighbouring buildings. The scale of the dwelling, which has been previously assessed as acceptable within the Green Belt, is also considered acceptable from a built environment perspective.
- 10.4 The proposed dwelling is to be faced in natural stone and 'natural slates', which is acceptable in principle; to ensure suitable samples are used a condition can be imposed requiring samples to be submitted. The architectural design, fenestration and overall appearance are considered to harmonise with that of the surrounding built environment. Proposed features such as rooflights and bi-folding doors are not common in the area; however these are typical features on modern dwellings and are not considered materially harmful to visual amenity. Given this the appearance of the proposed dwelling is considered acceptable.
- 10.5 Externally the remaining land is to be laid to lawn, being used as garden space. The exception to this is two parking spaces, to the dwelling's south, to be surfaced in permeable materials. The existing boundary wall is approximately 1.0m high drystone wall: this is to be retained. These landscaping details are considered acceptable and would harmonise, in general, with neighbouring dwellings.
- 10.6 It is concluded that the layout, scale, appearance and landscaping of the dwelling will not appear incongruous within its setting and will not cause harm to the Green Belt. It is therefore considered that the proposal complies with Policy D13, BE1, BE2, BE11 and BE12 of the UDP and Chapters 7 and 9 of the National Planning Policy Framework.

#### Impact on residential amenity

##### *Amenity of neighbouring residents*

- 10.7 To the north of the site is no.11 Round Ings Road. No.11 has two non-habitable room windows on the side elevation facing towards the proposed dwelling. This is at a distance of 14.9m. Given this distance and that the windows in question serve non-habitable rooms the layout, scale and appearance of the dwelling is not anticipated to cause material harm through

overshadowing, overbearing or loss of outlook to the occupiers of no.11. No.11's habitable room windows on the front and rear elevation will have no view towards the proposed dwelling.

- 10.8 At ground floor level the proposed dwelling has a glazed bi-folding door facing towards no.11. At 14.9m this is in compliance with Policy BE12(ii), which requires a minimum distance of 12.0m between habitable and non-habitable room windows. It is noted that the window will overlook no.11's land at a distance of 6.4m. However the land is principally a driveway; overlooking of a driveway is not considered to cause material harm to the amenity of occupiers.
- 10.9 To the site's south are nos.12 and 12a Round Ings Road. Each has habitable room windows facing north, which will have a view of the proposed dwelling. The closest window, serving 12a, has a distance of 8.2m from the dwelling and would have a direct view of the proposed dwelling's south gable. This is not in accordance with Policy BE12. However the window is a secondary window to the room; while there will be overbearing caused upon the window, it is not considered to amount to material harm to occupiers' amenity.
- 10.10. The remaining windows within the north elevation of nos. 12 and 12A Round Ings Road would also be within 12.0m of the dwelling. However they have an increasingly oblique view of the proposed dwelling. In assessing the impact on nos.12 and 12a it must be acknowledged that most planning approvals are likely to interfere to some extent with an adjoining occupier's enjoyment of their property. However the test is whether this is proportionate balancing the rights of the developer to develop and the rights of those affected by the development. Due to the windows facing towards the site any development of the site would impact on the amenity of the adjacent occupiers. Given the oblique arrangement and that the principal view of the windows, to the north-east over open field, is not to change, on balance it is considered that the proposal would not cause material harm to the occupiers of nos.12 and 12a.
- 10.11 Given the above it is considered, on balance, that the detail of reserved matters submitted would not result in material harm to the amenity of surrounding residents. It is concluded that the proposal complies with Paragraph 17 of the NPPF in regards to neighbouring residents' amenity.

#### *Amenity of future occupiers*

- 10.12 The dwelling is considered to be a suitable size for the number of bedrooms proposed. All necessary services and amenities are provided. Each habitable room is served by a window which will provide sufficient outlook and natural light. It is noted that the garden size is relatively small in scale. However this is in keeping with the relative garden sizes of other dwellings on Round Ings Road. Given the rural location of the site a small garden is not considered materially harmful.

- 10.13 The site is 65.0m from the M62 Motorway, a noise pollutant. The outline planning permission required, via condition, that layout and appearance reserved matters include a noise report establishing the impact of the M62 and methods of mitigating the impact. A noise report has been provided and reviewed by Environmental Health, who supports the findings. They request that a condition be imposed, requiring that the proposed recommendations be implemented, which is considered acceptable.
- 10.14 Subject to the detailed condition the proposal is deemed to comply with Paragraph 17 of the National Planning Policy Framework in regards to amenity of future occupiers.

#### Impact on highway safety

- 10.15 Two off-road parking spaces are proposed. This is below the maximum number of spaces required for a dwelling of this size within Policy T19 of the UDP. However given the low density of dwellings along Round Ings Road it is considered that there is capacity for on-street parking without impacting on the safe and efficient use of the highway.
- 10.16 Vehicles will be required to reverse onto or off Round Ings Road as there is no on-site turning. Furthermore there are restricted sightlines to the north of Round Ings Road. Nevertheless given that Round Ings Road is a relatively lightly trafficked residential road, with low travel speeds, on balance it is not considered that the proposal would lead to a harmful impact upon the safe and efficient operation of the Highway.
- 10.17 Given the above circumstances the proposal, in particular the access arrangements, is considered to comply with Policy T10 of the Unitary Development Plan.

#### Other considerations

##### *Biodiversity impact*

- 10.18 It was identified at outline stage that the proposal could lead to a loss of habitat for local species. The outline permission therefore included a condition requiring the 'appearance' reserved matter to include details of one bird box to be installed on site. This has been done, and the bird box is considered acceptable for the purpose of the condition. The proposal is therefore considered to comply with Chapter 11 of the National Planning Policy Framework in regards to ecological impact.

##### *Surface and foul drainage*

- 10.19 The outline permission was granted with a condition requiring that details of foul drainage be provided prior to development commencing. These have been provided as part of the reserved matters. A Packaged Sewage Treatment Plant is proposed. Environmental Health has confirmed that the

model and proposed location are acceptable. The use of the proposed unit can be enforced via by condition, if minded to approve.

- 10.20 Council records indicate that a culverted watercourse runs underneath the northern end of the site. The outline permission included a condition requiring a detailed survey of the culvert be included within the layout reserved matters application. This has been done and Strategic Drainage does not object to the proposed dwelling's layout to the identified location of the culvert. Full details of site drainage were conditioned to be submitted prior to development commencing at outline stage.

### Representations

10.21 Seven letters of objection have been received. Below are the issues which have been raised that have not been addressed within this assessment.

- The design, and use of blue concrete tiles, is not in keeping with the surrounding dwellings. It should be set further back in the site.

**Response:** During the course of negotiations the roof material has been amended to natural slates, to match the neighbours. Also the dwelling has been moved further back into the site.

- No.11 has a septic tank/cesspool in close proximity to the boundary, where the proposed package treatment plant is to be located. Concerns are held that the proposed digging to fit the package treatment plant could damage the septic tank/cesspool. Residents are under the impression that there is a minimum distance for positioning dwellings near the septic tank/cesspool.
- Concerns that the plan showing the culvert is not correct and the general accuracy of the plan. Harm to the culvert could lead to local flooding.

**Response:** No.11's septic tank/cesspool is within their land. The proposed package treatment plant is to be within the application site. Officers do not consider that the installation of the package treatment plant would inevitably harm the neighbouring septic tank/cesspool. Should the development need access to no.11's land, it would be a private legal matter between the involved parties.

No evidence has been provided to dispute the shown course of the culvert. K.C. Strategic Drainage does not object to the proximity of the building to the culvert.

## **11.0 CONCLUSION**

- 11.1 The site benefits from outline permission for one dwelling with all matters reserved. The proposal is submitted seeking approval of all reserved matters; appearance, layout, scale, landscaping and access. Following initial concerns over the proposal's impact on the Green Belt and neighbouring dwellings the development officers negotiated to reduce the mass and scale of the dwelling.

11.2 It is considered that the amended scheme would not cause harm to the character of the Green Belt and would visually harmonise with the existing built environment. On balance it is not considered that the proposal would cause material harm to the amenity of nearby residents . Officers consider that the submitted details on appearance, layout, scale, landscaping and access are acceptable and will enable this outline permission for residential development 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. Development in accordance with approved plans
2. Samples of materials to be provided
3. Packaged sewage treatment plant to be installed and operated as approved
4. Development to be done in accordance with approved Noise Report

Note: Management of culvert advice

Note: app should be read in conjunction with outline permission

**Background Papers**

Previous Planning Applications and history files as noted above under section 4.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92830>

*Certificate of Ownership:* Certificate of Ownership is not provided at Reserved Matters. Certificate A was signed, by the agent, for the associated outline application, 2015/ 92205



Originator: Catherine McGuigan

Tel: 01484 221000

## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Apr-2017

**Subject: Planning Application 2017/90438 Formation of car park and erection of security cameras and lighting Acre Mill, Acre Street, Lindley, Huddersfield, HD3 3EA**

#### APPLICANT

C/O Agent, Calderdale &  
Huddersfield NHS  
Foundation

#### DATE VALID

08-Feb-2017

#### TARGET DATE

05-Apr-2017

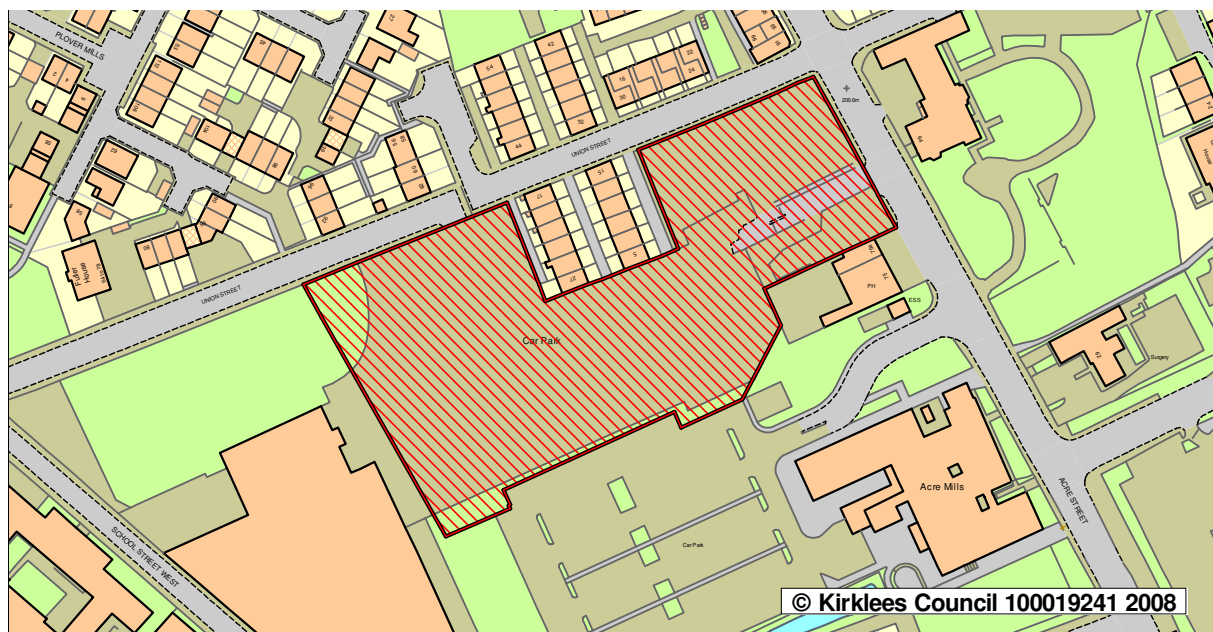
#### EXTENSION EXPIRY DATE

24-Apr-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

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**Electoral Wards Affected: Lindley**

Ward Members consulted

No

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**RECOMMENDATION:**

**DELEGATE approval 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.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site is approximately 1.01 hectares and comprises of a relatively flat piece of land currently surfaced with a variety of materials, principally concrete or crushed hardcore.

2.2 Access to the site is via Acre Street, a classified C road on the eastern boundary. There are parking restrictions, 'no waiting at any time' along the frontage of the site on Acre Street.

2.3 The application site is mainly surrounded by residential properties to the north. The site wraps around two terraced rows, which are south of Union Street. The Huddersfield Royal Infirmary is to the south-east of the site. On the immediate eastern boundary of the site there is a retail unit and public house with accommodation above. There are a number of ancillary buildings and facilities related to the Hospital, within the vicinity of the site, which historically formed part of Acre Mills. Permissions have been granted within the immediate vicinity for additional facilities for the Hospital, including multi-storey car parks. To the south of the car park is the former Acre Mills itself which, in part, comprises a Grade II listed building.

2.4 The application site is currently being used as a temporary car park, providing 316 spaces ancillary to the main Hospital premises.



### **3.0 PROPOSAL:**

- 3.1 The proposal seeks a temporary permission for a period of 3 years, to regularise the continued use of the car park together with the erection of security cameras and lighting. The use of this site, and a wider area of land for car parking, was first approved in 2009.
- 3.2 A total of 6 security cameras would be erected, 4 to be on the existing slim lattice tower to the east in the site, over 40m from the Acre Street entrance, and 2 to be erected on the rear of an existing building on the western boundary. Further information regarding the positioning of the lighting is awaited but this would include the existing monopole with 4 no. lights to the east of the site. The site would remain unsurfaced. The boundary treatments are to remain as existing which are a mix of post and panel fencing and stone walling. The access would remain from Acre Street as existing, and 316 car parking spaces will be retained, with no additional spaces being created.

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

- 4.1 2009/92887: Formation of temporary car park, barriers, lighting and access improvements (granted 3 year temporary planning permission) – to expire on 22<sup>nd</sup> December 2012
- 4.2 2005/95291: Demolition of curtilage buildings, erection of 2 no. multi-storey car parks, change of use, extensions and alterations to principal listed building to form office accommodation and outline application with siting and means of access for health related facilities, 20 hospital worker accommodation units, surface car parking and associated landscaping and highway works (within the curtilage of a listed building) (Conditional Full Permission)
- 4.3 2005/95292: Listed Building Consent for demolition of curtilage buildings and erection of extensions and alterations to the existing principal building to form offices (Consent Granted)
- 4.4 2003/94923: Listed Building Consent for internal refurbishment, erection of staircase and removal of glazed roof to adjoining building (Consent Granted)
- 4.5 2007/94759: Listed Building Consent for demolition of curtilage buildings and erection of extensions and alterations to the existing principal building to form offices (Modified Proposal) (Consent Granted)
- 4.6 2007/94746: Demolition of curtilage buildings, erection of 2 no. multi-storey car parks, change of use, extensions and alterations to principal listed building to form office accommodation and outline application with siting and means of access for health related facilities, 17 hospital worker accommodation units, surface car parking and associated landscaping and highway works (within the curtilage of a listed building) (modified proposal) (Conditional Full Permission)

- 4.7 2010/92137: Extension of time limit for implementing existing permission 2007/94746 Demolition of curtilage buildings, erection of 2 no. multi-storey car parks, change of use, extensions and alterations to principal listed building to form office accommodation and outline application with siting and means of access for health related facilities, 17 hospital worker accommodation units, surface car parking and associated landscaping and highway works (within the curtilage of a listed building) (modified proposal) (Extension to time limit – Granted and scheme partly implemented)
- 4.8 94/90234: Use of land as car park and erection of security fencing, gates and lighting (Conditional Full Permission)

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 A consultation response from Crime Prevention requested more information from the applicant regarding the capability of the proposed lighting and CCTV, and details of the monitoring of CCTV. On 06/04/2017 the agent submitted a CCTV Layout Plan demonstrating the location of the proposed CCTV, and direction of view, as well as a CCTV Specification and details of monitoring. The Crime Prevention officer has been reconsulted and any response to this information will be reported to Members in the update.
- 5.2 The Agent was asked to provide details of the Travel Plan for the hospital site so that the strategy to encourage low carbon forms of transport could be assessed. This was received on 5<sup>th</sup> April.
- 5.3 In response to Environmental Services' comments regarding potential light pollution, further information regarding the proposed lighting scheme was requested. This has not yet been received but could, if required, be imposed as a planning condition.

## **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 unallocated in the Unitary Development Plan Proposals Map.

D2 – Land without Notation on the Proposals Map  
BE1 – Design Principals  
BE2 – Quality of Design  
BE22 – Parking Facilities for People with Disabilities  
BE23 – Crime Prevention  
EP4 – Noise Sensitive Locations  
T10 – Highway Safety  
T16 – Pedestrian Routes  
T19 – Parking Standards

National Planning Guidance:

6.3 Paragraph 17 – Core Planning Principals  
Chapter 4 – Promoting Sustainable Transport  
Chapter 7 – Requiring Good Design  
Chapter 8 – Promoting Healthy Communities  
Chapter 11 – Conserving and enhancing the natural environment  
Chapter 12 - Conserving and enhancing the historic environment

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by site notices, press advert and neighbour letters. The period of publicity expired on the 17<sup>th</sup> March 2017. As a response to the publicity, one public representation was received with the following comments;

7.1.1 Your map isn't clear of where exactly you are proposing to put the lighting. My house is next to the proposed area and I don't want any lighting being placed so that it is shining into my property.

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

8.1.1 K.C. Highways Development Management  
Highways DM have no objection to these proposals and have no wish to resist the granting of planning permission. No specific highway conditions are required.

**8.2 Non-statutory:**

8.2.1 K.C. Environmental Health (Pollution and Noise)  
K.C. Environmental Health have no concerns subject to conditions being applied to any permission granted relating to the operation of artificial lighting, and electric vehicle charging points.

### 8.2.2 K.C. Strategic Drainage (Flood Management)

K.C. Strategic Drainage have no concerns subject to a condition being applied to any permission granted relating to details of foul, surface water, and land drainage.

### 8.2.3 Crime Prevention

Unable to provide an informed crime prevention response until more information is submitted relating to the capability of the lighting and CCTV, and details of the monitoring of CCTV.

## 9.0 **MAIN ISSUES**

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

## 10.0 **APPRAISAL**

### Principle of development

- 10.1 The application seeks temporary planning permission which would regularise the formation of the existing car park and erection of security cameras and lighting on land which is unallocated in the Unitary Development Plan Proposals Map. In principle the continued use of the land for parking for a temporary period is acceptable, in accordance with Policy D2 of the UDP subject to consideration of design, amenity, highway and other material planning considerations. All these will be addressed later in the appraisal.

### Urban Design issues

- 10.2 The design and layout of the proposed car parking has derived from the current use of the site as a temporary car park, and would predominantly remain unchanged. It is partly enclosed by a low stone wall to Acre Street and vertical timber boarding from Union Street but otherwise the site is visible from these two streets. Given the form and function of the use, and that it is proposed for a temporary period, it is considered unnecessary to provide further screening to the car park and that, on balance, it is acceptable in terms of visual amenity. The proposed CCTV would be erected on an existing structure, set back from Acre Street by over 40m, and Union Street by over 38m, on a slim lattice tower. In respect of lighting, there is an existing monopole supporting a number of lights to the east of the site. Whilst further information is awaited as to whether this is to be altered as part of this proposal, these existing structures do not appear out of place in the context of the car park or the scale of the buildings within Acre Mills. It is considered,

in principle, that similar additional structures to host the proposed lighting would not be out of keeping.

- 10.3 As previously set out part of Acre Mills is a Grade II listed building. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to planning permission a local planning authority 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. In this instance the car park, and the ancillary structures, are some distance from the listed part of the former mill. The listed building is separated from the car park by a formal landscaped entrance and, visually, by 'The Old Wire Works' public house fronting Acre Street. Given this, and taking into account the permission would be temporary, it is considered the development would not harm the setting of the listed building and would also comply with paragraph 132 of the NPPF.

#### Residential Amenity

- 10.4 The car park is most closely associated with dwellings along Union Street, including two terraced blocks on the south side of Union Street which would be surrounded on three sides by the car park. The car park is separated from properties on Union Street by a mixture of vertically boarded timber fencing and a high stone boundary wall. This effectively screens the use and activity associated with the car park from the ground floor of the properties and their amenity areas. The principal impacts of the continued use of the car park would be noise, air quality and potential light pollution associated with the lighting column proposed as part of this application. Policies D2 and EP4 of the UDP require 'residential amenity' and noise to be taken into account in the assessment of an application. Chapter 11 of the NPPF requires various forms of pollution, including noise, air and light pollution to be considered in the assessment of applications.
- 10.5 Whilst no hours of use have been proposed as part of this application, the 2009 permission restricted much of the car park subject to this application to a limited period of between 7:30 and 20:00. This was in the interests of residential amenity. Circumstances have not changed since this time and it is considered that this condition should be re-imposed in the interests of the amenity of neighbouring residents on Union Street.
- 10.6 The application seeks approval for lighting; a column supporting a number of lights is already in situ. It is unclear if this lighting is to remain unaltered, or if it will be removed in favour of new structures. In either case no details have been submitted with the application in support of the proposed lighting to demonstrate that this can be undertaken without causing undue glare or stray lighting to nearby residents. Whilst the principle of providing lighting, in terms of the safety of persons using the facility, is supported further details are required to ensure this is installed without causing light pollution. If no suitable information is received before committee this can be secured by condition requiring a suitable scheme to be submitted, approved and installed within a period of 3 months. This would be in accordance with the

recommendation of Environmental Services. Furthermore this would comply with Chapter 11 of the NPPF and Policies D2 and BE1 of the UDP.

- 10.7 Environmental Services have requested that electric vehicle charging points (EVCP) are installed within 10% of the parking spaces. It was suggested that either 10 % may be installed and commissioned, or which may be phased with 5% initial provision and the remainder 5% at an agreed trigger level (10% of electric vehicles on the road). The installation of EVCP would promote lower carbon forms of transport and would assist to mitigate the impact of emissions on air quality. As the car park is required for a maximum of three years, and as the site already has planning permission for a partly implemented scheme that would see most of the site developed, no contribution to EVCP is being sought as part of this application. However, the applicants have been advised that any further request to extend the use of the car park would require EVCP to be installed.
- 10.8 Although no EVCP have been sought as part of this application the applicants have provided the Hospital's site-wide travel plan in support of the application. An abstract taken from the Trust's Sustainable Travel and Transport Plan states,

*'There are currently no 100% electric cars leased, although there are electric car charging points available at Acre Mills. We must ensure that the benefits of leasing low and ultra-low emission cars are promoted widely and that key information is accessible (e.g. low / no road tax). We will also promote the electric car charging points at Acre Mills further, providing clear information on how staff can use them, and we will provide links to funding options for electric car charging points outside residential properties.'*

The use of the EVCP within the Acre Mills site is currently being monitored. Should there be any subsequent application to extend the time period of this permission then details of usage – and how the use of these facilities has been promoted – would be required to accompany the application.

#### Landscape issues

- 10.9 The site landscape will remain as existing, mostly unsurfaced with concrete covering the land immediately adjacent to the access point. While it may be preferable that the car park is surfaced and the spaces marked out, this is not considered necessary for this particular application as the existing layout was established in excess of 7 years ago, and the permission is for a temporary period of 3 years. This also allows flexibility in the future for the partly implemented planning permission to be completed. The applicants are aware, if any further permission is requested for a car park in this site, a more appropriate finished surface and layout may well be required.

### Highway issues

- 10.10 The access would remain as existing, from Acre Street, and the existing 316 car parking spaces would be retained, with no further spaces created. Highways Development Management Officer's have confirmed that due to the nature of the application, a temporary permission for 3 years to regularise the use of the existing car park, they have no concerns in relation to Highway Safety. The Highways DM Officers' have confirmed no specific highway conditions are required.

### Drainage issues

- 10.11 No details relating to surface water drainage were submitted as part of the application. The application form states that sustainable drainage systems will be used but no additional information has been submitted and the proposed drainage is not shown on any plans. A Flood Management Officer confirmed that K.C. Strategic Drainage has no concerns relating to the proposal provided a pre-commencement condition is attached to any approval.
- 10.12 In taking into account the planning application is for a temporary permission with no material changes to the surfacing of the site, a pre-commencement condition relating to drainage of the site is considered to be unnecessary in this instance. Should any future application seek permission for a permanent car park on the site then this would likely require a more appropriate and permanent surfacing material. At this time it would be prudent to require a surface water drainage scheme.

### Representations

- 10.13 As a response to the publicity, one public representation was received with the following comments;

'Your map isn't clear of where exactly you are proposing to put the lighting. My house is next to the proposed area and I don't want any lighting being placed so that it is shining into my property'.

This has been addressed in para 10.6 of the appraisal.

### Other Matters - Crime prevention

- 10.14 Policy BE23 requires development to include secure locations for car parking areas, while Chapter 8, Paragraph 69 of the National Planning Policy Framework asks the planning system to promote safe and accessible developments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 10.15 In developments such as the Car Park at Acre Mills, CCTV coverage should be able to capture images from the entire car park area, and the images should be of such quality that would support identification for court proceedings purposes. The use of lighting is considered essential, in terms of

the safety of persons using the facility. The lighting column and lighting packs are already in situ. Kirklees District Police Architectural Officer has requested that more information be provided in relation to the ability of the lighting to support the CCTV cameras.

10.16 A CCTV Site Layout Plan was provided, and it is considered that the proposed CCTV would provide sufficient coverage of the site. The agent has informed the LPA that the CCTV will be monitored 24/7 by the in house security team based in the main hospital building, which is expected to promote safe and accessible development, as well as giving peace of mind to carpark users. At the time of writing a further consultation response from the Crime Prevention Officer in relation to this matter was awaited.

## **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, for a temporary period, 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 temporary time limit condition
2. Development in accordance with the approved plans
3. Operation / usage time limit condition
4. Scheme for lighting

### **Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90438>

Certificate of Ownership –Certificate A signed





Originator: Sam Jackman

Tel: 01484 221000

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## Report of the Head of Development Management

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Apr-2017

Subject: Planning Application 2017/90423 Erection of two storey extension to side and rear (modified proposal) 82, Heaton Road, Paddock, Huddersfield, HD1 4JB

#### APPLICANT

Mr Imran Saleem

#### DATE VALID

06-Feb-2017

#### TARGET DATE

03-Apr-2017

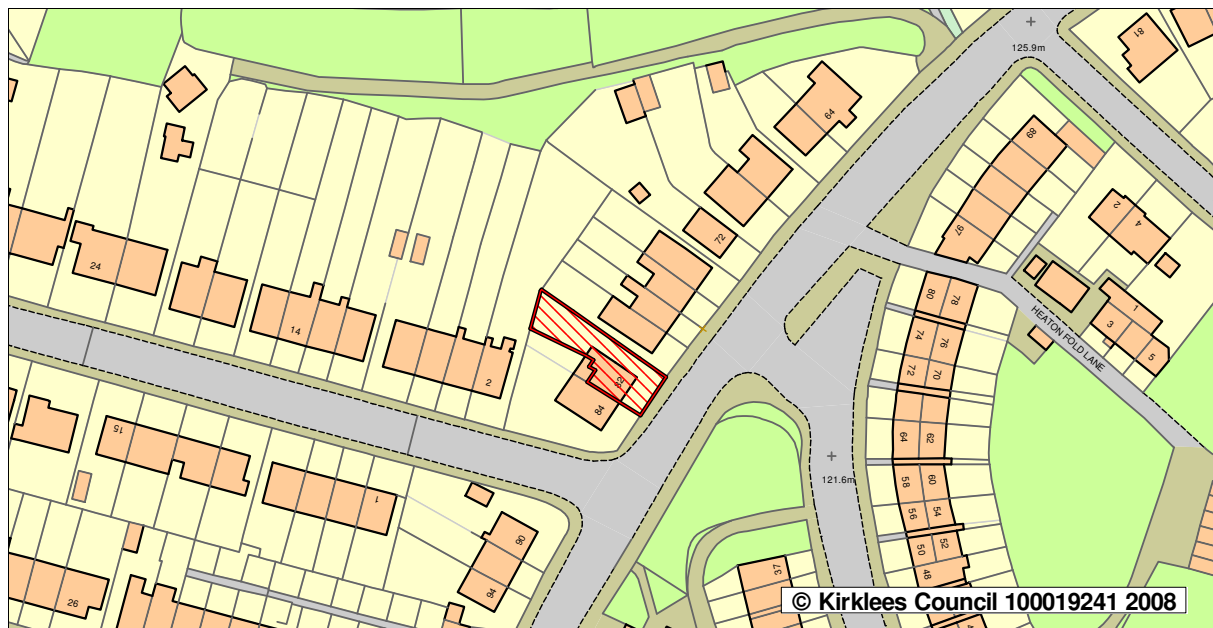
#### EXTENSION EXPIRY DATE

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

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

#### LOCATION PLAN



Map not to scale – for identification purposes only



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**Electoral Wards Affected:          Greenhead**

Ward Members consulted

No

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

**2.0 SITE AND SURROUNDINGS:**

2.1 82 Heaton Road, Paddock is a semi-detached property located close to the junction of Heaton Road with Fir Road. To the north east is a terraced row of 4 properties. No 80, adjacent the application site, has a single storey rear extension. This property is close to the shared boundary with No 82 where the ground level is at a higher level than No 82 Heaton Road.

2.2 The host property is faced in stone to the ground floor with render to the first floor and has a hipped roof. Whilst forming a semi-detached property it is not identical to the attached no. 84. No. 82 is half the depth of its neighbour with a small gable for the side elevation facing towards the adjacent terrace property. The unique relationship of nos. 82 and 84 is highlighted in the 'red line' application site plan. This indicates that to the rear of the property there are a couple of flat roofed extensions/outhouses, with the rear outhouse owned by No 84. These are in line with the rear elevation of No 84.

2.3 It is understood that the pair of properties are within the ownership of the same family and are currently internally linked using the same kitchen. However the proposal is for no.82 only. To the right of the property there is a single width drive accessed from Heaton Road which appears to serve both properties which extends to the rear boundary.

### **3.0 PROPOSAL:**

- 3.1 The proposal is a modified scheme to that approved by committee last year. The application still seeks to demolish the existing single storey rear extensions and build a new two storey extension. The previous extension would have extended across the rear of the property to a point 0.4m off the north eastern boundary with no. 80. The extension has been reduced in width to 6m, allowing a 0.9m gap to the boundary with this property. The depth of the extension would be just over 5.7m, remaining the same as the approved drawings. Extending over the existing drive the extension at ground floor would still provide a kitchen but the approved car port, previously an open structure supporting the first floor extension by piers, would be infilled to provide a dining room. The first floor, would provide a bedroom with en-suite bathroom and walk in wardrobe. The extension would be set back around 4.5m from the front elevation of the property, again this is unchanged from the approved scheme.
- 3.2 The external appearance of the extension is a simple gabled structure with an overall height of approx. 7.5m. It would have windows in the front and rear elevations, with a blank gable facing no. 80. The application form sets out that this would be faced in 'stone and brick walls' with a 'tile' roof.

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

- 4.1 2017/90060 – non material amendment - refused
- 4.2 2016/92180 – two storey side extension – similar proposal approved 2016
- 4.3 2007/91179 – rear extension to no. 80 Heaton Road. The side facing window towards no. 82 was deleted from the approved plans by condition. There is no record of any alternative details being submitted to or approved by the local planning authority for a window to serve the extension. This, in effect, means the extension is unauthorised. However, as there is evidence that it was erected more than 4 years ago it is now immune from enforcement action. The relationship between this opening, which is obscure glazed, and the proposed extension is assessed in the report below.

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

- 5.1 There have been no amendments requested as part of this application.

### **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.

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

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

## 6.4 National Planning Guidance

It is considered that the following part of the NPPF is relevant:  
NPPF Requiring good design (Chapter 7)

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

7.1 The Council has advertised the application by site notice /neighbour letters which expired on 23.3.2017, with no objections received.

## 8.0 **CONSULTATION RESPONSES:**

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

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

## 9.0 **MAIN ISSUES**

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

## 10.0 **APPRAISAL**

### Principle of development

10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific

notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

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

#### Visual amenity

- 10.3 The proposed extension would result in a significant addition to the host dwelling but in an amended form to that previously approved. No. 82 is a small property adjoined by a complicated arrangement to no. 84. The extension would remove a series of structures to the rear and simplify this arrangement with the erection of a single gabled extension matching the ridge height of the existing roof. From Heaton Road this would appear as a projection to the side of the property extending to a point some 900mm from the shared boundary with no. 80. This adjacent dwelling is set on rising land and there is 2m gap between its side wall and the shared boundary. This means there would be no potential for a terracing effect to occur, as the distance to the boundary has now been increased slightly.
- 10.4 The extension, whilst matching the ridge height of the main property, is set back from the front elevation and a considerable distance from the road. The revised plans have removed the large open carport on the front elevation and replaced it with a solid walling with a window matching the first floor above and other windows in the dwelling. The side and rear elevations are not visible from public viewpoints but notwithstanding this the general form and appearance are considered acceptable. Subject to the use of matching materials, (comprising coursed stone to the ground floor, render to the first floor and red coloured flat profiled tiles for the roof) it is considered that the proposal as amended is acceptable. The design harmonises with the principal dwelling, no. 84 and the general pattern of development in the streetscene. Although matching the ridge height of the dwelling the significant set-back of the front elevation, and the fact that no. 80 next door is on higher ground, further reduces the prominence of the mass. This would comply with Policies D2, BE1, BE2, BE13 and BE14 of the UDP and Chapter 7 of the NPPF.

#### Residential Amenity

- 10.5 The adjacent property at no. 80 Heaton Road would be affected by this proposal. However, the two-storey extension would now be sited further from the shared boundary with this property, 0.9m. This is approximately 2.9m from the obscure glazed side facing window serving the rear extension to no.

80. It was considered that the previously approved extension would not have an unduly prejudicial impact on the amenities of no. 80 Heaton Road by reason of loss of light and outlook to this window. Although the ground floor would now include a solid wall facing this window this continues to the conclusion again. The affected window is a secondary opening to the room it serves and is obscurely glazed. Notwithstanding this a condition is recommended to be added restricting windows in the side elevation of the newly created dining room.

- 10.6 The extension in the remaining aspects remains principally the same although the height of the structure is shown to be 7.5m, the same height as the ridge of the host dwelling. This is the same, visually, as the previous proposal although the plans were drafted indicating that this equated to 6.5m in height.
- 10.7 In assessing the application it has been acknowledged that most planning approvals are likely to interfere to some extent, with adjoining/adjacent occupier's enjoyment of their property. However, the test is whether this is proportionate balancing the rights of the developer to develop and the rights of those affected by the development. In this instance it is considered that undertaking this balancing exercise the impact of the development as amended would be acceptable. The proposal is deemed to comply with Policies BE14 and D2 of the UDP and core planning principles of the NPPF in regards to residential amenity.

#### Highway issues

- 10.9 In terms of highway safety the property currently benefits from off-street parking for 4 cars. The previous approval, including the carport, would have retained this level of parking. The revised scheme would reduce the number of on site spaces to 2 in total. This is still considered sufficient to serve the dwelling as extended. The development complies with Policies D2 and T10 of the UDP.

#### Representations

- 10.10 There have been no objections received as a result of the publicity.

### **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations, in particular the impact on No 80 Heaton Road. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## 12.0 CONDITIONS

1. 3 years time limit permission
2. The development hereby permitted shall be carried out in complete accordance with the approved plans
3. Materials shall comprise coursed natural stone to the ground floor, render to the first floor and red flat profiled tiles for the roof covering.
4. Removal of PR Rights for window and door openings

### Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90423>

Certificate of Ownership – Certificate B signed:

Notice served on: No 84 Heaton Road

Mr M Salim 84 Heaton Road Huddersfield HD1 4JB  
Mrs S Akhtar 84 Heaton Road Huddersfield HD1 4JB



## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

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

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

20 APRIL 2017

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Planning Application 2017/90375

Item 13 – Page 71

**Alterations and extension to convert public house to 6 no. self-contained apartments**

**Newsome Tap, 1a, St Johns Avenue, Newsome, Huddersfield, HD4 6JP**

#### Representations

Cllr Julie Stewart-Turner cannot attend the sub-committee meeting but has asked that her further comments be shared with committee members. This is set out below:

*“I’m hoping that it’s OK to let you know that I am still very concerned about this application, and despite the change of views of Officers, my objection stands.*

*The road is already very full of cars, so 6 more properties on this road will cause congestion. From the images I’ve been able to see, I don’t agree that adequate parking is being provided, with adequate space for manoeuvring.*

*I agree with the Planning Officer that bins at the front of the property is a bad idea, having a negative impact on the Streetscene, but placing them at the side of the building just means even less space for parking. Also, the bins are placed close to properties on Towngate, so how will they be protected from the smell and noise of bins for 6 properties?*

*The building is adjacent to a bowling green, and despite the appalling damage done to the bowling green by the applicant, there is a covenant on the land which means it can-not be anything but a bowling green – we have no intention of lifting the covenant. This means that any development of the old working mens’ club must not encroach onto the bowling green at any point”.*

Response:

The issues raised by Cllr Stewart-Turner have been addressed in the assessment of the application. In respect of the location of bins and their proximity to properties on Towngate, there is around 7 metres to the rear of the closest property. This is in commercial use as a beauty salon/sports therapy clinic and it is considered that there would be no undue impact on the business from the siting of the bins.

A further representation has been received from the applicant (S Smith) following publication of the agenda. This responds to the reason for requesting the application be determined by sub-committee by Cllr Cooper (paras. 1.1 and 1.2 of the report). This states:

“Impact on the highway grounds not relevant due to highways positive consultee response 14 Sept 2015. Please see attached - HDC Ref. No. K6-8NW/15 )

Loss of amenity grounds not relevant due to planning approval - 5 bed dwelling. (Please see attached 2015/92928)

*Planning Officer has recommended that the planning application for approval.*

*Councilor Cooper and Councilor Stewart - Turner were informed of the above by the planning officer prior to the sub committee request”.*

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**Planning Application 2016/94061**

**Item 15 – Page 93**

**Erection of two dwellings**

**Land at Old Lane/ Taylor Lane, Scapegoat, Huddersfield, HD7**

Revised Plans

In the interests of accuracy and completeness plans have been revised, at the request of Officers, omitting any reference to “3 dwellings” and accurate labelling of east and west elevations on plot no. 1. These were received on 10/04/17.

Correction to paragraph no. 3.1 of the agenda:

Second sentence should read:

The proposals would also include widening of Old Lane (approx. 60m in length).....

Pedestrian access from Taylor Lane to burial ground

In addition, the agent/applicant has stated should Members deem it unnecessary to include the provision of a new pedestrian access along the eastern boundary, notwithstanding the submitted plans they are amenable for this to be omitted by condition.

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**Planning Application 2017/90819**

**Item 16 – Page 105**

**Prior notification for erection of 15m monopole telecommunications antennae and installation of 2no. dishes and 4no. ground based equipment cabinets (within a Conservation Area)**

**Marsden Football Club, 6 Carrs Road, Marsden, Huddersfield, HD7 6JE**

The period for receipt of representations ended on 19<sup>th</sup> April, postdating the publication of the agenda. In addition to the objections set out in the main

report two further representations have been received. The following is a summary of the additional concerns raised;

- Objection to the Council's Conservation and Design Officer's response that they have no objection to the proposal in regards to the impact upon adjacent Listed Buildings or the Marsden Conservation Area.
- The submitted information and plan do not allow for a sufficiently detailed assessment of the visual impact.
- The proposal does not comply with Policies BE1, BE2 and BE5 of the Unitary Development Plan. Furthermore there is no precedent for this type of development in this location, there being no notable vertical mast structures to provide any comparable context.

**Response:** The applicant has provided an elevational drawing and block plans of the proposed installation. Officers are of the opinion that this, in addition to the details contained within the Planning Statement, are sufficient to assess the proposal's visual impact. An assessment of the proposal's visual impact, including upon the surrounding heritage assets, is included within sections 10.8 – 10.15 of the committee report. This included feedback from the Council's Conservation and Design Officer. Taking into account the identified heritage value of the Conservation Area and the separation distance to the Listed Building, officers concluded that the proposal would lead to less than substantial harm.

Additional information has been submitted from the applicant, Pegasus Planning, in regards to pre-application meetings and two possible alternative sites. This is following concerns being raised during the representation period. Pegasus Planning states the following;

*'In terms of the pre-application we have undertaken consultation in line with best practice, as you note in your report. I think this is proven by the fact that the application appears to widely known and the level of response also demonstrates the effective engagement. We did not hold the pre-app meeting due to commercial time pressures. Particularly of issue is finding a venue at short notice and then advertising widely in the run up to a meeting to ensure that people have sufficient time to respond and can attend. I think we would note that the level of pre-application consultation does exceed that undertaken on a lot of applications and is thorough for the type of the development proposed.'*

*In regards of the two sites to the south the cricket and golf clubs, the Radio Planner has confirmed that while they would be viable sites for part of the proposed coverage area. Even with a large tower they would still not be able to cover the area to the north-west part of the village and thus would be wholly inferior options were they known to be available at the time.'*

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**Planning Application 2016/92830**

**Item 17 – Page 117**

**Reserved matters application pursuant to permission 2015/92205 for outline application for erection of one dwelling**

**Land off, Round Ings Road, Outlane, Huddersfield, HD3 3FQ**

The period for receipt of representations ended on 14<sup>th</sup> April, postdating the publication of the agenda. In addition to the objections set out in the main report three further representations have been received to the latest amended plans. The following is a summary of the additional concerns raised;

- The land in question is not within the ownership of the applicant.

**Response:** No evidence has been provided to substantiate this claim. Furthermore it is noted that a certificate of ownership is not required for a Reserved Matters submission.

No other additional concerns have been received within the latest representations, which re-iterate the issues addressed within the committee report. The objectors consider the latest amendment, to change the dwelling's layout, do not overcome their concerns.

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**Planning Application 2017/90438**

**Item 18 – Page 127**

**Formation of car park and erection of security cameras and lighting**

**Acre Mill, Acre Street, Lindley, Huddersfield, HD3 3EA**

Consultation Responses

The Crime Prevention Officer was re-consulted following the receipt of more information in relation to the proposed security cameras (CCTV Specification, and Proposed Site Layout – CCTV) received on 06/04/2017. The Crime Prevention Officer is satisfied with the information provided and no other concerns were raised.

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