

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

Governance and Democratic Services

Civic Centre 3

High Street

Huddersfield

HD1 2TG

Tel: 01484 221000

Please ask for: Richard Dunne

Email: richard.dunne@kirklees.gov.uk

Wednesday 12 July 2017

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 20 July 2017**.

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

This meeting will be webcast live and will be available to view via the Council's website.

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

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

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

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

Member

Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor James Homewood
Councillor Bernard McGuin
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Rob Walker
Councillor Linda Wilkinson
Councillor Andrew Marchington

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

Substitutes Panel

Conservative

B Armer
N Patrick
G Wilson
J Taylor
D Firth

Green

K Allison
A Cooper

Independent

C Greaves

Labour

E Firth
S Hall
C Scott
S Pandor

Liberal Democrat

J Lawson
A Pinnock

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of previous meeting

1 - 6

To approve the Minutes of the meeting of the Committee held on 22 June 2017.

3: Interests and Lobbying

7 - 8

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

4: Admission of the Public

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

5: 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: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application No: 2015/92291

Variation of condition 3 (extractor flue) on previous permission 2012/92279 for change of use from newsagent (A1) to hot food takeaway (A5) and installation of flue 48, Bradley Road, Bradley, Huddersfield.

Estimated time of arrival at site: 9.25am

Contact Officer: Neil Bearcroft, Planning Services

Wards Affected: Ashbrow

8: Site Visit - Application No: 2013/93746

Partial Demolition of existing Listed Building and erection of 1no. A1 retail store and 2no units (A1/A2/A3 use class) at ground floor and offices (B1 use class) at first floor level with associated parking, servicing and landscaping (Within a Conservation Area) 43, Northgate, Almondbury, Huddersfield.

Estimated time of arrival at site: 9.50am

Contact Officer: Matthew Woodward, Planning Services.

Wards Affected: Almondbury

9: Site Visit - Application No: 2014/90001

Listed Building Consent for partial demolition of a building (within a Conservation Area) 43, Northgate, Almondbury, Huddersfield.

Estimated time of arrival at site: 9.50am

Contact Officer: Nigel Hunston, Planning Services

Wards Affected: Almondbury

10: Site Visit - Application No: 2017/91308

Erection of extensions to dwelling, erection of garden room to rear of existing garage and extension to patio area Ridgewood, Oakes Avenue, Brockholes, Holmfirth.

Estimated time of arrival at site: 10.20am

Contact Officer: Neil Bearcroft, Planning Services

Wards Affected: Holme Valley North

11: Site Visit - Application No: 2016/93249

Erection of garden store, decking, sauna and single storey extension
55, Church Lane, South Crosland, Huddersfield.

Estimated time of arrival at site: 10:40am

Contact Officer: Nick Hirst, Planning Services

Wards Affected: Crosland Moor and Netherton

12: Site Visit - Application No: 2017/91173

Reserved matters application for erection of 19 dwellings pursuant to
outline permission 2015/90507 for outline application for residential
development (within a Conservation Area) Land off, Carr Top Lane,
Golcar, Huddersfield.

Estimated time of arrival at site: 11:05am

Contact Officer: Bill Topping

Wards Affected: Golcar

13: Site Visit - Application No: 2017/90602

Demolition of existing public house and erection of 26no. dwellings
Land Adjacent to Spotted Cow Public House, New Hey Road,
Salendine Nook, Huddersfield.

Estimated time of arrival at site: 11:35am

Contact Officer: Bill Topping

Wards Affected: Lindley

14: Local Planning Authority Appeals

9 - 20

The Sub Committee will receive a report detailing the outcome of
appeals against decisions of the Local Planning Authority, as
submitted to the Secretary of State.

Contact: Teresa Harlow, Planning Services

Wards Affected: Colne Valley; Holme Valley South

Planning Applications

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

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 17 July 2017.

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

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda.

15: Planning Application - Application No: 2016/92203 25 - 42

Demolition of existing dwelling and erection of 2 detached dwellings with integral garages 65, Colders Lane, Meltham, Holmfirth.

Contact Officer: William Simcock, Planning Services

Wards Affected: Holme Valley North

16: Planning Application - Application No:2017/90642 43 - 52

Erection of rear and side extensions 46, Meltham Road, Honley, Holmfirth.

Contact Officer: Nick Hirst, Planning Services

Wards Affected: Holme Valley North

17: Planning Application - Application No: 2013/93746 53 - 74

Partial Demolition of existing Listed Building and erection of 1no. A1 retail store and 2no units (A1/A2/A3 use class) at ground floor and offices (B1 use class) at first floor level with associated parking, servicing and landscaping (Within a Conservation Area) 43, Northgate, Almondbury, Huddersfield.

Contact Officer: Matthew Woodward, Planning Services

Wards Affected: Almondbury

- 18: Planning Application - Application No: 2014/90001** 75 - 84
- Listed Building Consent for partial demolition of a building (within a Conservation Area) 43, Northgate, Almondbury, Huddersfield.
- Contact Officer: Nigel Hunston, Planning Services
- Wards Affected:** Almondbury
-
- 19: Planning Application - Application No: 2017/91173** 85 - 96
- Reserved matters application for erection of 19 dwellings pursuant to outline permission 2015/90507 for outline application for residential development (within a Conservation Area) Land off, Carr Top Lane, Golcar, Huddersfield.
- Contact Officer: Bill Topping, Planning Services
- Wards Affected:** Golcar
-
- 20: Planning Application - Application No: 2017/90602** 97 - 108
- Demolition of existing public house and erection of 26no. dwellings Land Adjacent to Spotted Cow Public House, New Hey Road, Salendine Nook, Huddersfield.
- Contact Officer: Bill Topping, Planning Services
- Wards Affected:** Lindley
-
- 21: Planning Application - Application No: 2016/93249** 109 - 120
- Erection of garden store, decking, sauna and single storey extension 55, Church Lane, South Crosland, Huddersfield.
- Contact Officer: Nick Hirst, Planning Services
- Wards Affected:** Crosland Moor and Netherton
-
- 22: Planning Application - Application No: 2015/92291** 121 - 130
- Variation of condition 3 (extractor flue) on previous permission 2012/92279 for change of use from newsagent (A1) to hot food takeaway (A5) and installation of flue 48, Bradley Road, Bradley, Huddersfield.
- Contact Officer: Neil Bearcroft
- Wards Affected:** Ashbrow
-

23: Planning Application - Application No: 2017/91308

131 -
142

Erection of extensions to dwelling, erection of garden room to rear of existing garage and extension to patio area Ridgewood, Oakes Avenue, Brockholes, Holmfirth.

Contact Officer: Neil Bearcroft

Wards

Affected: Holme Valley North

Planning Update

143 -
148

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

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 22nd June 2017

Present: Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor James Homewood
Councillor Bernard McGuin
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Rob Walker
Councillor Linda Wilkinson
Councillor Andrew Marchington

1 Membership of the Committee

Councillor Andrew Marchington substituted for Councillor Christine Iredale.

2 Minutes of previous meeting

That the Minutes of the meeting of the Committee held on 20 April 2017 be approved as a correct record.

3 Interests and Lobbying

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

Councillor Bellamy declared an 'other' interest in application 2016/90477 on the grounds that the applicants partner was her sister-in-law.

Councillor Bellamy declared an 'other' interest in applications 2016/90477 and 2017/90201 on the grounds that she was a member of Holme Valley Parish Council.

Councillors Sims, Ullah and Lyons declared they had been lobbied on application 2016/90477.

Councillors Ullah and Lyons declared they had been lobbied on application 2017/90201.

Councillor Sokhal declared he had been lobbied on application 2017/91235

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2017/91235

Site visit undertaken.

8 Site Visit - Application No:2017/90642

Site visit undertaken.

9 Site Visit - Application No: 2017/90201

Site visit undertaken.

10 Site Visit - Application No: 2016/90477

Site visit undertaken.

11 Site Visit - Application No: 9016/92203

Site visit undertaken.

12 Local Planning Authority Appeals

That the report be noted.

13 Planning Application - Application No: 2016/90477

The Sub-Committee gave consideration to Planning Application 2016/90477
Alterations to convert outbuilding to holiday accommodation adj 1, Wheat Close,
Holmbridge, Holmfirth.

Planning Sub-Committee (Huddersfield Area) - 22 June 2017

Under the provisions of Council Procedure Rule 37, the Committee received representations from Jane Gledhill, Caroline Kane, Stephen Ransby and Sandra Doyle (objectors) and Andy Rushby (Agent). Under the provisions of Council Procedure Rule 36 (1) the Committee received representations from Cllr Nigel Patrick and Cllr Donald Firth (Local Ward Members).

RESOLVED –

That the application be refused.

Contrary to the Officer's recommendation, the Committee considered the development would be inappropriate in the green belt and did not demonstrate very special circumstances that would clearly outweigh the harm to the green belt. In addition the development was out of character to the surrounding area and would have a detrimental impact on the visual amenity of the neighbouring properties.

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

For: Councillors Homewood, Lyons, Marchington, McGuin, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson (10 Votes).

Against: (0 vote)

14 Planning Application - Application No: 2016/92203

The Sub-Committee gave consideration to Planning Application 2016/92203 Demolition of existing dwelling and erection of 2 detached dwellings with integral garages 65, Colders Lane, Meltham, Holmfirth.

RESOLVED –

Consideration of the application be deferred to allow officers to liaise with the applicant to discuss pre and post construction surveys for Colder Lane and appropriate repairs for any damage caused.

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

For: Councillors Bellamy, Homewood, Lyons, Marchington, McGuin, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson (11 Votes).

Against: (0 vote)

15 Planning Application - Application No: 2017/90201

The Sub-Committee gave consideration to Planning Application 2017/90201 Variation of conditions 2 (Materials) 4 (Opening Hours) 8 (Retailing) 12 (Trees) 13 (Vehicular Access) and 17 (Storage Height) on previous application 2001/90843 for use of former salt stocking yard for storage and dressing of building stone, erection of portal framed building, widening of access including resurfacing of entrance and

Planning Sub-Committee (Huddersfield Area) - 22 June 2017

erection of 2.4m-high palisade gate Hagg Wood Stone Quarry, Woodhead Road, Honley, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Joanna Martin and Darren Oldham (objectors) and Ashley Bamford (speaking on behalf of the applicant). Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Nigel Patrick (Local Ward Member).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report the update list including:

1. No development shall commence on the building's superstructure until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.
2. All hardstandings which have been formed within the site shall be retained in a condition which is fit for purpose and kept free from all obstructions to their use in connection with vehicle parking and manoeuvring.
3. No activities shall take place at the site outside the following hours:
07:00 to 18:00 Mon to Fri; and 08:00 to 13:00 on Sat.
No activities shall take place at the site on Sundays or Bank/Public Holidays
4. Facilities shall be provided and retained at the exit from the site for the washing of vehicle wheels.
5. There shall be no retailing of redressed stone, reclaimed materials or any other associated materials from the site.
6. The existing stone wall piers, in the positions marked 'X` and 'Y` on the approved plans, shall be reduced to a maximum height of one metre above road carriageway level within 2 months of the date of this permission. These wall piers shall thereafter be so retained
7. Details of the type, design and position of traffic warning signs to alert drivers to the site entrance shall be submitted to, and agreed in writing by, the Local Planning Authority and the approved signs shall be installed within 2 months of the date of the permission hereby granted.
8. Trees within or on the boundary of the site shall be neither felled, topped or lopped except with the prior written approval of the Local Planning Authority, nor shall they be damaged or killed by fire or by the application of toxic or injurious substances.
9. There shall be no activity or storage on, or any vehicular access to or over, those areas of the site coloured yellow on the approved plans.

10. Notwithstanding the details shown on the submitted plans, details of the position, height, design and strength of any proposed floodlights shall be submitted to, and approved in writing by, the Local Planning Authority before any such lighting is first installed. Any lighting agreed shall only be illuminated during the operating hours permitted by Condition 3.

11. The site and building shall only be used for the storage and dressing of stone and associated ancillary activities.

12. The storage of stone or any materials/equipment within the whole of the site shall not exceed 3m in height from the level of the former quarry floor or above the height of the former quarry void within the area hatched green on plan GW1 whichever is the greater.

13. The dropped crossing to Woodhead Road, which extends for the full width of the site entrance, shall be retained for the duration of the development.

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

For: Councillors Homewood, Lyons, Marchington, McGuin, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson (10 Votes).

Against: Councillor Bellamy (1 vote)

16 Planning Application - Application No: 2017/91235

The Sub-Committee gave consideration to Subject: Planning Application 2017/91235 Change of use of dwelling to mixed use dwelling and catering (to operate meals on wheels service) 29, Clay Butts, Birkby, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Suki Nater (applicant).

RESOLVED –

1) Delegate approval of the application, for a temporary trial period, and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

1. Permission to be for a period of 12 months from the date permission is granted.

2. No cooker or cooking appliance shall be installed on the property except within the existing kitchen serving the property.

2) An additional condition that no food can be stored in the garage except in a fridge or freezer.

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

Planning Sub-Committee (Huddersfield Area) - 22 June 2017

For: Councillors Bellamy, Homewood, Lyons, Marchington, McGuin, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson (11 Votes).
Against: (0 vote)

17 Planning Application - Application No: 2017/90642

The Sub-Committee gave consideration to Planning Application 2017/90642
Erection of rear and side extensions 46, Meltham Road, Honley, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Jayne Eley (objector) and Jake Clayton (speaking on behalf of the applicant).

RESOLVED –

Consideration of the application be deferred to allow officers to discuss with the applicants an amendment to the scheme that will mitigate the impact on the residential amenity of the neighbouring property.

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

For: Councillors Bellamy, Homewood, Lyons, Marchington, McGuin, Sarwar, Sims, Sokhal, Ullah, Walker and Wilkinson (11 Votes).
Against: (0 vote)

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

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

LOBBYING

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

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

Lobbying

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

Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD)

Date: 20 JULY 2017

Title of report: LOCAL PLANNING AUTHORITY APPEALS

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

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Service Director - Economy, Regeneration & Culture & name	Paul Kemp 11 July 2017
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	No financial implications
Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No legal implications
Cabinet member portfolio	Economy, Skills, Transportation and Planning (Councillor McBride)

Electoral wards affected: Holme Valley South; Colne Valley;
Ward councillors consulted: No

Public or private:

1. Summary

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

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

- 2.1 2016/62/92236/W - Erection of side extension with extended roof and basement at Woodland Fisheries, 72, Springwood Road, Thongsbridge, Holmfirth, HD9 7SN. (Officer) (Allowed)

- 2.2 2016/62/92805/W - Demolition of existing garage and erection of double garage at Land Adj,10, Meal Hill, Slaithwaite, Huddersfield, HD7 5UR. (Officer) (Dismissed)
- 2.3 2016/62/91842/W - Erection of detached dwelling Adj, Law Head Farm, Law Slack Road, Hade Edge, Holmfirth, HD9 2RY. (Officer) (Dismissed)

3. Implications for the Council

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

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

4. Consultees and their opinions

Not applicable, the report is for information only

5. Next steps

Not applicable, the report is for information only

6. Officer recommendations and reasons

To note

7. Cabinet portfolio holder recommendation

Not applicable

8. Contact officer

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

9. Background Papers and History of Decisions

Not applicable

10. Service Director responsible

Paul Kemp

Appeal Decision

Site visit made on 23 May 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 26th June 2017

Appeal Ref: APP/Z4718/W/16/3161720

Woodland Fisheries, 72 Springwood Road, Thongsbridge, Holmfirth HD9 7SN

- 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 Gurmit Singh against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/92236/W, dated 22 June 2016, was refused by notice dated 6 September 2016.
 - The development proposed is a side extension with extended roof and basement.
-

Decision

1. The appeal is allowed and planning permission is granted for a side extension with extended roof and basement at Woodland Fisheries, 72 Springwood Road, Thongsbridge, Holmfirth HD9 7SN in accordance with the terms of the application, Ref 2016/62/92236/W, dated 22 June 2016, subject to the attached schedule of conditions.

Main Issue

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

Reasons

3. The appeal site comprises a modest sized area of land which contains a small single storey pitched roof building that is used as a hot food takeaway. The building is positioned to the left side of the site, when viewed from Springwood Road, with the remaining area used for informal car parking. This area abuts a recently constructed housing site which is located in a former railway cutting. The houses are three storeys, although they are set approximately one storey lower in the land levels than the appeal site. The boundary between the appeal site and the housing site is defined by a close boarded fence. To the rear of the appeal site are the grounds of an adjoining school.
4. The proposed side extension and the veranda contained within the front roof slope would be set well back from the front elevation of the existing building. The front roof slope would further angle back to form a roof pitch that would be slightly set down from the main roof pitch of the existing building. This arrangement would also take the massing of the extension back from the front elevation that would face the streetscene and result in a scale, on its own that

- would be subordinate to the existing building and, when taken with the existing building, would not appear excessive.
5. The side extension and the veranda, when combined with the existing building, would also not give the appearance of a building extending across the full width of the site or that substantially extends across the depth of the site, because of the clear break that would be formed in the front elevation, resulting from the set back from the existing building.
 6. The area of the site in front of the veranda, directly adjacent and most visible from the streetscene, would remain free from built development above ground level. The side extension would extend up to the rear boundary of the site, although this would only be visible from the school grounds, and not from the streetscene. It would also extend close to the boundary with the housing site, although well set back from the site frontage. With the siting and the area in front of the proposal remaining free from built development, it would not represent a cramped over development of the site.
 7. The side extension and veranda would also not have an unacceptable visual impact on the area because it would not be prominent with the set back from the existing building and its scale. The existing building and the boundary fence with the housing site would also provide screening and limit visibility. The materials would match the existing building and thus would appear visually to be in keeping.
 8. A proposal for a smaller single storey extension has been approved on the site previously, which sought to overcome earlier Council concerns over the scale of development and the effect on the character and appearance of the area. However, I have based my decision on the proposal which is subject of this appeal.
 9. I conclude the proposal would not harm the character and appearance of the building and the area, and would comply with 'Saved' Policies D2 (vi, vii), BE1 (iv), BE2 (i) and B5 of the Kirklees Unitary Development Plan (1999) which require development to not prejudice visual amenity and the character of the surroundings; promote a healthy environment, including space around buildings; is in keeping with any surrounding development; and safeguards visual amenity.
 10. I also conclude the proposal would comply with Section 7 of the National Planning Policy Framework (Framework) because it would constitute good design, in particular paragraph 61, as the proposal would integrate development into the built environment.

Other Matters

11. Customers can congregate on the site at the present time and whilst the veranda would provide shelter for customers during inclement weather, the area that would be covered is modest in size and is thus unlikely to attract a significant number of customers. It would not therefore require a solid side elevation to the veranda to prevent undue noise and disturbance. This would also be limited by the close boarded fence on the boundary with the housing site. When the takeaway is closed, the veranda would not be able to be accessed. I consider the use of the veranda would not unduly affect the living conditions of the occupiers of the housing site.

12. The proposal would not result in an unacceptable effect on car parking because the sales area of the takeaway would not be increased and informal car parking could still occur in front of the veranda with access via the existing low kerb. Stability matters in relation to the basement can be controlled through condition. I consider the proposal would be acceptable with regard to parking and access issues.
13. A presumption in favour of sustainable development is at the heart of the Framework. I consider that as the proposal would accord with the development plan, under paragraph 14 of the Framework, it would constitute sustainable development.

Conditions

14. I have imposed conditions necessary in the interests of certainty (1 and 2); to ensure the proposal remains ancillary to the hot food takeaway use for reasons of highways safety (3); to safeguard the character and appearance of the area through use of matching materials to the existing building (4); so that the construction of the proposal is carried out to in a manner which is acceptable with regard to highways safety (5); and that the basement is constructed to ensure structural stability of the highway and can accommodate off street car parking (6).
15. I also require details to be submitted pre-commencement where these matters need to be addressed at the start of the implementation of the permission (5 and 6).
16. Where I have altered the wording of conditions put forward by the Council, I have done so in the interests of preciseness, without changing their overall intention.

Conclusion

17. For the above reasons and having regard to all other matters raised, I conclude that the appeal is allowed.

Darren Hendley

INSPECTOR

CONDITIONS SCHEDULE

- 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: Drawing nos. 100 to 110 (inclusive).
- 3) The development hereby permitted shall not be used at any time other than for purposes ancillary to the existing A5 use at Woodland Fisheries, 72 Springwood Road, Thongsbridge, Holmfirth, HD9 7SN.
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 5) No development shall take place, including any works of demolition or excavation, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) vehicle routeing, signage and access arrangements;
 - v) measures to control the emission of dust and dirt during construction; and
 - vi) a timetable programme for deliveries.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No development shall take place until details of the design of the basement, including structural calculations, construction methods, support methods for car parking, structural stability and any remediation required, has been submitted to, and approved in writing by the local planning authority. The development shall be implemented in accordance with these details and thereafter retained.

Appeal Decision

Site visit made on 13 June 2017

by **Helen Hockenhull BA(Hons) B.PI MRTPI**

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

Decision date: 30 June 2017

Appeal Ref: APP/Z4718/D/17/3174608

10 Meal Hill, Surat Road, Slaithwaite, Huddersfield HD7 5UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Atkinson against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/92805/W, dated 18 August 2016, was refused by notice dated 13 April 2017.
 - The development proposed is a replacement garage.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application form did not make reference to a house number on Meal Hill in order to locate the appeal site. However on the Appeal Form the address is stated as 10 Meal Hill. I have therefore used this in the banner heading above.

Main Issues

3. The main issues in this case are:
 - whether the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the development on the openness and purposes of the Green Belt;
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal relates to a proposal for a replacement garage on land opposite 10 Meal Hill, Slaithwaite. Meal Hill forms a small cluster of stone built cottages and dwellings. The site is located within the Green Belt.

Inappropriate development

5. Paragraph 89 of the Framework regards the construction of new buildings in the Green Belt as inappropriate development. One exception to this is the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces.
6. The existing garage on the site has a footprint of around 6.5 metres by 6.5 metres with a monopitch roof of overall height around 3 metres to the ridge. There is an attached store to the side which measures approximately 3.1 metres by 3.6 metres with an overall height of around 2.6 metres. The proposed new garage would be located in the same position as the existing building but would be of dimensions 6.5 metres x 8 metres. The main difference would be the provision of a pitched roof with an eaves height of approximately 2.5 metres and ridge height of around 4.7 metres.
7. It appears to me that the proposed garage would be around the same overall floor area as the existing building but in terms of volume it would be significantly greater. The Council advises the volume of the proposed garage would be approximately 244 cubic metres, around 56% greater than the existing building.
8. On this basis I conclude that the proposed garage, whilst being in the same use as the existing building, would be materially larger than the one it replaces. The development would not therefore comply with any of the exceptions in paragraph 89 of the Framework and would form inappropriate development in the Green Belt.

Openness and Green Belt purposes

9. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework is to keep land permanently open; the essential characteristic of Green Belts is their openness and permanence.
10. I have been made aware of a previous appeal decision¹ on the site for a slightly larger replacement garage. The Inspector in this case concluded that overall, the proposal would have a broadly neutral effect on the openness of the Green Belt due to its location in close proximity to the cluster of dwellings at Meal Hill. With regard to this appeal the Council have come to a similar conclusion.
11. Each case must be considered on its individual merits. However, in relation to this proposal, taking account of the location of the building and the fact that the proposed garage is slightly smaller than the one in the previous appeal, I too consider that the development would have a neutral effect on the openness of the Green Belt and the purpose of including land within it.

Other considerations

12. The appellant argues that the new garage is single storey and occupies roughly the same footprint as the existing building. In Green Belt terms it is not disproportionate and is therefore appropriate. I have acknowledged the similar footprint of the proposed garage above. However the proposal is of a much greater volume and height than the existing garage. It is therefore materially larger and forms inappropriate development in the Green Belt.

¹ APP/Z4718/W/16/3156424

13. The appellant also draws my attention to the previous appeal decision for a larger garage on the site. Whilst I have had regard to this, the appellant does not highlight any particular parts of this decision to support his case. I accept that the appeal proposal is smaller and therefore has less impact on the Green Belt. However it is still materially larger than the existing garage. Whilst the previous appeal decision forms a material consideration, I consider that for the above reasons, it attracts limited weight.
14. I acknowledge that the proposal would be of an appropriate design and use materials in keeping with the surrounding buildings. It would therefore cause no harm to visual amenity or the character and appearance of the area. Whilst this weighs in favour of the scheme, I attach limited weight to this consideration as it does not address the size of the proposed garage.

Conclusion

15. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except, in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. I consider that despite the neutral harm to the openness of the Green Belt, the harm by reason of inappropriateness is clearly not outweighed by the other considerations outlined above. Very special circumstances necessary to justify the development do not therefore exist.
16. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR

Appeal Decision

Site visit made on 27 June 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 6 July 2017

Appeal Ref: APP/Z4718/W/17/3172214

Law Head Farm, Law Slack Road, Hade Edge, Holmfirth HD9 2RY

- 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 Robert Deakin against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/91842/W, dated 2 June 2016, was refused by notice dated 30 January 2017.
 - The development proposed is for a single storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be: (i) whether the proposal would be inappropriate development in the Green Belt and its effect on the openness and purposes of the Green Belt having regard to the National Planning Policy Framework (the Framework); (ii) the effect of the proposed access arrangement on highway safety in Law Slack Road, with regards to refuse and emergency service vehicles; and (iii) if the development is inappropriate, 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 required to justify the proposal.

Reasons

Whether inappropriate development and its effect on openness and purposes

3. The Framework establishes that new buildings in the Green Belt are inappropriate unless they are one of the exceptions listed in paragraph 89. The Framework also sets out the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
4. I share the parties' view that the site is previously developed¹ given that the site is used as a HGV operating centre for a number of years. The site is generally well contained by embankments on three sides, with a good landscape screen facing Law Slack Road. The proposal would see the HGV use stop. As a result, large vehicles would no longer populate or travel to or from the site. Thus, the scheme would not result in further encroachment into the countryside. As such, no conflict would arise with the purposes set out in paragraph 80 of the Framework.

¹ Annex 2, the National Planning Policy Framework

5. The existing ground levels would be altered and raised once the hard-core surface is removed. Much of this would be well screened by an existing bank of trees and by the site's varying ground levels. However, the proposal would introduce a permanent building of a substantial size into the landscape. Even though the existing hard standing would be reduced, the dwelling is a new building, despite its external appearance. While its bulk would blend into the site's existing topography, the dwelling's volume would fill the lower part of the site and peer above adjacent ground levels. This would be a permanent feature in the landscape, rather than the HGV's which would come and go. So, even though the garden would not be enclosed and the dwelling has been designed to restore the site to create a better environment, the proposal would result in a loss of openness compared to the hard-core.
6. Given that the appeal scheme would have a greater impact on the openness of the Green belt, the proposed development would not meet the exceptions of paragraph 89 of the Framework. As such, the proposal would be inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be contrary to paragraph 89 of the Framework; which seeks to prevent inappropriate development which does not maintain the openness of the land.

Highway Safety

7. The Council accept that there is a fallback position and that traffic generated from the proposal would not detrimentally affect the safe operation or capacity on the highway. Law Slack Road is a narrow road which serves a handful of residential properties and provides access to the adjoining fields. It is not busy and despite the visibility splays at the site's egress onto Law Slack Road, the site appears to have been run safely as a HGV operating centre. Thus, I agree with the Council's findings in this regard. I also consider that adequate off-street car parking provision would be provided.
8. The Council's Highway Development Management section outlined their stance on the need to enable access for emergency service vehicles and for waste collection vehicles. However, no such amendments were received by the Council before they reached their decision. Yet, the appellant has provided a plan which would address the Council's concerns by providing a refuse collection point and a wider access, allowing vehicles to manoeuvre off the highway. A fresh planning application should normally be made when proposals are amended, but I am aware of the suggested planning conditions. Having regard to paragraph 206 of the Framework, I conclude, subject to the imposition of these conditions that the proposal would accord with saved Policy T10 of the Kirklees Unitary Development Plan (UDP). This seeks development not to create or materially add to highway safety or environmental problems.

Other considerations

9. The Council accept that they are currently unable to demonstrate a five year supply of deliverable housing sites². In such situations, bullet point 4 of paragraph 14 sets out *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.*

² Paragraph 47, the National Planning Policy Framework

10. While the Council consider UDP policies relating to the supply of housing not to be up-to-date, footnote 9 of the second indent of bullet point 4 in paragraph 14, identifies that Green Belt can be such a policy. Thus, even if the UDP is out-of-date, it would not alter my approach in the event of a conclusion that Green Belt policies indicate that the development should be restricted. Nevertheless, I concur with the Council that the provision of an extra dwelling attracts positive weight, albeit one which I give very limited weight, even with the associated benefits that would stem from its construction.
11. I understand the design of the proposal has been reviewed and revised prior to my consideration of this appeal. As a result, I consider the dwelling would respond to its setting, especially through the use of the local topography and the sustainable local materials. These would help integrate the dwelling into the largely open landscape. A wildflower meadow would also provide a modest net biodiversity gain. Also, the dwelling would include sustainable technologies which would help meet the challenge of climate change. However, technologies and approaches, such as a ground source heat pump, underfloor heating, triple glazing and mechanical ventilation with heat recovery along with earth sheltering and shading, are not, despite their contribution in redressing climate change and improving the environmental impact of new buildings, new or innovative. These benefits do, together with the overall design approach, nonetheless traverse the social and environmental roles and attract a moderate positive weight in favour of the appeal scheme.

Conclusion

12. The proposal would be inappropriate development in the Green Belt and by definition this is harmful. I attach this harm substantial weight as required by paragraph 88 of the Framework and as such there is a clear conflict with the environmental role of sustainable development. Harm would also arise to the openness of the Green Belt. On the other hand, I have concluded that the appeal scheme would, subject to conditions, not adversely affect highway safety. This attracts a neutral weight in the planning balance.
13. I have considered matters put before me in favour of the scheme by the appellant, including the parties' comments on the suggested planning conditions. However, I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal does not represent sustainable development.
14. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

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 is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

National Policy/ Guidelines

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

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

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

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

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

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

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

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

This page is intentionally left blank



Originator: William Simcock

Tel: 01484 221000

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2016/92203 Demolition of existing dwelling and erection of 2 detached dwellings with integral garages 65, Colders Lane, Meltham, Holmfirth, HD9 5JL

APPLICANT

Colders Lane
Developments Ltd

DATE VALID

05-Jul-2016

TARGET DATE

30-Aug-2016

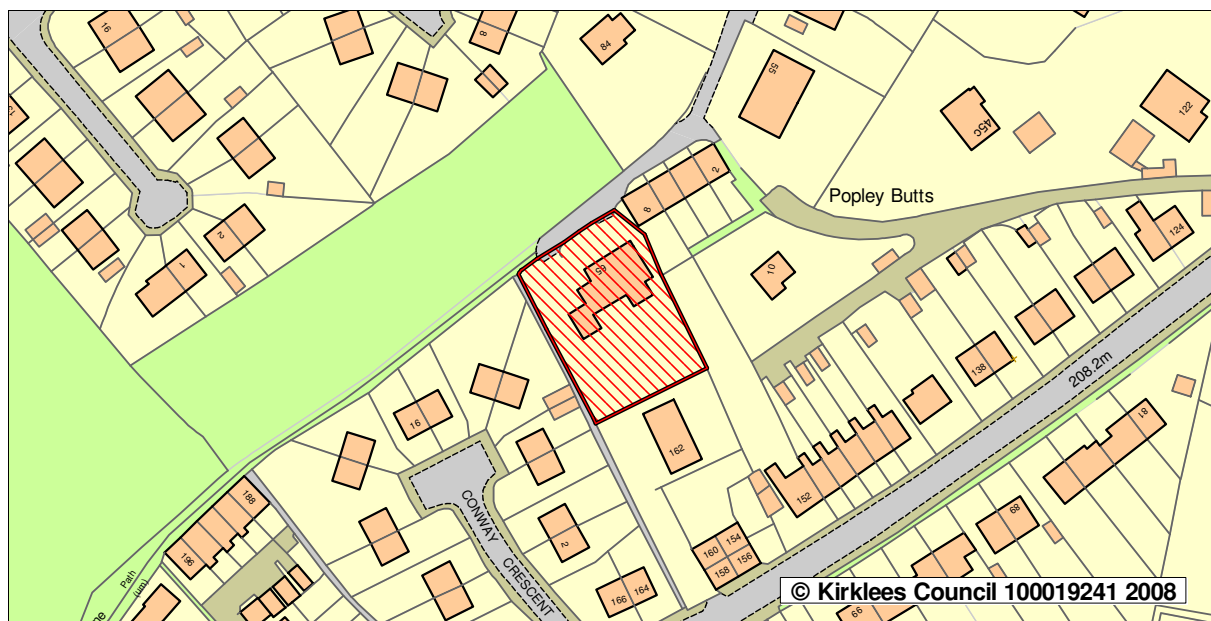
EXTENSION EXPIRY DATE

28-Jun-2017

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: HOLME VALLEY NORTH

No

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 This application is brought to Sub-Committee for determination having been deferred at the Sub-Committee of 22-Jun-2017.
- 1.2 The reason for the deferral was to allow time for Planning Officers to liaise with the developer with specific reference to the possibility of undertaking pre- and post-construction surveys for Colder Lane and, where appropriate, repairing any damage caused. This is addressed in the 'Highway Issues' section of the appraisal which starts at paragraph 10.19.
- 1.3 The original reason for bringing the application to Sub-Committee was the request of Ward Councillor Edgar Holroyd-Doveton, for the following reason:

"The development is likely to have:

[a] impact upon a regularly used and cited footpath. Formerly designated by Kirklees and consists of one of the main published routes in promotion of the town and gains heavy pedestrian traffic.

[b] The proposed development plan would significantly increase traffic flow in this narrow and congested area.

2.0 SITE AND SURROUNDINGS:

- 2.1 65 Colders Lane is a bungalow built mainly in brick with a tile roof. Its front elevation faces north-west towards Colders Lane, an unadopted tarmac vehicular track of variable width which continues to the north-east where it joins the adopted highway near the junction with Colders Drive, and to the south-west where it narrows and becomes a footpath. Colders Lane carries

the route of a Public Right of Way (footpath Mel/45/20) which also continues up the south-west side of the plot. The bungalow has most of its garden space to the rear (south-east). The land rises to the north-west where there is a substantial grassed area and to the south-west, and falls to the north-east along Colders Lane. The surrounding development is of mixed style – medium-sized semi-detached houses to the north and south-east (Colders Drive, Bracewell Road and Conway Crescent), a row of 4 small terraced cottages immediately to the north-east and larger individually-designed houses further down Colders Lane and behind no. 65.

3.0 PROPOSAL:

- 3.1 The proposal is for the demolition of the existing dwelling and the erection of 2 new dwellings in its place with integral garages. The original proposal was for the erection of 3 detached dwellings – this has been reduced to 2 because of officer concerns about the degree of intensification of an unadopted lane. The dwellings would be sited side by side near the middle of the site, set back 12m from the boundary with Colders Lane with a driveway and amenity space at the front, and a larger amount of garden space at the rear.
- 3.2 The dwelling on Plot 1, the eastern plot or the left-hand one as viewed from Colders Lane, would be 11.5m wide, the dwelling on Plot 2 would be 10.0m wide. Apart from this the two dwellings would be of similar design, having a rectangular plan with a 3.5m projection at the rear forming a kitchen and bedroom, and a 1m projection at the front. Each would provide 5 bedrooms including one in the attic. The current plans indicate they would have a single integral garage plus one external parking space each. The roof of each dwelling would be half-hipped, 8.7m high, with the hipped part of the roof facing existing development. The application form states that a mix of stone and render would be used; the agent has subsequently confirmed that they are to be entirely in coursed stone.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2010/91265 – Outline application for erection of detached dwelling (in the garden of no. 65 and retaining the bungalow), all matters reserved. Conditional outline permission. No reserved matters application was made and the permission has no expired.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 30-Aug-2016 – Additional highways information submitted
23-Nov-2016 – Amended site plan with 2 dwellings instead of 3
06-Dec-2016 – Amended elevations and sections
24-Jan-2017 – Further amendments to drawings (with half-hipped roof)
27-Apr-2017 – Amended elevations, with lower roof pitch
22-May-2017 – Sectional drawing submitted, also amended elevations / floorplans to comply with the layout shown on the site plan.

6.0 PLANNING POLICY:

- 6.1 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 is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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.

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

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – External facing materials
- **BE12** – Space about buildings
- **T10** – Highway safety
- **T19** – Parking standards
- **R13** – public footpaths

6.3 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is without allocation in the local plan.

Policies:

PLP21 Highway safety and access
PLP22 Parking
PLP24 Design
PLP31 Strategic green infrastructure network
PLP52 Protection and improvement of environmental quality

National Planning Guidance:

6.4 National Planning Policy Framework.

- Section 6 – Delivering a wide choice of high-quality homes
- Section 7 – Requiring good design
- Section 10 – Meeting the challenges of climate change flood risk and coastal change
- Section 11 – Conserving and enhancing the natural environment – biodiversity should be preserved and where possible enhanced.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was publicised by the posting of 1 site notice in the vicinity of the site, the mailing of 7 neighbourhood notification letters and advertisement in the local press. As a result of publicity, 17 people living in the vicinity of the site (12 different properties) had made representations, all objecting to the application or expressing concerns by publication of the previous committee report. A further three representations were received post publication of the report as set out in the update to the meeting on 22nd June.

The issues raised in representations are summarised below:

- Scale of development is excessive in terms of height and footprint;
- Lack of clarity about materials – stone and render would not be in keeping.
- Overlooking of windows (4 Popley Butts and 162 WHR)
- Two 5-bedroomed houses will generate more traffic than the existing 2-bedroom bungalow, thus intensifying the use of an unadopted road carrying a public right of way with increased dangers to users. The number of parking spaces provided (4 per dwelling) indicates that a high level of traffic generation is expected. The swept path for vehicles manoeuvring to or from these parking spaces would encroach on to the public footpath.
- Difficulties for refuse collection and emergency vehicles not addressed, even with the latest amendment – carry distance to Popley Butts where refuse collection vehicles stop is in excess of the standard 25m carry distance and the swept path of the fire appliance encroaches on the driveway to Plot 1.
- We were not allowed to build within 3m of a sewer. This is likely to be directly below Plot 2. When 162 Wessenden Head Road was built in 1999 we found out that the sewer was 6m east of its suggested location, and so if it continues in a straight line it is likely to be directly below Plot 2.
- There has been an increase in the number of bats observed in our garden (162 Wessenden Head Road) recently. Has the developer been required to carry out an environmental assessment including a bat survey?

- Congestion at the bottom of Colders Lane and Mill Moor Road.
- Impact of construction traffic on the lane and possible damage to wall adjacent to site. If permission is granted, developers must make allowance for access for existing properties and keep disturbance to a minimum, including control of construction traffic on the road.
- Noise from traffic as the driveway is alongside bedroom window in adjacent property.
- No visitor parking provision.
- heavy traffic to and from the development site will inevitably cause further deterioration of what is already a very poor road surface, will the developers take action to restore the road to at least its current state.

7.2 Meltham Town Council comments – Support the application

7.3 Councillor Edgar Holroyd-Doveton:

“If you are minded to approve the above application, can I ask that it goes to committee and that there is a site visit. The essential planning reasons is that the development is likely to have:

[a] impact upon a regularly used and cited footpath. Formerly designated by Kirklees and consists of one of the main published routes in promotion of the town and gains heavy pedestrian traffic.

[b] The proposed development plan would significantly increase traffic flow in this narrow and congested area.”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

There were no statutory consultees.

8.2 Non-statutory:

- Highways Development Management – The principle is acceptable, subject to improvements to layout.
- Environmental Health – No objection subject to conditions.
- Public Rights of Way – Do not formally object but have concerns over the intensification. Council Officers (Public Rights of Way Project Officer and Highway Design Engineer will oversee a pre- and post-construction inspection regime.

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 As the Council cannot currently demonstrate a 5-year supply of housing land, in accordance with NPPF paragraph 49, “relevant policies for the supply of housing should not be considered up to date”. Consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14.
- 10.2 The principle of residential development has already been accepted in the recent past, with outline permission being granted for the erection of a single detached dwelling in addition to the existing bungalow.
- 10.3 The site is located within a predominantly built-up area, is close to Meltham Local Centre and within walking distance of bus routes with a regular service to Huddersfield. As it would make efficient use of land it is therefore considered to be sustainable development in principle subject to an assessment of design, amenity, environmental and highways issues, to be assessed in detail later in the report.
- 10.4 Policies of particular relevance within the NPPF are:
- Core Planning Principles – in particular that planning decisions should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - Requiring good design – planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments;
 - Meeting the challenges of climate change flood risk and coastal change – opportunities should be taken to reduce the causes and impacts of flooding, and prevent new and existing development from being put at

unacceptable risk from, or contributing to unacceptable levels of, pollution or land instability;

- Conserving and enhancing the natural environment – biodiversity should be preserved and where possible enhanced.

10.5 A number of UDP Policies are also relevant. Policies BE1 and BE2 require that development should respect visual and residential amenity, contribute to a sense of local identity, take into account the topography of the site, and incorporate existing or proposed landscaping features as part of the development. New dwellings should also adhere to the minimum distance standards in Policy BE12 unless other considerations such as changes in level indicate that these can be relaxed. Policy T10 requires that development should not be allowed to create or materially add to highway safety problems, while Policy T19 states that development should provide parking in accordance with UDP (appendix 2) standards unless they can be reduced without highway safety being affected. Finally R13 specifies that proposals should take into account the convenience of users of the public right of way.

Urban Design issues

- 10.6 The surroundings of the site are notable for their steep topography, with land rising to the north-west, south-west, and south-east, and falling to the north-east. The site is elevated compared to 8 Popley Butts but low-lying compared to other surrounding properties and land.
- 10.7 The surrounding development does not display a strong coherence in style or layout. 2-8 Popley Butts comprise a row of 19th Century vernacular terraced houses but most of the surrounding development is 20th Century or later.
- 10.8 In this context it is considered that the erection of 2 no. 2-storey dwellings of the scale layout shown on the plans would not amount to overdevelopment. The fact that they would be sited at the bottom of a dip, and set approximately 1m below existing ground levels, further helps to ensure that they would not dominate their surroundings. In terms of house to plot size ratio, the new dwellings are not considered excessive and it is considered that they would allow a satisfactory amount of amenity space both at front and rear. Roof pitch has already been reduced from 35 to 30 degrees, which is typical of most other dwellings in the area.
- 10.9 The proposed dwellings would have some non-traditional features, including the roofs being hipped at one end but not the other and the extensive use of glazing. Given the range of building styles in the locality, and since they would be set back a considerable distance behind the front elevation of 2-8 Popley Butts, it is considered that their design would not be detrimental to visual amenity. The agent has confirmed that stone is to be used for exterior walling – this would harmonise with the dwelling immediately to the rear, no. 162 Wessenden Head Road, and also with 2-8 Popley Butts, although it is noted that a range of materials including brick are used in the vicinity of the site.

- 10.10 In conclusion it is considered that the proposed dwellings would respect the appearance of surrounding development and would accord with the aims of Policies BE1 and BE2, subject to a condition that all stone is regularly coursed and a sample of stone being submitted and inspected for approval before work on the exterior commences. This would also accord with the visual amenity elements of Policy PLP 24 of the emerging local plan.

Residential Amenity

- 10.11 The proposed dwellings would both have their main outlook to the front (NW) and rear (SE). The front elevations of the proposed dwellings would be a minimum of 15m from undeveloped land on the other side of Colders Lane, which would comply with Policy BE12. To the rear, the distance from the window of the nearest rear-facing bedroom (bedroom 1) would be 13.5m and 17.2m to the rear curtilage boundary and the facing window respectively in no. 162 Wessenden Head Road. For Plot 2 the relevant distances would be 12.7m and 17.2m respectively. According to the plans under which this house was built (99/90164), this room is to the breakfast area attached to a kitchen. If this is classed as a habitable room, the arrangement would not meet the 21m standard. But existing window itself is clearly short of the normally required distance of 10.5m from a habitable room window to the boundary with adjacent undeveloped land, being only 4.4m from the plot boundary with 65 Colders Lane. Furthermore no. 162 has its main habitable rooms facing west and east, away from the application site. In addition, no. 162 is set significantly higher than the proposed dwellings owing to the natural topography; the survey drawing submitted with the application indicates that ground level at the rear boundary of the site is 3.5m higher than the proposed ground floor level in the new dwellings. It is considered that it would not give rise to any material reduction in privacy for this property and it would therefore be difficult to justify refusal on these grounds.
- 10.12 The only side-facing windows in the new dwellings would be non-habitable except for a small secondary bedroom window in the dwelling on Plot 2. These include bathrooms, WCs, landings, utility rooms and kitchens. All of these can be fitted with obscure glazing and be non-opening, or in the case of the ground floor kitchen windows can be screened. In summary it is concluded that subject to suitable conditions on the provision of obscurely-glazed, non-opening windows where appropriate, and boundary fencing, no significant adverse impacts on privacy would occur.
- 10.13 Any potential for other adverse impacts on residential amenity must also be considered, especially with regard to the cottages at Popley Butts, in particular no. 8 which shares a boundary to the site to the north-east and is also at a lower level. The new side wall would be no closer than the side wall of the existing bungalow. The new dwelling would be higher than the existing dwelling, being two-storey with a bedroom in the roof, but it is noted that proposed ground floor level would be approximately 1m lower than existing ground level to the front and rear of the existing bungalow. Furthermore it has been designed with a hipped roof on no. 8's side which would reduce its impact. In terms of its potential to obstruct direct sunlight, it is unlikely that it

would be materially different from the present situation. There might be some additional overshadowing of no. 8's rear garden in the afternoons owing to the increased height, but it is unlikely to result in any additional loss of direct sunlight to no. 8's windows as the increased height would be counterbalanced by its being set further away (further south-east) and the changed siting might even result in improved ability to receive sunlight late afternoon and early evening.

- 10.14 With regard to other dwellings bordering the application site, these are all set at a higher level and consequently the new dwellings would not give rise to overbearing impact on them.
- 10.15 Given the close relationship with 8 Popley Butts it is considered that permitted development rights should be withdrawn for extensions and outbuildings on Plot 1; this is not considered necessary for Plot 2 because the neighbouring dwellings are higher.
- 10.16 In summary, it is considered on balance that the proposed development would not give rise to adverse impacts on residential amenity subject to the conditions on privacy measures and removal of permitted development rights as detailed above. This would comply with emerging policy PLP 24 within the publication draft local plan.

Landscape issues

- 10.17 It is considered that given the scale of the development, and it being sited within an established built-up area, it would not have any significant impact on the wider landscape.

Housing issues

- 10.18 The Council is currently unable to demonstrate a 5-year supply of housing land. In these circumstances, in accordance with NPPF paragraph 49, "relevant policies for the supply of housing should not be considered up to date". Consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14. The two new dwellings will make a small contribution towards meeting the housing supply which even though a small addition is still given weight in the assessment of this application and adds to the benefits of the scheme when considering the planning balance.

Highway issues

- 10.19 The south-western extent of Colders Lane (west of the junction with Colders Drive up to the application site) is unadopted and is of substandard design. It already provides vehicular access to over 10 residential properties and carries the route of a Public Right of Way, footpath Meltham 75. It is therefore not ideally suited to serve further development. Highways Development Management initially recommended refusal of the scheme as the erection of 3 dwellings in place of one was considered to amount to an unacceptable intensification.

- 10.20 In the assessment of the previous outline application for development on this site, 2010/91265, the Highways Officer judged the proposal acceptable as it would create a turning area for private motor vehicles and it was granted approval. This would have created one further dwelling in addition to the one already present on site. So had the proposal been implemented the number of dwellings served by the lane would have been the same as is now proposed. This permission has now expired but is a material consideration as it would have been assessed against the many of the same UDP policies that are now in force.
- 10.21 It is acknowledged that the erection of two 5-bedroomed houses might give rise to more car journeys than the scenario of retaining the existing modest-sized bungalow plus one further dwelling within the curtilage. But it is considered that the likely difference in traffic generation between the two scenarios would not be material and it would be difficult to justify a refusal on this basis, on balance.
- 10.22 Under UDP parking standards, 3 parking spaces per dwelling should be considered for new houses with a gross floor area of over 140 sqm. The latest site plan, Rev D, shows an increased parking area. The annotation on the plans states that there would be 3 external parking spaces per dwelling, although the configuration of the parking spaces for Plot 2 might make it difficult in practice for 3 vehicles to park externally and still allow the garage to be used. The arrangement however provides a minimum of 3 spaces each including the integral garage.
- 10.23 In addition there would be a turning head which would be available to both new dwellings and would be sufficient for a fire appliance. This represents an improvement on the existing situation and the 2010 approval for which only the provision of a turning head for private vehicles was conditioned. It would not be big enough to allow a refuse vehicle to turn within the site but there would be a shared bin collection area on the site frontage. At present, refuse vehicles picking up from the western part of Colders Lane have nowhere to turn. It is generally recommended that refuse collection workers should not have to carry bins more than 25m from their collection point. According to the Highways Officer and one local resident who has made representations on the application, refuse vehicles currently travel down Colders Lane as far as Popley Butts at the eastern end of the terrace, 2-8 Popley Butts, but no further, although the agent has disputed this, claiming in a telephone conversation with the case officer that they travel as far as the western end of the terrace. It is considered on balance that even if the bin storage area shown on the drawings is more than the standard 25m away from the nearest point the refuse collection vehicle can reach, it would be difficult to justify refusing the application on this issue alone, especially given the previous outline approval which did not explicitly make provision for refuse collection. The turning head would occupy some of the space that is also to be used as the private driveway to Plot 1, but subject to a suitable condition that the turning head is kept free of all obstructions to its use, this should not be a problem. It is considered, especially taking into account the provision of a

turning head suitable for fire engines, that the proposal would not create or materially add to highway safety problems and would accord with the aims of Policies T10 and T19. Furthermore the residual cumulative impacts of the development would not be 'severe' in accordance with Policy PLP21 of the emerging local plan.

- 10.24 The Public Rights of Way Officer has not formally objected to the proposal but has raised some specific concerns. These include: that the partial footway across the site is not linked to any footway elsewhere; it is broken up by the driveways to the properties; it is likely to attract parking and that there is no proposal to bring the access up to adoptable standards. In response to this, the Highways Officer and Planning Officer's view is that given the history of the site and the very modest intensification caused by replacing one dwelling with two, an upgrade of the lane to adoptable standards or the provision of a footway is not necessary (or not indeed possible). The site plan appears to show a footway across part of the site; this would be of limited use except as a refuge but this is not in itself considered problematic. It is considered, in summary, that the development would not have any adverse impact on the safety or convenience of pedestrians using the public right of way.
- 10.25 The proposal would not involve carrying out improvement works to the lane itself. It is recommended as a precautionary measure however that a scheme for the parking and unloading of construction vehicles during development, and protection of public path users during development works, should be submitted and approved so as to avoid any short-term safety risks or inconvenience to footpath users, in accordance with the aims of Policy R13.
- 10.26 The applicant's agent has indicated that in principle they would accept a condition that would involve them undertaking pre- and post-construction surveys of the unadopted part of Colders Lane and making good any deterioration caused during the development. The Public Rights of Way Officer and Legal Services have been consulted over the possible wording of such conditions.
- 10.27 Officers' proposed wording of the relevant conditions are:
- A. *No development shall commence unless and until:*
- i. *A pre-development condition survey of Colders Lane, defined as the 'highway', from its junction with Colders Drive to the north east to the point where the carriageway reverts to a footpath only to the south west of the application site, has been carried out and submitted to and approved in writing by the Local Planning Authority. The conditions survey to be submitted shall include:*
- a. *a plan which identifies the area covered by the survey (including length and width of the highway);*
- b. *a written report detailing the current condition of the road at with a list of defects that exist prior to commencement of development including specific photographs identifying individual defects;*

- c. *an estimate of the size, types and level of construction traffic expected to service the development during construction of the development.*

AND

- ii. *A method statement has been submitted to the Local Planning Authority and approved in writing identifying how any damage to the 'highway,' as identified in i above, which may be inadvertently caused as a result of the development taking place, will be made safe and remediated by the developer during construction, including timescale. Any damage caused to the 'highway' as defined in I, during construction shall be remediated in accordance with the approved method statement.*
- B. *A post development condition survey of Colders Lane, as defined as the 'highway' in condition A, shall be undertaken by the developer and submitted to the Local Planning Authority on completion of development and prior to first occupation of either dwelling, unless otherwise agreed in writing by the local planning authority. This will identify any damage to the highway caused during construction, including a list of repairs that are required to return the highway to the condition it was prior to the commencement of development as recorded in the pre-development conditions survey. All repair works identified in the approved report shall be undertaken before any dwelling is occupied.*

- 10.28 It should be noted that these conditions would not provide any improvements to Colders Lane, as this would not meet the 6-tests for conditions. The conditions would require the existing highway to be retained in its present state post-construction. Furthermore the condition would not control any damage to 3rd party land during the course of construction. If damage occurs this would be a civil matter to address between the parties involved.

Drainage issues

- 10.29 The site is not within an area which is known to be at risk of flooding. Disposal of surface water is to be via mains sewer. This is not the most sustainable method of drainage but as the development is only for 2 units, and since the existing dwelling is presumably connected to mains drainage already, the implications for surface water drainage are not a major concern. Furthermore given the scale of development issues related to drainage would be assessed as part of any allied Building Regulations application.

Representations

- 10.30 Concerns relating to visual and residential amenity and highway safety have been addressed in the main part of the report but are highlighted here together with other issues raised and officer responses.

Scale of development is excessive in terms of height and footprint;

Response: This issue has been addressed earlier in the Assessment: “Urban design issues” and it is considered that the scale of development would not be excessive.

Lack of clarity about materials – stone and render would not be in keeping.

Response: The agent has clarified this, confirming that the dwellings are to be externally faced in stone.

Overlooking of windows (2 Popley Butts and 162 WHR)

Response: This issue has been addressed earlier in the Assessment: “Residential amenity issues” and it is considered that subject to suitable conditions it would not give rise to a loss of residential amenity though loss of privacy.

Two 5-bedroomed houses will generate more traffic than the existing 2-bedroom bungalow, thus intensifying the use of a narrow unadopted road carrying a public right of way with increased dangers to users. The number of parking spaces provided (4 per dwelling) indicates that a high level of traffic generation is expected. The swept path for vehicles manoeuvring to or from these parking spaces would encroach on to the public footpath.

Response: It is considered that the overall level of traffic generation would not be materially different than that which would have occurred had the 2010 permission been implemented, which also did not contain separate internal turning provision for each dwelling and so would also have involved similar manoeuvres.

Difficulties for refuse collection and emergency vehicles not addressed, even on the latest amendment – carry distance to Popley Butts where refuse collection vehicles stop is in excess of the standard 25m carry distance and the swept path of the fire appliance encroaches on the driveway to Plot 1.

Response: These issues have been addressed in paragraph 10.22 above and it is considered that the refuse collection arrangements shown on the plans are acceptable.

We were not allowed to build within 3m of a sewer. This is likely to be directly below Plot 2. When 162 Wessenden Head Road was built in 1999 we found out that the sewer was 6m east of its suggested location, and so if it continues in a straight line it is likely to be directly below Plot 2.

Response: According to information held by Kirklees Council, the position of the sewer would be under the footpath adjacent to the south-west of the existing dwelling and that a 3m easement would therefore be retained in relation to the dwelling on plot 2. If it turns out that this is incorrect then the developer will have to apply to Yorkshire Water for a diversion or a build-over agreement and if material changes to the scheme are required this could result in a revised planning application being required.

There has been an increase in the number of bats observed in our garden (162 Wessenden Head Road) recently. Has the developer been required to carry out an environmental assessment including a bat survey?

Response: The site is not within the bat alert layer and the site in general appears to have low ecological value, so on this occasion no ecological or bat survey was requested.

Congestion at the bottom of Colders Lane and Mill Moor Road.

Response: It is considered that the scale of the development – 2 dwellings – is not such as would materially increase congestion elsewhere on the highway network

Impact of construction traffic on the lane and possible damage to wall adjacent to site. If permission is granted, developers must make allowance for access for existing properties and keep disturbance to a minimum.

Response: See paragraphs 10.26-10.28 regarding damage to Colders Lane, damage that might occur to 3rd party lane would normally be treated as a private civil matter. A scheme for the parking of contractors' vehicles and their loading and unloading can be imposed as a condition. The standard footnote on hours of work recommended by Environmental Health can be added to the Decision Notice if planning permission is granted.

Noise from traffic as the driveway is alongside bedroom window in adjacent property.

Response: It is considered that the level of noise disturbance generated would not be such as would amount to a material loss of residential amenity and would not be contrary to Policy PLP52 of the emerging local plan.

No visitor parking provision.

Response: Under UDP standards, the provision of visitor parking provision should be considered for any housing development served by an "informal road" at the rate of one for every four units. As the proposal is for two dwellings, a net gain of one, this is not considered necessary in this case. Given the size of the site and the length of the frontage, it would in any case be difficult to provide a visitor parking space in addition to the external parking spaces and a turning head, and again officers did not deem this necessary at the time of the 2010/91265 application.

Heavy traffic to and from the development site will inevitably cause further deterioration of what is already a very poor road surface, will the developers take action to restore the road to at least its current state.

Response: see wording of proposed conditions in paragraph 10.27 and the limitations of these works set out in paragraph 10.28.

Meltham Town Council's support for the application is noted.

Councillor Edgar Holroyd-Doveton's comments:

The development is likely to have:

[a] impact upon a regularly used and cited footpath. Formerly designated by Kirklees and consists of one of the main published routes in promotion of the town and gains heavy pedestrian traffic.

[b] The proposed development plan would significantly increase traffic flow in this narrow and congested area.

Response: It is noted that Colders Lane carries the route of a public right of way but for reasons set out in detail above in paragraphs 10.19-10.28 it is considered that the intensification of the route caused by the development would not be materially harmful to pedestrian safety.

Other Matters

- 10.31 The site is not within the bat alert layer, there are no mature trees on site, and it is considered that the existing house and garden have, at most, very limited ecological value. For these reasons, no ecological survey work has been requested.
- 10.32 Air Quality: NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution.” On small to medium sized new developments this can be achieved by promoting green sustainable transport through the installation vehicle charge points. This would also comply with the West Yorkshire Low Emissions Strategy Planning Guidance and Policy PLP24 of the emerging local plan. This can be secured by a planning condition requiring one electric vehicle charging point per dwelling.
- 10.33 It is noted that the proposed section, drawing number 05, did not accord with the elevations as it still showed a floor to ridge height of 9.4m.. In the interests of clarity, the case officer requested an amended sectional drawing showing the height reduced to 8.7m as shown on the elevations. This, as reported in the update to the last committee meeting, has been received.

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, the NPPF, the draft local plan and other material considerations. It is considered that the development would constitute sustainable development. The proposal is considered not to have a materially adversely impact on the character of the area, highway safety or residential amenity. It is therefore recommended for approval.

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

1. Standard 3-year deadline for commencement of development
2. Development in accordance with approved plans.
3. Samples of facing and roofing materials to be inspected and approved.
4. All side facing windows in the new dwellings to be obscurely glazed and non-opening except for the kitchen windows which can be screened.
5. No additional windows to be formed in the side elevations of the dwelling on Plot 1
6. Details of boundary treatment for side boundaries to be submitted and provided before first occupation.
7. Removal of permitted development rights for extensions or outbuildings on Plot 1.
8. All the parking and turning arrangements, for the new dwellings, shown on the site plan, to be formed before either new dwelling first occupied and thereafter retained without obstruction
9. Parking spaces to have permeable surfacing
10. Shared bin collection point to be provided
12. Garages not to be converted to living accommodation.
13. Provision of electric vehicle charging points.
14. A scheme for the parking and unloading of construction vehicles and protection of public path users during development works to be submitted to and approved in writing before development commences.
15. Colders Lane pre-construction condition survey and method statement.
16. Colders Lane post-construction condition survey, including list of repairs.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92203>

Certificate of Ownership – Certificate A signed.

This page is intentionally left blank



Originator: Nick Hirst

Tel: 01484 221000

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2017/90642 Erection of rear and side extensions
46, Meltham Road, Honley, Holmfirth, HD9 6HL

APPLICANT

Mr & Mrs K McGowan

DATE VALID

23-Feb-2017

TARGET DATE

20-Apr-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley North

No

Ward Members consulted

RECOMMENDATION

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

1.0 INTRODUCTION

- 1.1 This application was originally brought to Sub-Committee for determination on 22nd June 2017 at the request of officers with the agreement of the Chair in accordance with the delegation agreement.
- 1.2 The reason officers requested a Sub-Committee determination was because the original scheme was amended to overcome objections on the grounds of residential amenity at the request of officers. The amended proposal was initially considered to be, on balance, acceptable. However, for the reasons set out in the original report it could not be supported.
- 1.3 Members undertook a site visit on 21st June and debated the application at the committee meeting on 22nd June. Members resolved to defer the application asking that it be re-considered and amended to mitigate the harm to the neighbouring dwelling (no 44). An amended plan was received on 3rd July and a further period of publicity has been undertaken, although this had not expired at the time of writing.
- 1.4 The report below has been updated to refer to the amended plans with reference made to the original scheme reported to committee.

2.0 SITE AND SURROUNDINGS

- 2.1 No.46 is a two storey semi-detached dwelling faced in stone with blue slates on the hipped roof. The dwelling has off-road parking to the front, accessed directly from Meltham Road, and a private garden space to the rear. The dwelling has a single storey side section.
- 2.2 The semi-detached properties along this section of Meltham Road were built at the same time and share a common design. However many benefit from rear extensions. This includes nos. 48, 50 and 52 to the west of the site which have two-storey and single storey extensions to the rear. To the east of the site no 44 has a single storey rear conservatory extension. Further east nos.42 and 40 Meltham Road are set at an angle to other properties and face the junction of Meltham Road with Grasscroft Road.
- 2.3 Land around the application site rises east to west. Whilst nos.46 and the attached 44 are on the same ground level as the land level rises from east to west nos.48/50 are on a higher ground level.

3.0 PROPOSAL

- 3.1 The extension, as amended, is to be two storeys in height and would project 3.0m from the rear elevation. It would be set in from the shared boundary with no.44 by 0.4m. It would also project 1.25m beyond the side elevation, towards no. 48, and includes a first floor extension over the existing single storey side extension. The roof is to be hipped. Changes to the original roof would be required to accommodate and align the roof of the two storey extension.
- 3.2 Habitable room windows are proposed on the rear elevation of the extension only. Three rooflights are proposed within the original roof. The rooflights would provide light to a bathroom and bedroom which otherwise have no natural means of light. Other proposed windows, to serve non-habitable rooms, include a corridor on the first floor front elevation and a toilet in the ground floor side elevation.
- 3.3 All materials are to match those of the host building. The extension would provide a 'living kitchen' on the ground floor and a master bedroom with en-suite to the first floor.

4.0 RELEVANT PLANNING HISTORY

4.1 48, Meltham Road (built concurrently with No. 50)

2007/91075: Erection of two storey extension (modified proposal) – Conditional Full Permission (Implemented)

2014/91903: Erection of single storey rear extension – Conditional Full Permission (Implemented)

4.2 50, Meltham Road (built concurrently with No. 48)

2007/90079: Erection of two storey and single storey extension and installation of solar panels – Conditional Full Permission (Implemented)

2014/91902: Erection of single storey rear extension – Conditional Full Permission (Implemented)

4.3 52, Meltham Road

2014/93696: Erection of single and two storey extensions and demolition of conservatory and outbuildings – Conditional Full Permission (Implemented)

5.0 HISTORY OF NEGOTIATIONS

5.1 The proposal, as originally submitted, sought a two storey rear extension to project 4.3m, with the single storey projecting a further 1.7m for a cumulative 6.0m. There was no set in from the boundary with no.44. The case officer had concerns to the proposal on grounds of overdevelopment and a harmful impact upon no.44.

5.2 Discussions were held between the case officer and the applicant's agent. The case officer requested the two storey extension be limited to having a 3.0m projection, and that the single storey extension be set in from the boundary by 1.5m. This arrangement would match the rear extensions approved at nos.48 and 50. It was envisaged this would overcome the perceived overbearing harm upon no.44.

5.3 These amended plans received were re-advertised by neighbour letter. Two further objections were received. While the case officer had requested amendments that may have overcome the neighbours' concerns, this could not be achieved. Taking into account of the perceived harm to the residential amenity of the occupiers of no. 44 and the representations received, officers determined that they were unable to support the proposal.

5.4 The application was presented to members at the committee meeting on the 22nd June. Members resolved to defer the application, as they were unable to support the proposal in its submitted form. The reason given was to allow the applicant and agent to re-consider and amended the proposal to mitigate the harm to the neighbouring dwelling (no 44).

5.5 Following the meeting discussions were held between the case officer and the application's agent, taking into account members debate at the meeting. Further amended plans were received on the 3rd of July and another round of publicity undertaken. The revised scheme has deleted the single storey element of the rear extension. This means that the rear extension has been reduced from 6m to 3 m in overall projection and comprises a two-storey extension.

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 submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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.

6.2 The site is Unallocated on the UDP Proposals Map.

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highways accessibility considerations in new development

6.4 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is without allocation or designation in the publication draft local plan.

POLICIES

- PLP21 – Highways and access
- PLP24 – Design

6.5 National Planning Guidance

- **Paragraph 17** – Core planning principles
- **Chapter 7** – Requiring good design

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application was original advertised by a site notice and letters to neighbouring dwellings. Subsequent amended plans were advertised by neighbour notification letter. This is in line with the Councils adopted Statement of Community Involvement.

7.2 The latest amendment plans have been advertised by neighbour notification letter. Furthermore interested parties who previously made representation on the proposal were directly emailed. The end date for publicity is 18th of July, 2017. Representations received following the publication of the agenda will be reported to members in the update.

7.3 At the time of writing no further representations have been received in objection to the amended proposal. No representations have been received in support.

7.4 Objections

Three representations in objection to the proposal have been received from local residents during the course of the application (these objections do not relate to the latest set of plans). One representation was received to the original plans and two further to the first set of amended plans. Below is a summary of the concerns raised;

- Personal upset caused to the occupier of no.44.
- The proposed extension is too large and would have a detrimental impact upon the amenity value provided by no.44's garden through overbearing and overshadowing.
- No.44's conservatory would be overshadowed, making it useless.
- Loss of value and saleability of no.44.
- Impact upon visual amenity within the area.

7.5 Ward Councillor Charles Greaves contacted the case officer regarding the application. In respect of the original submission he stated: "I think a double 3m and a single 6m at this location is too much. One or the other maybe, but both would be too much in my view - perhaps setting it in would reduce some of the impact". Following the receipt of amended plans Cllr Greaves contacted the case officer and asked that the application be brought to sub-committee with a site visit if minded to approve. The planning reason for this was so that members could consider the size of the extension and the impact it would have on the garden of the neighbouring property. Notwithstanding Cllr Greaves' request, the reason this application is brought to committee is as set out in Paragraph 1.2.

7.6 Support

No representations in support of the proposal were received.

8.0 **CONSULTATION RESPONSES**

8.1 No consultations were required.

9.0 MAIN ISSUES

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

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 All these considerations are addressed later in this assessment.

Urban Design issues

- 10.3 The extension would be faced and roofed in materials matching the host building, which is acceptable in principle. To ensure suitable matching materials are used, it is considered necessary to condition samples are submitted to the Local Planning Authority.
- 10.4 The rear extension is considered to have a design and appearance which reflects and harmonises with the design of the host building. Regarding scale and massing, by projecting 3.0m the two storey rear extension is in keeping with the guidance of Policy BE14, in terms of impact on visual amenity. In this context it is not considered that the rear extension would appear either incongruous within the setting of, or be visually detrimental to, the appearance of the host building. Furthermore the extension would not be particularly visible in the wider streetscene, given its location to the rear.
- 10.5 The side extension is small in scale and set well back. It will not be prominent within the area and would have limited impact upon the streetscene. While being of an alternative design to other two storey side extensions in the street, it is considered subservient to the host building and is deemed to harmonise well with the host building.
- 10.6 Regarding the changes to the roofline, it would retain the overall design of the existing roof. While it would result in no.46's roof varying from no.44's roof, changing the balance of the semi-detached pair, this is not without precedence on the street. As noted various other dwellings benefit from two storey rear extensions, which have differing impacts on the original roofs

between pairs of semi-detached properties. In this context it is considered that no.46 would not appear incongruous in its setting or be visually detrimental to the semi-detached properties of which it forms part.

- 10.7 Given the above considerations it is concluded that the proposal's design, as a whole, complies with Policies D2, BE1, BE2, BE13 and BE14 of the UDP, Chapter 7 of the NPPF and Policy PLP24 of the emerging local plan.

Residential Amenity

- 10.8 The proposed two storey extension would be built close to the shared boundary with no.44. In addition to rear windows, no.44 has a conservatory extension adjacent to this boundary. The conservatory projects 2.6m, 0.4m less than the proposed extension. Because of its location along the common boundary the proposal has the potential to cause overbearing impact and overshadowing upon no.44.
- 10.9 In regards to overbearing, at a projection of 3.0m it is not considered that the proposal would unduly harm the amenity of no.44's occupiers. It is noted that 3.0m complies with Policy BE14's guidelines for domestic extensions – provided this retains a good level of amenity for the adjacent property. Furthermore the hipped roof design reduces the massing of the extension, as does the deletion of the previously proposed single storey extension which would have projected a further 3m into the garden area. It is noted that the conservatory window facing towards no.46 is obscurely glazed, with only a minimal view of the extension from the conservatory's principal outlook: the proposal will not therefore result in a significant loss of outlook or sense of enclosure to users of the conservatory.
- 10.10 When considering overshadowing, as the extension is located to the conservatory's west, with the host building being to the south, there will be overshadowing, in particular to the side windows of the conservatory but limited to late evening in summer. There clearly would be a loss of light as the glazed windows would be blocked by the wall of the new structure but this would occur with any new development along the boundary. Taking into account the reduction to the rear projection of the proposed extension, the orientation of the properties and the design of the extension it is not considered that the impact of this would be materially harmful to no.44's occupiers.
- 10.11 Notwithstanding the above consideration must also be given to the impact on no.44's external amenity space. When compared to other dwellings on Meltham Road, no.44's garden is small in scale and therefore potentially more susceptible to neighbouring extensions. The revised proposal projects 3 metres from the original rear elevation, reduced from the previously proposed 6 metres. It is considered that this would not be unduly invasive or overly prominent when viewed from no.44's amenity area. It is however considered necessary to remove permitted development rights for outbuildings, to prevent cumulative massing of development impacting on no.44's amenity. Further rear extensions to the dwelling cannot be achieved via permitted development.

- 10.12 No windows are proposed that would permit an invasive overlooking of no.44's private amenity space or habitable room windows.
- 10.13 To no.46's west is the detached no.48. No.48 benefits from a two storey rear extension, projecting 3.0m, and a single storey extension projecting a further 3.0m for a cumulative projection of 6.0m. As a result no.46's proposed extension will not be visible from any of no.48's habitable room windows, preventing a harmful overbearing or overshadowing impact. This includes no.48's rear garden area.
- 10.14 Considering the above it is concluded that the proposal would not result in material harm to neighbouring residents. The proposal is therefore deemed to comply with Policies D2 and BE14 of the UDP, Paragraph 17 of the NPPF and Policy PLP24 of the emerging local plan.

Highway issues

- 10.15 The proposal will retain one off-road parking space on site and will not change the access arrangement. One parking space is considered substandard, with two parking spaces being sought for a both a two and three bedroom dwelling.
- 10.16 Conversely, while the proposal will change the dwelling from a two bed to three beds, it is not considered that there will be a material increase in demand for parking given the overall scale of the proposed extensions and rooms provided.
- 10.17 It is noted that Meltham Road is capable of hosting on-street parking. It is concluded that the proposal will not result in material harm to the safe and efficient operation and is deemed to comply with policy T10 of the UDP.

Other issues

- 10.20 There are no other material planning considerations for the proposal.

Representations

- 10.21 Three letters of objection have been received to date although the latest round of publicity on the amended plans had not expired at the time of writing. Below are the issues which have been raised that have not been addressed within this assessment.

- Loss of value and saleability of no.44
- Personal upset caused to the occupier of no.44

Response: The loss of value of a dwelling is not a material planning consideration. While the case officer sympathised with the impact on feelings, personal upset does not form a material planning consideration. The impact on the residential amenity has been assessed in the appraisal.

10.22 Consideration has been given to the representations received to the previous versions of the proposal. It is considered that the amended proposal has overcome all material planning considerations that were previously raised, relating to harm to residential and visual amenity.

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 and 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 Strategic Investment)

1. 3 year time limit to commence development
2. Development carried out in accordance of approved plans
3. Materials to match existing dwelling
4. Removal of PD rights for outbuildings
5. Side facing WC window to be obscurely glazed

Background Papers

Application and history files can be accessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90642>

Certificate of Ownership: Certificate A signed



Originator: Matthew Woodward

Tel: 01484 221000

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2013/93746 Partial Demolition of existing Listed Building and erection of 1no. A1 retail store and 2no units (A1/A2/A3 use class) at ground floor and offices (B1 use class) at first floor level with associated parking, servicing and landscaping (Within a Conservation Area) 43, Northgate, Almondbury, Huddersfield, HD5 8RX

APPLICANT

Richard Wood, c/o agent

DATE VALID

12-Feb-2016

TARGET DATE

13-May-2016

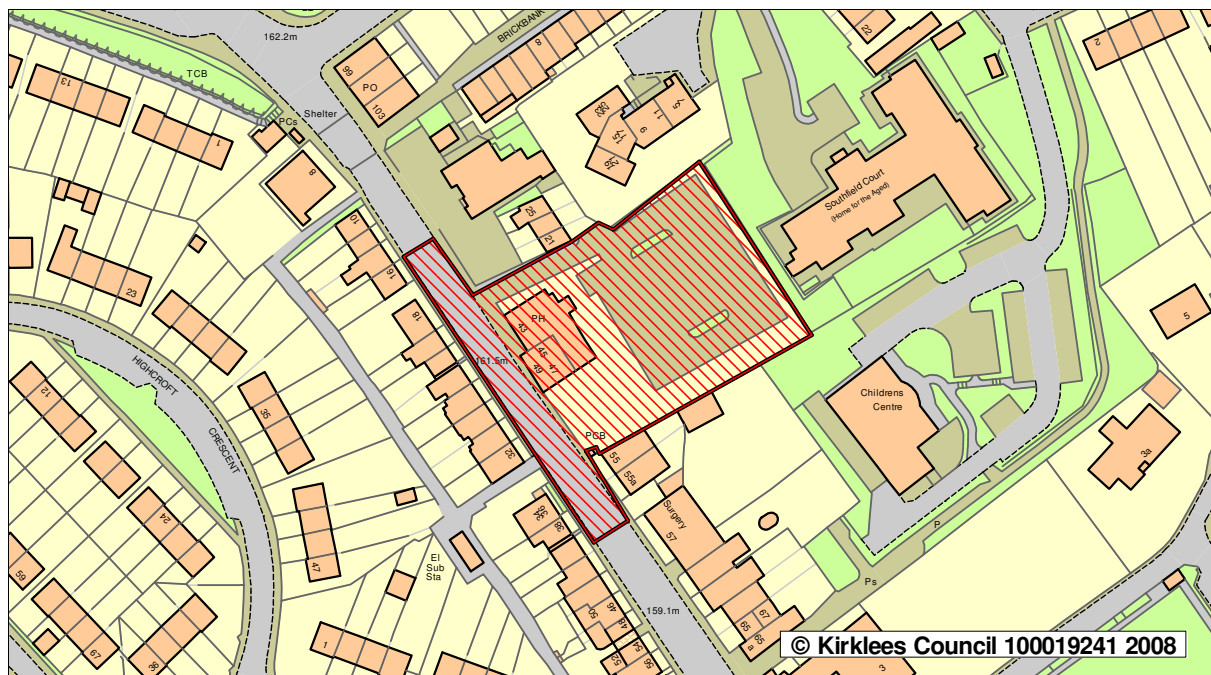
EXTENSION EXPIRY DATE

13-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.

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Almondbury

No

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to negotiate further amendments to the submitted scheme to mitigate harm to the residential amenities of no. 55 Northgate, complete the list of conditions including those contained within this report and issue the decision.

1.0 INTRODUCTION

1.1 The proposed development is referred to the Huddersfield sub-committee due to the level of representation received and due to a request received from Cllr Wilkinson shortly after the application was originally submitted. At that time Cllr Wilkinson also requested a site visit. The reasons Cllr Wilkinson requested the application be determined by the committee were:

- 1 Impact on the conservation area
- 2 Impact on a listed building
- 3 Level of representation

1.2 Could Members note that following the recent submission of additional detail by the agent concerning the potential impact on no55 Northgate, officers are of the view that the current proposal represents an unacceptable impact on the amenity of the occupiers of no55. Consequently, amended plans have been requested from the applicant in order to further reduce the impact of the proposed development on no55 Northgate. Revised/amendments plans will be reported to committee as an update, if these are received before the meeting.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is located in the heart of Almondbury Village, fronting Northgate which is the main street running through the village. It falls within the wider Almondbury Conservation Area. The site is occupied by a redundant, Grade II listed building, which was previously used as the Rose and Crown public house. The building incorporates two main building entities from two distinct eras. This includes an ashlar stone, principal building which fronts Northgate and a stone element (which was historically the original building) which is slightly recessed behind the principal building. Both elements of the building are attached and listed under the same listing. Between the building and number 55 Northgate is the former garden to the public house that is fronted by a stone boundary wall that adds a sense of enclosure to the street scene.

2.2 For the purpose of this report, reference to 'building' refers to the whole of the former Rose and Crown public house building.

2.3 Northgate is the main road through the village of Almondbury linking Somerset Road with the historic core of the village around the All Hallows Church. Northgate is a mix of shops, small retail units and residential with a mix of ages and styles. Immediately to the north of 43 Northgate is the existing Co-operative retail unit, which is set back from the road, which is single storey and of modern construction along with the associated car park. Immediately to the south are two semi-detached dwellings and a Doctors Surgery which are a Grade II listed and date from *circa* mid 19th Century. On the opposite side of Northgate lie traditional stone built terraced properties which directly front the street.

2.4 In terms of access, there is a car park to the rear of the building which now forms an informal parking area for shoppers and the like. Access to the car park is taken on the northern side of the existing building.

- 2.5 The existing building is situated in a prominent position along Northgate. It is currently boarded up and is in a partial state of decay. The main element of the building is constructed of ashlar stone and has a hipped roof. The historic building element which formed the main entrance to the Rose and Crown is constructed of traditional stone materials and is recessed behind the attached ashlar stone building element. Architectural detailing includes stone headers and cills with sash windows in each opening. There is a stone wall which adjoins the street to the south of the building providing a strong boundary with Northgate. In the south western corner of the site is the location of a blue Police Box which is Grade II listed (although not presently on site).
- 2.6 The site slopes gently from the street towards the back of the site. Large parts of the southern portion of the site are overgrown with grass and this boundary adjoins no55 Northgate. Both a dwelling and a boundary wall divide the site from this property. A large number of trees divide the site from a care home which lies to the east. Immediately adjoining the northern boundary of the site are three terraced properties which appear to share access from Northgate with the site (nos. 21-25 Northgate).

3.0 PROPOSAL:

- 3.1 The proposed development has been amended significantly whilst being processed. In summary, alterations have been made to the layout and uses proposed in order to lessen the impact on the main Grade II listed building, in order to promote good design and in order to reduce the impact on residential amenity. The scheme now comprises the following:

Demolition

- 3.2 Partial demolition of the former Rose and Crown public house along with the removal of internal walls and other works necessary to convert the building into retail/commercial and office use. Due to the complex nature of the building, the amount of alterations already carried out and the history of its development, the proposals are split into the various parts of the building as follows:-
- 3.3 *Original building:* The front of the building has an existing porch; to the north of this the existing building would be demolished, including the internal walls on the ground floor which once formed the rear of the inn before the building was extended in the early 20th Century. This extension would be completely removed on the ground floor. The upper floors are to be retained as existing apart from the demolition of the north end of the building.
- 3.4 *Principal Listed Building:* This would remain as existing both on the ground and first floor but will be repaired to ensure its long term retention.

Building works

Unit A

- 3.5 Erection of a single storey A1 (food) retail unit with a retail floor space of approximately 280m² and associated storage area. The unit would be attached to Unit B, the link would form a foyer. The building would also include a point of access to the side of the building facing the proposed access.
- 3.6 Access to the rear of the building for deliveries is proposed to the rear, adjoining the car parking area.

Unit B

- 3.7 The erection of a two storey unit attached to, and incorporating the, existing Grade II listed building in order to create a use falling under the A1/A2/A3 use class, including a new foyer with office accommodation at first floor level. The total floor area of the ground floor unit would be 195m².
- 3.8 As detailed above, in order to facilitate Unit B, the proposals involve partial demolition of the existing Rose and Crown public house comprising the removal of a large proportion of the recessed element of the existing building which formed the main entrance to the public house. The Ashlar building would remain, along with a large proportion of the rear of the adjacent building.
- 3.9 The two-storey extension includes a shop front which would wrap around the front and side of the proposed extension.

Unit C

- 3.10 Erection of a two storey building facing Northgate which would incorporate A1/A2/A3 use class at ground floor level and office accommodation at first floor level. The building would be constructed of stone and include a pitched roof. The total floor area of the ground floor unit would be 109m².
- 3.11 There would be an entrance door to the front of the building, facing Northgate.

Other Works

- 3.12 The proposed development includes a courtyard area which would be situated between Unit B and Unit C fronting Northgate. The courtyard is proposed in front of a proposed single-storey link extension which would be constructed between Unit B and Unit C.
- 3.13 Parking is proposed to the rear of Unit A comprising a total of 30 spaces with 2 disabled spaces.

4.0 BACKGROUND AND HISTORY:

4.1 The recent planning history of the site is detailed below:

2014/90001 - Listed Building Consent for partial demolition of a building (within a Conservation Area) – Subject of a separate report to committee.

4.2 There are records of two historic enforcement notices being served at the property in 1991. These relate to breaches of planning control regarding the erection of a satellite dish without planning and listed building consent.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The application was originally submitted in January 2014 for the complete demolition of the building with the intention of building a new retail store on the site. Due to the level of objections received from local residents and the statutory consultees, negotiations took place to retain as much as possible of the original buildings. Revised plans and a heritage impact assessment were received showing the retention of one external wall to the principal listed building which again attracted a number of objections. Following further discussions with the agent and applicant the current plans were received showing the retention of much more of the building.

6.0 PLANNING POLICY:

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

6.2 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).

6.3 The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The land is designated within the Almondbury Conservation Area within the UDP and Publication Draft Local Plan (PDLP). It is designated as being within the Almondbury district shopping centre boundary within the PDLP and within a local centre on the UDP.

UDP Policies:

BE1 - Design
BE2 - Design of new development
BE5 – Development in Conservation Areas
BE11 – Natural Stone
BE16 – New Shop Fronts/Alterations to Existing Shop Fronts
BE17 – New Shop Fronts on Buildings within Conservation Areas or Listed Buildings
BE20 – Accessibility to shops for people with disabilities
BE23 – Crime Prevention Measures
EP4 – Noise Sensitive Development
G6 – Land contamination
T10 – Highway Safety
T14 – Pedestrian Routes
T19 – Off-street Parking
S1 – Town Centres

Emerging Local Plan policies:

PLP3 – Location of New Development
PLP7 – Efficient and effective use of land and buildings
PLP13 – Town Centre uses
PLP14 – Shop frontages
PLP16 – Food and drink uses and the evening economy
PLP20 – Sustainable Travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP25 – Advertisements and shop fronts
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality

- 6.4 Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised in the press, by site notice and by neighbour letter as a Major Development and Development Affecting the Setting of a Listed Building and Conservation Area. Amended plans have been submitted during the course of the application and the application has been re-advertised. A total of 68 objections have been received and 106 letters of support. These comments can be summarised as follows:

Objections:

Note – unless otherwise stated, objections are addressed in the main body of the report.

- Loss of historic building and public house.
- Shops/commercial units would threaten local businesses.
- Building close to boundary walls which are listed
- Noise from the proposed uses
- Lead to disorderly/anti-social behaviour
- Additional traffic on roads
- Close proximity of building to no55 Northgate

Officer Response - Amended plans have been requested in order to further reduce the impact on no55 Northgate.

- There is Japanese Knotweed on the site

Officer Response - The removal of any Japanese Knotweed must be carried out in accordance with good practice. An informative is recommended in this regard.

- Proposed flat roof link extension out of character.
- Residential development on the site unacceptable

Officer Response – Residential development is no longer proposed.

- Currently 45 car parking spaces and the proposal would reduce the number of spaces.
- Insufficient space to accommodate deliveries.
- Impact on structural integrity of nearby properties

Officer Response – Building Regulations would control the detail of the building works proposed.

- Disruption during construction works

Officer Response – Condition recommending Construction Management Plan.

- Poor disabled access. Steps without handrails are not acceptable. Too much distance between disabled parking spaces and the shop units. Curved steps near front of site not acceptable for disabled.

Officer Response - These are largely matters to be assessed as part of Building Regulations. However, the proposed development includes a level access and stepped access in order to accommodate access for mobility impaired. Whilst there are spaces within the car park designated for disabled occupants, there are also spaces along Northgate which would be available short-term. The scheme has had due regard to the Equality Act 2010.

- Nearby residents won't be able to access their property

Officer Response – The scheme has been amended and there is sufficient space along the proposed access to accommodate vehicles and movements associated with the properties affected.

- Health and safety due to the position of the parking area along the access.
- Lack of landscaping/trees and lost trees

Officer Response – A landscaping scheme is proposed in order to partially offset the loss of trees.

- Concerns over congregations of skateboarders

Officer Response – The scheme has been amended so that the courtyard area is adjacent to the street and thus is well overlooked.

- Existing Co-op store sufficient, no need for this

Officer Response – The site lies in a Local Centre and thus, retail development is acceptable in principle.

- The proposed store should be an Aldi

Officer Response – This is not a material planning consideration.

- What is going to happen to the existing recycling bins?

Officer Response – This will be dependent on the site operator and whether they wish to accommodate the recycling bins within the car park area.

- The existing pub should be retained and converted to a family pub.

Fence needed to improve the privacy of the adjacent property

Officer Response – A condition is recommended concerning boundary treatments.

- Where would the trolleys be stored? Access to the proposed car park with a trolley is poor

Officer Response – There are no proposals to store trolleys externally. There is a step free access from the retail store to the car park.

- What will happen to the existing Co-op?

Officer Response – Not part of the current application.

- Would we be able to leave cars in the existing car park overnight?

Officer Response – This would be a matter for site operator in terms of whether they implement restrictions.

- Objection received from residents in close proximity of the site on Northgate on the basis that any A3 use would disproportionately affect the adjoining properties (no's 55a, 55 and 57 Northgate – all of which have single glazed windows). In addition, do not wish any trees along the boundary with no's 55, 55a and 57 to be removed.

Support:

- Welcome the retention of the existing pub building.
- Pub is falling down and needs to be dealt with. Building and site is an eyesore/in a state of disrepair.
- No objection but stone should be correct match and not pitched finish.
- Proposal much needed in Huddersfield
- Proposal would be beneficial to local area.
- Proposal improves facilities on offer.
- No objection but police box should be reinstated.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Historic England – No objection subject to conditions. Comments discussed in more detail in the relevant section of the officer report.

K.C Conservation and Design – No objection subject to conditions.

K.C Highways – No objection in principle, but additional detail has been requested from the applicant concerning the provision of a dropped crossing along Northgate, the short stay parking on the entry/exit access removed or amendments to the existing permit holder or limited waiting restrictions and associated lining on Northgate.

An update will be provided to the committee concerning highways matters.

K.C Strategic Drainage – No objection subject to conditions.

8.2 **Non-Statutory:**

K.C Environmental Health – No objection subject to conditions concerning contamination, hours of delivery and opening hours.

K.C Ecology and Biodiversity Officer – Having reviewed the report, which is within but towards the end of the validity period, I am satisfied that the building is unlikely to be used by roosting bats. This is supported by the lack of suitable habitats immediately surrounding the site.

K.C Arboriculturist – No objection but wishes to see planting.

Yorkshire Water Services – No comments received.

9.0 **MAIN ISSUES**

Principle
Visual Impact and Impact on Heritage Assets
Residential Amenity
Highways
Drainage
Trees
Biodiversity
Conclusion

ASSESSMENT

Principle of development

- 9.1 The site is situated on a parcel of brownfield land which is unallocated site on the Kirklees Unitary Development Plan. The site lies within Almondbury local centre and Almondbury Conservation Area.
- 9.2 The building was previously used as a public house and the proposal would result in the loss of this historic use. Paragraph 28 of the NPPF states that planning policies should promote the retention and development of local services and community facilities such as public houses. Paragraph 70 states that planning decisions should guard against unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs.

- 9.3 The existing public house – Rose and Crown – is not listed as an Asset of Community Value. Nevertheless, the application has received a number of objections opposing the proposed uses and, for at least a proportion of the local population, the existing pub holds/did hold community importance. It is acknowledged that public houses offer a useful community facility for eating and drinking, and successful pubs can also act as important hubs within community settings. Given the prominent position of the public house within the village and the nature of the objections received, paragraph 70 of the NPPF is relevant in this case.
- 9.4 Almondbury appears to be a popular local centre and there are a range of eateries, cafes and other facilities, including two public houses which are located on Westgate, all within 500m of the application site. Furthermore, the building has not been used as a public house for a number of years and has been actively marketed since at least 6 months prior to the application being submitted in 2013. No alternative use for the building has been found. In this case it is not considered that the loss of the public house would reduce the community's ability to meet its day-to-day needs. In fact, through the provision of the uses proposed – which includes a convenience foodstore and two small A1/A2/A3 units – the scheme may in fact improve the level of service provision within the village and provide a social benefit to the local community.
- 9.5 In respect of the uses proposed, the site lies within Almondbury District Centre. The boundary of the district centre is reinforced by the emerging local plan. Consequently, the proposed uses – A1/A2/A3 – are all compatible uses with town centres, in accordance with paragraph 24 of the NPPF; there is no need for a sequential test or impact assessment in this case.
- 9.6 For the reasons detailed above, the proposed development is considered to represent a range of uses which are potentially acceptable in this district centre location.

Visual Impact and Impact on Heritage Assets

- 9.7 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses. Section 72 of the above act similarly requires that LPA's pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area where relevant. Furthermore, the Court of Appeal has held that decision-makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

- 9.8 The first bullet point to para 131 of the NPPF indicates that, in determining planning applications, LPA's should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Para's 132, 133 and 137 of the NPPF identify that:
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
 - Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPA's should refuse consent.
- 9.9 The main heritage assets potentially affected by the proposals are:
- Former Rose and Crown Public House – Grade II Listed
 - Almondbury Conservation Area.
 - Grade II listed Police Box
 - No's 55, 55a and 57 Northgate.
- 9.10 The proposal is for the partial demolition of the building including removal of internal walls to create retail units. Outwardly the public house presents two different elements when viewed from the street. On the left side from the street is the original inn (43 Northgate) which is constructed of roughly squared and coursed stone; the northern elevation is rendered due to the adjoining building being removed. On the right side from the street is a later addition to the inn with its front and side elevations being of finely squared and jointed ashlar (the principal building). The rear of the public house is more unified but is marred by unsightly alterations and extensions from the 20th century. The buildings, despite being of differing materials, are from around the same age and show that the original building was extended as trade or use increased.
- 9.11 There is more detail in terms of the proposed alterations to the building contained in the accompanying listed building consent report (ref - 2014/90001). In summary however, and for the purposes of this planning application, the most drastic alterations externally involve the removal of the ground floor of the original entity of the building from the existing porch northwards. The upper floor would be retained from the existing porch. All works would be widely visible from within the Almondbury Conservation Area given that the site is readily visible from Northgate – a key receptor.

- 9.12 The later addition – the principal entity of the listed building – is an ashlar faced element which externally would remain unaltered apart from the proposed repairs to the stone work and replacement of existing windows and doors. Internally the ground floor would be opened up and the demolition of internal walls would harm the significance of the listed building which goes some way to showing the evolution of the building.
- 9.13 The final area to be altered is the 20th Century rear extension which is considered to crudely alter the appearance of the rear elevation. There is no significance to this part of the building due to the poor quality of the building, its late construction date and the previous removal of items of heritage value. The demolition internally is restricted to the ground floor and in effect removes the 20th century alterations; it is not proposed to remove the upper floors.
- 9.14 In respect of the building works, the design of the scheme has undergone significant alterations following detailed discussions with the Council's Conservation and Design team and Historic England. It is proposed to create a traditional, sympathetic shop front and extension which would partly replace the historic gable end of the existing building – this would form Unit B and the access to Unit A. Externally the entrance would take the form of three shop fronts on the ground floor with ashlar clad pillars between, one facing onto Northgate and two facing the proposed access. It is proposed to retain the domestic appearance of the existing building on the upper floors by the use of traditional window designs, along with the inclusion of a chimney pot. Unit C would sit at the opposite end of the site, close to no55 Northgate, but recessed behind the existing boundary wall, the Grade II listed Police Box and the principal building. Traditional stone, stone surrounds and architectural detailing would assist in assimilating this element with the existing heritage elements.
- 9.15 Unit A is the largest building element but this would largely face the car park and access. Consequently, it does not contain an active frontage and there are no openings along the rear elevation. However, it is proposed to include ashlar stone elements and architectural detailing in order to both assimilate with the existing building and to add an element of interest. A single storey extension is proposed in front of unit A in order to provide a link between unit B and unit C. This extension would contain windows and would help reduce views of unit A from Northgate.
- 9.16 The proposal involves a porch which would wrap around and face both the access to the car park and Northgate – this appearing as a shop front. The fascia sign advertising the shop unit would extend to the foyer. Part of the foyer would be glazed along the car park access side, support by an ashlar stone column on the corner, and include an open frontage from Northgate and from the front-most part of the car park access. Whilst the entrance to the foyer and unit B would be set behind the porch, the design of the entrance would appear as a shop front.

- 9.17 Whilst the scheme does not constitute a traditional shop front design, it nevertheless responds appropriately to area. The extensive glazed frontage which faces the access would provide a strong vertical emphasis, this being supported by an appropriate frame. The fascia would be of an appropriate scale and recessed behind the cornice. The design constitutes a simple approach with clean lines, utilising traditional materials yet presented with a contemporary twist. Given the sensitivity of the existing building, the proposed shop front design is considered to provide an appropriate solution, in line with policies BE16 and BE17 of the UDP and policies PLP24 and PLP25 of the emerging local plan. Final details concerning materials could be subject to condition in the event that planning permission is granted.
- 9.18 In summary, the proposed design is considered to have been well thought out and is of high quality. It responds well to the main heritage asset within the site – the ashlar building – and this would take centre stage as part of the proposals. In particular, the existing building would be improved and views of it would be opened up, particular when viewed from the south from Northgate. Part of the existing listed building would be replaced by a high quality shop front and this element would have a beneficial impact on the character and appearance of the area.
- 9.19 It is considered that the amount and nature of demolition proposed successfully retains a key element, this being the principal listed building. Therefore, it is not considered that the proposal would amount to substantial harm to the listed building, the listed police box, or the Conservation Area. Nevertheless, there is harm due to the amount of demolition and loss of internal walls that signify the historic evolution of the building. In addition, the amount of demolition when viewed from Almondbury Conservation Area would be harmful to its setting.
- 9.20 There are listed buildings immediately to the south of the site (no's 55 and 55a Northgate). However, the impact on the setting of these assets is considered to be very limited.
- 9.21 The harm identified to the setting of the heritage assets would be less than substantial in this case, but it gives rise to a statutory presumption against granting planning permission and it should be given considerable importance and weight. This harm should be weighed against the public benefits of the proposal, as required by paragraphs 132 and 134 of the Framework.

Public Benefits

- 9.22 There are considered to be a number of public benefits associated with the proposed development:
- The design of the scheme includes opening views of the side elevation of the ashlar building and rebuilding/improving existing deficiencies/making good existing stone work. The proposal also includes a courtyard area

associated with the proposed commercial units which could help revitalise this part of Northgate;

- The development would bring back into use a derelict site. Whilst there is no information quantifying the benefits it would bring to the local economy, it is considered that the design of the scheme and the uses proposed is likely to bring more footfall to the site and village which would be of benefit to the local community and economy;
- The proposal would result in a new, modern convenience food store thus improving the offering in the village. The existing food store in the village is constrained and dated.
- The proposed development would secure part of the existing listed building, in support of its long term conservation.

9.23 The public benefits help to mitigate against the instances of harm identified and would sustain the values of the heritage assets affected. On balance therefore, it is considered that the less than substantial harm to the heritage assets, which mainly comprise the existing listed building and Almondbury Conservation area, is outweighed by the significant public benefits of the scheme, thus meeting the requirements of paragraphs 132 and 134 of the NPPF.

Residential Amenity

9.24 UDP Policy D2 requires the effect on residential amenity to be considered, reinforced by one of the core planning principles set out in para 17 of the NPPF. The site lies adjacent to no55 Northgate and the associated garden area and within relatively close proximity of a number of units adjoining no55. However, the main impact of the proposal is considered to be on the amenity of no55 Northgate. The garden is divided from the site by a 1.4m high wall. Towards the rear of the garden and boundary of the site is an outbuilding.

9.25 No55 Northgate also contains two windows in the gable end of the property which effectively provides light and outlook to what appears to be a bedroom/loft room within the roofspace and to a bathroom on the first floor. There are no other windows in the roofspace which would serve the bedroom or to serve the bathroom on the first floor. Both windows overlook the application site.

9.26 Proposed Unit C is a 2 storey building which lies within 1.5m of the side boundary of no55. It would conflict with policy D2 of the UDP in that it would fail to provide an appropriate level of amenity for any occupiers of the potentially habitable loft/bedroom.

9.27 In terms of the potential impact on the bathroom at first floor level, as this window does not serve a habitable room, there is less concern about the proposed development affecting the outlook from this room although it is acknowledged it would result in a significant loss of light.

- 9.28 Policy BE12 deals with the appropriate spacing standard involving new dwellings in relation to existing dwellings. It is noted that the current proposal involves a non-residential building; it is therefore, acknowledged that policy BE12 is not entirely applicable to this proposal. However, it provides a useful measure against which to assess the acceptability of proposals in terms of outlook, daylight and privacy. The current proposal would severely affect the function of the second floor window and its ability to receive an acceptable level of amenity.
- 9.29 The windows at no55 are relatively recent additions, although it appears that there were previously windows in this elevation which have been bricked up. Listed Building Consent was granted in November 2012 (ref – 2012/93128) and it is assumed that the windows were inserted shortly after this time. It is also noted that the windows look out over, and rely upon, third party land for access to light. The application site is unallocated in the development plan. It would have been reasonable to expect that the application site may have been developed at some point. Nevertheless, the windows are in situ and the impact upon them is a material consideration.
- 9.30 Notwithstanding the harm identified, the proposal has considered good design in the round. Policy PLP24 of the emerging Local Plan identifies that high standards of residential amenity are just one consideration in achieving good design. In this case the scheme has been designed in order to achieve an acceptable relationship with the street scene, heritage assets and ensuring, as far as practicable, that the amenity of neighbouring occupiers is adequately protected. In this regard, it is accepted the scheme would offend the side projecting windows at no55 Northgate.
- 9.31 The scheme has been amended in order to ensure that there is a gap between the garden of no55 and the proposed buildings. The proposed A1 retail unit is a single storey element which would have a roof which slopes away from the garden area. The orientation of the proposed building in relation to this garden means there would be no unacceptable overshadowing impacts.
- 9.32 However, following the submission of additional details by the applicant, it is clear that the land falls away from Northgate towards the rear of the site and consequently, and in order to create a level floor across the whole of the proposed development, the proposed building requires a level floor which means that the rear of the proposed building has a higher wall than the front. It has been demonstrated that the proposed development would be 4m high to eaves closest to no55, rising to a height of just over 5m when viewed towards the rear of the garden. Overall, despite the small gap between the proposed building and no55, the proposed development would involve a relatively large building which would appear oppressive and overbearing and hem in the garden of no55.

- 9.33 As a consequence of the above, amended plans have been requested from the applicant in order to further reduce the impact of the proposed development on no55 Northgate by increasing the gap between the proposed building and no55 Northgate. Members will be updated and presented with any revised plans at committee.
- 9.34 Concerns have been raised regarding the uses proposed and the potential impact on the nearest residential properties. The applicant proposes a flexible range of uses at ground floor level, including a potential A3 use (potentially a restaurant or café). Policy PLP16 of the emerging Local Plan specifically advises on food and drink uses.
- 9.35 In respect of the proposed uses, the previous use of the site was as a public house and the scheme has been designed so that the courtyard area is in a prominent location facing Northgate, where there was previously a beer garden. Therefore, it is not considered that the proposal would give rise to significant anti-social behaviour over and above the existing established use.
- 9.36 Environmental Protection recommends that conditions are imposed in order to restrict the opening hours of any premises to between the hours of 0700 and 2300 and restrictions on deliveries to between 0730-1800 Monday to Friday and 0800-1300 Saturdays. Further restrictions are recommended concerning the use of the courtyard area during the evening period. Conditions are also recommended concerning odour and noise abatement in order to ensure that any installed equipment (including extract ventilation, air conditioning and refrigeration units) does not result in significant impacts for neighbouring properties.

Highways

- 9.34 The site whilst currently vacant was last used as a public house with associated car parking to the rear. The car park presently has 44 spaces and also provides access to three terraced residential properties.
- 9.35 The proposal includes a total of 30no car parking spaces which lie to the rear of the proposed buildings. Based on the mix of uses proposed, the number of spaces included in the development complies with the Council's parking standards. There are formal parking bays along Northgate in front of the site, but these have limited waiting restrictions or require a parking permit. The proposed development, involving widening the access, would result in the removal of a small number of spaces and may require an amendment to the Traffic Regulation Order concerning these spaces.
- 9.36 Access to the site is to be widened to 7.3m in order to provide ample space for two vehicles to pass each other. The existing vehicular access to the cottages beyond the site boundary to the north would be retained. The current access arrangements show that a number of spaces would be provided along this access but in order to facilitate HGV movements the applicant has been requested to remove these spaces. An update will be provided to committee, but on the basis of the proposed amendments, the

application is considered acceptable from a highway safety perspective and detailed plans have been submitted which demonstrate HGV's can safely access and egress.

- 9.37 In terms of pedestrian links, the site lies in a sustainable location being easily accessible by public transport and from the village centre. Kirklees Highways DM has requested the submission of details which show the provision of a dropped crossing along Northgate in order to assist with pedestrian movements. This matter could be conditioned.
- 9.38 The main A1 retail store includes a delivery area to the rear for larger delivery vehicles. The smaller units could be served by vehicles utilising the proposed car park.
- 9.39 In terms of vehicular movements, it is not anticipated that the proposal would give rise to significant impacts on the local highway network. The site is already used for parking and given it is in a local centre, there are likely to be linked trips to other facilities in the village. There are regular bus services along Northgate and the site represents an accessible location by public transport and for pedestrians or cyclists. The proposed development is not considered to significantly impact on local highway network. The application is therefore, in compliance with policy T10 of the Kirklees UDP and emerging policies PLP21 and PLP22 of the local plan.

Drainage

- 9.40 The site lies in Flood Zone 1. In terms of drainage, sufficient detail has been submitted to demonstrate that the site can be drained in an appropriate manner considering that site is already connected to foul and surface water drainage infrastructure. The council's drainage officer recommends the imposition of appropriate planning conditions.

Trees

- 9.41 The application involves the removal of a number of trees, particularly on the area of land close to the boundary with no55 Northgate. The trees to be removed include a mix of mainly Sycamore and Whitebeam.
- 9.42 The tree officer has assessed the proposal and raises no objection, subject to the imposition of a condition requiring a landscaping scheme to compensate for tree loss. In this regard the proposed development is considered to comply with policy NE9 of the Kirklees UDP.

Biodiversity

- 9.43 The NPPF advises on the duty to protect the natural environment and to the opportunities for its enhancement. When dealing with a proposal that may affect a European Protected Species, the Local Planning Authority has a duty to have regard to the Habitats Directive in the exercise of its function.

- 9.44 Given the site characteristics, the applicant submitted a bat survey. At the time of the survey in 2015 there was no evidence to suggest that bats were or have been using the building as a roost. The walls of the existing building comprise cement rendered or well pointed stone and do not have any gaps. The roof has the most roost potential, though an emergence survey noted no bats emerging from it. The survey revealed that whilst bats are present in the area, they were not roosting in the survey building and it is unlikely that the proposed development to the building will have any detrimental effect on the local bat population. As mitigation the survey recommends the removal of roofing tiles between October and March and the removal of stone tiles by hand. It also recommends the incorporation of two bat houses. The Council's ecologist has assessed the application and raises no objection.
- 9.45 In respect of other biodiversity interests; the site is brownfield and has limited ecological value. The proposed development would not have a significant impact on biodiversity interests. The proposed development is considered to comply with the NPPF and policy PLP30 of the emerging Local Plan in this respect.

Air Quality

- 9.46 The application has been considered taking into account emerging policy PLP24 of the PDLP, which encourages the use of electric and low emission vehicles by providing charging points, and in accordance with West Yorkshire Low Emission Strategy Planning Guidance. This latter guidance 'WYLES' categorises developments according to size and different air quality mitigation measures. This development is classified as 'minor' in the guidance and it is considered that the provision of electric vehicles charging points (EVCP) within the car park (10% of spaces to be phased with 5% initial provision, or one EVCP) would provide appropriate mitigation measure. This would also prepare the site for increased demand for EVCP in the future.

10.0 CONCLUSION

- 10.1 In determining applications it is a legal requirement to have special regard to the desirability of preserving the listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In accordance with Paragraph 129 of the National Planning Policy Framework, the Local Planning Authority should identify and assess the particular significance of the heritage asset and consider this significance against the development proposal. As heritage assets are irreplaceable, any harm or loss requires clear justification and if the development cannot be amended to avoid all harm then the proposals should be weighed against the public benefits of the scheme (paragraph 133 and 134 of the NPPF).
- 10.2 The proposal involves the retention of a large proportion of the principal building, with the northern end of the former inn being removed. Overall it is considered that the character and significance of the whole building would be retained despite the relatively extensive demolition works. Whilst it is desirable to preserve the building this can only be achieved by finding a new

viable use for it; the building has been extensively marketed and failed to find a new use. It is felt therefore that on balance the desirability of preserving the building has been achieved albeit with less than substantial harm caused.

- 10.3 The public benefits of the scheme involve additional works to repair and reinstate walls and openings of the existing building and ensure that the remaining elements of the listed building are brought back into beneficial use, supporting its long term conservation. The proposal would also bring back into use a derelict site which is likely to increase footfall and contribute economically to the local centre. The public benefits of the scheme are considered to outweigh the less than substantial harm to the heritage assets in accordance with paragraphs 133 and 134 of the NPPF.
- 10.4 Overall the proposed development appears to constitute high quality design. Whilst it is acknowledged that there would be some adverse impact on the amenity of the occupiers of no55 Northgate by virtue of the impact of the proposed building on the side facing windows of no55 Northgate and the garden area; amended plans have been requested in order to reduce the oppressive nature of the proposal in relation to the potentially affected garden area. Providing the impact on the garden of no55 is reduced (an update will be provided to Committee to reflect the nature of any amendments), it is considered that the impact on the amenity of no55, which includes the impact on the gable windows of the property, would be outweighed by the positive visual impact of the overall scheme on the character and appearance of the area.
- 10.5 In respect of highways impacts, it is considered that sufficient parking is proposed to serve the development. Kirklees Highways DM has no objection in principle to the proposed development.
- 10.6 All other matters have been adequately addressed and where appropriate, adverse impacts are mitigated by the conditions proposed.

11.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. 3 year Time limits
2. Accordance to submitted plans
3. Method of demolition
4. Schedule of works for the repair of the building
5. Materials to be agreed, including surface of new courtyard.
6. Roof plan to be provided
7. Boundary treatments
8. Details of use for Unit B and C to be provided prior to occupation and retained thereafter
9. Parking to be laid out prior to use commencing
10. Limit to hours of use of units
11. Limit hours of use of courtyard area to between hours of 0800 and 1800 (outdoor seating area)

12. Details of odour abatement equipment
13. Submission and implementation of remediation strategy (contaminated land)
14. Foul, surface water and land drainage details to be provided
15. Landscaping details
16. Gate/fencing details concerning Unit C and No55 Northgate
17. Bat boxes to be installed
18. Details of crossing point on Northgate to be provided
19. Construction Management Plan
20. Details of air conditioning and refrigeration units
21. Restriction on deliveries to between 0730-1800 Monday to Friday and 0800-1300 Saturdays.
22. Provision of electric vehicle charging points.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2013%2f93746>

Certificate of Ownership, Certificate B dated 17th December 2013 – Notice served on

The Occupier 21 Northgate Almondbury

The Occupier 25 Northgate Almondbury

Kirklees Council, Ross Street Care, Flint Street, Fartown, Huddersfield, HD1 6LG.



Originator: Nigel Hunston

Tel: 01484 221000

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2014/90001 Listed Building Consent for partial demolition of a building (within a Conservation Area) 43, Northgate, Almondbury, Huddersfield, HD5 8RX

APPLICANT

G & R Lees

DATE VALID

12-Feb-2016

TARGET DATE

08-Apr-2016

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Almondbury

No

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 43 Northgate, Almondbury is the former Rose and Crown public house which is a Grade 2 listed building situated in the Almondbury Conservation Area. The building has been vacant for a number of years following the closure of the public house, and has been significantly altered due to the use of the building.
- 1.2 The application is for the partial demolition of the listed building to allow its conversion to a retail and office use. An application for Planning Permission for the erection of the retail units and offices is the subject of a separate report.

2.0 SITE AND SURROUNDINGS:

- 2.1 Northgate is the main road through the village of Almondbury linking Somerset Road with the historic core of the village around the All Hallows Church. Northgate is a mix of shops, small retail units and residential with a mix of ages and styles. Immediately to the north of 43 Northgate is the existing Co-Op, which is set back from the road, which is single storey and of modern construction along with the associated car park. Immediately to the south are two semi-detached dwellings and a Doctors Surgery which are a Grade 2 listed and date from the mid 19th Century.
- 2.2 43 Northgate is constructed from two distinct eras and sits immediately on to the road side. To the rear of the building is a large car park that slightly slopes to the east; whilst the building is closed the car park is used by shoppers. Between the building and number 55 Northgate is the former garden to the public house that is fronted by a stone boundary wall that adds a sense of enclosure to the street scene.

2.3 The principal listed building is constructed of ashlar with a hipped slate roof with its principal elevation facing south. To the north is the earlier inn, which is constructed in rough stone with a rendered north gable due to the adjoining building being removed. The earlier inn is attached to the principal building by way of an extension. The list description is confused and does not relate properly to the existing building, the list description fails to understand the various alterations and does not follow the street numbering as exists today. However, the earlier Inn, whilst not described in the list description, is afforded the same protection as that of the later ashlar building to the south.

3.0 PROPOSAL:

3.1 The application is for the partial demolition of the former Rose and Crown along with the removal of internal walls and works necessary to convert the building into retail and office use. Due to the complex nature of the building, the amount of alterations already carried out and the history of its development, the proposals are split into the various parts of the building as follows:-

3.2 *Original building:* The front of the building has an existing porch; to the north of this the existing building will be demolished including the internal walls on the ground floor which once formed the rear of the inn before the building was extended in the early 20th Century. This extension will be completely removed on the ground floor. The upper floors are to be retained as existing apart from the demolition of the north end of the building.

3.3 *Principal Listed Building:* This will remain as existing both on the ground and first floor but will be repaired to ensure its long term retention.

3.4 Following demolition the building will be extended to the north and east to form the entrance to the supermarket to the rear (Unit A on the submitted plans) and the retail unit (unit B) in the original building. The extension will be formed in materials to match the existing and windows will be formed of the same design as those in the existing building. A further extension to the rear will be constructed to house the supermarket which will be comprised of a flat roof link leading to the main building which will have a hipped roof to match the principal building. To the south of the building a range of retail units will be formed which will be single storey nearest the listed building which in turn lead to a two storey unit. The single storey building will be linked to the existing.

4.0 RELEVANT PLANNING HISTORY:

4.1 2013/93746- Partial demolition and erection of A1 Retail Store and 2 units for A1-A3 use- Subject of a separate report to committee.

4.2 There are records of two historic enforcement notices being served at the property in 1991. These relate to breaches of planning control regarding the erection of a satellite dish without planning and listed building consent.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application was originally submitted in January 2014 for the complete demolition of the building with the intention of building a new retail store on the site. Due to the level of objections received from local residents and the statutory consultees negotiations took place to retain as much as possible of the original buildings. Revised plans and a heritage impact assessment were received showing the retention of one external wall to the principal listed building which again attracted a number of objections. Following further discussions with the agent and applicant the current plans were received showing the retention of much more of the building.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The land is designated within the Almondbury Conservation Area within the UDP and Publication Draft Local Plan (PDLP). It is designated as being within the Almondbury district shopping centre boundary within the PDLP and within a local centre on the UDP.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 BE1- Design Principles
BE2-Quality of design

Kirklees Publication Draft Local Plan submitted for examination April 2017

- 6.3 PLP35 – Historic Environment

National Planning Guidance:

- 6.4 National Planning Policy Framework:

Chapter 2: Requiring good design

Chapter 12: Conserving and enhancing the historic environment

6.5 Other Guidance:
Planning Practice Guidance Suite March 2014.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been the subject of six separate periods of consultation by way of site notice, press advertisements and individual letters. The latest round of consultation ended on the 16th of May 2017 where four letters of representation were received, one seeking clarification and two of support and one objecting.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Historic England: No objection subject to details being provided

Victorian Society: Objection due to amount of demolition

8.2 Non-statutory:

Report compiled by the Conservation and Design Officer

9.0 MAIN ISSUES

- Amount of demolition
- Erection of retail units

10.0 APPRAISAL

Amount of demolition

10.1 The proposal is for the partial demolition of the building including internal walls to create retail units. Outwardly the public house presents two different elements to the street. On the left side from the street is the original inn (43 Northgate) which is constructed of roughly squared and coursed stone; the northern elevation is rendered due to the adjoining building being removed. On the right side from the street is a later addition to the inn with its front and side elevations being of finely squared and jointed ashlar. The rear of the public house is more unified but is marred by unsightly alterations and extensions from the 20th century. The buildings, despite being of differing materials, are from around the same age and show that the original building was extended as trade or use increased. For the benefit of the report these buildings are described separately and provide details of the amount of demolition in each of them.

- 10.2 By 1851 the oldest part of the building had been built, outwardly appearing much as it does today, apart from the loss of the northern end. The removal of wall plaster suggests that the original building comprised of two elements, the principal frontage and a rear lean to; this latter structure has been replaced by a 20th century addition. By the mid-20th century the building went under substantial changes resulting in a range of buildings to the north of the inn being demolished and the rear being extended. At this time substantial internal alterations took place, with ground floor walls being removed to create a larger space, freeing up bar space and moving the stairs. The upper walls are supported on steel work. In terms of this part of the overall structure, the proposal is to remove the northern two thirds of the building on the ground floor from the existing porch northwards, the remaining internal walls on the ground floor with little alteration to the upper floor apart from the demolition of the northern third; the upper floor is retained above the existing porch. The majority of these internal walls are part of the 20th century alterations and have little heritage merit. The loss of the northern two thirds of the building on the ground floor does cause harm to the historic significance of the building.
- 10.3 The principal listed building which is the ashlar faced building is a slightly later addition to the inn. It was firstly formed by a narrow extension that extended closer to the road; it is felt that whilst not part of the inn it was ancillary to it due to the ground floor entrance and the take-in door on the first floor. The second extension was the creation of three terraced properties which may have been separate to the inn due to the difference in floor levels. These extensions probably took place in or around 1851. The latter terraced properties were constructed of brick but faced in ashlar, which was extended across the slightly earlier extension to hide the joint between the two. Externally this part of the building will remain unaltered but will be repaired due to the failure of the ashlar along with the repair and replacement of the windows and door. Internally the ground floor will be opened up by the removal of the partition walls and the remains of the spine wall between the two extensions. The upper floor will be left as is. Again there is harm to the significance of the building as the demolition works will remove the remaining elements that show the evolution of the building albeit internally.
- 10.4 The final area to be altered is the 20th Century rear extension which crudely alters the appearance of the rear elevation. There is no significance to this part of the building due to the poor quality of the building, its late construction date and the previous removal of items of heritage value. The demolition internally is restricted to the ground floor and in effect removes the 20th century alterations; the upper floor is not going to be altered.
- 10.5 As part of the alterations the retained elements of the building will be repaired or replaced by more appropriate materials and design. The ashlar will be repaired, the windows will be repaired or replaced by those of a more appropriate design and the whole building re-roofed; the later 20th century extension is of a flat roof construction but this will be replaced by a pitched roof of slate to match the existing.

Erection of retail units

- 10.6 It is proposed to create three retail buildings, Unit A is a 3,000 sq.ft retail unit, and 1,300 sq.ft of associated warehouse space, accessed via a new foyer attached to the former inn, Unit B is formed within the inn and amounts to 2,100 sq.ft of retail floor space on the ground floor and Unit C provides 1,175 sq.ft of retail floor space on the ground floor. Unit A and Unit C are new buildings, Unit A is attached to the listed building and Unit C is attached to Unit A albeit not linked. The upper floors of Unit B and Unit C provide 1,825 sq.ft and 740 sq.ft of office space respectively. The merits of the retail and office uses along with the impact upon the listed building's setting are discussed in the report relating to the associated Planning Application.
- 10.7 Access to Units A and B are formed by a new extension to the listed building, on the northern end of the former inn building. Externally the entrance will take the form of three shop fronts on the ground floor, with ashlar clad pillars between, one facing onto Northgate and two facing the new access road. The domestic appearance of the existing building on the upper floors will be maintained by the use of traditional designed windows. The demolition of the walls to enable the retail units has been discussed previously. The design of the new buildings is assessed under the application for planning permission.

11 REPRESENTATIONS RECEIVED

- 11.1 Due to the amount of demolition proposed it is a requirement that certain amenity societies are consulted upon the application. These include Historic England, Victorian Society, Ancient Monuments Society and the Council for British Archaeology.
- 11.2 In regards to the Ancient Monuments Society and the Council for British Archaeology they have been consulted on the proposal and originally objected due to the loss of the listed building. Subsequent amendments have been the subject of further consultations but no response has been received.
- 11.3 The Victorian Society remains, despite amendments to the scheme, deeply concerned over the loss of the listed building and the design of the proposal and has such objected. If an amenity society objects to a proposal they can request that the application is called in by the Secretary of State but must formally advise the Local Planning Authority of their intention to do so if the LPA are minded to grant Listed Building Consent. The society has been notified of this report and the officer recommendation but no response has been received. Their main concern is the total demolition of 43 Northgate, described in this report as the 'Original Building' and the substantial loss of a statutorily listed building which is described in this report as the 'Principal Listed Building'. It is considered by officers that the plans have been misinterpreted by the society has, as outlined in this report, 43 Northgate is not going to be totally demolished and the principal listed building is to be retained and repaired. The works are fully described in this report.

- 11.4 Historic England have been consulted throughout the application and have taken meaningful discussions throughout the process to gain a positive outcome for the site and building. They now welcome the proposals that seek to retain as much of the historic fabric as possible subject to further details being provided which are to be secured by the use of conditions. These details include a demolition method statement to ensure that as much historic fabric is retained, a roof plan so that the repair of the roof is carried out satisfactorily and a schedule of repair works.
- 11.5 The application has been the subject of six separate periods of public consultation by way of site notice, press advertisements and individual letters. The latest round of consultation ended on the 16th of May 2017 where four letters of representation were received, one seeking clarification and two of support and one objecting.

Objections received

The objection relates to the loss of the building and the need to ensure its retention in the scheme for re-development although recognising that the area is an “eyesore”. The building is going to be retained in the scheme, albeit with some loss of historic fabric. It is felt that whilst there is some demolition the principle of the objection has been met.

Letters of Support

Two letters of support have been received, which relate to the removal of an eyesore and bringing about a new use in the site. One of the letters seeks to ensure that the trees on the site are retained and that the A3 use of the building is removed from the scheme. These parts do not form part of this application and are discussed under the allied application for planning permission.

Clarification request

The letter of clarification is provided by Huddersfield Civic Society. They feel that the scheme is a “marked improvement” on the previous approvals and the retention of the building is “welcomed”. They feel it is vital that the spalled ashlar to the principal listed building is sympathetically repaired and this is felt to be acceptable. A condition will be attached requiring a schedule of repair to be agreed that will ensure that the repair works are appropriately carried out. The point of clarification is the use of the principal listed building as they felt it to be unclear. Whilst this is not a matter for this application, the use of the building is retail with office use above.

12.0 CONCLUSION

- 12.1 In determining applications it is a legal requirement to have special regard to the desirability of preserving the listed building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In accordance with Paragraph 129 of the National Planning Policy Framework, the Local Planning Authority should identify and assess the particular significance of the heritage asset and consider this significance against the development

proposal. As heritage assets are irreplaceable, any harm or loss requires clear justification and if the development cannot be amended to avoid all harm then the proposals should be weighed against the public benefits of the scheme (paragraph 133 and 134 of the NPPF).

- 12.2 Due to the previous alterations the significance of the former Rose and Crown now lies mainly in its external elevations; the rear elevation is of no merit due to its style and age. There is some harm due to the loss of some of the internal walls that show the evolution of the building but on balance these are not as significant as the external elevations. Therefore it is the impact upon the external elevations, except for the rear, that will need to be assessed against the requirements of the Act and the NPPF.
- 12.3 Section 16 of the Act requires special regard to be taken on the desirability of preserving a listed building. The majority of the listed building is to be retained with the northern end of the former inn removed. The character and significance of the whole building is felt to be retained despite the harm caused. It is desirable to preserve the building but this can only be achieved by finding a new viable use for it; the building has been extensively marketed and failed to find a new use. It is felt therefore that on balance the desirability of preserving the building has been achieved albeit with some harm caused.
- 12.4 Paragraph 132 of the NPPF requires that clear convincing should be provided for any harm or loss. Where there is harm then this should be assessed against paragraph 133 or 134. Paragraph 133 looks at whether there is substantial harm or loss and paragraph 134 looks at less than substantial harm. Advice on what is substantial or less than substantial is found in Planning Practice Guidance Suite (March 2014). In general terms, substantial harm is a high test and does not occur in many cases but an important consideration is whether the adverse impact seriously affects a key element of the buildings special interest. It is felt that the amount of demolition does not affect a key element, this element being the principal listed building which in the main is retained. Therefore it is considered that the proposed partial demolition is not substantial harm as defined by the Planning Practice Guidance Suite (March 2014) and the NPPF.
- 12.5 However, there is harm due to the amount of demolition and the loss of internal walls that indicate the evolution of the building. Due to the level of harm it is felt that this is less than substantial and as such paragraph 134 of the NPPF. Here the harm should be balanced against the public benefits of the proposal which include securing the optimum viable use. The building has been actively marketed and no alternative use has been found which has led to the building being unoccupied for a number of years. The harm is the loss of some of the elevation to create a shop unit and allow servicing as well as the removal of internal walls. The current owner is in negotiation with a new retail operator that will see a long term viable use brought for the building. The marketing has not shown any alternative viable use for the building due to its size and the amount of investment needed. On balance it is felt that due to the poor condition of the building and the retention of much of its special significance the harm is outweighed by the optimum viable use found for the building.

12.6 It is therefore considered that Listed Building Consent is granted subject to conditions that will secure the necessary details over the method of demolition, the repair of the retained parts of the building and the materials used for the new buildings and roof.

13.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

- 1. 3 year Time limits**
- 2. Accordance to submitted plans**
- 3. Method of demolition**
- 4. Schedule of works for the repair of the building**
- 5. Materials to be agreed**
- 6. Roof plan to be provided**

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f90001>

Certificate of Ownership, Certificate B dated 31st December 2013
Notice served on:

The Occupier 21 Northgate Almondbury
The Occupier 25 Northgate Almondbury
Kirklees Council, ROSS Street Care, Flint Street Huddersfield.



Originator: Bill Topping

Tel: 01484 221000

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2017/91173 Reserved matters application for erection of 19 dwellings pursuant to outline permission 2015/90507 for outline application for residential development (within a Conservation Area) Land off, Carr Top Lane, Golcar, Huddersfield, HD7 4JB

APPLICANT

Brierstone Carr Top Ltd.
C/O Agent

DATE VALID

31-Mar-2017

TARGET DATE

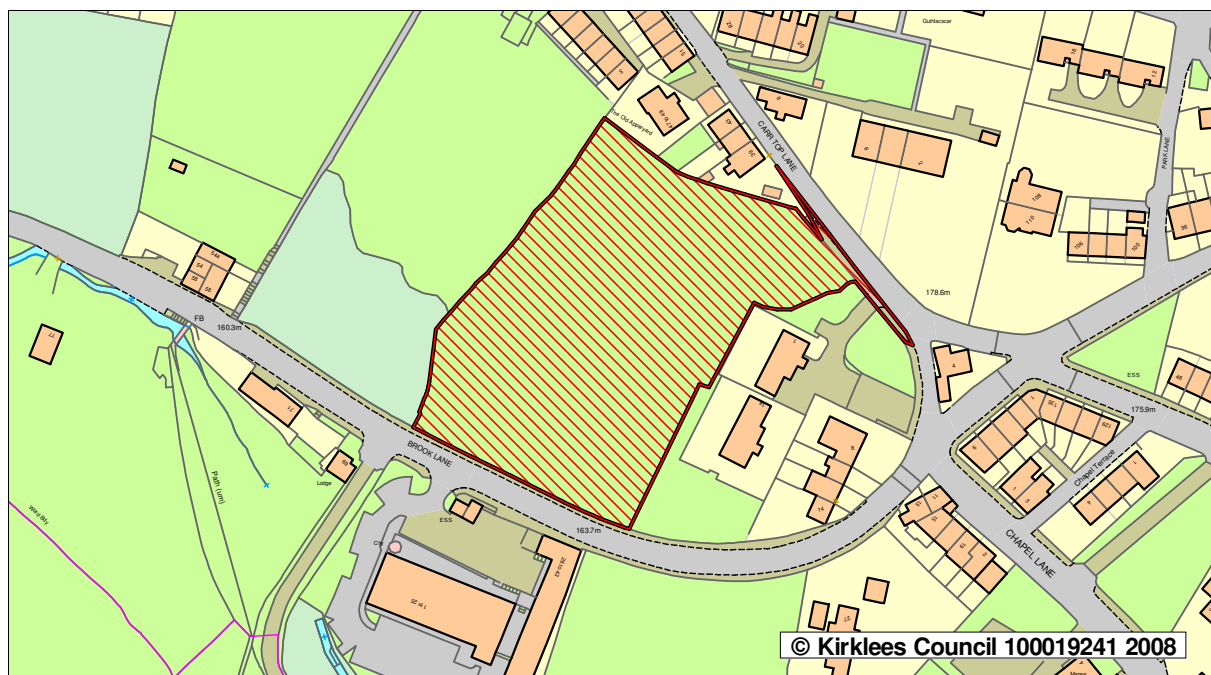
30-Jun-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Golcar

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION: Approval of Reserved Matters and issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION

- 1.1 This site has the benefit of outline planning permission for residential approval, being approved by the Huddersfield Sub Committee. At that meeting the Committee resolved that any detailed or reserved matters application to be brought back to Committee for scrutiny and decision.
- 1.2 In addition Ward Member Cllr Hilary Richardson has requested that the site be visited to enable proper consideration of the scheme in the context of its Conservation Area setting.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises an area of approx 0.72 ha, and is a roughly rectangular shaped site located between Carr Top Lane and Brook Lane, Golcar. The site is green field and slopes down considerably from Carr Top Lane to a wooded embankment adjacent to Brook Lane. In addition to the trees along Brook Lane, which are protected by Tree Preservation Order, there are a number of mature trees spread across this and the neighbouring land.
- 2.2 There are dwellings to the north and east of the site, and to the south on the opposite side of Brook Lane an apartment complex.
- 2.3 The site is located within the Golcar Conservation Area, and is also part of a larger Provisional Open Land allocation on the Kirklees Unitary Development Plan. This allocation extends to the west of the application site.

3.0 PROPOSAL

- 3.1 This site already has the benefit of outline approval for residential development, with the point of 'access' agreed at outline stage. This application seeks approval of Reserved Matters ie Appearance; Scale; Layout and Landscaping
- 3.2 The scheme indicates 19 no dwellings, a mixture of detached, semi-detached and a terrace of 3no.properties. The proposed access point is from Carr Top Lane, and this then serves a cul-de-sac terminating in a T junction in the centre of the site. This T junction facilitates turning of service vehicles, and also an option to access the balance of the Provisional Open Land site from this access is retained.
- 3.3 The proposed dwellings are a mixture of 2 storey and 2/3 storey split level properties to accommodate the steep slope of the site. Natural stone and slate are proposed as facing and roofing materials and the design and features of the houses include smooth stone window and door surrounds and chimney features.
- 3.4 The site will be developed by creating terraced land forms, with 2 retaining structures within the site. One would be to the north, just to the rear of existing terrace on Carr Top Lane, and another towards the southern end of the site, to the rear of plots 12-16, with steps down to a lower land next to the protected belt of trees which front onto Brook Lane.

4.0 BACKGROUND AND HISTORY

2015/90507 Outline approval for residential development –Approved

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The applicant has provided additional information regarding the existing protected trees on this site, including survey work. Cross sections across the site have been provided, and the arrangements for the existing access and service vehicle turning have been provided.
- 5.2. Detailed amendments to the access point have been provided to ensure the access can be delivered, and amendments to the garden areas relating to the TPO'd tree belt have been agreed.

6.0 PLANNING POLICY

- 6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).
- 6.2 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).

- 6.3 The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan.:

D5 – Provisional open land
BE1 – Design principles
BE2 – Quality of design
BE5 – Preservation/enhancement of conservation areas.
BE6 – Infill sites
BE12 – Space about buildings
BE23 – Crime prevention
NE9 – Retention of mature trees
T10 – highway safety
EP11 – ecological landscaping

Local Plan:

The site is allocated for housing and designated within the Golcar conservation area within the publication draft local plan as submitted for examination April 2017. The land to the west of the site is allocated as 'safeguarded land' within the draft plan.

PLP7 - Efficient and effective use of land
PLP21 – Highways safety and access
PLP 22 - Parking
PLP 24 - Design
PLP31 - Strategic Green Infrastructure Network
PLP33 - Trees
PLP35 – Historic Environment

H.3395 - Housing allocation.

National Planning Policy Framework

Part 4 Promoting sustainable transport
Part 6 Delivering a wide choice of high quality homes
Part 7 Requiring good design
Part 8 Promoting healthy communities
Part 10 Meeting the challenge of climate change, flooding and coastal change

Part 11 Conserving and enhancing the natural environment
Part 12 Conserving and enhancing the historic environment

Other Guidance

SPD2 Affordable Housing

7. CONSULTATIONS

7.1 Statutory

KC Highways - Amended plans requested and received to address detailed points within the site. The clarity regarding the exact point of the agreed access and its deliverability has been received. Recommend conditions.

KC Conservation and Design - Application is well supported by a design and access statement, and is a well-considered response bearing in mind the constraints and the topography. Suggest minor alterations to siting of some plots, use of natural slate throughout, and improved materials for road treatment.

KC Strategic Drainage - Whilst drainage is not a Reserved Matter, the layout is considered to be acceptable, and a satisfactory surface water drainage solution, and surface water flood routes, is not prejudiced by agreeing this layout. The detailed drainage conditions on the outline approval are still relevant, and will need to be discharged before any development of the site can commence.

7.2 Non-Statutory

KC Trees - Had initially expressed concerns regarding the relationship of the garden areas for plots 12-16 of the scheme on the southern part of the site. Amended plans and solution has been tabled which addresses this problem.

Police Architectural Liaison Officer - No objections to this development.

KC Strategic Housing- Affordable housing is required on this development in accordance with the Interim Affordable Housing Policy ie 20% of units. This is the subject of a condition on the outline approval, and will be secured via a Section 106, through the discharge of condition process.

KC Landscaping- Have agreed the principle of an off-site contribution in this case, and that will be secured via a Section 106 through the discharge of condition process. Indicated at outline stage the site was in an important location and the tree cover was an important landscape feature in the area, which should be retained as part of any detailed scheme.

KC Ecology- Landscape Management Plan was recommended at the outline stage, and is conditioned. The management of the landscaped areas for both visual and bio diversity purposes, will be covered in that management scheme.

8.0 REPRESENTATIONS

8.1 This application has been publicised by site notices, press notice and neighbour letters. 9 letters of objection have been received the main points of concern being:

- The surrounding roads are narrow and very busy, an additional 19 dwellings will exacerbate an already unacceptable situation, concern that the proposed access is unsafe, including to accommodate vehicles during the period of construction;(Response- *The site already has the benefit of outline permission, and access is approved. The scheme contains adequate parking within the site. A construction management plan is proposed to be conditioned*)
- There is already pressure on local facilities eg doctors and school places;(Response-*The application is for Reserved Matters, and the numbers proposed do not trigger the need for an Education contribution. The provision of GP'S and health facilities is not a planning consideration, rather that of the local health authority.*)
- A better use for this site in the Conservation area, would be a community space eg allotments;(*Response- The site is in private ownership and does not benefit from public access, also it is allocated as housing on the Local Plan*)
- Neighbouring properties in the Heritage Mills conversion will be overlooked and over shadowed;(Response- *The properties in Heritage Mills are screened from the development by the protected tree belt along Brook Lane, there will be no overlooking from any part of the site.*)
- The scheme represents overdevelopment of the site, resulting in cramped form of development, out of character with the Conservation Area.(Response-*The layout, and the impact on the Conservation Area are discussed at in the Appraisal below*).
- Scheme is not in keeping with the dwellings in the conservation area, which should be protected.(Response: *Natural stone and slate are to be used, and the house styles incorporate design features from the surrounding area. the dwellings have been designed to accommodate a steep slope, consistent with a number of surrounding properties in this part of Golcar*).
- The development would have an adverse impact on wildlife.(Response: *The elements of the site that are of greatest wildlife value are the trees, in particular the tree belt, which is retained. There is also a requirement for a Landscape Management Plan on the outline approval.*)
- Constitutes an overdevelopment of the site and loss of open space (*Response-This matter is dealt with in the Appraisal, and the site already has the benefit of a residential approval, and allocation*).
- Loss of amenity to local residents, 3-storey houses would look into the rear of existing properties and the activities associated with the occupation of the site such as car headlights and noise.(Response- *the dwellings are split level , because of the slope, and the orientation is away from the nearest dwellings on Carr Top Lane. the dwellings closest to existing dwellings on Carr Top Lane to the east, are 2 storey not 3.*

- Impact on natural water drainage.(Response-*The satisfactory drainage of the site is subject to a condition on the outline approval*).

9. ASSESSMENT

Principle of the development

Layout

Scale

Appearance

Landscaping

Other matters including representations not addressed within the report

9.1 The principle of development on this site has already been agreed, as has the access. This application seeks approval of Reserved Matters which are Layout, Scale, Appearance and Landscaping.

9.2 Layout

The scheme delivers 19 dwellings at a density of approx. 27 per ha, which is considered to be a satisfactory density on this site given site constraints and the density of development in the wider area. The surrounding area contains a number of different house types and sizes, ranging from terraced properties close to the back edge of the road, for example on Carr Top Lane, to large detached properties immediately adjacent the site. The common factor is the fact that dwellings are designed to accommodate the steeply sloping topography within the neighbouring area, which is a Conservation Area, this means that retaining structures are common, and often houses are split level.

9.3 Given the limited site frontage onto Carr Top Lane, which is the only point of access, a cul-de-sac is the logical form of development, with dwellings on a series of development platforms, running parallel to the slope on the northern and southern ends of the site, with dwellings in between stepping down the slope in the same manner as the neighbouring detached houses.

9.4 The detached dwelling adjacent the entrance faces onto Carr Top Lane providing appropriate frontage to the scheme and plots 17-19 are to be positioned close to the back edge of the access road, giving a closer more enclosed feel, characteristic of this part of Golcar

9.5 The layout is in accordance with the council's space about building standards, and there is not considered to be any adverse effect on the residential amenities of neighbouring dwellings.

9.6 The majority of the trees on the top part of the site are retained, and the substantial tree belt on the southern boundary is indicated to be retained. This belt of trees apart from being valuable in itself, is an integral feature in the Conservation Area, and its retention is welcome, and essential to any acceptable layout/landscape scheme.

9.7 **Scale and Appearance**

The dwellings are a mixture of detached and semi-detached, with one terrace of three, this is a mix which is reflected in the surrounding area. Give the site's topography a significant number of the units to the north and south ends of the site are 2/ 3 no story split level properties, the remainder being 2-storey. This is an appropriate scale and style of development for this site which is consistent with the character of the Conservation Area, and this part of Golcar.

- 9.8 The use of natural stone throughout is proposed, with natural slate also to be conditioned. The individual house types incorporate features from the area including smooth stone window and door surrounds, chimney features, and a vertical emphasis for the fenestration.

9.9 **Landscaping**

- 9.10. The submitted landscape scheme aside from providing new soft landscaped shrub areas within the site which break up the parking areas and additional tree planting particularly around the access point in front gardens is considered sufficient to soften the character and appearance of the interior of the development. This together with appropriate range of hardstanding materials, varying across the site in colour and texture, provide a variety and visual interest within the site.

- 9.11. The Landscape scheme also incorporates the important existing protected trees on the site, in particular the 2 large trees on the NW boundary, and the Woodland TPO belt on the southern boundary that front onto Brook Lane. The woodland TPO belt, is a very important and integral feature, not just for this site but for the whole conservation area and its retention is imperative along with the importance of its future maintenance.

- 9.12 On the Outline approval, there is a condition requiring the submission of a Landscape Management Plan for the entire site. Concern had initially been expressed at the provision of dedicated "lower garden" areas for plots 12-16 given the very close proximity to the trees, the potential for shading and damage through provision of garden sheds etc and the subsequent pressure to undertake works to these trees that would be likely to ensue

- 9.13. The applicant has agreed an amended scheme in this respect which shortens the gardens and fences off this area. Whilst this area will still be in the ownership of the new occupiers, its maintenance will be as part of a larger area including a green swathe of land on the western side of the site that includes another 2 TPO'd trees.

- 9.14. As such the Landscape details submitted are considered to be acceptable, and also capable of being maintained and safeguarded for the long term, through the Landscape Management condition on the Outline approval.

10.0 Other Issues including representations not covered within the report

- 10.1 The site already has the benefit of an outline residential permission, with approved access. There are a significant number of pre-commencement conditions on the Outline approval that will still need to be satisfactorily discharged before any development commences. Aside from technical conditions such as highways and drainage, there are also conditions covering the provision of affordable housing and off site public open space to be agreed.
- 10.2 Whilst the technical conditions (highways and drainage) have still to be discharged , the layout needs not to prejudice the satisfactory discharge if those condition as well as delivering an appropriate design, layout and landscape solution for the site. It is considered that the layout will not prejudice satisfactory drainage and highways solutions.

11.0 CONCLUSION

- 11.1. The Reserved Matters submitted are considered to be satisfactory and would deliver a development of significant quality, appropriate for the sites setting within the Conservation Area thereby preserving or enhancing the character and appearance of this part of the Conservation Area. The safeguarding of the TPO'd trees around the site is a significant contributor to the quality of the scheme.
- 11.2. As such approval of Reserved Matters with appropriate conditions is recommended.

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

1. Development carried out in accordance with approved plans
2. Samples of materials to be submitted and agreed.(to include retaining structures.)
3. Protection of trees during construction; Construction Method statement
4. Highway conditions- internal adoptable roads; gradients ; visibility; provision and future maintenance of parking
5. Construction Management Plan
6. Provision of bio diversity enhancement opportunities.

Background Papers:

Application and history files.

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2017/91173&file_reference=634722

Certificate of Ownership – no certificate of ownership required for reserved matters submission.

This page is intentionally left blank



Originator: Bill Topping

Tel: 01484 221000

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2017/90602 Demolition of existing public house and erection of 26no. dwellings Land Adjacent to Spotted Cow Public House, New Hey Road, Salendine Nook, Huddersfield, HD3 3FG

APPLICANT

Newett Homes, C/O
Agent

DATE VALID

14-Feb-2017

TARGET DATE

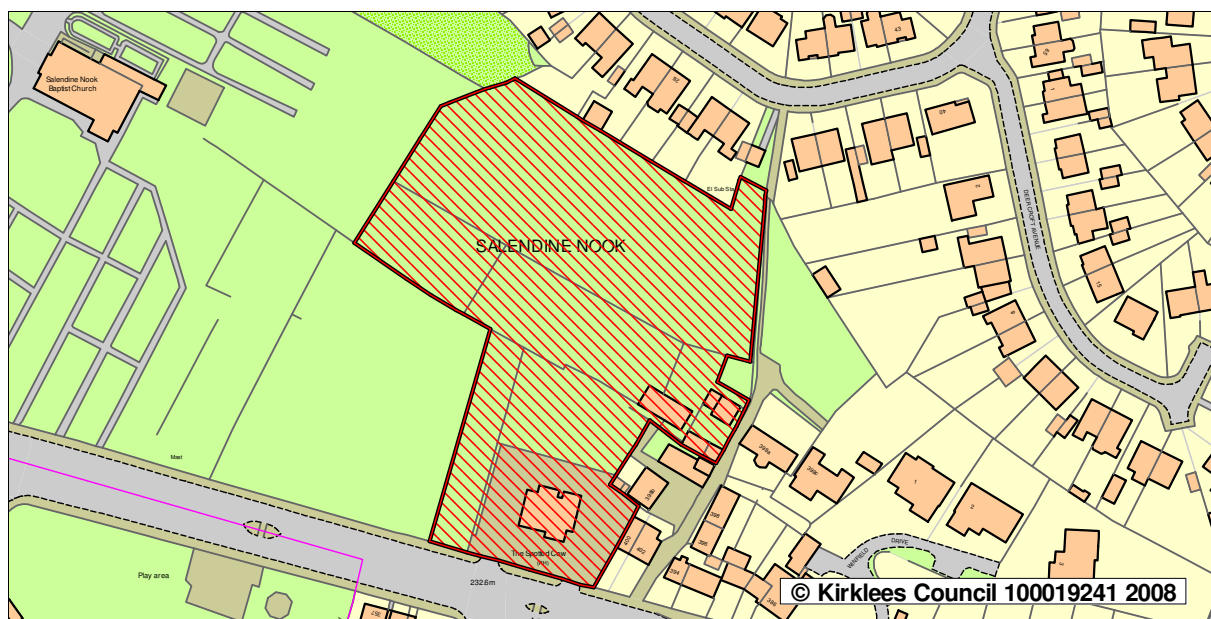
16-May-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Lindley

Yes

Ward Members consulted

RECOMMENDATION:

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

- **The provision of affordable housing (four units); and**
- **The provision of an off site contribution towards Public Open Space of £69,000; and**
- **Education contribution of £64,248.**

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 Strategic Investment 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 Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1. This site is brought to Sub Committee as it is a site in excess of 0.5ha and, in part, represents a departure from Policy D5 of the Unitary Development Plan.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site comprises an area of 1.18 ha, located on the northern side of New Hey Road, Salendine Nook. The site includes the former public house “The Spotted Cow”, and its curtilage. The pub has been vacant for a number of years and is in a neglected state. To the west and north parcels of informal grassed open space. As such the site is part brown field and part greenfield

- 2.2 The site is flanked on the west by undeveloped greenfield land. This land is allocated for housing on the UDP, and has the benefit of an outline application for housing. To the east there is a group of dwellings set around a narrow road off New Hey Road.
- 2.3 The greenfield element of the site extends up to the rear gardens of properties on Deercroft Crescent to the north of the site, and to the west flanks the graveyard of Salendine Nook Baptist Church. The site becomes significantly steeper up to the rear of Deercroft Crescent.
- 2.4 The site is flanked by a significant number of mature trees, which are covered by a Tree Preservation Order, and there is a public footpath alongside the eastern boundary linking New Hey Road with Deercroft Crescent.
- 2.5 The Spotted Cow, and its immediate curtilage are unallocated on the UDP, and the informal parcels of open space to the rear are allocated as Provisional Open Land.

3.0 PROPOSAL

- 3.1 Full permission is sought for the erection of 26 no dwellings, mainly detached properties, but with 4 pairs of semi-detached properties scattered through the layout. There are 19no. 4 bed properties and 7no. 3 bed dwellings. The dwellings are 2-storey.
- 3.2 Vehicular access is taken off New Hey Road with alterations proposed to the existing accesses to the pub car park. The initial stretch of road into the site would be an estate road which then alters to a shared carriage way, serving an extended cul-de-sac.
- 3.3 Given the site's topography extensive engineering works would be required to undertake the development, including retaining walls to the rear of Deer Croft Crescent and on western parts of the site.
- 3.4. There is an area of greenspace indicated adjacent the access point, and fronting onto New Hey Road, resulting in the scheme being set back from New Hey Road

4.0 RELEVANT PLANNING HISTORY

- 4.1 None relevant on this site.
- 4.2 Adjacent site, 2015/90452, Outline application for erection of 22 dwellings and garages, and formation of associated car parking, access and landscaping. Allowed at appeal 3rd May 2016.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Additional information regarding the access point of New Hey Road, and the internal layout has been submitted satisfactorily addressing detailed concerns.

- 5.2 A site section across the northern end of the site has been provided clarifying the relationship and distances of any retaining structures from the public right of way that flanks the site to the east.
- 5.3 Additional drainage information has been submitted regarding the potential line of a stream at the bottom of the slope.
- 5.4 The applicants submitted a viability appraisal, which was been independently assessed. Vacant Building Credit is also applied to the existing buildings on site. The findings of the independent assessment have been considered agreed by all parties and are reflected in the S106 package in the recommendation box.

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 submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is partly without notation and partly Provisional Open Land within the UDP. The land is again partly without notation on the Kirklees Publication Draft Local Plan (the building and its immediate curtilage). The remainder of the site is safeguarded land.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 D2 Unallocated land
D5 – Provisional Open Land
BE1 – Design principles
BE12 – Space about buildings
BE23 – Crime prevention
G6 – Land contamination
NE9 – Retention of mature trees
T10 – Highway safety
T19 – Parking standards
H10 – Affordable housing

H18 – Provision of open space
EP4 – Noise sensitive development

Supplementary Planning Guidance / Documents:

6.3 Supplementary Planning Document 2. “Affordable Housing”.

Councils Interim Affordable Housing policy

Education needs generated by development

6.4 Kirklees Publication Draft Local Plan, submitted for examination April 2017.

PLP1: Achieving Sustainable Development

PLP2: Place Shaping

PLP3: Location of new development

PLP6: Safeguarded Land

PLP11: Housing mix and affordable housing

PLP21: Highway safety and access

PLP22: Parking

PLP24: Design

PLP28: Drainage

PLP33: Trees

PLP49: Educational and health care needs

PLP52: Protection and improvement of environmental quality

PLP63: New open space.

National Planning Guidance:

6.5 National Planning Policy Framework:

Part 4. Promoting sustainable transport;

Part 6. Delivering a wide choice of high quality homes

Part 7. Requiring good design

Part 8. Promoting healthy communities

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

Part 11 Conserving and enhancing the natural environment.

National Planning Practice Guidance –Vacant Building Credit.

7.0 PUBLIC/LOCAL RESPONSE

7.1 This application was publicised by site notices, press notice and neighbour letters. Final date for receipt of representation 14/4/17.

7.2. 7 letters of objection have been received, the main points of concern being:

- The land at the rear of the site is protected from development in the Unitary Development Plan.(Response- *the POL allocation is covered by policy D3, but given the lack of a 5 year supply of deliverable housing land, the*

presumption in the NPPF is in favour of sustainable housing development, as such it would be difficult to sustain a refusal on this basis, and appeal decision have confirmed this).

- Concern that no details of materials have been provided. Should use natural stone, in accordance with Policy H11 of the Kirklees Unitary Development Plan;(Response: *Conditions regarding the use of natural materials, on the front part of the site adjacent New Hey Road, are recommended*).
- Loss of green space, trees and wildlife (Response- *the trees on this site have been retained as part of the development, and bio diversity enhancement measures are also recommended*).
- Scheme is over intensive and out of character with the area;(Response-*the density is just over 22 per ha, in order to retain the trees which is a modest density less than some of the neighbouring developments*).
- There are already severe traffic problems on New Hey Road, and an additional 26 dwellings and access will make the situation even worse; (Response- *A transport statement was submitted with this proposal, and amendments to the access have been agreed . The site already has 2 access points for the former pub, and also a parking and delivery area*).
- Local schools and doctors surgeries are oversubscribed;(Response-*An Education contribution is being made on this application that accords with the request from the Education Services. The provision of GP's and health facilities is not a matter for the local planning authority, rather the local health authority*).
- The site should be reused for community benefit, either as a local recreation ground, or revive the pub use;(Response- *the application as applied for has to be determined. The former pub has been vacant for a number of years, and is deteriorating in terms of its state and appearance*).
- This type of housing ie 3 and 4 bed, is not in keeping with this area and will not fulfil housing need.(Response- *There is a variety of housing, and house types in the area ,abutting and opposite the site, including detached and semi-detached properties. There is a shortfall of housing supply in the district, and this scheme will deliver 4 no affordable units towards the identified shortfall in affordable housing in this area.*).

8.0 CONSULTATION RESPONSES

8.1 Statutory:

KC Highways - Requested additional information and amendments to the internal layout. This information and the amendments have been provided and no objection is raised subject to the imposition of conditions.

KC Strategic Drainage - Have requested clarification regarding the direction of a local stream. This information has been provided

8.2 Non-statutory:

KC Trees - No objections, recommend conditions and an Arboricultural Method Statement.

KC Environmental Health - Recommend conditions covering unexpected remediation; Noise attenuation; and provision of electric charging points

KC Education Services - A financial contribution of £64,248 is required in this case. This should be secured by a Section 106 Agreement.

KC Strategic Housing - There is a demonstrable need for affordable housing in this area. The Interim Affordable Housing policy required 20% of numbers of units. Affordable Housing should be secured by a Section 106 Agreement

KC Landscape and Parks - Express concern at the potential loss of this piece of greenspace, which makes a positive contribution to the character of the area. In the event of an approval Policy H18 is applicable. In this instance an off-site payment to upgrade neighbouring play facilities would be acceptable ie £69,000.

Police Architectural Liaison Officer- No objections to this application.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highways Issues
- Drainage Issues
- Bio diversity
- Environmental Issues (Noise, Air Quality and Remediation).
- Crime Prevention
- Representations not covered within the report

10.0 APPRAISAL

Principle of development

- 10.1 The application site comprises a mixture of uses ie a former public house and curtilage, ie a brown field site, and also unallocated on the Unitary Development Plan, and the informal green spaces to the rear allocated as Provisional Open Land on the Unitary Development Plan.
- 10.2 There is no objection in principle to redeveloping the former pub and curtilage for residential use. The site is within a sustainable location and residential is compatible with the neighbouring uses, which include existing houses on New Hey Road, and a housing allocation with the benefit of outline permission on adjacent land.
- 10.3 The greenfield site to the rear is allocated as Provisional Open Land on the UDP and is therefore subject to Policy D5. This site, indeed a larger area of the greenfield land is also indicated as safeguarded land on the Emerging Local Plan which is a policy which carries considerable weight

- 10.6 Given the size of the site, and the number of dwellings involved the council's policies on Affordable Housing, Public Open Space and Education are all relevant.
- 10.7 The scheme provides 26 no dwellings, and in accordance with the Interim Affordable Housing Policy 20% of the units would be required an affordable ie 5. However the site contains the former Spotted Cow PH building, which is now abandoned, and as an existing empty building on a brown field site it qualifies for consideration against the Vacant Building Credit criteria detailed in the National Planning Practice Guidance. In applying the guidance procedure credit for 1 no unit is accepted, and as such the policy compliant level of affordable housing would be 4 units.
- 10.8 An off-site contribution towards improvement of existing open space areas is required ie £69,000, and an Education contribution of £64,248 is also required.
- 10.9 The applicants submitted a viability appraisal with the application, indicating that they believed the delivery of this scheme was unviable with the affordable housing contribution required This appraisal has been independently assessed (at the expense of the applicant, and the council's independent assessor does not accept this assertion , indicating that the site could deliver the 4 affordable houses, and both the off-site POS and Education contributions and still be viable
- 10.10 The applicants have accepted this, and as such in the event of an approval a Section 106 delivering affordable housing, off site POS and Education contributions will be secured.

Urban Design issues

- 10.11 The proposal delivers 26 no dwellings at a density of just over 22 per ha. Given the on-site constraints, particularly the numbers of mature trees, and steep slope to the rear, this is considered to be an efficient use of the land. The surrounding housing is a mixture of house types, with semi-detached to the rear on Deercroft Crescent and the opposite side of New Hey Road, and a tight knit courtyard development immediately to the east of the site around an unmade track. As such it is considered the density is appropriate for this area which enables the retention of the protected trees on the western edge of the site that are an integral part of the character of this area.
- 10.12. The frontage onto New Hey Road includes the retention of the stone boundary wall, and the first plot is set back approx. 10m from the wall, respecting the prevailing building line, with a considerable landscaped area adjacent the protected trees that run along the length of the neighbouring site on the New Hey Road frontage. This approach respects and enhances the character of New Hey Road, which also benefits from the removal of an abandoned and neglected pub building.

- 10.13. The dwellings proposed are a mixture of detached and semi-detached, 2 no storeys in height, which is an appropriate scale. The dwellings on the rear part of the site are to be constructed on excavated development platforms. Given the steepness of the slope and the rear gardens enclosed by a substantial retaining wall this is an appropriate design solution for the site. The ridge height of these dwellings will be a similar height to the rear gardens of properties on Deercroft Crescent. As such the retaining wall will not be visible from New Hey Road and within the site.
- 10.14. The site fronts onto New Hey Road and the surrounding dwellings are predominantly built of stone. As such it is appropriate that the dwellings within the scheme nearest dwellings to New Hey Road and those that are visible from the road are built of natural stone and it is proposed to condition this.

Residential Amenity

- 10.15. The internal layout and distances between dwellings and proposed garden areas, is in accordance with the Councils space about building standards, as such the residential amenity and privacy of the new dwellings is safeguarded.
- 10.16. With respect to the relationship to the nearest dwellings,(ie those to the west of the site in particular numbers 398b and 400 New Hey Road, there are no dwellings proposed to the side of no 400, with a distance of over 15 m to the gable of plot 1. No 398b New Hey Road is a detached property with an elevation that face the unmade track and also towards the site. With a small yard area. The nearest new dwelling is plot 26, and this has a gable facing no 398b. As such the privacy of the 2 dwellings and their garden areas can be safeguarded with appropriate fencing and the bulk of the dwelling is not considered to have an adverse effect on the residential amenities of 398b, that could justify a refusal, especially given the siting and bulk of the existing Spotted Cow PH.
- 10.17. The dwellings to the north on Deercroft Crescent are at a considerably higher level than the application site with the garden areas being level or above the ridge heights of the new dwellings
- 10.18. The dwellings proposed nearest to New Hey Road are to be provided with appropriate noise attenuation to protect the future residents from road traffic noise. This noise attenuation will be subject to appropriate conditions.

Highway Issues

- 10.19. The proposed residential development of 26no dwellings on land adjacent to Former spotted cow public house would be served off the A640 New Hey Road. The 26 Dwellings are a mixture of 14no 4 bedroom units and 12no 3 bedroom units both detached and semi-detached.

- 10.20 The proposed site access would be located at one existing eastern entrance with the other being stopped up accordingly. This access is directly onto A640 New Hey Road. The current layout on New Hey Road has been redesigned to accommodate the proposed access which includes radii and footways returned into the site and relocation of the existing traffic island.
- 10.21. In terms of the forecast traffic generation on the existing network, detailed in the Transport assessment (BWB consultants) for the development of 26 dwellings has a potential to generate 17 two way movements in the AM peak and 16 two way movements in the PM peak periods.
- 10.22. The proposed internal layout and parking provision (dwg no 1640.01 rev J) is considered acceptable in principle, subject to detailed design including approval of gradients and landscaping (both to be subject to conditions).
- 10.23. There is currently a public right of way (PROW ref HUD/367/10) running adjacent to the north east of the site. Detailed design for its retention will need to be considered along with the proposed retaining wall to support this. Both these will require approval in writing at the detailed design stage and will be subject to conditions.

Drainage Issues

- 10.24. The site is within Flood Zone 1 (ie the area, least likely to flood). Given the site exceeds 1ha, a Flood Risk Assessment has been provided to cover the issue of surface water drainage.
- 10.25. The applicants, in addition to the Flood Risk Assessment have produced a Drainage Strategy that is largely welcomed by the Strategic Drainage. Surface water flood routing throughout the site, can be satisfactorily achieved, but will necessitate a marginal increase in floor levels for plots 2,3 25 and 26 which will be conditioned.
- 10.26. Additional information about the line/ route of the watercourse has been provided and this will inform the drainage solution and eventual discharge rates. Clearly for the brownfield element of the site a reduction in run off rates by at least 30% should be sought.
- 10.27. The details and potential conditions necessary will be reported to the Sub Committee as part of the update, however there is no fundamental issue with the drainage and satisfactory drainage can be appropriately conditioned

Bio Diversity

- 10.28 The site itself is of no particular biodiversity value, with a derelict old building and semi improved grassland. The trees on the site and on the neighbouring site, are of value as a bat foraging area, and on the neighbouring site there is a bat roost. The retention of the trees is welcome as that foraging potential is retained. Also given the new dwellings provided on the site it is proposed to condition biodiversity enhancement opportunities for both bat and bird roosts

Environmental Issues

- 10.29. Noise. The dwellings nearest to New Hey Road will be the subject to road traffic noise and it is proposed to condition the submission of noise attenuation measures for the 4 no dwellings nearest to New Hey Road.
- 10.30. Remediation. The applicants have submitted a Phase 1 Survey with the application, and it is acceptable that the site can be remediated and made fit to receive new residential development. Standard conditions to this effect are recommended.
- 10.31. Air Quality. Given the scale of the development, in accordance with the guidance contained in the West Yorkshire Low Emissions Strategy a condition requiring the provision of electric charging points is recommended.

Crime Prevention

- 10.32. The Police Architectural Liaison Officer is supportive of this scheme. The layout provides for dedicated parking spaces for each dwelling and logical and defensible areas of space for each dwelling. Recommend robust boundary treatments, particularly those adjacent to the public footpath.
- 10.33. As such it is considered that the proposal satisfies the requirements of Policy BE23, of the UDP (Crime Prevention). And the guidance contained in part 8 of the NPPF "Promoting healthy communities".

11.0 CONCLUSION

- 11.1. The scheme delivers new housing on a part brown field / part green field site. Given the lack of a 5 year housing supply, the presumption within the NPPF is in favour of sustainable housing developments, and this site is considered to be within a sustainable location.
- 11.2. Policy compliant contributions towards affordable housing (following independent viability assessment), POS and Education are all offered and will be secured via a Section 106 Agreement.
- 11.3. The layout, and density are compatible with the area, and the site can be safely accessed from New Hey Road. Other material considerations such as drainage, noise, biodiversity and air quality, are all covered by the imposition of appropriate conditions.
- 11.4. Approval of this scheme subject to a Section 106 and appropriate conditions.

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

1. 3 year time limit for commencing conditions.
2. Development to be in accordance with approved plans.
3. Landscape Scheme and maintenance.
4. Protection of trees during development
5. Sample of materials (stone for some dwellings)
6. Boundary treatments
7. Drainage conditions- in accordance with FRA and Drainage Strategy; run off rates; surface water flood routing; finished floor levels
8. Environmental Health – Noise attenuation; Remediation/ decontamination; and provision of electric charging points
9. Highways conditions; right turn lane; areas to be surfaced and drained; internal adoptable roads ; closure of existing access.
10. Removal of PD rights on some plots, including no new windows or openings
11. Construction Management Plan.
12. Bio diversity enhancement measures

Background Papers:

Application and history files.

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2017/91173&file_reference=634722

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



Originator: Nick Hirst

Tel: 01484 221000

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2016/93249 Erection of garden store, decking, sauna and single storey extension 55, Church Lane, South Crosland, Huddersfield, HD4 7DD

APPLICANT

M Downey

DATE VALID

25-Oct-2016

TARGET DATE

20-Dec-2016

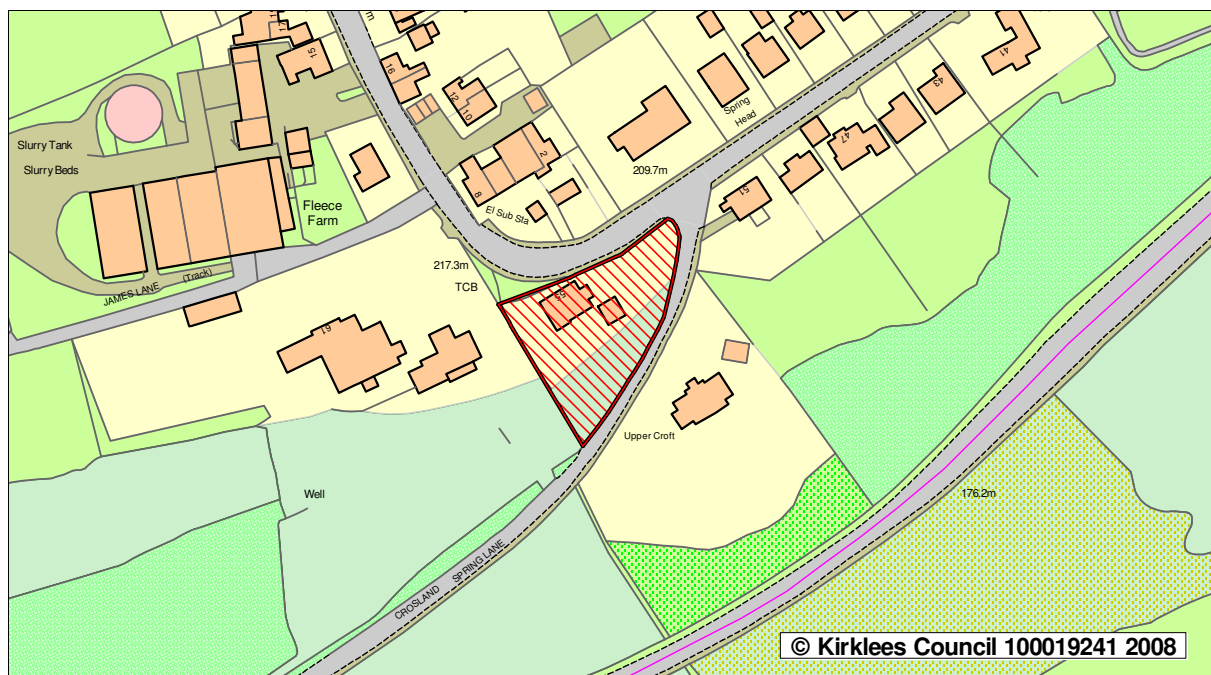
EXTENSION EXPIRY DATE

05-May-2017

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Crosland Moor and Netherton

No

Ward Members consulted

RECOMMENDATION

REFUSE

The application site is located within the designated Green Belt whereby, as set out in the National Planning Framework (NPPF), new development is restricted. The proposed development is considered to constitute disproportionate additions to the original building, therefore failing to comply with the exceptions of Paragraph 89. No very special circumstances exist which clearly outweigh the harm that would result to the Green Belt by reason of inappropriateness and the harm to the openness and character of the Green Belt. It is therefore concluded that the proposal would conflict with Policy D11 of Kirklees Unitary Development Plan, policy PLP57 of the Publication Draft Local Plan and Chapter 9 of the National Planning Policy Framework.

1.0 INTRODUCTION

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

'I believe that the impact of the uncovered stilts on the area would in fact be more detrimental than their current state, and that the proposed additions are not out of keeping with other developments on the same street. There are other houses currently being built in close proximity to number 55 and it is not my view that the proposed additions to 55 Church Lane are more significant than these other developments which have been allowed to go ahead.'

1.2 Cllr Hill requested that members undertake a site visit.

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

2.0 SITE AND SURROUNDINGS

- 2.1 No.55 is a large three storey detached property of modern design faced in stone with elements of timber boarding. It is split levelled and includes balconies and large glazed openings. The dwellinghouse benefits from a sizable amenity areas to the east, south and west, however large amounts of the garden are steeply sloping. The area's topography slopes downwards from north to south, with the dwellinghouse being below the level of Church Lane, to the north, but at a much higher ground level than Crosland Spring Road to the south. Most of the banking is wooded, although the trees are not protected by TPO.
- 2.2 The dwellinghouse has no close neighbours. To the west is a partly constructed dwelling. The site is within Green Belt and lies adjacent to, but not within, the South Crosland Conservation Area.

3.0 PROPOSAL

- 3.1 The proposal includes various structures within the curtilage of the dwelling and an extension to the dwelling itself. This comprises the installation of decking, erection of an outbuilding (sauna), erection of a rear extension and alterations to an existing raised platform to form a garden store.
- 3.2 The decking is to cover an area of 36sqm. Built adjacent to the edge of the site's steep banking, it is to have a maximum height of 1.2m. There is to be a steel balustrade, 1.0m in height.
- 3.3 The outbuilding, to be a garden sauna, is located on the decking. It has a footprint of 2.4m x 4.0m with a height of 2.2m, atop the decking. It is to be timber constructed.
- 3.4 The rear extension is to form an enclosed veranda. It would project 3.4m and be 7.2m wide. The roof is to be a lean-to, with an eaves and ridge height of 1.9m and 2.5m respectively. The walls are to be glazed, within a grey aluminium frame with poly-carbonate sheeting on the roof.
- 3.5 Alterations to the existing raised platform include the supporting piers being infilled to form a garden store. The walls are dark grey hung tiles. Openings include a door and window on the east elevation. Associated works include the erection of a stairs to access the lower level.
- 3.6 The decking and alterations to the existing raised platform have been implemented. The erection of the outbuilding and extension has not commenced.

4.0 RELEVANT PLANNING HISTORY

4.1 55 Church Lane

2000/92884: Erection of extensions – Conditional Full Permission (Implemented)

2006/94813: Erection of detached garage – Conditional Full Permission (Implemented)

2015/91439: Erection of timber summer house on raised deck – Conditional Full Permission (Implemented)

2016/90219: Discharge of condition 2 (boundary) on previous permission no. 2015/91439 for erection of timber summer house on raised deck – Discharge of condition approved

4.2 Four Winds (adjacent site to the west).

2001/91634: Demolition of existing house and erection of new dwelling with garages – Conditional Full Permission

2006/90857: Renewal of unimplemented permission for demolition of house and erection of new dwelling with garages (part within a Conservation Area) – Conditional Full Permission

2008/90165: Demolition and re-modelling existing dwelling with extensions to provide new dwelling (within a Conservation Area) – Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS

5.1 Informal pre-application discussions were held between the case officer and the agent. The case officer expressed concerns over the proposed extension and formation of a garden room under the raised platform. This was due to the cumulative impact of development upon the Green Belt.

5.2 It transpired that part of the development has been completed on site at this time. Therefore the case officer advised that an application be submitted to regularise the situation.

5.3 Upon receipt of the application, and subsequent assessment of the formal plans, which also included the decking and the outbuilding, the case officer concluded that the proposal represented inappropriate development within the Green Belt. The agent was made aware of this and requested time to submit 'very special circumstances' and seek support from local ward members. The application is brought to committee at the request of a ward councillor and the supporting statement submitted by the agent is assessed in the appraisal below.

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 submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is Green Belt on the UDP Proposals Map.

6.3 The site is designated Green Belt on the PDLP Proposals Map and the southwestern corner of the site is designated woodland as a wildlife habitat network.

6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D11** – Extensions to buildings in the Green Belt
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **T10** – Highways accessibility considerations in new development

6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP21** – Highways and access
- **PLP24** – Design
- **PLP57** – The extension, alteration or replacement of existing buildings (in the green belt)

6.6 National Planning Guidance:

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

7.0 PUBLIC/LOCAL RESPONSE

7.1 One representation was received to the proposed development. The following is a summary of the comments made;

- No objection to the principle of the development, subject to ensuring the proposal not resulting in a loss of privacy. However it is considered that the condition imposed via application 2015/62/91439/W is sufficient. The representation concludes by stating 'I support the applicant's right to improve their property'.

8.0 CONSULTATION RESPONSES

8.1 No consultations were required.

9.0 MAIN ISSUES

- Principle of development
- Impact on Residential Amenity
- Impact on Highway Safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 89 or 90 of the NPPF.
- 10.2 Extensions and alterations to existing buildings can be considered acceptable within the Green Belt under Policy D11 of the UDP, Policy PLP57 of the PDLP and Paragraph 89 of the NPPF, subject to the extension not being disproportionate in size to the original building or dominant in appearance.
- 10.3 When considering whether detached structures constitute an 'extension and alteration to existing buildings', consideration must be given as to whether they are domestically adjunct to the host building. If not, they are to be considered as new buildings in their own right. Paragraph 89 of the NPPF confirms that new buildings are inappropriate in the Green Belt.
- 10.4 The proposed structures are located within the host building's curtilage, close to the principal building. Furthermore their nature and usage is considered intrinsically linked to the host domestic building. Therefore it is considered that the proposed works can be considered as extensions and alterations to the existing building for the purposes of Green Belt policy.

However consideration must be given as to whether they are disproportionate in size to the original building or dominant in appearance. This includes consideration of the cumulative impact of the proposed development and previous extensions to the original building.

Whether the proposal is inappropriate development in the Green Belt

- 10.5 No.55 Church Lane benefits from numerous extensions to the original building. This includes a two storey side extension, two storey and first floor front extensions, porch, retaining structure to form basement level with balcony, detached garage, detached summerhouse and raised viewing platform.
- 10.6 The proposal seeks to further enlarge the building, including a rear extension, detached outbuilding and alteration of the viewing platform to form an outbuilding. Considering the site's existing extensions cumulatively with those proposed, it is concluded that the proposal would represent disproportionate additions to the original building. There are no alterations to the scheme that would overcome this, given the extent of development which has already taken place on the site.
- 10.7 It is concluded that the proposal fails to comply with Paragraph 89 of the NPPF, D11 of the UDP and PLP57 of the PDLP. Therefore, in accordance with paragraph 89, the proposal is deemed to constitute inappropriate development within the Green Belt.

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

- 10.8 The NPPF outlines that inappropriate development is, by definition, harmful to the Green Belt. However consideration must be given as to whether the proposal causes additional harm to the Green Belt. This includes the proposal's impact upon the openness of the Green Belt and surrounding area. NPPF Paragraph 87 states that any harm to the Green Belt must be considered to be substantial.
- 10.9 Paragraph 79 of the NPPF says that 'the essential characteristics of Green Belts are their openness and their permanence'. Openness is defined by an absence of buildings or other forms of development. It is noted that, due to the site's vegetated boundary, views into and from the site are limited. Therefore the proposed development would not be prominently visible from external views and vistas within the Green Belt. Nonetheless openness of aspect is a characteristic quality of the Green Belt. Officers considered that a lack of visual prominence does not mitigate a loss of openness. In this instance the increased extent of built development would cause significant harm to the Green Belt through the resulting loss of openness.

10.10 General design is also a consideration. The proposed veranda, outbuilding and decking are considered to be a suitable scale from a design perspectives and have an appearance harmonious to the host building. However, this does not weigh in favour of the proposal but rather has a neutral effect on the overall balance when taking Green Belt issues into account.

10.11 Regarding the garden store, formed through alterations to the existing raised platform, the design is not considered to be in keeping with the host building. When viewed from the front and sides the structure takes on the form of a two storey outbuilding. Furthermore the materials of construction and design do not reflect that of the host building. Therefore the proposal would not comply with the requirements of BE1, BE2 and BE13 of the UDP, PLP24 of the DPLP and Chapter 7 of the NPPF.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

10.12 In accordance with NPPF Paragraphs 87 and 88 consideration needs to be given to whether there are any 'very special circumstances' associated with the proposal which clearly outweigh the identified harm to the Green Belt by reason of inappropriateness and any other harm. The following very special circumstances have been provided;

- *The garden room sits in an existing void underneath the footprint of the existing summer house. The structure is 'infilling' an existing space with no additional floor space being created and is totally screened from public view.*

Response: The raised platform and summer house were approved via application 2015/91439. While concerns were held over the proposal's impact on openness, given the lightweight appearance of the platform it was concluded, on balance, that the proposal was acceptable.

In-filling the void results in the structure having a significantly greater massing and prominence. The impact of this is as assessed within sections 10.9 and 10.11.

- *The proposed garden room decking, garden sauna and enclosed veranda will not impact on the openness of the green belt and sit below the horizon/sky line as does no 55 church lane.*

Response: The proposal's impact upon openness has been assessed within section 10.8 and 10.9. Due to the site's raising land levels, and the scale of the host building, it is acknowledged that the development would sit below the horizon/skyline. Nonetheless this does not negate the prominence and presence of the structures, and their impact on openness.

- *The small alterations proposed within the existing domestic curtilage of his site are minor compared to the scale and impact the adjoining ongoing development of no 61 Church Lane has had on his amenity space and surrounding area; and that the precedent set by the adjacent development should be viewed as a material consideration*

Response: These comments are noted. Nonetheless each application must be assessed on its own merits.

- 10.13 Considering the above it is concluded that ‘very special circumstances’ do not exist. The information provided does not, either individually or cumulatively, clearly outweigh the identified harm to the Green Belt.

Conclusion

- 10.14 The proposal would be inappropriate development in the Green Belt, causing harm to the Green Belt’s openness and permanence. As per the NPPF substantial weight is given to harm to the Green Belt. It is considered that there are no very special circumstances which clearly outweigh the harm to the Green Belt. The proposal is in breach of Policy D11 of the UDP, PLP57 of the PDLP and Chapter 9 of the NPPF, and the principle of development is considered unacceptable.

Impact on the adjacent South Crosland Conservation Area

- 10.15 The site is located adjacent to the South Crosland Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of conservation areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Additionally NPPF Chapter 12 outlines the principle of development and restrictions for development in and around Conservation Areas.
- 10.16 Notwithstanding the above the site is considered disconnected from the Conservation Area. Due to the area’s topography no.55’s garden is notably lower than the main street through South Crosland, Midway. The proposed development is not considered harmful to the heritage value of the adjacent conservation area. Therefore the proposal is considered to comply with Chapter 12 of the NPPF.

Impact on Residential Amenity

- 10.17 No.55 is well spaced from the neighbouring dwellinghouses. None of the proposed works would be close enough to third party dwellings to result in materially harmful overlooking or overbearing. This includes the outbuilding, which is built along the shared boundary with the adjacent dwelling under construction; while along the shared boundary it is away from the dwellinghouse and location so as not to cause a detrimental impact.

- 10.18 In regards to overlooking the veranda extension is not within a location that would allow overlooking. The garden store and sauna outbuilding do not have windows facing neighbouring properties or land. The decking faces towards land of no.1 Crosland Spring Road. However this is at a distance of 30.0m, with the site's vegetated boundary and road in between. Furthermore the view is of a driveway and side garden, as opposed to the dwelling itself or the principal rear garden area. It is concluded that the proposal would not cause an undue loss of privacy for no.1's occupiers.
- 10.19 The proposal is not considered harmful to the amenity of nearby residents and is deemed to comply with paragraph 17 of the NPPF.

Impact on Highway Safety

- 10.20 The proposal is not considered to impact upon the safe and efficient operation of the Highway and is therefore deemed to comply with Policy T10 of the UDP.

Other matters

- 10.21 There are no other material planning considerations for the proposal.

Representations

- 10.22 One representation was received. Subject to the proposal not resulting in a loss of privacy, the representation was in support of the proposal. As has been assessed, it is not considered that the proposal would result in harmful overlooking. Comments in support are noted.

11.0 CONCLUSION

- 11.1 The proposed development is considered to represent inappropriate development in the Green Belt which would be harmful to the openness and character of the Green Belt.
- 11.2 The justification submitted by the applicant has been assessed. However this is not considered to demonstrate very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm.
- 11.3 Policy PLP1 of the PDLP and 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 UDP, PDLP and NPPF which indicate the development should be restricted.

Background Papers

Application web page: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93249>

Certificate of Ownership – Certificate A signed

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2015/92291 Variation of condition 3 (extractor flue) on previous permission 2012/92279 for change of use from newsagent (A1) to hot food takeaway (A5) and installation of flue 48, Bradley Road, Bradley, Huddersfield, HD2 1XD

APPLICANT

Mr Mohammed Ali, c/o
agent

DATE VALID

21-Aug-2015

TARGET DATE

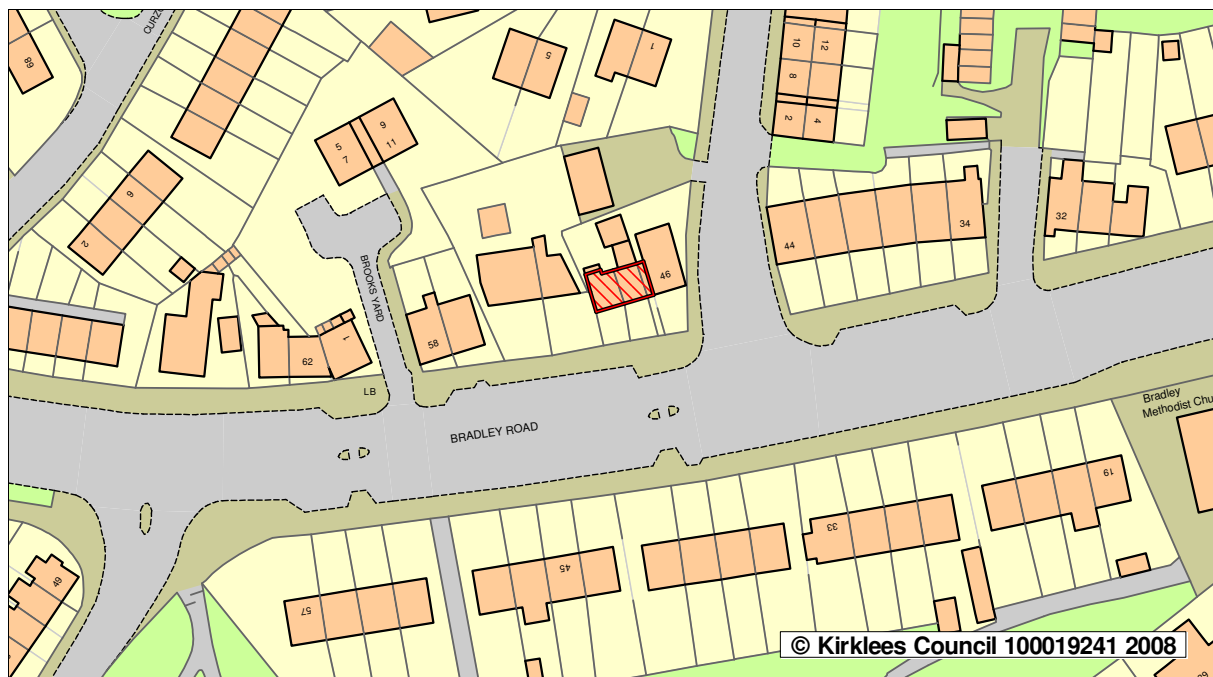
16-Oct-2015

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Ashbrow

No

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 This application is brought before Sub-Committee for determination because of: (i) the substantial level of local objection, and (ii) a request by Ward Councillor Jean Calvert. Cllr Calvert's reason for requesting a Sub-Committee decision is based on 'residential amenity' as follows:

"Residents were not convinced that the retrospective planning application that has been agreed is being built to standard can someone go and have a look please. The other issue is the outstanding application for the flues – if you are mindful to agree this can it go to committee please residents want some reassurance that 2 flues will not be used."

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

2.0 SITE AND SURROUNDINGS:

- 2.1 48 Bradley Road is a two-storey building constructed in stone with a tiled roof, located on the north side of Bradley Road. It was formerly in retail use at ground floor but has permission to be used as a hot food takeaway, and to install a flue. A flue has been installed and some of the external works associated with permission 2015/90982 have been carried out, including the installation of security shutters. But according to the agent it has not yet commenced trading as a takeaway.

2.2 The site has a substantial forecourt at the front with a low stone wall forming the boundary with the highway. To the rear is a larger yard with a high stone wall to the west. There is a small single-storey lean-to structure on the rear elevation, aligned to the west, in which a flue has been placed, and there is a larger single-storey rear extension to the side of this. The adjoining property to the east, to which it is attached (no. 46), is in residential use. The adjacent property to the west is also a hot food takeaway, in separate ownership. The wider area is mainly residential.

3.0 PROPOSAL:

3.1 The applicant has submitted a planning application under Section 73 of the Town and Country Planning Act 1990 to vary condition (3) on permission 2012/92279 for the change of use from A1 to hot food takeaway and installation of flue. The condition reads:

“The use hereby permitted shall not begin until the arrangements for air treatment and extraction detailed in the supporting information submitted 26th October 2012, including the flue shown on the drawing submitted on 26th October 2012, have been installed. Such works shall thereafter be retained, operated at all times when the takeaway is in use and maintained in accordance with the manufacturer’s instructions.

Reason: So as to ensure that residential properties in the vicinity of the site are not adversely affected by fumes or odours, and to accord with the aims of Policies D2 and S14 of the Unitary Development Plan and the National Planning Policy Framework.”

3.2 The drawing referred to in this condition shows a flue located near the rear right-hand corner of building, protruding through the roof of the small single-storey lean-to structure and terminating just above the gutter line of the main roof.

3.3 The applicant wishes to vary the permission so to allow a larger flue, sited on the left-hand side of the lean-to structure and at its highest point 850mm above the ridge of the main roof. The flue has already been installed. It was originally plain metal but since its installation it has been painted black.

3.4 The original proposal was for the retention of the new unauthorised flue to be in addition to the one actually shown on the original plans. The agent has however submitted further technical information to show that the one flue will be adequate to process all emissions and that no additional flue will be required. The agent has also confirmed that all externally visible parts of the flue can be painted matt black (which has now been undertaken). The amended details of the flue are shown on a drawing received in March 2016. The technical details received in October 2016 and 29th June 2017 from M&M Metal Fabrications (dated 22nd June) provide information regarding the flue itself and the operation of the wider extract ventilation system.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2012/92279 – Change of use from A1 to hot food takeaway and installation of flue. Approved. The proposal has been partially implemented by carrying out some internal works associated with the change of use and the installation of a flue, but flue design and position are not in accordance with the approved details. This application was reported to sub-committee.
2015/92290 – Installation of second flue – Withdrawn
2016/90140 – Formation of ramped access, erection of detached toilet, raising of roof, installation of barbed wire fencing, rendering of side walls and other alterations to rear store and preparation room, installation of new shop front with cash machine and roller shutter. Approved; development is in progress.
- 4.2 Enforcement history
- 4.3 COMP/15/0215 – alleged unauthorised installation of flue. This has resulted in the submission of the application now before sub-committee.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 14-Oct-2016: Agent was advised that the flue would need to be colour-coated to reduce its visual impact.
- 05-Jan-2017: The agent was asked to provide additional technical information to demonstrate that a single flue would be able to deal with emissions suitably whilst keeping noise to an acceptable level. The agent was also requested to provide a plan accurately showing the flue as installed. The report below is compiled following the submission of the revised information and plans.

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 submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. 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:

The site is without notation on the UDP proposals map.

6.2

- D2 – General principles
- S14 – Hot food takeaways
- EP4 – Noise-sensitive and noise-generating development
- BE1 – Design principles
- BE2 – Quality of design

Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

The site is without notation within the publication draft local plan.

Policies:

PLP 16 – Food and drink uses and the evening economy

PLP 24 – Design

PLP 52 – Protection and improvement of environmental quality.

National Planning Guidance:

6.3 National Planning Policy Framework.

- NPPF Building a strong competitive economy
- NPPF Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Letter of objection from one neighbouring property, and a 54-signature petition.

Summary of concerns raised:

1. The new flue is larger than on the approved plan and in the wrong position.
2. The flue is an eyesore and I can see it from my garden.
3. A second flue would be even worse because it would be even nearer my property and noisier.
4. Increased odours and rubbish.
5. Other building work has been done which is shoddy and not in accordance with the plans that have been approved.

Ward Councillor Jean Calvert – requests a Committee decision if officers minded to approve, for the reason set out in paragraph 1.1.

8.0 CONSULTATION RESPONSES:

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

8.2 **Non-statutory:**

- 8.3 KC Environmental Services – “I have reviewed the information supplied regarding the extract ventilation system installed at 48 Bradley Road. I can confirm that it is satisfactory therefore I have no objection to the application being approved”.

9.0 **MAIN ISSUES**

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

10.0 **APPRAISAL**

Principle of development

- 10.1 The principle of change of use of the premises to a hot food takeaway has been accepted and the current application relates solely to the variation of condition 3 regarding the air treatment and extraction system. The reason this condition was imposed was to “so as to ensure that residential properties in the vicinity of the site are not adversely affected by fumes or odours”. In addition the external appearance of the new flue, in respect of its scale, position and siting could impact on the visual amenity of the area. The main factors to be considered are therefore visual amenity, and any potential impacts on residential amenity arising from potential noise or odours associated with the flue/extract ventilation system.
- 10.2 The proposal will be assessed having regard to the following Policies contained within the NPPF. Building a strong competitive economy – this advises that significant weight should be placed on the need to secure sustainable economic growth through the planning system. Conserving and enhancing the natural environment – advises that planning policies and decisions should aim to prevent noise giving rise to significant adverse impacts on health and quality of life, while not placing unreasonable restrictions on businesses. Furthermore that the planning system should prevent existing development from being adversely affected by unacceptable levels of, amongst other things, air and noise pollution.
- 10.3 Within the UDP, the main relevant Policy relating to hot food takeaway proposals is S14. This states that proposals for hot food takeaways will be considered having regard to, amongst other things, the effect on residential amenity and the visual impact of any alterations proposed. In addition Policy D2, states that decisions should consider impacts on visual and residential amenity and the character of the surroundings, BE1-2 which states that development should be visually attractive and respect the character of its surroundings and EP4, which states that proposals for noise-generating uses

close to existing noise-sensitive development should take into account the impact of projected noise levels.

Urban Design issues

- 10.4 The flue is an overall height of 5.55m projecting from the roof of the single storey extension to a point 2.5m above the eaves and 850mm above the ridge of the roof. It has a black painted finish. It is partly shielded from public view by the presence of no. 46, which projects further to the rear than no. 48, and cannot be clearly seen from Bradley Road to the south. From the north, it can be seen from Upper Quarry Road which is on rising land looking towards the site. It is considered that as originally installed, with a galvanised metal finish, it had some negative impact on visual amenity.
- 10.5 It is considered however that the appearance of the flue has been significantly improved by painting it matt black. The existing roof tiles are dark grey and removing the bright and shiny surface to the flue has assisted in assimilating it in its surroundings to an acceptable degree.
- 10.6 It is generally preferable that external flues should be given a factory applied colour finish before first installation as this eliminates the potential that a painted finish will deteriorate. However, having regard to the fact that there is already a plain metal flue on the neighbouring take-away (although smaller), retaining the existing metal flue painted black is considered to be a reasonable solution to mitigating its visual appearance. Planning officers are currently seeking to ascertain whether the flue has been painted using a preparatory product suitable for galvanised surfaces.
- 10.7 Subject to the requirement that the flue is retained in a painted matt black finish, the variation of condition 3 would not result in undue harm to visual amenity and would accord with the aims of Policies D2, BE1-2 of the UDP. It would also accord with Policy PLP 16 of the PDLP insofar as the appearance of the flue associated with the food use is acceptable.

Residential Amenity

- 10.8 The technical information submitted by the applicant provides information to demonstrate that the flue will be sufficient to process all emissions from the takeaway. Confirmation has been received from Environmental Services to verify this is the case. Provided a suitable air extraction and filtration equipment can be installed, either before the takeaway is brought into use or within a specified period of time following a grant of planning permission, the authorised use would not give rise to loss of residential amenity as a result of either fumes or noise, and would accord with the aims of Policy S15 and EP4 and policies within Chapter 11 of the NPPF. It would also comply with Policies PLP 16 and PLP52 of the PDLP as the impact of noise and fumes would not unduly affect the existing amenities of residents.

- 10.9 No 46 Bradley Road has an attic bedroom window overlooking the site from the side, which is approximately 6m from the flue, or 2m closer than the flue would have been in its original approved position. It is also noted that the flue is over 2m higher than the one originally approved as part of permission 2012/92279 – this means that it now reaches above the level of this bedroom window cill, and so it will be more clearly visible from the window. However, the direct line of sight taken at 90 degrees from the window is over the roof of no. 48, not over the flue, and it is considered that the flue could not give rise to any significant obstruction to light or outlook. It is considered on balance that it would be difficult to demonstrate that the flue causes undue harm to the outlook currently enjoyed from this window. In addition subject to all air extraction facilities being installed and maintained in accordance with the manufacturer's instructions it is considered that the flue would not have an undue effect on the residential amenities of the occupiers of this property.

Representations

- 10.10 Concerns relating to residential amenity and visual amenity issues have been examined in the main part of the assessment but are highlighted here together with other issues raised and officer responses.
- 10.11 The new flue is larger than on the approved plan and in the wrong position.
Response: It is noted that the flue is different to the one shown on the approved plan for 2012/92279. The current plans for this application however, accurately show the flue that has been installed and the application is being assessed on this basis.
- 10.12 The flue is an eyesore and I can see it from my garden.
Response: The issue of visual amenity has been assessed in 10.4-10.7 above and it is considered that the appearance of the flue has been acceptably mitigated by painting it black.
- 10.13 A second flue would be even worse because it would be even nearer my property and noisier.
Response: It is noted that the flue would be moved closer to no. 46 which is in residential use but the proposed extract ventilation system would not give rise to material noise nuisance to this property, provided this is installed and operated in accordance with the manufacturer's recommendations. It would not be a second flue as the application, as amended, seeks to operate the business with a single extract ventilation flue.
- 10.14 Increased odours and rubbish.
Response: As set out in 10.8 above, any unacceptable odours can be prevented as long as suitable air treatment facilities are used and maintained at all times when the takeaway is in use, which can be controlled by condition. The variation of condition does not represent an intensification of the use so there it is not expected that it will result in increased litter.

10.15 Other building work has been done which is shoddy and not in accordance with the plans that have been approved.

Response: The quality of the work undertaken is not a material consideration. The flue, subject of this application, was not erected in accordance with the approved plans but retrospective approval is sought by means of this application.

Other Matters

10.16 Conditions.

Section 73 of the Town and Country Planning Act 1990 allows the Local Planning Authority to review the existing planning conditions and update, revise, add to or delete redundant conditions as part of the assessment of the planning application.

10.17 Since the granting of planning permission no. 2012/92279 the development has been commenced, so the original condition (1) on time limit for commencement is no longer applicable.

10.18 As the flue has been installed and painted and no further external works remain to be undertaken, the original condition (2), requiring that development is carried out in full accordance with the approved plans and specifications, is no longer necessary.

10.19 The original condition (3) required that the arrangements for air treatment and extraction submitted on 26th October 2012 must be installed before the use commences. This condition should be updated to take into account the new details and specifications submitted with the current application including the flue.

10.20 The previous condition (4) – that no activities may be carried out on the premises, including deliveries to or dispatches from the premises or service to customers outside the hours of 10:00 to 23:30 on any day – is considered reasonable and should be re-applied so as to prevent noise disturbance to residential properties near the site.

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 It is considered that allowing the variation of condition 3 of planning permission no. 2012/92279, subject to the conditions recommended below would allow the authorised take-away to operate without undue detriment to either residential or visual amenity.

11.3 This assessment has taken into consideration the development plan, the emerging local plan, national policy guidance and other material considerations. It is considered that subject to the wording of the conditions set out below the variation of the terms of the original planning permission would constitute sustainable development.

12.0 CONDITIONS

1. The use hereby permitted shall not begin until the arrangements for air treatment and extraction detailed in the supporting information from M and M Metal Fabrications, including technical data sheet from Northern Fan Supplies submitted - 29th June 2017, and including the flue shown on the approved drawings, have been installed in complete accordance with these details. Such works shall thereafter be retained, operated at all times when the takeaway is in use and maintained in accordance with the manufacturer's instructions.

2. No activities shall be carried out on the premises, including deliveries to or dispatches from the premises or service to customers outside the hours of 10:00 to 23:30 on any day.

3. The external flue shall be retained in a matt black painted finish for the lifetime of the development.

Background Papers:

Application and history files.

2015/92291:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f92291>

Certificate of Ownership –Certificate A signed: 17th July 2015.



Originator: Laura Yeadon

Tel: 01484 221000

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2017/91308 Erection of extensions to dwelling, erection of garden room to rear of existing garage and extension to patio area Ridgewood, Oakes Avenue, Brockholes, Holmfirth, HD9 7AT

APPLICANT

Richard Wilde

DATE VALID

12-Apr-2017

TARGET DATE

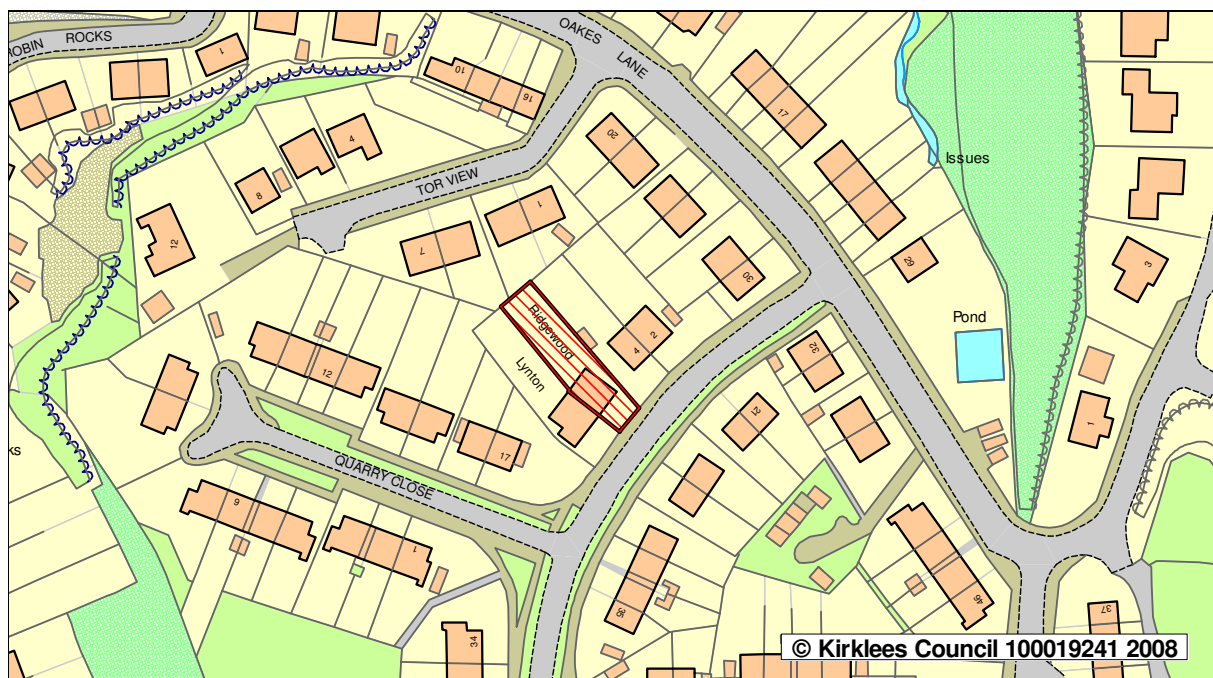
07-Jun-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley North

No

Ward Members consulted

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

1.0 INTRODUCTION:

- 1.1 The application is reported to Sub-Committee at the request of Councillor Holroyd-Doveton. His reason is relates firstly to concerns about the new build garden room being attached to the garage. Cllr Holroyd-Doveton states that this is because of:

“potential ‘future use’ of what would then be a large space, should the walls be knocked through, if not immediately. This then creates a significant extension to the house. On this basis I feel a committee view...is appropriate, as the end result will affect a number of residents”.

In addition Cllr Holroyd-Doveton has also expressed concerns regarding the conversion of garden to a car parking space and the potential for surface water to run-off into the neighbouring garden. He also requests a site visit so that the issues can be viewed.

- 1.2 The Chair of sub-committee has confirmed that Cllr Holroyd-Doveton's reasons for making this request are valid having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 Ridgewood, Oakes Avenue is a two storey semi-detached dwelling. The property is constructed from stone and has a slate hipped roof with uPVC windows and doors. There is a small garden area to the front of the property with a larger lawned garden to the rear which, due to the sloping nature of the site, is set on a lower ground level than the finished floor level of the property. Along the north east boundary of the rear garden is a 1.8m high close boarded fence. There is a shared driveway to the side elevation which leads to a detached garage. No. 4 Oakes Avenue, to the north-east of the property,

is set on a lower ground level. The wider street scene is predominantly residential with various property designs and construction materials.

3.0 PROPOSAL:

- 3.1 Permission is sought for the erection of extensions to the dwelling, erection of a garden room to the rear of the existing garage and an extension to the patio area also at the rear of the property. The plans also indicate the creation of an additional parking space to the front of the property.
- 3.2 The extensions to the dwelling would comprise of single storey additions to the front, side and rear of the property. These would provide a kitchen/diner, an enlarged living room, porch, office, utility and wc.
- 3.3 The front extension would replace a bay window and project 1.6m forward of the property with an eaves height of 3.8 metres rising to 4.5 metres to the ridge of the hipped roof. It would span almost the full width of the dwelling projecting beyond the side elevation by 1.2 metres to align with the proposed side extension. The side extension would then continue along the full depth of the property in the form of a wrap-around extension. The side extension would have a hipped roof design.
- 3.4 The extension to the rear of the property would project a maximum of 4.5 metres and would be set in from the side elevation of the property with the adjacent property 'Lynton'. The elevation facing this property would be angled slightly to follow the boundary line with the extension being a total height of 3.3 with a flat parapet roof.
- 3.5 It is also proposed that the existing rear patio area would be extended. The patio would project from the rear elevation of the extension by 6 metres being a total of approximately 1 metre above the garden level, raised from existing to provide level access from the property.
- 3.6 To the rear of the existing garage it is proposed to erect a garden room. This would be the same width as the garage, 3 m, and project for 6 metres beyond the rear wall of the garage, with a floor level some 0.5m lower than the garage. The roof would be flat, being a total height of 2.2 metres, level with the eaves of the existing garage. The external facing material for the wall would be timber cladding.
- 3.7 The proposed off-street parking space would involve the partial demolition of the front boundary wall. No details of the surfacing materials for the parking space have been provided but the agent states that surface water disposal would incorporate an 'ACO' drainage channel at the boundary of the site.
- 3.8 The proposed materials of construction for the house extension would be slates for the roof, facing stone for the walls, aluminium capping for the flat roofs timber and stone for the steps to the front and rear. The proposed openings would be dark grey uPVC.

4.0 RELEVANT PLANNING HISTORY:

4.1 No history

5.0 HISTORY OF NEGOTIATIONS:

5.1 The Case Officer contacted the Agent following the initial site visit with a request that the garden room be reduced in height to minimise the impact on the neighbouring property, no. 4, due to the difference in levels. The roof form has been amended to a flat roof and is the plan which is under consideration with this application.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The land is without allocation/designation within the UDP and the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 D2 – Unallocated Land
BE1 – Design principles
BE2 – Quality of design
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
T19 – car parking

National Planning Guidance:

6.3 Chapter 7 – Requiring good design

Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

- 6.4 PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP24 – Design

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The Council advertised the application by site notice and neighbour notification letters which expired on 1st June 2017. One letter of representation has been received with the following comments:

- Concerns regarding the 'garden room' and parking to the front of the property
- Design and Access Statement does not mention the garage extension and also states that access will remain as is but also mentions removal of a section of front boundary wall to allow for off-street parking
- Note the drive is shared with No. 4 Oakes Avenue
- Run-off from the parking area due to the slope of the land could cause flooding onto No. 4 unless adequate and appropriate drainage is installed
- 6 foot high wooden fence has been erected resulting in a loss of natural light to the garden of No. 4. The 'garage extension' will further restrict natural light/increase shade to the garden which would be detrimental to plant growth in a long maintained garden.
- Concerns about the mass of the 'garage extension'. Calculated height to ridge is 2.6 metres which is 3.4 metres higher than the garden of No. 4 as the existing garage base is 0.76 metres higher than the adjacent garden
- The garage extension, due to its size, would be detrimental to the visual outlook of no. 4.
- No provision is shown for water run-off from garage extension which has potential to lead to flooding on the garden of No. 4 due to do the ground level difference
- Allegation that the applicant currently runs a joinery business and existing garage is already used a workshop. At certain times, including evenings and weekends, it is alleged that machinery noise can be heard. Concerned the garage extension would be used as an additional workshop.
- If plans are approved we would need to be assured that there is unrestricted access to No. 4 at all times during construction work

Holme Valley Parish Council – support the application subject to no overlooking and materials in keeping

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

None

8.2 **Non-statutory:**

None

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

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

10.2 The general principle of extending and making alterations to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations. In addition Policy PLP24 of the PDLP sets out a variety of design considerations to take into account in the assessment of a planning application.

Visual amenity:

10.3 The proposed development is comprised of single storey extensions to the front, side and rear of the property with a single storey extension to the attached garage and the formation of a parking area to the front of the dwelling. The extensions to the property itself would subservient to the main property by virtue of being single storey in height when viewed against the backdrop of the two storey building.

10.4 The roof form of the front and side extension would be a lean-to roof in keeping with the hipped form of the main dwelling with the rear extension being a flat roof minimising its visual impact.

10.5 The proposed construction materials for the extensions to the dwelling would be slates for the roof, facing stone for the walls and aluminium capping for the flat roof. The proposed openings would be dark grey uPVC which are considered to be acceptable in the context of the wider area.

- 10.6 The fenestration details are simplistic and in keeping with the host property in terms of design and dimensions.
- 10.7 The proposed extension to the existing garage to form a garden room would also have a flat roof. Whilst noting that this differs from the existing pitched roof garage, this was amended at the request of the Local Planning Authority (see assessment on residential amenity below). This is considered to be acceptable in terms of visual amenity and typical of this type of outbuilding.
- 10.8 The garage extension would be finished with a timber cladding and whilst the roof style and finishing materials would differ from the existing garage, which is a precast concrete structure, this extension would be read as such and would appear acceptable as a garden structure, and when considered with the existing screen boundary fence. In the context of the large rear garden to the property, this extension would not amount to overdevelopment.
- 10.9 With regards to the off-street parking area to the front of the building, this would involve removal of a section of boundary wall but the majority would be retained. The main visual impact would be the parking of a vehicle to the front of the property but this is not an unusual visual feature and a similar development already exists at Lynton next door.
- 10.10 Whilst the garden area to the front of the property would be lost to accommodate the parking area, a good amount of lawned, landscaped garden would be retained to the rear of the property which is screened by a timber fence and hedging and therefore it is considered that the proposed development, taken as a whole, would not constitute overdevelopment.
- 10.11 Taking into account all the above, it is considered that the proposed extensions to the dwelling itself and to the detached garage, alongside the formation of a parking area to the front of the property, are acceptable in terms of visual amenity, in accordance with Policies D2, BE1, BE2 and BE13 of the Unitary Development Plan and advice within the National Planning Policy Framework. The visual aspects of the scheme would accord with the general design considerations set out in Policy PLP24 of the PDLF.

Residential Amenity

- 10.12 The two properties which could potentially be affected by the proposed works are the attached property known as Lynton which is to the south-west of the site and No. 4 Oakes Avenue which is to the north-east of the site.
- 10.13 With regard to the impact on Lynton, any potential impact would be from the proposed front and rear extensions and the new parking space. The front extension would be set in from the shared boundary with a limited projection of 1.6 metres being single storey in height with a high hedge acting as boundary screening. Taking these elements into account, and the requirements of Policy BE14 stating that extensions to the front of properties should be 'small in scale', it is considered that the impact from this extension is acceptable. There is a small window within the side elevation of the

extension however due its limited projection, it would not cause undue harm from overlooking. The existing bay window also contains a side facing window.

- 10.14 In terms of the rear extension, and its impact on Lynton, whilst this would project 4.5 metres beyond the rear elevation, given it would be to the north-east of the attached neighbour there would be no direct loss of light. In addition, the roof would be flat thus minimising the impact of the extension as far as practicable. There are no openings within the side elevation which would result in direct overlooking. Taking the above into account, it is not considered that there would be significant harm to this property in terms of residential amenity. In respect of the parking space, given the existing mature boundary treatment and the presence of a parking space within the front garden area of Lynton it is considered there would be no loss of amenity.
- 10.15 With regards to the impact on the occupants of No. 4 Oakes Avenue, the elements of the scheme which have potential to impact on their amenity would be from the proposed front/side extension, extension to the garage to form a garden room and the formation of the parking space. The proposed side extension would be single storey in height and of limited projection of 1.2m from a 2-storey side wall. The front extension would project 1.6m. Although the side extension would have openings to the proposed office, utility room and WC these are mainly non-habitable rooms and they face non-habitable rooms within the neighbouring property, separated by the shared driveway. Given these factors it is considered that the front/side extension due to its siting, scale and design would not cause undue harm to residential amenity.
- 10.16 In terms of the impact from the proposed garage extension, to form a garden room, this has been the main subject of discussion between the Local Planning Authority and Agent. Following an initial site visit concerns were raised regarding the impact of this element of the scheme to No. 4 due to the changes in ground levels and the proximity of the extension to the shared boundary. The initial plans resulted in a structure which was a continuation of the existing garage in terms of elevations, eaves height and roof ridge. Amended plans have been received amending the roof form to a flat roof with an overall height of 2.2 metres. There is also a close boarded fence in situ along the boundary between Ridgewood and 4 Oakes Avenue. The proposed extension would not be significantly higher than this fence which would further reduce its impact. The proposed garden room would be approximately 0.5 metres above the existing fence line.
- 10.17 It is noted that that a representation was received prior to the submission of amended plans which raised concerns regarding the scheme, especially on loss of natural light from the garden room extension. However, there is a fence in situ which already reduces direct sunlight. It is important to note also that should the proposed extension forming a garden room be 'detached' from the existing garage, this would not necessarily require planning permission and could be constructed by exercising 'permitted development rights' for outbuildings. Taking this into account together with existing site

factors it is considered that the amended scheme with the reduction in roof height and alteration in roof form would not result in an undue loss of amenity to the neighbouring property in terms of loss of outlook or light to the garden in accordance with Policy D2 of the UDP and the core planning principles of the NPPF.

- 10.16 The proposed garden room hosts openings within the south-east elevation which would face into the garden area and a high hedge separating the site from Lynton. As such, it is not considered that the garden room would cause undue harm from overlooking.
- 10.18 The construction of a parking space would result in additional vehicular manoeuvres between Ridgewood and no. 4 and use of the shared drive. The hardsurfacing of the garden area has the potential to create surface water run-off if this is not appropriately designed. These issues have been assessed and the use of one further parking space is considered not to result in a material increase of the use of the drive. A condition can be imposed to require the surfacing of the space to comply with national guidance set out in 'guidance in the permeable surfacing of front gardens' which would help mitigate the potential for flood risk from the site. Although an 'ACO' drainage channel is currently proposed precise details of the surfacing arrangements are unknown and it is recommended this be controlled by condition.
- 10.19 In assessing the application, it has been acknowledged that most planning approvals are likely to interfere to some extent, with adjoining/adjacent occupier's enjoyment of their property. However, the test is whether this is proportionate balancing the rights of the developer to develop and the rights of those affected by the development. In this instance it is considered that undertaking this balancing exercise the impact of the development as amended would be acceptable. The proposal is deemed to comply with Policies D2 and BE14 of the Unitary Development Plan and core principles of the National Planning Policy Framework with regards to residential amenity.

Highway issues

- 10.20 In terms of highway safety, the property currently benefits from off-street parking by way of the existing garage provision. However, the driveway is single width and shared with the neighbouring property. The scheme proposes an additional off-street parking space to the front of the property and it is considered that the provision of 2 off-road parking spaces is compliant with Policy T19 of the UDP and therefore considered to be acceptable.

Drainage issues

- 10.21 Concerns have also been raised regarding drainage at the site in terms of surface run-off from the proposed parking area and also from the proposed garden room. With regards to the parking area to the front, this can be controlled via an appropriate condition in relation to the use of a permeable surface, as set out in paragraph 10.18. With regards to the run-off from the

garden room, the existing garage appears to be drained to the main sewer, as set out in the application form. There is no reason why the new structure could not utilise the same method of surface water disposal.

Representations

10.22 One letter of representation has been received, prior to the submission of amended plans with the following comments and Local Planning Authority response:

- Concerns regarding the 'garden room' and parking to the front of the property
Response: the impact on residential amenity has been assessed in the appraisal.
- Design and Access Statement does not mention the garage extension and also states that access will remain as is but also mentions removal of a section of front boundary wall to allow for off-street parking
Response: The scheme as submitted has been assessed in detail, including the garage extension and parking space.
- Drive is shared with No. 4 Oakes Avenue although not indicated as such on the Design and Access Statement
Response: It is clear from the layout of the site that the driveway is shared
- Run-off from the parking area due to the slope of the land could cause flooding onto No. 4 at the front unless adequate and appropriate drainage is installed
Response: This can be controlled via an appropriate condition
- 6 foot high wooden fence has been erected resulting in a loss of natural light to the garden of No. 4. The 'garage extension' will further restrict natural light/increase shade to the garden which would be detrimental to plant growth in a long maintained garden.
Response: The erection of a 6 foot high fence does not require planning permission and is therefore cannot be controlled by the Local Planning Authority. The total height of the garden room has been reduced since the submission of this representation
- 'Garage extension' is shown as being 6 metres long and having the same roof line as the existing garage
Response: This has now been amended to a flat roof which would be a reduction in the overall height of the proposed extension
- Calculated height to the ridge is 2.6 metres which means 3.4 metres higher than the garden of No. 4 as the existing garage base is 0.76 metres higher than the adjacent garden
Response: This has since been amended to be a flat roof, the overall height of the garden room above the existing fence would approximately 0.5 metres

- Due to the size of the garage extension, this visual aspect from No. 4 would be severely damaged
Response: The right to a view is not a material planning consideration; the impact on outlook has been assessed in residential amenity.
- Additionally no provision is shown for water run-off from the structure and has potential to lead to flooding on the garden of No. 4 due to do the ground level difference
Response: see paragraph 10.21
- Allegation that the applicant currently runs a joinery business and existing garage is already used a workshop. At certain times, including evenings and weekends, it is alleged that machinery noise can be heard. Concerned the garage extension would be used as an additional workshop.
Response: The garden room is submitted as 'householder' development. This would constitute a building ancillary to the enjoyment of the occupiers of the host dwellinghouse. Whilst this use is retained, and provided the garage is used in a similar manner there would be no breach in planning control
- If plans are approved we would need to be assured that there is unrestricted access to No. 4 at all times during construction work
Reason: This is a civil matter between land owners and cannot be controlled by condition.

Other Matters

10.23 There are no other matters for consideration

11.0 CONCLUSION

11.1 The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework taken as a whole constitute the Government's view of what sustainable development means in practice.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations, in particular the impact on the neighbouring property, No. 4 Oakes Avenue. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

1. 3 year time limit permission
2. The development shall be carried out in complete accordance with the approved plans.
3. The walling and roofing materials (where relevant) to the single storey front, side and rear extensions to the main dwelling house shall be constructed from materials to match.

4. The new parking space to the front of the dwelling to be constructed/surfaced in accordance with national guidance on the permeable surfacing of front gardens.

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91308>

Certificate of Ownership – Certificate A signed

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

20 JULY 2017

Planning Application 2016/92203

Item 15 – Page 25

Demolition of existing dwelling and erection of 2 detached dwellings with integral garages

65, Colders Lane, Meltham, Holmfirth, HD9 5JL

One additional representation received opposing the development. This is summarised below.

- Disappointed that the objections from 17 local residents and comments from the Public Rights of Way Officer were not sufficient to warrant refusing the application at the last committee.

Response: These comments are noted by Officers, and reported to Members for information.

- Request that the matter raised in paragraph 10.33 of the published committee report, in respect of inconsistencies in the height of the building shown in the submitted sections, is attached as a condition.

Response: As set out in the committee report, amended plans have been received that ensures that all plans and elevations accord with each other with the overall height of the building shown to be 8.7 metres. These plans are conditioned by the imposition of condition 2 regarding the development being carried out in accordance with the approved plans.

- There is concern that permitted development rights have only be withdrawn for Plot 1 as an extension to Plot 2 would exacerbate the degree of intrusion into the amenities currently enjoyed by occupiers of no. 162 Wessenden Head Road.

Response: The concerns are noted by Planning Officers however as set out in the published committee report under paragraph 10.15 it is not considered necessary to withdraw permitted development rights for Plot 2 because the neighbouring dwellings are at a higher level.

Clarification paragraph 10.27.

There is a typing error in the proposed wording of condition A. Section A, i, b, should read:

- b. a written report detailing the current condition of the road with a list of defects that exist prior to commencement of development including specific photographs identifying individual defects;*

Erection of rear and side extensions

46, Meltham Road, Honley, Holmfirth, HD9 6HL

Following advertisement of the amended plans one additional representation has been received. The following is a summary of the comments made and response:

- No further comment in regards to the new plans. However concerns are held over future development on site, and whether it would require Planning Permission.

Response: Comments are noted. The case officer has provided a response to the representation with an explanation of Permitted Development for householders. In summary due to the limitations set out in 'Part 1 Class A' of the General Permitted Development Order 2015 further extensions could not be undertaken without a planning application being submitted.

Partial Demolition of existing Listed Building and erection of 1no. A1 retail store and 2no units (A1/A2/A3 use class) at ground floor and offices (B1 use class) at first floor level with associated parking, servicing and landscaping (Within a Conservation Area)

43, Northgate, Almondbury, Huddersfield, HD5 8RX

Members will note the recommendation detailed in the committee report:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to negotiate further amendments to the submitted scheme to mitigate harm to the residential amenities of no. 55 Northgate, complete the list of conditions including those contained within this report and issue the decision.

Residential Amenity

In an attempt to address the concerns raised by officers, the applicant has submitted amended plans.

- The height to the eaves of the roof where it faces no55 Northgate has been reduced by 600mm. Due to the level difference across the site and within the garden area of no55 Northgate, the height of the building when viewed from no55 Northgate would range between approximately 3.4m to eaves and 4.2m to eaves.

Response: The amendments proposed are considered mitigate the harm to no55 Northgate to some extent. However, given the relatively close proximity of the proposed retail unit to no55 Northgate and the nature of the built form proposed, there is considered to be some harm to the amenity of the occupiers of no55 Northgate, in particular, associated with their garden area.

Officers did suggest to the applicant that setting the proposed building further away from the boundary of no55 Northgate may provide suitable mitigation. However, the applicant has stated that such amendments are not achievable but has not demonstrated the reasoning for this.

In conclusion, officers consider that the case is very finely balanced. It is acknowledged that there would be some harm to the amenity of the occupiers of no55 Northgate but, on balance, given the reduction in the eaves height and the sloping nature of the roof form away from the boundary of no55 Northgate, it is considered that the overall benefits set out in the officer report outweigh the totality of the harm in this case, subject to the conditions recommended.

Other Issues

Further amended plans and points of clarification have been submitted relating to the following:

- Revised plans have been submitted showing that the bin storage area can be access directly from the courtyard. This would reduce the impact on no55 Northgate ensuring that bins were not manoeuvred along this boundary.
- Revised plans have been submitted showing a private/staff entrance to unit C so it faces no55 (the dwelling). Previously this access faced the garden of no55 Northgate. A fence would be erected so that there would be no access for staff members or members of the public between Northgate and the car park to the rear of the proposed development. Therefore, no 'cut through' adjacent to the boundary of no55 Northgate.

Highways

- Para 9.36 of the officer report details that an amendment was requested in order to remove the spaces proposed along the access so that HGV's and other vehicles could safely access and egress the site. The applicant has provided additional detail confirming that the operator would control the short stay parking area and use temporary bollards. However, this would be difficult to properly control and manage and therefore, it is recommended that this element of the scheme be amended so that the spaces are removed.
- The applicant has shown indicative details of a dropped crossing over the site access. It is recommended that final details are conditioned.

Recommendation

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to negotiate further amendments to the submitted scheme to ensure that the parking spaces along the proposed access are altered/removed in order that vehicles can be safely accommodated within the site and, complete the list of conditions including those contained within this report and issue the decision.

Additional Conditions

- Details of finished floor levels to be provided.
- Details of bin collection area to be provided.

Planning Application 2017/91173

Item 19 – Page 85

Reserved matters application for erection of 19 dwellings pursuant to outline permission 2015/90507 for outline application for residential development (within a Conservation Area)

Land off, Carr Top Lane, Golcar, Huddersfield, HD7 4JB

Amended plans have been received which:

- Slightly amend alignment of the access to achieve satisfactory maintenance easements for the retaining wall and improved ramp position;
- Minor internal highways changes comprising margins, access between parking bays; and
- Introduction of a boundary to define domestic curtilages to the rear of plots 12-16. (to remove the wooded bank from the domestic curtilage of these properties)

Consultation responses to amended plans

KC Trees - "In light of the amended plan I'm happy to support this proposal. However we need conditions attaching should permission be given". See recommendation below for details of additional conditions.

KC Highways - the amendments are in accordance with changes requested.

Representations

One additional letter of objection has been received, the main points of concern being:

- Outline permission for 16 was excessively overcrowded, 19 is even more so.
Response: the layout and scale of development are considered acceptable for the reasons set out in the report.
- Detrimental impact on habitat, and loss of wildlife;
Response: the Ecology officer raises no objections to the proposal related to impact on biodiversity, there is a landscape management plan condition on the outline application and a proposed condition regarding biodiversity enhancement opportunities in the recommendation to members in the main report.

- TPO trees on the southern boundary will be under threat in the future;
Response: the amended plans lately received would improve the long-term viability of protected trees by separating them from domestic curtilage.
- Highways survey for outline is now obsolete, given 3 extra dwellings;
Response: matters related to access were approved at outline stage
- Plot 16 is too close to no 1a, Carr Top Lane - loss of privacy, a full boundary/ fence plan needs submitting.
Response: details of boundary treatment are shown on the layout plan. However, further details are required for the north east boundary to delineate where all sections of the 1.8m screen walls and fences will be sited. Furthermore following the recent receipt of amended plans there are no clear details of the boundary treatment proposed to separate the garden areas of plots 12-16 from the wooded bank of protected trees. For these reasons an additional condition is proposed.

Recommendation: Reserved matters approved.

Additional conditions:

7. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, which includes a schedule of pruning works, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.
8. Details of any additional tree works required during the construction process, that is not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.
9. Notwithstanding the details indicated on the revised layout plan ref MI 1074-003 Rev C, the superstructure of the dwellings shall not commence until full details of all boundary treatment, including that to separate the site from nos. 1 and 1a Carr Top Lane and to separate the domestic curtilages of plots 12-16 from the wooded banking to the south of the site, have been submitted to and approved in writing by the local planning authority. The details submitted shall provide a timescale for the erection of boundary treatment which shall be undertaken during the construction period. Thereafter the development shall be undertaken in accordance with the details so approved and be retained as such thereafter.

Demolition of existing public house and erection of 26 no. dwellings

Land Adjacent to Spotted Cow Public House, New Hey Road, Salendine Nook, Huddersfield, HD3 3FG

Request from the Agent for the application to be deferred.

The agent sent an email on 12th July stating:

“The applicant has advised me that the layout of the scheme may have to be amended. We are awaiting confirmation and then will get amended plans prepared but would it be possible to postpone this application to the August committee?”

To date officers have not received any amended plans or further information from the agent. As the site layout before members may not be that which the applicants wish to take forward, officers concur with the agent that the application be deferred.

Variation of condition 3 (extractor flue) on previous permission 2012/92279 for change of use from newsagent (A1) to hot food takeaway (A5) and installation of flue

48, Bradley Road, Bradley, Huddersfield, HD2 1XD

Urban Design

I draw member’s attention to paragraph 10.6 of the published committee report which advises that Planning Officers were seeking to ascertain whether the flue has been painted using a preparatory product for galvanised surfaces. Officers have been unable to establish this, however the flue has been painted black and condition 3 on the recommendation ensures that the flue must be retained in a black finish. Planning Officers considered that this represents sufficient control to ensure that the flue remains in a black colour.