#### **Public Document Pack**



Assistant Director, Governance and Monitoring

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Wednesday 7 December 2016

#### **Notice of Meeting**

**Dear Member** 

#### Planning Sub-Committee (Heavy Woollen Area)

The Planning Sub-Committee (Heavy Woollen Area) will meet in the Reception Room - Town Hall, Dewsbury at 1.00 pm on Thursday 15 December 2016.

(A coach will depart the Town Hall, at 8.45am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Reception Room.)

This meeting will be webcast live.

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

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 (Heavy Woollen Area) members are:-

#### Member

Councillor Paul Kane (Chair)

Councillor Mahmood Akhtar

Councillor Donna Bellamy

Councillor Nosheen Dad

Councillor Michelle Grainger-Mead

Councillor John Lawson

Councillor Marielle O'Neill

Councillor Mussarat Pervaiz

Councillor Andrew Pinnock

Councillor Richard Smith

Councillor Cathy Scott

Councillor Kath Taylor

Councillor Graham Turner

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

#### **Substitutes Panel**

Conservative	Green	Independent	Labour	Liberal Democrat
B Armer	K Allison	C Greaves	G Asif	R Eastwood
L Holmes	A Cooper	T Lyons	E Firth	A Marchington
B McGuin	•		M Sokhal	L Wilkinson
N Patrick			S Ullah	
K Sims				

## Agenda Reports or Explanatory Notes Attached

**Pages** 1: **Membership of the Committee** This is where Councillors who are attending as substitutes will say for whom they are attending. 1 - 8 2: **Minutes of Previous Meeting** To approve the Minutes of the meeting of the Committee held on 13 October 2016. 3: 9 - 10 Interests and Lobbying 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 also be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other interests. 4: Admission of the Public Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive

information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to

be discussed in private.

#### 5: Deputations/Petitions

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

#### 6: Site Visit - Application 2016/93272

Erection of single storey rear extension with balcony over 677 Huddersfield Road, Ravensthorpe.

Estimated time of arrival at site: 9.00am

Contact Officer: Sarah Longbottom, Planning Services

**Wards** 

Affected: Dewsbury West

#### 7: Site Visit - Application 2015/91717

Outline application for residential development (maximum of 3 no. dwellings) at rear of 40 Church Road, Roberttown.

Estimated time of arrival at site: 9.15am

Contact Officer: Sarah Longbottom, Planning Services

Wards

Affected: Liversedge and Gomersal

#### 8: Site Visit - Application 2016/93056

Change of use of land to cemetery and formation of access road at land adjacent to Liversedge Cemetery, Clough Lane, Hightown.

Estimated time of arrival at site: 9.25am

Contact Officer: Rebecca Drake, Planning Services

Wards

Affected: Liversedge and Gomersal

#### 9: Site Visit - Application 2015/93261

Demolition of existing buildings and outline application for erection of residential development (15 dwellings) at Connection Seating Limited, Dogley Mills, Penistone Road, Fenay Bridge.

Estimated time of arrival at site: 10.00am

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Kirkburton

#### 10: Site Visit - Application 2016/90093

Demolition of existing single storey side extension and erection of two storey side extension (within a conservation area) at 16 Hall Lane, Highburton.

Estimated time of arrival at site: 10.15am

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Kirkburton

#### 11: Site Visit - Application 2016/90756

Erection of 2 detached dwellings at land to rear of 59 Far Bank, Shelley.

Estimated time of arrival at site: 10.30am

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Kirkburton

#### **12:** Site Visit - Application 2016/91777

Erection of 5 dwellings adjacent to 3 Field Head, Shepley

Estimated time of arrival at site: 10.50am

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Kirkburton

#### 13: Site Visit - Application 2016/93148

Outline application for erection of 7 dwellings at Dry Hill Farm, Dry Hill Lane, Denby Dale.

Estimated time of arrival at site: 11.15am

Contact Officer: Sarah Longbottom, Planning services

Wards

Affected: Denby Dale

#### 14: Site Visit - Application 2016/92811

Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works at Flockton Hall Farm, Barnsley Road, Flockton.

Estimated time of arrival at site: 11.40am

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Kirkburton

#### 15: Local Planning Authority Appeals

11 - 34

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, as submitted to the Secretary of State.

Contact: Julia Steadman, Planning Services

#### Wards

Affected: Batley East; Birstall and Birkenshaw; Denby Dale; Heckmondwik and Gomersal; Mirfield

#### **Planning Applications**

35 - 38

Please note that any members of the public who wish to speak at the meeting must have registered no later than 5.00pm (via telephone), or 11.59pm (via email) on Monday 12 December 2016.

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

#### 16: Planning Application 2015/90020

39 - 58

Demolition of existing hotel and erection of 15 dwellings at the Whitcliffe Hotel, Prospect Road, Cleckheaton.

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Cleckheaton

#### 17: Planning Application 2015/93261

59 - 74

Demolition of existing buildings and outline application for erection of residential development (15 dwellings) at Connection Seating Limited, Dogley Mills, Penistone Road, Fenay Bridge.

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Kirkburton

#### 18: Planning Application 2016/92811

75 - 94

Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works at Flockton Hall Farm, Barnsley Road, Flockton.

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Kirkburton

#### 19: Planning Application 2016/91777

95 - 108

Erection of 5 dwellings adjacent to 3 Field Head, Shepley.

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Kirkburton

#### 20: Planning Application 2016/93148

109 -120

Outline application for erection of 7 dwellings at Dry Hill Farm, Dry Hill Lane, Denby Dale.

Contact Officer: Sarah Longbottom, Planning services

Wards

Affected: Denby Dale

21:	Planning Application 2015/91717	121 - 132
	Outline application for residential development (maximum of 3 no. dwellings) at rear of 40 Church Road, Roberttown.	.02
	Contact Officer: Sarah Longbottom, Planning Services	
	Wards Affected: Liversedge and Gomersal	_
22:	Planning Application 2016/90357	133 - 144
	Erection of 2 semi-detached houses with parking provision and private drive adjacent to 64 Wharf Street, Savile Town.	
	Contact Officer: Sarah Longbottom, Planning Services	
	Wards Affected: Dewsbury West	
23:	Planning Application 2016/90756	- 145 - 158
	Erection of 2 detached dwellings at land to rear of 59 Far Bank, Shelley	100
	Contact Officer: Julia Steadman, Planning Services	
	Wards Affected: Kirkburton	_
24:	Planning Application 2016/90093	159 - 170
	Demolition of existing single storey side extension and erection of two storey side extension (within a conservation area) at 16 Hall Lane, Highburton.	
	Contact Officer: Julia Steadman, Planning Services	

Wards

Affected: Kirkburton

#### Planning Application 2016/93056 171 -25: 180 Change of use of land to cemetery and formation of access road at land adjacent to Liversedge Cemetery, Clough Lane, Hightown. Contact Officer: Rebecca Drake, Planning Services Wards Affected: Liversedge and Gomersal Planning Application 2016/93198 181 -26: 190 Change of use of vacant land to burial ground (within a Conservation Area) at Batley Cemetery, Cemetery Road, Batley. Contact Officer: Planning Services Wards Affected: Batley West Planning Application 2016/93272 191 -27: 198 Erection of single storey rear extension with balcony over 677 Huddersfield Road, Ravensthorpe. Contact Officer: Sarah Longbottom, Planning Services Wards **Affected:** Dewsbury West **Planning Update** 199 -208

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

Contact Officer: Andrea Woodside

#### KIRKLEES COUNCIL

#### PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

#### **Thursday 13th October 2016**

Present: Councillor Paul Kane (Chair)

Councillor Mahmood Akhtar Councillor Donna Bellamy Councillor Nosheen Dad

Councillor Michelle Grainger-Mead

Councillor John Lawson
Councillor Marielle O'Neill
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Graham Turner
Councillor Kath Taylor
Councillor Bill Armer

Apologies: Councillor Richard Smith

#### 1 Membership of the Committee

Councillor Armer substituted for Councillor Smith.

Councillor Akhtar was present at the site visits only.

#### 2 Minutes of Previous Meeting

**RESOLVED –** That the Minutes of the meeting of the Committee held on 1 September 2016 be approved as a correct record.

#### 3 Interests and Lobbying

All Sub Committee Members indicated that they had been lobbied on Application 2015/91005.

Councillor Kane advised that he had been lobbied on Application 2016/91767.

#### Planning Sub-Committee (Heavy Woollen Area) - 13 October 2016

#### 4 Admission of the Public

It was noted that all agenda items would be considered in public session.

#### 5 Deputations/Petitions

Councillor Kane presented a petition submitted by residents within Dewsbury East regarding unauthorised use of a property at Bywell Road, Dewsbury.

#### 6 Site Visit - Application 2016/91767

Site visit undertaken.

#### 7 Site Visit - Application 2015/92627

Site visit cancelled (application withdrawn).

#### 8 Site Visit - Heybeck Lane, Woodkirk

Site visit undertaken.

#### 9 Local Planning Authority Appeals

The Sub Committee received a report which set out decisions which had been taken by the Planning Inspectorates in respect of decisions submitted against the decisions of the Local Planning Authority.

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

## Application for a definitive map modification order to delete public footpath Batley 49 (part) from the definitive map and statement, and to add a public footpath at Hey Beck Lane, Woodkirk, Dewsbury

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Mr Dunlop (on behalf of Mr and Mrs Bragg) and Mr Storrie (on behalf of Mr and Mrs Lilley)

The Sub Committee gave consideration to a report which set out details of an application for a definitive map modification order to delete public footpath Batley 49 (part) from the definitive map and statement, and to add a public footpath at Hey Beck Lane, Woodkirk, Dewsbury.

The report advised that the land owners of a property on Hey Beck Lane asserted that the public footpath as shown in the definitive map and statement across their

#### Planning Sub-Committee (Heavy Woollen Area) - 13 October 2016

property was not a public footpath and should not be shown in the legal record of public rights of way held by the Council. They considered that it had been diverted by the former Batley Borough Council and that an unrecorded route where it was diverted to had been used by the public and should therefore formerly be recorded across a neighbouring property.

The Sub Committee was asked to give consideration to the evidence, against the relevant legal criteria and guidance, and to determine whether to make an order to delete the footpath.

#### **RESOLVED -**

- (1) That the making of an order to delete part of public footpath Batley 49 not be approved on the grounds that the available evidence does not demonstrate that, on the balance of probability, no public right of way exists over the application route.
- (2) That the making of an order to add a footpath not be approved on the grounds that the available evidence does not support the making of an order for addition, whether on the basis that a public right of way subsists, or is reasonably alleged to subsist.

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

FOR: Councillors Armer, Dad, Kane, Lawson, O'Neil, A Pinnock and G Turner (7 votes)

AGAINST: Councillors Bellamy, Pervaiz, Scott and K Taylor (4 votes)

ABSTAINED: Councillor Grainger-Mead

#### 11 Planning Applications

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

(a) Application 2015/91005 - Change of use from warehouse to a mixed use comprising warehouse, food processing, cash and carry and specialist retail foodstore and formation of car park at Wellington Mills, 7 Purlwell Lane, Batley – Shabbir Shaikh, Salma Rawat, Faizal Rawat, Sajid Rawat, Safiq Rawat and Safiya Rawat (local residents), Mr Mulla (applicant) and Nick Willock (applicant's agent)

Under provisions of Council Procedure Rule 36(1) the Committee also received representations on Application 2015/91005 from Councillors Stubley and Fadia.

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

Planning Sub-Committee (Heavy Woollen Area) - 13 October 2016

## KIRKLEES COUNCIL LIST OF PLANNING APPLICATIONS DECIDED BY PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA) 13 OCTOBER 2016

1

#### APPLICATION NO.

#### **DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2015/91005

Y Mulla - Change of use from warehouse to a mixed use comprising warehouse, food processing, cash and carry and specialist retail foodstore and formation of car park - Wellington Mills, 7, Purlwell Lane, Batley

#### **REFUSED**

(1) The proposal has failed to demonstrate that adequate servicing facilities can be provided to serve the intensified use and avoid conflict between different users of the car park at times of deliveries and movement of goods. The proposal would have an unacceptable impact on the safety of customers visiting the site. To approve the application would be contrary to Policy T10 of the Kirklees Unitary Development Plan which stipulates that new development should not prejudice highway safety.

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

FOR: Councillors Armer Bellamy, Dad, Grainger-Mead, Kane, Lawson, O'Neill, Pervaiz, A Pinnock, Scott, G Turner and Taylor (12 votes)

AGAINST: No votes

2015/92627

A Vania - Erection of place of worship and educational centre (within a conservation area) - Land at the corner of Nowell Street & West Park Street, Dewsbury

#### APPLICATION WITHDRAWN

2016/91767

H Cook - Erection of 2 dwellings - The Nook, 43, Forge Lane, Liversedge

#### CONDITIONAL FULL PERMISSION

2

- (1) The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
- (2) The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
- (3) The development shall not be brought into use until the access, vehicle parking, and turning areas on the approved plans have been laid out, surfaced, and drained in accordance with the Communities and Local Government; and Environment

Page 6

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

2016/91767 Cont'd

Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the use specified on the submitted plans.

- (4) The development shall not be brought into use until the access road into the development has been widened to 4.5 metres as indicated on the approved plan. Thereafter, the widened access road shall be retained.
- (5) Notwithstanding the details shown on the submitted plans and information, a scheme detailing the boundary treatment for the entire site shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatment is first erected. The boundary treatment shall then be erected in accordance with the approved details before the development is first brought into use and thereafter retained.
- (6) Prior to occupation of the dwelling, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging points so provided shall be retained.
- (7) In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise approved in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation

3 Page 7

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

2016/91767 Cont'd

Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

- (8) Site investigation works shall be carried out in accordance with the Coal Mining Risk Assessment prepared by Michael D Joyce (Report 3617 dated March 2016) before development commences.
- (9) The Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before development commences. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
- (10) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Coal Mining Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. 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.

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

FOR: Councillors Armer, Bellamy, Dad, Grainger-Mead, Lawson, O'Neill, Pervaiz, A Pinnock, Scott, G Turner and Taylor (11 votes)

AGAINST: No votes

(Councillor Kane did not participate in the determination of this application)

4 Page 8

		KIR	KIRKLEES COUNCIL	CIL		
	DEC	LARATION O	DECLARATION OF INTERESTS AND LOBBYING	AND LOBBY	JNG	
		Planning Sub-Cor	Planning Sub-Committee/Strategic Planning Committee	anning Committee		
Name of Councillor	llor					
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]	e interest require eting while the ite s under considera	you to em in which ation? [Y/N]	Brief description of your interest
LOBBYING						
Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given
	-					-

## 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

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

) either -

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

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 declared that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

#### Agenda Item 15



Name of meeting: PLANNING SUB-COMMITTEE (HEAVY WOOLLEN

AREA)

Date: 15 DECEMBER 2016

Title of report: LOCAL PLANNING AUTHORITY APPEALS

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan?	No
Is it eligible for "call in" by Scrutiny?	No
Date signed off by <u>Director</u> & name	6 December 2016 Jacqui Gedman
Is it signed off by the Director of	_
Resources?	No financial implications
Is it signed off by the Acting	
Assistant Director - Legal &	No legal implications
Governance?	
Cabinet member portfolio	Economy, Skills, Transportation
	and Planning (Councillor McBride)
	(Councillor wich lue)

Electoral wards affected: Mirfield; Denby Dale; Batley East; Liversedge

and Gomersal; Heckmondwike; Birstall and Birkenshaw;

Ward councillors consulted: No

**Public or private: Public** 

1. Purpose of report For information

#### 2. Key points

- 2.1 2016/62/91003/E Erection of orangery to rear at 3, Moorcroft Close, Mirfield, WF14 9FA. (Officer) (Dismissed)
- 2.2 2016/62/90388/E Erection of front and rear dormers at 9, Cross Lane, Skelmanthorpe, Huddersfield, HD8 9BR. (Officer) (Dismissed)
- 2.3 2015/60/92971/E Outline application for erection of detached dwelling at front of 107, Carlinghow Hill, Upper Batley, Batley, WF17 0AG. (Sub-Committee in accordance with Officer recommendation) (Dismissed)

- 2.4 2016/62/91961/E Erection of dormer window to front and second floor extension at the rear at 11, Upper Mount Street, Batley, WF17 6BA. (Officer) (Dismissed)
- 2.5 2016/62/91588/E Erection of single storey rear extension at 138, Gomersal Lane, Gomersal, Cleckheaton, BD19 4JQ. (Officer) (Allowed)
- 2.6 2016/62/91821/E Erection of 3 no. illuminated plastic trees at Shama Restaurant, 192, Leeds Road, Heckmondwike, WF16 9BJ. (Officer) (Dismissed)
- 2.7 2015/62/93545/E Erection of agricultural building at rear of, 481, Hunsworth Lane, East Bierley, BD4 6RN. (Officer) (Allowed)
- 2.8 2016/60/91205/E Outline application for erection of 9 no. dwellings and associated access works at Land to the east of Field Head Lane, Birstall, Batley. (Officer) (Dismissed)
- 3. Implications for the Council Not applicable
- 4. Consultees and their opinions
  Not applicable
- 5. Next steps
  Not applicable
- 6. Officer recommendations and reasons
  To note
- 7. Cabinet portfolio holder recommendation Not applicable
- 8. Contact officer and relevant papers
  Simon Taylor Head of Development Management
- 9. Director responsible Jacqui Gedman

#### **Appeal Decision**

Site visit made on 1 November 2016

#### by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government Decision date: 9 November 2016

### Appeal Ref: APP/Z4718/D/16/3157257 3 Moorcroft Close, Mirfield, West Yorkshire WF14 9FA

- 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 P Kenyon against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2016/62/91003/W, dated 22 March 2016, was refused by notice dated 25 May 2016.
- The development proposed is a proposed orangery to rear.

#### **Decision**

1. The appeal is dismissed.

#### **Main Issue**

2. The main issue is the effect of the proposed development on the living conditions of occupiers of 1 Moorcroft Close, with particular reference to daylight / sunlight and outlook.

#### Reasons

- 3. The appeal property is a two-storey, semi-detached dwelling located towards the entrance of a relatively recently developed residential estate. The proposed orangery extension would be located on the rear elevation of No 3. It would extend across almost the entire width of the rear elevation and have a depth of 3.9 metres.
- 4. The orangery extension would be positioned almost exactly due south of the neighbouring property, 1 Moorcroft Close. It would be erected very close to the common boundary with that property, at the rear of which is a ground floor habitable room window. That window is also very close to the common boundary between the two dwellings. Although the Council refer to the gap between the proposed extension and the common boundary with No 1 to be approximately 1 metre, my observations of the arrangement at the rear of both properties suggests that the likely gap would in fact be much less.
- 5. The appellant has suggested that the original planning permission for the Moorcroft Close development included provision for 2.1 metre high boundary walls between properties. Such walls, it was suggested, would project in the region of 3 metres from the rear of the houses along the common boundary in the interests of privacy. However, even if that were the case and such provisions applied to Nos 1 and 3, I haven't been provided with any evidence to

- this effect and there were no such walls in place at the time of my site visit. Although there was a curve-topped timber panel fence in place along the common boundary, the proposed extension would, in my judgement, be both taller and longer than that fence.
- 6. Thus, at almost 4 metres in depth, positioned in very close proximity to the habitable room window at No 1, and located due south of that property, the extension would reduce both daylight and sunlight to the rear of No 1 to an unacceptable degree. It would also, for the same reasons, have a harmfully enclosing effect on the outlook from the rear of No 1. The proposal would therefore cause harm to the living conditions of occupiers of that property. This would be contrary to those parts of policies D2, BE1 and BE14 of the Kirklees Unitary Development Plan (UDP) that are concerned with avoiding the detrimental effect of proposals on the residential amenity and living conditions of occupiers of adjoining dwellings and land. This would also be at odds with the provisions of the National Planning Policy Framework which, as one of its core planning principles, seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

#### **Other Matters**

- 7. I note the appellant's suggestion that the proposal could have been constructed under the provisions of the notification process for larger extensions to domestic properties. However, the Council state that permitted development rights were withdrawn from properties on Moorcroft Close as a condition of the original planning permission, a point also acknowledged by the appellant. I therefore give this matter limited weight as a possible fallback position.
- 8. Whilst reference has been made to an extension at the rear of No 5, I have not been provided with the details of that extension or the circumstances around it and that property appears to be a different house type to the appeal property. In any case, I have considered the appeal proposal on its own merits.

#### **Conclusion**

9. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

**INSPECTOR** 

#### **Appeal Decision**

Site visit made on 1 November 2016

#### by Graeme Robbie BA(Hons) BPI MRTPI

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

**Decision date: 10 November 2016** 

#### Appeal Ref: APP/Z4718/D/16/3156123 9 Cross Lane, Skelmanthorpe, Huddersfield, West Yorkshire, HD8 9BR

- 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 S Dyson against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2016/62/90388/E, dated 4 February 2016, was refused by notice dated 25 May 2016.
- The development proposed is a dormer extension and external alterations.

#### **Decision**

1. The appeal is dismissed.

#### **Procedural Matter**

2. The application was amended during the course of the Council's determination of the proposal. Although the Council's decision notice describes the proposal as the "erection of front and rear dormers" I am satisfied that the description set out in the heading above, which I have taken from the appellant's planning application form, accurately describes the proposal. It is clear that the Council have determined the appeal on this basis, and therefore so shall I.

#### **Main Issue**

3. The main issue is the effect of the proposal upon the character and appearance of the host building, and upon the surrounding area.

#### Reasons

- 4. The appeal property is a detached bungalow situated midway along a gently curving street of similarly sized bungalows. The buildings have in common a somewhat squat appearance, arising from their relatively generous width and generally shallow pitched roofs and low ridge heights. The buildings share a common orientation and form along the length of Cross Lane, which is carried over onto Ashfield Avenue to the rear. The uniformity and consistency of the roof lines and ridge levels is particularly evident in longer views along Cross Lane, where the gentle curve of the street emphasises the pleasing rhythm and uniformity of the dwellings.
- 5. The proposed dormer extension would be situated on the rear facing roof plane of 9 Cross Lane. However, in order to attain sufficient internal ceiling heights within the converted roof space the dormer extension would project above the

height of No 9's existing ridge level by approximately 0.5 metres. Although its width would reflect the width of the bungalow's existing ridgeline, the dormer extension would stand proud of it. As a consequence, the structure, marked out by the external cladding of the dormer cheeks and fascia above, would sit incongruously above the existing ridgeline of the appeal property.

- 6. Viewed from either side, and in longer views along Cross Lane, it would sit uncomfortably on the roof of the appeal property. From these aspects, the box-like form of the dormer extension would appear as if dropped onto the roof. Its vertical, upvc-clad, dormer cheeks would be at odds with the sloping, tiled roof-planes at the front and side of No 9, whilst the dormer extension's height and form would be obtrusively jarring in the context of the slopes, angles and proportions of the main building's roof, and roofline, and those of the adjacent bungalows.
- 7. Within an area of housing characterised by consistent ridge levels and only limited variation in the appearance of the bungalows, the proposed extension would be an incongruous and awkwardly jarring addition to the host building, and to the street scene as a whole. Thus, the proposal would not be in keeping with the surrounding area in terms of its design or resulting building height, nor would it be visually attractive, and it would therefore fail to achieve the good design quality sought by Kirklees Unitary Development Plan (KUDP) policy BE1. The general design criteria set out in KUDP policy BE2 in relation to new development, particularly at policy BE2(i), is, I conclude, equally applicable to extensions to existing buildings as it would be to new development. Moreover, KUDP policies BE1 and BE2 both reflect the provisions of the National Planning Policy Framework which seeks to secure high quality design as a core planning principle, and which the proposal would also be at odds with.
- 8. I note the appellant's suggestion that the increased ridge height and dormer extension is necessary to accommodate stair access to the proposed loft area. I note, too, that it is not disputed that the proposal would not have a harmful impact upon, nor be visually intrusive from, Ashfield Road, to the rear. However, these factors do not outweigh the harm to the character or appearance of the host property, or the street scene, that I have identified above.

#### **Conclusion**

9. For the reasons set out, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

**INSPECTOR** 

#### **Appeal Decision**

Site visit made on 25 October 2016

#### by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government Decision date: 11<sup>th</sup> November 2016

#### Appeal Ref: APP/Z4718/W/16/3156214 107 Carlinghow Hill, Upper Batley, Batley, WF17 0AG

- 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 Ahmed Variava against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2015/60/92971/E, dated 12 September 2015, was refused by notice dated 7 March 2016.
- The development proposed is a new detached dormer bungalow.

#### **Decision**

1. The appeal is dismissed.

#### **Procedural Matter**

2. The application is in outline with all matters reserved for future consideration except for the means of access and the layout of the development. Drawings showing an indicative design of the building and landscaping were submitted with the application, and I have had regard to these in determining this appeal.

#### **Main Issue**

3. The main issue is the effect of the development on the character and appearance of the area.

#### Reasons

- 4. The appeal site is located just outside of the Upper Batley Conservation Area, the boundary of which runs along Carlinghow Hill. The conservation area comprises the older parts and core of the village of Upper Batley. It is an example of a mid-to-late Victorian suburb, albeit superimposed on a much earlier settlement. The appeal site is located in an area characterised by large detached properties sat within generous plots. These properties are generally set back from the road, giving the area a spacious and open feel.
- 5. No 107 Carlinghow Hill is a large detached property that is centrally located within its plot. The dwelling's position reflects the staggered building line from west to east along Carlinghow Hill, and there is a significant amount of space between the property and the road. In contrast, the adjacent properties at Nos 109-113 have a more advanced building line closer to the road.
- 6. The proposed dwelling would be located right at the front of the site. It would be significantly in advance of both the host property, and any other building on

this side of Carlinghow Hill. It would not conform to any existing building line. The development would therefore appear unduly prominent in the street, and would be an incongruous feature. It would also interrupt the spacious and open feel on either side of Carlinghow Hill.

- 7. Moreover, the development would result in the creation of two dwellings within the same plot, which would be contrary to the grain of the street and the adjacent conservation area. The development would also detract from the attractive open setting at the front of the existing property.
- 8. Whilst the dwelling would be partially screened by existing boundary hedgerows, it would still be clearly visible from the road. It has been suggested that additional planting could be provided, although it is unlikely that the dwelling could be completely screened from view. In any event, additional planting would not mitigate the harm the development would cause to the grain and character of the area.
- 9. The appellant states that the new dwelling is intended to be occupied by family members, and would be retained in the same ownership. However, the application is for a new dwelling rather than an ancillary annexe. It would therefore be capable of being occupied separately of the main dwelling. In any event, this consideration would not have altered my view regarding the harm I have identified above.
- 10. For the above reasons, I conclude that the development would unacceptably harm the character and appearance of the area. It would therefore be contrary to saved Policies D2, BE1, and BE2 of the Kirklees Unitary Development Plan (UDP) (1999). It would also be at odds with the National Planning Policy Framework ('the Framework') which seeks to secure good design.
- 11. The Council also state that there would be conflict with saved Policy BE5 of the Kirklees UDP. However, this policy relates to development within conservation areas only. As the appeal site is located outside of the conservation area, Policy BE5 does not apply in this case. However, paragraph 132 of the Framework states that great weight should be given to the conservation of designated heritage assets (such as conservation areas), including to their setting. For the reasons set out above, I conclude that the development would be harmful to the setting of the conservation area, contrary to the expectations of paragraph 132 of the Framework.
- 12. The harm to the setting of the conservation area would be less than substantial in the context of paragraphs 133 and 134 of the Framework. Against this, the development would provide a public benefit in the form of a small contribution to the housing land supply position. However, this modest public benefit would be significantly and demonstrably outweighed by the harm the development would cause both to the character and appearance of the area and to the setting of the conservation area.

#### **Conclusion**

13. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

**INSPECTOR** 

#### **Appeal Decision**

Site visit made on 1 November 2016

#### by Graeme Robbie BA(Hons) BPI MRTPI

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

**Decision date: 10 November 2016** 

#### Appeal Ref: APP/Z4718/D/16/3156290 11 Upper Mount Street, Batley WF17 6BA

- 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 Haroon Kola against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2016/62/91961/E, dated 1 April 2016, was refused by notice dated 3 August 2016.
- The development proposed is a loft conversion, front and rear dormer.

#### **Decision**

1. The appeal is dismissed.

#### **Main Issues**

- 2. The main issues are the effect of the proposed development on:
  - The character and appearance of the host property and the surrounding area; and
  - The living conditions of occupiers of neighbouring properties, with particular reference to daylight / sunlight and outlook.

#### Reasons

Character and Appearance

- 3. The appeal property is a two storey, end of terrace dwelling that has been previously extended at the side and rear. The rear element of the property, which extends across the full width of the rear of the property, and up to the gated, shared access lane at the rear, has a dual-pitched roof with peak. There is some variety in the style and design of roofs along the rear of Upper Mount Street due, in part, to the steeply sloping nature of the terrace, but also where other properties have had roof extensions and alterations.
- 4. The proposed dormer extension at the rear would extend across approximately two thirds of the rear roof slope. It would not be inset from either the common boundary with 13 Upper Mount Street, or the rear face of the existing two storey rear elevation, whilst the extensive area of flat roof would sit just below the ridge level of the existing building. Although described as a dormer extension it would, to all intents and purposes, be a second floor extension.

- 5. The proposal, by virtue of its design, scale and massing, would unduly dominate the rear of the host property. It would relate poorly to the existing dwelling, and adjacent buildings in the terrace, in terms of its design and roof style, and would result in an incongruous and visually overpowering addition to the rear of the host property. Further, the scale, bulk and massing of the rear extension, particularly the second floor flank elevation, would result in the extension having an unduly dominant and incongruous presence at the rear of the terrace.
- 6. Although the rear extension would not be visible from Upper Mount Street itself, it would be clearly visible from the shared, gated, access lane to the rear and from a number of neighbouring properties. Whilst it may return below the ridge level of the existing dwelling, it would nonetheless not be in keeping with, or proportionate to, the existing property in terms of overall building height, or the heights and proportions of key elements of that building and those adjoining it. In failing to be in keeping with the surrounding built form in terms of its scale or mass it would also fail to secure a good quality of design.
- 7. Thus, for the reasons set out, I find that the proposal would cause harm to the character and appearance of the host property, and to the surrounding area. The proposal would therefore be contrary to the design intentions of policies D2, BE1, BE2 and BE13 of the Kirklees Unitary Development Plan (UDP). Together, these polices seek to ensure good quality design that contributes to a built environment that is, amongst other things, visually attractive, is in keeping with surrounding development and respects design features of the existing house and adjacent dwellings. The proposal would also be at odds with the National Planning Policy Framework (the Framework) which seeks high quality design
- 8. I note that subject to the use of appropriately matching materials there is no objection from the Council regarding the proposed installation of a dormer on the front roof slope of the dwelling. I agree. The construction of a dormer window extension on the front roof slope is not an uncommon form of extension on Upper Mount Street or its surrounding terraces. What is proposed in this instance would be reasonably well proportioned and sited in the context of the main front roof slope. However, the lack of harm in this respect is not sufficient to outweigh the harm that I have identified above.

#### Living Conditions

- 9. The additional height of the rear extension, and particularly that of its flank elevation, may give rise to some additional early morning overshadowing of the adjoining property at No 13. However, the aspect to the rear of this part of Upper Mount Street is generally open and the flank wall would provide a source of reflected light along the sun's path back towards the rear of No 13.
- 10. I noted at my visit that Nos 13 and 15 sit at a higher level than the appeal property due to the prevailing slope along Upper Mount Street. That difference in ground levels would, to some degree, offset the additional height of the flank wall of the rear extension. Given the relatively open aspect at the rear of the terrace, I am satisfied that the proposal would not cause a significantly loss of daylight or sunlight to the rear of Nos 13 or 15, nor would it be overbearing upon those properties to the detriment of the living conditions of their occupiers. Thus, I conclude that the proposal would not prejudice the residential amenity or living conditions of occupiers of those properties, and I

find no conflict with UPD policy D2. However, this of itself does not outweigh the harm to the character and appearance of the host building or the surrounding that I have identified above.

#### **Other Matters**

11. I understand the appellant's desire to extend the property in order to provide additional accommodation for his family, however this reason behind the application does not persuade me to find the scheme acceptable.

#### **Conclusion**

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

Graeme Robbie

**INSPECTOR** 

#### **Appeal Decision**

Site visit made on 9 November 2016

#### by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 17 November 2016

## Appeal Ref: APP/Z4718/D/16/3159917 138 Gomersal Lane, Little Gomersal, Cleckheaton BD19 4JQ

- 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 S Mann against the decision Kirklees Metropolitan Council.
- The application Ref 2016/62/91588/E, dated 11 May 2016, was refused by notice dated 11 July 2016.
- The development proposed is the erection of a single storey extension.

#### **Decision**

 The appeal is allowed and planning permission is granted for the erection of a single storey extension at 138 Gomersal Lane, Little Gomersal BD19 4JQ in accordance with the terms of the application Ref 2016/62/91588/E, dated 11 May 2016, subject to the conditions set out in the schedule to this decision.

#### **Procedural matter**

2. At the site visit, I viewed the site from 154 Gomersal Lane with the consent of the occupier of this adjacent residential property and did so unaccompanied.

#### Main issues

3. The main issues are the effect of the proposed development, firstly, on the character and appearance of the local area; and secondly, on the living conditions of the occupiers of 154 Gomersal Lane with regard to visual impact.

#### Reasons

Character and appearance

- 4. The appeal property is a detached house that occupies a good-sized plot in a mainly residential area. Like several properties along the same side of Gomersal Lane as the site, No 138 is of individual design and is set back from the road with notable gaps between it and the buildings on either side. The diversity of built form and the spacious informal feel to the street scene positively contribute to the character and appearance of the local area. These features also add to the setting of the adjacent Little Gomersal Conservation Area (CA), the boundary of which includes Gomersal Lane but not the appeal property or those on either side of the site.
- 5. The proposal is to erect a single storey extension at the rear of the existing dwelling. It would lengthen the built form of No 138, enlarge its footprint and

- add to its scale and mass. Nevertheless, compared to the existing dwelling the new addition would be modest in scale, bulk and height with a ridgeline set below that of the existing side addition to which it would attach. Consequently, the proposed development would be clearly subordinate to the existing house and the sense of space around the rear and side of the host building would be retained with the new built form in place.
- 6. The new addition would project further into the garden than the conservatory on the opposite side of the rear façade and the dual pitched roof would be at 90-degrees to that of the existing side addition. However, there would be no visual disharmony because the proposal would be a proportionate addition. The shape and pitch of the new roof would reflect that of the existing 2-storey rear gable and the external materials would match the existing dwelling. As a result, the appeal scheme would not undermine the design or form of the existing dwelling even taking into account the various external alterations and extensions that have been carried out. Taken together, the proposal would relate reasonably well to the character and appearance of the host building.
- 7. When seen from Gomersal Lane, the new extension would elongate the flank wall of the existing side addition, although it would be seen with the far more substantial host building just to one side. In that context, the side elevation of the finished building would not appear overly long, large or bulky. From the road, the oblique angle of view would cause the proposal to appear to reduce the gap between No 138 and the adjacent property, which is 154 Gomersal Lane, by introducing additional built form. Even so, No 154 is noticeably set back from the common boundary with the site and the new roof slope would angle away from this neighbouring property. Consequently, sufficient space would be retained to preserve the visual break between the finished dwelling and No 154. This arrangement would ensure that these buildings would continue to be viewed in the local street scene as separate, distinct entities because there would be a clear gap between them. As a result, the sense of openness in the local street scene with adjacent buildings that are well spaced apart would be maintained.
- 8. On the first main issue, I therefore conclude that the proposed development would not materially harm the character or appearance of the host building or the local area. The setting of the adjacent CA would be preserved. As such, there is no material conflict with Policies D2, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan (UDP). These policies aim to ensure that development achieves good quality design, respects the style of the existing house, and does not prejudice visual amenity or the character of the area. It also accords with the National Planning Policy Framework (the Framework), which places considerable emphasis on securing high quality design. The Framework also notes that development should respond to local character and add to the overall qualities of an area.

#### Living conditions

9. The upper part of the new addition would project noticeably above the wall and hedgerow that mark the shared rear boundary with No 154. As a result, the proposal would be visible from the windows of No 154 that face towards the site and some of its garden. That the proposal would occupy an elevated

- position in relation to No 154 due to the notable difference in ground levels would accentuate its visual impact when seen from this neighbouring property.
- 10. Nevertheless, the existing boundary wall and hedgerow would partly shield and visually soften the new development in views from No 154. While the existing vegetation is not a permanent feature, I attach some weight to a significant landscape feature between Nos 138 and 154. Taken together with the modest scale and height of the development proposed, the set back position of No 154 from the common boundary with the site, and having viewed the site from this adjacent property, I consider that the new addition would not overbear on the occupiers of this neighbouring dwelling.
- 11. On the second main issue, I therefore conclude that the living conditions of the occupiers of No 154 would not be significantly harmed by the proposal. As such, I find no material conflict with UDP Policies D2 and BE1 insofar as they aim to safeguard residential amenity. It would also be in accordance with a core principle of the Framework, which is to always seek to secure a good standard of amenity for all occupants of land and buildings.

#### **Conditions**

12. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the finished building, a condition is imposed to require that the external materials of the extension match those of the existing dwelling. To safeguard the amenity of the occupiers of No 154, permitted development rights are removed exceptionally for any windows in the east elevation of the new extension. These conditions largely reflect those suggested by the Council.

#### **Conclusion**

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

Gary Deane

**INSPECTOR** 

#### Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 16/37 Site Plan, 16/37 Existing Plans, 16/37 Proposed Extn and the Location Plan, which shows the site edged red.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed on the east elevation of the extension hereby permitted.

#### **Appeal Decision**

Site visit made on 23 November 2016

#### by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government Decision date: 29<sup>th</sup> November 2106

#### Appeal Ref: APP/Z4718/W/16/3157630 Shama Restaurant, 192 Leeds Road, Heckmondwike WF16 9BF

- 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 Shama Restaurant against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2016/62/91821/E, dated 23 May 2016, was refused by notice dated 14 July 2016.
- The development proposed was originally described as "Retrospective erection of 3 no plastic trees".

#### **Decision**

1. The appeal is dismissed.

#### **Preliminary matter**

2. There is no dispute that the development has been carried out, and I observed that work in accordance with the submitted plans was in place at the time of my visit. I have, therefore, considered the appeal as being against the refusal of retrospective planning permission.

#### **Main Issue**

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

#### Reasons

- 4. The appeal site comprises the customer car park of the 'Shama' restaurant. It is located on the corner of Leeds Road and White Lee Road, which forms part of a traffic light controlled crossroads. The site is bounded by a low stone wall. The restaurant is at the end of a long row of residential dwellings strung out along Leeds Road. Development fronting White Lee Road opposite the site and Houldsworth Avenue directly behind the car park are also residential in nature. The houses in the area are a mixture of redbrick and stone. On the opposite side of Leeds Road are a number of detached buildings which appear to relate primarily to agricultural activity and open fields. The area in general has a semi-rural village character.
- 5. The 'trees' are not subtle features in the street scene. They are relatively tall, clearly plastic in construction and are of a bright vivid green colour. There is no pretence at all at being seen as a realistic facsimile of a palm tree or seeking to blend into the environment. This is perhaps to be expected in

features which it would be reasonable to assume have been designed primarily to promote commercial activity. The materials used, their bright colour and the fact they light up are all characteristics designed to draw the eye. In this regard, they are successful.

- 6. However, whatever the purpose of the trees, any form of development must have proper regard to the character of the surrounding area. Leeds Road is a busy main road, but this does not alter the fact that the site is within is a predominantly residential area in a semi-rural village environment. This is not a town centre location where there may be a predominance of illuminated signage and vibrant commercial activity. While there was some evidence of business uses further along Leeds Road, these are neither significant in scale or particularly close to the site. There are no other features of a similar nature in the area and thus the trees do not have a complementary visual relationship with any other built or natural element of the local environment.
- 7. As a result of their strident and striking colour and their overt artificial appearance, the trees are prominent features that create a jarring contrast with the nearby housing. As such, they are clearly incongruous and unsympathetic structures that are not appropriate in this location. The detrimental impact of the trees on local character is further exacerbated by the relatively open aspect of the car park and the position it takes up on a busy junction. While the presence of some houses around the junction provides limited screening in the lead up to the car park, once the site opens up, the trees are highly conspicuous both in terms of their overall prominence and incompatibility with the general character of the area.
- 8. While I did not observe the trees when they were illuminated, the photographic evidence provided by both the appellant and interested parties only adds to my view that they are unsympathetic and inappropriate additions to the local street scene. I find, therefore, that the development materially harms the character and appearance of the area. Accordingly, there is conflict with saved policies D2, BE1 and BE2 of the Unitary Development Plan¹ which seek, amongst other things, to ensure development is of a good standard of design, is visually attractive and does not prejudice the character of the surrounding area. I also find conflict with paragraphs 17 and 64 of the National Planning Policy Framework insofar as the development is of a poor design which would fail to take the opportunity to improve the character of the area.

#### Other matters

9. The appellant has suggested that the trees are required to provide additional lighting in the car park in the interests of the safety of their customers. The need for this has been disputed by the Council and interested parties. However, even if there were a need for additional lighting, there are alternative approaches that would not have such a negative impact on the character or appearance of the area. As such, this has carried little weight in my decision.

#### Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

#### SJ Lee INSPECTOR

<sup>1</sup> Kirklees Unitary Development Plan – Revised with effect from 28 September 2007 (Adopted 1 March 1999)

## **Appeal Decision**

Site visit made on 25 October 2016

#### by Beverley Wilders BA (Hons) PgDurp MRTPI

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

**Decision date: 30 November 2016** 

## Appeal Ref: APP/Z4718/W/16/3155616 Land to the rear of 481 Hunsworth Lane, East Bierley BD4 6RN

- 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 A Heron against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2015/62/93545/E, dated 29 October 2015, was refused by notice dated 30 December 2015.
- The development proposed is an agricultural building.

#### **Decision**

- 1. The appeal is allowed and planning permission is granted for an agricultural building at Land to the rear of 481 Hunsworth Lane, East Bierley BD4 6RN in accordance with the terms of the application, Ref 2015/62/93545/E, dated 29 October 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and 14/52/C Revision E.

#### **Procedural Matter**

2. The Council's Decision Notice refers to drawing number 14/52/C Revision D. However drawing number 14/52/C Revision E has also been submitted with the appeal. I note that the proposed building as shown on drawing 14/52/C Revision E is the same as that shown on the earlier revision with the only change to the drawing appearing to be the addition of dimensions for the steel frame. The revised drawing does not materially alter the proposal and as such I have had regard to it in reaching my decision.

#### **Main Issues**

- 3. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - the effect of the proposal on the character and appearance of the area.

#### Reasons

Whether the proposal is inappropriate development

- 4. The appeal site comprises a piece of land and associated vehicular access located to the rear 481 Hunsworth Lane. The land forms part of a wider agricultural holding and the appeal site is located within the Green Belt. The proposal is to construct a detached agricultural building which would be used for cattle pens and for an implement and food store and an associated yard and parking area. Planning permission was initially granted for an agricultural building on the appeal site in 2014 (Ref 14/92268) with a modified proposal granted planning permission in 2015 (Ref 15/90968). The proposal seeks a further modification to the agricultural building approved in 2015.
- 5. Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this includes buildings for agriculture and forestry.
- 6. The Council has previously accepted the need for an agricultural building on the appeal site by the granting of planning permission (Refs 14/92268 & 15/90968). The appellant states that the proposed building is to be used for the housing of rare breed cattle and that it has been designed to meet the needs of the cattle which are currently housed in rented buildings nearby. The size of the proposed building has been increased slightly from that approved in 2015 to improve animal welfare and mucking out arrangements. At the time of my visit I saw cattle on the appeal site and on the adjoining land, including young cattle.
- 7. Though I have had regard to the concerns raised by the Council about the justification for the proposed building, I am satisfied that it has been designed for agricultural purposes. I therefore conclude that the proposal would not be inappropriate development in the Green Belt and that it complies with relevant paragraphs of the Framework. These policies seek, amongst other things, to prevent inappropriate development in the Green Belt.

#### Character and appearance

- 8. The proposed building would be set back from Hunsworth Lane, some distance to the rear of No 481 and its neighbouring dwelling. It would be designed for agricultural purposes and constructed from appropriate materials. Though it would be visible from various vantage points along the road and from the rear of nearby dwellings, it would not be particularly prominent and I do not consider that its size, scale or appearance would cause harm to the character and appearance of the area.
- 9. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on the character and appearance of the area. It therefore complies with policies BE1 and BE2 of the Kirklees Unitary Development Plan. These policies seek, amongst other things, to ensure that development is of a good quality design and that it is in keeping with surrounding development.

#### **Conditions**

10. No conditions have been suggested by the Council. However I have imposed a condition specifying the approved plans as this provides certainty.

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## **Conclusion**

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

Beverley Wilders

**INSPECTOR** 

## **Appeal Decision**

Site visit made on 25 October 2016

#### by Beverley Wilders BA (Hons) PgDurp MRTPI

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

**Decision date: 30 November 2016** 

# Appeal Ref: APP/Z4718/W/16/3155647 Land to the east of Field Head Lane, Birstall, Batley WF17 9LJ

- 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 Mrs Yvonne Lindley-Ree (Lindley Ree Properties) against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2016/60/91205/E, dated 8 April 2016, was refused by notice dated 7 June 2016.
- The development proposed is the erection of 9no. dwellings on 0.30ha of land to the east of Field Head Lane, Birstall.

#### **Decision**

1. The appeal is dismissed.

#### **Procedural Matters**

- 2. The proposal is for outline planning permission with approval being sought for access, landscaping and layout at this stage. Appearance and scale are reserved matters. A proposed site plan was submitted with the application and I have had regard to this in reaching my decision.
- 3. The Planning Statement submitted with the application on behalf of the appellant acknowledged that the site is identified as being within the Green Belt on the Kirklees Unitary Development Plan (UDP) proposals map. However notwithstanding this, in the grounds of appeal the appellant states that the appeal site is not in the Green Belt. I have been provided with a copy of an extract from the UDP proposals map by the Council and I am satisfied that the appeal site is located within the Green Belt.

#### **Main Issues**

- 4. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - The effect of the proposal on the character and appearance of the area;
  - Whether the proposal would provide satisfactory living conditions for future occupiers of the dwellings having regard to noise levels within external amenity spaces;

- The effect of the proposal on flood risk;
- The effect of the proposal on the Council's housing land supply;
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

#### Reasons

Whether the proposal is inappropriate development

- 5. The appeal site comprises a roughly rectangular shaped piece of land located adjacent to Field Head Lane. At the time of my visit the site was largely grassed and overgrown and no remnants of previous development or buildings were visible. However from the available evidence it appears that there was previously a building on part of the site and that it was most recently used as a pet food distribution and storage facility. However it appears that this use ceased sometime before 2000 when the appellant purchased the appeal site. I understand that the remains of the building are still on site and that it was located on an area of hardstanding. The appeal site is located in the Green Belt.
- 6. Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this includes limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
- 7. The Planning Statement submitted with the application on behalf of the appellant stated that the proposal was considered to be inappropriate development in the Green Belt as it would have a greater impact on the openness of the Green Belt than the existing development. Though I note that in the grounds of appeal the appellant states that the proposal would have no impact on openness, having regard to the scale of development proposed compared to the most recent development on site, I consider that the proposal would have a greater and significant impact on the openness of the Green Belt. In addition having regard to the largely undeveloped nature of the appeal site and to the scale of built development proposed, it would also involve encroachment into the countryside and, consequently would conflict with the purposes of including land in the Green Belt. This would also weigh against the proposal.
- 8. Taking the above matters into consideration, I conclude that the proposal would be inappropriate development in the Green Belt, would reduce the openness of the Green Belt and would conflict with the purposes of including land in it. The proposal is therefore contrary to paragraphs 79, 80 and 89 of the Framework.

#### Character and appearance

9. As stated, the appeal site is currently overgrown, with part of the site containing the remnants of a building previously used for commercial purposes.

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- The site is adjacent to and visible from Field Head Lane with the immediate surrounding area containing both residential and commercial buildings of various sizes and designs, the A650 Bradford Road and the M62 motorway.
- 10. Although the surrounding area is mixed in character, the appeal site is prominent and the proposed development of 9 dwellings and associated access road would result in a high density development allowing little scope for any meaningful landscaping, particularly to the site boundaries. The proposed dwellings either side of the access road would be located much closer to Field Head Lane than surrounding development and a number of the dwellings would be located very close to the appeal site boundaries. Consequently I consider that the development would appear cramped and out of keeping with the character and appearance of the area which is generally characterised by buildings set further back from the road and in larger plots.
- 11. Additionally the position and orientation of the proposed dwellings and the size and position of the proposed access road would result in a development of a poor quality design that is not visually attractive and which would be dominated by the access road.
- 12. Taking the above matters into consideration, I conclude that the proposal would adversely affect and would result in significant harm to the character and appearance of the area. It is therefore contrary to Policy BE1 of the UDP and to relevant paragraphs, in particular paragraph 64, of the Framework. These policies seek to ensure, amongst other things, good quality design that improves the character and quality of an area.

#### Living conditions

- 13. As stated, the appeal site is located close to a number of roads and commercial premises. A Noise Impact Assessment (NIA) dated March 2016 was submitted with the application.
- 14. The NIA states that for all perimeters of the site, predicted noise levels exceed the noise limits for residential amenity set out within BS 8233:2014 Sound Insulation and Noise Reduction for Buildings. Whilst it appears that the impact of noise on living conditions within the proposed dwellings could be mitigated, based on the available evidence it is not clear that this would be the case for the external amenity areas of the proposed dwellings. The NIA states that dependent on the site layout and use of boundary fencing, it is likely that some external amenity areas may be able to comply with the recommendations but that this would need to be reviewed by means of an acoustic modelling exercise. It does not appear that any such exercise has been carried out.
- 15. Approval for layout is being sought at this stage and I note that the majority of the proposed dwellings are positioned very close to the appeal site boundaries where the NIA found noise levels to exceed the recommendations within BS 8233:2014. Having regard to this and in the absence of an acoustic modelling exercise having been carried out, I am not satisfied that the proposal would provide satisfactory living conditions for future occupiers of the dwellings having regard to noise levels within external amenity spaces and the proposal would be likely to result in significant harm to living conditions. It is therefore contrary to Policy EP4 of the UDP which states that proposals for noise sensitive development in proximity to existing sources of noise will be

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considered taking into account the effects of existing noise levels on the occupiers of proposed noise sensitive development.

#### Flood risk

- 16. The proposal would increase the amount of built development and hard surfacing on the appeal site compared to the previous development. No formal assessment of flood risk has been provided to support the proposal. Whilst there is anecdotal evidence from interested parties as to poor surface drainage, the objection from the Council's Flood Management Team concerned a lack of information rather than an objection in principle. Moreover it appears that soakaways are thought to be viable on the site.
- 17. Nevertheless, the proposal as it stands fails to show that issues relating to flood risk could be addressed, as required by paragraph 103 of the Framework. This carries moderate weight against the proposal.

#### Housing Land Supply

- 18. Both main parties agree that the Council cannot currently demonstrate a five year supply of deliverable housing sites. The Planning Statement submitted with the application refers to the Council's Annual Monitoring Report 2012/13 which states that the Council has a 2.45 year housing land supply. This figure has not been disputed by the Council though I am advised that the Council is currently preparing an up to date housing land supply position.
- 19. Having regard to the housing land supply shortfall of the Council and to the fact that 9 dwellings are proposed, I consider that the proposal would make a moderate contribution to the Council's housing land supply.

#### Other considerations

- 20. The appellant argues that the proposal would visually improve the entrance to Birstall as in its current state it forms an 'eye sore' in a prominent gateway location. However whilst I acknowledge that at the time of my visit the site was unkempt and overgrown, in my view it does not have a significant adverse effect on the character and appearance of the area. This together with the concerns that I have regarding the particular scale and layout of the proposal means that I do not consider that it would improve the visual appearance of the area.
- 21. The proposal would facilitate the safe removal of asbestos from the appeal site and would deliver some ecological improvements from the provision of bird boxes and new planting. It appears that these benefits are unlikely to occur without the site being re-developed, albeit not necessarily at the scale proposed, and as such would be modest benefits arising from the proposal.
- 22. Part of the appeal site is previously developed land, it is in a reasonably accessible location and the provision of housing on the site would help to meet the demand for housing in the Batley and Spen sub-area as identified in the Council's 2015 Strategic Housing Market Assessment. It would also provide revenue for the Council through the New Homes Bonus (NHB) though there is no evidence regarding whether the Council would use the revenue in a way which is material to the development being proposed. The Planning Statement submitted with the application states that affordable housing may be provided subject to discussions regarding viability.

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- 23. As stated, the provision of 9 dwellings would make a moderate contribution to the Council's housing land supply and this would be a modest benefit arising from the proposal. Given the uncertainty regarding affordable housing provision and the lack of evidence regarding the NHB I cannot be certain that these would be benefits associated with the proposal.
- 24. The proposal would also provide some modest economic benefits by providing employment during the construction period and by supporting the local economy.
- 25. Finally I note that the application followed pre-application discussions with the Council and the appellant's willingness to amend the proposal in order to overcome any concerns raised in relation to it. I also note that reference has been made by the appellant to other development in the locality. However I am not aware of the details or particular circumstances relating to these developments and I must determine the proposal on its own merits and as shown on the submitted plans.

#### **Conclusion**

- 26. As set out in the Framework at paragraphs 14 and 49, housing applications should be considered in the context of the presumption in favour of sustainable development, unless specific policies indicate development should be restricted. This proposal concerns land designated as Green Belt, where footnote 9 of the Framework indicates development should be restricted.
- 27. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
- 28. The proposal is inappropriate development and it would result in significant harm to the character and appearance of the area and to the living conditions of future occupiers of the dwellings and would result in moderate harm having regard to flood risk.
- 29. The proposal would make a moderate contribution to the supply of land for housing and there would be some modest economic and environmental benefits arising from it. However I find that these other considerations are not sufficient to clearly outweigh the harm that I have identified. Consequently the very special circumstances necessary to justify the proposal do not exist and it does not represent sustainable development.
- 30. The proposal is contrary to relevant paragraphs of the Framework and to policies BE1 and EP4 of the UDP. Having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

**INSPECTOR** 

## Agenda Annex

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.



# Agenda Item 16



Originator: Louise Bearcroft

Tel: 01484 221000

**Report of the Head of Development Management** 

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE** 

Date: 15-Dec-2016

Subject: Planning Application 2015/90020 Demolition of existing hotel and erection of 15 dwellings The Whitcliffe Hotel, Prospect Road, Cleckheaton,

**BD19 3HD** 

**APPLICANT** 

Mr S Singh

DATE VALID TARGET DATE EXTENSION EXPIRY DATE

06-Jan-2015 07-Apr-2015 21-Oct-2016

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak. http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

#### **LOCATION PLAN**



Map not to scale - for identification purposes only

**Electoral Wards Affected:** 

Cleckheaton

YES

Ward Members consulted (referred to in report)

RECOMMENDATION: Grant Conditional Full Permission subject to the delegation of 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 unless, upon receipt of further information the development is found to be incapable of sustaining any contributions, to secure a S106 agreement to cover the following matters:

i) A commuted sum in respect of public open space and for the developer to enter into the Metro Card Scheme.

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 Heavy Woollen Planning Sub-Committee for determination because of the size of the site, which exceed 0.5 hectares in area. This is in accordance with the Council's Scheme of Delegation.
- 1.2 In addition, Councillor Andrew Pinnock has also commented as follows:
  - ".... I would like to ask formally for a site visit for this application. It is such a constrained site and the implications of development so significant that I think it best that Members see it for themselves. As part of the visit I would like Members to view the site from Blacup Moor View, as a number of residents there have expressed concerns".

- 1.3 The application was deferred from the June Heavy Woollen Planning Sub-Committee so that amendments could be sought which addressed Members concerns relating to access and highways, including the physical prevention of parking on the Public Right of Way. Also, so that negotiations could take place with regard to the S106 contributions.
- 1.4 It is the opinion of officers that the highway matters have been addressed, as detailed in the 'Highway Section' below.
- 1.5 The applicant has submitted a Viability Appraisal on the basis that the development is unable to sustain any contributions. This has been independently assessed and the applicant has been asked to provide additional information including a detailed breakdown of demolition costs, the extra over costs associated with the foundation solution, and a detailed breakdown of the highway works. This information is awaited and the outcome of this will be reported to Members in the update.

#### 2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a site of approximately 0.59 hectares. Running along the northern boundary (but outside of the application site) is a Public Footpath (Spen 79/10) and beyond this are residential properties. To the east is Unity Lodge House which shares access with the application site. Beyond this is a commercial unit.
- 2.2 To the south, but set at a much lower level than the application site, are dwellings on Blacup Way. To the west are residential grounds.
- 2.3 The site currently houses a large, detached building which was occupied as a Hotel. It appears that this has been unoccupied for a number of years and the land around the building now appears to be used informally for the storage of motor vehicles.
- 2.4 The majority of the land around the building, and specifically adjacent to the site boundaries, contains trees which are subject to Preservation Orders.

#### 3.0 PROPOSAL:

- 3.1 The application seeks permission for the demolition of the existing hotel and full planning permission for the erection of 15 dwellings. The application was originally submitted for 20 dwellings; however this has been revised after Officers' raised concerns with the proposed layout.
- 3.2 The proposed layout comprises a mix of dwellings, the majority of which would be semi-detached two storey properties. The layout also includes two detached two-storey dwellings, and a single storey dwelling adjacent to the entrance of the site.

3.3 Access is to remain from the track to the north east corner of the site, off Prospect Road. Improvements are to be made to this access, including the insertion of a vehicle passing place.

#### 4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2014/93707 Demolition of existing hotel and erection of 20 dwellings. Withdrawn (invalid).
- 4.2 2014/90137 Discharge of conditions 3, 6, 7, 8, 9, 10, 11, 13, 14, and 15 on previous permission 2009/92304 for erection of 17 three bedroom dwellings with garages and change of use and alterations to convert existing mill to 42 two bedroom apartments and associated parking Split Decision
- 4.3 2009/92304 Erection of 17 three bedroom dwellings with garages and change of use and alterations to convert existing mill to 42 two bedroom apartments and associated parking Approved

#### 5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have negotiated with the applicant to secure:
  - A reduction in the number of dwellings to address the impact on the protected trees.
  - Improvements to the proposed access.
  - Revision to house types to include a bungalow adjacent to the entrance to address amenity issues.

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

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

6.2 D2 – Unallocated land

BE1 – Design principles

BE2 - Quality of design

BE12 - Space about buildings

T10 – Highway safety

T16 - Pedestrian routes

T19 – Car parking standards

G6 - Contaminated land

EP10 – Energy Efficiency

EP11 – Integral landscaping scheme to protect / enhance ecology

BE23 – Crime Prevention

NE9 - Mature trees

H1 – Meeting the housing needs of the district

H6 - Housing sites

H18 – Provision of open space

#### Supplementary Planning Guidance / Documents:

6.3 SPD2 – Affordable Housing

#### National Planning Guidance:

6.4 National Planning Policy Framework.

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 8 - Promoting healthy communities

Chapter 10 - Meeting the challenge of climate change, flooding, and coastal change

Chapter 11 - Conserving and enhancing the natural environment

#### 7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Nine (9) local residents have written in (a number of these have written in more than once, including to provide photos) to object to the application and one (1) letter of support has been received.
- 7.2 The points raised in *objection* to the proposals are summarised as follows:

#### **Highway matters:**

- Access will be dangerous
- Access road will attract significantly more use with residential development than the hotel use

#### **Visual amenity matters:**

Existing building has character and should be retained.

#### Landscape / ecology matters:

Potential loss of tress would be detrimental

#### **Amenity matters:**

- Houses will cause overlooking and overbearing impact
- Likely noise and disturbance created including from future residents

#### Other matters:

- Adjacent mill development should be completed by the applicant before this takes place
- Development will impact on local health services, including cumulative impact from other developments
- Site is already in a poor state visually
- Property prices will be affected
- Objections to previous application on site should be taken into consideration
- Changes in site levels should be taken account of
- Potential structural issues with banking
- Who is responsible for annual maintenance of trees?
- A brownfield site should be used instead
- 7.3 The points raised in *support* of the scheme are summarised as follows:
  - Redevelopment of this site will improve its visual appearance
  - Site is in sustainable location
  - Highway improvements will be included
- 7.4 Ward Councillor Kath Pinnock has emailed in respect of this application:
  - "I have looked carefully at the application and, while not having objections in principle, do have the following concerns:
  - 1. The site uses a single carriageway access which is 85m long. This will inevitably create conflicts for traffic entering and leaving the site. There are no proposals for passing places.
  - 2. My understanding is that the access is not in the ownership of the applicant which makes it more difficult to resolve the highways issues.
  - 3. Traffic movements will be very different from those when the hotel was in operation when the majority of the traffic was in the evening.
  - 4. Access to the existing house on the site appears to be compromised by this application.
  - 5. There is a considerable height difference between this site and the adjacent Blacup Moor View and this must be addressed in the application.
  - 6. The original house on the site is of some local historic interest. In the 1888 maps the original house is described as Gladstone House.

For these reasons, I urge that the application is deferred until all these issues have been satisfactorily addressed."

- 7.5 Councillor Andrew Pinnock has also commented on the application. His comments are set out in paragraph 1.2 of this report.
- 7.6 Amended plans were received during the course of the application and subsequently re-advertised. As a result, 6 further representations have been received. A summary of the comments raised are as follows:

#### **Highway Safety matters:**

- The revised proposal includes 2no 4 bedroom houses with a possible 4 cars each. Concern about highway safety on a road with no footpath.
- Traffic movement for the hotel was mainly on a weekend with 30-40 cars on a wedding day, and 5-10 during the week. The proposal will increase this 10 fold during the week and double weekend traffic. The road is 85m long and only 3m wide outside Unity House Lodge.
- Accessing Unity House Lodge involves partly blocking single track road and vehicles reversing will be a hazard. Concern the access is not fit for purpose.
- The snicket is a major route to and from the town centre, particularly during school times.
- The revised proposal will impact on the parking available to serve the adjacent Prospect Mill Development.
- The shared access lane does not meet the legal requirements for a development of this size, which should be 5.5 metres.
- The proposal, together with the proposed adjacent mill development will generate a sizeable increase in traffic.

#### **Residential Amenity matters:**

- Concern about the difference in ground levels between Blacup Moor View and the new development. Properties need adequate privacy.
- Concern about loss of privacy to Unity Lodge House.
- Houses will have a direct line of sight into bedrooms of properties along Blacup Moor View. A 6ft high fence along the top of the banking to screen off the properties at lower levels is required.

#### Other matters:

- Old cars are parked along the Southern boundary, which are unsightly, and any spillage will affect the trees.
- Fencing is required along the southern boundary to protect neighbouring properties from debris and slippage of materials.
- All work should be done with consideration of neighbouring properties.
- Concern regarding the safety risk from overhanging trees. Trees should be maintained before development commences and protected during the works. Future responsibility for maintenance should be clarified.
- 7.7 Additional amended plans were received and re-advertised with a deadline of 3<sup>rd</sup> June 2016. A further representation has been received reiterating previous comments.

#### 8.0 CONSULTATION RESPONSES:

#### 8.1 **Statutory:**

**K.C. Highways Development Management** – Following receipt of amended plans, no objections subject to conditions.

**Environment Agency** – No comments to make.

Coal Authority - No objections.

**Yorkshire Water** – No objections subject to conditions.

## 8.2 **Non-statutory:**

- **K.C. Environmental Services** No objections subject to conditions.
- **K.C.** Arboricultural officer Following receipt of amended plans no objections subject to a condition requiring an Arboricultural method statement.
- **K.C. Ecology & Biodiversity Officer** Initial concerns with the level of detail included in the bat survey. Subsequently additional information has been provided and is acceptable.
- **K.C Flood Management and Drainage** No objection subject to conditions.
- **K.C. Landscaping** As no on-site POS is proposed a commuted sum should be sought.

West Yorkshire Police Architectural Liaison Officer (PALO) – No objections to the proposals in principle.

#### 9.0 MAIN ISSUES

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

#### 10.0 APPRAISAL

#### Principle of development

- 10.1 The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).
- 10.2 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.
- 10.3 The NPPF sets out a presumption in favour of sustainable development. For decision taking this means 'approving development proposals that accord with the development plan without delay'.
- 10.4 Given the presence of existing building and areas of hardstanding on the site, the site is classed as 'brownfield' for the purposes of assessing the principle of development in accordance with the NPPF. The NPPF encourages the effective use of land by reusing land that has been previously developed, although it does not set out a 'brownfield first' approach to development (unlike previous planning policy).
- 10.5 The NPPF identifies three dimensions to sustainable development; an economic role contributing to building a strong, responsive and competitive economy; an environmental role; and a social role by providing the supply of housing required to meet the needs of present and future generations.
- 10.6 In respect of the economic role, paragraph 18 of the NPPF states that "The Government is committed to securing economic growth in order to create jobs and prosperity." The proposed development will contribute significantly through the creation of jobs through the construction phase, including for contractors and local suppliers and generating additional demand for local services.
- 10.7 In respect of the environmental role, the regeneration of a brownfield site will improve the character of the area. Landscaping/ecological enhancement measures will be required as part of any approval and these will assist in enhancing the environment. The development will also deliver new development that is fit for purpose, providing new modern buildings that are energy efficient and take advantage of renewable energy sources and low carbon consumption.

- 10.8 In terms of a social role, the development will contribute through the provision of housing (including 15% of the floorspace of the development being affordable housing) at a time when the Council is unable to demonstrate a 5 year supply of housing land.
- 10.9 Paragraph 6 of the NPPF states, "The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system." Paragraph 19 adds that the Government "is committed to ensuring that the planning system does everything it can to support sustainable economic growth." The NPPF sets out at paragraph 49, "housing applications should be considered in the context of the presumption in favour of sustainable development." The principle of residential development on the site is considered acceptable.

#### Loss of business premises:

- 10.10 Policy B1 of the Council's UDP seeks to meet the employment needs of the district by providing land to accommodate the requirements of business and maintaining the stock of established business and industrial premises and sites, except where this would lead to environmental problems or where they are unsuitable for business and industrial use or there is no realistic prospect of re-use or redevelopment for such purposes.
- 10.11 NPPF paragraph 22 is clear that local planning authorities should not safeguard sites previously in employment use if there is no strong economic case for their retention. It is noted that these premises are vacant and appear to have been so for a considerable period of time. This is considered to weigh heavily in favour of the proposal for redevelopment.
- 10.12 Whilst the applicant has not submitted a B4 statement, it is evident from a site visit that the building is in a poor state of repair and would need considerable investment to bring it up to modern standards as a hotel. In addition, it is considered that the proposed use of the site for residential, would be more compatible with the existing surrounding residential properties than. Taking the above factors into account, it is considered, on balance, that the loss of the business premises is acceptable.

#### <u>Urban Design issues</u>

- 10.13 There is no defining characteristic of the area surrounding the application site. Immediately to the north, south, and western boundaries are residential properties. These comprise a mixture of detached and semi-detached, of both single and two storey nature. There are also flats to the north, which are set over 3-4 floors.
- 10.14 To the north-east and eastern boundaries are industrial buildings. Prospect Mills, to the north-east is a large four storey vacant mill which has planning approval for change of use and alterations to convert into 42 apartments

- (approved under application reference 2009/92304 and granted Dec 2013). To the east is a single storey industrial unit, which remains in commercial use.
- 10.15 Unity House Lodge is a single storey, detached dwelling of natural stone construction. It is set within a reasonable sized curtilage and has had planning permission granted for a rear extension and detached garage.
- 10.16 The application site currently comprises of the Whitcliffe Hotel, a large two/three storey traditional building faced in natural stone and white render. The proposal involves the demolition of this building. The building is not listed and nor is it considered to constitute an undesignated heritage asset. Therefore, the demolition of this building, in the view of officers, would not be unduly harmful to the visual amenity of the application site or wider area.
- 10.17 During the course of the application, the number of dwellings has been reduced from 20 to 15 and would comprise a mixture of semi-detached and detached two storey and two and a half storey dwellings (3 and 4 bedrooms) and one single storey dwelling. The layout takes into account the mature, protected trees which are located around the boundaries of the site and which would be retained and provide a natural buffer with existing development.
- 10.18 The application site is not highly visible from surrounding highway network however there is a public footpath which runs immediately along the northern boundary of the site.
- 10.19 It is the view of officers that the proposed development would relate satisfactorily to the surrounding area, in terms of its layout, scale, and overall design. It is appreciated that that the site is constrained, with residential development to all sides however, it is considered that the proposals would be satisfactorily in keeping with neighbouring properties and provide sufficient amenity space and would accord with policies BE1 and BE2 of the Unitary Development Plan.

#### Residential Amenity

- 10.20 Policy D2 of the Unitary Development Plan stipulates that development should protect the residential amenity of neighbouring residential properties, and policy BE12 sets out the minimum distances required between dwellings. The site is largely surrounded by residential development with the nearest neighbouring properties which could be affected by the development including No's 7-11 Blacup Moor View and No.20 Bath Road to the south, No's 34-50 Peaseland Road to the east, Unity House Lodge to the west, and No.60 Prospect Mill Meadows, and properties to the north off Stanley Street.
- 10.21 In respect of the impact on properties off Blacup Moor View, these neighbouring properties are detached, two storey dwellings, whose private amenity spaces back onto the site. The application site is raised above that of Blacup Moor View and along the boundary is a group of mature trees. The closest relationship will be plots 7and 8 which would be sited at a distance of 19.5 metres from the mutual boundary. There would be a distance of

substantially over 21 metres between directly facing neighboring properties, as is required by policy BE12. The properties would occupy an elevated position relative to properties off Blacup Moor View however; due to the substantial distance to these properties it is considered that there would be no detrimental overbearing impact. This has been demonstrated through the proposed cross sectional drawing submitted, and appropriate screening would be secured by condition.

- 10.22 In respect of the impact on properties off Peaseland Road these properties are separated from the application site by the amenity space of the property to be retained. There would be a distance of significantly over 30 metres from the proposed dwellings to these neighbouring properties and there would be no loss of privacy or overbearing impact.
- 10.23 In respect of the impact on Unity House Lodge this is a single storey, detached dwelling of natural stone construction. It is set within a reasonable sized curtilage and has had planning permission granted for a rear extension and detached garage. The closest relationship would be with plots 1 and 2 as originally proposed. The initial proposal was for a pair of semi-detached two storey dwellings adjacent to the lodge, however the proposed cross sectional drawing highlighted that proposed two storey dwellings immediately adjacent to this property would have a detrimental overbearing impact. Amended plans have therefore been secured to omit this pair of semi-detached properties and replace with a single storey property. The revised proposal is for a single storey property within this part of the site which is considered to satisfactorily address the previous concerns raised, and the details are considered by officers to be acceptable.
- 10.24 A Noise Report has been submitted by S&D Garritt Ltd dated 15/09/2014 and submitted in support of the application. Environmental Services agree with the findings of the report and raise no objections, subject to the development being carried out in accordance with the details.

#### Landscape issues

- 10.25 In respect of the impact on trees, the proposals have been assessed by the Council's Arboricultural Officer who has confirmed that following receipt of amended plans (which reduce the number of dwellings proposed and therefore the impact on Protected Trees), there are no objections. This is subject to the imposition of a condition requiring an Arboricultural Method Statement, detailing how the proposal will be constructed whilst avoiding damage to trees. Therefore there are no objections in respect of mature trees and the development complies with Policy NE9 of the Unitary Development Plan.
- 10.26 The applicant has submitted a bat survey. This detailed that no bats are using the building for roosting, although some foraging is taking place in the locality. The Council's Ecologist initially raised concerns with the level of detail within the survey. This has now been supported by further information. It is

therefore considered that there are no objections subject to the imposition of conditions relating to the following:

- A landscaping scheme which retains existing trees and includes new planting based upon the use of native tree and shrub species.
- Provision of bat and bird boxes
- A landscape management plan to manage the important biodiversity features incorporated into the site.
- A lighting scheme designed to avoid light spillage into sensitive areas
- 10.27 Subject to these conditions, the development is considered acceptable in respect of ecology and accords with the guidance contained within the National Planning Policy Framework.

#### Highway issues

- 10.28 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. A number of concerns have been raised in the representations received, and the application was deferred from the June Committee so that amendments could be sought which addressed members concerns relating to access and highways.
- 10.29 The site is accessed from the unnamed access road which links the existing site access with Prospect Road and is of a narrow width, especially where it meets Prospect Road. This also serves adjacent residential dwellings, and is a secondary service access for the adjacent industrial site, although this appears to be seldom used.
- 10.30 The unnamed access road is approximately 85m in length and is a two way single carriageway road with a footway provided along the north side connecting Prospect Road with Peaseland Road. This road forms part of public footpath SPE/79/30 that provides access between Prospect Road to the east and to the west provides a route to Heaton Avenue School via Peaseland Avenue and Grange Road.
- 10.31 The carriageway is initially 3.8m in width where it meets Prospect Road, and the ranges between 3.8m and 4.8m in width. The footway is generally 1.3m in width; although where the pedestrian route follows the public right of way this narrows to around 1m in width. The unnamed road contains street lighting and waiting restrictions are provided on the north side, adjacent to the Prospect Road junction.
- 10.32 The personal injury accident records for the last five years along Prospect Road and Tofts Road including the junction with Whitcliffe Road show one reported injury accident which occurred in 2010, was classified as slight and was the result of a vehicle colliding with a low wall in wet weather. The contributory factors were noted to be a 'slippery road surface' and the bend in the road.

- 10.33 As part of the development, it is proposed to improve the unnamed access road where it meets Prospect Road. The unnamed access road currently does not provide suitable carriageway width for two vehicles to pass simultaneously.
- 10.34 Since the application was previously reported to committee, the applicants have provided revised plan number 894-101 Rec C. This plan shows the first 20 metres of the access road widened to 4.5m which is considered wide enough for two vehicles to pass, the provision of a passing place provided part way along the access road, and a 1.3m wide footway is to be provided to the northern side of the access road (a scheme relating to the prevention of parking on the PROW has also been considered by officers following comments raised by members at Committee previously. It is considered appropriate to condition a scheme). In addition, two traffic calming ramps are now proposed to either end of the access road, together with the re-surfacing of the road using a contrasting colour. It is also proposed to remove part of the existing boundary wall in proximity to the exit of the adjacent Prospect Mill development and provide a new area of footpath adjacent to the access points to both developments. These improvements would allow vehicles to pass and should also improve inter-visibility between vehicles exiting the unnamed access road and the adjacent site to the north.
- 10.35 Within the development site, sufficient off-street parking is provided together with internal refuse vehicle turning.
- 10.36 In terms of traffic impact, the existing buildings on site are currently unoccupied therefore to determine the potential traffic generation of the existing use it has been necessary to use the industry standard TRICS database. Potential peak hour trip rates (morning peak 0800-0900 hours and evening peak 1700-1800 hours) for a 42 bedroom hotel, pub and restaurant and the proposed residential development have been compared. The existing use of the site as a hotel, pub, restaurant, could generate 21 trips during the morning peak, and 43 trips during the evening peak. The proposed development is anticipated to generate approximately 13 trips during the morning peak and 14 trips during the evening peak hours. This results in a net decrease of 8 trips during the morning peak hour and a net decrease of 29 trips during the evening peak hour. The proposed development would therefore represent a significant reduction in traffic generation when compared to the current use of the site.
- 10.37 Given the improvements to the access road and that this road is expected to generate significantly less traffic then the previous use Highways Development Management support the proposals. A number of conditions are recommended, to include:- a scheme for the proposed road improvement to include widening of the access, provision of a passing place and adjacent footways, and appropriate drainage. Furthermore, to encourage the use of the public transport services available, the developer will need to enter into Metro's Residential MetroCard (bus only). The cost would be 15 x £475.75 = £7136.25. This will be secured through a Section 106 agreement, but is subject to the conclusions of the viability exercise currently being undertaken.

#### <u>Drainage issues</u>

10.38 The Council's Flood Management and Drainage Officer, the Environment Agency, and Yorkshire Water have been consulted on the application and raise no objections subject to the imposition of conditions. Subject to the imposition of conditions, it is considered that the proposed development is acceptable in relation to flood risk and drainage.

#### Representations

10.39 The concerns raised in the representations have been carefully considered and addressed where appropriate in the assessment above. However, to summarise, officers comment as follows on the matters raised:

#### 10.40 Highway Safety matters

**Response:** Given the improvements to the access road and that this road is expected to generate significantly less traffic then the previous use, officers support the proposals. The proposal will result in the loss of parking spaces to serve the adjacent Prospect Mill Development. Highway Services considered however that this displacement parking can be accommodated on-street.

#### 10.41 Visual amenity matters

**Response:** It is the view of officers that the proposed development would relate satisfactorily to the surrounding area, in terms of its layout, scale, and overall design. It is appreciated that that the site is constrained, with residential development to all sides however, it is considered that the proposals would be satisfactorily in keeping with neighbouring properties and provide sufficient amenity space.

#### 10.42 Landscape / ecology matters

**Response:** The proposals have been assessed by the Council's Arboricultural Officer who has confirmed that following receipt of amended plans (which reduce the number of dwellings proposed and therefore the impact on Protected Trees), there are no objections.

#### 10.43 Amenity matters

**Response:** The differences in site levels have been taken into account when considering this application.

#### 10.44 Other matters

Adjacent mill development should be completed by the applicant before this takes place

**Response:** This is not a material planning consideration.

Development will impact on local health services, including cumulative impact from other developments

**Response:** The provision of health facilities is not within the jurisdiction of the Local Authority.

Property prices will be affected

**Response**: This is not a material planning consideration.

Objections to previous application on site should be taken into consideration **Response**: Objections to previous applications are not taken into account.

Potential structural issues with banking

**Response**: The responsibility for the safe development of the site rests with the developer.

Who is responsible for annual maintenance of trees?

**Response:** Clarification is being sought from the agent about maintenance of landscaped areas.

A brownfield site should be used instead

**Response**: This is a previously developed brownfield site.

#### Planning obligations

- 10.45 The proposed development will trigger the following contributions:
  - Provision of on-site affordable housing (or a commuted sum in lieu) at a rate of 15% of the floorspace of the development.
  - A commuted sum in lieu of on-site Public Open Space. The lump sum contribution without prejudice will be £40,250.00.
  - Provision of Metro Cards
- 10.46 In respect of the affordable housing contribution, the existing building is vacant and the scheme benefits from Vacant Building Credit. In this situation the existing floor space of the building is credited against the floor space of the new development. The agent has provided the following calculations:

Existing Floor Space 1672 m2 (omitting the third floor)

Proposed Floor Space: Total: 1421.16 m2

- Type A 85.59m2 (10 dwellings)
- Type B 125.30m (2 dwellings)
- Type C 129.60m2 (2 dwellings)
- Type D 55.46m2 (1dwelling)
- 10.47 The floor space of the existing building is in excess of the floor space of the proposed fifteen dwellings, and accordingly an affordable housing contribution is not required in this case.
- 10.48 With respect to the remaining contributions, the applicant has submitted a Viability Appraisal on the basis that the development is unable to sustain any contributions. This has been independently assessed and the applicant has been asked to provide additional information including a detailed breakdown of demolition costs, the extra over costs associated with the foundation

solution, and a detailed breakdown of the highway works. This information is awaited and the outcome of this will be reported to members in the update.

#### Other Matters

- 10.49 **Health and Safety:** The site falls within the defined Development High Risk Area where within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority's information indicates that historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. In addition records indicate that the zone of influence of two off-site mine entries encroach over the eastern half of the access route from Gladstone Road / Prospect Road.
- 10.50 The Coal Authority concur with the recommendations of the Coal Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed built development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority raises no objections, subject to the inclusion of conditions to secure the intrusive site investigation works.
- 10.51 **Other Issues:** The existing building on site was previously used as a Trade Union Hall, and there is a social significance associated with this former use. The building itself however, has no significant architectural merit and Conservation and Design raise no objections to the proposed re-development of the site.
- 10.52 Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....incorporate facilities for charging plug-in and other ultra-low emission vehicles..." To encourage the use of ultra-low emission vehicles such as electric vehicles, a condition will be imposed to secure 1 charging point per dwelling with dedicated parking as proposed.

#### 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. It is considered that the proposed development is in accordance with the principles of sustainable development.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be compliant with the policies in the Unitary Development Plan and there are no adverse impacts which would outweigh the benefits of the scheme.

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

# It is proposed that the following planning conditions would be included should planning permission be granted:

- 1. Time limit for development
- 2. Development carried out in accordance with plans
- 3 Samples of all facing and roofing materials
- 4. Details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls for the dwellings
- 5. Vehicle parking areas to be surfaced and drained
- 6. Scheme detailing proposed improvements to the unnamed road leading between Prospect Road and the application site including widening of the access, provision of a passing place and adjacent footways
- 7. Phase I Intrusive Site Investigation Report
- 8. Phase II Intrusive Site Investigation Report
- 9. Remediation Strategy
- 10. Reporting of any unexpected contamination
- 11 Validation Report
- 12. Scheme restricting the rate of surface water discharge from the site to a maximum of 70% (as advised by Strategic Drainage) of the existing predevelopment flow rate to the same outfall
- 13. Development carried out in accordance with the recommendations of the noise report
- 14. Details of charging plug-in points for electric vehicles
- 15. Arboricultural Method Statement, in accordance with BS 5837 to show how the development will be completed while avoiding damage to the trees' and their roots
- 16. A Biodiversity Mitigation and Enhancement Plan
- 17. A landscape management plan
- 18. A scheme for the physical prevention of parking on the Public Right of Way

## **Background Papers:**

The application details:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90020

Certificate of Ownership – Notice served on:

- PK Smith and MJ Smith Unity House Lodge, Prospect Road, Cleckheaton
- Crownham Limited -15 Whitehall Road West, Birkenshaw



# Agenda Item 17



Originator: Louise Bearcroft

Tel: 01484 221000

#### **Report of the Head of Development Management**

#### **HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

Date: 15-Dec-2016

Subject: Planning Application 2015/93261 Demolition of existing buildings and outline application for erection of residential development (15 dwellings) Connection Seating Limited, Dogley Mills, Penistone Road, Fenay Bridge, Huddersfield, HD8 0NQ

#### **APPLICANT**

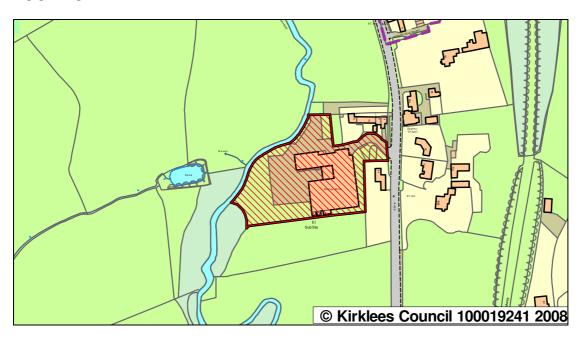
Connection Seating Ltd

DATE VALID TARGET DATE EXTENSION EXPIRY DATE

05-Jul-2016 04-Oct-2016 21-Oct-2016

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak. <a href="http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf">http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf</a>

#### **LOCATION PLAN**



Map not to scale - for identification purposes only

Electoral Wards Affected:			
Kirkburton			
NO	Ward Members consulted (referred to in report)		

RECOMMENDATION: Grant conditional Outline Permission subject to the delegation of 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 to secure a S106 agreement to cover the following matter:

1. The Relocation of Connection Seating within the District.

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 be 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 before the Heavy Woollen Planning Committee because of the size of the site, which exceeds 0.5 hectares in area (but proposes less than 60 dwellings). This is in accordance with the council's scheme of delegation.

#### 2.0 SITE AND SURROUNDINGS:

2.1 The site comprises Dogley Mills, located off Penistone Road at Fenay Bridge. Within the site is a mill building located centrally, with areas of hardstanding and off-street parking to the rear and side of the building. The site is currently occupied by Connection Seating Limited and two other smaller businesses. The site is flanked by undeveloped green belt land to the south, west northwest, by existing dwellings to the north-east and by Penistone Road to the east. The site is located within the Green Belt on the Unitary Development Plan.

#### 3.0 PROPOSAL:

- 3.1 The application seeks permission for the demolition of the existing buildings and outline application for the erection of a residential development for 15 dwellings. The matters to be considered as part of this application are details of access and layout.
- 3.2 The existing access off Penistone Road would be used to serve the development.
- 3.3 The layout proposed comprises a mix of detached, semi-detached and terraced dwellings, some of which have detached garages accessed off a central access road. An area of public open space is proposed in the western portion of the site.

## 4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 <u>92/02644</u> – Formation of 10 additional car parking spaces – Permitted Development

<u>2000/90638</u> – Change of use from storage and distribution to assembly and manufacture of office chairs and sofas with associated offices – Conditional Full Permission

<u>2001/91392</u> – Erection of despatch department extension – Conditional Full Permission

2004/94664 - Erection of open loading bay - Conditional Full Permission

<u>2006/92301</u> – Renewal of unimplemented permission for erection of dispatch department extension – Withdrawn

<u>2006/93151</u> – Renewal of unimplemented permission for erection of dispatch department extension – Conditional Full Permission

#### 5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Discussions have taken place during the course of the application between officers and the applicant. This resulted in the submission of:

A layout plan to be considered as part of the application (the application was originally submitted with all matters reserved, apart from access).

- A revised Design & Access Statement and Planning Policy Statement (to address the above).
- Revised access details to address highway concerns.
- Further information in relation to drainage to address comments raised by Yorkshire Water.

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

D2 - Unallocated Land

BE1 – Design principles

BE2 – Quality of design

BE12 - Space about buildings

BE23 – Crime prevention

NE9 - Retention of mature trees

T10 - Highway safety

H<sub>10</sub> – Affordable housing

H12 – Arrangements for securing affordable housing

G6 – Land contamination

H<sub>18</sub> – Provision of open space

B4 – Change of use of land and buildings last used for business or industry

EP11 – Ecological landscaping

#### 6.3 Supplementary Planning Guidance / Documents:

SPD2 – Affordable Housing

#### 6.4 National Planning Guidance:

Chapter 1 – Building a strong, competitive economy

Chapter 6 – Delivering a wide choice of high quality homes

Chapter 7 – Requiring Good Design

Chapter 9 - Protecting Green belt land

Chapter 10 – Meeting the challenge of climate change, flooding and coastal

change

Chapter 11 – Conserving and enhancing the Natural Environment

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

- 7.1 As a result of publicity, one representation has been received.
- 7.2 A summary of the comments received is set out below:
  - The map in appendix A of the FRA and map 1 of the Geo-environmental report include part of the garden of Dogley Cottage, 12 Penistone Road.
  - Who will maintain the access?
  - Snow and ice make the slope treacherous, the garden wall of 12 Penistone Road has been damaged by vehicles. Query about perpetuity insurance against future damage given the increased risk to third party

- property. In winter residents park on Penistone Road. Additional residents would mean more on-road parking and congestion.
- The issue of traffic queuing to exit the site has not been addressed. Shift
  patterns and deliveries mean vehicular activity is staggered. Residential
  development would lead to congestion and queuing at peak times. The
  gradient at the top is steeper than the 1 in 8 quoted in the Geoenvironmental Report and is unsuitable.
- Concern about lack of provision for pedestrians.
- Visibility for drivers exiting Penistone Road from Kirkburton is limited.
- Heavier rainfall and snow melt result in Woodsome Beck becoming a torrent. Concern about children safety.
- Dogley is a wildlife haven, reflected in the 'site of wildlife significance' status awarded by West Yorkshire Ecology Service. The area is largely undisturbed in the evening and weekend which would be put at risk. Site pollution reaching Woodsome would be detrimental to wildlife.
- Unclear what the improvements would be to the quality of the local environment as stated in Point 5.14 of the Supporting Statement.
- Point 3.3 says that it is 'envisaged' properties would be built of stone. However, the Design and Access Statement says the dwellings 'will' reflect the vernacular of surrounding dwellings.

#### 8.0 CONSULTATION RESPONSES:

## 8.1 **Statutory:**

**The Environment Agency** – No objections

**Yorkshire Water** – No objection following receipt of further information. Conditions are recommended.

**K.C Highways Development Management** – No objection following receipt of amended plans.

# 8.2 **Non-statutory:**

**K.C Environmental Services** – No objections

K.C Arboricultural Officer – No objections

**K.C Ecologist** – No objections

**K.C Flood Management** – No objections

Kirkburton Parish Council - No comments received.

#### 9.0 MAIN ISSUES

- General Principle
- Loss of the site for business use
- Principle of Development within the Green Belt
- Proposed Housing Development
- Access considerations
- Layout considerations
- Ecology matters
- Flood risk and Drainage
- Contributions
- Representations
- Conclusion

#### 10.0 APPRAISAL

## General Principle:

- 10.1 The site is located in the Green Belt where in accordance with paragraph 87 of the National Planning Policy Framework (NPPF) inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF stipulates a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with exceptions to this including limited infilling or the partial or complete redevelopment of a previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 10.2 The application site is an existing industrial / employment site and satisfies the definition of previously developed land in the NPPF. In this case new development should not be regarded as inappropriate development in the Green Belt in line with paragraph 89 of the NPPF provided that it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 10.3 There are two key issues to be considered;
  - The acceptability of the loss of the employment site
  - The extent to which the proposal for re-development of the employment site for residential purposes would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

## Loss of the site for Business Use:

- 10.4 With respect to the loss of the site for business purposes, the proposal is assessed against policy B4 of the UDP. Policy B4 states that proposals involving the change of use of premises and sites with established use, or last used for business and industry will be considered having regard to the suitability of the land and premises for continued business and industrial use, the availability of business and industrial premises of equivalent quality, the number of jobs likely to be created or maintained, the compatibility of use proposed use with surrounding uses, the effect on local amenity and on the local highway network.
- 10.5 The site is owned and occupied by Connections Seating Limited. Two other companies lease space on part of the site; Scofield and Sims and Labtex. Connections Seating Limited operates from 32,000 square feet of floor space and rents a further 21,000 in Dewsbury. Within the supporting statement it is noted that operating from two sites is inefficient, coupled with the main site at Dogley Mills having an outdated layout which is a constraint to the company's development. Looking for a third site would add to operating inefficiencies and is not a feasible option. The applicant advises that the age and condition of the buildings and the fact that they are spilt level is not conducive to modern day requirements. The inefficiency of the access road to accommodate modern day vehicles hinders the opportunity for continued expansion. The applicant considers that the site would require significant financial investment and physical alteration to overcome the operational shortcomings, and that this is not viable given the Company's aspirations to operate from a single site and to grow.
- 10.6 The property has not been offered to the market for continued employment use and no evidence is presented to confirm whether or not there is a demand for a continued employment use of the building. The applicant has put forward an argument that no marketing of the property has taken place because the funds from a re-development of the site are necessary to relocate and expand the business, and the current buildings would not generate sufficient revenue to allow the company to fund a re-location and expand.
- 10.7 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development where local planning authorities should positively seek opportunities to meet the development needs of the area. Chapter 1 stipulates planning should operate to encourage and not act as an impediment to sustainable growth and significant weight should be placed on the need to support economic growth through the planning system.
- 10.8 The justification to support the loss of the business site is to fund the expansion and re-location of the business elsewhere within the District. However, this is a speculative proposal for Connection Seating who has yet to find a site for re-location. The applicant is therefore required to submit a unilateral agreement that confirms the company will use the proceeds from the sale of the site to re-locate within the District.

10.9 It is considered that facilitating the retention and expansion of this established business within the District should be afforded weight in determining the application.

# <u>Principle of Development within the Green Belt:</u>

10.10 The proposal development is not regarded as inappropriate development in the Green Belt in line with paragraph 89 of the NPPF. This is provided the development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

## The purposes of including land within the Green Belt:

- 10.11 Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.
- 10.12 Paragraph 80 sets out the five purposes of Green Belt:
  - To check the unrestricted sprawl of large built up areas
  - To prevent neighbouring towns merging into one another
  - To assist in safeguarding the countryside from encroachment
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration by encouraging the recycling of derelict and other urban land
- 10.13 The main purpose of the Green Belt is to prevent urban sprawl. The containment of the residential development to the central part of the site, within the development footprint of the existing industrial building would not result in urban sprawl.
- 10.14 The proposed development similarly does not have any adverse impact on the remaining four purposes or functions of the Green Belt in this area. There is no incremental development beyond that existing which would lead to the merging of towns or smaller settlements. The countryside is safeguarded from encroachment as the development does not go beyond the existing built envelope, indeed the development would make a positive contribution by recycling land.

#### The impact on openness:

- 10.15 The impact of the existing site within the Green Belt is dominated by the bulk of the building at the front of the site, while the character of the rear of the site is open. The proposal is for 15 dwellings which would be clustered around the footprint of the existing buildings and areas of hardstanding in the front and middle portion of the site. The proposal would reduce the footprint of development by approximately 45%:
  - Existing footprint is 42,000 sq ft

- Proposed footprint is 23,18 sq ft
- 10.16 The proposal would not expand the footprint of development beyond the existing hard standing areas and it is considered the proposal would not have a detrimental impact on openness.
- 10.17 The proposal is not considered to be of harm to the purposes of including land within Green Belt, nor would it have a detrimental impact on openness. The proposal is considered to be appropriate development within the Green Belt.

## **Proposed Housing Development:**

- 10.18 Turning to the proposal for housing development, the NPPF states that the purpose of the planning system "is to contribute to the achievement of sustainable development" (para 6). NPPF notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples' quality of life (para 9). NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. "Economic, social and environmental gains should be sought jointly and simultaneously through the planning system" (para 8). NPPF stresses the presumption in favour of sustainable development.
- 10.19 The proposal would provide some economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF, new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. There would be a social gain through the provision of new housing at a time of general shortage and the proposal will be subject to a requirement to provide an element of affordable housing which will be a positive component of the social role of the development. The proposal would not extend beyond the footprint of the areas of hardstanding and a subject to a biodiversity mitigation plan, there would not be an environmental loss.
- 10.20 A further matter for consideration is that the Council is currently unable to demonstrate a five year supply of deliverable homes. It is a material consideration in the assessment of the principle of housing development and the delivery of new housing at a time of general shortage is considered to weigh in favour of the development. The principle of development is therefore considered to be acceptable.

# Access Considerations:

10.21 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. Concerns have been raised in the representations received that visibility for drivers exiting Penistone Road from Kirkburton is limited, that there is a lack of provision of pedestrians, and that the issue of traffic queuing to exit the site has not been addressed. There is also concern that the gradient at the top is steeper than 1 in 8.

- 10.22 The applicant's highways consultants PAH have provided a Transport Statement. Penistone Road forms part of the A629 which is a primary route linking Huddersfield Town Centre to the north, with the town of Penistone to the south. Given the status of the road it is subject to relatively heavy traffic volumes throughout the day.
- 10.23 The site is currently occupied by a mix of B1, B2 and B8 uses. It contains a combined gross floor area of 3800 sqm and is mostly occupied by the Company Connection UK Ltd that manufacture commercial furniture. However, there are also two other tenants that occupy the site.
- 10.24 Connections UK Ltd occupy approximately 2970 sqm within the site, of which 1680 sq m is used for general industrial use (B2 use class), 840 sq m is used as officers (B1 use class) and the remaining area is used for storage / distribution (B8 use class). The remaining sections of the site are used for general industrial use. This provides a total of around 2575 sqm of general industrial use at the site.
- 10.25 The site contains an access road along its north side that leads to the north and west elevations of the existing buildings, and to the car parking, turning, and HGV loading areas. The main car parking, turning and loading areas are located along the west side of the site. The large Dogley Mills buildings are located along the east site of the site.
- 10.26 The site contains an unmarked priority junction with kerbed radii to both sides and dropped kerbs for the adjacent footways. The access then leads into the site to the car parking and turning areas. The access road is subject to a steep gradient, and ranges in width between 5.5 m and 10m, with a width approximately 7.3m at the access with Penistone Road. Visibility at the site access is acknowledged to be sub-standard.
- 10.27 Highways Development Management (HDM) have raised concerns about the sight lines, the gradient of the access road, aces arrangements to adjacent properties and detailed matters in respect of the internal layout.
- 10.28 Amended details have been submitted and are under consideration. The details comprise of two options in relation to the access into the site.
  - Option 1: The proposed access would closely align with the existing levels. This would necessitate a stepped arrangement within the footway.
  - Option 2: This proposal would is considered more acceptable in terms of gradients and would achieve better visibility onto Wakefied Road. However, due to the change in gradients, this would necessitate the raising of ground levels of between 2m – 2.5m.
- 10.29 Option 2, as referred to above, is considered by officers to be acceptable and would address previous concerns raised by HDM in relation to the access.

# **Layout Considerations:**

## Visual Amenity

- 10.30 The proposed density of development is considered to represent an efficient use of the site, and the proposal would achieve the recommended distances to neighbouring dwellings as set out in policy BE12 of the UDP. The character of the immediate surrounding area is characterised by a mix of property types, including detached and terraced properties, with the predominate scale being two storey, and constructed of natural stone and stone slates.
- 10.31 The proposed layout of detached, semi-detached and detached dwellings would be in-keeping with the prevailing character of the site and a full assessment of the scale and appearance of the dwellings would be made upon the receipt of reserved matters should outline permission be granted. In all, it is considered that there is scope to secure details which would not harm the character of the surroundings and which would accord with policies BE1 and BE2 of the UDP as well as the aims of the NPPF. This would be addressed through a subsequent reserved matters application.

# Residential Amenity

- 10.32 UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. The nearest neighbouring properties to the site are located to the north-east and east of the site.
- 10.33 A full assessment of the scale and appearance of the dwellings, to include the positioning of windows would be assessed at the reserved matters stage. However, it is considered an acceptable scheme could be brought forward at reserved matters stage which would meet the requirements of distances between dwellings as set out in policy BE12 of the UDP, and would ensure there would not be a detrimental loss of privacy or amenity to neighbouring properties, their habitable room windows, or private amenity spaces. As such, it is considered that residential amenity would be safeguarded in accordance with Policies D2 and BE12 of the UDP.

# **Ecology Matters:**

- 10.34 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The application is supported by two ecological reports.
- 10.35 The Council's ecologist notes that both reports are succinct yet detailed and fulfilled their intended purpose. The second of the two reports also describes proposed detailed mitigation in respect of European Protected Species. It is however noted that the Ecological Appraisal recommended the production of a Biodiversity Management Plan to ensure the mitigation and enhancement

- measures described in the report are incorporated into the development proposals, which has not been provided.
- 10.36 Roosting bats were recorded (low conservation status) therefore a European Protected Species Mitigation (EPSM) licence is required to undertake the development proposals. Therefore the Council has a duty to ensure that the three 'derogation tests' can be met in determining the planning application, and therefore that a licence is likely to be granted by Natural England.
- 10.37 The derogation tests are set out in Regulation 53 of The Conservation of Habitats and Species Regulations 2010, and are:
  - A licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".
  - 2. The appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".
  - 3. The appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."
- 10.38 In respect of the third test officers are satisfied that the favourable conservation status of common pipistrelle bats can be maintained, provided the measures described in the Bat Method Statement (Section 3 of the report titled Additional Ecological Information) are implemented. A document providing the details required of a Landscape and Ecological Management Plan (LEMP) as set out in BS42020 (BSI, 2013) is required which will be addressed through condition. Subject to the inclusion of suitable conditions, ecological matters are addressed.

## Flood Risk and Drainage:

10.39 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach. The application is supported by a Flood Risk Assessment (FRA) by Haigh Huddleston & Associates.

## Flood Risk

10.40 The majority of the site is within flood zone 1, with a portion of the western part of the site falling within flood zone 2. The Environment Agency raise no objections, subject to the development being carried out in accordance with the accompanying Flood Risk Assessment and appropriate mitigation measures. These include that finished floor levels in Flood Zone 2 shall be set at least 300mm above ground level.

## **Drainage**

- 10.41 Part 4 of the FRA states that in the first instance the use of soakaways and infiltration will be investigated, and if these appear to be unsuitable based on the infiltration tests then alternative systems can be investigated.
- 10.42 Flood management raises no objections to the principle of development. This is subject to the inclusion of a condition for a scheme restricting the rate of surface water discharge from the site to a maximum of 70% of exiting predevelopment flow rate.
- 10.43 Yorkshire Water notes that the site layout proposes new buildings and trees over the public sewer within the site. Following discussions with Yorkshire Water, they have confirmed that, subject to the inclusion of suggested conditions, they have no objection.

## Foul Sewage

10.44 Pollution and Noise Control requested information regarding the means of foul sewage disposal, and note that it is expected that a development of this size to be connected to the mains sewage system. The agent was asked to clarify this, but no further information has been submitted. This matter will be addressed through condition.

## **Contributions:**

## Affordable Housing

10.45 UDP Policies H10 and H12 set out the requirements for the provision of affordable housing. For sites of 5 dwellings or more an affordable housing contribution should be sought. As this is a brownfield site, the contribution would be 15% of the total floor space of the development. As the current buildings are occupied, the scheme will not benefit from Vacant Building Credit.

#### Metro Cards

- 10.46 To encourage use of public transport services and establish sustainable travel patterns, the developer will be required to enter into Metro's Residential MetroCard (RMC) to provide discounted annual Bus MetroCards and public transport information. The cost is anticipated as 15 x £475.75 = £7,136,25.
- 10.47 The developer has put forward an argument that the funds from re-developing the site are necessary to locate and expand the business. The ability of the scheme to provide the above contributions will therefore have to be assessed when further information is known about costs. It is therefore appropriate in this particular case to address the contributions through conditions.

## Public Open Space

- 10.48 In accordance with policy H18 of the UDP the applicant would be required to include measures within the site for the provision of public open space at a minimum rate of 30 sqm per dwelling. The layout proposes an area of public open space in the western portion of the site which amounts to 3399 sqm and is policy compliant. This includes land within the red line application site and land within a blue line also in control of the applicant.
- 10.49 This is a speculative proposal and there is no end developer identified.

  Accordingly, it is considered that the provision and the long term maintenance arrangements of the area of public open space can appropriately be conditioned.

# Representations:

- 10.50 Four representations have been received. In so far as they have not been addressed above:
- 10.51 The map in appendix A of the FRA and map 1 of the Geo-environmental report include part of the garden of Dogley Cottage, 12 Penistone Road.

  Response: The supporting maps in these documents do include a part of the garden area of Dogley Cottage, however, the red line boundary submitted is correct.
- 10.52 Who will maintain the access?

**Response**: It is proposed that the access would be adopted, and therefore maintained by the Council. Further comments from Highway Services on the revised access proposals are awaited at the time of writing.

- 10.53 Snow and ice make the slope treacherous, the garden wall of 12 Penistone Road has been damaged by vehicles. Query about perpetuity insurance against future damage given the increased risk to third party property.

  Response: The Transport Statement references that the existing site has the potential to generate a combined total of 211 trips per day, of which 24 could be goods vehicles entering the site. The proposal which now proposes four less dwellings than is referenced in the TS estimates a daily trip of around 120 vehicles. It is considered therefore that post development, the risk would be reduced.
- 10.54 In winter residents park on Penistone Road. Additional residents would mean more on-road parking and congestion.

**Response**: Sufficient parking is provided within the site to accommodate the proposed development. The possibility of residents parking on Penistone Road in severe winter conditions is acknowledged as a possible consequence of the gradient of the access. Cars parked along Penistone Road would narrow the width of the road and could cause possible delays to vehicles waiting for an opportunity to pass parked cars when traffic is coming in the other direction. This would however be a temporary impact, and it is unlikely

residents would park here on a recurrent basis due to the distance from the proposed dwellings and the gradient.

10.55 Heavier rainfall and snow melt result in Woodsome Beck becoming a torrent. Concern about children safety.

**Response**: This is not a material planning consideration.

10.56 Dogley is a wildlife haven, reflected in the 'site of wildlife significance' status awarded by West Yorkshire Ecology Service. The area is largely undisturbed in the evening and weekend which would be put at risk. Site pollution reaching Woodsome would be detrimental to wildlife.

**Response:** An ecological report has been submitted which has been assessed by the Officers. No objections are raised subject to a Biodiversity and Mitigation Plan being developed for the site. This will be addressed through condition. The existing occupiers operate between 3am and 7:30pm Monday to Friday, and there will be some additional impact arising from the development an artificial lighting / activity in the evening. However, the built development would not extend beyond the existing hard surfaced footprint of the site, and it is not considered there would be a detrimental impact on wildlife, subject to the submission of a Biodiversity and Mitigation Plan.

10.57 Point 3.3 says that it is 'envisaged' properties would be built of stone. However, the Design and Access Statement says the dwellings 'will' reflect the vernacular of surrounding dwellings.

**Response:** The details of the appearance of the dwellings, including the proposed construction materials would form part of any future reserved matters application.

## 11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.
- 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

It is proposed that the following planning conditions would be included should planning permission be granted:

- 1-4. Standard Reserved Matters conditions.
- 5. Development to be in accordance with the Flood Risk Assessment.
- 6. A scheme to restrict the rate of surface water discharge.
- 7. A scheme retailing foul, surface water, and land drainage.

- 8. Phase II Intrusive Site Investigation Report.
- 9. Site Remediation Strategy.
- 10. Site Remediation to be carried out.
- 11. Validation Report.
- 12. Affordable housing.
- 13. Public Open Space.
- 14. Metro card provision.
- 15. Surfacing of vehicle parking areas.
- 16. Biodiversity Mitigation and Enhancement Plan.
- 17. Provision of electric vehicle recharging point(s).

# **Background Papers:**

Application and history files

Website link to the application details:

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f93261

Certificate of Ownership - Certificate A signed

# Agenda Item 18



Originator: Louise Bearcroft

Tel: 01484 221000

**Report of the Head of Development Management** 

#### **HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

Date: 15-Dec-2016

Subject: Planning Application 2016/92811 Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works Flockton Hall Farm, Barnsley Road, Flockton,

Huddersfield, WF4 4DW

## **APPLICANT**

Matt Burrow, Charles Church (West Yorkshire)

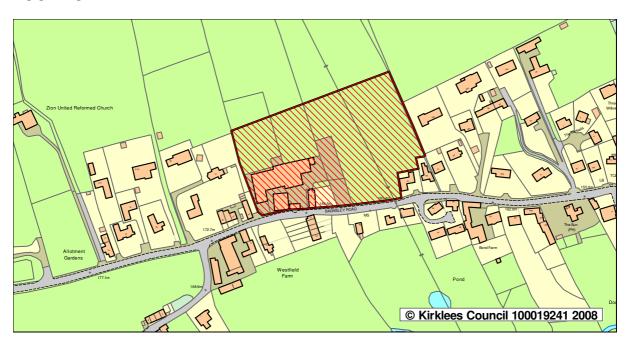
DATE VALID TARGET DATE EXT

19-Aug-2016 18-Nov-2016

**EXTENSION EXPIRY DATE** 

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak. <a href="http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf">http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf</a>

## **LOCATION PLAN**



Map not to scale – for identification purposes only

Electora	l Wards Affected:	
Kirkburt	ton	
	1	
YES	Ward Members consulted (referred to in the report)	

RECOMMENDATION: Conditional Full Permission subject to the delegation of 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 to secure a S106 agreement to cover the following matters:

- 1. Affordable Housing 9 affordable houses, 5 for social rent and 4 intermediate
- 2. Off-site Drainage Works
- 3. Education
- 4. Public Open Space equipped POS off site within Flockton village
- 5. Bus Shelter
- 6. Metro Card Provision

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 forward to Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's Scheme of Delegation as:
  - The application site area is in excess of 0.5 hectares
  - Part of the site is allocated Provisional Open Land however, the number of dwelling proposed is below 60.

1.2 This application follows the refusal of previous application Ref 2014/94027 which sought permission for the erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works. The application was refused on the grounds that the design of the layout, which includes the provision of vehicular access for farm vehicles through the proposed housing development to access the retained farmland to the north, would result in conflict between agricultural vehicles and future residents. This would result in a detrimental impact on highway and pedestrian safety and to approve the application would be contrary to policy T10 of the Unitary Development Plan which stipulates new development will not normally be permitted if it will create or materially add to highway safety problems. The applicants appealed the decision but it was dismissed.

# 2.0 SITE AND SURROUNDINGS:

- 2.1 The application site extends to approximately 1.6 hectares and primarily consists of two open fields and a collection of outbuildings and farm cottage. The fields are in use as farmland at present. Access into the site is currently taken from Barnsley Road.
- 2.2 To the north of the site are open fields, to the eastern boundary runs a public footpath (KIR/106/10) and in the south eastern corner are Nos. 57 & 59 Barnsley Road. Barnsley Road borders the site to the south and beyond this are a number of dwellings.
- 2.3 Along the western boundary is a row of stone cottages. The site is relatively flat and there are a number of protected trees close to the southern boundary.

## 3.0 PROPOSAL:

- 3.1 The application is for full planning permission for the erection of 46 dwellings. These are a mix of detached, semi-detached and terraced properties. The scale of the proposed dwellings would be two storey properties.
- 3.2 A number of the properties have integral garages; there are a number of detached garages and a car port area (which is close to the western boundary).
- 3.3 The proposed access point is via Barnsley Road, where there is an existing access point to the farm. The public footpath running along the eastern boundary is to be widened (and surfaced) to 3 metres.
- 3.4 The scheme also includes the provision of separate access along the western boundary to retain access to the remaining farmland to the north.

#### 4.0 RELEVANT PLANNING HISTORY:

4.1 <u>2014/94027</u> – Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works.

Refused for the following reason: The proposed design of the layout which includes the provision of vehicular access for farm vehicles through the proposed housing development to access the retained farmland to the north would result in conflict between agricultural vehicles and future residents. This would result in a detrimental impact on highway and pedestrian safety and to approve the application would be contrary to policy T10 of the Unitary Development Plan which stipulates new development will not normally be permitted if it will create or materially add to highway safety problems. The Appeal was dismissed.

#### 5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers entered into negotiations with the developer to:
  - Secure a revised layout and revised access details for the farm track to enable appropriate sightlines and adequate turning.
  - Secure revisions to the layout to address crime prevention matters
  - On-going discussions have been taking place with regard to the highways and drainage matters. A revised plan has been submitted and Highways Development Management are satisfied with the proposals.

#### 6.0 PLANNING POLICY:

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

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

6.2 D2 – Development without notation

D5 – Provisional Open Land (POL)

BE1 – Design principles

BE2 – Quality of design

BE11 - Use of natural stone

BE12 - Space about buildings

T10 – Highway safety

T16 - Pedestrian routes

T19 – Car parking standards

G6 - Contaminated land

H1 – Meeting housing needs in the district

H<sub>10</sub> – Affordable housing

H12 – Affordable housing

H18 - Public Open Space

EP4 - Noise sensitive development

EP10 – Energy efficiency

EP11 – Integral landscaping scheme to protect / enhance ecology

BE23 – Crime Prevention

R13 – Rights of way

# Supplementary Planning Guidance / Documents:

6.3 Providing for Education Needs Generated by New Housing' (KMC Policy Guidance)

SPD2 - Affordable Housing

National Planning Practice Guidance on affordable housing.

## National Planning Guidance:

6.4 National Planning Policy Framework.

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 8 - Promoting healthy communities

Chapter 10 - Meeting the challenge of climate change, flooding

Chapter 11- Conserving and enhancing the natural environment

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by neighbour letters, site notice and press notice expiring 30 September 2016.18 objections have been received. The main concerns raised are as follows:

## **Highway Safety**

• The tenant farmer has raised concerns he will be unable to turn right into the access if cars are at the traffic calming. The combine is rear wheel steer, the front wheels need to be on the right side of the road for the rear of the vehicle to make the turn and clear the wall opposite. If cars are waiting and the combine is waiting to make a turn the village will be gridlocked. Cars could not pass and cars behind won't be able to go anywhere. If a tractor and trailer is coming up the hill and cars were backed up at the traffic calming this would be the same. Leaving the entrance and turning right towards Grange Moor would be impossible as there are no sight lines for the neighbouring property.

- Concerns were raised in The Stage 1 Road Safety Audit June 2015, in particular concern that vehicles travelling westbound cross the centreline to negotiate the priority system, vehicles exiting to the left (and only looking right) may be met with an oncoming vehicle. Charles Church's response is irresponsible.
- The farm access compounds the risk and extends it to pedestrian and road users east and west of the chicane. There will be difficult manoeuvres for farm vehicles leading to congestion, and vehicles mounting the curb, to access the farmland or manoeuvre away from farm vehicles. The Transport Statement considers 'the development can be safely accessed;. There is a clear lack of research. Limiting a study area to a narrow section of the A637, Fore Consulting play-down the frequency and seriousness of road traffic accidents. Section 6.5 highlights a single accident in the five year period 2011 to 2015. Contrast that with four accidents recorded within half a mile, two fatalities. The accident 29 August 2016 occurred between the proposed access points. This was omitted from the Transport Statement.
- Concern about gridlock if the farmer wants to turns right onto the access given the turning circle needed. It is already difficult for the owner of 43 Barnsley Road as people ignore the keep clear marking.
- If the farmer re-joins Barnsley road and turns right the line of site past No.43 to the road will be blocked. Concern about machinery trespassing on third party drives. Cars from Huddersfield speed and are met by traffic calming. A slow tractor pulling in to their path will cause an accident.
- The road is not suitable to cater for 100 plus cars. The "No HGV's" sign is ignored and the pavement is mounted by large vehicles threatening pedestrian safety. There are serious and minor accidents especially in the chicane. The farming vehicles would create a hazard.
- A car over turned at the site where the road narrows near to the proposed access. Traffic is at a high volume at peak times.
- Concern that at an average of 3 cars per household the traffic will increase the incident /accident toll and impact on amenity.
- Manoeuvring a combine harvester will cause delays or accidents.
- The farm access would not be wide enough to accommodate the turning circle. Trying to exit, the view of traffic entering Flockton from Grangemoor would be restricted due to the layout of Barnsley Road.
- Large farm machinery and trailers will swing across both lanes of traffic. The entrance is at the narrowest part of Barnsley Road in proximity to the chicane.
- A new assessment is required to account for accidents.
- 46 dwellings would mean an additional 92 vehicles or more. Vehicles will be entering and leaving the A637 at school/rush hours morning and evening at the narrowest part of the road.
- Major incident on August Bank Holiday Monday (29<sup>th</sup>) which resulted in road closure and emergency services in attendance.
- There will not be a safe distance from the farmer's position in the cab when turning right out of the site. Third party land will need to be crossed.
- The farm access is inadequate unless there are two operatives to stop traffic. The access plan for a combine and trailer shows the width needed for such a movement and is based upon a road that has no traffic.

- The access is inadequate for 60 to 70 cars. The proximity to the 'pinch point' in the road and traffic lights will make it hazardous for vehicles exiting. Drivers approach at speed and someone turning right will be in danger. The width and maintenance of the pavement is inadequate and places pedestrians in proximity to moving traffic, especially HGV wing mirrors. It is impassable for a double buggy. The Transport Statement is inadequate.
- A number of fatalities and crashes have occurred by speeding vehicles, HGVs illegally entering the village, and poor sight lines of the chicane.
- Traffic causes major congestion. Additional vehicles joining and leaving the carriageway will add to this.
- Instead of slowing down some drivers speed up to avoid giving way at the pinch point. Vehicles have breached the garden wall of the adjoining property.
   A car travelling eastbound ended up on its roof.
- Traffic problems are exacerbated by un-policed HGVs. Additional traffic may result in more injuries or fatalities.
- Concern about children walking along to school. Parents may choose to drive creating additional congestion / parking problems and pedestrians at risk in the school vicinity.
- There would be chaos during construction, the movement of plant and heavy machinery, excavation to provide services.
- Parking facilities are inadequate and will result in vehicles being parked in roadways causing problems for emergency services.
- Vehicles travelling westbound will cross the centre line in the road to get through the pinch point and to ensure vehicles are visible to eastbound traffic.
- Moving street furniture to the back of the pavement will put pedestrians, parents with prams and wheelchair and mobility scooter users at risk as the pavements are narrow.
- Barnsley Road will be gridlocked if the Council does not reverse its objection to construction of a relief road.
- Kirklees should do a traffic assessment of the A637 through Flockton and the number of accidents which have occurred.

## **Impact on Amenities**

- 3 applications under consideration (2016/92811, 2016/91158, 2016/93480) which account for 157 new homes 7.85% of the annual target for Kirklees. This is a disproportionate number to the size of Flockton, and the Kirkburton Ward, contrary to the Option Spatial Strategy which states future development would be distributed proportionately according to the existing size of a place. The proposal does not carry an obligation on the developer to invest in new/improved services or infrastructure.
- Approval has been given for 87 new houses. The two developments may increase the population by 30-40%. Concern if existing utility services are capable of dealing with this increase, and whether school capacity has been considered.
- Concern there may be 60 to 80 additional children over a five-year period.
- Concern about limited infrastructure for children or adults. Concern about pressure on amenities including the medical surgery.

- In the Strategic Housing Land Availability Assessment (2013), the number of new housing units in the village could be as high as 953. Infrastructure issues should be addressed first rather than facing a problem later. The development will adversely affect the village and inhabitants. Urge Kirklees to pursue Section 106 Agreements to benefit village inhabitants.
- The proposal behind the working men's club (87 dwellings) and at the eastern end of the village (26) will impact on infrastructure. The school does not have the capacity for additional pupils.

# **Drainage**

- The road in the village is often flooded due to run-off from surrounding fields.
  Construction of properties and tarmac roadways inevitably reduces the
  potential for rainwater to soak into the ground and this could mean the
  flooding problem may get worse and may have a serious detrimental effect on
  the properties on land lower down in the village. Flockton Beck has
  overflowed into properties on several occasions in recent years.
- Concern about inadequate sewerage system

# **Ecology**

- Concern about loss of wildlife
- Although the bat survey does not seem to have found bats in the trees or properties on the site, there are significant bat populations nearby that feed in the area and will lose diminished feeding grounds.
- The boundary fencing does not seem to make any provision for wildlife corridors. Flockton has a diversity of bird life and hedgehogs. Their decline will be accelerated if unable to travel to forage.

#### Other Concerns

- The access is directly opposite 48 Barnsley Road which is below road level. Lights from vehicles shine in the kitchen.
- Concern about devaluing the village character by demolishing homes.
- Concern about loss of prime agricultural farmland, important agricultural buildings and infrastructure. The land is important regionally and nationally and this group of buildings is part of character of the village. Their loss will have a negative impact on the local built environment.
- Concern about the Council's advertisement
- Concerned about pollution from standing traffic and dust from construction.
   Kirklees should address the pollution problem in Flockton due to the amount of traffic on the A627.
- Lack about lack of parking at the GP surgery The sun Inn used to provide parking but new tenants have put chains up.
- Query whether a mining survey has being submitted.
- Members of the planning committee should make a site visit
- Concern all assessments were carried out in 2014
- There is a potential impact on EP12 Power Lines.
- Concern about nuisance to residents form children using the Protected Open Land and the risk to public safety as it runs parallel to Barnsley Road.

**Kirkburton Parish Council** – The Parish Council strongly objects to this proposed development on highways grounds since the access has extremely poor sightlines, both for traffic exiting the development and that driving along Barnsley Road. There has been a serious accident in this area very recently, and is already documented as a dangerous stretch of road, with a high incidence of accidents.

#### 8.0 CONSULTATION RESPONSES:

# 8.1 **Statutory:**

**K.C Highways Development Management** – Following receipt of amended plans, the revised proposals are considered acceptable subject to the inclusion of conditions.

**Yorkshire Water** – The public sewer does not have capacity to accept any surface water from the site. SUDS should be considered, or discharging to watercourse.

The Environment Agency – No comments to make

The Coal Authority – No objections

# 8.2 **Non-statutory:**

- **K.C Environmental Services** No objections
- **K.C Arboricultural officer** The plan in the Arboricultural method statement needs to be updated. It is not possible to assess whether the trees can be protected during works.
- **K.C Ecology unit** No objections
- **K.C Flood Management** No objections

**Crime Prevention** – A number of security concerns to be addressed.

- **K.C Public Rights of Way** No objections
- K.C Strategic Housing An affordable housing contribution is required
- **K.C Parks and Recreation** Final comments will be reported to members in the update
- **K.C Education** A contribution of £130,987 is required.

#### 9.0 MAIN ISSUES

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

#### 10.0 APPRAISAL

# **Principle of development**

- 10.1 The majority of the application site is allocated as Provisional Open Land (POL) on the Proposals Map. Approximately a fifth of the site (the south west corner where the existing buildings are located) is unallocated.
- 10.2 With respect to the POL allocation, Policy D5 of the UDP states that: "Planning permission will not be granted other than for development required In connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term"
- 10.3 The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49. In the context of paragraph 215, the wording of Policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49, the Council is currently unable to demonstrate a five year supply of deliverable housing sites.
- 10.4 The weight that can be given to Policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42): "The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework's presumption in favour of sustainable development is engaged."

10.5 The presumption referred to by the Inspector is set out in NPPF paragraph 14 which states that where relevant policies are out-of-date, planning permission should be granted "unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted". Footnote 9 lists examples of restrictive policies but this does not include policies concerning safeguarded land.

## **Sustainability:**

- 10.6 The National Planning Policy Framework (NPPF) states that the purpose of the planning system "is to contribute to the achievement of sustainable development." (para 6). It further notes that pursuing sustainable development "involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples' quality of life" (para 9).
- The NPPF identifies the dimensions of sustainable development as economic. 10.7 social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. "Economic, social and environmental gains should be sought jointly and simultaneously through the planning system." (para 8). The NPPF goes on to stress the presumption in favour of sustainable development. The proposals have been assessed in relation to the three strands of sustainable development. The proposal will bring economic gains by providing business opportunities for contractors and local suppliers, creating additional demand for local services and potentially increasing the use and viability of local bus services. There will be a social gain through the provision of new housing at a time of general shortage, which includes affordable housing. The development of a predominantly greenfield site represents an environmental loss but compensating environmental gains may be possible through the imposition of conditions as advised by other consultees (including the provision of landscaping). Although national policy encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.
- 10.8 In this case, assessing the policies in the National Planning Policy Framework as a whole in accordance with the paragraph 14 test, the environmental harm arising from the development of this greenfield site is considered to be outweighed by the benefits to be gained from the provision of housing.
- 10.9 It is also noted that the location of the development means that it does not provide easy access to a full range of local services by sustainable means.
- 10.10 Similar observations were made by the Inspector for a recent appeal decision on a POL site in Netherthong (APP/Z4718/A/14/2219016 Land off St Marys Avenue). In that case the Inspector noted the deficiencies in access to local services by sustainable means but "having regard to the emphasis on growth within the Framework, and (having given) weight to the need to boost the supply of housing. In the absence of a 5 year housing land supply, the

contribution the development would make to housing supply in the District would significantly and demonstrably outweigh the harm that would arise as a result of increased trips by private car." The principle of development on the POL allocation is therefore considered to be acceptable.

- 10.11 The part of the site which is currently unallocated (the south western corner) is subject to the considerations of Policy D2 of the Unitary Development Plan (UDP) and this states "planning permission for the development (including change of use) of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]". All these considerations are addressed later in this assessment. Subject to these not being prejudiced the proposal would be acceptable in principle in relation to policy D2.
- 10.12 The loss of the existing farm buildings and its impact on the farming activity has been considered. The proposal incorporates access to the farmland to the north of the site and it is understood from the applicant that the current tenant farmer is moving to alternative premises in Flockton, but will continue to farm this land. It is therefore considered that this loss of buildings is acceptable. Taking the above into account, the principle of the development is considered acceptable.

## <u>Urban Design issues</u>

- 10.13 The nature of surrounding residential development (which is to the east, south and west of the site) is mixed in character with some detached and terraced dwellings present.
- 10.14 Paragraph 58 of the NPPF states that planning policies and decisions should ensure developments, "respond to local character and history, and reflect the identity of local surroundings and materials"
- 10.15 A number of existing buildings are to be demolished as part of the proposals. These range in quality from the stone buildings to shed like agricultural buildings. Whilst the stone buildings are visually pleasing, they are not considered worthy of protection as non-designated heritage assets and therefore their demolition is considered acceptable.
- 10.16 The proposed residential development provides a mix of house types of a design and appearance that reflects the general character of the wider area.
- 10.17 This two storey scale of the houses proposed is considered acceptable in the context of surrounding development, which is largely two storey. The density of the development is considered to result in an acceptable layout from a visual perspective. The density equates to approximately 30 dwellings per hectare which will result in a development which results in efficient use of land, as noted above.

- 10.18 Slight variations in the building line are provided within the layout, along with some dwellings being orientated at 90 degrees to the majority of properties. This ensures that the proposal is not too linear as this can often lack visual interest. The site layout also ensures a good degree of natural surveillance throughout the site.
- 10.19 With respect to design, the proposed house types are all considered acceptable in respect of fenestration and proportions. The proposed materials for the dwellings are artificial stone with slate effect tiles. It is noted that stone is the predominant building material in this part of Barnsley Road and therefore it is considered that a good quality artificial stone is required a condition can be imposed requiring a sample to be submitted for approval.
- 10.20 Paragraph 58 of the NPPF requires developments to "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion." The development has been assessed by the Council's Police Architectural Officer. The PALO has confirmed that there are no concerns in principle, subject to some improvements to boundary treatments.
- 10.21 This relates to properties along the eastern boundary which border the public footpath, and those which border the farm access to the west At present a 1.8 metre high fence is proposed but the PALO has requested that this is increased via the addition of 0.3 metre high trellis, with some natural surveillance of the footpath remaining. There is also concern about the proposed footpath between plots 7 & 8 which will create a narrow tunnel with no surveillance which needs to be gated at north ends with lockable gates. There is also concern about the isolated parking area to the rear of plots 5-9 and it is advised at the very least windows need to be included in the elevations of plots 10 and 21 to provide some surveillance.
- 10.22 The proposal layout has been amended and revised details of boundary treatment submitted. The PALO has been reconsulted for comments.
- 10.23 It is considered that the proposed development is acceptable in relation to visual amenity and the proposals accord with Policies BE1, BE2 and D2 of the Kirklees UDP, as well as the aims of chapters 6 and 7, in this regard.

# **Residential Amenity**

- 10.24 In assessing the impact of the development on surrounding dwellings, Policy BE12 of the UDP is considered relevant. This recommends 12 metres between existing habitable rooms and proposed non-habitable room windows and 21 metres between existing habitable rooms and proposed habitable room windows.
- 10.25 There are no existing dwellings to the north of the site. The proposed dwellings with habitable room windows facing the northern boundary are approximately 10.5 metres from the site boundary. This is in accordance with Policy BE12 in respect of separation to the boundary with undeveloped land.

- 10.26 To the east, the only plot with a direct relationship to an existing dwelling is No. 45 and a separation distance of 22.5 metres is achieved, which is compliant with Policy BE12.
- 10.27 To the southern boundary, there are no direct relationships between dwellings with habitable room windows and existing properties (across Barnsley Road) with habitable room windows.
- 10.28 To the west, No. 43 Barnsley Road is located close to the boundary of the site. In order to comply with Policy BE12, the closest plot (No. 8) is approximately 19 metres from the side elevation of No. 43. Although No. 43 has habitable room windows in this elevation, it faces the side elevation of Plot 9 which does not contain any habitable room windows (this can be controlled by condition) and therefore complies with Policy BE12.
- 10.29 With respect to the potential for overshadowing and overbearing impact, it is considered that the development will not be detrimental in this regard, given the separation distances to adjacent dwellings and the fact that the dwellings are two storey.
- 10.30 It is also noted that some of the plots internally do not meet the requirements of Policy BE12; however the general internal layout is considered acceptable as it secures an appropriate density (approx. 30 dwellings per hectare).
- 10.31 Concern has been raised in a letter of objection in respect of the potential for car headlights (when leaving the site) to impact upon the amenity of occupiers of No. 38 Barnsley Road. Whilst this is an existing access point, it is acknowledged that the proposed development would result in intensification of use of this access. However, given that it is the side elevation of this property that faces the site (rather than one containing main habitable room windows) it is considered that the development would not give rise to a level of harm sufficient to substantiate a reason for refusal.
- 10.32 It is considered that residential development in this area (which is predominantly residential in nature) is appropriate and the development accords with Policies D2 and BE12 of the Unitary Development Plan.

## Landscape issues

- 10.33 The Council's landscape architect has been consulted with regard to the proposals. To date no comments have been received. However, comments shall be reported to members in the update. It should be noted that during the course of the previously refused application, an off-site contribution was considered acceptable by officers.
- 10.34 The Council's arboricultural officer has requested that the Arboricultural method statement is updated. It is not possible to assess whether the trees can be protected during the works. This information is awaited.

10.35 The Council's ecologist has reviewed the ecological information, including the ecological appraisal and bat reports. The reports indicate that the habitats on site are generally of low ecological value, that no bat roost are present and that the list is only used as foraging habitat by low numbers of bats. However the report also indicates that an outbuilding on site is used as a nest site by approximately 10 pairs of swallows. This is a reasonable population and compensation should be included for its loss. The ecologist raises no objection subject to further detail on mitigation and enhancement. This can be addressed through condition.

# **Housing issues**

10.36 The proposals would provide residential development in a sustainable location.

## **Highway issues**

- 10.37 The application is supported by a Transport Statement which describes the existing transport network, outlines how the development will be accessed and provides an estimate of the likely traffic generation resulting from the proposed development.
- 10.38 The applicant has revised the farm access layout to accommodate sightlines and turning. The applicants have also provided two options to improve the current situation on Barnsley Road in relation to the Chicane. These include:
  - Option 1: Retention of existing chicane.
  - Option 2: Removal of the chicane and implementation of an alternative speed reduction scheme.

It is the opinion of officers that option 1 would be acceptable from a highway safety perspective.

10.39 Following negotiations, further amended plans have been submitted by the applicant. These have been assessed by HDM. The access points (the separate farm access and access to serve the residential properties which is considered, by officers, to address the previous reason for refusal and subsequent appeal) are considered acceptable, along with the overall layout in terms of off-street parking, servicing, and internal turning. The proposals are therefore considered acceptable from a highway safety perspective and would accord with the aims of policies T10 and T19 of the UDP, with the inclusion of conditions.

## **Drainage issues**

10.40 The application is supported by a Flood Risk Assessment and Drainage Strategy. Flood Management and Yorkshire Water have been consulted on the application and raised no objections in principle. The Environment Agency has no comments to make on the proposal.

- 10.41 Yorkshire Water note the public sewer does not have capacity to accept any surface water from the site. SUDS should be considered, or discharging to watercourse.
- 10.42 Flood Management note the principles of drainage were established under the previous application to include perimeter land drainage, the details of which can be conditioned.
- 10.43 Flood routing needs to be considered however, with regard to the new road layout. The submitted FRA mentions flood routing is recommended but nothing has been promoted. The agent has been requested to provide additional information with regard to this, the outcome of which will be reported in the update to Members.
- 10.44 Flood Management accept that infiltration as a method of discharging surface water is problematic on this site. In order to connect to watercourse, a 31/s limited discharge to the Highway Drain in Barnsley Road in the 1 in 30 year storm events is agreed in principle. They are prepared to sanction a 5l/s discharge in the 1 in 100 year event with an allowance for climate change. The FRA suggests this in places but also mentions other figures. The statement above provides clarity. However this connection can only be sanctioned at such a time that the highway drain is considered fit for purpose. CCTV surveys suggest major defects on this line. To facilitate the development a contribution of £70,000 has been agreed to upgrade the highway drain for Kirklees to accept surface water volumes from the site. This work has to be managed carefully, it can only be carried out in the school summer holidays, and has to be completed before the site generates flows from hardstanding. Working on site without a connection will pose risk to existing properties and the highway. It is necessary to ensure therefore that the work is funded and planned for the times described as part of a phased programme that restricts the activity on site in order to manage run off risk until the essential work is completed. The work requires lowering existing levels as well as renewal. A fully worked off site scheme needs to be assessed with levels, depths, gradients and capacity at the earliest opportunity. Also there is a length off site surface water sewer to be constructed prior to the connection to the re-laid highway drain. The same restrictions will apply but it is not clear who will carry out this work. This too has to be carefully planned.
- 10.45 A scheme to protect existing property and infrastructure from increased run off post site soil and vegetation strip is required. This includes the protection of the site from clean run off from the fields to the north. This can be conditioned. It is suggested that a management company is set up under section 106 to ensure this happens until such a time that the drainage systems are adopted by the statutory undertaker.

## Representations

10.46 The concerns that have been summarised in section 7 of this report have been addressed in the main assessment above.

# **Planning obligations**

- 10.47 The development generates the following contributions:
- 10.48 **Affordable Housing**: In accordance with Policies H10 & H12 of the UDP and the guidance contained within SPD2, the provision of affordable housing is a material planning consideration. As this is a predominantly greenfield site, the contribution would normally be 30% of the total floorspace of the development. The applicant proposes to provide 9 affordable houses, 5 for social rent and 4 intermediate (which equates to 56% for social rent and 44% for intermediate). This would deliver 19% of the number of units, 11% of floorspace as affordable housing.
- 10.49 **Public Open Space**: Policy H18 of the UDP requires the provision of POS on sites put forward for housing development which are over 0.4 hectares. Policy H18 would require a provision of **1410 sq m** of POS within the development. The proposal includes an area of POS, adjacent to Barnsley Road, which would accommodate protected trees to the boundary of the site. In lieu of an equipped provision on site a commuted sum shall be sought to improve existing equipped POS off site within Flockton village.
- 10.50 In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it generates. In order to satisfy a shortfall in additional school places generated by the development (in respect of Flockton First School and Scisset Middle School), a contribution of shall be sought.
- 10.51 The applicant submitted a viability appraisal in support of the previously refused application. This was independently assessed on behalf of the Council and the conclusions of the viability appraisal were accepted by the Council's consultant.
- 10.52 The proposed offer remains the same, it is reasonable for the Council to rely on the independent assessment of the appraisal already undertaken.

#### Other Matters

- 10.53 **Contaminated Land:** The Council's Pollution & Noise team has been consulted on the application and have considered the submitted Contaminated Land report.
- 10.54 The submitted information is considered acceptable and there are no objections subject to imposition of standard contaminated land conditions.
- 10.55 Subject to these, matters in respect of contaminated land can be satisfactorily resolved, in accordance with Policy G6 of the Unitary Development Plan and Chapter 11 of the NPPF.

- 10.56 **Land Stability:** As the application site lies within a Coal Mining Referral Area, the Coal Authority has been consulted on the application. The applicant has also submitted a Phase I Geo-environmental report and this details that intrusive site investigation works should be undertaken prior to development, to establish coal mining legacy issues on site.
- 10.57 The Coal Authority has confirmed that it has no objections to the proposals subject to a standard condition requiring these investigation works.

#### 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)

It is proposed that the following planning conditions would be included should planning permission be granted:

- 1. Standard time limit for implementation (3 years)
- 2. Development to be in accordance with approved plans
- 3. Samples of facing and roofing materials to be inspected and approved
- 4. Provision of electric charging plug-in
- 5. Biodiversity Management and Enhancement Plan
- 6. Submission of a Phase II Intrusive Site Report
- 7. Remediation Strategy Report
- 8. Remediate to be carried out in accordance with the Remediation Strategy Report
- 9. Validation Report
- 10. Development to be in accordance with the Flood Risk Assessment
- 11. Construction management plan

# **Background Papers:**

Application and history files.

Website link to the application details:

 $\frac{http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016\%2f92811}{applications/detail.aspx?id=2016\%2f92811}$ 

Certificate of Ownership – Certificate B signed.

Notice has been served on:

1. Carter Jonas c/o Thomas Davies (David William Pedley, Allan James Davies, Andres David Wrigglesworth Saville Estates Office), 32 The Town.



# Agenda Item 19



Originator: Louise Bearcroft

Tel: 01484 221000

**Report of the Head of Development Management** 

## **HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

Date: 15-Dec-2016

Subject: Planning Application 2016/91777 Erection of 5 dwellings adj 3, Field

Head, Shepley, Huddersfield, HD8 8DR

## **APPLICANT**

Jason Ownsworth, Worth Homes (Yorkshire) Ltd, c/o agent

**DATE VALID** 

**TARGET DATE** 

**EXTENSION EXPIRY DATE** 

01-Jun-2016

27-Jul-2016

17-Oct-2016

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak. http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

#### **LOCATION PLAN**



Map not to scale – for identification purposes only

Electoral Wards Affected:					
Kirkburton					
N	Ward Members consulted (referred to in report)				

RECOMMENDATION: Grant Conditional Full Permission subject to the delegation of 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 to:-

- 1. Await the final amended plan publicity period, which is 12 December 2016.
- 2. Resolve any outstanding issues relating to drainage.

Provided that no new material considerations are raised that have not already been addressed, issue the decision notice.

#### 1.0 INTRODUCTION:

- 1.1 The application is brought before the Heavy Woollen Planning Committee as the application represents a departure from the Development Plan. This is in accordance with the Council's Scheme of Delegation.
- 1.2 The principle of residential development has previously been established on this site through the granting of outline planning permission for the erection five dwellings (under application reference 2014/90136). Although reserved matters have not been submitted, the outline permission remains extant. The principle of residential development is therefore acceptable.
- 1.3 Negotiations have taken place during the course of the application which has resulted in a scheme that is acceptable to officers from a visual and residential amenity perspective. Furthermore, highway issues have also been resolved.

## 2.0 SITE AND SURROUNDINGS:

2.1 The application site is a 0.24 hectare field with a frontage to Long Lane between No.3 Field Head and No.2 Field Head Farm Court at Shepley. The site is bounded by open land to the north-east, by the rear of domestic garages associated with properties off Station Road to the south-east, by the rear of residential properties off Field Head to the south-west and by

residential properties at Field Head Farm Court to the north-west. The site is accessed via an existing vehicular access adjacent to No.3 Field Head.

#### 3.0 PROPOSAL:

- 3.1 Planning permission is sought for the erection of five detached dwellings. The access would be positioned centrally within the site with two plots (1 and 5) in the western portion of the site and three (plots 2-4) in the eastern portion.
- 3.2 The proposals also include a replacement garage for No.3 Field Head. A bin collection point is proposed adjacent to the access on the footway.

## 4.0 RELEVANT PLANNING HISTORY:

4.1 <u>2014/90136</u> — Outline application for erection of 5 dwellings — Conditional Outline Permission

<u>2001/90529</u> – Re-use, extension and adaptation of farm buildings to form 2 no dwellings and erection of 4 no dwellings with covered parking – Withdrawn

#### 5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have negotiated with the applicant to secure the following revisions:
  - A reduction in the number of dwellings from six to five to address highway safety concerns (to provide sufficient space within the site to provide a suitable access) and to avoid an over-development of the site.
  - Revisions to the layout to improve the relationship of the siting of the dwellings to neighbouring properties.
  - Cross Sectional drawings to demonstrate the visual impact taking into account the differences in levels relative to the highway and the impact on neighbouring properties.
  - Revisions to the overall layout to achieve a scheme satisfactory from a highway safety perspective.

## 6.0 PLANNING POLICY:

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

from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

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

6.2 D5 – Provisional open land

BE1 - Design principles

BE2 - Quality of design

BE12 - Space about buildings

T10 – Highway Safety

D2 - Unallocated Land

H10 - Affordable housing

H12 – Arrangements for securing affordable housing

EP11 - Ecological landscaping

H<sub>18</sub> – Public open space

# Supplementary Planning Guidance / Documents:

6.3 None

## National Planning Guidance:

6.4 National Planning Policy Framework.

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:

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

## **Highway Safety**

- The entry and exit does not provide adequate visibility and may causes hazards to people and traffic turning onto Field Head.
- Parking provision is inadequate, could lead to on-street parking, where
  there is an existing problem affecting traffic movements and pedestrian
  safety. Field Head is 4.5m wide, has one footpath to one side or none at
  all. The land behind has been highlighted for future development. The
  proposals will set the parameters for potential future development off Field
  Head which could exasperate access issues and on street parking.
- Access could be dangerous as a result of limited clear visibility splays along the highway and the proximity to the existing junction between Field Head and Field Way.
- There would be less than 20 metres visibility towards Station Road when exiting the site.

 Concern about increase in traffic and pedestrians walking to local amenities.

# **Residential Amenity**

- Concern about a loss of privacy to 59 Station Road and overlooking of bedroom windows.
- No.63 has a home office in the garage with rear facing windows.
   Concerned about loss of light.
- Concern the rear wall of the new garage is too close to the garages of 57 station road.
- Concern about height of boundary treatment to plot 2 and loss of light to garages
- The dry stone wall to the back of neighbouring garages adds to the history
  of the area and biodiversity, and there should be a limit to the height of
  boundary fencing to prevent obscuring sunlight / light to the garages /
  gardens which are north west facing.

# **Visual Amenity**

- The window design does not mirror adjacent housing which have 1 / 2 large windows paired. The set of 3 windows side by side is not in keeping within a Conservation Area.
- Neighbouring properties have brown or duck egg green upvc windows.
   The colour of the upvc needs clarifying
- The proposal is over-development
- Building materials should be natural stone, not reconstituted.

#### Drainage

- Concern about adequate gardens to reduce risk of surface flooding to surrounding properties.
- Has the applicant confirmed how foul drainage is to be dealt with?

# **Ecology**

• The trees, hedgerow on the site should be retained / replaced as they support a large range of wildlife. Bats are seen in the area and there is a bird nesting site at 63 Station Road, Shepley.

#### Other Issues

- The site is Green Belt land and within a conservation area. Brownfield sites should be considered first.
- Smaller green spaces should be maintained to offset the sprawl of housing and keep the semi-rural feel.
- Would like to see the site developed for starter homes. The whole of the site should be used to build either semi-detached or terrace houses. This would help keep the young house buyer in the village. The village is being developed by developers who have no interest in the future of the village and it is becoming a transit (ie people come and go without putting anything into the village) and a dormitory for larger towns or cities

- The site layout drawing includes little information regarding surrounding buildings and the location plan doesn't show dwellings within Field Head Farm Court that sit adjacent to the sites northwest boundary.
- Would be useful if the applicant could include some surrounding context and provide site sections to indicate the scale relative to existing buildings. The houses at the far end will be significantly lower than the existing highway.
- 7.2 Kirkburton Parish Council No comments received.
- 7.3 Following receipt of amended plans, further publicity has been carried out. The final date for comments is 12 December 2016. To date, no further comments have been received. Should any further comments be received, they will be reported in the Update.

#### 8.0 CONSULTATION RESPONSES:

# 8.1 **Statutory:**

**K.C Highways Development Management** – No objections, however there was initially concern raised that if the access road layout was approved it would prevent development on the adjoining site because the proposed access road cannot support additional residential access. Following receipt of amended plans, this matter has now been addressed and the proposals are considered acceptable from a highway safety perspective, subject to conditions.

# 8.2 **Non-statutory:**

**K.C Environmental Services** – No objection subject to a condition relating to the reporting of unexpected contamination and the provision of dedicated electric vehicle recharging point(s). A footnote relating to the hours of construction is also suggested.

**K.C Flood Management** – Further information relating to the discharge of surface water has been requested. This information is currently awaited.

# 9.0 MAIN ISSUES

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

#### 10.0 APPRAISAL

#### Principle of development

- 10.1 The application site is allocated Provisional Open Land (POL) on the UDP proposals map. However, the principle of residential development, for 5 dwellings, has previously been established on the site under outline application reference 2014/90316, which was considered by the Heavy Woollen Planning Committee on 29 May 2014. The previous outline permission remains extant.
- 10.2 In light of the above, the principle of residential development is acceptable.

# <u>Urban Design issues</u>

- 10.3 Policies BE1 and BE2 of the UDP are considerations in relation to design and layout. Chapter 7 of the NPPF also highlights the importance of 'requiring good design'.
- 10.4 In this instance, there is a mix of house types within the surrounding area, comprising of detached, semi-detached, and terraced two storey dwellings, as well as single storey brick-built bungalows.
- 10.5 As previously set out, the layout comprises of five detached dwellings, all being two stories in height. The proposed layout, scale, and overall design of the dwellings would, in the opinion of officers, be appropriate within the context of this residential area.
- 10.6 The levels of the site are below that of the adjacent highway, Field Head. Plot 1, due to its proposed position, would have a prominent impact within the street scene. During the course of the application, site sections were requested in order to demonstrate the relationship of the proposed dwelling within the street scene. This section does indicate that plot 1 would be higher than the neighbouring property to the north-west however, it is the view of officers that this relationship would not appear out of keeping when taking into account the various scale of development within the surrounding area. Furthermore, there would be a reasonable degree of separation retained between plot 1 and this neighbouring property.
- 10.7 The scale of the proposed dwellings would relate satisfactorily to the terraced properties located to the south of the proposed access into the site, nos. 2 and 3 Field Head, which are dominant, traditional two storey dwellings.
- 10.8 With regard to the design and fenestration detail, as previously set out, there are a mix of house types within the vicinity ranging from the farm conversion at Field Head Farm Court, the older persons bungalows opposite the site, traditional terraces to the south-east, and a pair of large, modern dwellings on the opposite side of Field Head. In light of this, it is the opinion of officers that the design and fenestration of the proposed dwellings is acceptable from a visual amenity perspective.

10.9 To summarise, the proposals are considered acceptable from a visual amenity perspective and would accord with the aims of polices BE1 and BE2 of the UDP as well as the aims of chapter 6 and 7 of the NPPF.

# Residential Amenity

10.10 Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. In this instance, the nearest neighbouring properties which would be affected by the development are Nos.2, 3 and 4 Field Head Farm Court to the west, No.2 and 3 Field Head to the south, and No's 57-69 Station Road to the east. The relationship shall be assessed below:

#### 10.11 No.2 Field Head Farm Court:

The main aspect to this dwelling faces into the court yard serving the properties at Field Head Farm Court. There are windows located in the side elevation of this property facing towards the application site. Plot 1 has been positioned so that there would be no direct relationship with these windows because it would be set further back into the site than no.2 Field Head Farm Court. It should however, be noted that plot 1 would be higher than the application site and, because it would be set further back from Field Head than no.2 Field Head Farm Court, there would be a degree of overshadowing to the main aspect of this dwelling. It is however, the view of officers that this relationship, because of the separation distance which would be retained, would be acceptable and would not be so dissimilar to existing relationships within the Courtyard.

## 10.12 No.3 Field Head Farm Court:

The main aspect of this dwelling once again faces into the courtyard, away from the application site. There is one window in the rear elevation of this existing dwelling which faces onto the application site. However, there would be no plots directly adjacent, with plot 2 being set some 22m away.

# 10.13 No.4 Field Head Farm Court:

The main aspects to this property face either into the courtyard (south) or onto fields to the north. Whilst there are some openings in the side elevation of this property facing onto the application site, they appear to serve non-habitable rooms.

#### 10.14 Nos. 2 and 3 Field Head:

A distance of just over 20m would be provided between the gable elevation of plot 2 and the rear of these properties which is considered acceptable. The detached garage to serve plot 2 would be some 12m from the rear elevation of no.2. There is an existing window in the gable of no.3 Field Head however, this does not appear to serve a habitable room and, due to the position of plot 1, which is set further back into the site, there would be no direct relationship. Furthermore a distance of some13m would be provided.

## 10.15 Nos. 57-59 Station Road:

There would be a distance of over 30 metres to these properties. No.63 has stated that they have a home office in the garage with rear facing windows and are concerned about loss of light. The agent has asked to extend the section through the site to clearly show the relationship to neighbouring properties. It is the view of officers that this relationship is acceptable because a distance of approximately 10m would be retained between plot 3 and the existing garage.

## 10.16 Within the site:

The separation distance between the plots within the site is considered satisfactory and would result in a layout that would not be out of keeping with that if the surrounding area.

## 10.17 Overall

It is the view of officers that the layout has taken into consideration the siting of neighbouring properties and it is considered to be acceptable, complying with the aims of policy BE12 of the UDP. As such, from a residential amenity perspective, the proposals are considered satisfactory.

# Landscape issues

- 10.18 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.
- 10.19 An ecological appraisal has been submitted with the application. This was undertaken in March 2014 as part of a previous outline application. It recommends that detailed ecological mitigation /enhancements should be incorporated into the layout and design, to include retention of hedgerows and trees within and adjacent to the site, a landscape design to retain and create features of ecological interest, production of a long term management plan to ensure the continuing ecological viability of these landscape features is maintained and incorporation of biodiversity features within the buildings.
- 10.20 in this instance, it is considered reasonable and pragmatic by officers to impose a landscaping condition to ensure that appropriate species are planted within the scheme in order to enhance the biodiversity of the site, in accordance with the aims of policy EP11 of the UDP and chapter 11 of the NPPF.

#### Housing issues

10.21 The site is located within a sustainable location within a predominantly residential area. The 2014 outline permission has already established the principle of residential development on this site.

# Highway issues

- 10.22 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. The application is supported by a Transport Statement by Paragon Highways.
- 10.23 Concerns have been raised in the representations received about adequate visibility, lack of sufficient parking, and an increase in traffic. Initial concerns were raised about the proposal for two access points onto Field Head. Taking into account the junction of Field Head Way and the proposed access points it would create 3 junctions in close proximity. The concern was that this would generate vehicle turning conflicts. Concerns were also raised about suitable visibility as the plans do not include finished levels for the proposed access road. Given the difference in levels between Field Head and the site, the access road is likely to approach Field Head on a gradient. As vehicles approach the junction they are at a lower level than Field Head therefore the required visibility cannot be achieved. Visibility at this point is further obstructed by the walls and gardens of No. 3 Field Head. Concerns were also raised that the parking provision is inadequate.
- 10.24 In response to the above concerns, amended plans have been received. The revised proposals now include a single point of access and a reduction in the number of dwellings down to five which are served by a shared private driveway. Each of the five dwellings has sufficient off-street parking and internal refuse vehicle turning, bin collection points, and visitor parking. The sight lines onto Field Head are in accordance with the previous outline approval.
- 10.25 The proposals are considered acceptable from a highways perspective and would not materially add to any highway safety implications. The proposals are considered to comply with the aims of Policy T10 of the UDP. Conditions are suggested to include the provision of visibility splays, turning facilities, and appropriate surfacing and draining.

# **Drainage issues**

- 10.26 Consultation has been carried out with the Council's Flood Management team. Further information has been requested to be submitted in relation to the proposed discharge of surface water.
- 10.27 The results of soakaway testing have been submitted with the application which show that infiltration rates vary across the site. However, this information has not been transferred onto a proposed plan to demonstrate how the site could be drained via soakaway.
- 10.28 There is a public surface water sewer in Field Head but the site slopes away from the road and so it is unclear if a connection via gravity is possible. A proposal for a pumped surface water system would not be considered acceptable by officers.

10.29 In light of the above, negotiation has been on-going with the agent of the applicant. Officers are of the opinion that an acceptable scheme could be achieved on this site however, this information is required pre-determination (officers are not comfortable with recommending a condition relating to the submission of a surface water drainage scheme). As such, the recommendation reflects this.

# Representations

- 10.30 Seven representations have been received. In so far as they are not addressed above.
- 10.31 Concern about a loss of privacy to 59 Station Road and overlooking of bedroom windows.

**Response:** This has been assessed in the 'residential amenity' section above.

10.32 No.63 has a home office in the garage with rear facing windows. Concerned about loss of light.

**Response:** This has been assessed in the 'residential amenity' section above.

10.33 Concern the rear wall of the new garage is too close to the garages of 57 Station Road.

**Response:** The garages do not form habitable accommodation as such, there is no guidance in regard to relevant 'space about buildings' with regard to the impact on residential amenity. With regard to the impact on the structure itself and any maintenance, this is a private legal matter.

10.34 Concern about height of boundary treatment to plot 2 and loss of light to garages.

**Response:** A condition relating to boundary treatments has been recommended.

10.35 The dry stone wall to the back of neighbouring garages adds to the history of the area and biodiversity, and there should be a limit to the height of boundary fencing to prevent obscuring sunlight / light to the garages / gardens which are north west facing.

**Response:** A condition relating to boundary treatments has been recommended.

10.36 Concern about adequate gardens to reduce risk of surface flooding to surrounding properties.

**Response:** This has been assessed in the 'drainage' section above.

10.37 Has the applicant confirmed how foul drainage is to be dealt with? **Response:** This has been assessed in the 'drainage' section above.

10.38 The trees, hedgerow on the site should be retained / replaced as they support a large range of wildlife. Bats are seen in the area and there is a bird nesting site at 63 Station Road, Shepley.

**Response:** The principle of residential development has previously been established on the site. As set out above in the 'landscaping' section, a condition is recommended in relation to the submission of a landscaping scheme.

10.39 The site is Green Belt land and within a conservation area. Brownfield sites should be considered first.

**Response:** The site is allocated as Provisional Open Land on the UDP proposals map – it is not Green Belt and nor is it within a Conservation Area. Furthermore, as set out above, the principle of residential development has previously been established on this site.

10.40 Smaller green spaces should be maintained to offset the sprawl of housing and keep the semi-rural feel.

**Response:** See comments above. The principle of residential development has previously been confirmed on this site.

10.41 Would like to see the site developed for starter homes. The whole of the site should be used to build either semi-detached or terrace houses. This would help keep the young house buyer in the village. The village is being developed by developers who have no interest in the future of the village and it is becoming a transit (i.e. people come and go without putting anything into the village) and a dormitory for larger towns or cities.

**Response:** For the reasons set out in the 'visual amenity' section of this assessment, the design and scale of the dwellings are, in the view officers, considered acceptable.

10.42 The site layout drawing includes little information regarding surrounding buildings and the location plan doesn't show dwellings within Field Head Farm Court that sit adjacent to the sites northwest boundary.

**Response:** It is the view of officers that sufficient information has been submitted as part of the application to be able to carry out a full assessment of the proposals. The relationship with surrounding properties is set out in the main assessment above.

10.43 Would be useful if the applicant could include some surrounding context and provide site sections to indicate the scale relative to existing buildings. The houses at the far end will be significantly lower than the existing highway.

**Response:** Further information has been received in relation to sections. This additional information is assessed in the main body of the report above.

# Other Matters

10.44 Environmental Services raise no objections, subject to the reporting of any unexpected contamination. In the interests of sustainable transport, they advise that each dwelling with dedicated parking includes a charting point for low emission vehicles.

10.45 There are no other matters considered relevant to the determination of this application.

#### 11.0 CONCLUSION

- 11.1 To conclude, the principle of residential development on this site has previously been established following the granting of outline planning permission. This previous outline permission remains extant.
- 11.2 The proposal, following receipt of amended plans and subject to the inclusion of appropriate conditions, is considered, by officers, to be acceptable for the reasons set out in this assessment.
- 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)

It is proposed that the following planning conditions would be included should planning permission be granted:

- 1. Standard time limit for implementation (3 years)
- 2. Development to be in accordance with approved plans
- 3. Samples of facing and roofing materials to be inspected and approved
- 4. Removal of permitted development rights for extensions or outbuildings
- 5. Provision of electric vehicle charging points
- 6. Landscaping scheme
- 7. Full detail of boundary treatments
- 8. Reporting of any unexpected contamination

# **Background Papers:**

Application and history files.

Website link to the application details:

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91777

Certificate of Ownership – Certificate B signed.

Notice served on: Mr and Mrs Milner, 8 Cliff Side, Shepley.



# Agenda Item 20



Originator: Sarah Longbottom

Tel: 01484 221000

Report of the Head of Development Management

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE** 

Date: 15-Dec-2016

Subject: Planning Application 2016/93148 Outline application for erection of 7 dwellings Dry Hill Farm, Dry Hill Lane, Denby Dale, Huddersfield, HD8 8YN

# **APPLICANT**

S H Blyth, c/o agent

DATE VALID TARGET DATE EXTENSION EXPIRY DATE

22-Sep-2016 17-Nov-2016

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

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

## **LOCATION PLAN**



Map not to scale - for identification purposes only

Electoral Wards Affected:				
Denby Dale				
Yes	Ward Members consulted			

#### **RECOMMENDATION:**

#### **REFUSE**

1. The application site is located within the designated Green Belt whereby, as set out in the National Planning Framework (NPPF), the construction of new buildings is regarded as inappropriate development. The proposed development would constitute inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. The evidence submitted with the application does not outweigh the harm that would result to the Green Belt by reason of inappropriateness and the harm to the openness and character of the Green Belt through new built form and the paraphernalia and activities associated with the domestic use of the site. Consequently, the very special circumstances that are required to grant planning permission do not exist, and the proposals would conflict with Chapter 9 of the National Planning Policy Framework.

## 1.0 INTRODUCTION:

1.1 The application is brought to the Planning Sub Committee for determination as the site area exceeds 0.5ha. This is in accordance with the Council's Scheme of Delegation.

## 2.0 SITE AND SURROUNDINGS:

2.1 The site comprises of a large farm complex of approximately 0.7ha and contains a number of redundant agricultural buildings of typical, modern construction. The site is accessed directly from Dry Hill Lane and located adjacent to existing dwellings to the east and a large food processing plant to the north east. The land to the north and south is characterised by open countryside, also extending to the west where it meets a small residential development complex of converted buildings and a public house.

#### 3.0 PROPOSAL:

3.1 The proposals relate to an outline application for the erection of 7 dwellings. This would involve the demolition of the existing farm buildings. The application seeks the matter of layout to be determined at this stage, and the submitted plans proposed development of both detached, semi-detached and terraced dwellings within a courtyard arrangement, broadly following the building line of No.5 Dry Hill Lane.

# 4.0 RELEVANT PLANNING HISTORY:

2016/93033 – Prior approval for proposed change use of agricultural building to one dwelling – pending consideration

2016/91863 — Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development — approved

2016/90950 — Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development — withdrawn

2016/90866 - Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – withdrawn

2015/93255 – Outline application for erection of 8 dwellings – withdrawn

2014/93557 - Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – approved

2001/92858 - Erection of Dairy - approved

Land at Clough House Lane (in applicant's ownership)

2015/91740 - Erection of temporary farm workers dwelling - approved

2015/91728 — Prior notification for erection of agricultural building — details approved

2014/93951 – Erection of cattle shed – approved

2014/93799 - Erection of agricultural building and farm workers dwelling - withdrawn

#### 5.0 HISTORY OF NEGOTIATIONS:

5.1 The current application follows a previous outline application (2015/93255) which was withdrawn following discussions with Officers regarding the principle and layout of the development. A preapplication response was provided to the developer setting out the issues with the proposal and that the proposal for demolition and new build dwelling houses would be considered inappropriate development. The advice of Officers was that the proposals

could not be supported. The current application includes an amended layout and further information provided by the applicant which they consider to constitute 'very special circumstances', however, as the advice at preapplication stage has not been fully addressed Officers view remains unchanged.

#### 6.0 PLANNING POLICY:

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

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

6.2 The site is located within the Green Belt on the Kirklees Unitary Development Plan.

BE1 – Design Principles BE2 – Quality of Design BE12 – Space about Buildings T10 – Highway Safety G6 – Land contamination EP11 – Ecological landscaping

#### National Planning Guidance:

6.3 National Planning Policy Framework.

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting healthy communities

Chapter 9 – Protecting Green Belt Land

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and Enhancing the Natural Environment

#### 7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been publicised by site notice and neighbour notification letter. As a result of site publicity, 3 representations have been received. The concerns raised can be summarised as follows:
  - Site should be used for a new farm and not residential development
  - Proposed development would spoil the landscape
  - Impact on views, light and privacy of occupiers of Fox View (Plots 5-7)
  - Proposals will result in noise disturbance to adjacent occupiers
  - Increase in vehicular movements
  - Applicant has not discussed the proposals with neighbours
- 7.2 Denby Dale Parish Council was notified of the application and requested that Officers refer to previous reports and consider the previous concerns raised by the Parish Council (which related to the matter of access onto the A635).

## 8.0 CONSULTATION RESPONSES:

# 8.1 **Statutory:**

Yorkshire Water: No comments to make

The Coal Authority: No specific observations at this stage

# 8.2 **Non-Statutory:**

**KC Highways Development Management:** Request further information to allow proper assessment

KC Environmental Services: Recommend imposition of conditions

KC Ecology Unit: Recommend imposition of condition

#### 9.0 MAIN ISSUES

- Principle of development
- Impact on openness of Green Belt/Very Special Circumstances
- Layout
- Scale and Appearance
- Residential Amenity
- Landscaping
- Highway issues
- Drainage issues
- Ecology
- Representations
- Other matters

#### 10.0 APPRAISAL

# **Principle of development**

- 10.1 The site is within the Green Belt and paragraphs 87 and 88 of the National Planning Policy Framework (NPPF) apply. Paragraph 87 of the NPPF advises that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 10.2 Paragraph 89 advises that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 10.3 The NPPF definition of previously developed land specifically excludes land that is or has been occupied by agricultural or forestry buildings.
- 10.4 The redevelopment of land in agricultural use does not form one of the exceptions set out in the NPPF. The development proposed is therefore considered to be inappropriate within the Green Belt.
- 10.5 The NPPF advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except where very special circumstances clearly and demonstrably outweigh the harm. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
- 10.6 The potential harm to the Green Belt arises from the impact of development upon the purposes of including land within it, the impact upon its openness and the impact that arises from any other harm.
- 10.7 Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.
- 10.8 Paragraph 80 sets out the five purposes of Green Belt:
  - To check the unrestricted sprawl of large built up areas
  - To prevent neighbouring towns merging into one another
  - To assist in safeguarding the countryside from encroachment

- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land

# Impact on openness of the Green Belt

- 10.9 The application site comprises a group of modern agricultural buildings on a concrete yard, some of which have been partially dismantled. The buildings are located to the east of a cluster of residential properties and a food processing plant, historically connected with the farm. The aspect to the north, south and west is significantly open.
- 10.10 Such agricultural buildings are characteristic of the Green Belt landscape.
- 10.11 The applicant states that they have arrived at the proposed number of dwellings through examination of the existing financial liabilities associated with the site. Officers acknowledge that the proposed development is likely to be of an appearance which would be in keeping with the character of existing residential development, however, notwithstanding this, the proposed development would appear as a new form of development on the site and one that would provide a significant change to the existing agricultural landscape, being highly visible from the northern, southern and western aspects. As such it is considered that the proposal would be a visual form of development within the Green Belt that would impact negatively on the openness and character of the Green Belt. As such the development would be harmful to the Green Belt and be contrary to guidance contained within Chapter 9 of the NPPF.

# **Very Special Circumstances**

- 10.12 The considerations presented by the applicant are set out in the supporting planning statement and supplementary information. These are as follows:
- 10.13 Existing Farming Operation and Proposed Farming Enterprise
  - Dry Hill Farm is a redundant Farm. Permission has been granted for a new beef farming operation on Clough House Lane further to the north east (see relevant history). The existing buildings and farm yard are not appropriate for the applicant's proposed beef farming operation the farm buildings and farmyard are not suitable to house the beef cattle due to modern farming requirements, more stringent regulations in hygiene and feeding arrangements. There would need to be significant investment and due to the complications stated above, the applicant considers that farming operations at this site must be moved with the site undergoing a change of use and redevelopment to residential.
- 10.14 <u>Funding and Conversion of existing barns under the Prior Approval process</u>
  In order to fund the applicant's proposed farming enterprise and pay significant legal fees attached to his Father's will, he has submitted several applications for prior approval for change of use of the existing agricultural buildings to form dwellings. Approval has been given for the change of use of two of these buildings with a further application currently under consideration,

However, the applicant states that the profit received from the sale of these will not fully cover existing costs and self-fund the development of the new farming enterprise.

# 10.15 Comparison of uses on the site

The applicant has provided the following comparison of the existing and proposed uses of the site:

	Existing %	Proposed %
Buildings	36	10
Concrete Hardstanding	45	10.4
Waste Land, sespit and grain stores	9	
Open land		43.3

## 10.16Location of the site and its suitability for residential use

The applicant accepts that the site is not in a central village location but is served by a bus route that runs hourly, and the school bus also serves the area. The site is located 15 mins walk from the centre of Denby Dale. Apart from the food processing plant to the rear of the site and the Dunkirk Public house, the remaining properties in close proximity are all residential properties.

# 10.17 Recycling of Materials and Renewable Forms of Energy

The applicant considers that existing materials on the site could be re-used on the new farming operation at Clough House Lane, and that there are benefits to using renewables such as Ground Source Heat Pumps and Photovoltaics, which could be discussed at the reserved matters stage.

- 10.18 The circumstances put forward by the applicant are material considerations, however they would only overcome the presumption against inappropriate development if they were considered (either by themselves or together with other circumstances) to constitute very special circumstances that clearly outweigh the harm caused to the Green Belt by inappropriateness and any other harm.
- 10.19 At the time of the applications relating to the applicant's new farming enterprise at Clough House Lane, the financial connection between that and the current proposal for residential development at Dry Hill Farm was not put forward. Those applications were assessed on the basis of the information submitted at the time.
- 10.20 No marketing has taken place in relation to the redundant farm. Officers consider that it could be used for other agricultural uses, and because the site has not been marketed, it has not been demonstrated that there is no interest in the site for agricultural uses. The farm was no longer a viable option for the

applicant due to his proposed change specifically to a beef farming operation, however other agricultural uses may be suitable for other parties. In the absence of market testing it is not clear if the site's agricultural use is redundant.

- 10.21 Approval has been granted for the change of use of two of the agricultural buildings to form dwellings under Part 1, Schedule 2, Class Q of the Town and Country Planning (General Permitted Development) Order 2015. A further application is currently under consideration. Under Class Q, applicants can seek approval for the change of use of agricultural buildings to form up to 3 dwellings. The current application seeks approval for 7 dwellings which would have a greater impact upon the openness of the Green Belt compared to the conversion of 3 existing agricultural buildings (which is a potential alternative based on the above circumstances).
- 10.22 The Council is unable to demonstrate a five year supply of available housing land sufficient to satisfy the requirements of the NPPF. Notwithstanding this advice in National Planning Practice Guidance clarifies that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt. Despite the lack of a 5-year supply of available housing land therefore, the proposed development is not considered to constitute 'sustainable development' in principle.
- 10.23 Officers consider that the information put forward by the agent does not constitute very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness or other harm.

# **Layout**

10.24 The proposed development would have a courtyard arrangement, comprising a mix of dwellings (detached, semi-detached and terraced). Plots 1-3 would be set back from the road, in line with the attached barn (which has received prior approval for change of use to dwelling). This arrangement differs from that which was put forward as part of the previous application, which indicated a cul-de-sac form of development, out of keeping with the pattern of surrounding development. Notwithstanding this, Officers consider that the current proposals would still not take into account the pattern of existing development, which, along this section of Dry Hill Lane is characterised by dwellings located within close proximity of the highway.

## **Scale and Appearance**

10.25 The scale and appearance of the development are reserved for subsequent approval at the detailed stage, however the submitted information states that the proposed dwellings would be constructed of natural reclaimed stone with stone slate roofs. Notwithstanding that the principle of development is considered to be unacceptable for the reasons set out above, such an external appearance would be in keeping with the predominant character of existing residential development to the east, and would ensure that the

development would accord with Policies BE1 and BE2 of the Unitary Development Plan.

# **Residential Amenity**

- 10.26 The impact of the development on residential amenity needs to be considered in relation to Policy BE12 of the Unitary Development Plan. Policy BE12 sets out recommended distances that should be achieved between existing and proposed dwellings.
- 10.27 The layout of the proposed development is such that the aims of Policy BE12 would be met both within the development itself and in relation to adjacent existing residential development.
- 10.28 A detached double garage would be located to the west of Fox View at a distance of 8m. This relationship is considered to be acceptable given the non-habitable and single storey nature of this aspect of the proposals.
- 10.29 The site is located in close proximity to the adjacent dairy/food processing plant, therefore in order to protect the amenity of future occupiers of the development arising from noise, it would be necessary for the applicant to submit a noise report to be approved by the Local Planning Authority, to ensure that the development would accord with Policy EP4 of the Unitary Development Plan.

# **Landscaping**

10.30 The submitted plans indicate that the front and rear portions of the site would take the form of paddocks, with some planting shown along plot boundaries and to the northern boundary of the site. As the matter of landscaping is reserved for subsequent approval, it is expected that further details would be submitted at the reserved matters stage.

# **Highway issues**

- 10.31 The applicant has not requested the matter of access to be considered at this time, however the layout of the development is to be considered, and it follows, therefore, that the access arrangements as shown on the submitted layout plan would be likely to serve the development in the layout proposed.
- 10.32 The submitted plan indicates the provision of a central access off Dry Hill Lane, 6.0m in width, which would lead to a courtyard/shared turning area, off which private driveways and garages would be served. Each dwelling would have a single or double garage with a driveway sufficient to provide adequate off street parking.
- 10.33 Sight Lines of 2.4m x 43m are shown from the proposed access point onto Dry Hill Lane.

10.34 KC Highways DM have advised that additional information is required to enable a proper Highways assessment with respect to the required sight lines (given the de-restricted nature of Dry Hill Lane), alignment of the road along the site frontage, location of bin storage and collection points and provision for a refuse vehicle turning) and access road design and construction to adoptable standards. However Officers consider that the principle of access to the site can be established, and the required detailed information could be provided at the reserved matters stage.

# **Drainage issues**

10.35 The development proposes to dispose of foul drainage via the existing mains sewer and surface water drainage to soakaways. No adverse comments have been received from consultees in respect of this matter.

## **Ecology**

- 10.36 Paragraph 118 of the NPPF states "when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity" by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments.
- 10.37 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.
- 10.38 No ecological information has been submitted with the application. Whilst some of the buildings may have bat roost potential, most are considered unlikely to. However, due to the rural location of the site, Officers consider that it offers opportunities for biodiversity enhancement, and this could be achieved through the implementation of a Biodiversity Mitigation and Enhancement Plan. Such a matter could be dealt with by condition, should the application be approved.

# **Representations**

10.39 Three representations have been received from the occupiers of Fox View to the east of the site. Their concerns are addressed in the main body of the report.

# Other Matters

10.40 **Air Quality:** 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". On relatively small new developments, this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This could be secured by planning condition, if the proposals were considered to be acceptable.

10.41 Land Contamination: The land may be contaminated due to the former use of the site as a working farm. As such, a series of conditions would need to imposed to ensure this matter is addressed, should the proposals be considered to be acceptable, to ensure that the development accords with Chapter 11 of the NPPF.

#### 11.0 CONCLUSION

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

## 12.0 Reason for Refusal

1. The application site is located within the designated Green Belt whereby, as set out in the National Planning Framework (NPPF), the construction of new buildings is regarded as inappropriate development. The proposed development would constitute inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. The evidence submitted with the application does not outweigh the harm that would result to the Green Belt by reason of inappropriateness and the harm to the openness and character of the Green Belt through new built form and the paraphernalia and activities associated with the domestic use of the site. Consequently, the very special circumstances that are required to grant planning permission do not exist, and the proposals would conflict with Chapter 9 of the National Planning Policy Framework.

## **Background Papers:**

Application and history files

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93148

Certificate of Ownership – Certificate A signed

# Agenda Item 21



Originator: Emma Thompson

Tel: 01484 221000

# **Report of the Head of Development Management**

#### **HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

Date: 15-Dec-2016

Subject: Planning Application 2015/91717 Outline application for residential development (maximum 3 No. Dwellings) rear of 40, Church Road, Roberttown, Liversedge, WF15 7LR

APPLICANT

N Palmer

DATE VALID TARGET DATE EXTENSION EXPIRY DATE

05-Aug-2015 30-Sep-2015

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak. <a href="http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf">http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf</a>

#### **LOCATION PLAN**



Map not to scale - for identification purposes only

**Electoral Wards Affected:** 

**Liversedge and Gomersal Ward** 

YES

Councillor David Hall Councillor Lisa Holmes

RECOMMENDATION: Grant outline planning permission subject to the delegation of 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)

#### 1.0 INTRODUCTION:

1.1 The proposals are brought forward to the Heavy Woollen Planning Sub-Committee for determination due to the level of representations initially received. This is in accordance with the Council's Scheme of Delegation.

## 2.0 SITE AND SURROUNDINGS:

- 2.1 The application site forms a large roughly triangular area of land to the rear of properties on Church Road. The site appears to be open agricultural land that was overgrown at the time of the site visit. The site is level and contains no notable features. Access is via Bullace Trees Lane to Church Road.
- 2.2 The land is bound by open agricultural land to the north, Bullace Trees Lane to the east beyond which are three large detached dwellings, and established residential development to the south and west. The locality is on the periphery of an established residential area which comprises of a mixture of house types, scale, and designs.

#### 3.0 PROPOSAL:

3.1 The application is for outline planning permission with access included for consideration and all other matters reserved. The application description has been amended in agreement with the agent to allow no more than 3 dwellings on the site. There are no details of size, scale or layout submitted with the application. Access would be via Bullace Trees Lane from Church Road.

# 4.0 RELEVANT PLANNING HISTORY:

4.1 2004/92862 - residential development - refused (presumption against development)

2004/90835 – Reserved matters for erection of 4 detached dwellings with garages – refused (insufficient information regarding siting and design in addition to access) (NOTE: the access proposed as part of this refused application was different to that proposed as part of this current application)

SP 18747A – Outline application for residential development, including land within the current application site 1973 – the rest of the site was developed in the mid- 1970s to form nos. 40-44 and 56-66 Church Road. The outline planning permission granted the principle of development only and no other matters were approved at that stage.

#### 5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During the course of the application discussions took place with the applicant's agent and resulted in the submission of:-
  - Revised certificate of ownership
  - Revised access plan details
  - An additional indicative layout plan
  - Drainage information

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

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 D2 – Unallocated Land

BE1 – Design principles

BE2 - Quality of design

BE12 – Space about buildings

T10 – Highway safety

T19 – Car parking standards

H1 – Meeting the housing needs of the district

R13 - Public Rights Of Way

# Supplementary Planning Guidance / Documents:

6.3 None relevant

# National Planning Guidance:

- 6.4 National Planning Policy Framework.
  - Chapter 6 Delivering a wide choice of high quality homes
  - Chapter 7 Requiring good design
  - Chapter 8 Promoting healthy communities
  - Chapter 11 Conserving and enhancing the natural environment

Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

## 7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been re-advertised following the submission of amended details (including revised certificates of ownership, revised access plan details and additional indicative layout plan).
- 7.2 Six letters of representation have been received. The main comments raised are summarised as follows:
  - The effect on walkers/riders/cyclists has not been assessed
  - No provision for ensuring safety during construction and after
  - Surfacing is inappropriate
  - Safe margin is not wide enough
  - · Poor access and parking
  - Loss of value
  - Presumption should be in favour of brownfield sites
  - Flood risk
  - Congestion
  - Increase traffic
  - Loss of light
- 7.3 The following summarises the Comments received following the initial publicity period for the application:

## **Objections:**

- Poor access
- Pedestrian safety
- Increased traffic
- Congestion

- Parking
- PROW/Bridleway
- Green belt
- · Loss of greenfield site
- Loss of privacy
- Loss of light
- Light pollution
- Loss of house value

# **Support:**

- · The site is unallocated
- It does not lie within the green belt
- Sustainable location
- Is appropriate for housing

## 8.0 CONSULTATION RESPONSES:

# 8.1 **Statutory:**

**KC Highways Development Management:** No objections however, attention is drawn to the comments provided by the PROW officer (summarised below).

**Environment Agency:** No objections subject to conditions.

**Coal Authority:** No objections subject to conditions.

# 8.2 **Non-statutory:**

KC Environmental Health: No objection.

**K.C. Public Right of Way** – Concern has been raised in relation to the surfacing of the PROW.

**K.C. Ecology & Biodiversity Officer** – No objections subject to condition.

**K.C. Flood Management and Drainage** – Drainage details are currently being considered.

## 9.0 MAIN ISSUES

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

Other matters

## 10.0 APPRAISAL

# Principle of development

- 10.1 The 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]".
- 10.2 Paragraph 14 of the NPPF introduces a presumption in favour of sustainable development. For decision taking, unless material considerations indicate otherwise, this means:
  - 'approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-ofdate, granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted.'
- 10.3 Footnote 9 lists examples where specific policies within the Framework indicate that development should be restricted. The examples include land designated as Green Belt and Local Green Space. The application site does not fall into either of these categories.
- 10.4 The NPPF sets out at paragraph 49 that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.
- 10.5 Whilst the NPPF encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.
- 10.6 The site comprises of land that is greenfield (previously undeveloped). As such, consideration needs to be given to any harm which would result from the loss of this open land. The specific impacts of the development, for example, the visual and ecological impacts, are addressed later in this

assessment but, in principle, it is considered by officers that there is no overriding reason why development on this land would be inappropriate, subject to consideration of the UDP policies listed above.

# Urban Design issues

- At the time of site visit the land appeared rural in character being used as pasture land possibly. It was overgrown and whilst it abuts the designated Green Belt to the north, has a different character to it. The application form describes it as "vacant land" and does not provide the previous use but it is likely that it was used as part of the wider land for farming purposes at one time. Whilst it is clear that it is greenfield, it is unallocated on the Kirklees UDP proposals map. An assessment has to be made as to whether its loss in terms of visual amenity would be detrimental to the character of the area and whether the benefit of development would outweigh its loss as a greenfield site. This is very much a balanced case in this instance. The land is bound by existing residential development to three sides with the only aspect being to the north into open agricultural land. Development has encroached round the site resulting in it being almost enclosed. It is considered that the site results in very limited contribution to the visual amenity of the area and development would actually continue the established character of development along and to the rear of Church Road. It is therefore considered, by officers, that the benefit of development for 3 dwellings would outweigh its loss as a greenfield site.
- 10.8 Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials. As the application is in outline with all matters reserved there are no details of scale, materials or design. The nature of existing residential development that surrounds the site is mixed in scale and character, with no single style or design of property taking precedent. As such, it is the view of officers that development could be appropriately designed without detriment to the character of the area, in accordance with Policy D2 of the Kirklees UDP as well as chapter 7 of the NPPF.
- 10.9 The application site received outline planning permission in 1973 as part of a wider site for development. This was partly implemented and a reserved matters application for the remainder (i.e. the site subject of this application) was submitted but refused due to insufficient information regarding siting and design, as well as unacceptable details in respect of means of access and parking. The current application is in outline with access included for consideration. The access point is different to the refused application referred to and the current submission shows a layout that is considered appropriate by officers when considering the context, in addition to the proximity to the Green Belt. The submitted layout plan has taken on board concerns raised by officers and ensured that the proposed buildings would follow the same line as existing. This would ensure that an area of open space (albeit garden) is retained between the development and the Green Belt, significantly reducing any impact and forming a buffer.

10.10 It is considered by officers that the development proposed is of a scale and level commensurate with the surrounding area and as such is in accordance with Policies BE1, BE2 and D2 of the Kirklees UDP, as well as the aims of chapters 6 and 7 of the NPPF.

# Residential Amenity

- 10.11 In assessing the impact of the development on both dwellings externally surrounding the site and the dwellings proposed within the site, Policy BE12 of the UDP is of relevance.
- 10.12 The application description has been amended to include "maximum of 3 No. dwellings". It is noted that properties located along Church Road have habitable room windows in the rear elevations and the dwelling 52/52a also contains a non-habitable room window in the side. Any subsequent application for reserved matters should take into account the location of existing windows and observe recommended distances outlined in Policy BE12. In this instance, it is considered by officers that the site can accommodate 3 modest dwellings, as shown on the indicative layout submitted, whilst meeting appropriate distances and maintaining space about buildings. It is anticipated that two storey dwellings would be located within each plot of a scale and design akin to those located within the vicinity. Taking into account the size of the site in addition to the topography it is considered that any future development would avoid any loss of amenity to nearby occupants through being overbearing or overshadowing.
- 10.13 It is considered by officers that residential development can be appropriately designed so that it would accord with Policy D2 of the UDP as well as the aims of policy BE12 of the UDP in terms of residential amenity and as such is acceptable.

## Landscape issues

10.14 Landscaping is not included for consideration and is retained as a reserved matter.

#### Housing issues

10.15 The development would contribute to the aims of Policy H1 of the UDP in that it would provide additional housing in a sustainable location.

# Highway issues

10.16 The minor improvements to the track (Bullace Trees Lane) are considered a potential safety feature to assist in any conflict adjacent to the site, the proposed widening of the track would allow two vehicles to pass, and with the site accommodating a maximum of 3 dwellings, Highways DM consider these proposals acceptable from a highway safety perspective.

- 10.17 Additional detail regarding the proposed construction details and given that the proposal includes the removal of verges, adequate drainage needs to be included. This can be covered by a condition.
- 10.18 Public Rights of Way (PROW) have raised concern with the proposals in terms of the surfacing of the access. However, a condition for a scheme for the provision of the additional width of public bridleway along with its surfacing (either a creation agreement or dedication of the bridleway), would be required.
- 10.19 To summarise, with the inclusion of appropriate conditions, the proposals would not materially add to any highway safety implications and would comply with the aims of Policies T10 and R13 of the UDP.

# <u>Drainage issues</u>

10.20 In light of comments received from the Council's Flood Management & Drainage officer regarding the development, the agent has submitted further information. This is currently being considered by the Council's Flood Management & Drainage officer. It is considered to be likely that the site can be developed and adequately drained so as to prevent any concerns regarding flooding and in order to comply with the aims of chapter 10 of the NPPF.

## Representations not addressed above

10.21 The effect on walkers/riders/cyclists has not been assessed.

**Response:** The effect on various users of the access has been carefully considered by officers. As set out in this assessment, concern has been raised by the Council's PROW officer. In taking a pragmatic approach to determining the application, it is considered reasonable in this instance to impose a condition relating to the submission of a scheme for the improvement works to the access, which is a public bridleway (Spenborough 126). This is considered to be in accordance with the aims of Policy R13 of the Kirklees UDP.

10.22 No provision for ensuring safety during construction and after.

**Response:** Should planning permission be granted, a standard footnote relating to ensuring that the public bridleway is not obstructed etc, is recommended to be attached to any subsequent decision notice.

10.23 Surfacing is inappropriate.

**Response:** As set out in paragraph 10.21, the suggested condition would include details in relation to the surfacing of the access.

10.24 Safe margin is not wide enough.

**Response:** The proposed increase in width of the access has been assessed by KC Highways DM. This proposed improvement to the access is considered sufficient. As set out previously, full details of the improvement

works would need to be submitted for approval by the Local Planning Authority as part of the suggested conditions.

10.25 Loss of value.

**Response:** House value is not a material consideration.

10.26 Presumption should be in favour of brownfield sites.

**Response:** The NPPF sets out at paragraph 49 that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.

10.27 Flood risk.

**Response:** The Council's Flood Management and Drainage team have been consulted and further information sought. It is likely that matters regarding drainage and flood risk can be addressed and as such it is not considered that the development would result in any increased flood risk

10.28 Congestion/Increase traffic.

**Response:** The development proposed has been fully assessed by KC Highways DM. The application includes improvements to the access that are considered sufficient. The proposed number of properties proposed has been limited to 3. As such it is not considered that the vehicular movements associated with the proposed development would result in any detriment to highway safety or other users of the highway network.

10.29 Loss of light.

**Response:** It is not considered that development of the site would result in a loss of light to any adjoining occupant. The scale of development would be considered at reserved matters stage.

## Other Matters

## 10.30 Ecology & Biodiversity:

An ecological survey has been submitted and has been assessed by the Council's Biodiversity Officer. It is not considered that the site offers significant ecological interest so as to justify refusal of the development proposed and appropriate mitigation and enhancement measures should be included as part of any reserved matters application. The Council's Biodiversity officer has been consulted and agrees with the findings of the report.

10.31 The inclusion of conditions would ensure that the proposal would improve biodiversity within the local area, complying with current guidance contained within the NPPF.

# 10.32 Coal Mining Legacy:

A Coal Mining Risk Assessment has been submitted with the application and comments received from the Coal Authority. There are no objections to the proposals providing conditions are imposed to ensure there is no risk as a consequence of development.

# 10.33 Sustainable transport:

Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to...incorporate facilities for charging plug-in and other ultra-low emission vehicles."

10.34 As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to the provision of facilities for charging plug-in electric vehicles.

#### 11.0 CONCLUSION

- 11.1 The proposal is considered to comply with current planning policies and it is the opinion of officers that there would be no significant adverse impact in terms of visual or residential. Furthermore there would be no issues with regard to highway or pedestrian safety. For the reasons detailed above, it is considered by officers that, subject to the imposition of appropriate conditions, the proposal is acceptable.
- 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. 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)

It is proposed that the following planning conditions would be included should planning permission be granted:

- 1-4. Standard conditions to secure Reserved Matters.
- 5. In accordance with approved plans.
- 6. Finished ground levels relating to ordnance datum (or an identifiable datum).
- 7. Facing material to be natural stone and samples to be provided for walls and roofing.
- 8. Removal of Permitted Development Rights for the erection of further extensions/outbuildings.

- 9. Laying out of areas to be used by vehicles.
- 10. Development to be carried out in accordance with Flood Risk Assessment.
- 11. A scheme for intrusive site investigations (in relation to Coal Mining).
- 12. Undertaking of the scheme of intrusive site investigations (in relation to Coal Mining).
- 13. Submission of a report of findings arising from the intrusive site investigations (in relation to Coal Mining).
- 14. Submission of a scheme of remedial works for approval (in relation to Coal Mining).
- 15. Implementation of those remedial works (in relation to Coal Mining).
- 16. Scheme for provision of low emission charging points.
- 17. Ecological method statement.
- 18. Ecological Design Strategy.
- 19. A scheme for the improvement works to the access/bridleway (Spenborough 126).
- 20. Drainage details

# **Background Papers:**

Application and history files.

Website link to the application details:

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f91717

Certificate of Ownership – Notice of the application has been published in the Telegraph and Argus on the 17<sup>th</sup> September 2016 and Certificate D duly signed.

# Agenda Item 22



Originator: Emma Thompson

Tel: 01484 221000

**Report of the Head of Development Management** 

#### **HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

Date: 15-Dec-2016

Subject: Planning Application 2016/90357 Erection of 2 semi-detached houses with parking provision and private drive adj 64, Wharf Street, Savile Town,

Dewsbury, WF12 9AU

## **APPLICANT**

Mr N Patel

DATE VALID TARGET DATE 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. <a href="http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf">http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf</a>

## **LOCATION PLAN**



Map not to scale - for identification purposes only

Electoral Wa Dewsbury Sc	rds Affected: outh Ward		
NO	Ward Members consulted (referred to in report)		

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

#### 1.0 INTRODUCTION:

- 1.1 This application has been brought to the Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's scheme of delegation due to the level of representation received.
- 1.2 The erection of a two semi-detached dwellings on this site is considered to meet policy guidelines and in spite of objections, the benefit of locating residential development in this sustainable location would outweigh the loss of the site in terms of any ecological or visual impacts.
- 1.3 The design, scale, and layout of the proposed new dwellings are considered, by officers, to be acceptable and furthermore, the dwellings have been designed so that it would have no undue detrimental impact on the amenity of any adjoining occupants. The development is considered to be in accordance with Unitary Development Plan policies and the aims of the National Planning Policy Framework.

#### 2.0 SITE AND SURROUNDINGS:

2.1 The application site forms a fairly square area of, what appears to be derelict land located adjacent to number 64 Wharf Street. The land has a gradual slope up the rear of the site. It is unclear what the site has been used for previously although aerial photographs show an area of open space with some trees/shrubs. It would not appear to have accommodated any building. The site has been fenced off and largely been cleared although there is evidence of fly tipping. The site has a negative impact on the street scene and character of the area.

2.2 The area is mixed in character with dwellings to the South of Wharf Street and commercial /industrial uses to the North facing the site. The buildings immediately surrounding the site are constructed of natural and artificial stone and slate although there are some red brick industrial buildings in vicinity. The heights and scale vary from single storey buildings to larger three storey buildings.

#### 3.0 PROPOSAL:

3.1 The application seeks full planning permission for the erection of two 2.5 storey semi-detached dwellings that include accommodation in the roof space. The properties are orientated perpendicular to Wharf Street and centrally located to the site providing 5 bedroomed accommodation. The footprint of Plot 1 measures just over 10 m by 10 m and Plot 2 9.9m x 10.1m therefore both relatively square. The buildings have a pitched roof and a maximum height to the eaves of 6.5 metres and to the ridge 10.5 metres.

# 4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Application 2009/93433 - The application relates to the erection of four townhouses accessed from Wharf Street. The dwellings proposed were 3 storeys in height, with a split level between the front and rear of the site, with integral garages at ground floor level on the Wharf Street frontage. The height of the block is at 11.7m. This application was granted planning approval on 10 December 2012.

#### 5.0 HISTORY OF NEGOTIATIONS:

- 5.1 No pre-application discussions regarding the details of submission have taken place.
- 5.2 During the course of the application, amended plans were submitted in order the address the consultation response received from the Environment Agency in addition to officer concerns regarding the scale of the development originally submitted which was 3 storeys in height.
- 5.3 The buildings would be constructed from artificial stone but officers are continuing discussions with the applicant regarding the possibility of using natural stone, the outcome of these discussions will be brought to Committee in the update.

#### 6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).

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

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

6.2 D2 – Land with no notation

BE1 – Design Principles

BE2 – Quality of design

BE12 - Space about buildings

T10 – Highway Safety

T19 – Parking standards

G6 – Land contamination

H1 – Housing needs of the district

## Supplementary Planning Guidance / Documents:

6.3 None relevant

#### National Planning Guidance:

6.4 National Planning Policy Framework.

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 8 - Promoting healthy communities

Chapter 11 - Conserving and enhancing the natural environment

Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

## 7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been re-advertised following the submission of amended plans. A letter and petition containing 27 & 22 signatures has been received.
- 7.2 Representations summarised as follows:
  - Loss of light
  - Loss of privacy/overlooking
  - Flood Risk
  - Loss of view

- Aesthetic/Out of character
- Access
- Violation Human Rights
- Voyeurism

#### 8.0 CONSULTATION RESPONSES:

# 8.1 **Statutory:**

**Environment Agency:** No objections subject to conditions

K.C. Highways Development Management: No objections

## 8.2 **Non-statutory:**

**KC Environmental Health:** No objections subject to conditions

KC Flood Management & Drainage: No objections

#### 9.0 MAIN ISSUES

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

#### 10.0 APPRAISAL

# Principle of development

- 10.1 The 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]".
- 10.2 Paragraph 14 of the NPPF introduces a presumption in favour of sustainable development. For decision taking, unless material considerations indicate otherwise, this means:
  - 'approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-ofdate, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or
- Specific policies in this Framework indicate development should be restricted.'
- 10.3 Footnote 9 lists examples where specific policies within the Framework indicate that development should be restricted. The examples include land designated as Green Belt and Local Green Space. The application site does not fall into either of these categories.
- 10.4 The NPPF sets out at paragraph 49 that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.

# <u>Urban Design issues</u>

- 10.5 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.
- 10.6 The application site is a redundant area of land that is fenced off but has an unkempt appearance and therefore, in the opinion of officers, currently detracts from the character and appearance of the area. The development of the site would contribute more positively to the area by improving the general character in addition to replacing a derelict piece of land with two dwellings.
- 10.7 Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history and reflects the identity of local surroundings and materials. The nature of existing residential development that surrounds the site is mixed in character, with no single style or design of property taking precedent in the area. The dwellings to the east are large in terms of footprint and height.
- 10.8 The previously approved scheme was for a row of four 3 storey terraced properties that followed a similar layout to the dwellings to the west albeit at a greater height. This scheme reduces the density and scale of existing surrounding development thereby, in the view of officers, improving the contribution that the scheme makes in terms of design whilst reducing the impact on surrounding occupants.

- The layout has been designed taking into account both existing occupants surrounding the site and also the future occupants of the dwellings proposed. The orientation is partly as a result of this and improving the outlook of the proposed dwellings as well as the orientation of the neighbouring dwelling, no.76/78. In addition, the orientation of the buildings has been influenced by the confines of the site. The site is not considered sufficiently wide enough to accommodate two large houses and side driveways/off street parking without the need for retaining walls. The agent considered basement parking to allow for a street frontage, however, this would have resulted in a height increase which Officers were concerned about. In addition the agent had to take on board other requirements such as the gradient of slopes/ramps in addition to the required flood risk build level. The neighbouring dwelling (number 76) is also orientated so that its gable end runs adjacent to Wharf Street. It is of simple form with windows in the end. The gable of Plot 2 has been designed to provide interest and presence within the street scene and as such, in the view of officers, would not detract from it. A small stone wall along the frontage would also soften the appearance and, apart from a break for accesses, would form a continuation of the wall fronting no. 76.
- 10.10 Taking into account the site topography and restrictions, in addition to the negative impact that the site currently has, it is considered, on balance, that the development proposed is acceptable from a visual amenity perspective and is in accordance with Policies BE1, BE2 and D2 of the UDP as well as the aims of chapters 6 and 7 of the NPPF.

## Residential Amenity

- 10.11 In assessing the impact of the development on both dwellings externally surrounding the site and the dwelling proposed within the site, Policy BE12 of the UDP is of relevance. This policy recommends a separation distance of 12m between existing habitable room windows and non-habitable room windows and 21m between habitable room windows of any two dwellings. A distance of 10.5m is recommended from a habitable room window and the boundary of any adjacent undeveloped land and 1.5m between any wall of a new dwelling and the boundary of any adjacent land other than a highway.
- 10.12 The two properties are located perpendicular to Wharf Street meaning that their main aspect is towards no. 76 Wharf Street with the rear elevation to no. 64. By orientating the building the outlook of future occupants is improved; avoiding facing a mixture of industrial units.
- 10.13 The front elevation and habitable room windows of both properties overlook the proposed driveway/access that leads to Plot 1. Beyond this is an access into land associated with no. 76. The land is not considered as private amenity space as it forms the access into the neighbouring area and is visible from Wharf Street. As such, the distance achieved is considered sufficient and would not result in any loss of privacy. There are reasonably large areas of garden between the dwellings proposed and the existing amenity space of no. 64 to the rear. This is an adequate distance so as to avoid any loss of privacy

to the occupants of no. 64. The gable of Plot 1 faces existing properties located on Orchard Street. The distance to the rear elevation of the original dwelling house is just less than 15 metres however the existing extension reduces the space between to 11.5 metres. There are no habitable room windows proposed in the gable end at first or second floor level, as such there would be no loss of privacy to the occupants of any of the properties along Orchard Street. The slight shortfall in distance is compensated by the topography of the site as the proposed dwellings are naturally set down thereby mitigating any potential loss of amenity from being overbearing.

10.14 As such, it is considered by officers, that the development would not result in any material harm to the amenity of nearby residents and an acceptable standard of amenity would be provided for the future occupants of the development thereby according with Policy D2 of the UDP as well as the aims of policy BE12 of the UDP in terms of residential amenity.

## Landscape issues

10.15 The application proposals incorporate small areas of landscaping to soften the development. It is considered these are sufficient to ensure the overall scheme contributes positively to visual amenity and also provides opportunities for wildlife.

## Housing issues

10.16 The development would contribute to the aims of Policy H1 of the UDP in that it would provide additional housing in a sustainable location.

# Highway issues

- 10.17 The proposed site access for both dwellings would be onto Wharf Street; Wharf Street is subject to a 30-mph speed limit with street lighting along its length.
- 10.18 Sightlines from the proposed access onto Wharf Street are good in both directions.
- 10.19 Vehicle swept paths have been demonstrated to be in accordance with the correct standards on the proposed internal layout.
- 10.20 With regards to parking, the development is in a sustainable location with good access links to public transport and local facilities so dependence on car borne trips is potentially low. The existing properties on Wharf Street predominantly lack off street parking provision therefore any accessible off street parking associated with this development would be a benefit. The Councils parking standards for residential development are maximum standards as there is not likely to be an impact on road safety due to the proposed parking levels it is considered that two spaces per dwelling is acceptable in this instance.

10.21 To summarise, with the inclusion of appropriate conditions relating to the surfacing of the access road, the proposals would not materially add to any undue highway safety implications, complying with the aims of Policies T10 and T19 of the UDP.

# Flood risk/drainage issues

- 10.22 The initial objections of the Environment Agency have been addressed with the submission of a Flood Risk Assessment with the inclusion of mitigation measures that include finished floor levels that ensure the site is developable without creating any issues of flood risk for future occupants or increasing the vulnerability of this in the vicinity. In addition it is noted that there are wider sustainability benefits to the community in terms of providing housing in addition to improving the character and amenity of the site and as such it is considered that the development is acceptable.
- 10.23 The Council's Flood Management & Drainage Team has confirmed that there is no objection to the disposal of surface water to the mains sewer due to the nature and scale of the proposal.
- 10.24 As such the proposals are considered to be in accordance with Chapter 10 of the National Planning Policy Framework.

## Representations not covered above

## 10.24 Loss of light

**Response:** The height and scale of development has been significantly reduced since the original submission and is much reduced from application 2009/93433 that was approved in 2012. It is considered by officers that the layout of the development, which maintains space to boundaries, in addition to the height of the properties proposed and gradient of land, would not result in any detriment to adjoining occupants due to overshadowing.

# 10.25 Loss of privacy/overlooking

**Response:** Taking into account the location of development and the space that would be maintained around the dwellings proposed in addition to the positioning of windows, it is considered by officers that there would not be any overlooking of any adjacent private amenity space.

## 10.26 Flood Risk

**Response:** The application has been assessed in line with NPPF Chapter 10 and referred to the EA for consultation. They raise no objections to the proposed development subject to condition.

## 10.27 Loss of view

**Response:** This is not a material planning consideration.

#### 10.28 Aesthetic/Out of character

**Response:** The revised scheme has been designed taking into account the gradient of the land and space within the site. The scale is appropriate when considering existing development and the character of each property is considered by officers to be in keeping with the area, which is quite mixed. It is not considered that the development would detract from the visual amenity of the area and is in accordance with relevant policies and the NPPF.

#### 10.29 Access

**Response:** KC Highways DM have been consulted and raise no objections. The details provide adequate off street parking and access.

## 10.30 Violation Human Rights

**Response:** It is recognised that any development will, to some extent, interfere with a neighbour's enjoyment of their property; the question is whether this impact is proportionate or so significant so as to warrant a refusal. The rights of objectors also have to be balanced with the rights of an applicant to extend / alter their property or land. In this instance it is considered that the impact on the adjoining property is proportionate and would not materially harm the objectors' enjoyment of their property.

# 10.31 Voyeurism

**Response:** This is not a material planning consideration.

# Other Matters

# 10.32 Sustainable transport:

Sustainable transport Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to...incorporate facilities for charging plug-in and other ultra-low emission vehicles." As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to the provision of facilities for charging plug-in electric vehicles.

## 11.0 CONCLUSION

- 11.1 The erection of two dwellings within the site is considered to meet policy guidelines and in spite of objections, the benefit of locating development in this sustainable location would outweigh the loss of the site in terms of any visual and ecological impacts.
- 11.2 The proposal is considered to comply with current planning policies and it is the opinion of officers that there would be no significant adverse impact in terms of visual or residential. Furthermore there would be no issues with regard to highway or pedestrian safety. For the reasons detailed above, it is considered by officers that, subject to the imposition of appropriate conditions, the proposal is acceptable.

- 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. 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)

It is proposed that the following planning conditions would be included should planning permission be granted:

- 1. Time limit 3 years
- 2. Plans to be approved
- 3. Finished Ground levels
- 4. Materials to be natural stone walling and marley modern tile roof: samples to be provided.
- 5. Removal of PD rights for extensions or insertion of windows
- 6. Laying out of areas to be used by vehicles.
- 7. Removal of permitted development rights for extensions.
- 8. Development to be carried out in accordance with Flood Risk Assessment and Mitigation.
- 9. Submission preliminary risk assessment
- 10. Scheme for provision of electric vehicle charging points

## **Background Papers:**

Application and history files.

Website link to the application details:

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f90357

Certificate of Ownership – Certificate B signed: 2 February 2015 Notice served on: Mr M Aslan, 62 Senrab Street, London, E1 0QF



# Agenda Item 23



Originator: Louise Bearcroft

Tel: 01484 221000

**Report of the Head of Development Management** 

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE** 

Date: 15-Dec-2016

Subject: Planning Application 2016/90756 Erection of 2 detached dwellings

Land to rear of 59, Far Bank, Shelley, Huddersfield, HD8 8HS

**APPLICANT** 

G Stead & R Coates

DATE VALID TARGET DATE EXTENSION EXPIRY DATE

17-May-2016 12-Jul-2016

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

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

## **LOCATION PLAN**



Map not to scale – for identification purposes only

Electoral Wards Affected:				
Kirkburton				
NO	Ward Members consulted			

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

#### 1.0 INTRODUCTION:

- 1.1 The application is brought before the Heavy Woollen Planning Committee as it represents a departure from the Development Plan. This is in accordance with the Council's Scheme of Delegation.
- 1.2 The application seeks planning permission for the erection of two dwellings on land allocated on the Unitary Development Plan as Provisional Open Land (POL). Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years, and in accordance with the National Planning Policy Framework (NPPF) relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or that specific NPPF policies indicate development should be restricted.
- 1.3 The proposal represents sustainable development. The application site can be accessed safely in highway terms and its development would not prejudice any potential future development of the wider POL allocation. There would be no harmful effect on highway safety or residential amenity.

#### 2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is an open area of land to the rear of No.59 Far Bank at Shelley. The site is bounded by the garden area of No.53 Far Bank to the north, by undeveloped Green Belt land to the east, by undeveloped Provisional Open Land to the south, and by the rear garden areas of No.59 Far Bank to the west.
- 2.2 The site has an existing field access located between No. 59 and No.69 Far Bank. The site slopes downwards from west to east, and along the northern boundary are a number of mature trees. The site is allocated as Provisional Open Land on the Unitary Development Plan Proposals Map.

## 3.0 PROPOSAL:

- 3.1 Planning permission is sought for the erection of two detached dwellings. It is intended the dwellings would be constructed to 'passive house' standards which is a standard for energy efficiency which results in ultra-low energy buildings that require little energy for space heating or cooling.
- 3.2 The scale and design of the dwellings incorporates both two storey and single storey elements. Plot 1 is proposed to have a long sloping roof, extending from a single storey integral garage up to a two storey height, with additional accommodation within the roof space. Habitable rooms are principally located on the southern elevation, with one bedroom window in the proposed eastern elevation. Plot 2 would have a stepped arrangement incorporating single and two storey heights, and a garage which would be adjoined to the house by the roof. Habitable rooms are proposed in the south and eastern elevations.
- 3.3 The proposed construction materials have been chosen to assist in achieving the 'passive house' standard and include:
  - Facing Materials Recycled random coursed stone, timber cladding in a light / mud grey stain
  - Windows Weru System Afino Top, consisting of PVC profiles reinforced with steel with triple glazing
  - Roof Aluminium standing seam roof panel with zinc coating (grev)
- 3.4 Each dwelling would have off-street parking and private amenity spaces. The proposed landscaping scheme incorporates a planting buffer between the two plots and the provision of a wild flower meadow to the front of Plot 2.
- 3.5 It is proposed that the dwellings would be accessed via a 5 metre wide tarmac roadway with a 1 metre wide pavement on the northern side and 3m soft verge incorporating soakaway drainage to the south side culminating in a turning head. The proposed private driveways would be constructed of block paving on crushed stone and sand base with drainage to soakaway within the curtilage.

#### 4.0 RELEVANT PLANNING HISTORY:

- 4.1 None applicable to the site
- 4.2 Land to the north of the site:

<u>2014/90093</u> – Part Demolition of No.53 Far Bank and outline application for erection of 5 dwellings – Conditional Outline Permission

<u>2014/93349</u> — Reserved matters application for erection of one dwelling pursuant to outline permission 2014/91428 — Approval of Reserved Matters

<u>2014/91428</u> – Part demolition of No.53 Far Bank and outline application for erection of detached dwelling – Conditional Outline Permission

# 5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have negotiated with the applicant to secure:
  - A greater proportion of stonework on the southern elevations of both dwellings
  - A darker wood cladding panel and a better quality roofing material
  - A scheme to demonstrate how the development would be adequately drained
  - Details of ecological landscaping

#### 6.0 PLANNING POLICY:

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

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 D5 – Provisional open land

BE1 - Design principles

BE2 - Quality of design

BE12 – Space about buildings

T10 – Highway Safety

D2 - Unallocated Land

EP11 – Ecological landscaping

NE9 – Retention of mature trees

# Supplementary Planning Guidance / Documents:

#### 6.3 None

# National Planning Guidance:

6.4 National Planning Policy Framework.

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and enhancing the natural environment

#### 7.0 PUBLIC/LOCAL RESPONSE:

7.1 Six objections have been received.

The planning concerns raised are summarised as follows:

## **Principle of Development**

- The land is designated as safeguarded land in the local plan accepted options. The land was rejected for housing development. Safeguarded land should only be considered as part of a wider proposal and only if the designation is on the local plan. Planning permission for permanent development of safeguarded land should only be granted following a Local Plan review.
- This is a Greenfield site designed on the village plan as 'open space'. Brownfield sites should be used such as Bank Bottom, Shelley.
- Kirklees should be bringing empty houses back into use.
- The land is Provisional Open Land and Safeguarded Land in the draft Local Plan. Housing development is not permitted.
- The proposal represents an undesirable piecemeal form of tandem/backland development harmful to amenity of neighbours by noise and disturbance from the access. Site 'open land' on old Local Plan and 'safeguarded land' and housing rejected on Draft Local Plan. Large brownfield site half a mile away.
- There is a proposed Bill to allow the Government to require local authorities to make a payment for empty houses. There are several in the villages close by.

# **Highway Safety**

- It is a dangerous road with a school entrance below the site's entry and cars from houses opposite are parked on the road opposite too.
- The access appears inadequate especially in light of the steepness of Far Bank and the brow of the road as it drops towards Penistone Road. 4. Plot 1 is close to the boundary of No.57 Far Bank.
- Lack of adequate visibility from the proposed access on to a very dangerous road opposite a school.
- Traffic on Far Bank is heavy, especially at school times, it cannot sustain increased volumes. The access road is directly opposite properties without off street parking and park above the yellow zig zags. A bottle neck will be exasperated with traffic from another junction and a hazard for children. The access cannot accommodate two way traffic and utilities vehicles would not be able to access the site.
- The entrance is on a dangerous road opposite a school, with resident's cars and cars for the Chapel parked on-street.
- There is a restricted view off the site's entrance.

## **Drainage Matters**

- Concern where the run off from the proposed soakaway in the highway verge will go on this sloping site. Houses nearby have cellars and basements which flood, and below the slope is a graveyard.
- The proposed soakaway drainage is to rear of no.69 Far Bank. Drainage of the access road is not sufficient and there would be a threat of flooding to no.69 Far Bank due to the slope and height difference.
- The soakaway of the access road is too near to the wall of neighbouring property. There will be insufficient drainage to protect neighbouring properties from flooding due to the slope and difference in levels with neighbouring properties occupying a lower land level.

## **Residential Amenity**

- Given that the property will lie to the South it will create considerable overshadowing and be overbearing.
- The road would interfere with the privacy of nos. 59 and 69 Far Bank.
- The proposal would be harmful to the amenity of nos. 69 and 59 by virtue of noise and disturbance from the access.

#### **Other Matters**

• The houses do not fit in with traditional building materials in this 'old' area of Shelley village.

#### 8.0 CONSULTATION RESPONSES:

## 8.1 **Statutory:**

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

# 8.2 **Non-statutory:**

# **K.C. Flood Management** – No objections

#### 9.0 MAIN ISSUES

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

#### 10.0 APPRAISAL

## Principle of development

- 10.1 This application is for the erection of two dwellings on part of a wider area of land designated in the Unitary Development Plan (UDP) as Provisional Open Land (POL). Policy D5 states that on such sites "planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term". The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of National Planning Policy Framework (NPPF) paragraphs 215 and 49.
- 10.2 In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the council is currently unable to demonstrate a five year supply of deliverable housing sites.
- 10.3 The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a planning inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):
- 10.4 "The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can

be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework's presumption in favour of sustainable development is engaged."

- 10.5 The presumption referred to by the inspector is set out in NPPF paragraph 14 which states that where relevant policies are out-of-date, planning permission should be granted "unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted". Footnote 9 lists examples of restrictive policies but this does not include policies concerning safeguarded land.
- 10.6 In terms of more detailed issues within the site, NPPF paragraph 58 sets out the requirement for developments to "optimise the potential of the site to accommodate development". As this proposal only covers part of the POL site, the proposal would need to demonstrate that it does not prevent the remainder of the POL site being developed. The POL allocation includes land to the north and the south of the site. Other possible access points into the remainder of this allocated land include two others off Far Bank, and one off Glen View Road to the south.
- 10.7 The first possible access is located between 83 and 89 Far Bank. This measures 6.6m in width at the access with a 1.1m wide footway to the site frontage. Again third party land would be required to provide suitable radii and footways at the site entrance and 2.4 x 43m sight lines in both directions. Sight lines are currently obstructed by existing buildings 89 Far Bank and an outbuilding to 83.
- 10.8 The second possible access is located between 97 Far Bank and the Methodist Hall. This is 3.7m in width and unsuitable to provide access to the POL site.
- 10.9 The third possible access is off Glen View Road; an un-adopted road off Penistone Road which is narrow, in poor condition with poor site lines on to Penistone Road. This is considered unsuitable for any significant intensification in use and therefore unsuitable to provide access to the POL site.
- 10.10. In terms of the proposed access into the application site itself, this is designed to be a private drive to serve a development of 2 dwellings. This is not designed to adoptable standards and further improvements to the layout including suitable radii and footways at the site entrance would be required to serve a greater development, which may require additional third party land and demolition works.
- 10.11 In summary, therefore all of the possible access points, including that proposed to serve the application site, will require third party land and in some case demolition works to provide an acceptable access to serve the remainder of the POL site. It is considered therefore that the development of

- this small section of the POL with a proposed private drive would not prejudice the longer term development of the wider site.
- 10.12 The National Planning Policy Framework (NPPF) states that the purpose of the planning system "is to contribute to the achievement of sustainable development." (para 6). NPPF notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples' quality of life (para 9). NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. "Economic, social and environmental gains should be sought jointly and simultaneously through the planning system." (para 8). NPPF stresses the presumption in favour of sustainable development. The proposal has been assessed against each role.
- 10.13 A proposal for two dwellings provides economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF a new house would support growth and satisfy housing needs thereby contributing to the building of a strong economy. Whilst there would be a social gain through the provision of new housing at a time of general shortage, the local village of Shelley is lacking in community facilities; and residents would generally have to travel outside of the area to access health, education, shops and employment opportunities. The area is however well connected to Huddersfield Town Centre and on a bus route and it could be argued that an increase in population could create demand to help generate a degree of voluntary social / community organisation. The development of a greenfield site would be visually detrimental, however, although national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.
- 10.14 Assessing the policies in the national planning policy framework as a whole in accordance with the paragraph 14 test, the limited environmental harm arising from the development of this greenfield site is outweighed by the benefits to be gained from the provision of housing in an accessible location which will meet a current shortfall in the 5-year supply. In such circumstances it is considered that the proposal constitutes sustainable development.

## <u>Urban Design issues</u>

10.15 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. Paragraph 60 of the National Planning Policy Framework (NPPF) stipulates that planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.

- 10.16 NPPF para 64 notes that planning permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.17 Concerns have been raised in the representations received that the proposed houses would not fit in with traditional building materials in this 'old' area of Shelley village.
- 10.18 It is intended the dwellings would be constructed to 'passive house' standards for ultra-low energy buildings. The proposed materials have accordingly been chosen to assist in achieving this standard and it is intended the dwellings would have a contemporary appearance which incorporates the extensive use of timber cladding, a metal roof, and sections of random coursed stonework.
- 10.19 The site is not within a Conservation Area, nor are there any listed buildings within the vicinity of the site. Furthermore, the site itself is sited below the level of the adjacent highway and the proposal would not be viewed in the context of the street scene of properties directly fronting onto Far Bank.
- 10.20 Within the surrounding area there is a mix of property types, with the majority having a traditional appearance and being of natural stone construction. There are no objections to a contemporary design approach; however the use of cladding and metal roofing materials are required to be of a high quality which ensures that the contemporary dwellings blend sufficiently into the wider area. Officers have negotiated with the applicant to secure a greater proportion of stone work, particular on the principal elevations which would be seen from the access, a darker wood cladding and a higher quality roof cladding. The proposed materials are natural stone, treated Accoya wood cladding in a mud grey stain, and dark grey aluminium standing seam roof panel with a zinc coating. The proposed materials are considered to be of a quality which would blend into the surroundings, and there are no objections raised to the contemporary design of the dwellings which are designed to 'passive house' standards.

## Residential Amenity

- 10.21 UDP Policy D2 requires residential amenity matters to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows. The nearest neighbouring properties to the site which would be affected by the development include No.59 Far Bank located to the north-west of the site and No.69 Far Bank located to the south-west.
- 10.22 Concerns have been raised in the representations received that the dwellings would have a considerable overshadowing and overbearing impact on neighbouring properties and that the use of the access road would be harmful to the amenity of No.69 and No.59 by virtue of noise and disturbance.
- 10.23 In respect of the impact on No.59 Far Bank, this is a two storey detached property which has windows which look directly onto the application site. In

respect of privacy, and the relationship to plot 1, there would be a distance of 12 metres between the habitable room windows on the rear of No.59 and the blank sloping roof of Plot 1, and a distance of 20 metres to the proposed secondary windows on this staggered elevation. These distances accord with policy BE12 of the UDP. In respect of whether there would be an overbearing impact, the application site slopes away to the east and Plot 1 would occupy a lower ground level relative to the neighbouring property. This is demonstrated on the proposed cross sectional drawing submitted with the application. The design of Plot 1 also incorporates a sloping roof form which successfully mitigates against any overbearing impact. It is considered there would not be a detrimental impact from loss of privacy or any overbearing impact on No.59 Far Bank.

- 10.24 In respect of the impact on No.69 Far Bank, this property is positioned to the south-west of the application site. The proposed windows of Plot 1 would face directly south and it is not considered there would be a loss of privacy to this property or its private amenity space. Due to the distance to this property it is not considered there would be a detrimental overbearing impact
- 10.25 The use of the access road would create some low level noise disturbance, however, the access would serve only two dwellings and the amount of vehicle trips would be limited. Furthermore, the proposed driveway would directly abut the driveway of No.59 Far Bank and the rear of the garage of No.69 Far Bank. It is not considered there would be a detrimental impact on the residential amenity of the adjoining properties.
- 10.26 It is considered there would not be a detrimental impact on residential amenity and the proposal would accord with policies BE1 and BE2 of the Unitary Development Plan.

## Highway issues

- 10.27 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. Concerns have been raised in the representations received about the suitability of the development taking into account current volumes of traffic along Far Bank, the proximity of the school entrance, and existing on –street parking by residents and users of and visitors to the chapel. There is also concern that there is a restricted view of the sites entrance and lack of adequate visibility, and that the access cannot accommodate two way traffic and utilities vehicles would not be able to access the site.
- 10.28 Highway Services consider that in terms of traffic generation the size of the proposed development would have little impact on highway capacity and the proposed access road has adequate visibility out onto Far Bank. The width of the access road can support two-way traffic and had segregated pedestrian provision. Parking provision for the dwellings is within the Councils required parking standards with both internal and external provision. The Highways Development Management Team raises no objection to the application although they note the existing footway crossing may be required to be

relocated. However, subject to appropriate conditions, the proposals would not have a detrimental impact on highway safety and would accord with policy T10 of the UDP.

## Drainage issues

- 10.29 The proposal is to drain the surface water through soakaway. Concerns have been raised in the representations received about where the run off would go, as this is a sloping site and adjacent houses have cellars and basements which flood. Furthermore, below the site is a graveyard. There is also concern the proposed soakaway is too near to No.69 Far Bank and there would be a threat of flooding to this property due to the slope and height difference.
- 10.30 The proposed use of soakaways follows the hierarchy of sustainable drainage. The proposal is to incorporate a soakaway within each plot and for the driveway to be constructed of a topmix permeable construction. Flood Management have been consulted, and note that as the site is lower than the closest houses, it is unlikely that water would flow in their direction. They also have no records of cellar flooding in this location. Accordingly, they raise no objection to the proposal.

## Representations

- 10.31 Six representations were received. In so far as they have not been addressed above:
- 10.32 The land is designated as safe guarded land in the local plan accepted options. The land was rejected for housing development. Safeguarded land should only be considered as part of a wider proposal and only if the designation is on the local plan. Planning permission for permanent development of safeguarded land should only be granted following a Local Plan review / The land is Provisional Open Land and Safeguarded Land in the draft Local Plan. Housing development is not permitted.

**Response:** The Local Plan is not at a stage where significant weight can be attached. The proposal is assessed in accordance with policy D5 and the NPPF. Policy D5 is considered to be out of date and the presumption in NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted "unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted". In this case there are not considered to be any adverse impacts that would outweigh the granting of planning permission.

10.33 This is a greenfield site designed on the village plan as 'open space'. Brownfield sites should be used such as Bank Bottom, Shelley.

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

10.34 The proposal represents an undesirable piecemeal form of tandem/backland development harmful to amenity of neighbours by noise and disturbance from the access.

**Response:** The proposed layout and access is not considered to result in a detrimental impact on the residential amenity of neighbouring properties. The use of the access road would create some low level noise disturbance, however, the amount of vehicle trips would be limited with two dwellings, and furthermore, the proposed driveway would directly abut the driveway of No.59 Far Bank and the rear of the garage of No.69 Far Bank.

10.35 There is a proposed Bill to allow the Government to require local authorities to make a payment for empty houses. There are several in the villages close by / Kirklees should be bringing empty houses back into use.

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

## Other Matters

- 10.36 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The applicant was asked to provide an ecological survey of the site.
- 10.37 The applicant has not provided an ecological survey but has included details of ecological landscaping in the supporting information and on the submitted block plan. This confirms the site is bounded by dry stone walls, with Hawthorne along the north boundary. Grasses / plants identified within the site are Yorkshire fog, Fescue, Couch, Annual meadow, Buttercup, Dadelion, Dock, Thistle and Plantain. To mitigate against the effects of developing the site, a landscape / planting scheme is proposed to provide an enhanced environment for wildlife and includes a wild flower meadow, and a 5 metre wide dense buffer between the plots. The proposed mitigation is considered to be acceptable and will be a condition of the permission.

## 11.0 CONCLUSION

- 11.1 Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted "unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted".
- 11.2 The application site can be accessed safely in highway terms and its development would not prejudice any potential future development of the wider POL allocation. There would be no harmful effect on visual or residential amenity.

- 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. 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)

It is proposed that the following planning conditions would be included should planning permission be granted:

- 1. Time limit for implementation
- 2. Development carried out in accordance with the plans and specifications
- 3. Dwellings to be constructed of the approved facing and roofing materials
- 4. Boundary Treatment
- 5. Appropriate surfacing of all areas indicated for vehicular access and turning area
- 6. No gates/barriers to be erected across the vehicular access from Far Bank
- 7. Re-locating of street lighting column
- 8. Schedule of Landscape maintenance

# **Background Papers:**

Planning application:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f90756

Certificate of Ownership – Certificate A signed

# Agenda Item 24



Originator: Katie Wilson

Tel: 01484 221000

# **Report of the Head of Development Management**

#### **HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

Date: 15-Dec-2016

Subject: Planning Application 2016/90093 Demolition of existing single storey side extension and erection of two storey side extension (within a Conservation Area) 16, Hall Lane, Highburton, Huddersfield, HD8 0QW

#### **APPLICANT**

R Gill

DATE VALID TARGET DATE EXTENSION EXPIRY DATE

22-Mar-2016 17-May-2016

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak. <a href="http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf">http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf</a>

## **LOCATION PLAN**



Map not to scale – for identification purposes only

Electoral Wards Affected:				
Kirkburton				
YES	Ward Members consulted (referred to in report)			

RECOMMENDATION: Grant Conditional Full Permission subject to the delegation of approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by Committee).

## 1.0 INTRODUCTION:

- 1.1 The application is brought to Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Bill Armer on the grounds that 'this extension is a second one on this property, would be overbearing in relation to neighbouring properties leading to loss of residential amenity and is out of keeping with the conservation area'
- 1.2 The Chair of the Sub-Committee has confirmed that Councillor Armer's reason for making this request is valid having regard to the Councillor's Protocol for Planning Sub Committees.

## 2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises a two-storey end terraced dwellinghouse with single storey store attached to the side and single storey front extension. The external walls are predominantly natural stone to the front with white render elsewhere. The roof to the main part of the house is dual pitched, whilst that to the single storey side element is mono-pitched with parapet to the front and sloping down to the back.
- 2.2 The site is located at the end of a short cul-de-sac road from Hall Lane. The rear of the main part of the house backs onto narrow courtyard giving access to neighbouring 2-storey terraced properties at 2 to 8 Hall Lane, and 52 & 53 Slant Gate. The rear of the single storey side element is attached to two small outbuildings, and the side elevation of this element forms part of the boundary with 8, Hall Lane.

2.3 The site is within Highburton Conservation Area, where this particular part is characterised by traditional 2-storey terraced cottages with a mixture of natural stone and white rendered walls in close proximity to each other.

#### 3.0 PROPOSAL:

- 3.1 Full planning permission is sought for demolition of existing single storey side extension and erection of 2-storey side extension (within a Conservation Area).
- 3.2 The proposed extension would replace the existing extension with a slightly reduced footprint (150mm reduced to the side nearest no8), to account for the provision of foundations and rainwater goods. It is designed with a monopitched roof approximately 4.2m to eaves level (30cms above the highest part of the current extension) and overall height adjacent to the existing gable end of approximately 6.0m (same as eaves level to the existing house).
- 3.3 It would provide a kitchen / dining room at ground floor level and one bedroom directly above. There would be window openings at ground and first floor level in the front elevation only.
- 3.4 The external wall materials would be stone and the roof would be surfaced in blue slate, both to match the existing.

#### 4.0 RELEVANT PLANNING HISTORY:

2001/92521 – erection of kitchen / living room extension. Granted conditional full permission.

2010/92233 - erection of extension to the front. Granted conditional full permission.

At 8. Hall Lane:

2009/90586 – Erection of single storey & part 2-storey extension. Granted conditional full permission.

## 5.0 HISTORY OF NEGOTIATIONS:

5.1 The application was initially submitted with a dual pitched roof and side facing gable end design. Following concerns about the massing at first floor level the design was amended to a mono-pitched roof and the eaves level and overall height reduced. It is the amended scheme which is under consideration.

#### 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.

# <u>Kirklees Unitary Development Plan (UDP) Saved Policies 2007:</u>

6.2 D2 – land without notation

BE5 – preserving and enhancing the character conservation areas

BE1 – design principles

BE2 – quality of design

BE13 – extensions to dwellings (design)

BE14 – extensions to dwellings (scale)

## National Planning Guidance:

6.4 National Planning Policy Framework

Chapter 7 - Requiring good design Chapter – Conserving and enhancing the natural environment Chapter 12 – Conserving and enhancing the historic environment

#### 7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Four neighbouring properties have made representations. The main points of concern are summarised as follows:
  - Given its close proximity to neighbouring properties (including 6, Hall Lane and 52, Slant Gate), but particularly the front elevation to 8, Hall Lane (containing door, lounge, staircase and landing windows) and its main access, it will have an overbearing and overshadowing impact which would be prejudicial to residential amenity and contrary to policy BE14 of the UDP.
  - The property at the application site is in a Conservation Area and already has a ground floor extension to the front. The cumulative impact of the existing extension and the proposed extension would no longer leave the original part of the house as the dominant element. The projection of the proposal would also be visible from public spaces, notably the nearby public road. As such it would be contrary to policy BE13 of the UDP.

- There is concern that rain water and snow run-off from the roofs will be shed onto the path at the front of 8, Hall Drive.
- It may have an overlooking impact upon the neighbouring properties.
- It will reduce the value of their property.
- The party wall agreement needs to be observed
- 7.2 The applicant, through an agent, has submitted responses to the representations relating to impact upon 8, Hall Lane. The main points are summarised as follows:
  - The proposed extension would replace an existing with a slightly reduced footprint (approximately 150mm reduction in width to account for foundations and rainwater goods).
  - The highest part of the current extension on the boundary with no8, is 3.95. The proposed extension is designed with lean-to extension to mitigate impacts on no. 8, and is only 30cms above the highest part of the current extension. It is acknowledged that the proposed extension would result in slightly higher mass of walling (1.65m tapering to 0.3m high), however in the existing context of orientation to the north and aspect and purpose of windows in north elevation of no.8, it is not judged to be significant.
  - Although the north elevation of no 8 contains a door to a kitchen, the main elevation quite naturally on the opposite side facing south. This elevation contains all but one of the habitable room windows and doors to hall and dining room, gathering natural day light.
  - The windows on the north elevation (facing the proposed extension) serve non-habitable rooms (landing and bathroom at first floor level and secondary lounge window at ground floor level. These windows currently provide only limited light compared to those on the south facing elevation.
  - In terms of overlooking, the proposed extension would have 2 windows only
    in the front elevation, overlooking amenity space belonging to the applicant.
    The oblique angle towards only a small area of garden to the side of no. 8
    would not result in any significant loss of enjoyment of the wider garden
    which is considerable in size
  - In respect of impact upon Highburton conservation area, the proposed extension will replace an existing extension partially constructed of brick a material not in keeping with the surrounding materials with a reclaimed natural stone and matching timber sash windows.. In addition the proposal will be barely seen from Hall Lane and the wider conservation area.

- With regards to the original building no longer being dominant, the volume of the original house (including brick / stone side area) is 310 cu.m.
   The existing front extension and proposed side extension (subtracting the volume to be demolished) would be 83 cu.m.
   Therefore the proposed extension together with the existing front extension would represent a 27% increase over the size of the original property, which is not considered to result in over dominance.
- 7.3 Kirkburton Parish Council: No comments received

## 8.0 CONSULTATION RESPONSES:

# 8.1 **Statutory:**

None

# 8.2 **Non-statutory:**

**K C Conservation & Design** – In relation to the initially submitted design with gable end, they were concerned about the massing at first floor level in relation to the neighbouring properties. They suggested a mono-pitch with reduced eaves level together with method statements for demolition of existing structure and construction of proposed extension.

**K C Ecologist** – Request condition relating to the provision of a method statement for the avoidance of impacts upon roosting bats during demolition and construction.

## 9.0 MAIN ISSUES

- Principle of development
- Visual amenity including impact upon Conservation Area
- Residential amenity
- Representations
- Other matters

# 10.0 APPRAISAL

## Principle of development

- 10.1 The NPPF provides a presumption in favour of sustainable development.
- 10.2 The site is within Highburton Conservation Area. Section 72 of the (listed Buildings and Conservation Areas) Act (1990)'the Act' requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy BE5 of the Unitary Development Plan together with guidance in Chapters 7 and 12 of the National Planning Policy Framework.

## Impact on Visual Amenity including Highburton Conservation Area

- 10.3 The application site is located at the end of a short cul-de-sac row of 2-storey traditional terraced cottages that are perpendicular to Hall Lane. The front elevations are predominantly natural stone to the front and white render to the rear and side. Several have porches or single storey extensions to the front including that at the application site.
- 10.4 There is a narrow courtyard immediately to the rear associated with an L-shaped row of more traditional 2-storey cottages to the south and west. This part of Highburton Conservation Area is characterised by closely spaced 2-storey terraced cottages with a variety of extensions of various designs including mono and dual pitched roof styles and matching materials.
- 10.5 The proposed extension would be on a slightly reduced footprint of the existing side extension, and is designed with a mono-pitched roof; natural stone walls and a blue slate roof. It is considered by officers that these design features would respect the architectural qualities of the surrounding buildings and their materials of construction. It would also replace an existing extension partly constructed with red brick a material not in keeping with most external materials in the area.
- 10.6 A concern raised in the representations was that the combined impact of the existing front extension and the proposed side extension would no longer leave the original part of the house as the dominant element. In this respect the volume of the original house (including the existing single storey side element) is approximately 310 cu.m and the new front extension together with the proposed side extension (excluding the volume to be demolished) would be around 83 cu m. As a result the proposed extension with the new front extension would represent a 27% increase over the size of the original property and it is considered that this would not be overly dominant.
- 10.7 Another concern raised in representations was that the extension would be clearly visible from public places, namely Hall Lane.

  In this respect, when viewed from Hall Lane, the location of the proposed extension is obscured by other buildings, and although the proposed extension would project approximately 1.2m to the front, much of its appearance from Hall Lane would be blocked by the existing single storey front extension. As such it is considered that it would have very limited, when viewed from public places.
- 10.8 As such it is officers' opinion that the proposal would not prejudice visual amenity, retains a sense of local identity and contributes to the preservation and enhancement of the character Highburton Conservation Area. This is compliant with policies D2, BE1, BE2, BE5 and BE13 of the Unitary Development Plan.

## Residential Amenity

- 10.9 In relation to 8, Hall Lane;
- 10.10 This neighbouring property is a traditional 2-storey end terraced cottage with later extensions to the side and rear. It is located to the south of the application site and accessed from Hall Lane via courtyard to the rear of the application. There is a narrow passage
- 10.11 In terms of overbearing, oppressive and overshadowing impact, currently there is a relatively narrow passage way from the courtyard to kitchen door of 8, Hall Lane, and beyond to its garden. It is enclosed by the 2-storey elevation of 8, Hall Lane and the side elevation of existing single storey element to the house at the application site together with smaller outbuildings attached to the back. As such this space is already quite cramped.
- 10.12 However, the proposed side extension would replace the existing extension with a slightly reduced footprint and fractionally further away. In addition the highest part of the current building is approximately 4.0m and the eaves level of the proposed extension would be around 30cm above this. It is also designed with a mono-pitched roof sloping away from the mutual boundary with 8. Hall Lane.
- 10.13 It is acknowledged that further massing at first floor level will increase the feeling of overbearing when walking in this area and it is a finely balanced judgement. However, the main aspect of 8, Hall Lane is on the opposite side of the house with open aspect to the south and majority of habitable room windows and doors facing in that direction. In addition the house has associated south facing patio and garden area together with raised lawn and garden space to the side which is relatively open aspects to the south and east.
- 10.14 Those windows and doors looking in a northward direction onto the existing passage way are to non-habitable rooms (stairs, landing and bathroom) together with a small ground floor secondary window to lounge. Given this context it is officers' opinion that the additional massing of the proposed extension would have relatively limited additional impact upon residential amenity within the rooms which face northwards
- 10.15 In terms of overshadowing effect given that this passage way is already significantly overshadowed by its own building mass and the proposed extension is to the north, it is considered that there would be very limited, if any additional overshadowing impact.
- 10.16 During the course of the application negotiation has taken place to reduce the overbearing impact by changing the initially proposed gable end to currently proposed mono-pitched roof with lower eaves level so that it is now at the minimum height to allow some usable internal space at first floor level, but removes some massing immediately adjacent to the boundary. In addition the overall height of the proposed extension is well below that of the main part of

- the house. Furthermore, a velux window in the roof slope has been removed, so there is now no overlooking and it is recommended that new openings are controlled by condition.
- 10.17 On balance it is officers' opinion that the level of overbearing, oppressive and overshadowing impact over and above that of the existing side element would not be significantly prejudicial to the residential amenities of the occupiers of 8, Hall Lane.
- 10.18 In relation to 6, Hall Lane;
- 10.19 This neighbouring property is a 2-storey inner terraced cottage to the south east of the proposed extension. Its nearest elevation is north facing and at right angles to the proposed extension, looking directly onto a courtyard at the back of the application site.
- 10.20 In terms of overbearing and overshadowing impact, there would be a separation distance of around 5.0m between the nearest corner of 6, Hall Lane and the rear elevation of the proposed extension. Whilst there is potential for the increased massing at first floor level to make the external area directly outside the northern elevation of 6, Hall Drive feel more enclosed, it is thought that the impact upon the internal rooms of this neighbouring property would be minimal, if at all. In addition, over and above the existing circumstances at the site, it is thought that there would be limited overbearing and overshadowing effect.
- 10.21 There would be no openings in the rear or side elevation of the proposed extension and again new openings could be controlled by condition. In these circumstances there would be no invasion of privacy.
- 10.22 In relation to 52, Slant Gate:
- 10.23 This is a 2-storey inner terraced cottage located to the west of the application site. Its nearest elevation faces eastward and onto the rear elevation of the proposed extension, with courtyard and small outbuilding in between and a separation distance of around 1.0m
- 10.24 The external space directly infront of the east elevation of this property is already significantly enclosed and overshadowed by the neighbouring properties. In officers' opinion the additional massing at first floor level will have some additional such effect, but over and above the existing circumstances, it is considered that the impact would be relatively limited.
- 10.25 Again as there are no openings proposed in the rear elevation of the proposed extension, and new openings could be controlled by condition, there will be no invasion of privacy.

# Representations

- 10.26 To date the occupants of 4 neighbouring properties have made representations. The main points of concern being:
- 10.27 Given its close proximity to neighbouring properties (including 6, Hall Lane and 52, Slant Gate), but particularly the front elevation to 8, Hall Lane (containing door, lounge, staircase and landing windows) and its main access, it will have an overbearing and overshadowing impact which would be prejudicial to residential amenity and contrary to policy BE14 of the UDP.

Response: These issues are addressed above in 10.10 to 10.12

10.28 The property at the application site is in a Conservation Area and already has a ground floor extension to the front. The cumulative impact of the existing extension and the proposed extension would no longer leave the original part of the house as the dominant element. The projection of the proposal would also be visible from public spaces, notably the nearby public road. As such it would be contrary to policy BE13 of the UDP.

Response: These issues are addressed above in points 10.4 to 10.9

10.29 There is concern that rain water and snow run-off from the roofs will be shed onto the path at the front of 8, Hall Drive.

**Response:** There is an existing structure in this location. As such, it is not anticipated that the proposed development would result in increased run-off from the site.

10.30 It may have an overlooking impact upon the neighbouring properties. **Response:** This issue is addressed above in points 10.10 to 10.12

10.31 It will reduce the value of their property.

**Response**: This is not a material planning matter.

10.32 The party wall agreement needs to be observed

Response: This is separate from the planning regulation and is a civil matter.

#### Other Matters

10.33 Impact upon bats: The application site is in a bat alert area. Whilst the existing building has low bat roost potential it is considered prudent to condition a method statement for the avoidance of impacts to roosting bats during demolition and construction to be submitted to and approved in writing by the local planning authority.

- 10.34 <u>Demolition of existing building and construction of proposed extension</u>: A statement accompanying the application states that the rear and side walls of the existing structure will be demolished course by course, with all debris falling into the building. The rear wall will be demolished until the roof of the outbuildings in reached, then only the inner leaf of the wall will be removed and the outer leaf to be back pointed.
- 10.35 The new wall to the extension will be built up to the retained leaf, with the wall foundation taken below and under the existing foundation.
- 10.36 After erection of the new wall, additional slates will be fitted over the retained masonry, and lead flashing installed with a minimum 150mm upstand and cavity tray d.p.c over. The side wall of the proposed extension will be set in from the ownership boundary, to allow for the foundation below ground, and the gutter to the extension not to encroach on the adjacent property.
- 10.37 If permission cannot be obtained to build the wall from the outside, then the side wall will be built over hand.

## 11.0 CONCLUSION

- 11.1 It is acknowledged that this is a finely balanced recommendation, however the design of the proposed extension is considered acceptable in terms of visual amenity and impact on Highburton Conservation Area. Whilst the extra massing at first floor level has potential to have some additional impact upon residential amenity of the neighbouring properties, it is considered that over and above the current circumstances this would be relatively limited. Furthermore, negotiations have taken place to reduce the massing at first floor level to that currently being considered.
- 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. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore, on balance, recommended for approval.
- 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

It is proposed that the following planning conditions would be included should planning permission be granted:

- 1. Time limit for implementation (3 years).
- 2. Development carried out in accordance with the plans and specifications.
- 3. Removal of permitted development rights for new openings in the side or rear elevations.
- 4. Provision of a bat method statement.

# **Background Papers:**

Application and history files.

Current application 2016/90093:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f90093

Certificate of Ownership – Certificate B serving notice on the following addresses:

- 11 Matthew Scholey, 10 Hall Lane
- 12 Vanessa Turner, 12 Hall Lane
- 13 Janine Tazazi, 14 Hall Lane
- 14 The owner, 4 Hall Lane
- 15 The owner, 6 Hall Lane
- 16 The owner, 8 Hall Lane

# Agenda Item 25



Originator: Rebecca Drake

Tel: 01484 221000

# **Report of the Head of Development Management**

#### **HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

Date: 15-Dec-2016

Subject: Planning Application 2016/93056 Change of use of land to cemetery and formation of access road Land adj, Liversedge Cemetery, Clough Lane, Hightown, Liversedge

#### **APPLICANT**

Sarah Durdin, Kirklees Bereavement Services

DATE VALID TARGET DATE EXTENSION EXPIRY DATE

30-Aug-2016 25-Oct-2016

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak. <a href="http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf">http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf</a>

#### **LOCATION PLAN**



Map not to scale – for identification purposes only

Electoral Wards Affected:		
Liversedge and Gomersal Ward		
No	Ward Members consulted	

#### **RECOMMENDATION:**

Grant Full planning permission under Regulation 4 The Town and Country Planning General Regulations 1992 subject to the delegation of approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by Committee).

#### 1.0 INTRODUCTION:

1.1 The application is brought before the Heavy Woollen Planning Sub Committee due to the site area exceeding 0.5ha. This is in accordance with the Council's Scheme of Delegation.

#### 2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises vacant greenfield located immediately to the east of Liversedge Cemetery. The site is bounded by Clough Lane to the east and contains vegetation and some post and rail fencing fronting the road. A dry stone wall forms the western boundary treatment; this wall separates the application site from the existing cemetery. The site slopes gently down to the north. To the north east of the application site lies the nearest residential property, Triangle Farm, which is positioned on the opposite side of Clough Lane. There is an area of woodland to the south of the site which is out of the remit of this application. The site is surrounded by open fields to the south and east. The site has an area of 7, 777 sgm/ 0.77ha.

#### 3.0 PROPOSAL:

3.1 The application proposes the change of use of the land to cemetery which would be associated with the existing cemetery adjacent the application site. The land would be used for natural burials, which incorporate burial plots with informal tree/shrub/bulb planting. A new vehicular access is proposed from Clough Lane, which would be temporary and provide only hearse and maintenance access into the site. The proposal is to break through the wall forming the western boundary of the site which would allow the new road to connect to the existing road in the adjacent cemetery. The existing hedgerow

would be replaced by new trees in a set-back position to provide adequate sightlines for this access. The site would contain a new gravel footpath and pedestrian access also from Clough Lane leading to a small gathering area within the site.

3.2 It is estimated that the proposal will create approximately 1000 natural burial plots and provide for roughly 20 years provision contributing towards a district need for burial grounds.

#### 4.0 RELEVANT PLANNING HISTORY:

4.1 No relevant planning history on the site.

# 5.0 HISTORY OF NEGOTIATIONS:

5.1 No revisions considered necessary to be sought during the course of 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 Policies 2007) remains the statutory Development Plan for Kirklees

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

- 6.2 The following policies are considered relevant to the determination of the application:
  - **BE1** Design Principles
  - **BE2** New Development Design
  - **BE23** Crime Prevention
  - **EP6** Development and Noise
  - **NE9** Retention of Mature Trees
  - **T10** Highway Safety
  - T19 Parking Standards

# Supplementary Planning Guidance / Documents:

#### 6.3 None

# National Planning Guidance:

- 6.4 National Planning Policy Framework.
  - Chapter 7: Requiring good design
  - Chapter 9: Protecting Green Belt land
  - Chapter 10: Meeting the challenge of climate change, flooding and coastal change
  - Chapter 11: Conserving and enhancing the natural environment

#### 7.0 PUBLIC/LOCAL RESPONSE:

7.1 No comments received

#### 8.0 CONSULTATION RESPONSES:

#### 8.1 **Statutory:**

<u>The Coal Authority:</u> No objection subject to the inclusion of an informative note on the decision notice

The Environment Agency: No objection, comments made

# 8.2 **Non-statutory:**

KC Highways Development Management: no objection subject to conditions

KC Environmental Services: no objection

KC Strategic Drainage: no comments

KC Ecology: no objection

KC Arboricultural officer (informal): no objection

KC Police Architectural Officer (informal): no objection

#### 9.0 MAIN ISSUES

- Principle of development
- Residential amenity
- Visual amenity
- Highway issues
- Contamination

- Ecology and Trees
- Drainage issues
- Representations

#### 10.0 APPRAISAL

#### Principle of development

- 10.1 The application proposes the change of use of vacant greenfield land adjacent Liversedge Cemetery to a natural burial ground associated with the existing cemetery. The site is designated as green belt in the Kirklees Unitary Development Plan.
- 10.2 As a consequence of the Court of Appeal's judgment (Timmins and Lymn Family Funeral Service v. Gedling Borough Council and Westerleigh Group Limited, 22<sup>nd</sup> January 2015) this application must be considered as proposing a form of development that is inappropriate in Green Belt. This is because the application proposes a material change of use of land in the Green Belt to one not falling within the provisions of NPPF Paragraphs 89 and 90. It is therefore by definition harmful to the Green Belt and should not be approved except in very special circumstances. Moreover NPPF Paragraph 88 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 10.3 Notwithstanding, in this instance, it is considered that the potential harm arising from this proposal by reason of inappropriateness is clearly outweighed by other considerations which individually and cumulatively are considered to constitute very special circumstances, particularly when set against the substantial weight that can be attached to the harm in question.
- 10.4 Paragraph 81 of the NPPF also places an obligation on local planning authorities to plan positively to enhance the beneficial use of the Green Belt in four ways:
  - i) to look for opportunities to provide access;
  - ii) to provide opportunities for outdoor sport and recreation;
  - iii) to retain and enhance landscapes, visual amenity and biodiversity; and
  - iv) to improve damaged and derelict land.
- 10.5 Fulfilment of these obligations will normally involve a change of use amounting to development for which planning consent is required. Hence, it could be argued in support of this proposal that development in the form of a material change of use of land to a cemetery is appropriate, as the NPPF cannot have intended to categorise as inappropriate a form of development that will satisfy the requirements of Paragraph 81 with regard to landscape, visual amenity and biodiversity. Nevertheless the other considerations that are considered to constitute very special circumstances for justifying this proposal are set out below:

- 1. The proposed change of use of the land to cemetery is considered to enhance biodiversity, visual amenity and landscaping through the incorporation of appropriate landscaping both surrounding and within the site. Whilst the existing trees along the eastern boundary would be removed, these are considered to be of low arboricultural value and would be replaced by a higher number of new trees to offset this loss. This will enhance local visual amenity and biodiversity as well as providing dense screening to the site once matured. In addition to this, the site has been reviewed by the Council's Ecologist who has confirmed that it comprises low value grassland habitat at present and local biodiversity will be enhanced due to the planting of additional vegetation, trees and bulbs which are inherent to natural burial grounds. This in turn is considered by the Council's Ecologist as an opportunity enhance biodiversity and wildlife networks across the site and in surrounding area. In the context of the above, the proposed change of use of land to cemetery in this green belt location is considered to satisfy the requirements of Paragraph 81 with regard to landscape, visual amenity and biodiversity. This in itself is considered to constitute a very special circumstance for permitting the proposed change of use within the green belt. In the context of the above, the application is considered to bring about several benefits in terms of visual amenity, landscaping and biodiversity; the substantialness of which is considered to outweigh the harm to the green belt by reason of inappropriateness.
- 2. As set out in the supporting information which accompanies the application, there is a distinct district-wide need to explore alternative methods to burial, with many of the traditional cemeteries nearing capacity. At present, there is no provision for this type of facility within the vicinity of the site. As such, the provision of additional burial space for this alternative method of burial is considered to be of a significant community benefit and helps to meet a district wide need of burial provision for a range of faith groups; the substantialness of which is considered to outweigh the harm to the green belt by reason of inappropriateness. This is considered to constitute a very special circumstance for permitting the proposed change of use within the green belt.
- 10.6 Further to this, whilst under the wording of the NPPF, a cemetery is considered as inappropriate development, which is, by definition, harmful to the Green Belt, the degree of substantial weight that can be attached to the potential Green Belt harm arising from this change of use to cemetery must be questioned. Whilst proposed works include the provision of a temporary road, gravel footpath and gathering area, these are considered necessary for the proper functioning of the site as a cemetery and appropriate in scale relative to the site size. The main cemetery facilities such as the chapel and the principle public access already exist in the adjacent site and would be retained in their existing location. As described above, the incorporation of vegetation, trees and bulbs softens the impact of the proposed use and will enhance visual amenity and biodiversity throughout the site. The proposed access road would be temporary, providing hearse and maintenance access.

The footpath would be covered in gravel; the choice of this treatment is considered to further soften the impact of the works.

10.7 In summary, whilst it is acknowledged that under the NPPF a cemetery is inappropriate development which is, by definition, harmful to the green belt, in this instance, it is considered that the scheme will preserve openness and bring about benefits in terms of landscape, biodiversity, visual amenity and alternative burial provision which constitute very special circumstances. As such, the principle of the change of use of the land to cemetery can be, in this instance, considered appropriate in this green belt location and in accordance with the aims of the NPPF.

## Residential Amenity

- 10.8 The closest residential property is Triangle Farm which is located to the north east of the development site. The impact on the amenity of this occupant is considered to be limited in terms of noise and disturbance. Considering the presence of the existing cemetery and that the main facilities would remain located in this area, there would be little impact on the amenity of these residents above and beyond the existing situation. The access road would be for hearse use and maintenance only and gated. This limits disturbance in terms of additional vehicular movements. The proposed footpath through the site is not considered to result in a detrimental impact on the residential amenity of these occupants. KC Environmental Health has been consulted on the application and raise no concerns regarding any potential noise impact.
- 10.9 As such, the application is considered to be acceptable in terms of residential amenity and compliant with Policies BE1 and EP6 of the Kirklees UDP.

## Visual amenity

- 10.10 The proposed development would have an acceptable impact on visual amenity. The proposed site layout demonstrates that trees/vegetation would be located along the site boundary along Clough Lane, albeit set back in order to provide appropriate sightlines for the access. This planting would assist in screening the proposed cemetery area and retaining the rural character of this section of Clough Lane. The details of the proposed fencing along this boundary can be secured by condition.
- 10.11 Due to the proposed space being used for natural burials, the access road would be temporary and used for hearse access and maintenance purposes. As described in the above section, the footpath surface treatment would be gravel which would assist in softening the impact of the hardstanding area. Natural burials do not involve the use of traditional headstones and result in the creation of a natural landscaped area one fully occupied. As such, there would be limited impact from use of this. The gathering area would be located towards the centre of the site and be small in scale. A key element of natural burial sites is to incorporate vegetation with burial plots. Once this matured, this too will soften the appearance of the site.

- 10.12 It is understood that the existing dry stone wall along the western boundary would be retained, except for where the link to the existing access would be formed. The creation of the gated access from Clough Lane would preserve the visual amenity of the area.
- 10.13 In summary, the application is considered to have an acceptable impact in terms of visual amenity and is compliment with Policies BE1 and BE2 of the Kirklees UDP.

## Highway issues

10.14 A new access is proposed directly onto Clough Lane. KC Highways DM has reviewed the application and confirmed that Clough Lane is an adopted road and that sightlines from the proposed access are good in both directions. This would be temporary then allowed to grass over once the site is full. With regard to the internal layout, Highways DM consider that, as the new access road would be for hearse and maintenance use only, this should not result in a significant increase in traffic volume and is considered acceptable from a highways perspective. A condition is required relating to the surfacing and draining of areas.

#### Contamination

- 10.15 The Coal Authority has been consulted on the application and confirm that the site falls within a Development High Risk Area. Their records indicate that within the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals. The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth.
- 10.16 No Coal Mining Risk Assessment has been submitted alongside the application, however, in this instance, The Coal Authority does not consider that requiring a CMRA would be proportionate to the scale and nature of the development proposed and do not object. However, in the interest of public safety they recommend that an informative note is added to the decision notice.
- 10.17 The Environment Agency has been consulted on the application and raise no objection. They have provided comments which relate to groundwater protection and the creation of a Hydrogeological Risk Assessment. This will be added to be decision notice as informative comments for the developer to be aware of. No specific conditions are requested.
- 10.18 Environmental Health has also been consulted and they do not consider that the application would result in any significant impact to health.

10.19 In summary, with the inclusion of the recommended informative notes in the decision notice, the application would have an acceptable impact in terms of land and water contamination; no objections have been received from The Coal Authority, The Environment Agency and Environmental Health.

# **Ecology and Trees**

- 10.20 The application site has been inspected by the Council's Ecologist, who has confirmed that the land comprises low value grassland habitat at present. The Ecologist has no objections to the proposal and considers that it presents an opportunity for local biodiversity enhancements through the proposed additional vegetation that would be incorporated into the site.
- 10.21 The application has been reviewed by the Council's Arboricultural Officer who has concluded that the proposed would not result in a significant adverse impact on trees within the site. The removal of the existing trees along the site frontage and replacement with new trees in a set-back position is considered as an enhancement to the application site. As such, the application is considered to be in accordance with the general aims of the Policy NE9.

#### Drainage issues

10.22 The application has been reviewed by KC Strategic Drainage. They state that they have no comments to make on this application.

#### Representations

10.23 None received

# 11.0 CONCLUSION

- 11.1 The proposal would constitute inappropriate development within the Green Belt. However, as set out in this assessment, 'very special circumstances' are considered to exist. In addition, the proposal is considered acceptable from a visual and residential amenity perspective and it is not considered that the proposed development would result in any harm to 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. 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)

It is proposals that the following conditions would be included should planning permission be granted:

- 1. Time limit for implementation (3 years)
- 2. Development carried out in accordance with the plans and specifications
- 3. Areas to be surfaced and drained

Informative notes from the Coal Authority and the Environment Agency

# **Background Papers:**

Application and history files.

Website link to the application details:

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93056

Certificate of Ownership – Certificate A signed 30 August 2016.

# Agenda Item 26



Originator: Rebecca Drake

Tel: 01484 221000

# **Report of the Head of Development Management**

#### **HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

Date: 15-Dec-2016

Subject: Planning Application 2016/93198 Change of use of vacant land to burial ground (within a Conservation Area) Batley Cemetery, Cemetery Road,

Batley, WF17 8PG

#### **APPLICANT**

Kirklees Council, Landscape Architects

DATE VALID

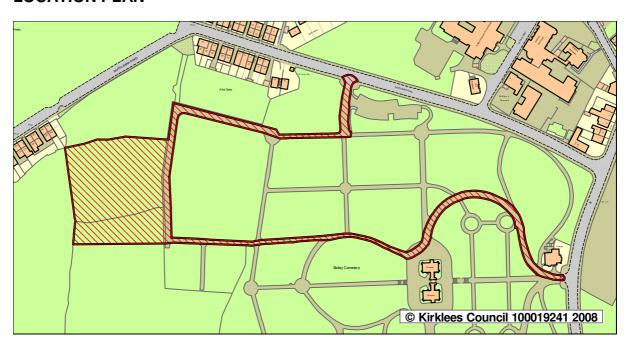
**TARGET DATE** 

**EXTENSION EXPIRY DATE** 

28-Sep-2016 23-Nov-2016

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak. <a href="http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf">http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf</a>

#### **LOCATION PLAN**



Map not to scale - for identification purposes only

Electoral Wards Affected:		
Batley West Ward		
N	Ward Members consulted	

#### **RECOMMENDATION:**

Grant Full planning permission under Regulation 4 The Town and Country Planning General Regulations 1992 subject to the delegation of approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by Committee).

#### 1.0 INTRODUCTION:

1.1 The application is brought before the Heavy Woollen Planning Sub Committee due to the site area exceeding 0.5ha. This is in accordance with the Council's Scheme of Delegation.

#### 2.0 SITE AND SURROUNDINGS:

2.1 The application site is located to the west of the existing cemetery. Part of the application site and the land to the north are currently undeveloped and are used for the storage of excess material from burial plots. To the south and east, the land is bounded by the existing cemetery and to the west by undeveloped land. The closest residential properties are those located on North Bank Road, located to the north west of the application site. The site is connected by the existing cemetery access road which runs to the east of the land. The application site lies within the Cross Bank, Batley Conservation Area. The site has an area of 9,537sqm/ 0.95ha.

#### 3.0 PROPOSAL:

3.1 The proposal is to change the use of the land to burial ground which would represent an addition to Batley cemetery. The submitted plans indicate that the northern two thirds of the land would be used as a Muslim burial ground and the southern third of the site would be used for Christian burials. The land would be regraded in order to provide an even fall and the area would be reseded. The plans demonstrate that several trees would be planted largely around the perimeter of the site. The land to the north of the site, which is

outside of the realms of this application, would be retained as land for spoil. New lay-by sections would be created adjoining the existing roadway to the east of the site. In total, the plans have the potential of creating around 850 burial spaces for Batley cemetery.

#### 4.0 RELEVANT PLANNING HISTORY:

4.1 2006/90294 - Change of use of land to cemetery and provision of access roads - approved

#### 5.0 HISTORY OF NEGOTIATIONS:

5.1 No revisions considered necessary to be sought during the course of 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 will be published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

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

- 6.2 The following policies are considered relevant to the determination of the application:
  - **BE1** Design Principles
  - **BE2** New Development Design
  - **BE5** Development within Conservation Areas
  - **BE23** Crime Prevention
  - **EP6** Development and Noise
  - **NE9** Retention of Mature Trees
  - **T10** Highway Safety
  - T19 Parking Standards

# Supplementary Planning Guidance / Documents:

#### 6.3 None

# National Planning Guidance:

- 6.4 National Planning Policy Framework.
  - Chapter 7: Requiring good design
  - Chapter 8: Promoting healthy communities
  - Chapter 10: Meeting the challenge of climate change, flooding and coastal change
  - Chapter 11: Conserving and enhancing the natural environment
  - Chapter 12: Preserving and enhancing the Historic environment

#### 7.0 PUBLIC/LOCAL RESPONSE:

7.1 No comments received

# 8.0 CONSULTATION RESPONSES:

# 8.1 **Statutory:**

**The Coal Authority:** No objection subject to the inclusion of an informative note on the decision notice

The Environment Agency: No objection, comments made

KC Highways Development Management: no objection subject to conditions

# 8.2 Non-statutory:

KC Environmental Services: no objection

**KC Strategic Drainage:** no objection subject to a condition

KC Ecology: no objection

KC Arboricultural officer (informal): no objection

KC Police Architectural Liaison Officer (informal): no objection

# 9.0 MAIN ISSUES

- Principle of development
- Residential amenity
- Visual amenity
- Highway issues

- Contamination
- Ecology and Trees
- Drainage issues
- Representations

#### 10.0 APPRAISAL

## Principle of development

- 10.1 The proposal comprises the change of use of land to cemetery which would form a large extension to the existing Batley cemetery. The site is allocated as Urban Greenspace on the Kirklees UDP. As such, Policy D3 of the Kirklees UDP is of relevance in determining this application. This policy allows for the grant of planning permission on land defined as urban greenspace if it is necessary for the continuation or enhancement of an established use given that the proposed development will protect visual amenity, wildlife value and opportunities for sport and recreation. The impact on visual amenity and biodiversity is considered acceptable and is addressed in detail within the proceeding sections of this report. The land is currently vacant and used for storing spoil from the excavation of burial plots in the adjoining cemetery. As such, opportunities for sport and recreation would not be compromised by the permitting of this development.
- 10.2 Looking to national policy guidance, whilst the proposed development does not fit comfortably within the provisions of Paragraph 74 of the NPPF, Paragraph 70 is relevant. This states that planning decisions should ensure that established facilities are able to develop and modernise in a way that is sustainable and retained for the benefit of the community. As the application would result in the creation of additional burial space adjacent to an existing cemetery at a time of district-wide need, it is considered to be an appropriate use of the land and would ensure that it is retained for the benefit of the community.
- 10.3 In addition to this, the site is within the Cross Bank, Batley Conservation Area. Section 72 of the Listed Buildings and Conservation Areas Act (1990) requires special attention to be paid to the preserving or enhancing the appearance or character of the Conservation Area. This is reflected within Policy BE5 of the UDP together with guidance in Chapter 12 of the NPPF. The impact on the character of the conservation area is assessed in a proceeding section of the report.
- 10.4 It is also acknowledged that a previous application was permitted in 2006 for the change of the use of the land to cemetery and the formation of access roads, which was approved. This application comprises a lesser area and a different layout to that previously approved.
- 10.5 In summary, the principle of the change of use of this land to cemetery is considered acceptable subject to an assessment of other material considerations, which follows below.

#### Residential Amenity

- 10.6 The closest residential properties are located on North Bank Road to the north west of the development site. The impact on the amenity of these occupants is considered to be limited in terms of noise and disturbance. Considering the presence of the existing cemetery and that the main facilities would remain located in this area, there would be little impact on the amenity of these residents above and beyond existing. The access and parking arrangements would remain unchanged through this application with the exception of the creation of new lay-bys off the existing cemetery access road.
- 10.7 KC Environmental Health has been consulted on the application and raises no concerns regarding the change of use of this section of land. They have requested that a footnote is added to the decision notice recommending working time in order to limit disturbance to the nearby residents.
- 10.8 As such, the application is considered to be acceptable in terms of residential amenity and compliant with Policies BE1 and EP6 of the Kirklees UDP, as well as the aims of chapter 11 of the NPPF.

# Visual amenity and heritage issues

- 10.9 The impact that the proposed development would have on visual amenity is considered to be minimal. The area is immediately adjacent to the existing cemetery and is currently used for storing spoil resulting from the excavation of burial plots. It is considered to be of the same character as the adjacent land and would appear as a natural expansion of the existing cemetery. The submitted plans indicate that several trees would be planted within the site as a part of the proposal; it is considered that this would enhance local visual amenity.
- 10.10 As the site lies within the Cross Bank, Batley conservation area, the Council's Conservation and Design team has reviewed the proposal. They comment that the proposed change of use of the land to cemetery would not cause undue harm to the special character of the conservation area, which is characterised by the spacious grounds of the cemetery as well as a mix of large industrial mills. The proposal will have a neutral impacts on the Character or Appearance of this part of the Conservation Area.
- 10.11 In summary, the application is considered to have an acceptable impact on visual amenity and heritage, compliant with Policies BE1, BE2 and BE5 of the Kirklees UDP, as well as the aims of chapters 7 and 12 of the NPPF.

# Highway issues

10.12 KC Highways DM has been consulted on the application. They note that there are a number of existing access points from the current site leading onto Cemetery Road and North Bank Road. Sightlines from both these access points are considered to be good in both directions. KC Highways DM

- do not anticipate that an increase in traffic generation to result from the proposed development.
- 10.13 In summary, the application is considered to be acceptable in terms of highway safety and compliant with the aims of T10 of the UDP.

## Contamination

- 10.14 The Coal Authority has been consulted on the application and confirms that the site falls within a Development High Risk Area. Their records indicate that within the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals. The Coal Authority records indicate that the site has/is likely to have been subject to past coal mining activities, which would include unrecorded probable shallow coal workings in the associated thick coal outcrop and mine entry to the north of the north-west corner of the new area.
- 10.15 No Coal Mining Risk Assessment has been submitted alongside the application, however, in this instance, The Coal Authority does not require a CMRA to be submitted for consideration due to the nature of the development proposed and do not object. However, in the interest of public safety they recommend that an informative note is added to the decision notice.
- 10.16 The Environment Agency has been consulted on the application and raise no objection. They have provided comments which relate to groundwater protection. This will be added to be decision notice as informative comments for the developer to be aware of. No specific conditions are requested.
- 10.17 Environmental Health has also been consulted and they do not consider that the application would result in any significant impact to health.
- 10.18 In summary, with the inclusion of the recommended informative notes in the decision notice, the application would have an acceptable impact in terms of land and water contamination; no objections have been received from The Coal Authority, The Environment Agency and Environmental Health.

#### Ecology and Trees

- 10.19 The application site has been inspected by the Council's Ecologist, who raises no objection to the proposed change of use. The Ecologist considers that the land is semi-improved neutral grassland and is not considered to be ecologically significant. No objection is raised on ecology grounds.
- 10.20 The application has also been reviewed by the Council's Arboricultural Officer who raises no concerns regarding the proposed development. There are no trees within the red line boundary and the proposal to plant trees/vegetation largely around the perimeter of the site is supported. The application is considered to be in accordance with the aims of Policy NE9 of the Kirklees UDP.

#### Drainage issues

10.21 The application has been reviewed by KC Strategic Drainage. The submitted information states that the site will be drained to soakaways. Strategic Drainage raises no objection to the proposed development subject to a condition being added to the decision notice. This will require a scheme to the submitted demonstrating an adequately designed soakaway. This will be added in the interests of satisfactory and sustainable drainage in accordance with Policy D2 of the Kirklees UDP and the guidance contained within the NPPF.

## Representations

10.22 None received.

#### 11.0 CONCLUSION

- 11.1 The proposal would represent an extension to the existing cemetery which is considered acceptable in principle. The proposal would not result in undue harm being caused to either visual or residential amenity nor would it impact on the setting of the conservation area. It would have an acceptable impact on highway safety, biodiversity and trees.
- 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. 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)

It is proposed that the following planning conditions would be included should planning permission be granted:

- 1. Time limit for implementation
- 2. Development carried out in accordance with the plans and specifications
- 3. Drainage pre-commencement condition relating to the submission and approval of a soakaway scheme

# **Background Papers:**

Application and history files.

Website link to the application details:

 $\frac{http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016\%2f93198$ 

Certificate of Ownership – Certificate A signed 15 September 2016.



# Agenda Item 27



Originator: Jennie Booth

Tel: 01484 221000

# **Report of the Head of Development Management**

#### **HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

Date: 15-Dec-2016

Subject: Planning Application 2016/93272 Erection of single storey rear extension with balcony over 677, Huddersfield Road, Ravensthorpe,

Dewsbury, WF13 3LD

#### **APPLICANT**

Mrs N Hussain

DATE VALID TARGET DATE EXTENSION EXPIRY DATE

12-Oct-2016 07-Dec-2016

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak. <a href="http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf">http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf</a>

#### **LOCATION PLAN**



Map not to scale - for identification purposes only

Electoral Wards Affected:			
DEWSBURY WEST			
NO	Ward Members consulted		

#### **RECOMMENDATION:**

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

#### 1.0 INTRODUCTION:

- 1.1 The application is reported to the Heavy Woollen Planning Sub-Committee as the applicant is Councillor Mumtaz Hussain. This is in accordance with the Council's Scheme of Delegation.
- 1.2 The design, scale and detailing of the extension to the rear with the balcony over is not considered to be harmful in terms of visual or residential amenity. As such, it is considered by officers that the scheme complies with Policies D2, BE1, BE13 and BE14 of the Kirklees Unitary Development Plan and the aims of chapter 7 of the National Planning Policy Framework.

#### 2.0 SITE AND SURROUNDINGS:

- 2.1 The application site, no.677 Huddersfield Road, Ravensthorpe is a mixed use premises with a retail element on the ground floor to the road side of the building and a residential use for the rest of the property. The building itself fronts both Huddersfield Road and Charles Street with a courtyard area to the rear accessed through a passageway on Charles Street. Within the courtyard, which is in the ownership of the applicant, there is a large outbuilding and the area is paved between the main building and the outbuilding. The residential element has an existing two storey extension across part of the width of the dwelling. The submitted red line also includes 2 Charles Street which is a back to back property within the ownership of the applicant and it is intended to incorporate 2 Charles Street into the living arrangements of 677 Huddersfield Road.
- 2.2 There are other business/retail premises on the opposite corner of Charles Street and on Huddersfield Road. The adjoining property to the side and the

buildings on the other side of the passageway are residential properties. There are workshops to the rear of the courtyard on the other side of the outbuilding.

#### 3.0 PROPOSAL:

3.1 The applicant is seeking permission for a single storey extension to the rear of the combined property. The extension is proposed to project 3m from the original rear wall of the property and a balcony would be formed over with brick built walls and obscure glazed screening. The walls of the extension would be constructed using brick to match the existing.

#### 4.0 RELEVANT PLANNING HISTORY:

4.1 2006/92233 – alterations to vacant public house to form shop and two storey extension to living quarters – approved by committee 10/08/2006

#### 5.0 HISTORY OF NEGOTIATIONS:

5.1 None

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

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

6.2 **D2** – Unallocated land

**BE1** – Design principles

**BE13** – Extensions to dwellings (design principles)

**BE14** – Extensions to dwellings (scale)

**T10** – Highway Safety

T19 - Parking

# Supplementary Planning Guidance / Documents:

## 6.3 None

National Planning Guidance:

6.4 National Planning Policy Framework.

Chapter 7 – Requiring good design

#### 7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised with a site notice and neighbour letters which expired 09/11/2016.
- 7.2 No representations have been received.

#### 8.0 CONSULTATION RESPONSES:

# 8.1 **Statutory:**

None necessary

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

None necessary

#### 9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Other matters
- Proposed conditions

# 10.0 APPRAISAL

#### Principle of development

10.1 The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

These issues along with other policy considerations will be addressed below.

#### Visual Amenity

- 10.2 The properties on Huddersfield Road are a mix of residential properties and business/retail premises with some variety in terms of design, age and style. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.3 The scale of the extension is considered to be modest with its single storey nature and its limited projection. The materials proposed would be to match the host property and the neighbouring dwellings. The detailing of the windows would be similar to the existing openings. Although the scheme does include a balcony over, which would represent an unusual feature in the area, the views of this element would be limited. Therefore, the proposal is considered, by officers, to be acceptable in terms of visual amenity.
- 10.4 Having taken the above into account, the proposed extension and balcony would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2, BE1, BE13 and BE14 of the UDP and the aims of chapter 7 of the NPPF.

#### Residential Amenity

- 10.5 The neighbouring properties on Charles Street have no amenity space to the rear and have limited openings on their rear elevations none of which are habitable rooms. In light of the above, it is the opinion of officers that the proposed extension and balcony have no potential to cause harm to the amenities of the occupiers of the neighbouring 4 & 6 Charles Street.
- 10.6 The adjoining neighbour, 683 Huddersfield Road does occupy a position further back with a 1m difference between the rear elevations of the neighbour and the host property. Furthermore, the neighbour occupies an elevated position relative to the host property. Given the relationship between the dwellings together with the single storey nature of the extension, it is considered that there would be no significant harm caused to the amenities of the adjoining neighbour. The balcony does include obscure glazed screening which would reduce the potential for overshadowing when considered with the limited 2m projection past the neighbours rear elevation. The proposed obscure screening would prevent any loss of privacy to these neighbouring occupants.
- 10.7 There are no dwellings directly to the rear which could be affected by the proposed extension and balcony.
- 10.8 Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies D2, BE1 and BE14 of the UDP.

#### Highway issues

10.9 The proposals would result in some intensification of the domestic use. However the parking area within courtyard of the property does have the capacity to host more than 3 vehicles off road. This is considered to be a sufficient provision and therefore the scheme would not represent any additional harm in terms of highway safety, complying with policies D2, T10 and T19 of the UDP.

#### Other Matters

10.10 There are no other matters considered relevant for consideration.

## Proposed conditions

- 10.11 Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.
- 10.12 Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.
- 10.13 Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

#### 11.0 CONCLUSION

- 11.1 This application to erect a single storey extension with a balcony over to the rear of 677 Huddersfield Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered to be acceptable.
- 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 As set out above, 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)

It is proposed that the following planning conditions would be included should planning permission be granted:

- 1. Time limit 3 years
- 2. Plans to be approved
- 3. Wall and roofing materials to match the existing building

# **Background Papers:**

Application and history files.

# Planning application:

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93272

#### History file:

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2006%2f92233

Certificate of Ownership – Certificate A signed 26 September 2016



# Agenda Annex

# KIRKLEES METROPOLITAN COUNCIL

#### PLANNING SERVICE

# UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA) 15 DECEMBER 2016

Planning Application 2015/90020

Item 16 - Page 39

Demolition of existing hotel and erection of 15 dwellings

The Whitcliffe Hotel, Prospect Road, Cleckheaton, BD19 3HD

10.0 APPRAISAL

Planning Obligations (Pages 54 and 55)

Paragraph 10.48 on pages 54 of the agenda sets out that further information was awaited in relation to the Viability Appraisal. The further information has now been submitted by the applicant and has been independently assessed.

The contributions in question relate to:

- £40,250.000 (off-site Public Open Space)
- £7,126.25 (Metro Cards) (equates to £475.08 per dwelling) Total:- £47,376.25

The viability exercise that has been undertaken shows a very borderline situation when taking into account the development costs. The independent appraiser has therefore suggested that the Council should consider a negotiated position. In light of this, negotiations are on-going with the applicant and this remains reflected in the recommendation set out on page 40 of the agenda.

Planning Application 2015/93261

Item 17 – Page 59

Demolition of existing buildings and outline application for erection of residential development (15 dwellings)

Connection Seating Limited, Dogley Mills, Penistone Road, Fenay Bridge, Huddersfield, HD8 0NQ

10.0 APPRAISAL

**Layout Considerations (Page 69)** 

As set out in paragraph 10.29 on page 68 of the agenda, option 2 for the improvements to the access into the site was considered to be acceptable by officers.

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The change to the access would affect the layout proposed. A final plan showing the position of the proposed access and the layout of the site is awaiting submission.

This is an outline application however officers consider that it is appropriate to agree the layout at this stage because of the Green Belt allocation. Whilst it is acknowledged that the final layout scheme has not yet been submitted, and will need to be re-advertised, it is not anticipated that it would be fundamentally different than that indicated on the previously submitted plan i.e. it will relate to 15 dwellings, comprising a mix of detached and semi-detached dwellings.

# **RECOMMENDATION** (Page 60)

In light of the above, the recommendation is as follows:-

Grant Conditional Outline Permission subject to the delegation of approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by Committee) and to:-

- 1. Following receipt of the revised layout, re-advertise for 7 days, and provided that no new material considerations are raised that have not already been addressed;
- 2. Secure a S106 agreement to cover the matter of the relocation of Connection Seating within the District.

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 be secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

# Planning Application 2016/92811

Item 18 – Page 75

Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works

Flockton Hall Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW

**7.0 PUBLIC/LOCAL RESPONSE:** (Pages 79 to 83)

# **Amended Plans Publicity**

Nine Further Representations have been received.

A summary of the issues raised are as follows:-

The revised proposal will not address the access issue. Farm vehicles
movements will be more than the proposal suggests. The combiner will
not be able to access or exit the entrance without great difficulty as will
the tractors and trailers

Page 200

- Concern about mud on a road where there is numerous incidents.
- The plans to widen the entrance do not address the safety issues in this narrow and hazardous stretch of Barnsley Road.
- Due to crop and weather variations, the quoted figures in the report of the use of this road are a serious underestimation. The report claims such farm machinery movement falls within acceptable levels for a 'rural' community. The amount of traffic passing through exceeds that of most suburban communities.
- Farm machinery drops mud and manure while entering or leaving the fields. In wet weather this could provide a further hazard at this junction, where vehicles need to break for the chicane or at the junction of Haigh Lane.
- The chicane should not be removed, as it helps to prevent vehicles from speeding, as well as allowing for vehicles exiting properties between the traffic lights and the chicane in busy periods.
- The volume of traffic passing through the village is not all local, but includes coaches, lorries and other vehicles using the M1 and M62 motorways.
- Due to inadequate public transport residents use their own cars for every day journeys. Planning permission has already been granted for over a hundred new homes to be built in Flockton, thus adding to future traffic congestion. Planning and Highways should seriously reconsider passing any further planning applications for this village.
- Concern about the removal of measures to prevent speeding and accidents. The health and safety issues, rather than being within the development, have been put into the public domain without concern for the speed of traffic.
- Concern about accidents and fatalities if these highway changes are allowed. The existing measures work well
- When the farm vehicles are utilising the entrance could be major hold ups as both ways will be blocked due to the amount of traffic
- Concern about impact on air quality.
- Agree the parking allotted to the properties needs to be amended, cars park on pavements in the village. Refuse trucks and emergency service vehicles will have difficulty accessing the area.
- The proposals would turn a safe road into a dangerous road.
- Nothing further has been submitted regarding school or other facilities for the village. No mining report done either.
- Concern officers have been out to Flockton at various times during the day and evening to experience the volume of traffic.
- This is a well known cut through from the M1 at J 38/39 to the M62 at J23 and the volumes are not reducing.
- Concern about access for emergency service with no real entry/ exit onto Barnsley Road.
- A few weeks ago a car overturned in the pinch point and Barnsley Road was blocked for three hours. Incidents are not uncommon. Flockton Hall Farm is not suitable for housing
- Another solution is to put a new Road in from the top Road A642 across land owned by The Savile Estate to enter the new development at the top side.

Officer Response: The above concerns relate to highway safety matters which have been addressed in the main body of the report set out in the agenda.

# Applicant's comments:

The applicant has also provided a response to the comments raised by objectors, as follows:-

COMMENT	RESPONSE
Farmer – can't turn a combine / tractor right into the site.	It is noted that the combine harvester movements do, on occasion, currently use the priority system; as such it is considered that the proposed arrangements do not materially affect the existing situation.  The frequency of combine harvester vehicle movements is extremely infrequent.  Adequate forward visibility for eastbound vehicles approaching the priority system is available; as such, in practice drivers of eastbound vehicles are able to avoid conflicts.  Swept path analysis of other farm vehicles which will more regularly use the access demonstrate that the agricultural access is adequate and there are no conflicts with other road users through the chicane.
Combine – rear wheel steer and wheel will go over other side of carriageway.	Combine harvesters already use this section of road and the proposals do not adversely impact in any way.  Some carriageway widening is proposed to the east of the chicane which will assist the passage of combines.  The frequency of combine harvester vehicle movements is extremely infrequent (limited to vist(s) during crop harvest – refer to TS Appendix for exemplar details).
Combine – turning right will result in traffic gridlock if cars queuing at chicane and waiting to turn right.	The frequency of combine harvester vehicle movements is extremely infrequent – as above adequate forward visibility for eastbound vehicles approaching the priority system is available; as such, in practice drivers of eastbound vehicles are able to avoid conflicts.  Extended 'Keep Clear' signs are proposed at access.
Issue with left turn out of farm access	<ul> <li>It is accepted that the x-distance is likely to be longer for farm vehicles; however, the driver's eye</li> </ul>

COMMENT	RESPONSE
and visibility.	height of such vehicles is substantially higher than conventional vehicles, generally in excess of 2.5m. In practice, this will be sufficient to offset the extended x-distance, and therefore adequate visibility will be achievable.  It should also be noted that no local or national standards are available which recommends a
	longer x-distance. The access will be used by the same drivers and, as such, they will be fully aware of the road conditions.
Issue with right turn out of farm access and visibility / crossing third party land.	Visibility splays of 2.4m x 45m can be achieved at the farm access.
,	<ul> <li>It is accepted that the x-distance is likely to be longer for farm vehicles; however, the driver's eye height of such vehicles is substantially higher than conventional vehicles, generally in excess of 2.5m. In practice, this will be sufficient to offset the extended x-distance, and therefore adequate visibility will be achievable.</li> </ul>
	<ul> <li>It should also be noted that no local or national standards are available which recommends a longer x-distance. The access will be used by the same drivers and, as such, they will be fully aware of the road conditions.</li> </ul>
Accident history – in particular one from 29 <sup>th</sup> August this year. Omitted from TS. Do the changes to this affect the conclusions of TS?	<ul> <li>Personal Injury Accident recorded in the vicinity of the development over the 5 year period 2011 to 2015 inclusive was obtained from Leeds City Council (who administer accident data on behalf of Kirklees Council) as part of the Transport Statement prepared as part of the planning application.</li> </ul>
	<ul> <li>Following subsequent discussion with Kirklees Council officers, we were made aware that a further accident occurred on 29 August 2016, although these details were not available at the time of writing the TS (in early September 2016). The details of this accident have therefore been subsequently obtained.</li> </ul>
	The accident involved a westbound car overturning at the chicane, after the driver of the vehicle was temporarily dazzled by bright sunshine and struck the existing high kerb. The passenger of the vehicle of suffered serious injuries. Based on the accident report, it is apparent that the bright sunshine was the most likely contributory factor to the accident, rather than the road layout. Given the relatively one-off nature of the accident, it is considered that it would not change the

COMMENT	RESPONSE
	recommendations of the Transport Statement.
Car overturned at chicane (same as August 29 <sup>th</sup> above?).	[SEE ABOVE]
Keep clear marking – already ignored?	<ul> <li>On site observation suggest that the marking are adhered to, in most circumstances. IT is proposed to extend this to accommodate the proposed farm access.</li> </ul>
Increase in accident risk for traffic (at speed) already on Barnsley Road caused by vehicles exiting the farm.	<ul> <li>Only one Personal Injury Accident was recorded in the vicinity of the site over the 5 year period 2011 to 2015 inclusive, but it is acknowledged that a further accident was recorded at the chicane in August 2016.</li> </ul>
	Existing farm access has poor visibility to the right, for exiting vehicles, due to vegetation.
	<ul> <li>Also worth noting that the scheme proposals facilitate the removal of the existing log yard, as such, the number of vehicle movements will reduce.</li> </ul>
	<ul> <li>It is proposed to install dynamic message signs on Barnsley Road in the vicinity of the farm access, which could be used to encourage lower speeds.</li> </ul>
The farm access would not be wide enough to accommodate the turning circle. Trying to exit, the view of traffic	<ul> <li>All agricultural vehicles will enter and leave the farm access in forward gear, as they will turn in the field.</li> </ul>
entering Flockton from Grangemoor would be restricted due to the layout of Barnsley Road.	Swept path analysis of farm vehicles demonstrates that the agricultural access is adequate.
Site access – proximity to chicane pinch point makes it unsafe.	Visibility splays of 2.4m x 45m can be achieved at the farm access.
<b>,</b>	<ul> <li>It is accepted that the x-distance is likely to be longer for farm vehicles; however, the driver's eye height of such vehicles is substantially higher than conventional vehicles, generally in excess of 2.5m. In practice, this will be sufficient to offset the extended x-distance, and therefore adequate visibility will be achievable.</li> </ul>

COMMENT	RESPONSE
	Independent Stage 1 Road Safety Audit undertaken
	<ul> <li>Combine harvesters use the existing priority system, albeit on an extremely infrequent basis. The proposed arrangements are not materially different to the existing situation.</li> </ul>
A number of fatalities and crashes have occurred by speeding vehicles, HGVs illegally entering the village, and poor sight lines of the chicane.	<ul> <li>Only one Personal Injury Accident was recorded in the vicinity of the site over the 5 year period 2011 to 2015 inclusive, but it is acknowledged that a further accident was recorded at the chicane in August 2016.</li> </ul>
	<ul> <li>The section of road in the vicinity of the site will have a wider footway, which helps remove the existing conflict between pedestrians and vehicles.</li> </ul>
	Potential for road to be widened at later date. This would allow for wider road, and relocation / removal of chicane – i.e. a betterment on the existing road widths.
	<ul> <li>It is proposed to install dynamic message signs on Barnsley Road in the vicinity of the farm access, which could be used to encourage lower speeds.</li> </ul>
	<ul> <li>Highways officers are of view that the chicane is sufficiently visible and effective in reducing vehicle speeds.</li> </ul>
Vehicles speeding up to avoid chicane.	Highways officers are of view that the chicane operates effectively.
	<ul> <li>An alternative layout was proposed by the applicant which removed the chicane. Both options were subject to an independent Road Safety Audit. The RSA work has confirmed both options work safely. Ultimately either option could be pursued by Members at Planning Committee and secured through planning condition.</li> </ul>
	<ul> <li>Only one Personal Injury Accident was recorded in the vicinity of the site over the 5 year period 2011 to 2015 inclusive, but it is acknowledged that a further accident was recorded at the chicane in August 2016.</li> </ul>

COMMENT	RESPONSE
Un policed HGV's exacerbate traffic problems.	Enforcement is an issue for the Police.
	<ul> <li>The section of road in the vicinity of the site will have a wider footway, which helps remove the existing conflict between pedestrians and vehicles (particularly HGVs).</li> </ul>
	<ul> <li>Potential for road to be widened at later date. This would allow for wider road, and relocation / removal of chicane – i.e. a betterment on the existing situation.</li> </ul>
Concern about pedestrians / children walking to school.	<ul> <li>The section of road in the vicinity of the site will have a wider footway, which helps remove the existing conflict between pedestrians and vehicles (particularly HGVs). This will assist both existing and future residents.</li> </ul>
	<ul> <li>Potential for road to be widened at later date. This would allow for wider road, and relocation / removal of chicane – i.e. a betterment on the existing situation with respect to the width of the road at the pinch point.</li> </ul>
Construction access / concerns about plant and machinery.	<ul> <li>Plant / machinery and construction will be subject to a Construction Management Plan. This could involve a route to site for site traffic (heavy plant to avoid chicane).</li> </ul>
	Wil be subject to planning condition and agreed with the local highway authority.
Moving street furniture to the back of the pavement will put pedestrians etc at risk.	<ul> <li>The section of road in the vicinity of the site will have a wider footway, which helps remove the existing conflict between pedestrians and vehicles (particularly HGVs). This will assist both existing and future residents.</li> </ul>
	<ul> <li>The location of any street furniture will take full account of pedestrian safety and agreed with the Council. This will be addressed as part of the detailed design of the access works and subject to a Stage 2 Road Safety Audit.</li> </ul>

# Planning Application 2016/91777

Item 19 – Page 95

**Erection of 5 dwellings** 

adj 3, Field Head, Shepley, Huddersfield, HD8 8DR

**7.0 PUBLIC/LOCAL RESPONSE:** (Pages 98-100)

One further representation received:

• The amended plans indicate the shared hedge bordering 77 Station Road (specifically the field west of 77 Station Road) will be 'removed' in order to accommodate the 4th and 5th planned dwellings. This hedge cannot be removed without permission.

**Response:** This is a private legal matter. The granting of a planning application does not override any matters of ownership.

 Request clarification on whether the road from Field Head Lane will be adopted by the Council or whether it will remain private property.

**Response:** The access road would be made up to an adoptable standard.

# **8.0 CONSULTATION RESPONSES:** (Page 100)

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

**K.C. Flood Management** – The applicant has submitted additional information to demonstrate that should soakaways prove unsuitable that a connection to the combined sewer via gravity can be achieved. Flood Management has no further objections subject to a condition being attached relates to a scheme demonstrating adequately designed soakaways.

#### **RECOMMENDATION:**

In light of the above, the recommendation set out on page 96 is amended as follows:

Grant Conditional Full Permission subject to the delegation of 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).

Planning Application 2016/93148

Item 20 - Page 109

Outline application for erection of 7 dwellings

Dry Hill Farm, Dry Hill Lane, Denby Dale, Huddersfield, HD8 8YN

7.0 PUBLIC/LOCAL RESPONSE: (Page 113)

The following email comments have been received from Councillor Graham Turner who states that he wishes to object to the application:

"This is a green belt site and was formally part of a working farm. This will be obvious when you go on the site visit.

I do not think that any special circumstance has been proved and because of that the application should be rejected as it is green belt, and is therefore contrary to the Councils greenbelt policy.

Whilst housing is to be welcomed in the Denby Dale ward, it needs to be affordable and in the correct place, this development will fulfil neither of these requirements".

#### **8.0 CONSULTATION RESPONSES**

The Council's Flood Management and Drainage Team objects to the application as no details have been submitted regarding proposed surface water attenuation. Whilst it is acknowledged that the application is in outline form, an assessment of current and proposed drainage arrangements must be submitted to demonstrate a viable surface water disposal scheme can be achieved.

Outline application for residential development (maximum 3 No. Dwellings)

rear of 40, Church Road, Roberttown, Liversedge, WF15 7LR

**7.0 PUBLIC/LOCAL RESPONSES:** (pages 124 to 125)

The following email comments have been received from Councillor David Hall:-

"I requested that this come to committee, given the number of objections to the first application. Although there were fewer objections received this time, I felt that this was to do with residents not being aware of the new application rather than a reduction in interest. I apologise that I am unable to attend in person to make my remarks.

I would ask members to note the initial objections of the PROW team – particularly that the access to this site is on an unmade lane, which has already had development leading off it, to the rear of the church. It is not possible to drive the entire length of Bullace Trees Lane and emerge on Clough Lane, as the lane tapers to a narrow point in the middle, and so all access and egress is at the top end.

I feel that adding more traffic onto this lane would be a bad idea, particularly given how busy Church Road is, and the congestion which occurs around the church and community centre whenever there is a function or even when the school is coming out, limiting sight lines. Members will note recent housing developments immediately opposite and to the side of the lane end, which have added more vehicles to the junction. The development will over-burden the little lane with extra traffic".

# **8.0 CONSULTATION RESPONSES:** (Page 125)

#### Non-statutory

**K.C. Flood Management and Drainage** – Further details have been submitted which indicate soakaways are feasible. Further testing and a full detailed scheme are required to be secured by condition and will need to be used to inform the layout at the reserved matters stage.

#### 12.0 CONDITIONS

Suggested condition 10 is to be replaced with a condition that would require the submission of a scheme demonstrating an adequately designed soakaway for an effective means of drainage of surface water.

Page 206

Demolition of existing single storey side extension and erection of two storey side extension (within a Conservation Area)

16, Hall Lane, Highburton, Huddersfield, HD8 0QW

# 7.0 PUBLIC/LOCAL RESPONSE (Page 162):

An additional letter was received from the occupant of 8, Hall Lane on 7<sup>th</sup> December 2016. They attached copies of representations that they had previously sent and re-iterated that the proposal, if granted, will severely impact their amenities and those of their neighbours, particularly its potential overbearing and overshadowing impact.

These issues are addressed within the committee report appraisal (section 10). No new issues are raised.

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