

Public Document Pack



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

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Wednesday 21 March 2018

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 29 March 2018**.

(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".

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 - 12

To approve the Minutes of the meeting of the Committee held on 22 February 2018.

3: Interests and Lobbying

13 - 14

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.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

6: Site Visit - Application 2017/93853

Erection of mixed use agricultural and educational building 20, Wellhouse Lane, Kirkheaton, Huddersfield.

(Estimated time of arrival at site – 09.30 am)

Contact Officer: Hannah Thickett, Planning Services

Wards

Affected: Dalton

7: Site Visit - Application 2017/91921

Outline application for erection of one dwelling adj, 102, Gawthorpe Lane, Lepton, Huddersfield.

(Estimated time of arrival at site – 09.50 am)

Contact Officer: Nick Hirst, Planning Services

Wards

Affected: Almondbury

8: Site Visit - Application 2017/91922

Outline application for erection of one dwelling adj, 102, Gawthorpe Lane, Lepton, Huddersfield.

(Estimated time of arrival at site – 09.50 am)

Contact Officer : Nick Hirst Planning Services

Wards

Affected: Almondbury

9: Site Visit - Application 2018/90192

Erection of 21 dwellings Land adjacent to 8 Miry Lane, Netherthong, Holmfirth.

(Estimated time of arrival at site – 10.30 am)

Contact Officer: Victor Grayson, Planning Services

Wards**Affected:** Holme Valley South

10: Site Visit - Application 2017/93015

Erection of 19 dwellings (C3) with associated parking with vehicular access Rough Nook Farm, 112, Mill Moor Road, Meltham, Holmfirth.

(Estimated time of arrival at site – 11.05 am)

Contact Officer: Adam Walker, Planning Services

Wards**Affected:** Holme Valley North

11: Site Visit - Application 2017/93459

Erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) Land south of, Swallow Lane, Golcar, Huddersfield.

(Estimated time of arrival at site – 11.35 am)

Contact Officer: Rebecca Drake, Planning Services

Wards Affected: Golcar

12: Local Planning Authority Appeals

15 - 34

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: Mathias Franklin –Development Management Group Leader

Wards Affected: Crosland Moor and Netherton; Holme Valley South; Holme Valley North; Colne Valley

Planning Applications

35 - 38

The Planning Sub Committee will consider the following Planning Applications. Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 26 March 2018.

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

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

13: Planning Application - Application 2017/91618 39 - 50

Change of use and erection of extension and alterations to former club/pub to form 6 apartments 14, New Road, Kirkheaton, Huddersfield.

Contact Officer: Farzana Tabasum, Planning Services

Wards

Affected: Dalton

14: Planning Application - Application 2017/93015 51 - 68

Erection of 19 dwellings (C3) with associated parking with vehicular access Rough Nook Farm, 112, Mill Moor Road, Meltham, Holmfirth.

Contact Officer: Adam Walker, Planning Services

Wards

Affected: Holme Valley North

15: Planning Application - Application 2018/90192 69 - 92

Erection of 21 dwellings Land adjacent to 8 Miry Lane, Netherthong, Holmfirth.

Contact Officer: Victor Grayson, Planning Services

Wards

Affected: Holme Valley South

16: Planning Application - Application 2017/93459 93 - 120

Erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) Land south of, Swallow Lane, Golcar, Huddersfield.

Contact Officer: Rebecca Drake, Planning Services

Wards

Affected: Golcar

- 17: Planning Application - Application 2017/93853** 121 - 134
- Erection of mixed use agricultural and educational building 20, Wellhouse Lane, Kirkheaton, Huddersfield.
- Contact Officer: Hannah Thickett, Planning Services
- Wards**
Affected: Dalton
-
- 18: Planning Application - Application 2017/91921** 135 - 148
- Outline application for erection of one dwelling adj, 102, Gawthorpe Lane, Lepton, Huddersfield.
- Contact Officer: Nick Hirst, Planning Services
- Wards**
Affected: Almondbury
-
- 19: Planning Application - Application 2017/91922** 149 - 164
- Outline application for erection of one dwelling adj, 102, Gawthorpe Lane, Lepton, Huddersfield.
- Contact Officer : Nick Hirst Planning Services
- Wards**
Affected: Almondbury
-
- 20: Planning Application - Application 2018/90099** 165 - 180
- Erection of four storey building and landscaping details Joseph Priestley Building, University Of Huddersfield, Queensgate, Huddersfield.
- Contact Officer: Nick Hirst Planning Services
- Wards**
Affected: Newsome
-

21: Planning Application - Application 2018/90336 181 -
194

Installation of additional bay to existing modular building Fixby Junior
And Infant School, Lightridge Road, Fixby, Huddersfield.

Contact Officer: Laura Yeadon

Wards

Affected: Ashbrow

22: Planning Application - Application 2018/90247 195 -
200

Replacement roof St Bernadette Hall, 5 Copthorne Gardens,
Bradley, Huddersfield.

Contact Officer: Francis Davies

Wards

Affected: Ashbrow

Planning Update

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 February 2018

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

All members of the Committee were present.

2 Minutes of previous meeting

The Minutes of the meeting held on 4 January 2018 were approved as a correct record.

3 Interests and Lobbying

Councillor McGuin declared an 'other interest' in item 17 on the grounds that he had been involved in a local group that had wanted to establish a village green on the land at Clayton Fields.

Councillor Ullah declared an 'other interest' in item 17 on the grounds that he had been involved in facilitating a number of meetings between the developer and objectors.

Councillor Sokhal declared an 'other interest' in item 17 on the grounds that he had previously commented on and supported local residents to maintain the public rights of way footpath

Cllrs McGuin and Sims declared that they had been lobbied on application 2017/93444.

Cllr McGuin declared that he had been lobbied on application 2017/93483.

Cllr Sims declared that he had been lobbied on applications 2017/94242.

Cllr Bellamy declared an 'other interest' in item 19 and application 2017/94242 on the grounds that she was a member of the Holme Valley Parish Council.

Cllr Marchington declared an 'other interest' in application 2017/93444 on the grounds that he was a student minister at Almondbury Methodist Mission.

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

Cllr Marchington declared an 'other interest' in application 2017/93638 on the grounds that he knew the applicants.

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: 2017/93399

Site visit undertaken.

8 Site Visit - Application No: 2017/93444

Site visit undertaken.

9 Site Visit - Application No: 2017/91618

Site visit undertaken.

10 Site Visit - Clayton Fields, Edgerton

Site visit undertaken.

11 Site Visit - Application No: 2016/92466

Site visit undertaken.

12 Site Visit - Application No: 2017/93515

Site visit undertaken.

13 Site Visit - Application No: 2017/93638

Site visit undertaken.

14 Site Visit - Application No: 2017/93719

Site visit undertaken.

15 Site Visit - Application No: 2017/94242

Site visit undertaken.

16 Local Planning Authority Appeals

That the report be noted.

17 Application for a definitive map modification order to add a public footpath to the definitive map and statement, Clayton Fields, Edgerton. (Application reference 183)

The Committee considered a report that sought a decision on an application for a definitive map modification order to record a public footpath to the definitive map and statement, Clayton Fields, Edgerton (reference 183).

The report outlined the context and background to the matter, information required to take a decision, next steps and officer recommendations.

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

Under the provisions of Council Procedure Rule 37, the Committee received representations from Jonathan Adamson, Bill Magee and Mike Woodward (Chair of the Marsh Community Forum).

RESOLVED – That the Service Director, Legal, Governance and Commissioning be authorised to:

- (1) make a definitive map modification order (“DMMO”) to record a public footpath between points A and B on appended plan App Y, under section 53 (3) c (i) of the Wildlife & Countryside Act 1981.
- (2) Confirm the order or if opposed, to submit it to the Secretary of State at DEFRA to determine.

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

For: Councillors Bellamy, Homewood, Lyons, Marchington, Sarwar, Sims, Walker and Wilkinson (8 votes).

Against: (0 votes).

18 **Application for a definitive map modification order to add a public footpath to the definitive map and statement, Cellars Clough, Marsden**

The Committee considered a report that sought a decision on an application for a definitive map modification order to record a public footpath to the definitive map and statement, Cellars Clough, Marsden.

The report outlined the context and background to the matter, information required to take a decision, next steps and officer recommendations.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Terry Norris (Peak and Northern Footpath Society).

RESOLVED – That the Service Director, Legal, Governance and Commissioning be authorised to:

- (1) make a definitive map modification order (“DMMO”) to record a public footpath under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 between points A-C-D and B-C on the appended Plan at App A1.
- (2) Confirm the order or if opposed, to submit it to the Secretary of State at DEFRA to determine.

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 Votes

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

19 Clarification of decision on item 13 of Planning sub-committee (Huddersfield area) of 4 January 2018. Bridge Lane to Sands recreation, Holmfirth. Application for a definitive map modification order to add a public bridleway to the definitive map and statement. (Application reference 169)

The Committee considered a report that sought clarification of decision on item 13 of Planning sub-committee (Huddersfield area) of 4 January 2018. Bridge Lane to Sands recreation, Holmfirth. Application for a definitive map modification order to add a public bridleway to the definitive map and statement. (Application reference 169).

The report outlined a summary of the previous decision, information required to take a decision, next steps and officer recommendations.

RESOLVED – That the Committee note the typographic errors in the previous report and confirm the 4 January 2018 sub-committee decision to make and seek confirmation of an order under section 53 (3) c (i) of the Wildlife & Countryside Act 1981.

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 Votes

20 Planning Application - Application No: 2017/93483

The Sub Committee gave consideration to Planning Application 2017/93483 Erection of single storey rear extension and rear dormer windows 152, Ravensknowle Road, Dalton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Anthony Mahon and Susan Mahon (Objectors), Sharon Weavill (on behalf of the applicants) and Richard Smith (in support).

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 including:

- 1) Development to be carried out in accordance with the approved plans
- 2) Removal of PD rights for extensions and outbuildings.

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

For: Councillors Homewood, Marchington, Sarwar, Sokhal, Ullah, Walker and Wilkinson (7 votes).

Against: Councillors Sins and Lyons (2 votes).

Abstained: Councillors Bellamy and McGuin.

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

21 Planning Application - Application No: 2017/93444

The Sub Committee gave consideration to Planning Application 2017/93444 Replacement roof (within a Conservation Area) Almondbury Methodist Church, Westgate, Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Anne Firth (in support)

RESOLVED – Contrary to the officer's recommendation that the application be delegated to the Head of Strategic Investment for conditional full permission.

Contrary to the officer's recommendation, the Committee considered that the benefit to the community outweighed the harm to the Conservation Area and that the proposed roof covering would not in itself form a prominent feature in the Conservation Area as the majority of roofs in the area were of dark slate. In addition the Committee requested officers to investigate if the proposed covering could be ribbed in a similar fashion to the existing roof. However if this was not possible the Committee considered that the proposal would remain acceptable.

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

For: Councillors Bellamy, Homewood, Lyons, McGuin, Sarwar, Sims, Sokhal and Ullah (8 votes).

Against: Councillors Walker and Wilkinson (2 votes)

22 Planning Application - Application No: 2017/93399

The Sub Committee gave consideration to Planning Application 2017/93399 Change of use and alterations, including erection of boundary fence, to former mill (B1 Business) to 30 student bedrooms (C4) Office, Britannia Mills, Colne Road, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Andrew France (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Julie Stewart-Turner (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 and the update list including:

- 1) Time Limit to commence development.
- 2) Development to be in accordance with the submitted plans
- 3) Development to be in accordance with the Traffic Statement
- 4) Student accommodation
- 5) Flood evacuation plan
- 6) Flood mitigation measures
- 7) Crime prevention
- 8) Cycle spaces to be provided

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

- 9) Development to be in accordance with the noise plan
- 10) Ecology information
- 11) Contaminated land (Investigation Phase 1)
- 12) Contaminated land (Investigation Phase 2)
- 13) Contaminated land (Phase 2 Implemented)
- 14) Contaminated land (Remediation Strategy)
- 15) Contaminated land (Validation)
- 16) Works to be undertaken in accordance with the updated Flood Risk Assessment.

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

For: Councillors Homewood, Lyons, Sarwar, Sokhal and Ullah (5 votes).

Against: Councillors Bellamy, Marchington, McGuin, Sims and Wilkinson (5 votes).

Abstained: Councillor Walker

The Chair used his casting vote to accept the officer recommendation.

23 **Planning Application - Application No: 2017/91618**

The Sub Committee gave consideration to Planning Application 2017/91618 Change of use and erection of extension and alterations to former club/pub to form 7 apartments 14, New Road, Kirkheaton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Malcolm Sizer (on behalf of the applicant).

RESOLVED – That consideration of the application be deferred to allow officers to negotiate a reduction to the scale of the development and to provide time to send information to the Health and Safety Executive for further consideration.

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 Votes

24 **Planning Application - Application No: 2016/92466**

The Sub Committee gave consideration to Planning Application 2016/92466 Erection of two dwellings adj 2, Romsey Close, Lindley, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Mark Polzin (applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Cahal Burke (Local ward member).

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

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

- 1) The proposed scheme would result in a cramped form of development through the inclusion of dwelling no. 2 by reason of its plot size; the very limited amount of private amenity space that would be provided for this plot, its siting to the front of the existing dwelling and proximity to the public right of way to the east of the site. The proposals as such would fail to respect the character of surrounding development which consists of dwellings with reasonably sized private amenity areas. It would be harmful to visual amenity and contrary to the aims of Policies D2 (ii, vi & vii), BE1 (i) and BE2 (i) of the Kirklees Unitary Development Plan as well as the Core Planning Principles and Chapter 7 of the National Planning Policy Framework and Policy PLP24 (a) of the Kirklees Publication draft Local Plan.
- 2) The proposed dwelling no.2 to the front (north) of the site, by reason of its close relationship with the existing dwelling of no. 2 Romsey Close would adversely affect the outlook from this property, give rise to an overbearing impact upon it and would result in loss of privacy for occupiers of the existing property and proposed dwelling no. 2. To permit such a development would be contrary to the aims of Policies D2 (v) and BE12 (i & iv) of the Kirklees Unitary Development Plan as well as the Core Planning Principles and Chapter 7 of the National Planning Policy Framework and Policy PLP24 (b) of the Kirklees Publication draft Local Plan.

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

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

Against: 0 Votes

Abstained: Councillor Marchington

25 Planning Application - Application No: 2017/93515

The Sub Committee gave consideration to Planning Application 2017/93515 Erection of 16 dwellings with associated access and parking facilities. Land adj, Lower Gate, Paddock, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Grant Stott (on behalf of the applicant).

RESOLVED –

- 1) 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 including:
 - i) Three years to commence development.
 - ii) Development to be in accordance with approved plans and documents.

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

- iii) Details and samples of materials (natural stone to be used).
- iv) Archaeology.
- v) Car and cycle parking to be provided prior to occupation.
- vi) Bats.
- vii) Nesting birds.
- viii) Landscaping details (incorporating ecological design strategy, ecological management plan and works around/to public footpath) to be provided and implemented. Planting to be replaced if any trees or shrubs fail within five years.
- ix) Tree planting.
- x) Boundary treatments and gabions.
- xi) Lighting strategy.
- xii) Crime prevention (including details of windows overlooking public footpath).
- xiii) Removal of permitted development rights.
- xiv) Evidence of noise levels.
- xv) Site contamination.
- xvi) Waste arisings.
- xvii) Construction method statement.
- xviii) Structures adjacent to highways.
- xix) Sight lines.
- xx) Provision of new pavement prior to occupation.
- xxi) Provision of refuse collection arrangements prior to occupation.
- xxii) Electric/hybrid vehicle charging points.
- xxiii) Surfacing and drainage of parking areas.
- xxiv) Flood risk / drainage (four conditions).
- xxv) Yorkshire Water condition re: surface water discharge rate and compliance with drainage strategy.

2) Secure a Section 106 agreement to cover the following matters:

- i) Public open space off site commuted sum of £84,350.
- ii) Two affordable rent and two intermediate units in the 2-bedroom maisonette block.
- iii) Provision of Metro cards for residents to a value of £8,349.553.

3) That, pursuant to (2) above, 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 being secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

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 Votes

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

26 Planning Application - Application No: 2017/93638

The Sub Committee gave consideration to Planning Application 2017/93638 Outline application for residential development with details of point of access only (within a Conservation Area) Land off Fullwood Drive (West site), Golcar, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Hamish Gledhill (on behalf of the applicant).

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 including:

- 1) Standard outline condition (submission of reserved matters).
- 2) Standard outline condition (implementation of reserved matters).
- 3) Standard outline condition (reserved matters submission time limit).
- 4) Standard outline condition (reserved matters implementation time limit).
- 5) Highways.
- 6) Ecology.
- 7) Drainage (site specific and standard development conditions).
- 8) Affordable Housing.
- 9) Public Open Space.
- 10) Education.
- 11) Noise Report.
- 12) Contamination Reports.

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

For: Councillors Homewood, Lyons, McGuin, Sarwar, Sims, Sokhal, Ullah and Wilkinson (8 votes).

Against: 0 Votes

Abstained: Councillors Bellamy and Walker

27 Planning Application - Application No: 2017/93719

The Sub Committee gave consideration to Planning Application 2017/93719 Outline application for residential development with details of point of access only (within a Conservation Area) Land off Fullwood Drive (East site), Golcar, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Hamish Gledhill (on behalf of the applicant).

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 including:

- 1) Standard outline condition (submission of reserved matters)
- 2) Standard outline condition (implementation of reserved matters)
- 3) Standard outline condition (reserved matters submission time limit)
- 4) Standard outline condition (reserved matters implementation time limit)
- 5) Highways

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

- 6) Ecology
- 7) Drainage (site specific and standard development conditions)
- 8) Affordable Housing
- 9) Public Open Space
- 10) Education
- 11) Noise Report
- 12) Contamination Reports

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

For: Councillors Homewood, Lyons, McGuin, Sarwar, Sims, Sokhal, Ullah and Wilkinson (8 votes).

Against: Councillor Marchington (1 Vote)

Abstained: Councillors Bellamy and Walker

28 **Planning Application - Application No: 2017/94242**

The Sub Committee gave consideration to Planning Application 2017/94242 Erection of side extensions and dormer windows, raise roof and alterations Crow Wood, 17, Broad Lane, Upperthong, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Anne Davies (objector) and Angela Hudson (applicant).

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 including:

- 1) Time limit to commence development
- 2) Development in accordance with the approved plans
- 3) Full bat survey during the peak season (May to August) to take place before the proposed development commences.

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

- 1) A vote to refuse the officer recommendation.

For: Councillors Bellamy and Sims (2 votes)

Against: Councillors Homewood, Lyons, Marchington, Sarwar, Sokhal, Ullah, Walker and Wilkinson (8 votes).

Abstained: Councillor McGuin

- 2) A vote to accept the officer recommendation

For: Councillors Homewood, Lyons, Marchington, Sarwar, Sokhal, Ullah, Walker and Wilkinson (8 votes).

Planning Sub-Committee (Huddersfield Area) - 22 February 2018

Against: Councillors Bellamy and Sims (2 votes)

Abstained: Councillor McGuin

29 Planning Application - Application No: 2017/93846

The Sub Committee gave consideration to Planning Application 2017/93846 Demolition of existing public house and erection of 32 residential dwellings Land Adjacent to Spotted Cow Public House, New Hey Road, Salendine Nook, Huddersfield.

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 including:

- 1) 3 year time limit for commencing conditions.
- 2) Development to be in accordance approved plans
- 3) Landscape Scheme and maintenance (include scheme and future maintenance responsibility for the area between Plot 1 and New Hey Road).
- 4) Protection of trees during development
- 5) Submission of arboricultural method statement
- 6) Samples of materials (natural stone for some dwellings fronting New Hey Road);
- 7) Boundary Treatments, including retaining walls
- 8) Drainage conditions:-
 - a) In accordance with the FRA and Drainage strategy (subject to course of watercourse)
 - b) Run off rates
 - c) Surface water flood routing
 - d) Finished floor levels
- 9) Environmental Health:-
 - a) Noise attenuation
 - b) Remediation/ decontamination
 - c) provision of electric charging points
- 10) Highways conditions
 - a) Right turn lane;
 - b) Areas to be surfaced and drained
 - c) Internal adoptable road
 - d) Closure of existing access
 - e) Retention of PROW and retaining wall
 - f) Method of storage and access to waste
- 11) Construction Management Plan
- 12) Bio- diversity enhancement measures

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

For: Councillors Homewood, Lyons, Marchington, Sarwar, Sokhal, Ullah, Walker and Wilkinson (8 votes).

Against: Councillors Bellamy, McGuin and Sims (3 votes)

30 Planning Application - Application No: 2016/90524

The Sub Committee gave consideration to Planning Application 2016/90524 Outline application for erection of three dwellings (Within the curtilage of a Listed Building) Middle Burn Farm, Burn Road, Birchencliffe, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Tom Cook (on behalf of the applicant).

RESOLVED – Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment subject to the resolution of issues related to the assessment of a recorded mine entry close to the site to the satisfaction of the Coal Authority and in order to complete the list of conditions contained within the considered report including:

- 1) Standard conditions for outline applications including time limits for submission of reserved matters and commencement of development
- 2) Approval of samples of materials
- 3) Surfacing of parking places
- 4) Details of improvements to public byway HUD 396 including details to widen the byway to 6m opposite the points of access for plots 1 and 2 and formation of passing place
- 5) Re-use existing stone wall around proposed passing place
- 6) Electric vehicle charging points
- 7) Construction management plan
- 8) Any conditions to be imposed at the recommendation of The Coal Authority following intrusive site investigations
- 9) Biodiversity mitigation/enhancement measures.

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

For: Councillors Homewood, Lyons, Marchington, Sarwar, Sokhal, Ullah, Walker and Wilkinson (8 votes).

Against: Councillors Bellamy, McGuin and Sims (3 votes)

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

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

LOBBYING

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

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

Lobbying

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

Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD)

Date: 29 MARCH 2018

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	Paul Kemp 20 March 2018
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 (Strategic Planning, Regeneration & Transport) (Councillor P McBride)

Electoral wards affected: Crosland Moor and Netherton; Holme Valley South; Holme Valley North; 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 2017/62/92385/W - Erection of single storey extension to shop at 61, Swan Lane, Lockwood, Huddersfield, HD1 3UB. (Officer) (Dismissed)

- 2.2 2017/61/90516/W - Reserved matters pursuant to outline permission 2015/91726 for erection of 10 dwellings at Land adjacent to 38, Broad Lane, Upperthong, Holmfirth, HD9 3XE. (Sub-Committee contrary to Officer recommendation) (Allowed)
- 2.3 2017/62/90292/W - Erection of two storey rear extension with Juliet balcony at 2, Oldfield Road, Honley, Holmfirth, HD9 6NN. (Officer) (Dismissed)
- 2.4 2017/62/91834/W - Erection of rear dormer windows at 191, Radcliffe Road, Wellhouse, Huddersfield, HD7 4EZ. (Officer) (Dismissed)
- 2.5 2017/62/91833/W - Erection of rear dormer windows at 193, Radcliffe Road, Wellhouse, Huddersfield, HD7 4EZ. (Officer) (Dismissed)
- 2.6 2017/62/93793/E - Erection of front porch at 12, George Street, Crosland Moor, Huddersfield, HD4 5AR. (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 16 January 2018

by **I Jenkins BSc CEng MICE MCIWEM**

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

Decision date: 19 February 2018

Appeal Ref: APP/Z4718/W/17/3185082

61 Swan Lane, Lockwood, Huddersfield, HD1 3UB

- 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 D Joshi against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/92385/W, dated 9 July 2017, was refused by notice dated 20 September 2017.
 - The development proposed is a single storey extension to shop.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the appeal property and the locality.

Reasons

3. The appeal property is a shop, which is situated at the southeastern end of a short terraced row that contains commercial units at ground floor level and residential units above. When seen from the back, the terrace appears to comprise of 3 similar 2-storey elements, each having the same pattern of openings at first floor level, which include a recessed balcony. The regular rhythm of these sets of openings contributes positively to the character and appearance of the terrace. The 3 sections of the terrace each have a back yard/garden area, which is enclosed for the most part by low walling and is positioned at a lower ground level than the access road that runs alongside their rear boundaries. On the other side of that access road are the rear yard/garden areas of a larger terrace of properties. Where they are enclosed, the rear boundary treatments of those neighbouring properties comprise low walls. As a result of the use, for the most part, of boundary treatments which are low, the street scene has a relatively open appearance. Furthermore, due to the level of the access road, the yard/garden areas and the rear elevation of the appeal terrace are clearly visible from there.
4. The proposal involves the addition of a single-storey extension to the back of the appeal property, which would extend across almost the entire width of the back yard/garden and would project from the 2-storey rear wall of the terrace by some 8.5 metres, to around 3 metres from the rear boundary. Unlike the main building, which has a pitched roof, the large proposed extension would

have a flat roof. Furthermore, the roof level would be higher than the floor level of the first floor recessed balcony of the adjoining section of the terrace. As a result of the mismatched roof design and the awkward juxtaposition of the extension and recessed balcony, the proposal would give an impression of poor design. Furthermore, the large proposed extension would dominate the yard/garden area to the rear of the property, diminishing the open appearance of the street scene to a degree.

5. I acknowledge that there is a flat roofed garage block to the south of the appeal site and another to the northwest of the terrace. However, those blocks are detached buildings and are not directly comparable to the proposal, which would have the appearance of an awkward and incongruous addition to the pitch roofed appeal terrace. The existence of buildings with a flat roofed design in the locality does not weigh heavily in favour of the proposed extension.
6. I conclude that the proposal would have a significant detrimental effect on the character and appearance of the appeal property and the locality. In this respect it would conflict with the aims of Policies D2, BE1, BE2 and BE5 of the *Kirklees Unitary Development Plan, 2007* (UDP) as well as Policy PLP 24 of the *Kirklees Publication Draft Local Plan* (DLP), which are consistent with the *National Planning Policy Framework* (the Framework) insofar as they encourage good design and seek to ensure that development has regard to the character of the area in which it would be situated. DLP Policy PLP 21, which is referred to in the Council's reason for refusal, appears to me to be of little relevance to this issue, as it deals with highway safety and access.

Other matters

7. I understand that the existing shop is busy and I have no reason to believe that its future would be likely to be threatened in the event that this appeal is dismissed. The appellant has indicated that the proposed extension of the shop would allow more stock to be held, thereby ensuring that the existing range of products is always available, and it would allow some expansion of the range of goods sold. In this way it would allow the business to grow and better serve the local community. In relation to these matters I consider that it would gain some support from the Framework.

Conclusions

8. Nevertheless, in my judgement, the identified benefits of the proposal would be significantly and demonstrably outweighed by the harm that I have identified in relation to the main issue. I conclude on balance, having had regard to the economic, social and environmental impacts of the scheme, that the proposal would not amount to sustainable development under the terms of the Framework and it would conflict with the Development Plan taken as a whole. I conclude, for the reasons given above, that the appeal should be dismissed.

I Jenkins

INSPECTOR



Appeal Decision

Site visit made on 7 February 2018

by **M Seaton DipTP MRTPI**

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

Decision date: 05 March 2018

Appeal Ref: **APP/Z4718/W/17/3189015**

Land adjacent to **38 Broad Lane, Uppershong, Holmfirth, HD9 3XE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an outline planning permission.
 - The appeal is made by Lower Edge Developments Ltd against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/61/90516/W, dated 10 February 2017, sought approval of details pursuant to condition No 1 of an outline planning permission Ref 2015/60/91726/W, granted on 23 November 2015.
 - The application was refused by notice dated 16 October 2017.
 - The development proposed is reserved matters pursuant to outline permission for residential development.
 - The details for which approval is sought are: scale, appearance, layout and landscaping.
-

Decision

1. The appeal is allowed and the reserved matters are approved, namely details of scale, appearance, layout and landscaping submitted in pursuance of condition No.1 of outline planning permission Ref 2015/60/91726/W granted on 23 November 2015, subject to the conditions set out in the Annex attached to this decision.

Main Issue

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

Reasons

3. The appeal site comprises an overgrown sloping parcel of land which wraps around an existing dilapidated listed building, No. 38 Broad Lane. The land is surrounded by existing residential development as well as further open land, some of which has been granted planning permission for further residential development. A children's nursery is located to the south-east of the appeal site. Access to the site would be taken from Broad Lane to the west of the listed building.
4. I have had regard to the proposed density of development being below the Council's target of 35 dwellings per hectare (dph) as set out in the emerging Kirklees Publication Draft Local Plan 2017 (the Draft Local Plan), with the layout identified as being 28.1 dph. However, despite this shortfall, I note that the Council has assessed that the density of development should be lower still in order to reflect the existing character of the area.

5. I noted there to be certain degree of variety in both plot sizes and the existing density of development in the area, with a general trend towards lower density development along Broad Lane itself and higher density development located further up the hillside in Netherhouses, Pennine Close, and the immediately adjacent new development. In this respect, the crux of the Council's case relates to whether the proposed dwellings would be viewed as part of the streetscene of Broad Lane.
6. It is evident that, with the exception of Plot 1 which would have a direct presence on to the street frontage, the remainder of the development would be clearly set well back from Broad Lane by an indicated 30-35 metres, and would be physically separated from Broad Lane in the main by an existing open parcel of land. However, it is acknowledged by the Council that this open land benefits from an extant outline planning permission and reserved matters approval for three dwellings, and I have no reason to believe that the approved development would not be implemented.
7. I accept that the land continues to rise up beyond the approved development of three 3-storey dwellings, and also that the proposed 3-storey dwellings subject of this appeal would be visible from Broad Lane, as is the existing development further up the hill to the north. However, irrespective of the limited quantum of development of the approved 3 dwellings, I am satisfied that the proposed development would be principally seen in glimpses between the approved dwellings and across existing open land which as a consequence of the distances involved from Broad Lane, would clearly not appear as a constituent part of the street frontage. The proposed dwellings would in context be seen as part of the backdrop to the frontage development on Broad Lane, and would contextually appear to mimic the density and spatial characteristics of the ongoing development of Pennine Close. I have also had regard to the proposed development's compliance with the Council's Space about Dwellings policy (BE12) within the UDP.
8. In this respect, I am satisfied that the proposed development would not therefore amount to an overdevelopment of the site, and would appear in keeping with the character and appearance of the area. As a consequence there would not be conflict with saved Policies BE1(ii) and BE2(i) of the Kirklees Unitary development Plan 2007, which seek to ensure that new development is of a good quality design which contributes to a built environment which is visually attractive, and also is in keeping with any surrounding development in respect of design, materials, scale, density, layout, building height or mass. I am also satisfied that the proposed development would not conflict with emerging Policy PLP24(a) of the Draft Local Plan, and paragraph 64 of the National planning Policy Framework. These emerging and national policies require that the form, scale, layout and details of all development respects and enhances the character of townscape, heritage assets and landscape, and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Matters

9. As a consequence of the location of the appeal site wrapping around No. 38 Broad Lane, which is identified as a Grade II listed building, I am mindful that I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and

Conservation Areas) Act 1990, to consider the impact of the proposal on the setting of the listed building, and to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10. In this respect, I have had regard to the absence of any stated harm to the setting of the listed building, and in particular have noted the reduced height of the adjacent dwelling at Plot 1, as well as the proposed incorporation of vernacular features in the form of mullion windows, stone surrounds and other traditional detailing, as well as the use of natural materials. I am satisfied that the general layout of the proposed development would also assist in maintaining a degree of openness around the listed building. As a consequence, the proposed development would preserve its setting and would not result in a harmful impact on the significance of the heritage asset.
11. I have also had regard to the common ground between the Council and the appellant relating to the inability of the Council to demonstrate a five-year supply of deliverable housing sites, with it indicated within the submitted evidence that a 2.2 year supply currently exists. However, for the reasons set out above, this is not a matter which has had any significant bearing on my decision-making.
12. In reaching my decision, I have also had regard to the submissions of interested parties. Whilst I have noted the preference for a reduced quantum and scale of development, for the reasons I have already given I am satisfied that the proposed development would not conflict with the policies of the Development Plan and the character and appearance of the area in these respects. In addition, whilst I have had regard to the contention that there is not a shortage of housing land, I am mindful of the conclusions regarding the failure of the Council to be able to demonstrate a five-year supply of deliverable housing sites. This indicates a fundamental shortage of housing land within the wider area, and in the absence of any evidence to the contrary, this is not a contention to which I have attached any significant weight.
13. Further concerns have been raised in respect of the quantum of traffic which would be created and the means of vehicular access to and from the appeal site, as well as the impact on highway safety, and land to the east becoming land-locked as a consequence of the proposed development. In respect of the highway matters, I am mindful that the means of access was agreed at the time of approval of outline planning permission, and does not form part of the reserved matters. Furthermore, whilst it is evident that the quantum of development had not been approved at the outline stage, I am not persuaded that the likely traffic generation from the proposed number of dwellings, in the context of the existing observed highway environment, would be likely to lead to unacceptable or severe highway impacts. I also find the absence of an objection from the Council's Highway Team to be decisive on this matter.
14. I have also had regard to the concerns over the possibility of 'land-locking' an adjacent site as a consequence of the proposed development. However on the basis of the evidence before me, I see no reason to disagree with the Council's conclusions regarding the potential availability of an access on to Upperthong Lane.

Conditions

15. The Council has suggested several conditions in the event that permission was to be granted. In addition to a condition identifying the various approved plans and technical reports, I am satisfied that a condition requiring the submissions and approval of samples of the external wall and roof materials would be reasonable and necessary in the interests of the character and appearance of the area. A condition requiring details of a scheme to prevent overlooking between the rear of Plot 1 and the garden of No. 52 Broad Lane would also be necessary in order to safeguard the living conditions of future and neighbouring occupiers.

Conclusion

16. For the reasons set out above, and subject to the conditions listed in the Annex, the appeal should be allowed.

M Seaton

INSPECTOR

Annex

Conditions

- 1) The development hereby approved shall be carried out in accordance with the approved drawings numbered, unless otherwise specified in connection with the conditions attached to this planning permission:
Location Plan 15/D19/08 - 22/2/17
Proposed Site Layout 15/D19/14 Rev H - 16/8/17
Plans & Elevations Plot 1 15/D19/09 Rev B - 23/5/17
Plans & Elevations Plot 2 15/D19/15 Rev B - 23/5/17
Plans & Elevations Plot 3 15/D19/17 Rev B - 23/5/17
Plans & Elevations Plot 4 15/D19/18 Rev B - 23/5/17
Plans & Elevations Plot 5 15/D19/23 Rev C - 23/5/17
Plans & Elevations Plot 6 15/D19/22 Rev C - 23/5/17
Plans & Elevations Plot 7 15/D19/20 Rev C - 23/5/17
Plans & Elevations Plot 8 15/D19/21 Rev C - 23/5/17
Plans & Elevations Plot 9 15/D19/19 Rev B - 23/5/17
Plans & Elevations Plot 10 15/D19/24 Rev B - 23/5/17
Proposed Landscaping Layout 15/D19/16 Rev B - 12/7/17
Proposed Drainage Layout B20506-SK04 Rev E - 24/8/17
Flood Risk Assessment B20506/FRA dated 10/4/17
Drainage Statement B20506/DS dated 10/4/17
Transport Statement Ref 1003 dated July 2017
Speed Survey Data Down From Netherhouses dated 18/5/17
Speed Survey Data Up from Holmfirth dated 18/5/17
Speed Survey Interpretation 15/D19 dated 12/6/17
Road Safety Audit Stage 1/2 Project 1003 dated May 2017
Designer's response to Road Safety Audit 15/D19 12/6/17
Planning Supporting Statement Prepared by ID Planning 22/9/17
- 2) Samples of the external wall and roof materials shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the first dwelling commence. The dwellings shall be faced in the approved materials and thereafter retained as such.
- 3) Details of measures to prevent close overlooking between habitable windows in the rear elevation of plot 1 and the garden of 52 Broad Lane shall be submitted to and approved in writing by the Local Planning Authority before plot 1 is first occupied. The approved measures shall be installed before plot 1 is first occupied and thereafter retained as such.



Appeal Decision

Site visit made on 31 January 2018

by **Sarah Housden BA (Hons) BPI MRTPI**

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

Decision date: 20 February 2018

Appeal Ref: APP/Z4718/D/17/3180068
2 Oldfield Road, Honley, Holmfirth HD9 6NN

- 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 Jordan Horrocks against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/90292/W, dated 23 January 2017, was refused by notice dated 7 July 2017.
 - The development proposed is 'demolition of single storey rear extension and outbuildings and erection of two storey rear extension and internal alterations'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether or not the proposed development is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the policies in the development plan;
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect on the living conditions of adjoining occupiers, having particular regard to loss of outlook; and
 - If the development is inappropriate, whether the harm arising from 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.

Whether or not the proposal is inappropriate development in the Green Belt

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the Framework indicates that the construction of new buildings in the Green Belt should be regarded as inappropriate but states some exceptions. These include the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not set out a definition of a 'disproportionate' addition but 'original' is defined as 'a building

as it existed on 1 July 1948 or, if constructed after that date, as it was built originally'.

4. Saved Policy D11 of the Kirklees Unitary Development Plan (2007) (UDP) is broadly consistent with the provisions of the Framework in requiring that the existing building must remain the dominant element when extending buildings in the Green Belt. Whilst the appellant indicates that the Council uses a one-third increase in the volume of the original dwelling as a general guide to assess whether or not an extension would be a disproportionate addition, there is nothing further in the evidence to confirm this approach.
5. The proposed extension would increase the volume of the original dwelling by 85m³ allowing for the removal of the existing lean-to and outbuilding. Based on the appellant's 'best case' calculation this would represent a 34% increase in the volume of the original dwelling. However, the scale and massing of the proposed extension are also relevant factors in assessing whether or not the proposal would represent a disproportionate addition.
6. The ridge height of the proposed extension would be lower than the ridge of the host dwelling. However, by reason of its two storey height and width, the proposed extension would obscure most of the existing rear elevation. Due to the combination of its length and height from the lower ground level at the rear of the property, it would not be subordinate in scale or appearance to the original dwelling and would represent a disproportionate addition to it.
7. From vantage points to the rear of the property, the extension would be the dominant feature rather than the existing dwelling and this would not accord with the provisions of UDP saved Policy D11 outlined above. There would also be conflict with UDP saved Policy BE2 which indicates that extensions should be in keeping with surrounding development in terms of scale.
8. The proposal constitutes inappropriate development in the Green Belt, which would be contrary to the Framework and is, by definition, harmful. The harm arising from inappropriateness together with the conflict with the policies in the development plan attract substantial weight against the development.

Effect on openness

9. Paragraph 79 of the Framework advises that the essential characteristics of Green Belts are their openness and permanence. The appeal dwelling occupies an elevated position and the extension would be visible in longer distances from Long Lane. However, it would be seen in conjunction with the commercial buildings to the rear of the appeal site and with the adjoining dwellings in the row, some of which have also been extended to the rear. Having regard to the location of the site and the position of surrounding development, I conclude that the harm to the Green Belt arising from loss of openness would be limited and this aspect of the proposal would not conflict with UDP saved Policy D11.

The effect on the living conditions of adjoining occupiers

10. The outdoor area to the rear of the appeal property and No 3 Oldfield Road (No 3) is accessed via a shared passageway between the two properties. Its layout is somewhat unusual with No 3 having a fenced off area approximately 2 by 2 metres in size adjacent to its back wall for use in conjunction with the dwelling. The remainder of the area to the rear of No 3 is within the red line boundary of the appeal dwelling. The shared passageway also provides access to the rear

of Nos 4 and 5 Oldfield Road so other adjoining occupiers are likely to use the area to access their properties.

11. The fenced off area adjoining No 3 is too restricted in size for outdoor activities and other occupiers will be passing through the rest of the area to reach adjoining properties rather than using it for long periods of time. The proposed extension would be to the east of the outdoor area and any additional shadowing would be limited to the morning period. Both the ground floor and first floor windows in the rear elevation of No 3 are obscure glazed and the outlook from those windows would not be materially harmed by the appeal proposal.
12. For these reasons, I conclude that the proposed development would not cause material harm to the living conditions of adjoining occupiers from overbearing impact or loss of outlook. There would be no conflict with UDP saved Policy BE14 in so far as it seeks to avoid detrimental effects on adjoining dwellings and occupiers. Nor would there be conflict with the provisions of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other considerations

13. The Framework advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
14. The appellant has referred me to an extant permission for a two storey extension to the rear of the adjoining property at No 1 Oldfield Road (No 1)¹. Although it would extend approximately 4.9 metres along the common boundary with the appeal property, the Council concluded that the proposal was not inappropriate development in the Green Belt. That is different from the case before me which I have assessed based on the circumstances of the site and the details of the proposed development. Accordingly the rear extension to No 1 confers limited weight in favour of the appeal scheme.
15. Class A of the General Permitted Development Order (2015)² includes Permitted Development Rights for single storey extensions. However, as the proposed extension would be two storey, Permitted Development Rights under Class A do not constitute a comparable fall-back position and afford no weight in favour of the appeal scheme.
16. The Council has not objected to the detailed design of the proposal. Although it has been referred to in the reasons for refusal, there would be no conflict with UDP saved Policy BE1 which amongst other things seeks good quality design. The extension would be constructed in high quality materials and would improve the somewhat untidy appearance of the existing lean-to and outbuilding. However, the current appearance of the site does not have any wider adverse impact due to the screening along the southern boundary and the position of adjoining buildings and this limits the benefits arising from this aspect of the proposal.

¹ Reference 2000/62/91891/W3

² Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A

17. The improvements to the inconvenient access arrangements to the existing lean-to and outbuilding are essentially private matters and attract limited weight in favour of the scheme.

Conclusion

18. The Framework is clear that substantial weight must be given to any harm to the Green Belt. Whilst the harm arising from loss of openness would be limited and there would be no material harm to living conditions, the proposal would represent a disproportionate addition over and above the size of the original dwelling and would therefore amount to inappropriate development in the Green Belt. I give substantial weight to the harm, by definition, that this would cause.
19. Against this, the other considerations in favour of the proposal taken as a whole would not clearly outweigh the harm arising from inappropriateness and conflict with UDP saved Policies DE11 and BE2. Consequently, the very special circumstances necessary to justify the development do not exist and having had regard to all of the other matters raised, the appeal should be dismissed.

Sarah Housden

INSPECTOR



Appeal Decisions

Site visit made on 27 February 2018

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2018

Appeal A Ref: APP/Z4718/D/17/3191051

191 Radcliffe Road, Golcar, Huddersfield, West Yorkshire HD7 4EZ

- 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 Mashiter against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/91834/W, dated 14 May 2017, was refused by notice dated 14 September 2017.
 - The development proposed is "*erection of rear dormer windows*".
-

Appeal B Ref: APP/Z4718/D/17/3191053

193 Radcliffe Road, Golcar, Huddersfield, West Yorkshire HD7 4EZ

- 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 Ian Midgley against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/91833/W, dated 14 May 2017, was refused by notice dated 14 September 2017.
 - The development proposed is "*erection of rear dormer windows*".
-

Decisions:

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. No 191 and No 193 Radcliffe Road (No 191 and No 193) are individual properties within an adjoining semi-detached pair. The planning applications subject to each appeal were submitted separately. However, the proposals relate to similar rear dormers at each property and the Council's reasons for refusal are identical in terms of the proposal subject to each appeal. The appellants have requested that the appeals are considered together and, therefore, given the common and overlapping issues I have necessarily conjoined the appeal decisions.
4. The description of development provided by the application form for each appeal has been amended by the parties in subsequent documents following the submission of revised plans, which removed front dormers, before the

Council made each decision. The description of development provided in the appeal forms for each appeal reflect the proposals within the plans upon which the Council made its decisions and therefore, I adopt them accordingly for both Appeals A and B.

5. The Council's decision notices make reference to conflict with Policies PLP24 and PLP57 of the Emerging Kirklees Local Plan publication version that was submitted for examination in April 2017. However, the Emerging Local Plan has yet to be adopted and there is no evidence before me as to whether the policies are subject to any unresolved objections, which limits the weight I can give to the policies of the Emerging Kirklees Local Plan when determining Appeals A and B. I have, therefore, determined Appeals A and B principally on the basis of the saved policies of the Kirklees Unitary Development Plan (UDP), adopted March 1999, taking account of the National Planning Policy Framework (the Framework).

Main Issues

6. The main issues for both Appeals A and B are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and the development plan, including the effect on the openness of the Green Belt and the purposes of including land within it, and;
 - The effect on the character and appearance of the existing property and the area.

Reasons

Whether the proposals would be inappropriate development in the Green Belt

Appeal A and Appeal B

7. Nos. 191 and No 193, subject to Appeal A and Appeal B respectively, are a modern semi-detached pair of properties that lie within the Green Belt on the southern side of Radcliffe Road. Based upon the evidence before me, the rear boundaries of the sites denote the Green Belt boundary with a railway line located beyond. The appeal proposals relate to similar rear dormers that only differ in terms of their proposed siting within the respective roofs and would be symmetrical features should both proposals be built.
8. Saved Policy D11 of the UDP relates to proposals for the extension of buildings within the Green Belt. The policy sets out relevant considerations in terms of the impact on the openness and character of the Green Belt and the size of extensions in relation to the existing building which should remain the dominant element. The Framework post-dates the adoption of the UDP. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate in Green Belt, unless it falls within certain listed exceptions. The listed exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
9. The Framework does not provide a specific definition of what would constitute a disproportionate addition over and above the size of the original building and, therefore, it is a matter of judgement for the decision maker. The evidence before me indicates that Nos. 191 and 193 were both constructed as part of a

- planning permission granted in 2011. Following the removal of permitted development rights for buildings, structures and extensions as part of that permission, no subsequent extensions to either property have taken place or been granted planning permission.
10. Having regard to the above, the proposed rear dormers to No 191 and No 193 respectively would not increase the footprint of the original buildings and would result in only a modest increase in volume when compared to the existing properties. I am, therefore, satisfied that the proposed rear dormers subject to Appeal A and Appeal B would not result in a disproportionate addition over and above the size of the original buildings and therefore, would fall within the listed exception at bullet point 3 of paragraph 89 of the Framework. Consequently, the proposals subject Appeal A and Appeal B are not inappropriate development in Green Belt.
 11. The Council has expressed specific concerns with respect to the effect on the open character of the Green Belt. However, the effect upon the openness of the Green Belt of an extension or alteration of a building that does not result in a disproportionate addition over and above the size of the original building is implicitly taken into account in the exception at bullet point 3 of paragraph 89 of the Framework. Consequently, given my findings that the developments subject to Appeal A and Appeal B would accord with the exception at bullet point 3 of paragraph 89, it is not necessary that I separately assess their impact upon openness in that respect. In any case, given the absence of an increase in the footprint of the dwellings or significant change to the overall proportions of the original buildings, the proposed dormers would not have an adverse impact upon the openness of the Green Belt. The siting and proportions of the rear dormers also would not harm the other purposes of Green Belt listed at paragraph 80 of the Framework.
 12. I conclude that the proposals subject to Appeals A and B are not inappropriate development in the Green Belt when having regard to paragraph 89 of the Framework, as the proposed rear dormers to No 191 and No 193 respectively would not result in a disproportionate addition over and above the size of the original buildings. In that respect, there is also no conflict with Saved Policy D11 of the UDP in so far as it relates to the openness of the Green Belt and the other purposes of including land within it.
 13. As I have found that the proposals are not inappropriate development in Green Belt and no other harm has been identified in Green Belt terms, it is not necessary to consider whether there are other considerations in favour of Appeal A or Appeal B which would amount to very special circumstances. As the Council's primary concerns relate to the scale, design and siting of the dormers, I necessarily go on to consider the effect of the proposals subject to Appeal A and Appeal B on the character and appearance of the existing properties and the area separately within the subsequent main issue.

Character and appearance

Appeal A and Appeal B

14. Nos. 191 and 193 when viewed at the front from Radcliffe Road have the appearance of a semi-detached pair of bungalows with stone walls and clay tile roofs that include roof lights. In contrast, as a consequence of steeply sloping topography toward the south, the rear elevations of the dwellings have a two

storey appearance with roof lights visible in the roofs. The rear elevations and roofslopes of the properties are visually prominent above the rear boundary fence particularly from elevated positions further to the south, including a number of public vantage points along Manchester Road, due to the largely open surroundings to that aspect and the surrounding topography of the Colne Valley where Nos. 191 and 193 are located.

15. To the eastern side of No 191 is a terraced row of four properties with front building lines closer to the road, some variation in terms of individually painted brick walls and roof heights at eaves and ridge level that are lower than the semi-detached pair of properties subject to Appeals A and B. Holmeroyd (No 197), a detached property to the west of the semi-detached pair also has a lower roof height at eaves and ridge level. A longer terraced row further to the east has a more traditional two storey appearance adjoining Radcliffe Road with a taller roof at eaves and ridge level than Nos. 191 and 193. However, notwithstanding the evident variation in roof heights and building lines along the southern side of Radcliffe Road, there is a visual coherence and rhythm to the rural character and appearance of the side gable roof designs of the detached, semi-detached and terraced properties with the traditional roof forms only interrupted by the intermittent presence of rooflights and chimneys.
16. The proposed rear dormer at No 191 subject to Appeal A would be sited in a position set away from the boundary with No 193. It would have a rear gable design consisting of a clay tile roof, hardwood frame and 4no. glazed panels intended to assimilate with the design and position of windows at lower ground floor and ground floor level within the existing rear elevation. The dormer would have a reduced height when compared with the ridge of the roof. However, the overall proportions of the rear dormer arising from the inclusion of floor to ceiling windows would result in a window cill level below the existing eaves level of the roof. The resultant relationship with the simple form of the existing roof of No 191 would appear awkward and would result in an incongruous, dominant and harmful addition to the rear elevation and roof of the existing property.
17. The proposed rear dormer at No 193 subject to Appeal B would be sited in a position set away from the boundary with No 191 with identical design, materials and proportions to the proposal identified as Appeal A. As per the proposal subject to Appeal A, the overall proportions of the rear dormer arising from the inclusion of floor to ceiling windows would result in a window cill level below the existing eaves level of the roof. The resultant relationship with the simple form of the existing roof of No 193 would appear awkward and would result in an incongruous, dominant and harmful addition to the rear elevation and roof of the existing property.
18. Having regard to the above, the proposed rear dormers at No 191 and No 193 would be viewed prominently at distance from elevated positions to the south as part of the Colne Valley landscape. From those public vantage points, the rear dormers would appear out of place when viewed in the context of the surrounding roofs of properties that are characterised by uncomplicated and traditional roof forms that provide some visual coherence within the landscape, despite the variation in building heights. Consequently, the proposed rear dormers subject to Appeal A and Appeal B would significantly harm the character and appearance of the existing properties and the area.

19. In reaching the above findings, I have taken into account that there are examples of front and rear dormers of differing designs, together with variations in style, scale, building heights and roof forms of properties within the wider setting of the Colne Valley landscape. However, I am not aware of the planning status or circumstances that led to the presence of the existing dormers and other roof alterations. In any case, the existence of other rear dormers does not outweigh the significant harm that would arise from the proposals given that the examples I observed are distant from the appeal properties. The diversity of building styles evident in the wider landscape does not influence the visual coherence of the immediate context of the appeal sites.
20. The appellants have provided a solicitors letter which intends that the rear dormer windows would be undertaken together if planning permission were to be granted for both Appeals A and B. However, the solicitors' letter does not constitute a complete planning obligation that would bind the appellants or their successors in title to such a development and therefore, it can be afforded little weight. In any case, whilst the development of Appeals A and B together would retain some balance and symmetry to the rear elevations and roofs of the semi-detached pair of properties, it would not overcome the overall harm arising from the introduction of rear dormers at Nos. 191 and 193 upon the character and appearance of the existing properties and the area.
21. I conclude that the proposed rear dormers to No 191 (Appeal A) and to No 193 (Appeal B) would significantly harm the character and appearance of the existing properties and the area. The proposals, therefore, conflict with Saved Policies BE1, BE2 and BE13 of the UDP. When taken together, the policies seek good quality design that retains a sense of local identity and is in keeping with any surrounding development including in terms of materials, scale, massing, window openings, roof styles and architectural detailing. The policies are consistent with the design objectives of the Framework and its emphasis upon local distinctiveness.

Other Matters

22. The separation distances from the rear dormers at Nos. 191 and 193 subject to Appeals A and B to neighbouring properties would be sufficient to ensure no adverse effect upon the living conditions of their occupiers. The rear dormers would also have no impact upon existing parking provision or highway safety. Nevertheless, the absence of concern in those respects is a neutral factor.

Conclusion

23. I have found that the proposals comprising Appeal A and Appeal B would not be inappropriate development in Green Belt and no other harm has been identified in Green Belt terms with respect to either proposal. However, the harm arising from each proposal upon the character and appearance of the existing properties (No 191 and No 193 respectively) and the area is a significant and overriding factor which reflects conflict with the development plan and the Framework when taken as a whole.
24. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

Gareth Wildgoose

INSPECTOR



Appeal Decision

Site visit made on 26 February 2018

by **Matthew Birkinshaw BA(Hons) Msc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th March 2018

Appeal Ref: APP/Z4718/D/18/3194160

12 George Street, Crosland Moor, Huddersfield, HD4 5AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Akhtar against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/93793/W, dated 2 November 2017, was refused by notice dated 21 December 2017.
 - The development proposed is the erection of a front porch.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the streetscene within George Street; and
 - The effect of the proposal on the living conditions of the occupants of 10 and 14 George Street, having particular regard to outlook and sunlight.

Reasons

Streetscene

3. The appeal relates to a traditional 2-storey mid-terrace house. As part of the proposal a new porch would be erected to provide additional living space. Measuring roughly 3m deep by approximately 4.3m wide the extension would run the full width of the front elevation.
4. Despite its set-back from the pavement, the host property is elevated above street level. The proposed extension would therefore be a clearly visible and prominent addition to the front elevation. When viewed in the context of an otherwise largely traditional terrace, its size, siting and design would represent an unsympathetic and uncharacteristic addition. The use of matching materials would not mitigate the incongruous appearance of the porch, which would be harmfully out of place in this location.
5. I appreciate that the proposal would provide additional living space for a growing young family and improve daylight and ventilation. The appellant states that it would also add value to the property. Nevertheless, the benefits do not justify granting planning permission for such an uncharacteristic development that would contrast so significantly with its surroundings.

6. I therefore conclude that due to its size and siting the proposal would fail to respect the design features of adjacent buildings and would detract from the streetscene within George Street. As a result, it conflicts with *Kirklees Unitary Development Plan* ('UDP') Policies BE1, BE2 and BE13 which, amongst other things, require development to be visually attractive, in keeping with its surroundings and respect the design features of adjacent buildings. For the same reasons the proposal also conflicts with UDP Policies BE14 and D2 which permit new development provided that it does not have a detrimental effect on visual amenity. Of the policies referred to by the Council these are the most relevant.

Living Conditions – 10 and 14 George Street

7. By extending the full width of the front elevation the appeal proposal would be clearly visible from the adjacent ground floor window at 14 George Street, which the Council describes as less than 1m away. The relationship between the window and the proposed extension, combined with its height and depth, would result in a visually intrusive and dominating form of development. Although the existing occupiers have not objected, and no concerns have been raised regarding privacy, I consider that the imposing appearance of the scheme would be harmful to the outlook from no.14.
8. The relationship with no.10 is different. Despite being at a lower level the intervening doorway would separate the extension from the ground floor window on the front elevation. Views from the first floor window would also be unaffected. As a result, it would not dominate the outlook from no.10. In addition, because the front of the terrace is orientated towards the north-east the proposal would only cause a very limited loss of sunlight during the early parts of the day. Based on the evidence provided its size and scale would not be sufficient to cause any significant overshadowing. Situated to the south of the porch no material loss of sunlight would occur at no.14 either.
9. I therefore conclude that by reason of its size and siting the proposal would prejudice the outlook from 14 George Street, to the detriment of the occupant's living conditions. As a result, it conflicts with UDP Policies BE14 and D2 which, amongst other things, permit new development provided that it does not prejudice residential amenity.

Other Matters

10. I note that the appellant has tried to reach a compromise with the Council by offering to reduce the size of the extension. However, I am required to consider the submitted scheme on its merits, having regard to the development plan and other material considerations, and I have determined the appeal on that basis.

Conclusion

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

Matthew Birkinshaw

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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

National Policy/ Guidelines

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

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

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

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

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

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

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

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

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 29-Mar-2018

Subject: Planning Application 2017/91618 Change of use and erection of extension and alterations to former club/pub to form 6 apartments 14, New Road, Kirkheaton, Huddersfield, HD5 0HP

APPLICANT

A Knapton

DATE VALID

11-May-2017

TARGET DATE

06-Jul-2017

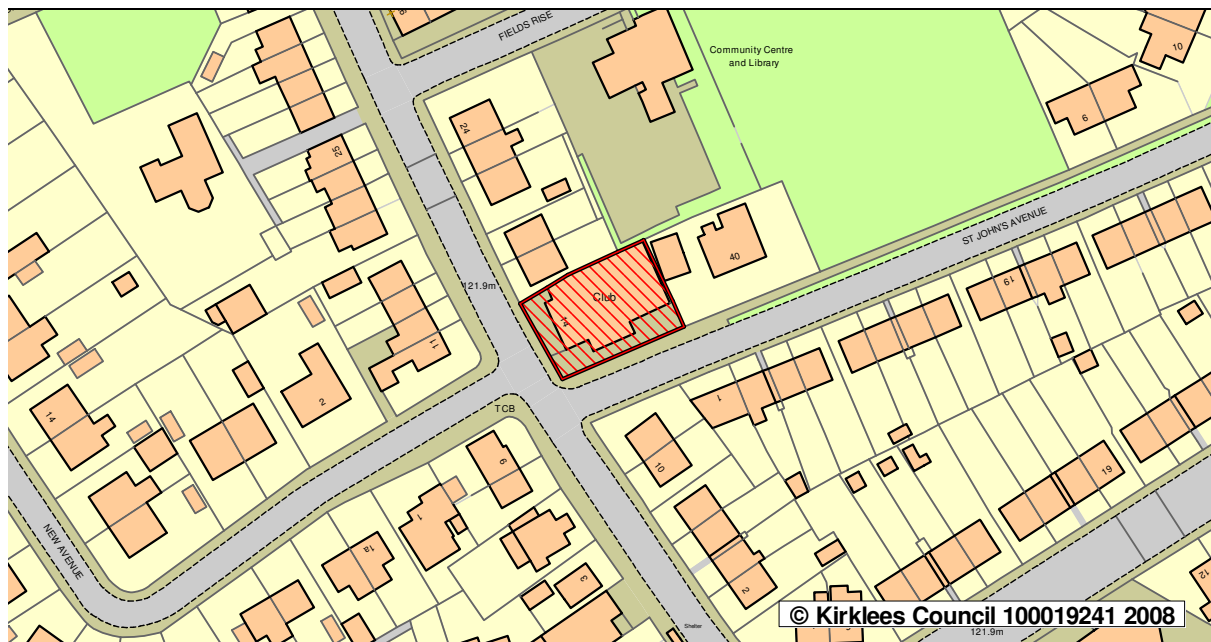
EXTENSION EXPIRY DATE

03-Oct-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: Dalton

N

Ward Members consulted
(referred to in report)

RECOMMENDATION: CONDITIONAL FULL PERMISSION

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to:

1. await the formal response of the Health and Safety Executive (HSE) of the Council's intention to approve the application,
2. if the HSE do not request the Secretary of State for Communities and Local Government to call-in the application then,
3. complete the list of conditions including those contained within this report (and any added by the Committee).

1.0 INTRODUCTION:

- 1.1 The application was originally brought to committee on 22nd February at the request of Cllr Peter McBride for the following reason:

"given the dilemma that although I would welcome the housing provision that this might provide although the scale of development may have an adverse affect on neighbours. I would also welcome the views of the Kirkheaton Group currently developing the Neighbourhood Plan".

- 1.2 The Chair of Sub-Committee confirmed that Councillor McBride's reason for making this request was valid having regard to the Councillors' Protocol for Planning Committees. A site visit took place on 22nd February.
- 1.3 Members resolved to defer the application at the committee meeting on 22nd February in order for officers to negotiate with the applicant a reduction to the scale of the development and to provide time to send information to the Health and Safety Executive (HSE) for further consideration.
- 1.4 The scheme has been amended, reducing the scale and height of the proposed rear extension, which has resulted in the reduction of apartments proposed from seven to six. Further information has been forwarded to the HSE for consideration. The report below is based on the amended plans.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to a corner plot which lies at the junction of New Road and St John's Avenue in Kirkheaton. The site accommodates a two storey stone building facing New Road with a small amenity area bound by a stone wall along this road frontage. To the side (south east), along St John's Avenue, is an open forecourt area, currently used for parking of vehicles and storage of bins. The single storey rendered extension on this side provides entrance to the host building and large single storey flat roofed extension to the rear. The last known use/name of the building was as the Kirkheaton Liberal club.
- 2.2 The site adjoins residential garden areas beyond the north and east boundaries and lies in a predominately residential area.

3.0 PROPOSAL:

- 3.1 The application, as amended, seeks permission to demolish the existing single storey rear and side (rendered) extensions, erection of two storey rear extension, alterations and change of use to form 6 apartments. The revised plans received on 5th March 2018, proposes the cellar to be used as storage areas. At ground floor the proposals would provide 3 apartments, one of which would have two bedrooms the others one bedroom each. At first floor a further 3 x one bed apartments would be formed.
- 3.2 Externally, the proposals would provide eight car park spaces along the southern boundary, bin storage and communal garden areas for the proposed apartments. A two metre fence is also proposed on the northern boundary shared with no. 16 New Road.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2011/90623 – erection of canopy shelter over disabled ramp access – refused 28.Jun 2011
- 2003/91037 – formation of access ramp – granted May 2003

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

- 5.1 7th November 2017 – revised plans omitting living accommodation in cellar areas and amendments to fenestration to include high cill openings.
- 11th September 2017 - agreement to a further extension of time to address concerns in relation to basement apartments and to consider reducing the height of the two storey extension to avoid adverse impact on the amenities of no. 16 New Road
- 23rd July 2017- agreement to extension of time
- 1st March 2018 – information received in relation to the capacity of people the premises could accommodate as a pub/club concert hall.
- 5th March 2018- revised plans (reduced scheme to 6 apartments)
15th March 2018- final revised 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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant 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 and on the publication draft local plan. The site lies in close proximity of the local centre of Kirkheaton.
- 6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:
D2 – Unallocated land
BE1 – Design principles
BE2 – Quality of design
BE11 – materials
BE12 – Space about buildings
EP4 – Noise sensitive development
H8 – Change of use to residential
T10 – highway considerations
T19 – parking provision
- 6.4 PLP1 Presumption in favour of sustainable development
PLP2 Place shaping
PLP7 Efficient and effective use of land and buildings
PLP 20 Sustainable travel
PLP21 Highway safety and access
PLP22 Parking
PLP24 Design
PLP48 Community facilities and services
PLP51 Protection and improvement of air quality
- 6.5 National Planning Guidance:
Chapter 6 – delivering a wide choice of high quality homes
Chapter 7 – Requiring good design
Chapter 8 – Promoting Healthy Communities
Chapter 11 – conserving and enhancing the natural environment.
Core Planning Principles
- 6.6 Other Documents
West Yorkshire Low Emission Strategy Planning Guidance (WYLES)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The original application was advertised by site notice and neighbour letters. Two representations have been received in response to the publicity. One is in support from the adjacent occupier of no. 40 St John's Avenue. The other is from occupier of no. 16 New Road, who sought for an explanation of the proposals to assess whether it would have an impact on no. 16 New Road and the amenities currently enjoyed by the occupiers of this property. Clarity was also sought on the position of window openings to avoid overlooking into private amenity areas.

7.2 Revised plans were received subsequent to the committee of 22nd February. These have been uploaded on the Kirklees website and sent direct to the occupier of no. 16 New Road, who previously made comments and as potentially the neighbour most likely to be affected. The publicity period for the revised plans expires on 23rd March. At the time of writing no further comments had been received. Any update of this shall be referred to in the update or verbally on the day of committee.

Kirkburton Parish Council – none received to date

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

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

Health and Safety Executive (HSE) - advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case – see assessment below.

The comments of HSE remain the same as above on the revised reduced scheme.

8.2 Non-statutory:

K.C. Environmental Services - – support subject to conditions

9.0 MAIN ISSUES

- Principle of development (including housing issues)
- Urban design issues
- Residential amenity (including Health & safety)
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The site is located within an area unallocated on the UDP and draft Local Plan. Policy D2 is appropriate and stipulates that development should protect the visual and residential amenity of neighbouring properties. The application site adjoins residential properties to the north-west off New Road and towards the east on St John's Avenue. The assessment below will consider the visual and residential amenity.

- 10.2 The proposal seeks the change of use of an existing building and the principal policy to consider in the UDP is Policy H8. This sets out that the change of use of buildings to residential use will normally be permitted subject to employment, environmental, amenity and traffic considerations. Post-dating this is advice in Chapter 6 of the NPPF which states that LPAs should...bring back into residential use empty housing and buildings and 'approve planning applications for change to residential use and any associated development from commercial buildings...'
- 10.3 There are two specific elements to the proposed development, first the loss of the community facility (employment - Policy H8 of UDP) and secondly the alterations and extensions of this building to convert the existing building into seven apartments (environmental, amenity and traffic considerations – Policy H8 of UDP).
- 10.4 Considering the first element, section 8 of the NPPF relates specifically to delivering social, recreational and cultural facilities and states planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the communities ability to meet its day to day needs. Policy PLP48 of the publication draft Local Plan is also considered relevant given the potential loss of a community facility which reiterates the points made above.
- 10.5 The site lies in close proximity to the local centre of Kirkheaton. The property is stated to have been vacant since September 2016 according to the information submitted. With respect to the loss of a community facility the property is empty and it is considered that it does not currently serve the needs of the local community. Furthermore, there are public houses located south east and west of the application site on Town Road (Yeaton Cask) and Bankfield Lane (The Spangled Bull), all in close proximity of the application site. It is considered therefore that even with the loss of this facility there would remain sufficient provision to serve the needs of the local community.
- 10.6 Furthermore subject to assessment of all other material considerations, the conversion of the existing building, on this prominent site on two road frontages would provide a wider benefit to the character and appearance of the local area by bringing the building in to a long term viable use, where it is more likely the building would be maintained on a regular basis over time. The principle of the loss of this community facility is therefore in accordance with the requirements of Section 8 of the NPPF and policy 48 of the draft Local Plan.

Housing issues- Five Year Land Supply

- 10.7 Currently the Council is unable to demonstrate a five year supply of deliverable housing sites. 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. This requires proposals which accord with UDP to be approved without delay or where the UDP is silent or out-of-date to grant planning permission unless the adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits in the NPPF.

Urban Design issues

- 10.8 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. In principle development should respect the scale, height and design of adjoining buildings/land levels and be in keeping with the predominant character of the area.
- 10.9 The existing building has been extended previously with the addition of single storey extensions to the sides and rear. The rear extension extends up to the northern and eastern boundary which are shared with the adjoining plots accommodating residential dwellings, namely no. 16 New Road and 40 St John's Avenue. It is considered the design, scale and appearance of these existing extensions adds little value to the character of the host building and street scene.
- 10.10 The proposals as revised are to:
- largely demolish the existing extensions including ramp access to southern elevation,
 - retaining a small section of the side extension adjoin the boundary with no. 16 New Road,
 - erect a new two storey extension to the rear with hipped roof incorporating two dormers on the southern elevation (facing St John's Road)
 - provide a new ramp access to extension and new external staircase on side (south elevation) of host building
 - provide a secure bin storage area adjacent to the boundary of no. 40 St John's Avenue
 - retain 8 car park spaces along the southern elevation and
 - erect a 2m high fence on party boundary with no. 16 New Road.
- 10.11 The proposed extension would be set in 1.7m from the southern (side) elevation of the host property. It would be replacing the existing single storey extensions which comprise of a render and stone finish with a substantial two storey stone extension. Given the siting, design and external facing materials to match the host building, officers are of the opinion the proposals would be more in keeping with the characteristics of the host building than the existing single storey flat roof extension. The revised proposals are considered to improve the visual amenity of the site and immediate surroundings within this street.
- 10.12 The demolition of the existing structures, in particular the single storey rendered side extension would ensure a more usable and practical area, to provide off street parking for the proposed development. In addition the secure gated bin store to be sited adjacent to the proposed extension and eastern boundary would provide adequate visual screening of bins and would be an improvement to the current situation where bins are left on the side of the building in full view. In terms of visual amenity, the proposals are considered to accord with Policies D2, BE1 and BE2 of the UDP, as well as the aims of Chapter 7 of the NPPF as well as PDL Policy PLP24, and would ensure the visual amenity of the host property and area is not compromised.

Residential Amenity

- 10.13 It is considered the use of the premises as residential use would result in less noise and disturbance than what would have been experienced from the club when it was in operation. The apartments would have minimal external amenity area. Environmental Services raise no objections and it is considered the proposal would not have a detrimental impact on residential amenity of existing or future occupiers in regard to either noise or air pollution, and would accord with policy EP4 of the UDP, PLP52 of the PDLP and chapter 11 of the NPPF.
- 10.14 Turning to space about building distances, Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises. Physical separation of this building from adjacent land and property is a key consideration.
- 10.15 The proposals on the whole would accord with Policy BE12 and would to a certain extent, in particular adjacent to the northern and eastern shared boundaries, increase the current distances to the neighbouring sites by reduction of the overall footprint of the building. With regards to previous concerns, in particular to the impact on the amenities of the neighbouring plot no. 16 New Road from an overbearing and oppressive impact arising from the scale, mass and height of the proposed rear extension, the revised proposals address these concerns. The distance proposed (3.5m), from the party boundary with no. 16 New Road and overall projection (9m) of the rear extension would remain the same as originally proposed. However, the reduced scale and height, whereby only 700mm of the extension would extend beyond the eaves of the host building, is considered to have minimal impact on the amenities of occupiers of no. 16 New Road. Furthermore, the revised proposals, by removing the existing tall wall/structure on the party boundary with no. 16, would improve the outlook for the occupants of this property by providing a more open aspect between the two sites.
- 10.16 In the main, the proposals due to the revised scale, massing and siting of the rear extension, would provide an adequate level of privacy for the existing residents and future residents of the proposed apartments. In addition, the plans as amended achieve a headroom of no less than 1.8m to the eaves of the rear extension. On the whole, the proposals would provide adequate internal usable space areas within apartment nos. 5 and 6 and generally accord with the 'Technical housing standards', which sets out nationally described space standards for new dwellings/flats.
- 10.17 The level amenity to be provided for the future occupants of these two apartments would be acceptable. It is also acknowledged anyone taking up residency in these apartments will be aware of the internal usable space available before occupancy. In addition given these apartments would have access to a communal external area and would be served by adequate sized dormer windows to provide natural light into the living areas, officers are supportive of the revised proposals.

- 10.18 The proposals as amended would not to lead to a poor standard of amenity for future residents. As such the proposed scheme would comply with the core planning principle of the NPPF and overall, the proposals are acceptable in terms of residential amenity and accords with Policies D2 and H8 of the UDP as well as Policy PLP 24 of the PDLP.

Health & Safety:

- 10.19 Turning to matters of Health and Safety, the site is located within the middle Consultation Zone for a major hazard site. The Health and Safety Executive (HSE) has therefore re-assessed the revised proposals through its planning advice web app, based on details input by officers. The HSE have advised that:

the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

- 10.20 The Planning Practice Guidance on Hazardous Substances notes that the decision on whether or not to grant planning permission rests with the Local Planning Authority. Nevertheless *"In view of its acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from Health & Safety Executive that planning permission should be refused for development for, at or near to a hazardous installation or pipeline should not be overridden without the most careful consideration."*

- 10.21 Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

- 10.22 Officer's opinion is that provision of housing on this site does outweigh the level of risk identified by the HSE. This is because following deferral of the application at the last Huddersfield Committee meeting, further information was received from the agent which included correspondence between the applicant and representatives of the West Yorkshire Fire Service. From this information, the agent states the premises currently have a capacity to accommodate 330 persons under its last known use (within Class D2 Assembly and Leisure). The fallback position is that the premise could be brought back into its established use for assembly and leisure which could involve a much greater concentration of persons at the site than that now proposed under this residential scheme. Notwithstanding the advice of the HSE against the granting of permission, the additional information received has been forwarded to the HSE along with officer's recommendation to sub-committee to approve, allowing the HSE 21 days' notice to give further consideration to the proposal before a decision is issued and determine whether or not to request the Secretary of State to call-in the application.

- 10.23 To date no response has been received from the HSE. However, the 21 days period for consideration expires on 27th March. Any comments received will be included in the update or reported to Members on the day of committee.

Highway issues

- 10.24 UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or/in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network ...”. Policy T19 addresses car parking in relation to the maximum standards set out in Appendix 2 to the UDP. Guidance in the NPPF states under paragraph 32 that plans and decisions should take account of whether, amongst other things, “safe and suitable access to the site can be achieved for all people”.
- 10.25 The proposals would provide adequate parking provision to serve the six proposed apartments, five of which are shown to be one bed and apartment no. 1 with two bedrooms. The provision of secure waste storage will also be provided along the eastern boundary. Highway Officers advise secure and safe storage for cycles should be considered. This can be conditioned to be provided as the cellar storage areas could accommodate this.
- 10.26 To summarise, the proposals which include alterations to the car park layout would be a more practical layout than the existing car park layout and provide a secure waste storage area. Should members be minded to approve the application, highway issues can be addressed through the imposition of appropriate conditions to include details of cycle storage and proposed car park layout to be made laid out and made operational prior to the occupation of the apartments. As such from a highway safety aspect, the proposals would not give rise to highway safety concerns nor considered to create or materially add to highway safety issues, in accordance with UDP Policies T10 and T19 as well as DPLP Policy PLP 21 and guidance in the NPPF.

Representations

- 10.27 Two representations have been received, 1 in support and one objecting from the occupier of no. 16 New Road, who sought for an explanation of the proposals to assess whether it would have an impact on no. 16 New Road and the amenities currently enjoyed by the occupiers of this property. Clarity was also sought on the position of window openings to avoid overlooking into private amenity areas.
- Response:** The only opening on the north elevation is to serve a bathroom. Other than this no other openings are now proposed above ground floor level on the north and east elevations of the proposed rear extension. As stated above the occupier of no. 16 has been informed of the revisions and to date no comments have been received. Nevertheless, it is considered necessary to condition the proposed two metre fence to extend the full length of the northern boundary, to avoid any direct overlooking and loss of privacy to the rear garden area of no. 16 New Road

- 10.28 Views of the Kirkheaton Group developing the Neighbourhood Plan were also sought as requested by Cllr McBride. They offered the following advice on the scheme as previously submitted:

“The proposal to convert the former liberal Club in Kirkheaton into apartments fully conforms with the principles outlined in the draft neighbourhood plan. This states strong support for housing policy that utilises sites or premises within the existing built-up area in preference to greenfield sites out with the existing built up area. The provision of 7 apartments is pushing the limits of what could be squeezed on to this site. Apartment 7 is a poor cramped layout in the roof space and would not work properly. The provision of 6 apartments would be a more practical scheme. The proposed extension could then be reduced in length by approx 1 metre, saving costs and allowing more external amenity space for bins a bike shed and clothes drying areas. The car parking requirement could also be reduced to 6 + 1 visitor space”.

- 10.29 The views of the Kirkheaton Group have again been sought on the revised proposals. An update of their comments will be reported to Members on the day of committee or in the update.

Other Matters

Air Quality:

- 10.30 In the interests of air quality, and to comply with West Yorkshire Low emissions Strategy, Policy PLP24 of the emerging local plan and Chapter 11 of the NPPF, it is recommended that a planning condition be imposed requiring the installation of an electric vehicle charging points be incorporated into the proposals on the granting of permissions in accordance with the standard procedure. This would be conditioned should Members be minded to approve the proposals.

Contamination:

- 10.31 To ensure that any unexpected contamination is dealt with appropriately and to protect the future occupants of the development would not be at risk of contamination Environmental Service officers have recommended standard conditions in the event of unexpected contamination. Again the recommended condition will be included on the decision notice to accord with Policy G6 of the UDP and Chapter 11 of the NPPF, should the application be supported by Members.

11.0 CONCLUSION

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

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

1. Time limit of 3 years
2. In accordance with approved plans
3. Materials to match host property
4. Boundary fence to extend full length of rear party boundaries with no. 16 New Road along east boundary and provided before occupation
5. Proposed bin storage as shown on drawing no. AL 05 to be provided before occupation

Background Papers:

Application and history files as noted in report.

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91618>

Certificate of Ownership –Certificate A signed by agent

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 29-Mar-2018

Subject: Planning Application 2017/93015 Erection of 19 dwellings (C3) with associated parking with vehicular access Rough Nook Farm, 112, Mill Moor Road, Meltham, Holmfirth, HD9 5LW

APPLICANT

Pennine Developments
Ltd

DATE VALID

30-Aug-2017

TARGET DATE

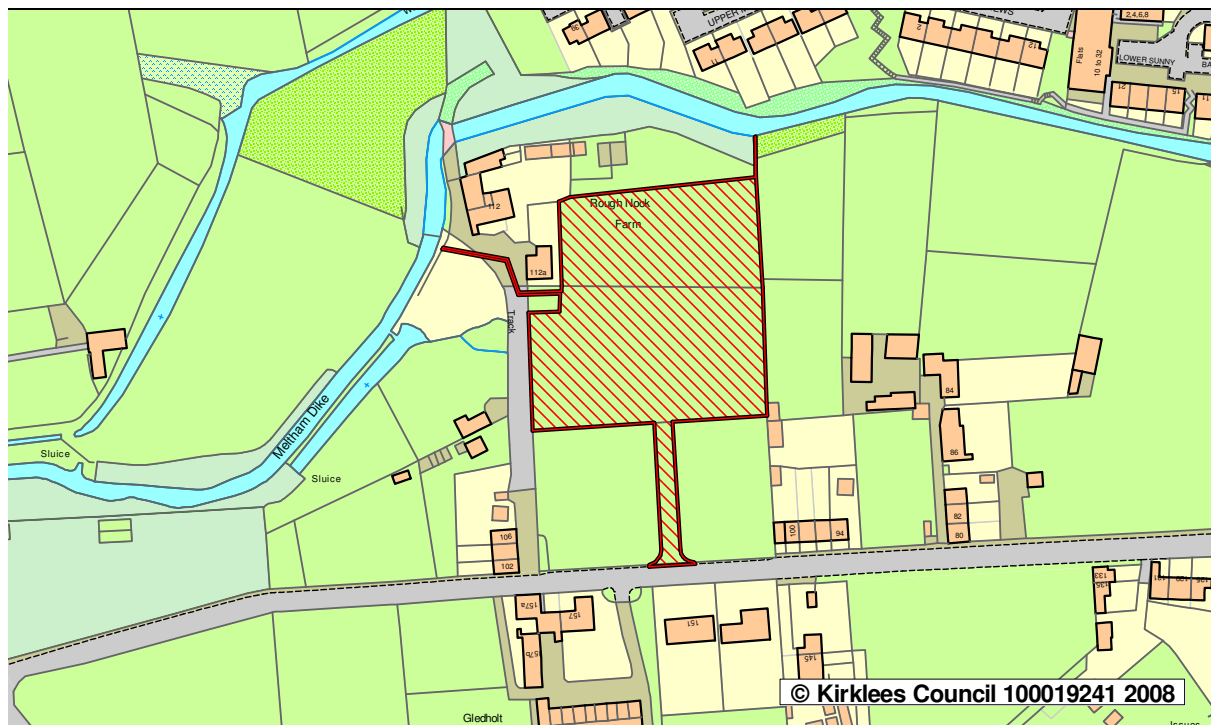
29-Nov-2017

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

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 for the applicant to provide information to demonstrate the presence or absence of breeding birds that are qualifying features of the South Pennine Moors Special Protection Area and; for the LPA to subsequently undertake a Habitat Regulations Assessment and consult with Natural England and; to complete the list of conditions including those contained within this report and; to secure a S106 agreement to cover the following matters:

1. £82,500 contribution towards off-site affordable housing
2. Future maintenance responsibilities for drainage infrastructure

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 The application is brought to the Sub Committee in accordance with the Scheme of Delegation because the development represents a departure from Policy D5 of the UDP and comprises less than 60 dwellings.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises an area of open land that slopes quite steeply from south to north. Rough Nook Farm, which is within the ownership of the applicant, lies to the north/north east of the site, with Meltham Dike beyond. To the east are open fields and to the west is 112a Mill Moor Road (also within the applicant's ownership) and an access track serving this property and Rough Nook Farm. To the south is an open field which has permission for 16 dwellings. The application site includes part of this neighbouring land for access.

3.0 PROPOSAL:

- 3.1 This is a full application for the erection of 19 dwellings. The dwellings comprise a mixture of detached and semi-detached properties and are two and three storeys in height. The proposed facing materials are natural coursed stone and concrete interlocking tiles.

3.2 Access to the site is via the land to the south which has permission for 16 dwellings. The two developments would share this approved access off Mill Moor Road.

4.0 RELEVANT PLANNING HISTORY:

4.1 Adjoining land to the south:

2015/91640 Outline application for residential development – Approved by Sub Committee 18th February 2016

2017/92220 Reserved matters application pursuant to outline permission 2015/91640 for residential development – Approved by Sub Committee 12th October 2017 (decision issued 8th December 2017)

Rough Nook Farm:

2017/93990 Change of use and alterations to barn to form dwelling and improved access arrangements, change of use of land to domestic curtilage and erection of detached garage for 112a Mill Moor Road – Undetermined

2015/90734 Change of use of barn to form living accommodation – Approved

112a Mill Moor Road:

2015/90732 Erection of first floor extension to form two storey dwelling – Approved

2017/93105 Variation of condition 2 (Plans) on previous application 2015/90732 for erection of first floor extension to form two storey dwelling – Undetermined

Buildings adjacent Rough Nook Farm:

2017/93073 Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – Withdrawn

5.0 HISTORY OF NEGOTIATIONS:

5.1 There have been negotiations in relation to the drainage strategy; this has resulted in a scheme that is accepted by the Lead Local Flood Authority (subject to conditions). The adoptable turning head has also been increased in size to the satisfaction of Highways Development Management.

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 Examination began in October 2017. 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 substantial 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 allocated as Provisional Open Land (POL) on the Unitary Development Plan Proposals Map and is allocated for housing on the Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 D5 – Provisional Open Land (POL)
BE1 – Design principles
BE2 – Design of new development
BE11 – Materials
BE12 – Space about buildings
H10 – Affordable housing provision
H12 – Arrangements for securing affordable housing
EP11 – Integral landscaping scheme to protect/enhance ecology
T10 – Highway safety considerations
T16 – provision of safe, convenient and pleasant pedestrian routes
T19 – Off-street parking standards
NE8a – Impact on Peak District National Park
- 6.4 Publication Draft Local Plan policies
- PLP1 Presumption in favour of sustainable development
PLP3 Location of new development
PLP 20 Sustainable travel
PLP21 Highway safety and access
PLP22 Parking
PLP24 Design
PLP27 Flood Risk
PLP28 Drainage
PLP30 Bio diversity and geodiversity
PLP32 Landscape
PLP51 Protection and improvement of air quality
PLP52 Protection and improvement of environmental quality

6.5 Supplementary Planning Guidance / Documents:

Interim Affordable Housing Strategy

6.6 National Planning Guidance:

‘Achieving Sustainable Development’

‘Core Planning Principles’

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

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

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

‘Decision taking’

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice, press advert and neighbour notification letters. In response 3 representations were received which are summarised as follows:

- Site is close to Meltham Dike and the land drains into the dike. Development may impact on run-off.
- This is Green Belt land used by a variety of wildlife. Development will impact on wildlife.
- Impact on nearby green corridor
- Increase in traffic
- Impact on local road network
- Detrimental impact on highway safety
- Highways/transport assessment fails to consider the unmarked crossroads at the junction between Mill Moor Road and Leygards Lane which is the alternative access route. This junction is already dangerous due to the unmarked cross roads and poor visibility and this needs improving. No footpath between the development and this junction which is dangerous for pedestrians.
- Concerns with the access as it will be serving two developments
- Impact on local infrastructure including school places. Local primary schools are oversubscribed.
- Questionable demand for new houses – large number of new houses still stand empty months after completion
- Development is not necessary and unlikely to enhance the village
- Noise, inconvenience, dirt on the highway, construction traffic as a result of building works
- Negative visual impact for local residents

7.2 **Meltham Town Council:** The Council objects to the application for the following reasons:

- The capacity of the physical infrastructure in relation to the public drainage and water systems is inadequate and the current drainage proposals for the site are inappropriate.
- There is no information about the provision of affordable housing.

- The proposed development gives rise to a number of highway issues particularly traffic generation and vehicular access issues. The development will give rise to an increase in the number of cars on Mill Moor Road which is already exceptionally busy and create further problems regarding vehicular access to Station Street. A traffic assessment should be completed on the totality of the Mill Moor Sites allocated for housing in the UDP/ local plan.
- Deficiencies in social facilities, in that this year all the schools in Meltham are over full and that the school place capacity does not exist to accommodate further development.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objections

Kirklees Lead Local Flood Authority – No objection subject to conditions

Yorkshire Water – No objections subject to condition and confirmation of an acceptable proposed pumped foul rate.

Environment Agency – No comments received

8.2 Non-statutory:

KC Conservation & Design – No objections in principle

KC Landscaping – Site is over 0.4 hectares and therefore POS is required. The layout does not provide for any on-site provision. An off-site contribution of approximately £94,700 would be required.

KC Environmental Services – No objections subject to conditions (contaminated land & electric vehicle charging points)

KC Ecology Unit – The site lies within 2.5km of the South Pennine Moors Special Protection Area (SPA). Development of these sites is considered to have the potential to result in loss of land used by foraging SPA birds, which would be considered functionally connected to the SPA. Information to demonstrate the presence or absence of breeding birds that are qualifying features of the South Pennine Moors Special Protection Area is required; such an assessment can only be carried out between mid-March and mid-May. The information will then be used by the LPA to inform a Habitat Regulations Assessment which requires assessment by Natural England.

KC Strategic Housing – Based on the interim affordable housing policy three of the units should be affordable.

West Yorkshire Police Architectural Liaison Officer - No objections. Standard advice applies with regard to Secured by Design standards.

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 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 10.2 The NPPF is a material consideration in planning decisions. The current situation regarding housing land supply in Kirklees (discussed below) is a material consideration relevant to applications for residential development. Weight can also be attached to the draft policies of the emerging Local Plan.
- 10.3 The starting point in assessing this planning application is to ascertain whether or not the proposal accords with the relevant provision of the development plan, which in this case comprises the saved policies of the Kirklees UDP (1999). If a proposal does not accord with the development plan, regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.4 The NPPF is a Government-issued statement of national planning policy, and is therefore considered an important material consideration, particularly in cases where there are UDP policies that are out-of-date or inconsistent with the NPPF. Paragraph 215 emphasises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 10.5 The NPPF seeks to boost significantly the supply of housing. Paragraph 47 of the NPPF sets out how local planning authorities should meet the full objectively-assessed needs for market and affordable housing. This requires a range of measures including identifying a deliverable five-year supply of land for housing. Paragraph 49 adds that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 10.6 As noted in recent appeal decisions, Kirklees is not currently meeting (by a substantial margin) the requirement to identify a five-year supply of housing land. This is important in the context of paragraph 14 of the NPPF which states that, in relation to decision-taking, the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (when assessed against NPPF policies taken as a whole), or ii) specific policies in the NPPF indicate development should be restricted.
- 10.7 As the council is unable to demonstrate a five-year housing land supply as required by paragraph 49 of the NPPF, relevant UDP policies relating to housing are considered to be out-of-date. The housing land supply shortfall is not marginal – it falls below three years and is therefore considered substantial. Whilst the council has prepared a Local Plan that, for housing purposes, is predicated on the basis of a five-year housing land supply, it is currently undergoing examination, and has not been adopted. Therefore, it remains the case that the council is unable to identify a five-year supply of specific deliverable housing sites against the relevant NPPF requirement.
- 10.8 The borough's housing supply record of recent years is also a relevant consideration. This is set out in the council's Housing Supply Topic Paper (2017), where Kirklees's persistent under-delivery is detailed.
- 10.9 Given this situation regarding housing land supply, with regard to this application and the presumption in favour of sustainable development, the NPPF states that planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.
- 10.10 The site was designated as part of a larger area of Provisional Open Land (POL) in the UDP in 1999, and this designation was retained (saved) by the Secretary of State for Communities and Local Government in 2007. Policy D5 of the UDP states:
- On sites designated as Provisional Open Land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term.
- 10.11 With regard to the designation of the site as POL, UDP policy D5 is not considered to be a policy for the supply of housing (with reference to NPPF paragraph 49), and is considered to be up-to-date. The proposed development does not comply with UDP policy D5 as it does not comprise development required in connection with established uses, or the alternative open land uses or temporary uses referred to in the policy. The proposed development constitutes a departure from the development plan.

- 10.12 As noted above, the emerging Local Plan is a material consideration. It sets out a housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. If the emerging Local Plan was to be adopted in its current form, the council would be able to demonstrate a five-year housing land supply. The majority of the wider POL allocation is allocated for housing in the emerging local plan (housing site H342). The housing allocation includes the entirety of the application site along with the adjoining field to the south which has planning permission for 16 dwellings plus a 25m wide (approx.) strip of land to the eastern boundary of the application site. Given that the examination in public of the Local Plan is underway, consideration needs to be given to the weight to be afforded to draft policies, and in particular draft site allocation H342.
- 10.13 Paragraph 216 of the NPPF sets out what weight can be given to policies in emerging plans, according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 10.14 The above is further supplemented by paragraph 014 (reference ID: 21b-014-20140306) of the Government's Planning Practice Guidance, which states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. Paragraph 014 adds that such circumstances are likely, but not exclusively, to be limited to situations where both:
- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and
 - (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 10.15 Given the scale of the development proposed (when assessed against the wider context of the emerging Local Plan), it is considered that the application could not be deemed to be premature as the proposed development, by virtue of its relatively small scale and limited strategic importance (in terms of housing delivery), is not considered to be central to the delivery of the Local Plan. With regard to the current stage of preparation of Local Plan, it is noted that an advanced stage has been reached, which would suggest considerable weight can be afforded to its policies. However, it is also noted that there are two unresolved objections to site allocation H342. One of the objections is from Natural England and relates to the Habitat Regulations Assessment. The other objection is from a member of the public and relates to highway safety matters. These unresolved objections reduce the weight that can be afforded to the draft allocation. It is therefore considered that limited weight can be afforded to the draft site allocation in this case.

- 10.16 In conclusion regarding the principle of development, given the pressing need for housing, the current situation regarding housing land supply in Kirklees, the relevant paragraphs of the NPPF detailed above, the draft site allocation, and the approval of planning permission on the adjoining POL to the south, there clearly are material considerations that – together – carry significant weight, and that justify approval of planning permission. With reference to NPPF paragraph 14, the adverse impacts and benefits of the proposed development are assessed throughout this report, and further conclusions on the balance of planning considerations are drawn in its closing paragraphs.
- 10.17 The above conclusion is supported by the fact that the application site is a suitable location for residential development in relation to sustainability, being located at the edge of an existing settlement, relatively close to sustainable transport options and other facilities. The site is not isolated and inaccessible.
- 10.18 Officers' recommendation to accept the principle of development at this greenfield site, however, is not given lightly. If this site is to be released for development, public benefit must be clearly demonstrated, and high quality development will be expected. These matters are addressed later in this report.

Urban Design issues

- 10.19 The development site is set back from Mill Moor Road with an approved development of 16 houses lying in between. Both developments would be served off the same access from Mill Moor Road.
- 10.20 The site slopes down gradually towards the north and then falls away more steeply closer to the northern boundary.
- 10.21 The dwellings comprise a mixture of detached and semi-detached properties. The properties to the rear of the site (plots 15-19) are two storeys to the front and three storeys at the rear, reflecting the site's topography. The other properties are either traditional two storey houses or three storey properties that have their upper floor within the roof space.
- 10.22 The proposed scale, design and layout are similar to other developments that have been approved within the vicinity of the site and it is considered that the proposal would harmonise with the character of the area.
- 10.23 The proposed facing materials are natural coursed stone and concrete interlocking tiles. The adjoining development to the south is to be faced in natural stone and blue slate. In the interests of achieving consistency across the two developments it is considered that either natural blue slate or a good quality imitation slate should be used on the roofs of the proposed dwellings.

Residential Amenity

- 10.24 The only existing dwelling adjacent to the site is 112a Mill Moor Road which lies to the west and would sit side by side with plot 19. This existing property is within the applicant's ownership. There is a window in the side of 112a and some windows within the side of plot 19 which are non-habitable and predominantly obscure-glazed. Officers have no concerns with this relationship. Rough Nook Farm (also within the applicant's ownership) lies

slightly further away and does not give rise to any residential amenity issues. The access track serving Rough Nook Farm abuts part of the western site boundary with agricultural land beyond.

- 10.25 There is some existing residential development to the north of the site on Upper Sunny Bank Mews and Upper Mills View. This existing development lies on the opposite side of Melham Dike and is separated by a wedge of Urban Greenspace. There are generous separation distances between the site and these adjacent properties and as such there would not be any significant impact on residential amenity.
- 10.26 In terms of the relationship with the approved development on the adjacent land to the south, the proposed dwellings would be set at a lower level. Acceptable separation distances are provided and the boundary treatment approved as part of the adjacent scheme would prevent any close overlooking of the proposed development.
- 10.27 There are open fields to the east of the site which form part of the same POL allocation (and part of the same housing allocation in the emerging Local Plan). Plots 1-4 and plots 11 and 12 back onto this undeveloped land. Plot 15 has a side elevation onto this neighbouring land.
- 10.28 Policy BE12 seeks to provide a minimum of 10.5m between habitable windows and adjacent undeveloped land. The rear wall of plots 1-4 are separated from the fields to the east by approximately 8m and 9m which represents a shortfall of around 2.5m and 1.5m. This shortfall has arisen as a direct consequence of an amendment to the position of plots 1-4 which came about because of a change to the position of the access road to the south of the site in order to meet highways requirements.
- 10.29 Notwithstanding the shortfall between habitable windows in the rear of plots 1-4 and the undeveloped land to the east, officers consider that a development on the adjacent could reasonably be brought forward that respects this relationship and provides an acceptable standard of amenity for the occupiers of plots 1-4 and any future occupiers of the adjacent land. As such the development potential of the adjacent land would not be unduly prejudiced.
- 10.30 The separation distance between the rear elevation of plots 11 and 12 and the eastern site boundary is around 13m which is in excess of Policy BE12 standards. The side elevation of plot 15 is 5m-6m from the eastern boundary. There are no habitable windows in the side of plot 15; the only windows are at ground floor level and serve a hallway and garage. There are no concerns with this relationship.
- 10.31 The site meets Policy BE12 requirements for separation distances between new dwelling and new dwelling within the site.
- 10.32 There are not considered to be any specific noise or air quality issues that would affect residential amenity. No objections have been raised by Environmental Services.
- 10.33 In summary the application does not fully accord with Policy BE12 in terms of the separation between plots 1-4 and the adjoining field to the east but for the reason set out above it is considered that this is acceptable

Landscape issues

- 10.34 There is no open space provided within the site other than a tract of land protected for future access to the adjoining land to the east. The size of the site triggers an off-site contribution towards POS.
- 10.35 The existing dry stone wall to the eastern and western boundaries are to be retained. A 2m high timber fence will run parallel to the drystone wall along part of the eastern boundary where it will form a boundary to plots 11, 12 and 15. There would also be a 2m timber fence to the rear site boundary which would be set down from the remainder of the site because of the topography of the land. It is considered that the boundary treatment is acceptable.
- 10.36 Some soft landscaping is provided to the front of the dwellings to break up areas of parking.
- 10.37 The site lies close to a designated Green Belt and is around 200m from the Peak District National Park. The proposed scale and design of the buildings and the separation distance ensures that the development would not significantly affect the openness of the Green Belt or be intrusive in views from within the National Park or have a harmful impact on views into the National Park. In this regard the application accords with guidance in the NPPF and Policy NE8a of the UDP.

Housing issues

- 10.38 The NPPF supports the delivery of new housing. The development would deliver new housing at a time of national shortage and when the council is unable to demonstrate a five year housing land supply. The site is allocated for housing in the emerging Local Plan.
- 10.39 The layout makes provision for access to the remainder of the POL (UDP) and housing (PDLP) allocation that lies to the east. The development would not therefore sterilise future development on the remainder of the allocation.

Highway issues

- 10.40 The application site is located approximately 850m to the west of Meltham town centre, on the edge of a residential area. Mill Moor Road is an unclassified road connecting between Meltham centre and Leygards Lane which links to Wessenden Head Road and the wider highway network. The closest bus stops to the site are found on Mill Moor Road approximately 120m from the site. Further stops are found on Leygards Lane around 400m from the site.
- 10.41 Vehicular access will be an extension of an approved access road serving a development of 16 dwellings immediately to the south. This development to the south is to deliver a footway along the Mill Moor Road frontage. A separate private track lies to the west of the site and provides access to several dwellings including Rough Nook Farm.

- 10.42 The Transport Assessment submitted with the outline application for the development to the south (reference 2015/91640) included the anticipated traffic generation from the entirety of this POL allocation and included an assessment of the Westgate/Station Road and Green End Road/Station Street junctions. The cumulative effect of development on this POL allocation along with other development sites in Meltham were considered. The other development sites considered included a housing allocation to the east of the site, the former Albion Mills site and a housing allocation off Colders Lane. An approved extension to the Morrison's store and a residential development of 100 dwellings on Helme Lane were also taken into account.
- 10.43 The assessment indicates that the Westgate/Station Street and the Green End Road/Station Street junctions would continue to operate within accepted parameters during the morning and evening peak periods. Officers therefore consider that the proposed development would not result in any significant detriment to the efficiency and safe use of the local highway network.
- 10.44 The site can also be accessed from Leygards Lane and from Red Lane/New Bridge Road to the west of the site. Officers do not consider that the use of these roads by a proportion of the traffic generated by the development would result in any demonstrable harm to highway safety. The intensification in the use of the Mill Moor Road-Leygards Lane junction was considered under a previous application for 28 dwellings on a separate parcel of land to the east of the application site (ref 2015/93861). Under this previous application the developer provided a contribution towards the provision of road markings at this junction in order to improve its functionality. Records indicate that these works were done in 2017. The works were considered to represent the maximum the developer could reasonably achieve to improve highway safety at the junction. Alterations to existing field boundary walls to improve visibility were not achievable because the walls are not owned by the council.
- 10.45 The layout of the site is acceptable and parking provision for the dwellings is in accordance with required standards.
- 10.46 The development is considered to comply with Policies T10 and T19 of the UDP and PLP21 and PLP22 of the emerging Local Plan.

Flood risk and drainage issues

- 10.47 An area of the site along the northern boundary falls within Flood Zone 2 and Flood Zone 3 on the Environment Agency's Flood Map. None of the dwellings are located within this area and it is only a proportion of the gardens for plots 15-19 that fall within it.
- 10.48 The flood zoning relates to Meltham Dike. The dike is around 12m from the site's northern boundary at its closest point and over 30m away at its furthest. The watercourse is set down from the site and separated by a grass paddock and row of trees.
- 10.49 Given that Flood Zones 2 and 3 extend into an elevated area away from the watercourse the Lead Local Flood Authority (LLFA) is of the opinion that the modelling is likely to be inaccurate. The Environment Agency was consulted on the application and have chosen not to provide any comment. In the absence of any objection from the Environment Agency and having regard to the situation as it exists on the ground officers are satisfied that there would not be any significant flood risk to the development.

- 10.50 It is proposed that surface water will discharge to Meltham Dike which lies to the north of the site. Surface water attenuation is provided within the site and the rate of discharge will be restricted to an agreed level. A flood route within the site for exceedance events has been demonstrated. The Lead Local Flood Authority consider the surface water drainage scheme to be acceptable, subject to a condition relating to the detailed design.
- 10.51 Foul drainage is to be pumped to the south where it will connect into the foul sewer system for the adjacent development of 16 dwellings. Here a gravity connection is to be made into existing infrastructure within Mill Moor Road. There is a right of connection for foul waste under the Water Industry Act. It is necessary for the future maintenance and management of the pumping station to be covered by a S106 agreement.
- 10.52 Ordnance Survey maps indicate a small number of watercourses outside of the site boundary. It is unclear at this stage whether they flow through the site. The LLFA has recommended a condition requiring investigation of these watercourses and minimum stand-off distances in the event that the watercourses are in close proximity to new dwellings.

Ecology matters:

- 10.53 A Preliminary Ecological Appraisal has been submitted with the application and indicates that the site consists of semi-improved grassland and is of low ecological value. A separate reptile survey has also been submitted. Both reports are accepted by the Ecology Unit and do not give rise to any specific concerns. Details of bat and bird boxes to be incorporated into the development have also been provided.
- 10.54 The site forms part of housing allocation H342 in the emerging Local Plan and the site is one of 9 proposed housing allocations that lie within 2.5 km of the South Pennine Moors Special Protection Area (SPA). Development of these sites is considered to have the potential to result in loss of land used by foraging SPA birds, which would be considered functionally connected to the SPA. The conclusion of the Local Plan Habitat Regulations Assessment is that there is a low residual risk of these sites being used by SPA birds, in particular golden plover.
- 10.55 Draft Supporting text in the emerging Local Plan requires surveys at planning application stage to assess the impacts on SPA birds and, if found to be necessary, appropriate avoidance and/or mitigation measures included within the development. Suitable avoidance and mitigation measures may include:
- Avoidance of areas used by significant numbers of SPA birds (to be determined by a project level Habitats Regulations Assessment).
 - Provision of equivalent or greater quantity and quality of replacement habitat onsite (or as a last resort off site within 2.5km) with improved management to ensure use by SPA birds.
 - Timing of works (construction, operation and decommissioning) outside the period most frequently used by SPA birds.
 - Monitoring of impacts to assess bird use over time.

- 10.56 The survey work can only take place between mid-March and mid-May. The resultant report will be used by the Ecology Unit to inform a Habitat Regulations Assessment (HRA), which in this case is a legal requirement prior to the application being determined. The HRA will require approval from Natural England. Officers are seeking the delegation of authority to conclude this particular matter.
- 10.57 Meltham Dike lies just to the north of the site and this area is allocated as a Green Corridor on the UDP Proposals Map and a Wildlife Habitat Network in the emerging Local Plan. Policy D6 of the UDP relates to development adjacent to Green Corridors. An area of sloping paddock (Urban Greenspace) separates the development site from the dike and the trees that exist alongside it. Officers consider that there is a sufficient distance between the site and the Green Corridor to avoid any significant impact on the corridor's function. It is also proposed to discharge surface water from the development to the dike but officers are satisfied that surface water drainage discharged at a restricted rate is unlikely to prejudice the dike and its wildlife. Consideration of the dike's ecological value would be taken into account when assessing the detailed drainage scheme, including details of the outfall.

Representations

- 10.58 Three objections have been received. The main planning concerns relate to highway safety and the ecological impacts of the development including the impact on the adjacent dike. These issues have been addressed within this appraisal.
- 10.59 Of the other matters raised an officer response is provided as follows:

- *Impact on local infrastructure including school places. Local primary schools are oversubscribed.*

Officer response: In terms of education, the scale of the development does not meet the threshold for an education contribution. It is recognised that the proposed number of dwellings combined with the approved development of 16 houses on the adjoining land to the south exceeds the trigger for an education contribution however the respective sites are in different ownership and have come forward at different times (the land to the south being subject of a 2015 outline consent). It would not be possible to require an education contribution taking into account a separate development that has already been approved.

- *Questionable demand for new houses – large number of new houses still stand empty months after completion*

Officer response: The demand for the proposed houses is not a material planning consideration.

- *Development is not necessary and unlikely to enhance the village*

Officer response: The development will deliver new housing at a time of shortage and officers have judged the impacts of the development to be acceptable.

- *Noise, inconvenience, dirt on the highway, construction traffic as a result of building works*

Officer response: Inconvenience caused by the carrying out of development is not a material planning consideration although issues relating to noise, dust and odour from construction can be controlled via Environmental Health legislation if it is deemed that there is a statutory nuisance. Mud on the highway can be mitigated through a construction management plan and this can be conditioned.

- *Negative visual impact for local residents*

Officer response: Officers consider the visual impact of the development to be acceptable as detailed in this appraisal.

Planning obligations

- 10.60 The Council's interim affordable housing policy requires 20% of the units to be affordable. On this development of 19 dwellings 20% equates to 3.8 units. The affordable housing requirement would therefore be 4 units.
- 10.61 The site is over 0.4 hectares and therefore there is a requirement to provide public open space. No POS is provided on site and therefore a contribution in lieu is required. This proposal triggers a contribution of approximately £94,700.
- 10.62 The development proposed does not meet the threshold for an education contribution.
- 10.63 A contribution towards sustainable travel - in the form Metro Cards - would normally be sought on a development of this scale.
- 10.64 The applicant has submitted a financial viability assessment. The assessment indicates that the maximum number of affordable units that could be provided on site is 1 (based on there being no other financial contributions). The applicant considers however that there may not be any realistic possibility of achieving a sale of a single affordable unit in isolation because the majority of housing associations are reluctant to acquire single units unless they have substantial local holdings as management issues can be encountered. As such the applicant requests that the council consider an off-site contribution in lieu of on-site provision.
- 10.65 The viability assessment goes on to calculate the maximum payment that the development can stand and makes a without prejudice offer of £82,500 in full settlement of all planning obligations.
- 10.66 The viability assessment has been independently appraised and the advice from the independent assessor is that the council should accept this offer because it is the best outcome that can be achieved based on all of the evidence.
- 10.67 Officers have no reason to dispute this independent advice and consider that the contribution should be used towards affordable housing within this housing market area.

Other Matters

- 10.68 Part of this site is recorded as potentially contaminated due to past industrial use (Rough Nook Dye Works). The potential for contamination and its risks to future occupiers of the development needs to be properly assessed and to this end relevant conditions are recommended.
- 10.69 NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution. On small new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition. This is in line with the West Yorkshire Low Emissions Strategy and PLP24 of the emerging Local Plan.

11.0 CONCLUSION

- 11.1 The principle of the development on the POL is accepted. The design and appearance of the development would sit comfortably within the surrounding area. The development would not prejudice highway safety and an acceptable drainage strategy can be provided. The ecological impacts are acceptable subject to information being provided by the applicant in relation to the South Pennine Moor Special Protection Area.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval subject to the satisfactory outcome of the Habitat Impact Assessment.

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

1. Time limit
2. Development in accordance with approved plans
3. Approval of samples of materials
4. Details of retaining walls including facing materials
5. Detailed drainage scheme
6. Assessment of adjacent watercourses and imposition of appropriate stand-off distances
7. Temporary drainage scheme
8. Design of surface water outfall
9. Details of access road
10. Surfacing of parking areas
11. Contaminated land investigation and site remediation as necessary
12. Electric vehicle charging points
13. Construction management plan

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93015>

Certificate of Ownership – Certificate B completed. Notice served on:

- R S Woodhead 5 River Holme View Brockholes
- Mr and Mrs Wood 112 Mill Moor Road Meltham

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 29-Mar-2018

Subject: Planning Application 2018/90192 Erection of 21 dwellings Land adjacent to 8 Miry Lane, Netherthong, Holmfirth, HD9 3UQ

APPLICANT

Stewart Brown, Yorkshire
Country Properties Ltd

DATE VALID

26-Jan-2018

TARGET DATE

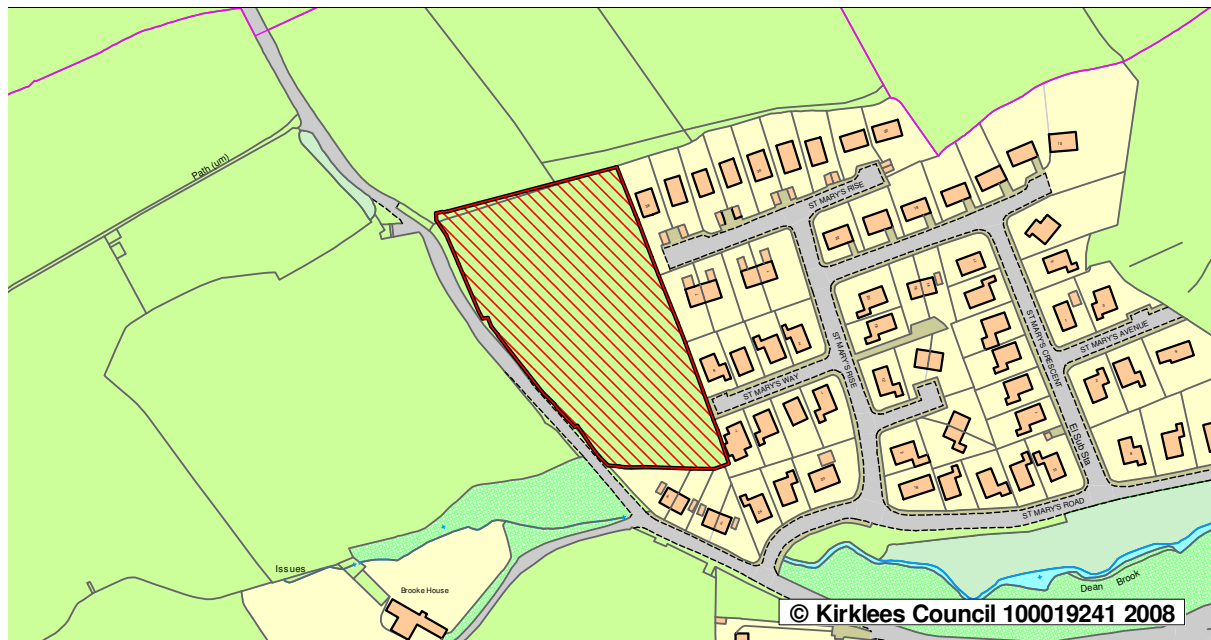
27-Apr-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

Yes

Ward Members consulted

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:

1. Provision and maintenance of on-site Public Open Space.
2. Two Affordable Rent and two Intermediate units, or an alternative tenure mix including Starter Homes (subject to evidence and negotiation with officers).

In the circumstances where the S106 agreement has not been completed within three 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 is an application for full planning permission for the erection of 21 dwellings.
- 1.2 The application is presented to the Huddersfield Sub-Committee as the proposed development relates to Provisional Open Land (Policy D5 of the UDP), and includes fewer than 60 residential units.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 1.03 hectares in size and slopes downhill from north (225m AOD approx.) to south (200m AOD approx.).
- 2.2 No buildings exist within the site's boundaries, and the site is not previously-developed (brownfield) land. Tree Preservation Order (TPO) 12/75/a7 protects several oak, hawthorn, holly and ash trees along the site's western edge on Miry Lane.
- 2.3 Surrounding uses are residential to the east and south, and agriculture to the north and west. The neighbouring residential properties of St Mary's Rose, St Mary's Way and Miry Lane date from the 20th century, and are a mix of bungalows and 2-storey dwellings (some detached, some semi-detached) in a suburban layout.

- 2.4 Miry Lane is narrow and has no pavements. A claimed public right of way (HOL/dmmo app200/10) runs east-west across the site between St Mary's Rise and Miry Lane.
- 2.5 The site is not within a conservation area, however the Netherthong Conservation Area covers land approximately 40m to the south of the site, and the site is visible from this conservation area. Approximately 185m to the north of the site is the boundary of the Oldfield Conservation Area. There are no listed buildings immediately adjacent to the application site, however there are listed buildings within both the nearby conservation areas. Undesignated heritage assets in the area include dry stone walls and field patterns.
- 2.6 A Provisional Open Land designation in the Kirklees Unitary Development Plan covers the site. The site is allocated for housing in the emerging Local Plan.
- 2.7 In relation to wildlife, the site is within an SSSI Impact Risk Zone, while land to the west is with a Wildlife Habitat Network. Further to the west is the Holmroyd Wood ancient woodland and Local Wildlife Site.

3.0 PROPOSAL:

- 3.1 Permission is sought for residential development of the site. The proposed 21 residential units would comprise:
- 4x 1-bedroom terraced dwellings.
 - 1x 2-bedroom terraced dwelling.
 - 6x 3-bedroom terraced dwellings.
 - 6x 4-bedroom detached and semi-detached dwellings.
 - 4x 5-bedroom detached dwellings.
- 3.2 12 different unit types are proposed. A mix of 2- and 3-storey elevations are proposed. Integral garages are proposed to most dwelling types. Pitched roofs are proposed to all dwellings, and external materials would include coursed natural stone, blue slate roofs, and grey PVC doors and windows. Boundary treatments would be drystone wall and timber fences.
- 3.3 The 21 residential units would be arranged around a serpentine new road that would be accessed from Miry Lane at the southwest corner of the site. Footpath connections are proposed into the site from Miry Lane and St Mary's Rise. The northernmost stretch of the new road has not been designed for adoption. Parking spaces are proposed for all residential units. A communal refuse store is proposed adjacent to unit 21.
- 3.4 Some regrading and levelling is proposed, with retaining walls proposed in some locations.
- 3.5 A sycamore tree, nearby shrubs, and a section of dry stone wall would be removed to enable the provision of vehicular access from Miry Lane.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2013/93081 – Application for outline planning permission for 18 dwellings withdrawn.

4.2 2014/92737 – Outline planning permission refused on 26/08/2015 for the erection of 5 dwellings. Application related to the southernmost part (approximately 0.45 hectares) of the current application site. The refusal reasons were:

- 1) The proposal would result in an intensification of use of a substandard road network along Miry Lane which is considered to be too narrow and too steep in gradient to safely serve the further dwellings shown to be accessed from it. Although the proposed scheme does include localised widening of Miry Lane this does not overcome the wider highway safety concerns related to the existing nature of Miry Lane. Accordingly it is considered the proposal would not be in the best interests of highway safety and would be contrary to Unitary Development Plan Policy T10 of the Unitary Development Plan.
- 2) The formation of the access onto Miry Lane would result in the loss of part of the holly hedgerow, trees, stone walling and grass verge which would change the character of and detract from this tranquil and rural gateway which defines this approach into Netherthong. The proposals would thus fail to retain a sense of local identity and detract from the characteristics of this area, contrary to Policies BE1 (i) and BE2(iv) of the Unitary Development Plan and guidance in the Section 7 of the National Planning Policy Framework.

4.3 The above application was subsequently granted at appeal on 01/06/2016.

4.4 2015/90580 – Application for outline planning permission for 7 dwellings and 2 site access points (from St Mary's Rise and St Mary's Way). Application related to part (approximately 0.61 hectares) of the current application site. At the 30/07/2015 meeting of the Strategic Planning Committee, Members resolved to grant outline planning permission, however the necessary Section 106 agreement was never completed, and the council's decision was not issued.

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

5.1 Amended layout plans were submitted during the life of the application, showing a pedestrian connection from St Mary's Rise. Dwelling locations and footprints were also revised. Additional information regarding the proposed on-site Public Open Space, trees and highways was submitted, as were revised floor plans for units 01 to 08.

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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 The site is Provisional Open Land. Land to the north and west is within the green belt.

6.3 Relevant policies are:

- G4 – High standard of design
- G5 – Equality of opportunity
- G6 – Land contamination
- D5 – Provisional Open Land
- NE9 – Mature trees
- BE1 – Design principles
- BE2 – Quality of design
- BE5 – Conservation areas
- BE11 – Building materials
- BE12 – Space about buildings
- BE21 – Open space accessibility
- BE22 – Accessible parking
- BE23 – Crime prevention
- EP3A – Culverting and canalisation
- EP4 – Noise sensitive development
- EP10 – Energy efficiency
- EP11 – Landscaping and ecology
- EP30 – Prolonged construction work
- T1 – Transport priorities
- T2 – Highway improvements
- T10 – Highway safety
- T14 – Pedestrian safety
- T16 – Pedestrian routes
- T17 – Cycling
- T18 – Strategic pedestrian and cyclist routes
- T19 – Parking standards
- H1 – Housing needs
- H10 – Affordable housing
- H12 – Affordable housing arrangements
- H18 – Open space provision
- R6 – Public open space
- R9 – Allotments
- R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

6.4 The site is proposed to be allocated for Housing. It is within the proposed Green Infrastructure Network (Holme Valley Corridor), and a Biodiversity Opportunity Zone (Valley Slopes). The green belt designation of land to the north and west is proposed to be retained. Land to the west is within a proposed Wildlife Habitat Network.

6.5 Relevant policies are:

PLP1 – Presumption in favour of sustainable development

PLP2 – Place shaping

PLP3 – Location of new development

PLP7 – Efficient and effective use of land and buildings

PLP11 – Housing mix and affordable housing

PLP20 – Sustainable travel

PLP21 – Highway safety and access

PLP22 – Parking

PLP24 – Design

PLP27 – Flood risk

PLP28 – Drainage

PLP30 – Biodiversity and geodiversity

PLP32 – Landscape

PLP33 – Trees

PLP35 – Historic environment

PLP47 – Healthy, active and safe lifestyles

PLP48 – Community facilities and services

PLP51 – Protection and improvement of local air quality

PLP52 – Protection and improvement of environmental quality

PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- Providing for Educational Needs Generated by New Housing
- Kirklees Interim Affordable Housing Policy (2016)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees District Landscape Character Assessment (2015)
- Kirklees Housing Topic Paper (2017)
- Kirklees Council Housing Allocations Policy (2017)
- Accessibility Assessment (2015)
- Oldfield Conservation Area Character Appraisal

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2012) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Paragraph 17 – Core Planning Principles
- Chapter 4 – Promoting sustainable transport

- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring a good design
- Chapter 8 – Promoting healthy communities
- Chapter 9 – Protecting green belt land
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and enhancing the natural environment
- Chapter 12 – Conserving and enhancing the historic environment

6.8 Since March 2014 Planning Practice Guidance for England has been published online.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised via four site notices, a press notice, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 28/02/2018.

7.2 To date, 58 representations have been received from occupants of 48 properties. The following is a summary of the concerns raised:

- Objection in principle, and to increase from five to 21 units.
- Brownfield sites should be developed instead.
- Unsustainable location for development. Netherthong lacks public transport and other facilities.
- Many houses already for sale in Netherthong. More houses not needed.
- Too many units proposed.
- Highways safety impacts. Miry Lane is narrow and drivers already speed. Lack of pavements to new road. Inadequate sight lines. Speed bumps needed. Access for emergency services would be obstructed.
- Increased traffic. Local roads already congested. Netherthong is impassable. Construction work already taking place nearby, and causing problems.
- Development would block route of right of way that has been applied for. Planning application should not be determined before right of way matter has been considered.
- Objection to footpath connection with St Mary's Way.
- Design objections. Three storeys inappropriate next to bungalows. Proposed dwelling designs are not in keeping with adjacent properties. Development too dense at southern end of the site.
- Conservation area impacts.
- Village is losing its identity.
- Neighbour amenity impacts. Overlooking and overshadowing of properties on Miry Lane. New dwellings would tower over existing dwellings.
- Wildlife impacts. Light pollution would affect habitats.
- Loss of ancient hedgerow.
- Existing trees would be enclosed in private gardens.
- Loss of green space.
- Loss of sledging field.

- Potential damage to wall at rear of 8 Miry Lane.
- Impacts on local drainage. Flooding already occurs.
- Impact upon sewage system.
- Impact upon electricity supply.
- Impact upon broadband speeds.
- Impacts on local facilities. Local school is already oversubscribed. Difficult to get appointment with GP.
- Lack of information regarding proposed levels.

7.3 Responses to these comments are set out later in this report.

7.4 As the proposed development has been amended since initial consultation was carried out, reconsultation letters were issued on 16/03/2018, with the end date for publicity set as 26/03/2018. Any further responses received following the publication of this report will be reported to the Sub-Committee in an update or verbally.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – Cross sections of widened Miry Lane required. Swept path diagrams required to demonstrate that a Kirklees Council refuse vehicle can pass a car around the development's acute bends. Bin carry distances would be exceeded for units 18 to 20. Parking space 1 is sited too close to the junction with Miry Lane. The visitor parking spaces opposite unit 13 should be redesigned to provide adoptable parallel parking spaces. An assessment of the impact of the traffic generated by this development on the Miry Lane / Dean Brook Road / Dean Avenue / Giles Street junction required, and should refer to the approved development ref: 2014/91533. Any retaining features affecting the highway will require formal technical approval by the council.

KC Strategic Drainage – The Lead Local Flood Authority (LLFA) has agreed that the principles of the proposed drainage scheme are acceptable, but have requested further information, assurances, and calculations. Further information and comments of the LLFA will be reported to the Sub-Committee in an update or verbally.

Yorkshire Water – Conditions recommended regarding drainage for foul and surface water. The submitted Flood Risk Assessment will require clarification at conditions stage – specifically, applicant should clarify why surface water cannot discharge directly into the watercourse. The site is currently undeveloped and no surface water is known to have previously discharged to the public sewer network. The public sewer network does not have capacity to accept an unrestricted discharge of surface water.

Holme Valley Parish Council – Support the application, subject to Kirklees Council Highways Development Management being satisfied.

8.2 **Non-statutory:**

KC Trees – Insufficient tree information has been provided. Supporting plan for tree survey, and information regarding tree protective measures, needed. Footpath to Miry Lane is of concern as it would pass beneath protected trees. Query how footpath could be constructed while avoiding damage to protected trees. Some proposed properties, roads and hard surfaces may be too close to the trees. Arboricultural method statement (in accordance with BS 5837) needed at application stage. Applicant has not demonstrated that the proposal complies with UDP policies BE2 and NE9 or emerging Local Plan policies PLP24(i) and PLP33.

KC Environmental Health – Recommend conditions regarding site contamination and provision of electric vehicle charging points. Construction noise should be limited to specified hours.

Police Architectural Liaison Officer – Footpath along eastern boundary of site (between 7 St Mary's Rise and proposed unit 17) could increase risk of crime and anti-social behaviour affecting these dwellings, as it would create a passage hidden behind tall garden fencing. This path should be removed from the proposals, as any benefits of having it would be outweighed by its disadvantages. For other footpath links from St Mary's Rise and St Mary's Way, these should be wide and should run directly into the proposed new road layout in full view of units 8, 13, 17 and 18 to ensure the footpaths are well overlooked and do not provide opportunities for hiding and loitering close to dwellings. Detailed design advice also provided.

KC Strategic Housing – Application welcomed. Within Kirklees Rural (West) there is a significant need for affordable 1- and 2-bedroom units, as well as a need for affordable 1- and 2-bedroom housing specifically for older people. Kirklees Rural (West) has some of the highest-priced housing in Kirklees. It is a popular location, with 15% of households planning to move home within Kirklees within the next 5 years citing it as their first choice destination. Kirklees's interim affordable housing policy seeks 20% affordable housing provision on sites where 11 units or more are proposed. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be acceptable where appropriate. Affordable housing allocation for this development would be four units. Borough-wide, a split of 54% Affordable Rent / 46% Intermediate is appropriate within affordable housing provisions, therefore for this development two Affordable Rent and two Intermediate dwellings would be required.

KC Ecology – Site is within an SSSI Impact Risk Zone, however consultation with Natural England is not necessary in this case. Preliminary Ecological Appraisal would generally not be adequate to support a planning application where further survey or mitigation is required, or where the development would result in significant ecological impacts. Latest proposed layout appears to protect the existing veteran trees. Provision of buffers presents an enhancement opportunity through native planting. Much of the boundary is proposed for hedgerow planting, which is welcomed. Bat and bird boxes should be provided. Recommend conditions to secure an Ecological Design Strategy, and lighting design strategy.

KC Public Rights of Way – Footpath proposals have improved, but would not be 2m wide in all places – justification for this should be provided. Long and cross sections of the footpaths should be provided along with details of boundary treatments and retaining structures, construction details, and maintenance responsibility information.

KC School Organisation and Planning – Proposed development would not generate a Section 106 education contribution.

KC Landscape – Although a natural plan area and footpath would be provided, Public Open Space is being squeezed in and would really be a strip of landscaping underneath protected trees. That said, the proposed footpath would be beneficial. Proposed play area would be off-street, but would need to be maintained well due to it being located beneath trees, which brings issues relating to sap, algae growth, leaf litter and debris, and timber becoming slippery. Seating may become a cause for nuisance if people gather there in the evening, but removal of seating is not recommended. Clarification required regarding gradients of natural play area. Planting between unit 09 and new footpath would be oppressive if it grows too close to the footpath. Queried to what height the planting would be maintained.

9.0 MAIN ISSUES

- Principle of development
- Urban design and conservation issues
- Residential amenity and quality
- Highway issues
- Flood risk and drainage issues
- Ecological considerations
- Trees and landscaping
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 10.2 The NPPF is a material consideration in planning decisions. The current situation regarding housing land supply in Kirklees (discussed below) is a material consideration relevant to applications for residential development. Weight can also be attached to the draft policies of the emerging Local Plan.
- 10.3 Outline planning permission for five residential units (in part of the site) was granted at appeal in 2016 under application ref: 2014/92737. That permission remains extant, is therefore a fallback position in the form of an extant permission that can be implemented, and is a material consideration relevant to the consideration of the current application.

- 10.4 The starting point in assessing this planning application is to ascertain whether or not the proposal accords with the relevant provision of the development plan, which in this case comprises the saved policies of the Kirklees UDP (1999). If a proposal does not accord with the development plan, regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.5 The NPPF is a Government-issued statement of national planning policy, and is therefore considered an important material consideration, particularly in cases where there are UDP policies that are out-of-date or inconsistent with the NPPF. Paragraph 215 emphasises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 10.6 The NPPF seeks to boost significantly the supply of housing. Paragraph 47 of the NPPF sets out how local planning authorities should meet the full objectively-assessed needs for market and affordable housing. This requires a range of measures including identifying a deliverable five-year supply of land for housing. Paragraph 49 adds that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.7 As noted in recent appeal decisions, Kirklees is not currently meeting (by a substantial margin) the requirement to identify a five-year supply of housing land. This is important in the context of paragraph 14 of the NPPF which states that, in relation to decision-taking, the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (when assessed against NPPF policies taken as a whole), or ii) specific policies in the NPPF indicate development should be restricted.
- 10.8 As the council is unable to demonstrate a five-year housing land supply as required by paragraph 49 of the NPPF, relevant UDP policies relating to housing are considered to be out-of-date. The housing land supply shortfall is not marginal – it falls below three years and is therefore considered substantial. Whilst the council has prepared a Local Plan that, for housing purposes, is predicated on the basis of a five-year housing land supply, it is currently undergoing examination, and has not been adopted. Therefore, it remains the case that the council is unable to identify a five-year supply of specific deliverable housing sites against the relevant NPPF requirement.
- 10.9 The borough's housing supply record of recent years is also a relevant consideration. This is set out in the council's Housing Supply Topic Paper (2017), where Kirklees's persistent under-delivery is detailed.

10.10 Given this situation regarding housing land supply, with regard to this application and the presumption in favour of sustainable development, the NPPF states that planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.

10.11 The site was designated as Provisional Open Land (POL) in the UDP in 1999, and this designation was retained (saved) by the Secretary of State for Communities and Local Government in 2007. Policy D5 of the UDP states:

On sites designated as Provisional Open Land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term.

10.12 With regard to the designation of the site as POL, UDP policy D5 is not considered to be a policy for the supply of housing (with reference to NPPF paragraph 49), and is considered to be up-to-date. The proposed development does not comply with UDP policy D5 as it does not comprise development required in connection with established uses, or the alternative open land uses or temporary uses referred to in the policy. The proposed development constitutes a departure from the development plan.

10.13 As noted above, the emerging Local Plan is a material consideration. It sets out a housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. If the emerging Local Plan was to be adopted in its current form, the council would be able to demonstrate a five-year housing land supply. The site is allocated for housing in the emerging Local Plan (site reference: H130). Given that the examination in public of the Local Plan is underway, consideration needs to be given to the weight to be afforded to draft policies, and in particular draft site allocation H130.

10.14 Paragraph 216 of the NPPF sets out what weight can be given to policies in emerging plans, according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

10.15 The above is further supplemented by paragraph 014 (reference ID: 21b-014-20140306) of the Government's Planning Practice Guidance, which states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. Paragraph 014 adds that such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and
(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

- 10.16 Given the scale of the development proposed (when assessed against the wider context of the emerging Local Plan), it is considered that the application could not be deemed to be premature as the proposed development, by virtue of its relatively small scale and limited strategic importance (in terms of housing delivery), is not considered to be central to the delivery of the Local Plan. With regard to the current stage of preparation of Local Plan, it is noted that an advanced stage has been reached, which would suggest considerable weight can be afforded to its policies. However, it is also noted that there is an unresolved objection to site allocation H130, which reduces the weight than can be afforded to it. Given these considerations, it is considered that limited weight can be afforded to the draft site allocation in this case.
- 10.17 In conclusion regarding the principle of development, given the pressing need for housing, the current situation regarding housing land supply in Kirklees, the relevant paragraphs of the NPPF detailed above, the draft site allocation, and the previous approval of outline planning permission at part of this site, there clearly are material considerations that – together – carry significant weight, and that justify approval of planning permission. With reference to NPPF paragraph 14, the adverse impacts and benefits of the proposed development are assessed throughout this report, and further conclusions on the balance of planning considerations are drawn in its closing paragraphs.
- 10.18 The above conclusion is supported by the fact that the application site is a suitable location for residential development in relation to sustainability, being located at the edge of an existing settlement, relatively close to sustainable transport options and other facilities. The site is not isolated and inaccessible.
- 10.19 Officers' recommendation to accept the principle of development at this greenfield site, however, is not given lightly. If this site is to be released for development, public benefit must be clearly demonstrated, and high quality development will be expected. These matters are addressed later in this report.

Urban design and conservation issues

- 10.20 Relevant design and conservation policies include Chapters 7 and 12 of the NPPF, UDP policies G4 and BE2, and emerging Local Plan policies PLP2, PLP24 and PLP35.
- 10.21 The application site is located at the edge of an existing, well-established settlement. The existing suburban streets of St Mary's Road, St Mary's Rise, St Mary's Way, St Mary's Crescent and St Mary's Avenue were built on the site and grounds of the Deanhouse Workhouse / St Mary's Hospital, and along with other developments to the south, added significant urban extensions to the historic cores of Netherthong and Deanhouse on the north side of Dean Brook. A further extension and consolidation to the settlement has been approved at

a site between St Mary's Avenue and the Cricketers Arms PH, where permission for 30 residential units has been granted under applications 2014/91533 and 2016/93365.

- 10.22 The proposed development would again enlarge the settlement with a further 21 residential units, however given that this development would extend no further north than properties on St Mary's Rise, and would be confined along its western edge by Miry Lane, it is considered that although the character of Netherthong and Deanhouse would be changed by the proposed development to a degree, this impact would not be significant or adverse in the context of the urban extensions already built and approved. Development on what is currently a pleasant green field would certainly reduce and push back the green framing that currently exists around the northwest corner of the settlement, however, fields beyond the application site, further to the north and west, would continue to provide green framing around the extended settlement.
- 10.23 Officers understand that the applicant has opted for a serpentine layout and a single vehicular access from Miry Lane (as opposed to vehicular accesses from St Mary's Way and St Mary's Rise, as had been proposed by another applicant under application 2015/90580) as there is third party land (or ransom strips) between the application site and the public highway at both those existing streets to the east. The proposed layout would be suburban in character, however the proposed distribution of buildings across the site would reference common and recognisable patterns of development found in many Pennine settlements. At the north edge of the site (and at what would become the northwest corner of the settlement), dwellings would be larger and generously spaced, while smaller dwellings, built closer together, are proposed at the south end of the site. This would create an appropriate crescendo of density on the approach towards the centre of Netherthong.
- 10.24 Elevationally, the applicant proposes a contemporary take on Pennine vernacular, with pitched roofs, stone walls, slate roofs, mullioned windows in openings with a horizontal emphasis, quoins, kneelers and other relevant features commonly found in the historic core of Netherthong. Integral garages, glazed elements, glass balustrades to first floor balconies, PVC windows and doors, and other features would distinguish the 21 dwellings from the historic buildings of Netherthong, and would in some ways reference the settlement's 20th century buildings. The overall effect would be of a contemporary development that respects and complements historic Netherthong.
- 10.25 With 12 different unit types proposed, there would be sufficient variety in massing, building sizes and elevations across the development, such that it would not appear monotonous, repetitive and regimented.
- 10.26 The proposed 2- and 3-storey elevations, the breakdown of massing proposed for the dwellings, and the regrading and levelling of parts of the site are considered acceptable in the context of the building heights, massing and retaining walls that already exist in the streets to the east of the site.
- 10.27 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act places a duty on the council to pay special attention to the desirability of preserving or enhancing the character and appearance of the nearby conservation areas when determining this application.

- 10.28 No character appraisal has been published for the Netherthong Conservation Area, however at Appendix 1 of the UDP Netherthong and Deanhouse are defined as stone-built Pennine hill villages of mainly 18th and 19th century cottages set in intricate squares and narrow streets, separated by the steep-sided Dean Brook Valley.
- 10.29 The application site has a south-facing slope and is visible from many vantagepoints within the Netherthong Conservation Area, such that development at this site has the potential to affect the conservation area's character. In some views from the conservation area, the proposed development would extend the urban backdrop to the settlement's historic core, however these views already take in existing, less sympathetic development adjacent to the application site, and it is noted that the design and materials of the proposed development would more closely match those of the settlement's historic core. Furthermore, the key features of the conservation area as noted at Appendix 1 of the UDP would not be adversely affected by the proposed development, and the 21 new dwellings would not be visible in many internal views of the most important, attractive and characteristic parts of the settlement's historic core (e.g., along Town Gate and Out Lane).
- 10.30 The conservation area character appraisal for Oldfield defines the village as a small, exposed, isolated rural settlement, notes the striking tight cluster form exhibited by Oldfield and Upper Oldfield, and notes the open, elevated surrounding landscape which add drama to the area.
- 10.31 A significant northwards (uphill) urban extension to Netherthong and Deanhouse could reduce the space between those settlements and Oldfield, and could undermine the characteristic separation and isolation of the historic settlement to the north. It is again noted, however, that the proposed development would extend no further north than properties on St Mary's Rise, and that adequate undeveloped space and green separation would be maintained between the settlements. Furthermore, other positive and defining characteristics of the Oldfield Conservation Area, and views and appreciation of it, would not be adversely affected by the proposed development.
- 10.32 With 21 units proposed in a site of 1.03 hectares, a density of 20 units per hectare would be achieved, significantly below the 35 units per hectare minimum set out in draft policy PLP7, and below the densities of much of Netherthong's historic core. Noting that this minimum is applied "where appropriate", and that the same policy requires densities to be in keeping with the character of the area (which includes the relatively low-density 20th century extensions to Netherthong and Deanhouse), the proposed quantum of development and its density is considered acceptable given the constraints and characteristics of the site and its surroundings.
- 10.33 In terms of boundary treatments, the applicant proposes a mix of dry stone walls, 2.1m high timber fencing, and soft landscaping screening. Full details of boundary treatments would be need to be submitted in accordance with recommended conditions, and would be assessed with regard to aesthetic impacts and the need to provide appropriate settings to, and natural surveillance of, the development's new footpaths. Alternatives to the proposed 2.1m high timber fencing are likely to be required for aesthetic and other reasons.

- 10.34 The applicant's landscaping proposals are considered acceptable, subject to the ecological considerations discussed later in this report. Buffer planting in appropriate locations and native species are proposed, and a condition requiring further details of these aspects of the proposed development, and their implementation and maintenance, is recommended.
- 10.35 To address the requirements of policy H18 of the UDP regarding Public Open Space (POS), the applicant has proposed a 630sqm "wildlife and woodland walk" as on-site POS. This proposal triggered an objection from the council's Landscape Architect Manager regarding the adequacy and usability of the proposed POS. However, during the life of the application, the applicant submitted drawing 1023/90-10, indicating that a natural play area, equipped with seating and play logs, would be provided within this space. A path between the vehicular and pedestrian entrances to the site would be provided, giving pedestrians a landscaped north-south route that avoids part of Miry Lane. Although these details have not addressed all the concerns of the council's Landscape Architect Manager (the provision of playspace beneath trees can be problematic and can bring issues relating to sap, algae growth, leaf litter and debris, and timber becoming slippery), concerns relating to the maintenance of the playspace can be addressed through details and commitments secured via a Section 106 agreement. The council would not take responsibility for the maintenance and management of the proposed POS.
- 10.36 The proposed POS would abut the gardens of units 09 and 21. Subject to details of boundary treatments and planting around the POS (holly would be appropriate here) the provision of POS and playspace in this location is not considered inherently problematic in terms of crime and anti-social behaviour. The space would not be especially vulnerable to anti-social behaviour, and it would be partly overlooked by unit 14.

Residential amenity and quality

- 10.37 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties.
- 10.38 In relation to overlooking and privacy, it is noted that 8 Miry Lane has a northeast-facing ground floor living room window and a first floor bedroom window. Proposed units 05, 06 and 07 would have south-facing habitable room windows facing the rear elevation of 8 Miry Lane. A distance of approximately 16m would be maintained between the ground floor rear windows of 8 Miry Lane and unit 05, however due to topography, the retention of the dry stone wall (that currently stands over 2m high) along the application site's southern boundary, and the proposed planting along this boundary, the proposed ground floor windows of unit 05 would not unacceptably overlook 8 Miry Lane. The proposed first floor windows of unit 05 would also be approximately 16m away from the ground floor windows of 8 Miry Lane, and are likely to overlook the ground floor windows of 8 Miry Lane in breach of UDP policy BE12 which requires window-to-window distances in this instance of 21m. The impact of this overlooking could potentially be exacerbated by topography, given that it is more disconcerting to be overlooked from an elevated vantagepoint. It is noted, however, that 8 Miry Lane and unit 05 would be set at an oblique angle to each other, and that planting is proposed along the application site's southern boundary, which would help to limit the impacts of the overlooking. At first floor level, the windows of 8 Miry Lane and unit 04 would be set

approximately 20m apart, which would also be in breach of the minimum distance set out under UDP policy BE12, however it is again noted that 8 Miry Lane and unit 05 would be set at an oblique angle to each other.

- 10.39 Further southeast along Miry Lane, distances between existing and proposed habitable room windows would be greater, and this policy-compliant spacing, together with the angles at which elevations would be set and the proposed boundary planting, would limit overlooking to an acceptable level.
- 10.40 Along the application site's east boundary, the applicant proposes to position units 07, 08, 13, 17 and 18 such that new habitable windows would not directly face those of 7 and 8 St Mary's Way and 7 and 38 St Mary's Rise. The existing dwelling at 7 St Mary's Way has large windows serving a kitchen/dining area that face west and are positioned close to the application site boundary. The southeast corner of unit 07 would stand approximately 14m away from these windows, however the elevations would be offset in relation to each other, and the nearest corner of unit 07 would feature the dwelling's main entrance, rather than habitable room windows. Planting is also proposed along the application site's east boundary. From the kitchen/dining area windows of 7 St Mary's Way, residents would mainly look out onto the garden of unit 07.
- 10.41 The proposed development would result in additional overlooking of neighbouring residential gardens, however the relationships between the proposed habitable room windows and existing private outdoor amenity spaces would not be unusual, and it is not recommended that planning permission be withheld for this reason.
- 10.42 Finally with regard to privacy and overlooking, it is noted that the positioning and other aspects of the proposed development are similar to those of the five-unit scheme approved at appeal in 2016, which remains a fallback that can still be implemented.
- 10.43 Impacts upon the outlook currently enjoyed by neighbouring residents are considered acceptable. The heights and positioning of the proposed dwellings (in relation to the site's boundaries and to the habitable room windows and outdoor amenity spaces of neighbouring properties) would certainly affect existing outlook, but not to an unacceptable degree.
- 10.44 The proposed dwellings would be positioned far enough away from neighbouring properties to not adversely affect the natural light currently enjoyed by existing residents.
- 10.45 Private views of a particular landmark or feature of interest, and long views over land not in the ownership of the viewer, are not protected under planning.
- 10.46 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the quantum of development proposed, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.

- 10.47 A condition is recommended requiring the submission and approval of a Construction Management Plan. This would need to sufficiently address the concerns of neighbouring residents in relation to the amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time.
- 10.48 The quality of the proposed residential accommodation must also be considered.
- 10.49 Sizes of the proposed residential units, and the habitable rooms within them, are considered adequate.
- 10.50 All units would benefit from dual aspect, and would have adequate outlook. Habitable rooms would receive adequate natural light. Although the overlooking identified earlier in this report would in some case be reciprocal, for the same reasons as set out above, this is not considered to be a reason for refusal of planning permission or further amendment.
- 10.51 House type 7 (unit 21) would have a bedroom and bathroom at ground floor level, providing flexible accommodation and ensuring that a household member with certain disabilities could live in this dwelling. Several house types would have WCs at ground level, providing convenience for visitors with certain disabilities.
- 10.52 Adequate outdoor private amenity space would be provided for most dwellings, bearing in mind the size of the units and garden sizes typically found in the area. The amenity space proposed for units 07 and 08 is small, however given that on-site Public Open Space is proposed relatively close to these units, it is recommended that this provision be accepted.

Highway issues

- 10.53 The applicant proposes to provide access for pedestrians, cyclists and vehicles from a new point of access at the southwest corner of the site on Miry Lane. This is considered acceptable. An adequate visibility splay (of 2.4m by 38.8m/36.3m) and adequate sight lines are proposed at Miry Lane. Of note, in the appeal decision dated 01/06/2016 the Inspector erred in asserting that a 57m long visibility splay was required at this access point.
- 10.54 Following the submission of amended plans during the life of the application, the council's Highways Development Management officers have raised and reiterated concerns regarding the detailed design of the proposed development's new road. Discussions with officers are ongoing, and further information will be reported to the Sub-Committee in an update or verbally.
- 10.55 Adequate off-street parking would be provided for the 21 residential units, in a mix of integral garages and outdoor spaces.
- 10.56 Beyond the application site, although existing residents' comments regarding local congestion and highways safety are noted, it is not considered that the additional vehicle movements generated by the proposed development would adversely affect the local highway network in Netherthong. Officers and the applicant have also considered the cumulative impacts of the proposed development and the development at the site between St Mary's Avenue and

the Cricketers Arms PH, and have similarly concluded that, although vehicle movements at the St Mary's Road / Miry Lane junction would certainly increase, there would not be a significant and adverse effect to the extent that planning permission should be withheld.

- 10.57 Further afield, however, it is noted that routes between Netherthong and Huddersfield are congested (particularly in rush hour), and that in relation to other recent planning applications, Members have expressed concern regarding the volumes of traffic moving along the Holme Valley to and from Huddersfield, and the impacts that additional residential development may have on the existing situation.
- 10.58 Residents of the proposed development (moving to or from Huddersfield) would not travel via the A616 / A635 junction at New Mill, where the council has sought contributions towards a junction improvement scheme using Section 106 funding. New residents are, however, likely to make use of the following road junctions (among others) when moving between the site and Huddersfield:
- A616 / A6024 Honley 'triangle'
 - A6024 / Thong Lane / Miry Lane, Thongsbridge
 - A6024 / New Road, Holmfirth
 - A6024 / Hagg Wood Road / Smithy Place Lane
- 10.59 No capacity improvement proposals, intended to improve the free flow of traffic in the Holme Valley, have been drawn up by the council for these junctions, nor has a study of the need for (and feasibility of) improvements in these locations been carried out. Officers have therefore asked the applicant to provide an assessment of the impacts of the proposed development on traffic flows through these junctions, and the applicant's findings will be reported to the Sub-Committee in an update or verbally.
- 10.60 A claimed public right of way (HOL/dmno app200/10) runs east-west across the site between St Mary's Rise and Miry Lane. Although the applicant does not accept that a public right of way exists here, footpaths are proposed connecting the northernmost section of the development's new road with Miry Lane and St Mary's Rise, providing an east-west connection for pedestrians, albeit not precisely along the route of the claimed public right of way. This has been included in the applicant's proposals to accommodate an east-west through-route in the event that the public right of way is confirmed.
- 10.61 A through-route in this location would be of public benefit, as it would improve neighbourhood permeability and would enable pedestrians to avoid part of Miry Lane which lacks pavements. The through-route would also be compliant with UDP policies T16 (which requires new development to make provision for convenient pedestrian routes) and R13 (which promotes the development of new links in the public right of way network).
- 10.62 Overlooking of the through-route, and good visibility along it, would be required. Details of the footpath, and of low boundary treatments and planting either side of it, would need to be submitted at conditions stage. Amendments to the footpath, possibly including some straightening out (or chamfering) of the two turns at its east end, may be necessary.

- 10.63 As the proposed through-route would not precisely follow the route of the claimed public right of way, the applicant is aware that a Section 257 application would be required to divert the public right of way, should it be confirmed.

Drainage issues

- 10.64 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment and Outline Drainage Strategy was submitted by the applicant. Due to site topography, the applicant does not propose to dispose of surface water through the use of soakaways and infiltration, and this is accepted given the risk of water re-emerging further down the hillside and possibly affecting existing residential properties. The applicant proposes an adopted piped surface water drainage system connected to the culverted watercourse below Miry Lane, or the existing surface water system in St Mary's Road. The proposed development's impermeable areas would total approximately 4,657sqm (approximately 40% of the site), and in order to achieve a greenfield surface water run-off rate of 5 litres per second per hectare, a flow control system including 279 cubic metres of attenuation (water storage) is proposed. This attenuation would take the form of tanks installed beneath the proposed development's new road, with new pipework running from these to meet the culverted watercourse or the existing surface water system in St Mary's Road.
- 10.65 The Lead Local Flood Authority (LLFA) has agreed that the principles of the proposed drainage scheme are acceptable, but have requested further information, assurances, and calculations. Further information and comments of the LLFA will be reported to the Sub-Committee in an update or verbally.
- 10.66 Conditions relating to the permeability of hard surfaces, and to the connection of gutter down pipes to rainwater harvesting units and water butts (with overflow into rainwater gardens or ponds), are recommended in accordance with officer advice.

Ecological considerations

- 10.67 The application site is within the proposed Green Infrastructure Network (Holme Valley Corridor), and a Biodiversity Opportunity Zone (Valley Slopes). Land to the west is within a proposed Wildlife Habitat Network, and further to the west is the Holmroyd Wood ancient woodland and Local Wildlife Site. The site is within an SSSI Impact Risk Zone, however the council's Biodiversity Officer has confirmed that consultation with Natural England is not necessary in this case.
- 10.68 Several neighbouring residents have raised concerns regarding the impact of the proposed development on wildlife, including birds and bats.
- 10.69 The applicant has submitted a Preliminary Ecological Appraisal (PEA) which states that much of the site (the grass field) is unlikely to be of significant value to ground nesting birds, however there may be foraging activity in some areas. The PEA states that the young sycamore proposed to be removed is of negligible value for roosting bats, but that other trees along the site's western boundary have moderate value for roosting bats. The high ecological value of the site's western boundary (for commuting and foraging bats, as a hedgerow and as a connective habitat) is noted in the PEA. Bat activity studies have not been carried out in support of the application.

- 10.70 Generally, a PEA would not normally be adequate to support a planning application where further surveys or mitigation is required, or where the proposed development would result in significant ecological impacts. Officers are, however, of the view that it would be possible to develop the site for housing while providing a biodiversity net gain and so complying with relevant policies (including policy PLP30 of the emerging Local Plan and chapter 11 of the NPPF). The enhancements proposed by the applicant are noted – the proposed soft landscaping buffers (if planted with native species) and hedgerow planting in particular are welcomed. Other enhancements can and should be provided, and a condition is recommended, requiring the submission and approval of an Ecological Design Strategy (EDS). The enhancements included in the EDS should include the installation of bird and bat boxes.
- 10.71 The lack of bat activity surveys (carried out at an optimal time of year) has not triggered an objection from the council's Biodiversity Officer, and it is noted that the site's existing features of most relevance to bats (the site's hedgerow and veteran trees) are protected and would be retained. A further condition, requiring a lighting design strategy designed to avoid disturbance of bats, is recommended. The applicant's PEA recognises that a planted buffer zone and low-level lighting should be implemented to reduce impacts on commuting and foraging species.
- 10.72 During the life of the application, the applicant submitted an Ecological Impact Assessment (dated March 2018), which is essentially a revised version of the earlier PEA. The newer document, in an expanded section 9, adds commitments in relation to mitigation and compensation (including an agreement to submit an EDS) in accordance with the comments of the council's Biodiversity Officer, and is welcomed.

Trees

- 10.73 Tree Preservation Order (TPO) 12/75/a7 protects several oak, hawthorn, holly and ash trees along the site's western edge on Miry Lane.
- 10.74 As set out in the applicant's tree survey, a sycamore tree (T11) close to the application site's southwest corner would be felled to enable vehicular access to be provided off Miry Lane. This tree has been classed by the applicant at a category C2 tree (i.e., a tree of low quality). Shrubs close to tree T11 would also be removed. This amount of removal is similar to that approved at appeal under application 2014/92737, where the above-mentioned sycamore, an elder and part of a holly hedge were to be removed.
- 10.75 Several neighbouring residents have objected to the proposed development on tree grounds.
- 10.76 Insufficient tree information was provided with the applicant's initial submission, however further information (including an arboricultural method statement) was submitted during the life of the application, and amendments were made to bring development away from the protected trees along the site's western boundary.

10.77 Subject to the further comments of the council's Tree Officer (to be reported to the Sub-Committee in an update or verbally), the proposed development is considered compliant with UDP policy NE9 and policy PLP33 of the emerging Local Plan.

Representations

10.78 To date, representations have been received from 58 occupants of 48 properties. Below are the issues which have been raised which have not been addressed earlier in this report, and the case officer's response.

- Increase in number of units from five to 21 – The quantum of development now proposed is considered acceptable. Subject to conditions, the impacts of the proposed 21-unit scheme would not be so great or adverse as to warrant refusal of planning permission. The council as Local Planning Authority must base its decision on the acceptability of the current proposal, rather than a comparison of the five- and 21-unit schemes and their respective merits and shortcomings.
- Impacts upon local services – While health impacts are a material consideration, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.
- Infrastructure impacts – No evidence has been submitted in relation to the potential impacts of the proposed development upon local broadband and electricity supplies. Adequate provision of these services is the responsibility of the relevant providers, and the concerns expressed by residents are not considered to be reasons for refusal in this case.
- Need – One resident has noted the number of dwellings currently on sale in Netherthong, and has suggested this indicates that more homes are not needed. The council, however, has evidence of housing need in Kirklees, Netherthong remains a desirable place to live, and market churn is not an indicator of a lack of demand or need.
- Potential damage to an adjacent wall – This is a civil matter to be resolved between the interested parties.

Planning obligations

10.79 Page 18 of the applicant's Planning Statement states that a draft Section 106 agreement has been submitted with the application "to deal with matters of affordable housing, Public Open Space, and education contributions", however no such draft agreement has in fact been submitted to date.

- 10.80 To accord with policy H10 of the UDP, emerging Local Plan policy PLP11 and the Kirklees Interim Affordable Housing Policy, four of the 21 residential units would need to be provided as affordable housing (two for Affordable Rent, two Intermediate). Paragraph 2.2.3 of the applicant's Design and Access Statement states that "it is proposed that requirements of [UDP policy H10] and the LPA published Interim Affordable Housing Policy... can be met on this site". It is therefore recommended that provision be made in a Section 106 agreement for the securing of two Affordable Rent and two Intermediate housing units. The applicant has requested that the council be flexible in relation to the tenure(s) of the affordable housing, to allow for the possibility of four Starter Homes to be provided instead of the two Affordable Rent and two Intermediate units. As the council's Interim Affordable Housing Policy allows for Starter Homes to be taken into account in affordable housing negotiations, it is recommended that some flexibility can be applied regarding tenure, with negotiations on these matters delegated to officers. The applicant would, however, need to provide convincing evidence regarding local incomes, need, and the pricing of the units before any alternative tenure mix (to the two Affordable Rent and two Intermediate units mentioned above) could be accepted.
- 10.81 Under policy H18 of the UDP sites of 0.4ha require Public Open Space (POS) to be provided on-site. The application site is 1.03ha in size, and as noted earlier in this report the applicant has proposed a 630sqm "wildlife and woodland walk" as on-site POS. It is accepted that adequate on-site POS would be provided, and that no contribution towards off-site POS would be necessary.
- 10.82 Given the number of units indicatively proposed, no contribution towards education would be triggered.

Other planning matters

- 10.83 With regard to ground contamination, appropriate conditions have been recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.
- 10.84 The proposed development would involve the removal of a tree (although new trees would be planted) and an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, draft policies PLP21, PLP24 and PLP51 of the emerging Local Plan, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance.
- 10.85 The site is within a Coal Authority advice area, and a relevant informative would be included in any decision letter, should planning permission be granted.
- 10.86 A condition removing permitted development rights from the new dwellinghouses is recommended, to ensure that changes to boundary treatments, and extensions and alterations (which may adversely affect neighbour and visual amenity) cannot be carried out without the need for planning permission.

11.0 CONCLUSION

- 11.1 The application site is allocated as Provisional Open Land in the UDP (saved policies), but is allocated for housing in the emerging Local Plan. Residential development of the site would be contrary to UDP policy D5, however having regard to a range of considerations (including the pressing need for housing, the current situation regarding housing land supply in Kirklees, the draft site allocation, and the previous approval (at appeal) of residential development at part of this site), it is considered that the principle of residential development at this site can be accepted.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 14 of the NPPF) 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. Three years to commence development.
2. Approved plans and documents.
3. Details and samples of materials.
4. Car and cycle parking to be provided prior to occupation.
5. Landscaping details (incorporating Ecological Design Strategy, ecological management plan and works around/to footpaths) to be provided and implemented. Planting to be replaced if any trees or shrubs fail within five years.
6. Tree planting.
7. Boundary treatments, retaining walls and gabions.
8. Lighting strategy.
9. Crime prevention (including details of windows overlooking footpaths).
10. Removal of permitted development rights.
11. Site contamination.
12. Construction method statement.
13. Structures adjacent to highways.
14. Sight lines.
15. Provision of refuse collection arrangements prior to occupation.
16. Electric/hybrid vehicle charging points.
17. Surfacing and drainage of parking areas.
18. Construction Management Plan.
19. Flood risk / drainage.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90192>

Certificate of Ownership – Certificate A signed

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 29-Mar-2018

Subject: Planning Application 2017/93459 Erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height) Land south of, Swallow Lane, Golcar, Huddersfield, HD7 4NB

APPLICANT

Jones Homes (Yorkshire)
Ltd

DATE VALID

09-Oct-2017

TARGET DATE

08-Jan-2018

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

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:

1. The provision of affordable housing on-site (to be confirmed following conclusion of the viability appraisal)
2. MetroCard contribution (to be confirmed following conclusion of the viability appraisal)
3. The provision and management of Public Open Space (POS) and natural play facility on-site
4. Management/maintenance of the proposed cricket fencing

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 The application is presented to Huddersfield Sub-Committee as it involves a departure from the Kirklees Unitary Development Plan (Policy D5); a development proposal for a scheme of less than 61 residential units on Provisional Open Land.
- 1.2 The applicant has submitted a viability assessment with the application. This is being assessed by the Council's independent viability assessor. At the time of writing this report, no affordable housing is provided as part of the development. The viability process has not yet been concluded. An update on this matter will be provide in advance of the committee meeting and a confidential paper will be circulated to committee members if necessary.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a circa 0.8km parcel of greenfield land located to the south of Swallow Lane, Golcar. The proposal is located on a site allocated as Provisional Open Land in the Kirklees Unitary Development Plan.
- 2.2 The site is located within close proximity of the local services of Golcar's local centre, which is around 300m to the west of the application site. Huddersfield town centre is around 5km to the north.
- 2.3 Land levels fall from the west to the east of the site. Beyond the eastern boundary of the site lies a cricket pitch which is set at a lower level. There is residential development to the north and the rear elevations of existing dwellings of Swallow Lane back onto the site. To the east of the site there are dwellings positioned to the north of the cricket pitch. Immediately to the west is an area of undeveloped land which forms part of the wider POL allocation. Beyond the southern boundary of the site lies an area of undeveloped land which is used for grazing and designated as Green Belt.
- 2.4 Within the vicinity of the application site, there are a variety of property styles, with terraced, semi-detached and detached dwellings being in situ. There is also a variety of materials within the locality with a combination of natural and artificial stone, render and red-brick all being visible from the application site.
- 2.5 Boundary treatment along the southern, eastern and western boundaries takes the form of dry stone walling. There is limited trees cover within and surrounding the site; there are no protected trees or any that are considered to possess notable arboricultural merit.

3.0 PROPOSAL:

- 3.1 The application is submitted in full and proposes the erection of 19 dwellings, the formation of the associated access and the erection of 12m high protective post and mesh cricket fencing. One point of access is proposed on vacant land between nos. 61 and 59b, Swallow Lane. It would comprise a simple T-junction action serving the proposed dwellings. On-site and off-site highway improvements are proposed which comprise of the creation of new sections of footway along the southern side of Swallow Lane adjacent the proposed access in both easterly and westerly directions. The section of footway to the east would gradually tether back to the carriageway edge. To the west, the proposed build-out would tie in with the proposed white lines.
- 3.2 The proposed development involves the erection of 19no. two storey dwellings comprising of 3 and 4 bedrooms. The split is detailed below:
- 3 bedrooms: 4 dwellings (21%)
 - 4 bedrooms: 15 dwellings (79%)

At this stage, the applicant has submitted a viability appraisal in an attempt to demonstrate that the scheme cannot provide affordable housing. This is currently being assessed.

- 3.3 The dwellings would be positioned around an area of centrally placed public open space. A cul-de-sac layout is proposed, providing pedestrian and vehicular access to the proposed dwellings with two shared surfaces being provided within the site. 6no. visitor parking spaces are also shown within the site. Each dwelling would benefit from private parking either on a driveway or within an integral, detached or attached garage.
- 3.4 A detailed soft landscaping scheme has been submitted and comprises a mixture of low level shrub planting, native hedging and trees throughout the site, in both the POS, at the site entrance and in the private amenity spaces of the dwellings as shown on the submitted plan. A small area of natural play is proposed within the POS. Proposals are to retain the dry stone walling to the east and the south of the site.
- 3.5 A 12m high post and mesh protective cricket fence would be erected along the eastern boundary of the site where it adjoins the adjacent cricket ground. The 12m high posts would be green coloured metal. A sheer mesh would be hung between these posts. The exact proposed location of the fencing is shown on the submitted layout plan.
- 3.6 The provision and maintenance of the POS together with the maintenance of the cricket fencing will be secured through associated legal agreements. The provision of the proposed off-site highways improvement works and the cricket fencing will be secured through planning conditions.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 None on the site.

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

- 5.1 The application has undergone extensive pre-application discussion and community consultation has also been undertaken. As set out in the Statement of Community Involvement that the applicant has submitted alongside this application, the proposed development has undergone a series of amendments in response to feedback received from local residents prior to the submission of the application. Alterations include changes to the housing mix, amendments to the design of the site access, re-positioning of plots to improve relationships with existing properties, highway improvements and alterations to the design of the proposed dwellings.
- 5.2 Amendments have also been sought during the course of the application. The scheme has been amended as follows:
- Minor changes to the layout, house types and elevations in response to residential amenity, visual amenity and flood-routing issues;
 - Further supporting information in relation to drainage and flood-routing
 - A Ball-strike Risk Assessment in order to inform necessary mitigation measures for protecting the proposed dwellings against ball-strike from the adjacent cricket ground;
 - Location, details and elevations of protective cricket fencing as required as per the above report;

- The submission of a Soft Landscaping Plan and amendments to this in order to provide further tree planting throughout the site and in the interest of softening the visual impact of the site the rural boundary;
- Alterations to layout plan in order to extend the off-site highways improvement works
- Alterations to the provision of visitor spaces within the site
- On-going negotiations in relation to affordable housing provision

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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant 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 allocated as Provisional Open Land (POL) on the Unitary Development Plan Proposals Map and is allocated for housing on the Publication Draft Local Plan (PDLP). The allocation reference is H549; the application site form part of the wider allocation for which the indicative capacity for residential development is 49 dwellings.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D5 - Provisional Open Land
 H1 - Housing Need
 H10/12 - Affordable Housing
 H18 - Provision of Open Space
 BE1/2 - Design and the Built Environment
 BE11 - Building Materials
 BE12 - New dwellings providing privacy and open space
 BE23 - Crime Prevention Measures
 EP10 - Energy Efficiency
 EP11 - Landscaping
 T1 - Sustainable Transport Strategy
 T10 - Highways Safety / Environmental Problems
 T16 - Pedestrian Routes
 T19 - Off Street Parking

Supplementary Planning Guidance / Documents:

PLP1 – Presumption in favour of sustainable development
PLP3 – Location of New Development
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing Mix and Affordable Housing
PLP20 – Sustainable Travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP32 – Landscape
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP61 – Urban Green Space
PLP62 – Local Green Space
PLP63 – New Open Space

Supplementary Planning Guidance/Documents

Interim Affordable Housing Strategy

National Guidance

‘Achieving Sustainable Development’
‘Core Planning Principles’
Chapter 4 – Promoting sustainable transport
Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring good design
Chapter 8 – Promoting healthy communities
Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
Chapter 11 – Conserving and enhancing the natural environment
Chapter 12 – Conserving and enhancing the historic environment
‘Decision taking’

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised in the press, by site notice and by neighbour notification letter as a Major Development and a Departure from the Development Plan. Amended plans have also been re-advertised which comprise the erection of the cricket fencing. A total of 27 representations from 20 individuals have been received which are summarised below.

- Highway safety
 - People not abiding to the speed limit
 - Concerns about the footway and people crossing the road
 - Large volumes of traffic on Swallow Lane
 - Larger vehicles struggle due to congestion

- Existing lack of pavements in the area which aren't good for wheelchair or pram users
- Roads have been impacted by other developments over the years
- Concerns with reduction in width
- Concerns regarding the timing of the traffic survey
- The proposed junction is close to existing accesses on Swallow Lane
- Cars park on the roadside
- Concerns with the right-turn movement into the site
- Concerns with visibility
- Loss of parking for no. 61, Swallow Lane who parks where the proposed access point is
- People park in the location of the proposed white lines
- Golcar is losing a medical practice – the application will place additional pressure on local services, schools and infrastructure
- Loss of grassland when brownfield sites could be developed
- In conflict with POL allocation
- Impact on heritage and the nearby Conservation Area
- Design of dwellings is not in keeping
- Biodiversity
- Close to the cricket pitch and no mitigation in the original scheme to protect against ball-strike
- Drainage concerns
- Request for Sport England to be consultation on the application
- Cricket Club has an easement or quasi-easement in respect of the use of the land especially for balls landing on the site and for retrieving the ball
- Loss of public recreational space
- Poor outlook for the dwellings
- Overshadowing the cricket pitch
- Loss of light to existing property
- Loss of privacy
- Devaluing existing property
- Loss of view from existing property
- Proximity of Plot 1 to the dividing wall
- Concerns regarding structural integrity of the eastern boundary wall
- Pleased that no traffic lights are proposed to control the proposed junction
- Concerns about the publicity process
- Noise and disturbance from the proposed development and the impact on tranquillity
- Concerns about the proposed materials – the dwellings should be constructed from natural stone
- Concerns regarding the content on the developer's pre-application notification leaflets
- Application wouldn't meet the needs of the community as no affordable housing in proposed
- Concern that the fencing will collect litter
- Concern that the fencing to impact on biodiversity
- Work has commenced digging holes in the highway
- Health and safety implications of cricket fencing
- The Ball-Strike Risk Assessment recommends 15m mitigation, not 12m
- Concerns regarding the on-going maintenance of this
- Impact on the character of the village and that the proposed development would result in Golcar merging with Bolster Moor

- 7.2 One objector to the scheme is the Secretary of the Golcar Cricket Club who is objecting on behalf of the club. They raise a number of issues which are contained within the summary above. Notwithstanding the provision of the protective cricket fencing, the Club wish to maintain their objection and would like to but on record that they consider that the proposed fencing will not make the relationship with new residents any easier. Concerns state that there has been no specification details of the fencing submitted in terms of materials as well as access arrangements into the site in order to allow for retrieval of cricket balls. General concerns in terms of cricket and the development would work together.
- 7.3 Ward Councillor Hillary Richards has put forward an objection to the scheme on the basis that no affordable housing is currently being provided. Discussions are currently on-going on this matter.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways: no objection subject to conditions

K.C. Lead Local Flood Authority: no objection subject to conditions

Sport England: no objection based on the provision of the proposed mitigation (cricket fencing)

Yorkshire Water: no objection

8.2 Non-statutory:

K.C. Strategic Housing: 3no. affordable units required

Police Architectural Liaison Officer: no objection in principle

K.C. Biodiversity: no objection subject to condition

K.C. Environmental Health: no objection subject to conditions

K.C. Landscape: no objection to amended plans

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 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is one such material consideration. The starting point in assessing any planning application is therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.2 The NPPF is a Government statement of policy and is therefore, considered an important material consideration especially in the event that there are policies in the UDP which are out-of-date or inconsistent with the NPPF. Paragraph 215 of the NPPF reinforces that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 10.3 It is clear that the NPPF seeks to *“boost significantly the supply of housing...”* (para 47). Para 47 then goes on to describe how local authorities should meet the full objectively assessed need for market and affordable housing. This requires a range of measures including ensuring a deliverable five year supply of housing. Para 49 states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.
- 10.4 As evidenced in recent appeal decisions (eg. APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton), the Council are failing their requirement to ensure a five year housing land supply by a substantial margin. This is important in the context of paragraph 14 of the NPPF.
- 10.5 Para 14 of the NPPF states that for decision-taking, the presumption in favour of sustainable development means:
- Approving development proposals that accord with the development plan without delay, and
 - Where the development plan is silent, or relevant policies are out-of-date, granting planning permission unless:
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or
Specific policies in the Framework indicate development should be restricted.

- 10.6 As the Council are unable to demonstrate a 5 year housing land supply as required by para 49 of the NPPF, relevant policies relating to housing are considered to be out-of-date. Indeed, the housing land supply shortfall is substantial. Whilst the Council have submitted the Publication Draft Local Plan (PDLP) for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the Local Plan has not been adopted. Therefore, it is currently the case that the Council are unable to identify a five year supply of specific deliverable housing sites against the requirement.
- 10.7 Based on the above, there is a presumption in favour of sustainable development and planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.
- 10.8 The site is allocated as Provisional Open Land (POL) on the UDP. Therefore, policy D5 is applicable in this case:
- On sites designated as provisional open land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the long term.*
- 10.9 It is considered that policy D5 is not a policy for the supply of housing in respect of the way in which it relates to paragraph 49 of the NPPF. Therefore, policy D5 is considered to be up to date and given full weight.
- 10.10 The proposed development clearly conflicts with policy D5 of the UDP partly due to the fact the scheme of housing development fails to maintain the character of the land as it stands and fails to retain the open character. The proposed development constitutes a departure from the development plan.

Emerging Local Plan

- 10.11 With respect to the emerging Local Plan, the Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25th April 2017 for examination in public. The site forms part of a wider housing allocation (H549) within the PDLP. Given that the PDLP has now been submitted consideration needs to be given to the weight afforded to the site's allocation in the PDLP.
- 10.12 The NPPF provides guidance in relation to the weight afforded to emerging local plans. Paragraph 216 states the following:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

10.13 Further to this, guidance in the Planning Practice Guidance (PPG) states that “arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

b. the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

10.14 Given the scale of the development proposed when assessed against the wider context of the PDLP, the application could not be deemed to be premature as the proposed development, by virtue of its relatively small scale and strategic importance, is not considered central to the delivery of the Local Plan. Whilst officers do consider that the application is not premature in terms of the emerging Local Plan, it has been confirmed that given the advanced stage at which the Local Plan has progressed considerable weight should be afforded to the policies within the emerging Local Plan. However, it is also noted that the proposed housing allocation (H549) has unresolved objection and this is considered to reduce the weight afforded to the housing allocation in the emerging Local Plan.

10.15 The PDLP sets a housing requirement of 31,140 homes from 2013 – 31 to meet identified needs. This equates to 1730 homes per annum. The Council’s current supply position is detailed in the Housing Topics Paper (2017) and this also includes the number of dwellings built since the emerging Local Plan base date – 1st April 2013. There has been persistent under-delivery as demonstrated in the table below:

Year	Net annual housing completions	Local Plan requirement	Completions compared to Local Plan requirement
2013/14	1,036	1,730	-694
2014/15	666	1,730	-1064
2015/16	1,142	1,730	-588
Total	2,844	5,190	-2,346

10.16 The PDLP includes the application site as a housing allocation and is therefore, a site which the Council consider appropriate for housing. It is a site which would contribute towards ongoing housing delivery in light of the five year supply requirement.

- 10.17 If the emerging Local Plan was to be adopted in its current form, the Council would be able to demonstrate a five year housing land supply. However, the PDLP has not been through examination and as it stands the Council is a substantial way off being able to demonstrate a five year housing land supply and housing delivery has persistently fallen short of the emerging Local Plan requirement. This triggers the presumption in favour of sustainable development as set out in para 14 of the NPPF.
- 10.18 It is also noted that, as the site forms part of a wider POL/housing allocation in the existing and emerging plans, provision would need to be made through the layout of the proposed development for a potential future link through to the remainder of the allocated land so as not to stifle the future development of this land. In this instance, it is clear that a potential link through to the adjoining land could be facilitated through the layout proposed. As such, the remainder of the site is not landlocked for the purposes of future development.

Visual Amenity and Urban Design issues

- 10.19 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy BE11 of the UDP requires that new development should be constructed in natural stone of a similar colour and texture to that prevailing in the area. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions.
- 10.20 The application site comprises greenfield land previously used for grazing. It is bounded to the north by the rear elevations of the existing dwellings on Swallow Lane and the access point to the front, to the east is the cricket ground which is set at a lower level and to the south lie undeveloped greenfield land. The land to the west is also undeveloped and forms the rest of the wider allocation as POL in the Unitary Development Plan and housing in the PDLP.
- 10.21 The proposed development would be positioned adjacent to the existing housing on Swallow Lane and would extend back into this greenfield land. It would extend part way along with the boundary with the cricket pitch; the cricket pitch extends further to the south than the application site boundary. Beyond the western boundary of the wider POL/housing allocation lies the residential properties of Heathwood Drive. The development land is bounded by drystone walling to the east, west and south, with adjacent fields to the south having this same feature. The site affords long distance views to the countryside to the far south.
- 10.22 The site would also be visible locally from vantage points such as Ridings Lane to the east of the site, with properties beyond this being located within designated Conservation Area. K.C. Conservation and Design has been consulted on the application and raise no objections, commenting that the proposed development would not impact on the setting of the Conservation Area. Whilst there are listed buildings within Golcar, there is no concern raised in relation to any impact on their setting.

- 10.23 When viewing the site from long range vantage points to the south and south west, the site is not considered to occupy an overly prominent location. The visual impact from the development would be mitigated to some degree by the existing housing stock against which the development would sit. After negotiations with the agent, the dry stone walling to the south and east would be retained which is considered to assist in retaining some of the character of the site boundaries. Alterations to the landscaping scheme have introduced tree planning in the rear gardens of plots that abut the southern boundary of the site which assists in softening the proposed built form.
- 10.24 Internally, the development comprises a mixture of two storey detached and semi-detached properties positioned around a central area of Public Open Space (POS). Each property would benefit from its own private garden space and parking area. Design features comprises a combination of hipped and dual-pitched roof forms, a combination of integral and detached garages and bay windows on some plots. All dwellings would have 2 storeys which is reminiscent of building heights locally. In terms of development density, at 29.2 dwellings per hectare, this fall marginally short of the 35 dwellings per hectare set out in PLP7 of the PDLP. This shortfall is considered acceptable in this instance, given the relatively rural location and a desire to soften the development.
- 10.25 A cul-de-sac approach has been applied to the internal layout in an attempt to replicate the existing form of development that exists off Swallow Lane. A single access point would be provided which would incorporate two block paved shared surfaces. The proposed arrangement is considered to respect the existing pattern off development within the locality.
- 10.26 There are 6no. property types proposed which Officers considered harmonise well with one another. It is noted that there are a variety of properties types that exist within the immediate area and the proposed development is not considered to harm visual amenity or the character of Swallow Lane, when viewed through the proposed access point. Alterations to Plot 2 were sought in order to introduce fenestration to the side elevation in order to add visual interest within the proposed access road, avoiding the creation of a blank gable within the streetscene of the development site.
- 10.27 It is proposed that external materials of construction would be a combination of artificial stone and render for the external walls, with the supporting information stating that some properties would have an area of timber cladding. The roofing materials would be grey slate. Given the mixture of materials of existing house stock within the vicinity of the site, Officers consider that a high quality artificial stone can be considered acceptable on the site. The areas of render and timber cladding area considered acceptable and assist in providing visual interest in the application. Conditions will be imposed requiring details of the materials and a materials schedule to be submitted and approved.
- 10.28 Concern was raised about the use of 1800mm high closely boarded timber fencing along boundaries of the site. Officers considered that this would appear too stark along the boundaries of the site and would cause harm to visual amenity. Following this feedback the amended plans demonstrate the retention of the dry-stone walling along the southern and eastern boundaries of the site however, the high level boundary treatment is still shown behind this which Officers considered unacceptable in terms of visual amenity. As such, a condition will be added requiring a scheme of boundary treatment to be submitted prior to occupation of the dwellings.

- 10.29 In this instance, it is considered prudent to remove permitted development rights extensions and outbuildings within the plots of each dwelling. This will prevent this type of development from occurring that are outside of the control of planning. As such, any potential impact on the character of the adjacent green belt land can be assessed, together with any close overlooking of neighbouring properties.
- 10.30 The protective cricket fencing to the eastern boundary of the site would consist of green coloured metal poles to a height of 12m with screen mesh hung between them. Whilst it is acknowledged that 12m screening is a significant height, this has been recommended in the Ball-Strike Risk Assessment provided during the course of the application as an appropriate mitigation measure to protect the development from ball-strike. This type of equipment is considered typical of what one would expect to find adjacent to a cricket pitch. The metal fencing would be a green colour which is considered the most appropriate for the context and the mesh would have a sheer appearance meaning that it would not be visually intrusive. On balance, the proposed cricket fencing is considered to have an acceptable impact on visual amenity. No objections have been raised by K.C. Conservation and Design.
- 10.31 In summary, the site would be changed from open countryside to an area of housing, inevitably resulting in detriment to openness. As such, the proposed development would conflict with the aims of Policy D5 of the UDP. As detailed above, the application site lies adjacent to part of the existing village and would be visible from close vantage points around the site. The visual impact of the site from a longer range would be reduced as the development would be set against the backdrop of the existing built form. The scheme offers on-site provision of POS, a natural play facility and a comprehensive soft landscaping scheme. Ensuring appropriate high quality artificial stone and acceptable boundary treatment through condition will allow there to be no significant harm that arises from the proposed development and the intrinsic character of the wider area to be retained.

Residential Amenity

- 10.32 Para 123 of the NPPF indicates that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.

Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.

- 10.33 The closest residential properties are the properties of Swallow Lane which are located to the north and east of the of the application site. In relation to the terraced dwellings of Swallow Lane whose rear elevations face towards the site, amendments have been sought during the course of the application in order to ease the relationship between these existing properties and the side elevation of Plot 19, which is the closest dwelling proposed to this properties. Alterations comprise changes to the house type, changing the roof form from dual-pitched to hip in order to reduce some of the massing of the proposed dwelling. Plot 19 has also been shifted a further metre away from these dwellings thus increasing the separation distance between them. The section drawings have been updated to reflect the proposed alterations. The 12m guidance of BE12 is now exceeded, with 13m being provided between the side elevation of Plot 19, which contains no habitable room openings and the habitable room windows in the rear elevations of the closest existing property to the north on Swallow Lane. A condition will be required removing PD rights for the insertion of new openings in this side elevation in order to ensure that amenity is protected. Whilst there would be habitable room openings in the northern elevations of Plots 16 and 17, there is over 21m distance as set out in BE12. Appropriate boundary treatment along the boundaries of Plots 16 – 19 will ensure no undue loss of amenity to the existing residents within their amenity spaces which will be dealt with via condition. No. 61, contains a window in the side elevation which is judged to serve a non-habitable room/secondary window. There would be no direct relationship between the proposed dwellings and this opening. There are no concerns in relation to position of the proposed access and the impact on this window. The properties on the northern side of Swallow Lane that face towards the access are considered too far away from the site to be unduly impacted in terms of the proposed built form or loss of privacy.
- 10.34 No. 59c, Swallow Lane is located adjacent to Plot 1. This dwelling contains openings in its side elevation, all of which serve non-habitable rooms. No habitable room windows are proposed in the side elevation of Plot 1. As such, there are no minimum distances specified in BE12 relating to non-habitable room openings. In a similar vein to above, amendments were sought to switch plots 1 and 2 in order to have a more compact dwelling with a hipped roof form on the boundary adjacent this property in order to ease the relationship. Plot 1 has been positioned such that it would not project beyond the rear elevation of this existing property thus avoiding impacts on the habitable room openings on the rear elevation and its amenity space at a lower level to the site. Appropriate boundary treatment will be sought along this boundary such that the amenity of the existing property is retained whilst avoiding the introduction of overly high timber structures that could potentially result in an overbearing impact. Again, this detail can be secured through a boundary treatment plan post-determination. A condition can be imposed removing PD rights for openings in this elevation in order to protect the amenity of no. 59c. It is noted that there are rooflights within this existing dwelling, however, the two that would be primarily impacted are the smaller ones serving non-habitable spaces. Whilst there would be a degree of impact on the 2 larger rooflights, the level of harm is not considered to be significant given the relationship that Plot 1 would have with this dwelling. No. 59b is positioned north of no. 59c. There would be no direct relationship between the proposed dwellings and this property. There are no concerns in terms of overbearing, overshadowing or overlooking.

- 10.35 A number of existing properties close to the application site would see a change of outlook. However, it is an established principle of planning law that there is no right to a view. The application is considered to ensure that existing occupiers maintain sufficient standards of residential amenity. Consequently the application is considered to comply with policy BE12 of the UDP and PDL policy PLP24 in this respect.
- 10.36 Internally, the distances set out in policy BE12 of the UDP are largely met. The distances between habitable room windows in the proposed dwellings meet to 12/21m and where dwellings back onto undeveloped land, there is generally a distance of 10.5m between the habitable room windows and the boundary of the application site. Properties whose side elevations abut the site boundaries are set at generally 1.5m away. Overall, there is considered to be sufficient distance between the proposed dwellings so as to ensure an acceptable level of amenity for future occupiers and the proposed development. Due to the nature of the proposed cricket fencing, specifically the sheer nature of the mesh, it is considered that this would not have a severe impact on the residential amenity of existing and future occupiers of the surrounding dwellings.

Highways and Traffic Implications

- 10.37 Access to the site is from Swallow Lane which is a single lane carriageway running in an east-west direction between Town End to the east and Scape Goat Hill and Bolster Moor to the west. At this location Swallow Lane is subject to a 30mph speed limit with street lighting provided on either side of the carriageway and a footway along the northern side. The access is proposed to be 5.5m in width with 6m junction radii and 2.0m footways adjacent to the carriageway into the site. Internally the access is designed as a shared surface.
- 10.38 Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDL aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network. Para 32 of the NPPF states:

Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 10.39 The application is accompanied by a Transport Statement which has been assessed by Highways DM. The Transport Statement shows that anticipated vehicle movements that would result from the proposed development; this shows that the dwellings could be seen to generate 13 vehicle movements two-way in the AM peak period and 15 movements two-way in the PM peak period. This would equate to less than a vehicle trip every 4 minutes. The Assessment concludes that this level of additional traffic would not be noticeable within daily traffic fluctuations and that the proposal should not have a material adverse impact on the local highway network.

- 10.40 Speed surveys have been undertaken over a 7 day period between Saturday 28th January 2017 and Friday 3rd February 2017 with recorded 85th percentile speeds of 29.8mph for eastbound vehicles and 30.6mph for westbound vehicles. The required visibility splay to the west is 41.3m whilst the required visibility to the east is 36.4m.
- 10.41 As part of the proposed development scheme, improvements are to be made to the existing access which include narrowing Swallow Lane within the vicinity of the site access from between 7.3 to 7.6 m in width to 5.5m with the provision footway build outs to improve visibility from the junction onto Swallow Lane. It should be noted that Swallow Lane is approximately 5.2m in width 100m to the west between house numbers 86 to 88. The access design has been the subject of a Stage 1 Road Safety Audit which contained a number of recommendations to minimise risk arising from the future operation of the access. These recommendations were the subject of a Designers Response resulting in an amended version of the originally proposed layout. The proposed amendments are considered by Highways DM to have an acceptable impact on highway safety.
- 10.42 Bus stops are located approximately 200m away in walking distance from the site on Swallow Lane. Further services are available within a 400m walking distance from the bus stops located on Leymoor Road and Town End.
- 10.43 Amendments were sought to the layout in order to encourage reduced vehicle speeds and improved forward visibility. Swept paths have been submitted which demonstrate that a refuse vehicle can enter, turn and exit the site win a forward gear. Off-site highways works are proposed under this application; a small footway/build out to the west of the proposed junction along Swallow Lane and alterations to the proposed footway to the east of the junction which would result in the eastern kerb line being tapered in order to tie back into the existing carriageway edge of Swallow Lane over a longer length to the eastern side of the driveway to no. 59. The internal layout and proposed access arrangements are considered acceptable to highways DM subject to condition.
- 10.44 The only concern raised by Highways DM is the dimensions of the internal garages of the Banbury and Bentley house types; Highways DM state that these are not sufficient to be classed as a parking space. However, as noted by the developer, these house types with the same size integral garages have been approved recently in Kirklees. It is therefore considered that these are on balance acceptable.
- 10.45 Overall, subject a series of conditions, the proposed development is considered acceptable in terms of highway safety and compliant with the aims of T10 of the UDP and PLP 21 of the emerging Local Plan.

Drainage issues

- 10.46 Para 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case.

- 10.47 A Drainage Strategy was submitted during the course of the application. This proposes that foul water from the development will drain by gravity into the existing combined system on Swallow Lane. In terms of surface water, infiltration tests have been carried out on the site which demonstrate that soakaways are not a viable option. The report states that the nearest watercourse to the site is approximately 250m to the south of the site; as such outfall to a watercourse is not a viable means of disposal for surface water drainage. It is therefore proposed that surface water will discharge to the existing sewers in Swallow Lane allowing the developer to achieve a gravity outfall in land under their control and the adopted highway. In accordance with guidance, any new discharge rate from a Greenfield site should be restricted at a rate of 5 litres per second per hectare. Given the size of the site at approximately 0.8ha the new discharge rate should be restricted to 4 litres per second as set out in the Drainage Strategy submitted.
- 10.48 The Drainage Strategy concludes that the implementation of a new restricted discharge rate will require the introduction of surface water attenuation. The attenuation should provide the capacity to accommodate the water generated from a 1 in 100 year storm plus climate change typically 30%. The new impermeable area of the site is 5,060m² and when restricted at 4 litres per second will require storage of approximately 315m³ for a 100 year storm plus 30% allowance for climate change. It is proposed that the majority of the surface water storage would be located under the POS. The final details of this system are to be agreed by Yorkshire Water through a S104 agreement.
- 10.49 The Drainage Strategy has been reviewed in detail by K.C. Lead Local Flood Authority and Yorkshire Water. The Lead Local Flood Authority raise no objections to the submitted scheme in principle, however amendments were sought in relation to the flood routing on the site. In response to this, the agent has submitted a revised plan relating to this which demonstrates the plots along the eastern boundary being pushed slightly further up the site in order to open up the gap between Plots 7 and 8. K.C. Lead Local Flood Authority are satisfied with these amendments.
- 10.50 As set out above, in periods of heavy rainfall, the scheme has been designed to contain water within the site. Therefore, whilst concerns have been raised by local residents with regards to localised flooding of the cricket pitch to the east which they anticipate would occur from developing this land, the development has been designed so as not to contribute to flooding from excessive surface water run-off. Moreover, as the proposed scheme is designed to collect and contain surface water before discharging it at a controlled rate into the sewer, it is considered to in effect decrease the surface run-off from the current situation.
- 10.51 In principle, the proposed development offers acceptable drainage solutions which accord with the hierarchy of drainage set out within local and national policy. No objection is raised in principle by the Lead Local Flood Authority nor Yorkshire Water, subject to appropriate conditions.

Risk of Ball-Strike from cricket pitch

- 10.52 Sport England is a statutory consultee where the proposal prejudices the use or leads to the land of land being used as a playing field or that has been used as a playing field within the last 5 years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015. Sport England's playing field policy not only seeks to protect the playing field itself, but also seeks to protect it from development on adjacent land which might prejudice its use. Within their consultation response, Sport England consider residential development adjacent to cricket pitches to fall into this category as potential cricket ball strike to residential properties can lead to damages and insurance claims that become unaffordable for the cricket club and ultimately lead to the closure of the ground. No ball-strike assessment had been originally submitted with the application and as such Sport England objected to the original proposal.
- 10.53 In response to this, a Ball-Strike Risk Assessment has been submitted during the course of the application. The report concludes that a minimum mitigation height of 15m is recommended to the full length of the wester orientation of the development, noting that existing mitigation ranges from 3 – 5m. The report states that at this height, the mitigation may not stop all shots from landing beyond the boundary however it will significantly reduce their frequency.
- 10.54 The applicant has therefore submitted details of their proposed mitigation which would take the form of a post and mesh protective screening (as appraised above in the visual amenity section). This would be a height of 12m taking into account the mitigation (land levels changes) that is currently in place. This would be provided within the boundary of the application site. Sport England has reviewed the Ball-Strike Risk Assessment and also the proposed mitigation measures and now removes its objection to the scheme. As the protective fencing is an element that would require planning permission in itself, the application has been re-publicised so as to include this element. It is considered necessary and reasonable to condition that the fencing is erected prior to Plots 1 and 3-7 being occupied. These are the plots that abut the eastern boundary of the site. In terms of its on-going management, it will be maintained by a private management company.

Ecological Issues

- 10.55 UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 10.56 The application is accompanied by an Extended Phase 1 Habitat Survey; the purpose of which was to map habitats present within the site, identify any protected species and to identify any habitats that could be suitable for such species. The value of the site is then assessed.

- 10.57 The report concludes that the site supports a limited range of habitat types which are considered to be of low ecological importance, as it is dominated by improved grassland. The site was considered as offering low potential for protected species to be present.
- 10.58 The site contains several recommendation relating to bat habitat enhancement, lighting, site clearance and landscaping. The Biodiversity Officer has reviewed with scheme and raised no objections subject to the imposition of a condition relating to the submission of an ecological design strategy (EDS) which could be submitted and agreed by the LPA prior to development commencing on the site. This condition will ensure that the measures identified in the above strategy are incorporated into the scheme.

Heritage Issues

- 10.59 Section 66 (1) of the Listed Buildings Act states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Paras 126-141 of the NPPF are relevant to the determination of applications affecting heritage assets.
- 10.60 The site is not located within the Golcar Conservation Area however, the Conservation Area boundary is located approximately 100m to the east of the eastern boundary of the application site and 100m to the south of the application site boundary. Even the separation distance of the site from the boundary of the Conservation Area, the development has not been publicised as affecting its setting.
- 10.61 K.C. Conservation and Design has been consulted on the application and the Officer comments that the application is not considered to impact on the setting of the conservation area. It is noted that there are several listed buildings within the Conservation Area, however, their distance and relationship with the proposed development means that there is not concern in terms of any impact on their significance.
- 10.62 As such, the application is considered to have an acceptable impact on heritage in accordance with the aims of the NPPF and the PDLP.

Land Contamination

- 10.63 The application is accompanied by Contaminated Land Reports which largely demonstrate findings that the site is uncontaminated. K.C. Environmental Health has reviewed the reports and notes that, whilst the reports suggest that no remediation is necessary, this cannot be the case due to the presence of an intact coal seam that has been located in the middle of the close and close to the surface (Trial Pit 3 at 0.7m). The Environmental Health Officer asserts the need for this to be addressed due to the potential for combustion/underground fire. As such, appropriate conditions are recommended which relate to the submission and implementation of a remediation strategy and validation report. This is in accordance with the requirements of Chapter 11 of the NPPF, G6 of the UDP and PLP 53 of the PDLP.

Air Quality

10.64 Paragraph 35 of the NPPG states that 'plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....incorporate facilities for charging plug-in and other ultra-low emission vehicles.' The application has also been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance.

Given the scale of the development, 1 electric vehicle charging point shall be installed for each dwelling.

10.65 As such, a condition will be added to this effect, in accordance with the aims of Chapter 4 of the NPPF and the guidance of the West Yorkshire Low Emissions Strategy.

Construction noise

10.66 As this site will be close to existing residential properties K.C. Environmental Health recommend that, in order to minimise noise disturbance at nearby premises, activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside of specific hours. This will be applied as a footnote.

Representations

10.67 Representations are set out below:

- Highway safety
 - People not abiding to the speed limit
 - Concerns about the footway and people crossing the road
 - Large volumes of traffic on Swallow Lane
 - Larger vehicles struggle due to congestion
 - Existing lack of pavements in the area which aren't good for wheelchair or pram users
 - Roads have been impacted by other developments over the years
 - Concerns with reduction in width
 - Concerns regarding the timing of the traffic survey
 - The proposed junction is close to existing accesses on Swallow Lane
 - Cars park on the roadside
 - Concerns with the right-turn movement into the site
 - Concerns with visibility
 - Loss of parking for no. 61, Swallow Lane who parks where the proposed access point is
 - People park in the location of the proposed white lines

Response: the application has been comprehensively reviewed by Highways DM and Highway Safety Officers. They have also reviewed the concerns that have been raised through the public consultation period. Following amendments to the internal layout and the junction improvement works, no objection is raised subject to conditions. Highways DM note that the majority of properties that front the proposed white line painting have their own off-street parking. Discussion has been held to provide parking close to no. 61 in order to provide off-street parking within the site. They are

satisfied that, subject to the highways improvements works proposed, there would be no significant harm to highways safety arising from the proposed development.

- Golcar is losing a medical practice – the application will place additional pressure on local services and schools
Response: the proposed development is not of a scale to trigger the need for education provision. As part of the development of the Local Plan evidence base, an ongoing infrastructure planning process has considered the impact of future growth on health infrastructure, summarised in the Infrastructure Delivery Plan (IDP) 2015 and IDP Addendum 2016. This is an on-going process and will be monitored and updated alongside the Local Plan. It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population, with direct funding provided by the NHS for GP practices/health centres based on an increase in registrations. Notwithstanding the above, given the small scale of the scheme it is not considered reasonable in this instance to require a contribution towards health infrastructure.
- Loss of grassland when brownfield sites could be developed
Response: The application has to be determined in its submitted form. The principle of developing this land is set out in the report.
- In conflict with POL allocation
Response: discussed within the main body of the report. The principle of developing this POL site for residential use is discussed in detail in the 'Principle of Development' section.
- Impact on heritage and the nearby Conservation Area
Response: addressed within the report – K.C. Conservation and Design raise no objection and state that the application would not impact on the setting of the Conservation Area
- Design of dwellings is not in keeping
Response: an assessment of the design of the dwellings is provided in the visual amenity section. The proposed design is not considered to be harmful to visual amenity
- Impact on biodiversity
Response: the application is supported by the a Phase 1 Extended Habitat survey and K.C. Biodiversity raise no objections subject to conditions
- Close to the cricket pitch and no mitigation in the original scheme to protect against ball-strike
Response: this has now been provided and is discussed in detail in the report
- Drainage concerns
Response: discussed in detail within the report
- Request for Sport England to be consulted on the application
Response: Sport England has been consulted on this application
- Cricket Club has an easement or quasi-easement in respect of the use of the land especially for balls landing on the site and for retrieving the ball
Response: legal agreements on land do not form material considerations. The grant of planning permission does not override any private legal rights.
- Loss of public recreational space
Response: the land is within private ownership and allocated as POL/housing in the UDP/PDLP respectively. An area of POS will be provided within the site

- Poor outlook for the dwellings
Response: as discussed in the report, it is considered that the occupants of the dwellings would have a good standard of amenity.
- Overshadowing the cricket pitch
Response: there is no concern in terms of overshadowing the cricket pitch. Fencing has been sought in order to mitigate the impact of the proposed development on the use of the land as a cricket pitch.
- Loss of light to existing property
Response: discussed in the report and amendments sought where necessary to ease the relationship
- Loss of privacy
Response: discussed in the report and conditions imposed in order to restrict the insertion of new openings where necessary
- Devaluing existing property
Response: not a material consideration
- Loss of view from existing property
Response: not a material consideration
- Proximity of Plot 1 to the dividing wall
Response: there is around 1.5m from the boundary of the site as recommended in BE12 of the UDP. Structural stability concerns are addressed below
- Concerns regarding structural integrity of the eastern boundary wall
Response: structural stability is the responsibility of the landowner/developer, as set out in the NPPF
- Pleased that no traffic lights are proposed to control the proposed junction
Response: noted
- Concerns about the publicity process
Response: publicity has been undertaken in accordance with the Kirklees Development Management Charter
- Noise and disturbance from the proposed development and the impact on tranquillity
Response: disturbance during the construction phase is not a material consideration. A footnote will be added to recommend construction hours. In terms of the impact of the finished development, this residential use is considered to be compatible with the existing uses in terms of noise/disturbance.
- Concerns about the proposed materials – the dwellings should be constructed from natural stone
Response: discussed in the report. In this instance, it is considered that a high quality artificial stone as set out proposed by the developer is acceptable in this setting. A condition is recommended to obtain the full details of materials proposed in order to ensure visual amenity is not harmed.
- Concerns regarding the content on the developer's pre-application notification leaflets
Response: not a material consideration
- Application wouldn't meet the needs of the community as no affordable housing in proposed
Response: The application is currently subject to on-going discussions in terms of viability and the provision of affordable housing.

- Concern that the fencing will collect litter
Response: no concern from a planning perspective. This type of fencing is commonly seen adjacent cricket pitches. It will be maintained by a private management company which can be agreed as part of the S106.
- Concern that the fencing to impact on biodiversity
Response: no concerns in terms of biodiversity
- Work has commenced digging holes in the highway
Response: noted. No planning permission has been granted for the proposal at this point.
- Health and safety implications of cricket fencing
Response: Cricket fencing is commonly seen on the boundaries of cricket grounds and it is not considered that the proposed development would unduly impact on health and safety
- The Ball-Strike Risk Assessment recommends 15m mitigation, not 12m
Response: existing mitigation of 3 - 5m currently existing in respect of land levels
- Concerns regarding the on-going maintenance of the cricket fencing
– *Response: this will be managed by the private management company which can be secured as part of the S106 agreement*
- Impact on the character of the village and that the proposed development would result in Golcar merging with Bolster Moor
Response: an assessment of the visual impact of the proposed development on the character of the area has been undertaken as a part of this report. It is considered that the proposed development would not adversely impact on the character or form of Golcar nor would it result in the built form merging with another settlement.

One objector to the scheme is the Secretary of the Golcar Cricket Club who is objecting on behalf of the club. They raise a number of issues which are contained within the summary above. Notwithstanding the provision of the protective cricket fencing, the Club wish to maintain their objection and would like to put on record that they consider that the proposed fencing will not make the relationship with new residents any easier. Concerns state that there has been no specification details of the fencing submitted in terms of materials as well as access arrangements into the site in order to allow for retrieval of cricket balls. General concerns in terms of cricket and the development would work together.

Response: Through consultation with Sport England, cricket fencing has been proposed that they considered to be sufficient in terms of protecting the use of this cricket pitch and the proposed dwellings/occupants from ball-strike. The details of this fencing can be secured by condition and on-going maintenance through the S106 agreement. In terms of ball retrieval from the development site for any ball that are not caught by the fencing, this arrangement is considered to fall within the remit of a private legal agreement with the developer and is outside of the remit of planning. In terms of the compatibility of the proposed use with the cricket pitch, that subject to the provision of the appropriate mitigation as detailed above, no concerns are raised in relation to the use of the land for residential development. There are existing dwellings within close proximity of the cricket pitch and it uncommon to find proposed dwellings close to sporting facilities. Discussions have also been held with K.C. Environmental Health and no concerns are raised in terms of use of the land for residential use in terms of the impact on the amenity of future residents of the proposed dwellings from the adjacent sporting activity.

Planning obligations

10.68 In accordance with para 204 of the NPPF planning obligations should only be sought where they meet the following three 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.

Affordable Housing

10.69 In circumstances where a developer considers that there are site-specific issues which would mean the effect of policy requirements and planning obligations would compromise development viability, paragraph 173 of the NPPF states that in order to ensure viability, the costs of any requirements for affordable housing, standards, infrastructure and other requirements should provide a competitive return to a willing landowner and development to enable the development to be delivered.

10.70 In line with policy requirements, 20% affordable housing is required on the site which would equate to 3 units in this instance. The developer has submitted a viability appraisal in an attempt to demonstrate that the development would not be viable if affordable housing was provided on the site. The discussions in relation to viability are still on-going and an update will be provided prior to the committee meeting once these discussions have been concluded.

POS

10.71 In respect of open space, there is a requirement to provide sufficient POS on site or make an off-site contribution in accordance with H18 of the UDP. This application proposes full on-site provision of POS in accordance with policy requirements. This includes a small area of natural play for children. KC Landscaping are satisfied the proposal. The POS will be managed and maintained by a private management company which will be secured by S106.

Metrocards

10.72 As detailed in the consultation response from K.C. Highways DM, in order to encourage the use of sustainable transport, it is recommended that the developer provides a financial contribution to fund Residential MetroCards. This would equate to a figure of £9,331.85. The developer is currently considering this as part of the above-stated viability discussions. An update will be provided with respect to this prior to the committee meeting.

11.0 CONCLUSION

- 11.1 The application site lies adjacent existing built form of Swallow Lane on an area of land allocated as Provisional Open Land on the UDP. The Council are unable to demonstrate a five year housing land supply and the NPPF seeks to boost significantly the provision of housing. In the emerging Local Plan the site is one which is considered by the Council as suitable for housing. Approval of this application is not considered to pre-determine decisions about the scale, location or phasing of new development that are central to the emerging Local Plan.
- 11.2 The development of any greenfield site would inevitably result in a loss of landscape quality due to the fact that there would be buildings in place of open land. It is acknowledged that there would be some impact on local views as described in the above report. However, it is considered that the scheme has been designed in order to reduce its impact on the adjacent countryside through the positioning and appearance of the dwellings which would be constructed from high quality artificial stone. The site would also have a centrally placed area of public open space and a comprehensive landscaping scheme. These factors, together with the location and scale of the proposed development means that there would be no overriding harm to the landscape and visual amenity.
- 11.3 The concern raised in the public representations in relation to highway safety is acknowledged, however, the following detailed reviewed by K.C. Highways DM, it is considered that, subject to the provision of the junction improvement works, adequate visibility splays and new sections of footway, the application will have an acceptable impact on highway safety. As detailed in the report, there also be no unacceptable harm in relation to drainage/flood risk, living conditions and ecology, subject to the conditions proposed. The risk of ball-strike from the adjacent cricket pitch can be appropriately mitigated; the provision of the fencing can be detailed by condition and its on-going management/maintenance can be secured by S106 agreement. However, discussions in relation to the provision of affordable housing are currently on-going following review of the applicant's viability appraisal. A resolution on this matter must be reached in order to determine whether or not the proposed development is compliant with policy. An update on this matter will be provided prior to the committee meeting.
- 11.4 In conclusion, in this case, the tilted balance in favour of sustainable development as advocated by para14 of the NPPF is engaged. Subject to Officers resolving the outstanding matters in relation to the provision of affordable housing, it is considered that there would be no adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits. Once a conclusion on matters relating to affordable housing has been reached, a clear recommendation will be provided based on the outcome of these discussions. Should these matters be satisfactorily resolved, it could be concluded that the conflict with UDP policy D5 and other impacts identified are outweighed by other considerations and, when considered in the planning balance, the proposal could then constitute a sustainable form of development.

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

1. 3 years
2. Approved plans
3. Materials schedule and details of materials
4. Boundary treatment Plan
5. Remove PD rights for extensions and outbuildings
6. Remove PD rights for openings in the eastern side elevation of Plot 1 and northern side elevation of Plot 19
7. Scheme for adoptable internal estate roads
8. Areas to be surfaced and drained
9. Works to the site access
10. Construction access
11. Surface water drainage scheme
12. Overland flow routing to be maintained
13. Scheme for surface water disposal during the construction phase
14. Details of SuDS features
15. As-built drawings of SuDS features
16. Provision of cricket fencing (including details of materials)
17. Ecological Design Strategy
18. Submission of Remediation Strategy
19. Implementation of Remediation Strategy
20. Submission of Validation Report
21. Provision of charging points
22. Undertaken in accordance with soft Landscaping Plan

Background Papers:

Website link: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93459>

Certificate of Ownership – Certificate B signed and notice served on Kirklees Council Highways and four individuals.

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 29-Mar-2018

Subject: Planning Application 2017/93853 Erection of mixed use agricultural and educational building 20, Wellhouse Lane, Kirkheaton, Huddersfield, HD5 0RB

APPLICANT

G Ahmed

DATE VALID

07-Nov-2017

TARGET DATE

02-Jan-2018

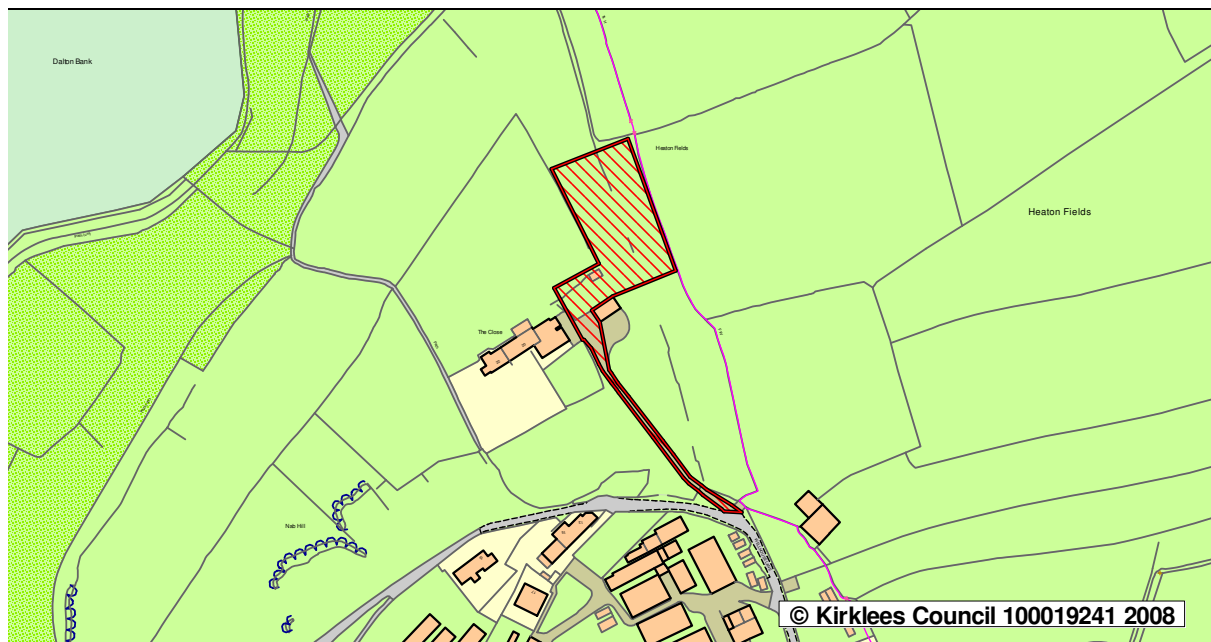
EXTENSION EXPIRY DATE

09-Apr-2017

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dalton

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION: Refuse planning permission and authorise the Head of Strategic Investment to take enforcement action to wholly remove the building.

Refuse planning permission for the following reasons:

1. The proposed development is located within the designated Green Belt whereby, as set out in the National Planning Framework (NPPF), the construction of new buildings is regarded as inappropriate development. The proposed development would constitute inappropriate development in the green Belt, which is by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. The information submitted by the applicant in support of the application does not clearly outweigh the harm that would result to the Green Belt by reason of inappropriateness and the harm to the openness and character of the Green Belt through new built form. The isolated siting and detailed design of the building would consolidate its harmful impact on the openness of the Green Belt and, in turn the visual amenity of the area contrary to Policy PLP24 (a) of the Publication Draft Local Plan and D2 (vii) of the Unitary Development Plan. The overall design of the building and its intended use does not amount to the very special circumstances that are required to grant planning permission, and the proposals would conflict with Chapter 9 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application reference 2017/93853 is brought to the Huddersfield Planning Sub Committee for determination at the request of Councillor Musarrat Khan for the reason that the retrospective application meets the special circumstances needed for development for recreational/agricultural activities in the Green Belt. Cllr Khan states " *Given that development in the Green Belt is by definition harmful, I believe we must consider whether the harm caused to the Green belt is outweighed by the counter social value arising from this application. I am of the opinion in this case the benefit clearly outweighs the harm. This in turn amounts to this application having very special circumstances justifying an exception to the green belt presumption*"
- 1.2 The Chair of the Committee has confirmed that Cllr Khan's reason for making this request is valid having regard to the Councillors' protocol for Planning Committees

2.0 SITE AND SURROUNDINGS:

- 2.1 Hyacinth Farm is a 5.3 hectare parcel of land which is located in the green belt of Kirkheaton.
- 2.2 The site comprises of one dwellinghouse and a number of other buildings, used for a mixture of differing uses. Hyacinth Farm is accessed off Wellhouse Lane and bounds Dalton Bank Local Wildlife Site to the North.
- 2.3 The area is characterised by open countryside to the North, with a small area of residential housing and farms to the South of Wellhouse Lane. The topography of the site gently slopes uphill from Wellhouse lane from the South to North.

3.0 PROPOSAL:

- 3.1 This seeks retrospective planning permission for the erection of a building for a mixed use of agriculture and educational facility.
- 3.2 The development occupies a total floor area of 216.75m² split over two levels. Due to the sloping topography of the site the building has a maximum height of 8 metres and minimum height of 4.5 metres.
- 3.3 The walls of the building are constructed from natural reclaimed stone and the dual pitched roof has been finished with slates. The building has been constructed with an inner wall of breeze block and outer wall of natural stone with an insulated cavity in-between. The buildings design includes stone corner quoins, window lintels and cills alongside other architectural features designed from stone and incorporated into the front elevation of the building.
- 3.4 The front/west elevation of the building is host to two entrances with one being accessed via a staircase for the higher level. To the rear/east elevation the building hosts another access also via an external staircase. In total the building hosts 6 grey composite UPVC windows. The south end gable has been designed with a large 2.7m high opening and covered by a roller shutter door.
- 3.5 The plans show the primary use of the building is for hay storage with a secondary use as multi-functional rooms for the running of a summer school camp and occasional other school visits. Access to the development is gained via the existing entrance on to Wellhouse Lane.

4.0 RELEVANT PLANNING HISTORY

- 4.1 2017/94075 - Erection of replacement building – Conditional Full Permission

2017/93588 – Prior notification for erection of agricultural building – Approval of details withheld

2002/91353 – Erection of extension and alterations to existing farmhouse and erection of detached stables/agricultural store – conditional full permission

4.2 Enforcement History

COMP/17/0208 – Complaint received on the 17th July 2017 alleging construction had begun on site but there were no permissions in place. An Enforcement officer visited the site and wrote to the owner on the 31st July 2017 after discussions on site that the development being carried out was unauthorised and any further works were at their own risk pending a resolution to the matter. As a result of enforcement investigations the applicant wished to proceed with the submission of a retrospective planning application now reported to sub-committee and the subject of this report.

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

5.1 Discussions were held between the applicant and planning officer regarding the submission of evidence needed for the application and concerns over the design of the building. No amendments were received altering the design of the development.

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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant 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 located within the Green Belt in the Kirklees Unitary Development Plan and the emerging Local Plan.

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

- BE1 – Design principles
- BE2 – Quality of design
- T10 – Highway safety
- T19 – Parking standards
- D2 – land without notation

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

The site is allocated as Green Belt in the publication draft local plan

Kirklees Publication Draft Local Plan

- PLP 1 – Presumption in favour of sustainable development
- PLP 2 – Place Shaping
- PLP 3 – Location of new development
- PLP 10 – Supporting the rural economy
- PLP21 – highway safety and access
- PLP24 – Design
- PLP54 – Buildings for agriculture and forestry
- PLP56 – Facilities for outdoor sport, outdoor recreation and cemeteries

6.5 National Planning Guidance

- Paragraph 17 – Core Planning Principles
- Chapter 7 – Requiring good design
- Chapter 9 – Protecting Green Belt Land

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised by 3 site notices on Wellhouse Lane and neighbour notification letters.

7.2 As a result of site publicity, 8 responses in support and 1 in objection have been received.

7.3 Comments received in support of the application can be summarised as follows:

- Building enhances / adds to the character of the local area
- Doesn't impact on any neighbouring property
- Provides an facility for the benefit of education
- Gives first-hand experience of rural/farming life to children that may otherwise not have the opportunity to
- Replaces an existing building not fit for purpose
- No access/highways concerns
- Visual impact is limited from surrounding areas
- Positive benefit of the building outweighs any other concerns

Comments received in objection to the application are summarised as follows:

- No previous building was there to be demolished
- It is not for the use of local children
- Adjacent to a nature reserve
- In direct line of a water course

7.4 Submissions were received from Parkinson Lane Community Primary School, where the applicant is the Head Teacher, in support of the application. The content of the letters mainly detail the use of the farm for the running of the School Summer Camp and additional school visits across the year, the benefit to the pupils and learning experiences that are gained. This is assessed in the report set out below.

7.5 4 letters were received from other schools who have had previous experiences with Parkinson Lane Community Primary School. These letters highlight the benefit the use of Hyacinth Farm gives to students in terms of an outdoor learning environment and the provision of a new building on the site to enable the running of activities during inclement weather.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Health and Safety Executive (HSE) - advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case – see assessment below.

K.C. Highways - This application seeks approval for the erection of a mixed-use agricultural and education building at Hyacinth Farm, 20 Wellhouse Lane, Kirkheaton. The proposal consists of a single agricultural building. The use is to be split between standard agricultural storage and an education facility for local children. Both uses are already in operation at Hyacinth Farm, and this development is not expected to intensify the use of the access. These proposals are considered acceptable from a highways point of view, and Highways DM has no wish to resist the granting of planning permission.

No specific conditions are deemed necessary.

Kirkburton Parish Council – No comment

9.0 MAIN ISSUES

- Principle of development
- Impact on the Green Belt & Very Special Circumstances
- Design & Visual Amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is within the Green Belt and paragraphs 87 and 88 of the National Planning Policy Framework (NPPF) apply. Paragraph 87 of the NPPF advises that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 10.2 The NPPF advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except where very special circumstances clearly and demonstrably outweigh the harm. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
- 10.3 The potential harm to the Green Belt arises from the impact of development upon the purposes of including land within it, the impact upon its openness and the impact that arises from any other harm.
- 10.4 Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.
- 10.5 In addition to the above, The general principles of constructing buildings are assessed against Policies D2, BE1 and BE2 of the Unitary Development Plan (UDP) and advice contained 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.

Impact Green Belt & Very Special Circumstances

- 10.6 The application site comprises of a dwelling house, a large agricultural style building with 3 roller shutter doors which is stated to be used currently for the storage of farm machinery and toilets/showers for the running of the school summer camp, a number of large shipping containers used for other storage and a large area of tarmacked hardstanding which covers an area running from the South of the site where the access is gained to the agricultural style building to the North of the dwelling.

- 10.7 Paragraph 89 of the NPPF states that new buildings should be regarded as inappropriate in the Green Belt except, inter alia, where the new building is for agriculture, for the provision of outdoor recreation or is a replacement of a building in the same use and not materially larger.
- 10.8 The owner has submitted details that provide reasoning to why a new agricultural building is necessary within the site. In the statement submitted, evidence was given that the need for the building would be for the storage of hay and tractors in relation to the farming that is carried out on the surrounding land. The owner also asserts the new building would be used as a mixed use for education and recreational purposes for the summer camp and other education visits that run throughout the year.
- 10.9 There was no viability evidence given to show ongoing agricultural activity at the site; while there was some evidence of hay harvesting activities, in light of the full time occupation of the owner as a Head Teacher, it is likely that any farming that is carried out, is on an infrequent or part time basis as a hobby and therefore there is no evidence of a sustainable viable business that would require a new building for the purposes of agriculture.
- 10.10 It is considered that although the site may partially be used for the running of educational activities, there would be no need for a permanent structure to accommodate for this as it only runs for a limited time period over the school year.
- 10.11 The accompanying documents submitted for consideration alongside the application shows that the summer camp runs for 3 or 4 days every year and has done so for the past 17 years. The summer camp has successfully run for this number of years on site at Hyacinth Farm without the need for a building to accommodate the use.
- 10.12 Throughout the year further occasional visits are made to the farm by different year groups at Parkinson Lane Primary School, where the applicant is the head teacher. It is considered that these further visits are carried out on an infrequent basis and as stated by the applicant, the limited visits would not constitute in a change of use to the farm.
- 10.13 On this basis it is deemed that a permanent structure such as the proposed building would not be necessary for this purpose and a temporary shelter to be used for the activities carried out, would be adequate. It is therefore considered the building proposed retrospectively would not meet the 'Very Special Circumstances' needed to clearly outweigh the harm caused to the Green Belt by new development.
- 10.14 In brief there was no strong evidence submitted to suggest the building was reasonably necessary for the carrying out of either agricultural or educational activities.

- 10.15 While there may be some desire to construct a secure building for the storage of tractors / machinery, it is considered the layout and configuration of the building, particularly the fenestration and door opening are of a building more typical of a dwellinghouse.
- 10.16 The door openings are restricted for the suggested use and domestic in scale. The window openings are of proportions and construction usually found in a dwelling and construction using cavity walling and insulation is not generally applied to a utilitarian building.
- 10.17 Given its construction and overall appearance of the development, the lack of any substantial evidence that the building is necessary for a farming enterprise, it is considered the building is not designed for purpose associated with an agricultural use and therefore not required for that purpose.
- 10.18 In addition to the above, a statement submitted by the owner outlining reasons for the construction of the building and a history of the usage of the land, it was stated that prior to construction of this new building there was a structure on the land that was used for hay storage.
- 10.19 From looking at past permissions on the site, there is no record of a lawful structure on the land where the new building stands. While there is some aerial photographic evidence of the framework of a partially constructed (or partially demolished) structure between 2009 and 2012 there is no evidence this building was ever completed or used for the purposes of hay storage. Other buildings exist within the farmland capable of storing hay. On balance this structure is considered to be an abandoned project giving way from the current development. Therefore it cannot be considered that the building as built is a replacement building and in any event is not designed for the same purposes.
- 10.20 Consequently, it is considered the building is inappropriate development within the Green Belt and therefore has a substantial impact upon the Green Belt.
- 10.21 As the owner of the building has not provided any evidence of any “very special circumstances” sufficient to clearly outweigh the substantial harm to the Green Belt it is considered the development to erect the building is contrary to the aims of chapter 9 of the NPPF and, as it has not been demonstrated it is genuinely required for the purposes of agriculture, policy PLP54 of the PDLP.
- 10.22 As the owner has not demonstrated any need for the building to support an existing rural enterprise, no weight can be given to chapter 3 of the NPPF or PLP10 of the LP. Consequently the development is not considered to constitute sustainable development and therefore contrary to the core aims of the NPPF and PLP10 of the LP.

Design & Visual Amenity

- 10.23 Policy BE1 states that new development should be of good quality design such that it contributes to a built environment which creates or retains a sense of local identity. Policy D2 states that development should not prejudice 'the character of the surroundings'.
- 10.24 The design and appearance of the building does not represent a building that is typical of an agricultural vernacular. The use of natural stone and blue slate in construction and the domestic style of window openings and doorways, while typical of nearby dwellinghouses, are not in keeping with the rural location by virtue of the buildings isolated position away from the cluster of existing built form. Its scale on the site in relation to its surroundings has a significant impact on the openness of the Green Belt and is considered visually harmful in this sensitive rural setting.
- 10.25 The overall design and internal layout would not be practical or suitable for the hay and machinery storage proposed. Alternatively a simple portal frame building with larger access for tractors and storage would be more in keeping with the rural location and farming activities.
- 10.26 Reasons provided by the owner in regards to the design were that the stone construction would provide greater security for storage on the farm, as farm related crimes have increased in recent years and to be in keeping in design with the other buildings on the farm. The owner has not provided any empirical evidence to support this view and as such little weight can be given to this consideration.
- 10.27 Whilst the applicant suggests the buildings use will primarily be for agriculture, limited supporting evidence to show the agricultural need for this building has been submitted. Furthermore its overall design has not been designed for agricultural purposes and appears to be of a style typical of domestic or residential purposes.
- 10.28 While the stone material and design of the building is not untypical of other dwellings in the vicinity, the isolated location and encroachment into the open fields of a building with an appearance of a dwellinghouse is considered to impact upon the openness of the green belt and not constitute sustainable development contrary to paragraphs 12, 61, 64 & 79 of the NPPF, PLP24 of the PDLP and policy D2 of the UDP.

Residential Amenity

- 10.29 The impact of the development on residential amenity needs to be considered against Policy D2 of the UDP and PLP24 of the PDLP.

10.30 It is worthwhile to note, the closest neighbouring residential property within the vicinity of the development is the dwelling of Hyacinth Farm in ownership of the applicant, approximately located 44m to the South of the proposed development.

10.31 Given the nature of the proposed use of the development and distance to the nearest dwellinghouse, it is not considered that the building would cause impact to residential amenity through overlooking or being overbearing.

Highway issues

10.32 The proposal consists of a single storey building that is, according to the Planning Justification Statement, to replace an existing structure that had fallen into disrepair. The use is to be split between standard agricultural storage and an education facility for local children.

10.33 Both uses are already in operation at Hyacinth Farm, and this development is not expected to intensify the use of the access.

10.34 These proposals are considered acceptable from a highways point of view, and Highways DM has no wish to resist the granting of planning permission. No specific conditions are deemed necessary.

Representations

10.35 Eight representations have been received in support of the application following site publicity. Their concerns are addressed as follows:

Comment: The building enhances and add to the character of the Local area

Response: Whilst the building is constructed from stone stated to have been sourced locally, the domestic style of the building is not in keeping with the vernacular of a typical agricultural building. Its appearance and design is considered to impact upon the openness of the green belt.

Comment: Development would not cause harm or loss to residential amenity

Response: It is agreed that the proposed development would be located an adequate distance from existing dwellings to prevent any detrimental impact upon residential amenity

Comment: Provides a facility for the benefit of education

Response: The proposed development is stated to be used partially for the running of the School Summer Camp and additional education visits throughout the year. It has been assessed that the benefit the building may give, does not outweigh the harm caused to the green belt, as assessed above, and is contrary to Chapter 9 of the NPPF and the very special circumstances needed to allow for development in the green belt.

Comment: Replaces an existing building not fit for purpose

Response: Aerial photographs show on site that there were a number of upright poles in this location. It is not considered that this was ever used as a building nor has there ever been an approved application for a lawful building in this location previously.

Comment: No access or Highways issues

Response: The highway impacts of the proposed development have been assessed by KC Highways Development Management and are considered to be acceptable.

Comment: Visual impact is limited from surrounding area

Response: Views of the development are limited from the surrounding area, however, its scale on the site in relation to its surroundings has a significant impact on the openness of the Green Belt and is considered visually harmful in this sensitive rural setting.

10.36 1 representation has been received in objection of the application following site publicity. Their concerns are addressed as follows:

Comment: No previous building was there to be demolished

Response: This is addressed in the report above

Comment: It is not for the use of local children

Response: This is not a material consideration in the assessment of this application

Comment: Adjacent to a nature reserve

Response: The development is located within proximity of Dalton Bank Local Wildlife Site and Local Nature Reserve. The Local Wildlife Site has been designated primarily for allowing public access to the enjoyment of nature, rather than its direct benefit to habitats or conservation of nature. It is therefore considered due to the low intensity use of the development that the impact on the Local Wildlife Site is minimal.

Comment: In direct line of a water course

Response: This point is noted, however the development is not considered to be of a scale or size that would affect a water course. Mapping systems used to identify any potential issues do not show any conflict between the development and any existing watercourse. A consultation has been sent to drainage for their response.

10.37 Ward Cllr Musarrat Khan requested the application be determined by sub-committee for the following reason:

Given that development in the Green Belt is by definition harmful, I believe we must consider whether the harm caused to the Green belt is outweighed by the counter social value arising from this application. I am of the opinion in this case the benefit clearly outweighs the harm. This in turn amounts to this application having very special circumstances justifying an exception to the green belt presumption"

Response: For the reasons set out and addressed in report above, paragraphs 10.1-10.22, it is considered that the potential harm to the Green Belt is not clearly outweighed by the perceived benefits of the proposal. Officers have thus concluded that very special circumstances do not exist.

Other Matters

Health & Safety:

10.37 Turning to matters of Health and Safety, the site is located within a Consultation Zone for a major hazard site. The Health and Safety Executive (HSE) has therefore assessed the application through its planning advice web app, based on details input by officers. The HSE have advised that:

the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

10.38 The Planning Practice Guidance on Hazardous Substances notes that the decision on whether or not to grant planning permission rests with the Local Planning Authority. Nevertheless *"In view of its acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from Health & Safety Executive that planning permission should be refused for development for, at or near to a hazardous installation or pipeline should not be overridden without the most careful consideration."*

10.39 Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

10.40 The online facility used to generate the HSE consultation advice does not allow for the input of specific details such as the frequency in which the site/development would be used. It has not been assessed as to whether the low frequency in which the site would be used by school visits would cause a level of risk or harm to the people using the proposed development site.

10.41 Should Members be minded to grant permission against HSE advice, the Executive requires 21 days' notice to give further consideration to the proposal before a decision is issued and determine whether or not to request the Secretary of State to call-in the application. In light of this the application would need to be delegated back to Officers to allow further consideration by the HSE before issuing of the decision/ the application being called-in by the Secretary of State.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposal does not accord with the development plan and that there are specific policies in the NPPF that indicate development should be restricted.
- 11.3 The retrospective application for the building erected at Hyacinth Farm is considered to cause a significant impact to the openness of the Green Belt contrary to the NPPF Chapter 9.
- 11.4 The materials used in construction are not those typically found of a new agricultural building and is not in keeping with the agricultural vernacular of the area or its rural location. The building is not considered to meet policies set out in chapters 1 & 7 of the NPPF and policy D2 of the Kirklees UDP as assessed above or the emerging local plan.
- 11.5 Members are requested to accept the officer recommendation and authorise Planning Enforcement action to seek to remove the building.

Background Papers:

2002/91353 – Erection of extension and alterations to existing farmhouse and erection of detached stables/agricultural store – conditional full permission
<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2002%2F91353>

2017/94075 – Erection of replacement building – Conditional full permission
<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2F94075>

Current Application: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2F93853>

Certificate of Ownership – Signed Certificate A

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 29-Mar-2018

Subject: Planning Application 2017/91921 Outline application for erection of one dwelling adj, 102, Gawthorpe Lane, Lepton, Huddersfield, HD5 0NZ

APPLICANT

R Holroyd

DATE VALID

23-Oct-2017

TARGET DATE

18-Dec-2017

EXTENSION EXPIRY DATE

05-Apr-2018

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: REFUSE

1. The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework, most development, subject to certain exceptions, is regarded as inappropriate. Policy D13 of the Kirklees Unitary Development Plan and Paragraph 89 of the National Planning Policy Framework sets out when 'infill' development in the Green Belt may be acceptable. However, the site is not considered to be within an existing settlement as required by Policy D13 or within a village as required by the National Planning Policy Framework. The proposed dwelling would therefore constitute inappropriate development in the Green Belt. Furthermore the dwelling would harm the openness of the Green Belt through the introduction of new built development. There are no very special circumstances to justify the development that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm. The proposal is contrary to paragraph 89 of the National Planning Policy Framework and Policy D13 of the Kirklees Unitary Development Plan.

2. The application has failed to demonstrate that the proposal would avoid significant harm or loss to biodiversity or that such harm/loss could be adequately mitigated or compensated for. No ecological surveys have been provided to assess the impact of the proposal on habitats or species of principal importance which have a reasonable likelihood of being affected by the development. This includes a known Great Crested Newt breeding pond being within 500m of the application site. To approve the development would be contrary to Policy PLP30 of the Kirklees Publication Draft Local Plan and the aims and objectives of Chapter 11 of the National Planning Policy Framework.

1.0 INTRODUCTION

1.1 The application is brought to committee at the request of Cllr Bernard McGuin for the following reasons;

- a. *To look at the argument about the definition of a village and its impact on this application*
- b. *Dispute over effect on the environment*
- c. *The receipt of support from the neighbours*
- d. *To look at if any special reasons can be taken into account when considering the application*
- e. *The overall effect of building on the present footprint*

1.2 The Chair of Sub-Committee confirmed that Cllr Bernard McGuin's reason for making this request was valid having regard to the Councillors' Protocol for Planning Committees. Cllr Bernard McGuin also requested a site visit, which was likewise accepted by the Chair of Sub-Committee.

1.3 **Note: 2017/91921 and 2017/91922 have been submitted simultaneously, each seeking outline permission for a single dwelling however they are in different locations. 2017/91921 seeks a dwelling to the west of no.102, 2017/9192 seeks a dwelling to the east of no.102. Both are to be considered, separately, by Planning Committee.**

2.0 SITE AND SURROUNDINGS

2.1 No.102 Gawthorpe Lane is a detached two storey dwelling faced in brick. The dwelling has a two storey side extension and a brick faced detached garage. The dwelling is set back from Gawthorpe Lane by approx.13.0m, and benefits from a larger rear garden. The site is accessed via a driveway from Gawthorpe Lane.

2.2 To the South and East of the site is open land. To the West is Cow Hey Farm. To the north is Gawthorpe, a grouping of approx.10 dwellings and a local club.

3.0 PROPOSAL

3.1 The application seeks outline planning permission for a single dwelling with details of access applied for. All other matters (appearance, landscaping, layout and scale) are reserved.

3.2 The dwelling is to be located to the west of No.102 Gawthorpe Lane. No.102's existing garage would be demolished to facilitate the development.

3.3 Access is to be via no.102's existing driveway onto Gawthorpe Lane. Information submitted with the application states that no. 102 has an alternative access drive to the north of the proposed house.

3.4 The application is supported by a location plan, Coal Mining Risk Assessment and Planning Statement. Indicative block plans have been provided.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

2016/92556: Change of use of land to domestic curtilage and erection of two storey side extension – Conditional Full Permission (Unimplemented, extant)

4.2 Surrounding Area

Site adjacent, no.102 Gawthorpe Lane

2017/91922: Outline application for erection of one dwelling – Ongoing

Note: 2017/91921 and 2017/91922 have been submitted simultaneously, each seeking outline permission for a single dwelling however they are different locations. 2017/91921 seeks a dwelling to the west of no.102, 2017/9192 seeks a dwelling to the east of no.102. Both are to be considered, separately, by Planning Committee.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The applicant was contacted by officers who expressed concerns regarding the proposals impact on the Green Belt. Furthermore the applicant was advised further details in relation to Highways and Local Ecology were required. However due to the Green Belt concerns, officers did not formally request this.
- 5.2 The applicant requested time to consider officers' response. Following this a request for the application to go to planning committee was received from Cllr McGuin. The applicant was informed of this, and then stated the intent to provide the required Local Ecology details prior to the committee.
- 5.3 A deadline was given for the applicant to provide the required local Ecology details. The deadline has passed without the details being provided. Therefore the proposal has been assessed as submitted.

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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.
- 6.2 On the UDP Proposals Map the site is designated Green Belt.
- 6.3 The site is designated Green Belt on the PDLP Proposals Map.
- 6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007
- **D13** – Infill development within the Green Belt
 - **BE1** – Design principles
 - **BE2** – Quality of design
 - **BE12** – Space About Dwellings
 - **T10** – Highways accessibility considerations in new development
 - **H1** – Housing: Strategy

6.5 Supplementary Planning Guidance / Documents

- **PLP 1** – Presumption in favour of sustainable development
- **PLP 2** – Place sharpening
- **PLP 3** – Location of new development
- **PLP 21** – Highway safety and access
- **PLP 24** – Design
- **PLP 30** – Biodiversity and geodiversity
- **PLP 51** – Protection and improvement of local air quality
- **PLP 53** – Contaminated and unstable land

6.6 National Planning Policy Framework

- **Paragraph 17** – Core planning principles
- **Chapter 1** – Building a strong, competitive economy
- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 9** – Protecting Green Belt land
- **Chapter 11** – Preserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE**

7.1 The application has been advertised via site notice and through neighbour letters to addresses bordering the site. This is in line with the Council's adopted Statement of Community Involvement. The end date for publicity was the 9th of November, 2017.

7.2 One representation was received in objection to the proposal. The following is a summary of the concerns raised;

- The application claims that Gawthorpe is a village because it has a number of dwellings, farm and a local club and is a named settlement on OS maps. This is disputed. Other than the club there are no services or amenities within Gawthorpe (i.e. church, school, shop) or a defined centre. There are also no other roads which feed into Gawthorpe, thus built development is restricted to Gawthorpe Lane only, where there are only 14 dwellings.
- Other local residents have approached the Local Planning Authority to develop within the area, where officers stated the principle would not be supported as officer did not consider Gawthorpe a village.
- The proposal fails to comply with Policy D13 of the UDP because it is not larger surrounded by development and not part of a built up frontage.
- The development would harm the amenity of no.104's residents and harm visual amenity.
- The proposal is contrary to the NPPF's five purposes of the Green Belt (Paragraph 80).
- The proposal would cause an overdevelopment of the site, out of keeping with local development. It is questioned whether the site could accommodate a dwelling, outdoor amenity, parking and turning.

8.0 CONSULTATION RESPONSES

8.1 Statutory

The Coal Authority: No objection subject to conditions.

K.C. Highways: Object due to insufficient details being submitted to assess highway implications of the development.

8.2 Non-statutory

K.C. Ecology: Object due to insufficient details being submitted to assess biodiversity implications of the development.

K.C. Trees: No objection.

9.0 MAIN ISSUES

- Principle of development
- Residential Amenity
- Highway issues
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 14 and PLP1 outline a presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8). The dimensions of sustainable development will be considered throughout the proposal.
- 10.2 Further to the above the Council are unable to demonstrate a 5 year supply of housing land. Therefore relevant policies for the supply of housing should not be considered up to date. Notwithstanding this the site is not subject to policies which restrict the supply of housing. In addition National Planning Practice Guidance states that *'unmet housing demand...is unlikely to outweigh the harm to the Green Belt and other harm to constitute 'very special circumstances' justifying inappropriate development in the Green Belt'*.
- 10.3 In addition Paragraph 14 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted; this includes 'land designated as Green Belt' (footnote 9).

Land allocation (Green Belt)

- 10.4 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.
- 10.5 Paragraph 89 permits limited infilling in villages. This is in general conformity with D13 of the UDP which states that within existing settlements in the Green Belt infill development will normally be permitted subject to certain criteria. These include the site being small in scale and within a built up frontage or being small and largely surrounded by development. The PDLP does not have a greenfield site infilling policy.
- 10.6 The Framework does not provide a definition of what constitutes a “village”, and the UDP does not provide a definition of what constitutes a “settlement”. Accordingly, this is a matter of planning judgement.

Whether the proposal is inappropriate development in the Green Belt

- 10.7 Although there is no definition of village/settlement where a settlement is inset within the Green Belt on the UDP and surrounded by it, the Green Belt boundary is usually treated as being co-existent with the settlement/village boundary. This means that if a site is on the edge of the settlement/village but is designated as Green Belt on the UDP proposals map, it is not within a settlement/village and cannot qualify as “limited infill within” a village.
- 10.8 This approach has been called into question by a recent court case, Julian Wood -V- The Secretary of State for Communities and Local Government and Gravesham Borough Council. It was ruled that an Inspector had misdirected himself by concluding that an appeal site lay outside the village based on the village boundary on the local plan proposals map, rather than on his own assessment of the village boundary on the ground.
- 10.9 There is also a recent appeal decision, against refusal of permission for the erection of a single detached dwelling at Coppull Moor Lane Nurseries, Chorley (ref 3154595). The Inspector concluded that:

“Both parties accept that the site is outside of the settlement area; the appellant indicating that it is some 256m away from the boundary. That said, the site is within a clear continuum of development spreading out from the settlement. Notwithstanding the location of the formal boundary, there is nothing to obviously separate the site from the rest of the settlement. Therefore it is my view that the appeal site forms part of the settlement”

- 10.10 So, the question of whether a site forms part of a settlement/village has to be assessed in each instance based on the characteristics of the site and its surroundings. A village boundary, or a line forming the boundary between Green Belt and unallocated land on an adopted Proposals Map, is not necessarily determinative.

- 10.11 Gawthorpe has fifteen registered addresses. This includes one commercial stable and a commercial club, leaving thirteen residential units. This limited amount of residential units is below what would typically be enough to be a village/settlement. Also there is no convenience shop, school or church which would be typical within a recognised settlement/village. There is no 'village centre' or similar central point typical of historic villages, with dwellings in Gawthorpe principally built along the roadside, similar to ribbon development, or off small private off-shoot roads. The applicant has noted that Gawthorpe is named on the Ordinance Survey (OS) base maps, however this is not considered to have any planning merits. It is therefore concluded that Gawthorpe is not a settlement/village in its own right.
- 10.12 In regards to whether Gawthorpe is part of a larger settlement, beyond the core cluster of dwellings there is only very intermittent development on Gawthorpe Lane leading into the area. The nearest recognised settlement is Fenay Bridge, which is 500m to the south-west via direct route. There is no ribbon development or other built development connecting Gawthorpe to Fenay Bridge, with the separation consisting of numerous large open fields. Gawthorpe is thus not considered part of a larger settlement/village.
- 10.13 This site sits within an area over washed by Green Belt, with the Green Belt boundary being 500m away. Within the Local Plan's 'Green Belt Review – April 2017' the closest boundary with land not within Green Belt is noted as having topography which is an absolute barrier to development, forming a hard boundary between developed and undeveloped land. The adjacent boundary sections have been identified as 'more important', being of value to 'prevent the sprawl of large built up areas' and to 'safeguard the countryside from encroachment', which form two of the five purposes of the Green Belt. It is considered that the proposed development would prejudice the assessment of this boundary, being in breach of the two purposes of the Green Belt that were identified.
- 10.14 The site is not considered to be within a village or settlement for the purposes of Green Belt infill policy, failing to comply with Policy D13 and Paragraph 89 of the NPPF, therefore constituting inappropriate development in the Green Belt.

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

- 10.15 Whilst no details of the proposed dwelling has been submitted (layout, scale, appearance and landscaping are reserved) it is considered that the erection of a new dwelling would result in a significant reduction in the openness to this part of the Green Belt; notwithstanding that in part it would replace a domestic garage.
- 10.16 Therefore the development would prejudice the objective of keeping land permanently open through the introduction of a new built form on previously undeveloped land. The application site is principally garden space, which is considered Greenfield with the garage forming an element of brownfield land. There is open land to the immediate south and east, with the wider area being open fields. While there is built development to the north the dwellings are spaciouly laid out, retaining a sense of openness. The existing garage is a small scale, single storey building. Other than this the site is generally free

from any built development and contributes to the spacious character of the wider surroundings. Considering the wider area, the proposal would also have an urbanising impact on the site and would unacceptably consolidate the sporadic built development in the area. This would be harmful to the character and appearance of the area.

10.17 Consideration is also given to the further assessments of Policy D13. Where a development is considered to be within a settlement, which for clarity is not the case, the following additional tests are applied;

- i. The site is small, normally sufficient for not more than two dwellings and within an otherwise continuously built up frontage, or*
- ii. The site is small and largely surrounded by development, and*
- iii. No detriment will be caused to adjoining occupied of land or to the character of the surrounding area.*

10.18 While the site can be considered small, it does not form part of a continuously built up frontage. The application site is the edge of built development, with the land to the south being a large open field that continues for some distance. Furthermore, while there is a frontage to the north, it is intermittent with each dwelling being well spaced from one another. Therefore, the site's frontage is not considered to be 'continuously built up'. Considering the second test, the site is not largely surrounded by development with the land to the immediate south and east being open. While there is development to the north, as noted above it is of a low density and intermittent. The application site is not considered to be largely surrounded by development. Turning to the final test, for the reasons outlined in the above paragraphs the development is considered harmful to the character of the surrounding area. As such, where the development deemed to be within a settlement, the proposal would fail each of the subsequent tests of policy D13.

10.19 The propose dwelling would introduce additional built footprint and volume onto land that is currently open. Openness is defined by an absence of buildings, or other forms of development. Therefore, the development would result in a reduction in openness to this part of the Green Belt. Furthermore, new development would harm the permanence of the surrounding. Paragraph 79 of the NPPF identify the Green Belt's openness and permanence as the essential characteristics of the Green Belt. In this instance the increased extent of built development would cause significance harm to the identified characteristics of the Green Belt.

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

10.20 In accordance with Paragraph 87 consideration needs to be given to whether there are any 'very special circumstances', specific to the application, which clearly outweigh the identified harm to the Green Belt by reason of inappropriateness and any other harm.

- 10.21 No very special circumstances, have been offered as part of the application as the applicant claims the proposal is within a village, thus being appropriate development via Paragraph 89 of the NPPF and therefore no Very Special Circumstances are required. For the reasons outlined above, officers dispute this.
- 10.22 Officers dispute that the site is within a village and have assessed the proposal to be inappropriate within the Green Belt. Officers do not consider there to be any very special circumstances with the application that outweigh the harm caused by reason of inappropriateness or the other harm highlighted above.
- 10.23 Notwithstanding the above, within the submitted planning statement, reference is made to the proposal supporting 'the vitality of Gawthorpe as a village and assist in supporting other local services', which is supported by paragraph 55 of the NPPF. Nonetheless, as officers have concluded Gawthorpe is not a village, limited weight is afforded to this. Although reference is also made to the Council lacking a 5-year housing land supply, as set out in para 10.2 of this assessment unmet housing demand is unlikely to outweigh the harm to the Green Belt by reason of inappropriateness. This is considered to be the case here.

Conclusion

- 10.24 Whilst the council is unable to demonstrate a 5-year supply of housing sites, in this case specific policies in the NPPF indicate that development should be restricted. The proposal has been assessed against policy D13 of the UDP and Paragraph 89 of the NPPF. It is concluded that the proposal would not comply with these policies, therefore being inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. Furthermore the development would cause further harm to the Green Belt's openness and permanence.
- 10.25 In accordance with Paragraph 87 of the NPPF consideration has been given as to whether any very special circumstances exist which clearly outweigh the harm to the Green Belt and any other harm. None have been offered by the applicant, and officers have not independently identified any.
- 10.26 The proposal is contrary to policy D13 of the UDP and Chapter 9 of the NPPF and it is concluded that the principle of development is considered unacceptable within the Green Belt.

Residential Amenity

- 10.27 As the application is at outline stage with the matters of scale, appearance and layout reserved the impacts the proposed development would have on the amenities of neighbouring dwellings and the future occupiers of the proposed development cannot be fully considered at this stage.
- 10.28 Notwithstanding this consideration can be given to the space standards outline in Policy BE12. The indicative details of layout show a dwelling located 13.5m from no.104 to the north and 6.4m from the host dwelling, no.102. Considering these distances there is no immediate concern that the proposal could not comply with BE12. At Reserved Matters stage careful consideration of the scale of the dwelling and the placement of windows would be required, given

that no. 104 is due south of the application site with habitable room windows in its roof facing the site. Nonetheless this is not considered to prohibit the potential development of the site.

- 10.29 While the plot is smaller than typical for neighbouring dwellings it is not considered future residents would have unacceptable amenity standard.
- 10.30 Subject to appropriately addressing layout, scale and appearance (including window arrangement), the proposal would not necessarily give rise to adverse material impacts upon the amenities of neighbouring dwellings or the amenities of future occupiers. The proposal is therefore not considered to be contrary with BE12 of the UDP, PLP24 of the PDLP and Paragraph 17 of the NPPF at this stage.

Highway issues

- 10.31 Access is a matter for consideration. Other than the proposed point of access limited details has been provided. Nonetheless as existing no.102 has two accesses, with the proposal seeking to have one per dwelling. Therefore, the proposal does not represent a material intensification of either access, as both would remain in use by a single dwelling.
- 10.32 The ongoing application 2017/91922, seeking outline permission for a dwelling on an adjacent site, seeks to share an access with no.102. This is noted, however does not form a consideration of the proposal under consideration.
- 10.33 Details on layout, which would confirm the number of parking spaces, have not been provided. However, given the size of the site officers are satisfied that a suitable level of on-site parking can be accommodated. At this stage officers conclude that the proposal would not harm the safe and efficient operation of the highway, in accordance with T10 and PLP21.

Other Matters

Impact on local ecology

- 10.34 The site is within 500m of a known great crested newt breeding pond. Great crested newts are a protected species and consideration must be given to the development's potential impact upon them.
- 10.35 The Local Planning Authority has a duty under the Conservation of Habitats and Species Regulations 2017 to consider if the proposals are likely to impact European protected species (such as bats, great crested newts (GCN), otters and white-clawed crayfish) to the extent that this would cause an offence under the same Regulations. If an offence is likely, then the Local Planning Authority also needs to be satisfied that Natural England are likely to grant a licence to carry out the works. This requires information on how the proposals are likely to affect European protected species (e.g. are GCN present on site, how much suitable habitat will be lost, will any GCN be killed), and how the applicant proposes to avoid or reduce these impacts.

- 10.36 The application is not supported by any ecological information. As such officers are unable to determine whether the proposal would harmful impact on species of Principal importance, specifically Great Crested Newts, and are therefore unable to perform their statutory duties in relation to local ecology. The proposal fails to comply with policy PLP30 of the PDLP and does not adhere to the objectives of Chapter 11 of the NPPF.

Coal Mining Legacy

- 10.37 The application site is in an area where there is a high risk of historic mining activity. Policies G6 and PLP53 seek to ensure that development proposals are considered having regard to available information about contamination and instability of the land concerned. In addition it is a requirement of the NPPF (paras 120-121) that the applicant should demonstrate to the satisfaction of the LPA that the application site is safe, stable and suitable for development and that planning decisions should ensure that the site is suitable for its new use taking account of former activities such as mining in the area.
- 10.38 A Coal Mining Risk Assessment (CMRA) was submitted with the application, which indicated a potential risk for development of the site, and thus made recommendations for safe development. The report was submitted for consideration by the Coal Authority, who concur with the conclusion and recommendations of the CMRA. Subject to conditions requiring the recommended works be undertaken, and detailed reports provided for review, the Coal Authority does not object to the proposal. These conditions are deemed to comply with the NPPF's six tests, so as to accord with Policy G6 and BE1 of the UDP, Policy PLP53 of the PDLP and Paragraphs 120 and 121 of the NPPF. Given the importance of ensuring a safe development, and the potential impact of coal legacy, pre-commencement conditions are deemed justifiable.

Air quality

- 10.39 In accordance with government guidance on air quality mitigation, outlined within Policies PLP21, PLP24 and PLP51 of the PDLP, guidance in the West Yorkshire Low Emissions Strategy along with the NPPG and Chapter 10 of the NPPF, it is considered reasonable and necessary to seek air quality mitigation measures as part of the application. Therefore, if minded to approve, a condition will be imposed requiring the provision of an electric vehicle charging point. This would provide opportunities for low carbon forms of transport to be used by future residents.

Representations

- 10.40 *Object*
- The application claims that Gawthorpe is a village because it has a number of dwellings, farm and a local club and is a named settlement on OS maps. This is disputed. Other than the club there are no services or amenities within Gawthorpe (i.e. church, school, shop) or a defined centre. There are also no other roads which feed into Gawthorpe, thus built development is restricted to Gawthorpe Lane only, where there are only 14 dwellings.

- The proposal is contrary to the NPPF's five purposes of the Green Belt (Paragraph 80).
- Other local residents have approached the Local Planning Authority to develop within the area, where officers stated the principle would not be supported as officer did not consider Gawthorpe a village.

Response: These comments generally concur with the officer's assessment of the proposal, as detailed within paragraphs 10.7 – 10.26.

In regards to advice given to local residents regarding the principle of development, officers maintain that the Gawthorpe does not form a village from a planning perspective, and that the principle is not supported.

- The proposal fails to comply with Policy D13 of the UDP because it is not larger surrounded by development and not part of a built up frontage.

Response: This is noted. However the application does not seek to comply with D13, instead stating the proposal complies with Paragraph 89 of the NPPF.

- The development would harm the amenity of no.104's residents and harm visual amenity.
- The proposal would cause an overdevelopment of the site, out of keeping with local development. It is questioned whether the site could accommodate a dwelling, outdoor amenity, parking and turning.

Response: As per paragraphs 10.27 – 10.30 of this assessment officers conclude, at outline stage with the relevant considerations reserved, the proposal would not in principle harm the amenity of nearby residents. However officers concur that the proposal would be detrimental to the openness (visual amenity), through the introduction of new built development within the Green Belt.

10.41 *Support*

No representations in support were received.

10.42 *Cllr Comments*

Cllr Bernard McGuin requested the application be determined by sub-committee for the following reasons:

1. *To look at the argument about the definition of a village and its impact on this application*

Response: Officer's assessment on the definition of a village is outlined within Paragraphs 10.6 – 10.14.

2. *Dispute over effect on the environment*

Response: In regards to the impact on the environment, officers are unable to assess this as the application has not been supported by the relevant assessment.

3. *The receipt of support from the neighbours*

Response: No comments in support have been received from neighbours.

4. *To look at if any special reasons can be taken into account when considering the application*

Response: No very special circumstances have been offered by the applicant, and none are evident to officers.

5. *The overall effect of building on the present footprint*

Response: The site currently hosts a garage. While this is noted, a dwelling will inevitably have a greater impact on the surrounding area, most notably in scale and mass within the Green Belt.

11.0 CONCLUSION

11.1 Whilst the Council is unable to demonstrate a 5 year supply of housing sites, in this case, specific policies in the Framework (relating to Green Belt) indicate that development should be restricted. The proposal would constitute inappropriate development in Green Belt and would reduce openness in this location. The other material considerations in this case do not clearly outweigh the harm to the Green Belt by reason of inappropriateness or other harm. Consequently, the very special circumstances necessary to justify the development have not been demonstrated. The development would also be contrary to Policy D13 of the Kirklees UDP.

11.2 Further to the above it has not been demonstrated that the development could be undertaken without significant loss or harm to biodiversity as required by PLP30 of the PDLP and Chapter 11 of the NPPF.

11.3 As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this application, the material considerations considered above do not justify making a decision other than in accordance with the development plan which require the application to be refused.

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%2f91921>

Certificate of Ownership: Certificate A signed

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 29-Mar-2018

Subject: Planning Application 2017/91922 Outline application for erection of one dwelling adj, 102, Gawthorpe Lane, Lepton, Huddersfield, HD5 0NZ

APPLICANT

R Holroyd

DATE VALID

23-Oct-2017

TARGET DATE

18-Dec-2017

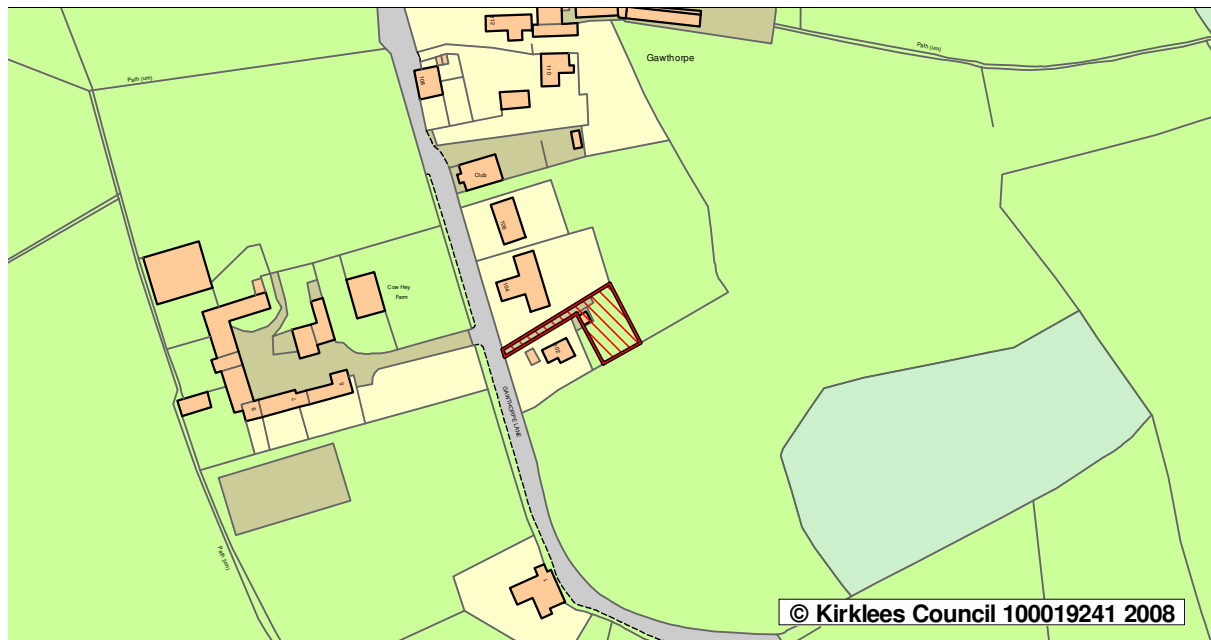
EXTENSION EXPIRY DATE

05-Apr-2018

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: REFUSE

1. The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework, most development, subject to certain exceptions, is regarded as inappropriate. Policy D13 of the Kirklees Unitary Development Plan and Paragraph 89 of the National Planning Policy Framework sets out when 'infill' development in the Green Belt may be acceptable. However, the site is not considered to be within an existing settlement as required by Policy D13 or within a village as required by the National Planning Policy Framework. The proposed dwelling would therefore constitute inappropriate development in the Green Belt. Furthermore the dwelling would harm the openness of the Green Belt through the introduction of new built development. There are no very special circumstances to justify the development that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm. The proposal is contrary to paragraph 89 of the National Planning Policy Framework and Policy D13 of the Kirklees Unitary Development Plan.

2. The application has failed to demonstrate that the proposal would avoid significant harm or loss to biodiversity or that such harm/loss could be adequately mitigated or compensated for. No ecological surveys have been provided to assess the impact of the proposal on habitats or species of principal importance which have a reasonable likelihood of being affected by the development. This includes a known Great Crested Newt breeding pond being within 500m of the application site. To approve the development would be contrary to Policy PLP30 of the Kirklees Publication Draft Local Plan and the aims and objectives of Chapter 11 of the National Planning Policy Framework.

3. The application has failed to demonstrate that the proposed access is capable of serving two dwellings without harming the safe and efficient operation of the local highway network. This relates specifically to access width, sightlines and capacity for on-site turning. To approve the development without this would be contrary to Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the Kirklees Publication Draft Local Plan.

1.0 INTRODUCTION

1.1 The application is brought to committee at the request of Cllr Bernard McGuin for the following reasons;

- a. *To look at the argument about the definition of a village and its impact on this application*
- b. *Dispute over effect on the environment*
- c. *The receipt of support from the neighbours*
- d. *To look at if any special reasons can be taken into account when considering the application*
- e. *The overall effect of building on the present footprint*

1.2 The Chair of Sub-Committee confirmed that Cllr Bernard McGuin's reason for making this request was valid having regard to the Councillors' Protocol for Planning Committees. Cllr Bernard McGuin also requested a site visit, which was likewise accepted by the Chair of Sub-Committee.

1.3 **Note: 2017/91921 and 2017/91922 have been submitted simultaneously, each seeking outline permission for a single dwelling however they are different locations. 2017/91921 seeks a dwelling to the west of no.102, 2017/9192 seeks a dwelling to the east of no.102. Both are to be considered, separately, by Planning Committee.**

2.0 SITE AND SURROUNDINGS

2.1 No.102 Gawthorpe Lane is a detached two storey dwelling faced in brick. The dwelling has a two storey side extension and a brick faced detached garage. The dwelling is set back from Gawthorpe Lane by approx.13.0m, and benefits from a larger rear garden. The site is accessed via a driveway from Gawthorpe Lane.

2.2 To the South and East of the site is open land. To the West is Cow Hey Farm. To the north is Gawthorpe, a grouping of approx.10 dwellings and a local club.

3.0 PROPOSAL

3.1 The application seeks outline planning permission for a single dwelling with access as a consideration. All other matters (appearance, landscaping, layout and scale) are reserved.

3.2 The dwelling is to be located to the east (rear) of No.102 Gawthorpe Lane. No.102's existing garage would be demolished to facilitate the development.

3.3 Access is to be via no.102's existing driveway onto Gawthorpe Lane.

3.4 The application is supported by a location plan, Coal Mining Risk Assessment and Planning Statement. Indicative block plans have been provided.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

2016/92556: Change of use of land to domestic curtilage and erection of two storey side extension – Conditional Full Permission (Unimplemented, extant)

4.2 Surrounding Area

Site adjacent, no.102 Gawthorpe Lane

2017/91921: Outline application for erection of one dwelling – Ongoing

Note: 2017/91921 and 2017/91922 have been submitted simultaneously, each seeking outline permission for a single dwelling however they are different locations. 2017/91921 seeks a dwelling to the west of no.102, 2017/9192 seeks a dwelling to the east of no.102. Both are to be considered, separately, by Planning Committee.

5.0 HISTORY OF NEGOTIATIONS

5.1 The applicant was contacted by officers who expressed concerns regarding the proposals impact on the Green Belt. Furthermore the applicant was advised further details in relation to Highways and Local Ecology were required. However due to the Green Belt concerns, officers did not formally request this.

5.2 The applicant requested time to consider officers' response. Following this a request for the application to go to planning committee was received from Cllr McGuin. The applicant was informed of this, and then stated the intent to provide the required Highways and Local Ecology details prior to the committee.

5.3 A deadline was given for the applicant to provide the required Highways and Local Ecology details. The deadline has passed without the details being provided. Therefore the proposal has been assessed as submitted.

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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 On the UDP Proposals Map the site is allocated as Green Belt.

6.3 The site is allocated as Green Belt on the PDLP Proposals Map.

6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D13** – Infill development within the Green Belt
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE12** – Space About Dwellings
- **T10** – Highways accessibility considerations in new development
- **H1** – Housing: Strategy

6.5 Supplementary Planning Guidance / Documents

- **PLP 1** – Presumption in favour of sustainable development
- **PLP 2** – Place sharpening
- **PLP 3** – Location of new development
- **PLP 21** – Highway safety and access
- **PLP 24** – Design
- **PLP 30** – Biodiversity and geodiversity
- **PLP 51** – Protection and improvement of local air quality
- **PLP 53** – Contaminated and unstable land

6.6 National Planning Policy Framework

- **Paragraph 17** – Core planning principles
- **Chapter 1** – Building a strong, competitive economy
- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 9** – Protecting Green Belt land
- **Chapter 11** – Preserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised via site notice and through neighbour letters to addresses bordering the site. This is in line with the Councils adopted Statement of Community Involvement. The end date for publicity was the 9th of November, 2017.

7.2 Six representation were received in objection to the proposal. The following is a summary of the concerns raised;

- The application claims that Gawthorpe is a village because it has a number of dwellings, farm and a local club and is a named settlement on OS maps. This is disputed. Other than the club there are no services or amenities within Gawthorpe (i.e. church, school, shop) or a defined centre. There are also no other roads which feed into Gawthorpe, thus built development is restricted to Gawthorpe Lane only, where there are only 14 dwellings.

- Other local residents have approached the Local Planning Authority to develop within the area, where officers stated the principle would not be supported as officer did not consider Gawthorpe a village.
- The proposal fails to comply with Policy D13 of the UDP because it is not larger surrounded by development and not part of a built up frontage.
- The development would harm the amenity of no.104's residents and harm visual amenity.
- The proposal is contrary to the NPPF's five purposes of the Green Belt (Paragraph 80).
- The proposal would cause an overdevelopment of the site, out of keeping with local development. It is questioned whether the site could accommodate a dwelling, outdoor amenity, parking and turning.
- The previous owner contacted the LPA to discuss developing the application site, where they were told as it is in the Green Belt approval would not initially be supported. To approve the application would not be fair, and the council 'going back on their word', causing the previous owner to be 'cheated out of something we could have potentially built'.
- The proposal would raise highway concerns as too many drives would lead onto the road, which at peak times is busy.

8.0 CONSULTATION RESPONSES

8.1 Statutory

The Coal Authority: No objection subject to conditions.

K.C. Highways: Object due to insufficient details being submitted to assess highway implications of the development.

8.2 Non-statutory

K.C. Ecology: Object due to insufficient details being submitted to assess biodiversity implications of the development.

K.C. Trees: No objection.

9.0 MAIN ISSUES

- Principle of development
- Residential Amenity
- Highway issues
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 14 and PLP1 outline a presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8). The dimensions of sustainable development will be considered throughout the proposal.

- 10.2 Further to the above the Council are unable to demonstrate a 5 year supply of housing land. Therefore relevant policies for the supply of housing should not be considered up to date. Notwithstanding this the site is not subject to policies which restrict the supply of housing. In addition National Planning Practice Guidance states that *'unmet housing demand...is unlikely to outweigh the harm to the Green Belt and other harm to constitute 'very special circumstances' justifying inappropriate development in the Green Belt'*.
- 10.3 In addition Paragraph 14 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted; this includes 'land designated as Green Belt' (footnote 9).

Land allocation (Green Belt)

- 10.4 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.
- 10.5 Paragraph 89 permits limited infilling in villages. This is in general conformity with D13 of the UDP which states that within existing settlements in the Green Belt infill development will normally be permitted subject to certain criteria. These include the site being small in scale and within a built up frontage or being small and largely surrounded by development. The PDLP does not have a Greenfield site infilling policy.
- 10.6 The Framework does not provide a definition of what constitutes a "village", and the UDP does not provide a definition of what constitutes a "settlement". Accordingly, this is a matter of planning judgement.

Whether the proposal is inappropriate development in the Green Belt

- 10.7 Although there is no definition of village/settlement where a settlement is inset within the Green Belt on the UDP and surrounded by it, the Green Belt boundary is usually treated as being co-existent with the settlement/village boundary. This means that if a site is on the edge of the settlement/village but is designated as Green Belt on the UDP proposals map, it is not within a settlement/village and cannot qualify as "limited infill within" a village.
- 10.8 This approach has been called into question by a recent court case, Julian Wood -V- The Secretary of State for Communities and Local Government and Gravesham Borough Council. It was ruled that an Inspector had misdirected himself by concluding that an appeal site lay outside the village based on the village boundary on the local plan proposals map, rather than on his own assessment of the village boundary on the ground.

- 10.9 There is also a recent appeal decision, against refusal of permission for the erection of a single detached dwelling at Coppull Moor Lane Nurseries, Chorley (ref 3154595). The Inspector concluded that:
- “Both parties accept that the site is outside of the settlement area; the appellant indicating that it is some 256m away from the boundary. That said, the site is within a clear continuum of development spreading out from the settlement. Notwithstanding the location of the formal boundary, there is nothing to obviously separate the site from the rest of the settlement. Therefore it is my view that the appeal site forms part of the settlement”*
- 10.10 So, the question of whether a site forms part of a settlement/village has to be assessed in each instance based on the characteristics of the site and its surroundings. A village boundary, or a line forming the boundary between Green Belt and unallocated land on an adopted Proposals Map, is not necessarily determinative.
- 10.11 Gawthorpe has fifteen registered addresses. This includes 1 commercial stable and a commercial club, leaving thirteen residential units. This limited amount of residential units is below what would typically be enough to be a village/settlement. Also there is no convenience shop, school or church which would be typical within a recognised settlement/village. There is no ‘village centre’ or similar central point typical of historic villages, with dwellings in Gawthorpe principally built along the roadside, similar to ribbon development, or off small private off-shoot roads. The applicant has noted that Gawthorpe is named on the Ordinance Survey (OS) base maps, however this is not considered to have any planning merits. It is therefore concluded that Gawthorpe is not a settlement/village in its own right.
- 10.12 In regards to whether Gawthorpe is part of a larger settlement, beyond the core cluster of dwellings there is only very intermittent development on Gawthorpe Lane leading into the area. The nearest recognised settlement is Fenay Bridge, which is 500m to the south-west via direct route. There is no ribbon development or other built development connecting Gawthorpe to Fenay Bridge, with the separation consisting of numerous large open fields. Gawthorpe is thus not considered part of a larger settlement/village.
- 10.13 This site sits within an area over washed by Green Belt, with the boundary being 500m away. Within the Local Plan’s ‘Green Belt Review – April 2017’ the closest boundary to land not within Green Belt is noted as having topography which is an absolute barrier to development, forming a hard boundary between developed and undeveloped land. The adjacent boundary sections have been identified as ‘more important’, being of value to ‘prevent the sprawl of large built up areas’ and to ‘safeguard the countryside from encroachment’, which form two of the five purposes of the Green Belt. It is considered that the proposed development would prejudice the assessment of this boundary, being in breach of the two purposes of the Green Belt that were identified.

10.14 The site is not considered to be within a village or settlement for the purposes of Green Belt infill policy, failing to comply with Policy D13 and Paragraph 89 of the NPPF, therefore constituting inappropriate development in the Green Belt.

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

10.15 Whilst no details of the proposed dwelling has been submitted (layout, scale, appearance and landscaping are reserved) it is considered that the erection of a new dwelling would result in a significant reduction in the openness to this part of the Green Belt over and above the small structure that would be removed.

10.16 Therefore the development would prejudice the objective of keeping land permanently open through the introduction of a new built form on previously undeveloped land. The application site is garden space, which is considered Greenfield land, with the footprint of any building to be removed brownfield. There is open land to the immediate south and east, with the wider area being open fields. While there is built development to the north, the dwellings are spaciouly laid out, retaining a sense of openness. The site is generally free from any built development, save for a small structure, and contributes to the verdant character of the wider surroundings and makes a positive contribution to the character and appearance of the area. Considering the wider area, the proposal would also have an urbanising impact on the site and would unacceptably consolidate the sporadic built development in the area. This would be harmful to the character and appearance of the area.

10.17 Consideration is also given to the further assessments of Policy D13. Where a development is considered to be within a settlement, which for clarity is not the case, the following additional tests are applied;

- i. The site is small, normally sufficient for not more than two dwellings and within an otherwise continuously built up frontage, or*
- ii. The site is small and largely surrounded by development, and*
- iii. No detriment will be caused to adjoining occupied of land or to the character of the surrounding area.*

10.18 While the site can be considered small, it does not form part of a continuously built up frontage. The land is rear garden space and does not front onto a road, with there being no adjacent aligned development which could be considered either frontage or a 'building line'. The application site is the edge of built development, with the land to the south and east being large open fields that each continue for some distance. Therefore, the site's frontage is not considered to be 'continuously built up'. Considering the second test, the site is not largely surrounded by development with the land to the immediate south and east being open. While there is development to the north, as noted above it is of a low density and intermittent. The application site is not considered to be largely surrounded by development. Turning to the final test, for the reasons outlined in the above paragraphs the development is considered harmful to the character of the surrounding area. As such, where the development deemed to be within a settlement, the proposal would fail each of the subsequent tests of policy D13.

- 10.19 The proposed dwelling would introduce additional built footprint and volume onto land that is currently principally open. Openness is defined by an absence of buildings, or other forms of development. Therefore, the development would result in a reduction in openness to this part of the Green Belt. Furthermore, new development would harm the permanence of the surrounding. Paragraph 79 of the NPPF identify the Green Belt's openness and permanence as the essential characteristics of the Green Belt. In this instance the increased extent of built development would cause significance harm to the identified characteristics of the Green Belt.

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

- 10.20 In accordance with Paragraph 87 consideration needs to be given to whether there are any 'very special circumstances', specific to the application, which clearly outweigh the identified harm to the Green Belt by reason of inappropriateness and any other harm.
- 10.21 No very special circumstances, have been offered as part of the application as the applicant claims the proposal is within a village, thus being appropriate development via Paragraph 89 of the NPPF and therefore no Very Special Circumstances are required. For the reasons outlined above, officers dispute this.
- 10.22 Officers dispute that the site is within a village and have assessed the proposal to be inappropriate within the Green Belt. Officers do not consider there to be any very special circumstances with the application that clearly outweigh the harm caused by reason of inappropriateness or the other harm highlighted above.
- 10.23 Notwithstanding the above, within the submitted planning statement, reference is made to the proposal supporting 'the vitality of Gawthorpe as a village and assist in supporting other local services', which is supported by paragraph 55 of the NPPF. Nonetheless, as officers have concluded Gawthorpe is not a village, limited weight is afforded to this. Although reference is also made to the Council lacking a 5-year housing land supply, as set out in para 10.2 of this assessment unmet housing demand is unlikely to outweigh the harm to the Green Belt by reason of inappropriateness. This is considered to be the case here.

Conclusion

- 10.24 Whilst the council is unable to demonstrate a 5-year supply of housing sites, in this case specific policies in the NPPF indicate that development should be restricted. The proposal has been assessed against policy D13 of the UDP and Paragraph 89 of the NPPF. It is concluded that the proposal would not comply with these policies, therefore being inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. Furthermore the development would cause further harm to the Green Belt's openness and permanence.

- 10.25 In accordance with Paragraph 87 of the NPPF consideration has been given as to whether any very special circumstances exist which clearly outweigh the harm to the Green Belt. None have been offered by the applicant, and officers have not independently identified any.
- 10.26 The proposal is contrary to policy D13 of the UDP and Chapter 9 of the NPPF and it is concluded that the principle of development is considered unacceptable within the Green Belt.

Residential Amenity

- 10.27 As the application is at outline stage with the matters of scale, appearance and layout reserved the impacts the proposed development would have on the amenities of neighbouring dwellings and the future occupiers of the proposed development cannot be fully considered at this stage.
- 10.28 Notwithstanding this consideration can be given to the space standards outline in Policy BE12. The dwelling is located 13.5m from no.104 to the north and 6.4m from the host dwelling, no.102. Considering these distances there is no immediate concern that the proposal could not comply with BE12. At Reserved Matters stage careful consideration of the scale of the dwelling and the placement of windows would be required, given that no. 104's garden space would be adjacent to a gable wall of the proposed dwelling and therefore has the potential to cause a loss of privacy through overlooking. Nonetheless this is not considered to prohibit the potential development of the site.
- 10.29 While the plot is smaller than typical for neighbouring dwellings it is not considered future residents would have unacceptable amenity standard.
- 10.30 Subject to appropriately addressing layout, scale and appearance (including window arrangement), the proposal would not necessarily give rise to adverse material impacts upon the amenities of neighbouring dwellings or the amenities of future occupiers. The proposal is therefore not considered to be contrary with BE12 of the UDP, PLP24 of the PDLP and Paragraph 17 of the NPPF at this stage.

Highway issues

- 10.31 Access is a matter for consideration. Other than the proposed point of access, which is to be shared between the proposed dwelling and the existing no.102, limited details have been provided. While it is acknowledged the access is established, there would be material intensification in use of the access, going from serving one dwelling to two.
- 10.32 As the access would serve two dwellings Planning and Highways officers seek the access width to be increased to 4.5m for the length utilised by multiple dwellings. This is to ensure the access can allow for passing, to prevent vehicles having to wait on Gawthorpe Lane. Furthermore, Highways have requested that the plans be updated demonstrating that sightlines of 2.4m x 43.0m can be achieved, along with swept path analysis of a car being able to turn to access and egress the site in a forward gear.

- 10.33 These details were required of the agent, but not received. Based on the submitted details Planning and Highways officers hold concerns that the access would not be suitable for two dwellings, causing harm to the safe and efficient operation of the highway network. Thus, the proposal fails to comply with Policy T10 of the UDP and PLP21 of the PDLP.

Other Matters

Impact on local ecology

- 10.34 The site is within 500m of a known great crested newt breeding pond. Great crested newts are a protected species and consideration must be given to the development's potential impact upon them.
- 10.35 The Local Planning Authority has a duty under the Conservation of Habitats and Species Regulations 2017 to consider if the proposals are likely to impact European protected species (such as bats, great crested newts (GCN), otters and white-clawed crayfish) to the extent that this would cause an offence under the same Regulations. If an offence is likely, then the Local Planning Authority also needs to be satisfied that Natural England are likely to grant a licence to carry out the works. This requires information on how the proposals are likely to affect European protected species (e.g. are GCN present on site, how much suitable habitat will be lost, will any GCN be killed), and how the applicant proposes to avoid or reduce these impacts.
- 10.36 The application is not supported by any ecological information. As such officers are unable to determine whether the proposal would harmful impact on protected species, specifically Great Crested Newts, or any mitigation or compensation for that impact. It is not therefore possible to perform the statutory duties in relation to local ecology or properly assess the development against emerging local and national policy. The proposal fails to comply with policy PLP30 of the PDLP and does not adhere to the objectives of Chapter 11 of the NPPF.

Coal Mining Legacy

- 10.37 The application site is in an area where there is a high risk of historic mining activity. Policies G6 and PLP53 seek to ensure that development proposals are considered having regard to available information about contamination and instability of the land concerned. In addition it is a requirement of the NPPF (paras 120-121) that the applicant should demonstrate to the satisfaction of the LPA that the application site is safe, stable and suitable for development and that planning decisions should ensure that the site is suitable for its new use taking account of former activities such as mining in the area.

- 10.38 A Coal Mining Risk Assessment was submitted with the application, which indicated a potential risk for development of the site, and thus made recommendations for safe development. The report was submitted for consideration by the Coal Authority, who concurs with the conclusion and recommendations of the CMRA. Subject to conditions requiring the recommended works be undertaken, and detailed reports provided for review, the Coal Authority does not object to the proposal. These conditions are deemed to comply with the NPPF's six tests, so as to accord with Policy G6 and BE1 of the UDP and Paragraphs 120 and 121 of the NPPF. Given the importance of ensuring a safe development, and the potential impact of coal legacy, pre-commencement conditions are deemed justifiable.

Air quality

- 10.39 In accordance with government guidance on air quality mitigation, outlined within Policies PLP21, PLP24 and PLP51 of the PDLP along with the NPPG and Chapter 10 of the NPPF, it is considered reasonable and necessary to seek air quality enhancement as part of the application. Therefore, if minded to approve, a condition will be imposed requiring the provision of an electric vehicle charging point.

Representations

- 10.40 *Object*

Six representation were received in objection to the proposal. The following is a summary of the concerns raised along with a response to the points raised;

- The application claims that Gawthorpe is a village because it has a number of dwellings, farm and a local club and is a named settlement on OS maps. This is disputed. Other than the club there are no services or amenities within Gawthorpe (i.e. church, school, shop) or a defined centre. There are also no other roads which feed into Gawthorpe, thus built development is restricted to Gawthorpe Lane only, where there are only 14 dwellings.
- The proposal is contrary to the NPPF's five purposes of the Green Belt (Paragraph 80).
- Other local residents have approached the Local Planning Authority to develop within the area, where officers stated the principle would not be supported as officer did not consider Gawthorpe a village.

Response: These comments generally concur with the officer's assessment of the proposal, as detailed within paragraphs 10.7 – 10.26.

In regards to advice given to local residents regarding the principle of development, officers maintain that the Gawthorpe does not form a village from a planning perspective, and that the principle is not supported.

- The proposal fails to comply with Policy D13 of the UDP because it is not larger surrounded by development and not part of a built up frontage.

Response: This is noted. However the application does not seek to comply with D13, instead stating the proposal complies with Paragraph 89 of the NPPF.

- The development would harm the amenity of no.104's residents and harm visual amenity.
- The proposal would cause an overdevelopment of the site, out of keeping with local development. It is questioned whether the site could accommodate a dwelling, outdoor amenity, parking and turning.

Response: As per paragraphs 10.27 – 10.30 of this assessment officers conclude, at outline stage with the relevant considerations reserved, the proposal would not in principle harm the amenity of nearby residents. However, officers concur that the proposal would be detrimental to the openness (visual amenity), through the introduction of new built development within the Green Belt.

- The previous owner contacted the LPA to discuss developing the application site, where they were told as it is in the Green Belt approval would not initially be supported. To approve the application would not be fair, and the council 'going back on their word', causing the previous owner to be 'cheated out of something we could have potentially built'.

Response: These comments are noted. As detailed within this report, officers maintain that the proposal is inappropriate within the Green Belt and that there are no very special circumstances which outweigh the harm caused.

Notwithstanding this advice from officers outside of the formal Pre-Application Service is informal only and does not constitute a formal advice or assessment of development. Any submitted application would be assessed on its own merits taking into account all relevant material considerations at that time.

- The proposal would raise highway concerns as too many drives would lead onto the road, which at peak times is busy.

Response: The access referred to currently exists, however officers have concerns that, without appropriate improvements, it would be unsuitable to serve two dwellings.

10.41 *Support*

No representations in support were received.

10.42 Cllr Comments

Cllr Bernard McGuin requested the application be determined by sub-committee for the following reasons:

1. *To look at the argument about the definition of a village and its impact on this application*

Response: Officer's assessment on the definition of a village is outlined within Paragraphs 10.6 – 10.14.

2. *Dispute over effect on the environment*

Response: In regards to the impact on the environment, officers are unable to assess this as the application has not been supported by the relevant assessment.

3. *The receipt of support from the neighbours*

Response: No comments in support have been received from neighbours.

4. *To look at if any special reasons can be taken into account when considering the application*

Response: No very special circumstances have been offered by the applicant, and none are evident to officers.

5. *The overall effect of building on the present footprint*

Response: The site currently hosts a garage. While this is noted, a dwelling will inevitably have a greater impact on the surrounding area, most notably in scale and mass within the Green Belt.

11.0 CONCLUSION

11.1 Whilst the Council is unable to demonstrate a 5 year supply of housing sites, in this case, specific policies in the Framework (relating to Green Belt) indicate that development should be restricted. The proposal would constitute inappropriate development in Green Belt and would reduce openness in this location. The other material considerations in this case do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development have not been demonstrated. The development would also be contrary to Policy D13 of the Kirklees UDP.

11.2 Further to the above it has not been demonstrated that the development could be undertaken without significant loss or harm to biodiversity as required by PLP30 of the PDLP and Chapter 11 of the NPPF.

11.3 The application is made at outline; however, access is a matter for consideration as part of this application. The application has failed to demonstrate that a safe and efficient access can be formed onto Gawthorpe Lane, in breach of Policy T10 of the UDP and PLP21 of the PDLP.

- 11.4 As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this application, the material considerations considered above do not justify making a decision other than in accordance with the development plan which require the application to be refused.

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%2f91922>

Certificate of Ownership: Certificate A signed

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 29-Mar-2018

Subject: Planning Application 2018/90099 Erection of four storey building and landscaping details Joseph Priestley Building, University Of Huddersfield, Queensgate, Huddersfield, HD1 3DH

APPLICANT

P Turner, The University
Of Huddersfield

DATE VALID

11-Jan-2018

TARGET DATE

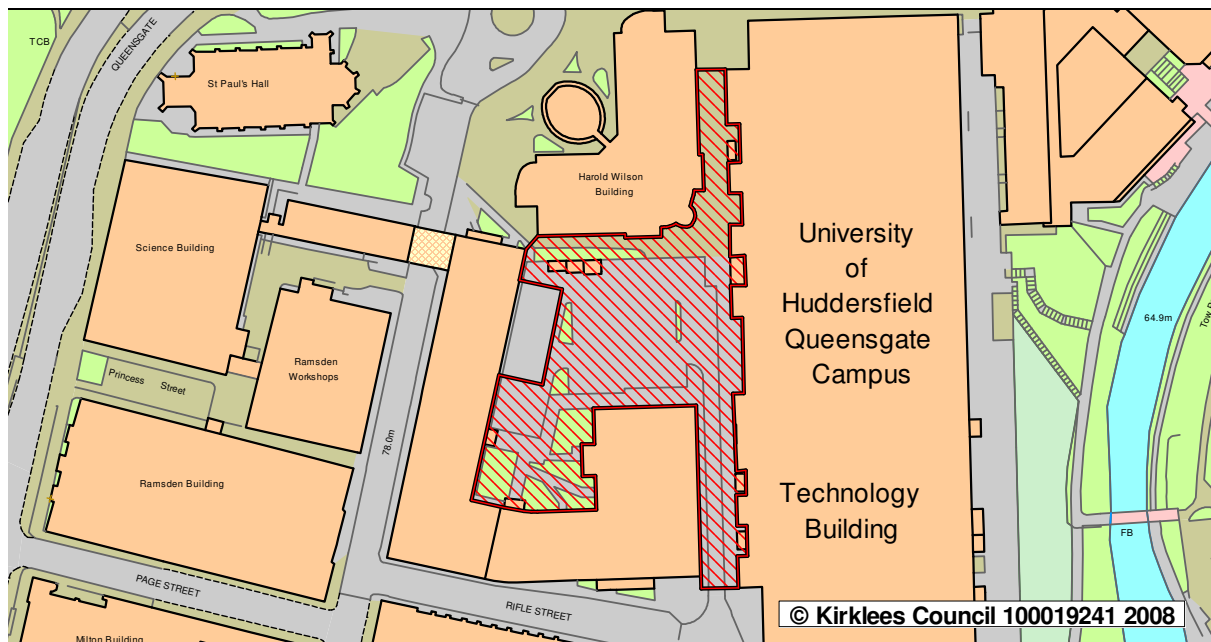
12-Apr-2018

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: Newsome

Y

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:

1. Finalise negotiations on outstanding technical matters with the Lead Local Flood Authority and Yorkshire Water relating to the surface water drainage, specifically their recommended conditions.
2. Complete the list of conditions including those contained within this report (and any added by the Committee).

In the circumstances where outstanding Lead Local Flood Authority or Yorkshire Water comments have not been addressed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether planning permission should be refused on the grounds that the proposals are unacceptable on the grounds of flood risk; 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 application is brought to Sub-Committee for determination at the request of officers with the agreement of the Committee Chair. This is in accordance with the delegation agreement.
- 1.2 The reason officers have requested a Sub-Committee determination is in light of previous interest in the development of the campus by Local Ward Members, in particular the impact this could have on the local Highway Network. Furthermore the most recent previous major developments on site, the Oastler and Barbara Hepworth buildings, were both determined by Strategic Planning Committee, (under the Council's delegation agreement); bringing the application to sub-committee for determination allows members to consider in detail the plans to expand the Queensgate campus.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site covers an area of 0.33ha. It includes a disused car park and the pedestrian route between Rifle Street and University Square. The car park is currently being used by workmen as a storage yard associated with other development within the wider campus. A new link building adjoining the Joseph Priestley building has been built adjacent to the site.
- 2.2 The site is within the centre of the University's Queensgate Campus, with other university buildings surrounding the site in each direction. The architectural style and appearance of the buildings within the Queensgate campus vary greatly, demonstrating their period of construction and original purpose. Notable adjacent buildings, other than the Joseph Priestley building, include the Harold Wilson Building, the Bronte Lecture Theatre and the Technology Building. There are various designated heritage assets within the area, including the Huddersfield Town Centre Conservation Area being 40.0m to the west. Nearby Listed Buildings are the Grade 2 Listed Drill Hall and Ramsden Building.
- 2.3 Queen Street South connects to Huddersfield Town Centre's ring road, with the site being approximately 4 minute walk from the town centre.

3.0 PROPOSAL

- 3.1 The proposal seeks the erection of a four storey education centre. The building is to be used for Applied Sciences and is currently unnamed. The building is to be located within the Queensgate Campus and will be connected to the Joseph Priestley building via the new link entrance building recently completed on site.
- 3.2 The overall floor space created is to be 3,200sqm, on a footprint of 800sqm. The building is to provide sciences teaching laboratories for the School of Applied Science and will include two 'superlab' facilities (currently intended for Biology and Chemistry). It will also include a laboratory for 'outreach', to be used by science students of local colleges, and student Optometry, for the ground floor, which will include a public aspect.
- 3.3 The building has a roughly rectangular footprint with a curved eastern corner. The north elevation is to be faced in a mixture of stone cladding, aluminium panels and glazing. The south and east are to include these materials, but will also feature a large area of terracotta cladding (red). The building is to be built on a plinth of stone and brick. Plant and equipment are to be located on the roof, to be screened by the curtain walling and a louvre screen.
- 3.4 External works include landscaping of the pedestrian route from Rifle Street, comprising the land around the proposed building, to the main University square. The building is to be built over a disused car park; the parking originally provided by the car park has already been replaced elsewhere. No new parking is proposed within this application. The proposal would create 10 fulltime jobs.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2016/93981: Erection of four storey extension and refurbishment and remodelling of existing building (within a Conservation Area) – Conditional Full Permission (Implemented)

2017/92754: Variation of condition 2. (plans and specifications) on previous permission 2016/93981 for erection of four storey extension and refurbishment and remodelling of existing building (within a Conservation Area) – Modification of Condition Granted (Implemented)

4.2 Surrounding Area

Oastler Building

2015/90262: Erection of 6 storey education centre – Conditional Full Permission (Implemented)

Barbara Hepworth Building

2017/92235: Erection of new education building with the associated landscaping – Conditional Full Permission (Implemented)

5.0 HISTORY OF NEGOTIATIONS

5.1 Officers sought clarification on the proposed use of terracotta cladding and requested that samples be provided prior to determination. This were submitted, and upon review of the samples officers consider them to be acceptable in principle.

5.2 The application was not supported by a Site Specific Flood Risk Assessment / Drainage Statement. Officers requested this and it has now been provided, with it currently being reviewed by Yorkshire Water and the Lead Local Flood Authority.

5.3 The proposal is supported by a Highway Impact Assessment. While broadly supportive of the mythology and findings of the assessment, officers sought further details on specific aspects. Following discussions these details have been provided.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was 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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 On the UDP Huddersfield Town Centre Insert Map the site is unallocated.

6.3 The site is Unallocated on the PDLP Proposals Map.

6.4 Within both the UDP and PDLP the site is adjacent to the Huddersfield Town Centre Conservation Area.

6.5 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **G6** – Land contamination
- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Building materials
- **BE23** – Crime prevention
- **EP4** – Noise sensitive locations
- **EP11** – Ecological landscaping
- **T1** – Transport: Strategy
- **T10** – Highway Safety
- **T16** – Pedestrian access
- **T19** – Parking standards
- **TC1** – Huddersfield Town Centre

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

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP7** – Efficient and effective use of land and buildings
- **PLP20** – Sustainable travel
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP28** – Drainage
- **PLP30** – Biodiversity & Geodiversity
- **PLP32** – Landscape
- **PLP33** – Trees
- **PLP35** – Historic environment
- **PLP53** – Contaminated and unstable land

6.7 National Planning Guidance

- **Paragraph 7** – Sustainable Development
- **Paragraph 17** – Core Planning Principles
- **Chapter 4** – Promoting sustainable transport
- **Chapter 7** – Requiring good design

- **Chapter 8** – Promoting healthy communities
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and enhancing the natural environment
- **Chapter 12** – Conserving and enhancing the historical environment

7.0 PUBLIC/LOCAL AND LOCAL MEMBER RESPONSE

7.1 The application has been advertised via site notice and press notice as there are no neighbouring properties bordering the site. This is in line with the Councils adopted Statement of Community Involvement. The end date for publicity was the 23rd of February, 2018.

7.2 No public representations were received.

Local Member Involvement

7.3 The application is within Newsome Ward. The Members for Newsome Ward are Cllr Karen Allison, Cllr Andrew Cooper and Cllr Julie Stewart-Turner. Following validation of the application local members were informed of the application.

7.4 Cllr Julie Stewart-Turner asked questions and provided comments on the parking and highways impact of the development. Cllr Julie Stewart-Turner was advised that officers were minded to approve the application.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: No objection subject to condition.

The Canal and River Trust: No objection.

The Coal Authority: No objection.

Yorkshire Water: Awaiting formal response following late submission of Drainage Assessment.

8.2 Non-statutory

K.C. Crime Prevention (Including Counter Terrorism): Crime Prevention has no objection subject to condition. The Counter Terrorism Advice Officer requested further details which have been provided and are under review.

K.C. Ecology: No objection subject to condition.

K.C. Landscape: No objection subject to condition.

K.C. Lead Local Flood Authority: Awaiting formal response following late submission of Drainage Assessment.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 14 and PLP1 outline a presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8). The dimensions of sustainable development will be considered throughout the proposal.
- 10.2 Conversely Paragraph 14 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored, where relevant.

Land allocation

- 10.3 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states;

'Planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]'

All these considerations are addressed where relevant later in this assessment. Furthermore the site falls within the Huddersfield Town Centre Insert Map of the UDP. Policy TC1 of the Unitary Development Plan refers to how the role of Huddersfield town centre will be enhanced through improvements to existing facilities and enabling new development, and makes specific reference to supporting the expansion of the University.

- 10.4 Consideration must also be given to the emerging local plan. The site is without notation on the PDL Policies Map. PLP2 states that;

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...

The site is within the Huddersfield sub-area. Policy PLP3, 'location of new development', requires development to reflect the characteristics of the surrounding area, while also supporting employment in a sustainable way. PLP7 relates to the efficient and effective use of land and buildings. The listed qualities and criteria of these policies will be considered where relevant later in this assessment.

- 10.5 Considering the above policies officers conclude that the principle of development is acceptable. An assessment of the proposal's local impact must be undertaken, outlined below.

Urban Design and Landscaping

- 10.6 The proposal would introduce an additional large scale building to the campus which would be seen both at close quarters and at a distance. This includes views from within the campus, Firth Street and Huddersfield Ring-road. The development would therefore have the potential to impact significantly on the visual amenity of the area. However, this needs to be considered in the context of other development in the area.
- 10.7 The University campus hosts buildings of various architectural designs. This includes re-purposed traditional buildings and purpose built education buildings. The mixture of historic and contemporary designs reflects the evolution of the campus over many decades. Notable buildings on campus include the historic Canalside East and West and the Central Services Building, with modern additions including the Oastler Building and the Barbara Hepworth building (currently under construction).
- 10.8 The scale and massing of the buildings vary through the campus. The proposed building is to have a smaller footprint than those surrounding it, while being comparable in height to the neighbouring four storey buildings. The building's scale is deemed to be in keeping with that of neighbouring buildings and others within the wider campus. Considering the design of the above named buildings, each is unique in appearance and architectural form, while harmonising with one another to form a character of variety and interest, with an overall high quality of architecture. Assessing the Applied Science Building's design, the contemporary style and strong architectural image are considered to harmonise well with the other buildings of the university.
- 10.9 The use of stone, aluminium cladding and feature glazing panels reflects common materials within the University campus; the listed materials and their proposed arrangement is considered appropriate. The east and south walls are to feature large areas of red terracotta cladding. The cladding's profile is to include flat and vertically aligned curved sections. Terracotta is not a common construction material, which raised initial concerns from officers who asked for a sample to be provided. Upon review officers consider the glazed terracotta in dark red to be of a high quality. The material will provide architectural interest to the Applied Science Building, giving the building its own character and identity, but with the proposed implementation of the terracotta not causing the building to appear incongruous within its setting. In terms of the colour, other examples of red cladding and red features can be seen throughout the campus, with the use of red terracotta being consistent in this regard. Notwithstanding this, if minded to approve, a condition will be sought requiring samples of all materials to be provided for review. This is to

ensure the palette of materials are suitable. This includes the terracotta cladding: while a sample has been provided at application stage, the sample's profile is not correct to that proposed.

- 10.10 The proposal features landscaping works to the pedestrian route between Rifle Street and University Square, along with the areas round the proposed building. This includes a seating area formed between the Applied Science Building, Bronte Lecture Theatre and the Joseph Priestley Building. The submitted design and access statement stipulates that the landscaping design is intended to extend the blue and green corridor of the Huddersfield Narrow Canal into the centre of the University. This is in keeping with the University's strategic objective of pedestrianising the Queensgate Campus. The landscape intends to 'thread blue and green' together, which features such as numerous planters, a 'controlled stream' (during rain) and 'rain gardens'. The end result is a verdant pedestrian area which is supported by officers and K.C. Landscaping. This is subject to a condition requiring a landscape and ecological management plan, to ensure the appropriate implementation and maintenance of the landscaped area, which is deemed appropriate.
- 10.11 In conclusion, subject to the above detailed conditions, officers are supportive of the proposed design and landscape. It is considered that the development complies with Policies D2, BE1, BE2 and BE11 of the UDP, PLP24 and PLP32 of the PDLP and Chapter 7 and 11 of the NPPF.

Impact on Local Heritage Assets

- 10.12 There are various listed buildings around the site. These include St Paul's Hall, Ramsden Building and the TA Reserve Centre. These buildings are each Grade 2 Listed. Additionally the site is adjacent to the Huddersfield Town Centre Conservation Area. While not within the Conservation Area, development in close proximity, particularly major development, may cause harm to heritage significance. Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduce a general duty in respect of Listed Buildings and Conservation Areas. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of identified heritage assets. Additionally, Policy BE5, PLP35 and NPPF Chapter 12 outline the principle of development and restrictions for development involving heritage assets. In accordance with Chapter 12 of the NPPF consideration must be given to the specific heritage value of the adjacent heritage assets.
- 10.13 St Paul's Hall is a converted church with retains its original architecture and open setting, on a prominent location by the ring road. The Ramsden Building hosts decorative architectural features such as turrets and statues, with the overall architectural merits of the building being significant. The Reserve Centre is likewise listed for its architectural merits and character as a purpose built drill hall. Turning to the Huddersfield Town Centre Conservation Area, while the Conservation Area does not have an area appraisal there is a character summary within the UDP. The appraisal gives weight to the area's fine Grade 2 Listed Building, with the use of ashlar stone and stone setts directly referenced, and the area's Victorian built public and commercial buildings.

- 10.14 As none of the referenced Listed Buildings are within the site, the proposal will not directly impact upon their historic fabric/architecture, an important aspect of their heritage significance. However consideration must be given to their and the Conservation Area's setting. The proposed building is separated from both the Listed Building and Conservation Area by existing buildings, most notably the Joseph Priestley Building. The Listed Buildings and Conservation Area are each surrounded by other large buildings of various ages and architecture, with the proposal, as most, having a negligible on this setting.
- 10.15 As has been assessed the design of the Applied Science Building is considered appropriate in its setting and will not cause harm to the setting, and therefore significance, of the neighbouring designated heritage assets. The public benefits of the proposal, which include an enhancement to the visual amenity of the area and the enchantment of the University's facilities, are considered to outweigh the negligible harm to neighbouring listed buildings and Conservation Area. It is therefore concluded that the proposed development complies with S66 and S72 of the Act, BE5 of the UDP, PLP35 of the PDLP and Chapter 12 of the NPPF.

Residential Amenity

- 10.16 Policy D2 of the UDP, PLP24 of the PDLP and Paragraph 17 require new development not to prejudice residential amenity. The proposed building is surrounded by education buildings of similar heights. The closest residential unit is in excess of 100.0m from the application site. This separation distance, and the intervening buildings, are considered to negate concerns relating to overbearing, overshadowing, overlooking or noise pollution. Officers are satisfied that the development would not prejudice the amenity of nearby residents, in accordance with the above mentioned policies.

Highway issues

- 10.17 The application was previously a staff car park for 63 vehicles, however the carpark use ended approximately a year ago. The application site is currently used as a storage yard associated with other development within the wider campus, with the lost car parking spaces being relocated elsewhere. The access route to the site has been changed into a pedestrian area and is no longer accessible to standard traffic. The pedestrianizing of the route aligns with the University's ongoing strategic objective to reduce vehicle movements within the campus to an operation minimum (including accessible parking spaces). As such the development does not represent a loss of parking spaces, despite being built on a disused car park.
- 10.18 The proposed building will, at full capacity, host 400 students. This includes 'outreach' colleges students, making use of the university grade facilities, who would presumably access the site via coach or public transport. This will be determined on a per-college basis; however, the University campus does have facilities for coach drop off. It is noted that the ground floor includes student Optometry services for the public. This will be a minor aspect of the development however, with limited consultation rooms. Public consultation from students takes place in other buildings on site from other established courses, with the proposal not being materially different. The building is to provide enhanced facilities for existing students, and while it will increase the potential capacity of students on the Chemistry and Biology courses the

majority of student users of the new building will be existing as opposed to new on site. The old facilities are to be repurposed for research and development, however they have the potential to be further repurposed at a later date to additional teaching space. Considering the above the proposal does represent an intensification in demand for parking.

10.19 The University has a Travel Plan which covers the period 2009 to 2017. The Travel Plan sets out a range of strategies, objectives and targets aimed to promoting sustainable modes of transport for staff and students. Initiatives promoted by the Travel Plan include, but are not limited to;

- Provision of cycle shelters throughout the campus
- Provision of on-site motorcycle parking.
- Staff being provided with discounted travel passes
- Subsidence travel from certain student accommodation
- Funding (£40k in match funding) to the Huddersfield Active Travel Project

10.20 The travel plan has been provided as a supporting document for all major development within the University during its period, along with site specific assessments. This includes for the Oastler and Barbara Hepworth buildings. The site-specific assessments for past applications have demonstrated that the objectives and aims of the travel plan have been largely successful. The following is extracted from the application's site-specific highway assessment;

'The current level of car parking provided for the University is 663 spaces, however due to the recent planning consents the level of parking is changing as each permission is built out and the Travel Plan provides a commitment to not exceed 690 spaces. As the off campus car parking is coming into use, the level of spaces within Queensgate campus is reducing in order to provide additional room for open space, cycle and pedestrian provision. This strategy will improve the Queensgate Campus environment by reducing vehicle movements internally.'

10.21 The transport assessment submitted with the planning application provides evidence that the objectives of the travel plan, to reduce single occupancy car journeys and increase sustainable methods of transport, have been broadly successful to date. The current Travel Plan is reaching the end of its period. An updated travel plan is currently being produced by the University of Huddersfield and will include a review of the past travel plan, alongside new plans and strategies to continue to enhance travel arrangements. The update to the travel plan covering the next six academic years (2017-2023) is currently being prepared and is anticipated to be finalised and approved by Spring 2018.

10.22 The application site is considered to be a highly sustainable location. The site is within 150.0m of Huddersfield Town Centre, which benefits from strong public transport links to the local and wider region. The University campus also contains several facilities and amenities within the site which minimises trips onto the local highway network. Furthermore the site is within close walking distance to numerous student residences with further residences being connected by a dedicated University bus. Taking this into account, in addition to the successes of the University's Travel Plan, the upcoming new Travel Plan and submitted Transport Assessment, it is concluded that the proposed

development is acceptable from a Highways perspective. The Council's Highways Development Management Team has reviewed the proposals and has indicated that it does not wish to object to this development.

- 10.23 Given the restrictive nature of the site, and distance from the public Highway, K.C. Highways have requested details on how construction traffic will access the site and be managed. This is deemed acceptable to ensure the efficient operation of the Highway.
- 10.24 In summary it is concluded that the proposed development would not result in harm to the safe and efficient operation of the highway. The proposal is therefore considered to accord with UDP policies T10, T16 and T19 and PDLP policy PLP21.

Other Matters

Supporting economic growth

- 10.25 The proposal seeks to enhance and expand the facilities of Huddersfield University. Therefore to support the proposal would assist the business needs of the University.
- 10.26 Chapter 1 of the NPPF establishes a general principle in favour of economic growth, with Economic Development forming one of the key roles of Sustainable Development. Paragraph 20 of the National Planning Policy Framework stipulates that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Indirectly the development will benefit Huddersfield Town Centre and the surrounding area through the use of local materials, creation of permanent jobs, temporary jobs during construction and the growth and stability of the University.
- 10.27 In summary the proposal is considered to have a beneficially impact upon the local economy, in accordance with Chapter 1 of the National Planning Policy Framework.

Drainage issues

- 10.28 The site is within Flood Zone 1. Foul and surface drainage are proposed via the mains sewer.
- 10.29 The application was not submitted with a Drainage Assessment. This has now been submitted and consultations undertaken with Yorkshire Water and the Lead Local Flood Authority. However because of the late submission the consultation responses have not been received at the time of publishing.
- 10.30 As the site is within Flood Zone 1 and seeking for foul and surface drainage via the mains sewers there is considered no insurmountable issue relating to drainage with the site. However officers are currently awaiting formal confirmation, and any required conditions, from Yorkshire Water and the Lead Local Flood Authority

- 10.31 So as to work proactively with the applicant and in the interest of a prompt decision officer's request that members delegate authority to the Head of Strategic Investment to await the formal response from Yorkshire Water and the Lead Local Flood Authority so as to finalise negotiations on outstanding technical matters relating to the surface water drainage, specifically their recommended conditions and to impose any relevant and necessary conditions recommended by these consultees.

Impact on local ecology

- 10.32 The site is within the council's identified bat alert and swift nesting zones. However the site is considered to be of limited ecological value because of the lack of vegetation on site and as the proposal does not seek to alter or demolish an existing building, being built on a disused car park. Therefore K.C. Ecology does not object to the proposal.
- 10.33 Notwithstanding the above both Paragraph 118 of the NPPF and PLP30 of the PDLP seek for Planning Applications to produce a net gain in ecological value. The proposal represents the potential to enhance swift nesting within the area. The site has limited vegetated habitat therefore enhancement needs to be focused on the proposed built structure. Taking into account the natural habitat and previous records, a Swift based enhancement is considered the most appropriate and likely to success in this area. Therefore a condition is to be imposed requiring the provision of a swift colony nest site.
- 10.34 This condition is deemed to comply with the NPPFs six tests for conditions and is proportionate given the scale of the application. Subject to this condition officers are satisfied that the proposal complies with the aims and objectives of national ecological guidance, Chapter 11 of the NPPF and PLP30.

Crime prevention and counter terrorism

- 10.35 The proposal has been reviewed by the council's Police Architectural Liaison Officer. There is no objection to the proposal on public safety grounds, however a condition is requested for the submission of a lighting plan along the pedestrian areas. This is in the interest of crime prevention and mitigation, and creating an environment without the fear of crime. This condition is deemed reasonable, in accordance with BE23, PLP24 and Chapter 8 of the NPPF.
- 10.37 Given the scale of the building and its public nature the application's proposed counter terrorism mitigation and prevention measures have been reviewed by the local Counter Terrorism Officer. The Counter Terrorism Officer has provided a detailed response suggesting some amendments to the detailed design and certain aspects of the measures proposed and discussions are ongoing. If minded to approve then any measures considered necessary could be secured via condition. Alternatively the recommendations of the Counter Terrorism Officer can be forwarded to the applicants as advisory suggestions – if these do not meet the 6-tests for planning conditions. This is to accord with Paragraphs 58, 69 and 164 of the NPPF.

Contaminated land and coal mining legacy

- 10.38 UDP Policy G6 and PDLP Policy PLP53 state that development proposals will be considered having regard to available information on the contamination or instability of the land concerned. Given the site's location and varied historic uses there is the potential for ground based contaminants to be present.
- 10.39 Conversely the site has been developed since. In the interest of removing unacceptable risks to human health and the environment with regard to potential contaminants, it is considered necessary and reasonable to impose a condition requiring work to stop and investigation works to take place should unexpected contamination be found during development. This is so as to accord with guidance contained within Policy G6 of the Kirklees Unitary Development Plan, PLP53 of the Kirklees Publication Draft Local Plan and the guidance of the National Planning Policy Framework.
- 10.40 Part of the site falls within an area identified as being at high risk of containing unrecorded historic coal mining workings at shallow depth. A Coal Mining Risk Assessment (CMRA) has been provided with the application which has been reviewed by the Coal Authority. The Coal Authority has confirmed that they are satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated.
- 10.41 The Coal Authority considers that the content and conclusions of the CMRA, and the professional opinions of the report authors, are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. As such officers conclude that the development complies with the requirements of G6 of the UDP, PLP53 of the PDLP and Chapter 11 of the NPPF.

Representations

- 10.42 No public representations were received to the proposal.

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 Officers are supportive of the proposed development. The design of the building is innovative and of the highest architectural quality. The development will assist in raising the existing high standard of the surrounding built environment. Furthermore the development will provide a direct benefit to the local economy through investment within a close proximity to Huddersfield Town Centre. There will also be economic benefits through the purchase of locally sourced materials, where possible, from within Kirklees and the surrounding region and local labour. There will also be an indirect benefit through the enhancement of the University's existing education facilities, further growing the University of Huddersfield as a nationally recognised institution.

- 11.3 It is noted that there are standing objections from the Lead Local Flood Authority and Yorkshire Water. Nonetheless the site is not within a Flood Zone and the outstanding matters relate to technical details on drainage, which are not to be insurmountable if concerns are expressed. Similarly it is considered that the issues raised by the Counter Terrorism Officer could be controlled by condition and/or advisory notes. As such officers are seeking delegation to the Head of Strategic Investment to resolve these outstanding matters in a timely manner.
- 11.4 Subject to technical confirmation from the Lead Local Flood Authority and Yorkshire Water is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

1. Time limit
2. In accordance with plans
3. Material samples (Design)
4. Reporting of unexpected contamination (Environmental Health)
5. Details of construction traffic (Highways)
6. External lighting plan (Public Safety)
7. Counter Terrorism Measures (Public Safety)
8. Conditions as required by the Lead Local Flood Authority (Drainage)
9. Conditions as required by Yorkshire Water (Drainage)
10. Swift enhancements (Ecology)
11. Ecological design and landscape plan and maintenance (Landscape/Ecology)

Background Papers

Application website link: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92235>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90099>

Certificate of Ownership: Certificate A signed.

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 29-Mar-2018

Subject: Planning Application 2018/90336 Installation of additional bay to existing modular building Fixby Junior And Infant School, Lightridge Road, Fixby, Huddersfield, HD2 2HB

APPLICANT

Denise Armstrong,
Cowcliffe Pre-School

DATE VALID

31-Jan-2018

TARGET DATE

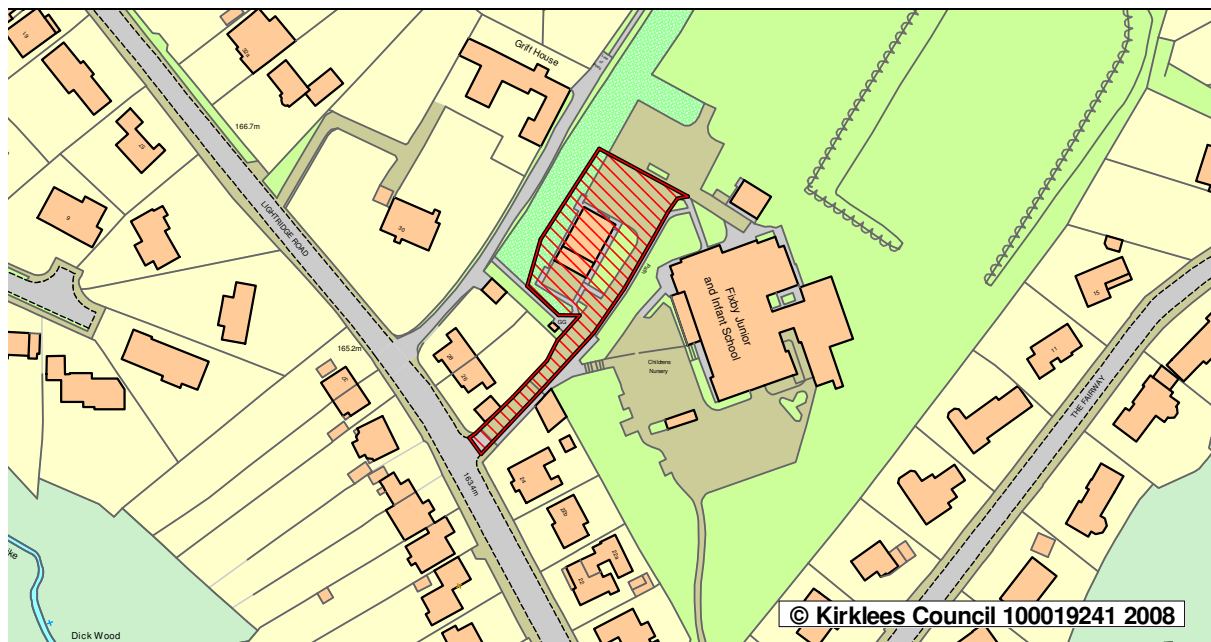
28-Mar-2018

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 The application has been brought to Sub-Committee and the request of Councillor Calvert with the following request:
- 1.2 Not enough information relating to this application is being shared and the effect to the residents with additional movements of traffic after the building size has been increased. There was a traffic management plan put in place in 2006 and this doesn't seem to have either worked or indeed be monitored so this needs looking at again. There have been numerous complaints both to Councillors, Police and Officers of the Council over the abuse received by residents from users of the school. Now is the time to sort this mess out.
- 1.3 The Chair of Committee has confirmed that Cllr Calvert's reason for making this request is valid having regard to the Councillor's protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 Cowcliffe Pre-School comprises a detached portable building and associated play area and car parking located within the grounds of Fixby Junior and Infant School in an area behind, north east, of Nos. 26 and 28 Lightridge Road. The entire site is within an area defined as Urban Greenspace within the Kirklees Unitary Development Plan. Access to the building is via a gated entrance off Lightridge Road and the building itself is sited adjacent to the driveway to the main school. The staff car park is to the north of the building. To the south of the building a canopy with play area under. The wider area consists of mainly residential detached properties.

3.0 PROPOSAL:

- 3.1 Permission is sought for the installation of an additional bay to the existing modular building.

- 3.2 The proposed extension would be located on the side of the building lying flush with the existing front and rear elevations and projecting 3.05 metres to the to the north east. The proposed construction materials would match the existing being Plastisol steel coated external multi-pro boards for the walls, finished in a colour to match the existing and a mineral felt roof. The proposed openings would be uPVC.
- 3.3 The proposed accommodation would be a store, office, lobby and staff room with an external ramped entrance.
- 3.4 There will be no increase in number of children or number of staff as a result of the development.
- 3.5 The applicant has confirmed that the extension is required to provide additional space in the form of extra storage, a staff room and an office that will be slightly bigger than the currently one. It will also provide improved toilet facilities and disabled toilet facilities and an improved and safer kitchen.
- 3.6 The use of existing parking within the grounds will not change and is solely for staff and there is no access for parents.
- 3.7 The existing number of parking spaces is 40 and whilst 2 would be lost to accommodate the proposal it is proposed that a total number of 43 would be provided.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2001/93877 Erection of single storey classroom extension
Granted
- 2004/92305 Erection of portable building
Conditional Full Permission
- 2010/91608 Erection of canopy
Conditional Full Permission
- 2016/90333 Variation of condition 5 (management scheme for the arrival and departure times of children from the playgroup) on previous permission 2004/92305 for erection of portable building for pre-school playgroup, formation of secure outdoor play area and staff parking
Variation of condition approved
- 2016/92895 Variation of condition 3 (no of children) on previous application 2016/90333 for variation of condition 5 (management scheme for the arrival and departure times of children from the playgroup) on previous permission 2004/92305 for erection of portable building for pre-school playgroup, formation of secure outdoor play area and staff parking
Variation of condition approved

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

- 5.1 No negotiations have taken place however further information has been submitted upon request from the Local Planning Authority with regards to a construction management plan for the extension and also confirmation of whether the resultant development would increase the number of staff or children for the pre-school.

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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 D3 – Urban Greenspace
BE1 – Design principles
BE2 – Quality of design
T10 – Highway safety
T19 – Parking provision

Kirklees Publication Draft Local Plan:

- 6.3 PLP1 – Achieving sustainable development
PLP2 – Place shaping
PLP21 – Highways safety and access
PLP22 – Parking
PLP24 – Design
PLP61 – Urban Greenspace

National Planning Policy Framework.:

- 6.4
- **Chapter 7** – Requiring good design
 - **Chapter 8** – Promoting healthy communities

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Final publicity date expired 13th March 2018 – 5 letters of representation received. The principal objections relate to highway safety and parking issues.

- Parked cars along the road create difficulty for residents exiting their drives because cannot see the road either uphill or downhill because of parked cars
- At times drives cannot be used as cars parked both sides of the road
- Crossing the road on foot can be dangerous because of the amount of traffic. Don't wish to see an increase in traffic usage or parking, not just at the 'school run' times but by cars picking up and dropping children off for the nursery and out of school activities
- It can also be dangerous for children crossing the road, not all of them being controlled by a parent. It could be considered an accident waiting to happens
- If there is a police presence, everyone behaves themselves
- If the application is granted request it be subject to no increase in the number of places in the nursery
- Parking by parents of both the nursery and school causes problems every day
- The bridle path is always blocked by indiscriminate parking
- Object to proposed application, to increase the size of the playgroup would exacerbate further the safeguarding issues caused by illegal parking along Lightridge Road and the bridle path
- The plans show an increase in the size of the current build by 25% and the numbers of children have increased. Ofsted report in 2014 shows 32 children on the roll, three years later there were 43 children on roll (playgroup newsletter September 2017) an increase of over 34%
- Children, parents and residents have to negotiate drivers reversing into the main road from Jilly Royd Lane and residents have to tolerate drivers using their property for reversing. All this activity while children are walking up the Lane
- The manager of the Playgroup and Head at Fixby School are sympathetic to the problem. However, they also acknowledge that other than request parents not to park in this way they are unable to enforce
- The management team at the playgroup have been met with verbal abuse when asking parents to move
- The local PCSO has advised not to challenge parents but to pass details on to the Police
- The Police, highways, local PCSO team as well as local councillor have been contacted and acknowledge the problem however there continues to be no sustained support nor prevention put in place to ensure parking can't take place
- In summary, the reality of passing details to the police for them to action is unrealistic; however the problem remains and will continue unless a permanent solution is implemented and believe the development will impact yet further on the safety of all, unless measures are in place to ensure parking illegally in this area isn't an option

- Have a common shared boundary with the site but not received any notification of the two applications made in 2016 or indeed the current one
- In March 2016 an application was made (2016/70/90333) for a variation of Condition 5 to the application made in 2004 regarding start and finish times. These were increased from a start time of 9.15 am – 3.15 pm finish to a start time of 8.00 am – 5.00 pm finish. As a result of the original application in 2004, and the comments from Highways, entrance markings were extended along Lightridge Road and signage erected in six places. The signage advises motorists that no stopping can take place between the hours of 8.00 am – 9.30 am and 2.30 pm – 4.00 pm Monday to Friday. As the opening hours have increased significantly by 3 hours per day I would suggest restriction times along the markings should also be increased and the signage amended to reflect this extension.
- Condition 5 of the original planning permission in 2004 stated that a Traffic Management Scheme should be in place by the preschool to ensure onsite parking is managed and also to “safeguard the free and safe flow of both vehicles and pedestrians on the adjacent public highways.....” The scheme was implemented in August 2006 and states management of Cowcliffe Preschool will monitor the scheme and address any problems which may arise.
- As the scheme is now almost 12 years old I believe it needs revisiting to address the increase in illegal and inconsiderate parking by parents. However, both staff at the school and preschool group acknowledge the problem, but seem powerless to halt it in case they put themselves in danger
- The same application 201690333, made in March 2016 also states: “As part of the previous permission (2004/92305) the maximum number of children using the Playgroup at any one time was limited to 26. No increase in the number of staff or children at the Playgroup is proposed. Yet less than 6 months later an application was made and approval was given (2016/92895 to vary Condition 3 (number of children) from 26 to a maximum of 32 per session.
- The latest application, is to increase the current build by 25% to house a staff room, office and store. There is already an office and staff room (as shown on the original plans of 2004), therefore the relocation of these rooms to the proposed extension will free more space in the existing build. Therefore the potential would be there to increase numbers once again.
- In conclusion I would ask Officers to consider very carefully before making any decision. The relaxation of 2 Conditions contained in the original plan has increased considerably the problems for residents and exposed us to vile abuse, both verbal and physical and denied us the freedom to access our property. The preschool group’s own traffic management scheme is not effective to safeguard everyone and the current restrictions around the school are not enforced by the authorities.
- I would also request that in future, I am advised in writing, of any further planning applications or relaxation of conditions to the original and subsequent application made in 2004 to Cowcliffe Preschool Group and also to Fixby School in order that I may make any comments.

- Since further developments started on the site over 10 years ago, the size of the school and playgroup site has increased, this has meant over extra teachers and pupils and classes and thus extra traffic by teachers and parents and no end of parking issues for the neighbouring property to endure
- It has had a bad knock on effect on the neighbourhood and has alongside road resurfacing which resulted in one side of the Lightridge Road being altered from wasteland which was used by parents as parking, to a path, reducing parking.
- It made the parking even worse and reduced the road width which is very narrow and down to a single lane in one direction when parking for the school run is on
- It has resulted in numerous accidents, including a child being run over outside the school, many knocks and mumps involving cars, when whilst parked in their own driveways which involved the police attending.
- Difficulty in leaving my property already, as many parents and visitors to the school regularly block driveways, obstructing homeowners' access to their own property and any visitors they may have
- Also many parents and visitors to the school park on pavements and pedestrian footways, which around children and a school is dangerous, children can regularly be seen walking around the vehicles parked on footpaths
- Lightridge Road is a main road and a bus route which again at the school run times the bus cannot get through sometimes and has on several occasions been blocked and been forced to stop and wait for returning parents to come to their vehicle
- Fire engines and ambulances would not be able to get through at school run times
- Illegal parking is a major issue for any further expansion to either the school or playgroup on this site
- If any neighbour confront parked cars owners' we are often met with abuse
- More expansion would create more problems and chaos
- We as residents are the ones affected by too much re-development without any further provisions for traffic and parking
- Are the school going to provide extra parking on site within the school? Maybe where the field is to help ease the problems that they have created by over-expansion of this site
- There is no further room for expansion regarding traffic and parking

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** Highways Development Management – following submission of a Construction Plan, no objections

8.2 **Non-statutory:** None required

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The principle of the development will be assessed under Policy D3 of the UDP and paragraph 74 of the NPPF (as D3 is not in full compliance with the NPPF) which states that development on Urban Greenspace is only appropriate if is necessary, inter alia, for the continuation or enhancement of an established use (D3).
- 10.2 The NPPF (paragraph 74) states existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. Furthermore, in all cases the proposals must protect visual amenity, wildlife value and opportunities for sport and recreation.
- 10.3 This is also reflective in the Publication Draft Local Plan which states within emerging Policy PLP 61 that development will not be permitted, except (amongst other things) that the development relates to the continuation or enhancement of the main use of the site and maintains the quality and function of the green space.
- 10.4 Paragraph 72 of the NPPF states that local planning authorities should give great weight to the need to create, expand or alter schools. This application would provide further accommodation for the pre-school without harming Urban Greenspace or the existing open space in which the pre-school is sited.
- 10.5 There will be no increase in the number of children or number of staff to the preschool and the extension is required to provide room for extra storage, staff room and slightly larger office.
- 10.6 As such, the proposal is, in principle, considered acceptable and in accordance with the aims of Policy D3 of the UDP, the aims of Chapter 8 of the NPPF and emerging Policy PLP61 of the Publication Draft Local Plan.

Urban Design issues

- 10.7 The proposed additional bay would be located on the north east side of the building which is to the rear when viewing from the pedestrian entrance to the school. The bay would be a continuation of the existing building in terms of elevations and roof height, projecting to the side by 3.05 metres with a window inserted into the front and rear elevations and a window, door and ramp within the side elevation.
- 10.8 The additional bay would be constructed from matching materials and would have an acceptable visual impact and would accord with Policy BE1 of the UDP, Chapter 7 of the NPPF and Policy PLP24 of the Publication Draft Local Plan.

Residential Amenity

- 10.9 In terms of residential amenity, the extended section of the building would be to the north of the site, separated from the closest residential property, Griff House, by a row of trees and bridleway HUD/383/10. Given that the extension would be separated from this property by 20 metres and whilst introducing a window into the rear elevation it is considered that the impact from harm from overlooking would be limited due to the existing screening on the boundary line. In light of this and that separation distances would not be decreased, it is considered that there would be minimal harm with regards to overshadowing and/or being overbearing. It is considered that the proposal is compliant with the aims of Policy BE1 and B2 of the UDP, Policy PLP24 of the Publication Draft Local Plan and advice within Chapter 7 of the NPPF.

Highway issues

- 10.10 As part of the application process and in light of objections to previous applications on highway safety grounds, Highways Development Management were formally consulted as part of the application process. The installation of the bay and resultant development would not increase the number of children or staff numbers and therefore the application itself is not expected to increase traffic generation. The addition module would be sited onto the car park which would result in the loss of two marked parking bays however it is proposed that there would be an increase overall of 3 spaces which will be provided elsewhere within the grounds. These spaces are for staff only with no parents able to use these spaces. Therefore, in terms of highway safety, the proposal is acceptable. It was requested however that further details were required in terms of a delivery/construction management plan to detail the number and type of vehicles to be used in delivery and construction of the bay, the route to the site, and the dates/times that the delivery/construction is expected to take place. This information was received stating that the works are planned to take place in the summer holidays, non-term time, therefore there will be adequate space within the site for contractor vehicles. Officers are satisfied with the details submitted and raise no concerns regarding the impact of the development on highway safety.
- 10.11 Significant objections have been raised from local residents and it is noted that these mainly refer to highway safety. A Traffic Management Scheme has been agreed via previous application and whilst the Local Planning Authority sympathise with the neighbouring properties regarding indiscriminate parking outside the school, the Local Planning Authority cannot control the parking of vehicles which block driveways. This would be a matter for the pre-school to consider if inconsiderate parking is taking place. If there are obstructions on the highway, this would be a police matter. Should the Traffic Management Plan not be adhered to, this would be a matter for the Enforcement Team to investigate. Details have been passed to the relevant highway and planning officers.
- 10.12 As there are no proposed variations of previous conditions in terms of child numbers, the development would not increase the traffic movement to and from the site. The extension to the building will provide staff facilities and a lobby. As such and taking into account Highways Development Management comments, it is not considered that this proposal would be detrimental to highway safety and therefore compliant with Policies T10 and T19 of the UDP and emerging Policies PLP21 and PLP22 of the Publication Draft Local Plan.

Representations

10.13 5 letters of representation have been received with the following Local Planning Authority response:

- Road outside our house can accommodate 3 parked cars which regularly happens during 'school run' hours
- Because of this we have difficulty exiting our drive because we cannot see the road either uphill or downhill because of parked cars
- Also there are times when we cannot enter the drive because of cars parked both sides of the road

Response: This has been addressed within the Highways section of this report.

- Crossing the road on foot can be dangerous because of the amount of traffic which now uses this road so we do not want to see an increase in traffic usage or parking which will surely happen if this planning application is granted and not just at the 'school run' times which seem to get extended by cars picking up and dropping children off for the nursery and out of school activities

Response: The proposal does not seek to increase the number of children attending

- It can also be dangerous for children crossing the road, not all of them being controlled by a parent. It could be considered an accident waiting to happen
- If there is a police presence, everyone behaves themselves

Response: This is not a matter that can be addressed by the Local Planning Authority.

- If the application is granted I would like it to be subject to no increase in the number of places in the nursery

Response: Previous application 2016/92895 has a condition attached that the maximum number of children that can attend the Playgroup at any one time shall not exceed 32. If the pre-school wished to increase this number an application would be required to vary that condition.

- Parking by parents of both the nursery and school causes problems every day
- The bridle path is always blocked by indiscriminate parking
- Nobody seems to address the problem of parking at Fixby

Response: This has been addressed within the Highways section of this report.

- Object to proposed application, to increase the size of the playgroup would exacerbate further the safeguarding issues caused by illegal parking along Lightridge Road and the bridal path

Response: This has been addressed within the Highways section of this report

- The plans show an increase in the size of the current build by 25%

Response: Noted

- Ofsted report in 2014 shows 32 children on the roll, three years later there were 43 children on roll (playgroup newsletter September 2017) an increase of over 34%

Response: Previous application 2016/92895 has a condition attached that the maximum number of children that can attend the Playgroup at any one time shall not exceed 32 and should this increase, an application would be required to vary that condition.

- The problem of illegal parking is ongoing and rising with the increased number of children on roll at the playgroup a contributing factor
- Children, parents and residents have to negotiate drivers reversing into the main road from Jilly Royd Lane and residents have to tolerate drivers using their property for reversing
- All this activity while children are walking up the Lane

Response: This is not a matter that the Local Planning Authority can address. Advice is given within the Highways section of this report. This application does not seek to increase the numbers of children at the pre-school.

- The manager of the Playgroup and Head at Fixby School are sympathetic to the problem
- However, they also acknowledge that other than request parents not to park in this way they are unable to enforce

Response: Should the approved Traffic Management Scheme dated August 2006 not be adhered to, this is a matter for the Council's Planning Enforcement Team

- The management team at the playgroup have been met with verbal abuse when asking parents to move
- The local PCSO has advised not to challenge parents but to pass details on to the Police
- The Police, highways, local PCSO team as well as local councillor have been contacted and acknowledge the problem however there continues to be no sustained support nor prevention put in place to ensure parking can't take place

Response: Noted

- In summary, the reality of passing details to the police for them to action is unrealistic; however the problem remains and will continue unless a permanent solution is implemented and believe the development will impact yet further on the safety of all, unless measures are in place to ensure parking illegally in this area isn't an option

Response: This has been addressed within the Highways section of this report.

- Have a common shared boundary with the site but not received any notification of the two applications made in 2016 or indeed the current one

Response: Both prior applications were advertised in accordance with Council's Statement of Community Involvement. The addressee of this objection was informed of the application by letter dated 6th February 2018.

- In March 2016 an application was made (2016/70/90333) for a variation of Condition 5 to the application made in 2004 regarding start and finish times. These were increased from a start time of 9.15 am – 3.15 pm finish to a start time of 8.00 am – 5.00 pm finish. As a result of the original application in 2004, and the comments from Highways, entrance markings were extended along Lightridge Road and signage erected in six places. The signage advises motorists that no stopping can take place between the hours of 8.00 am – 9.30 am and 2.30 pm – 4.00 pm Monday to Friday. As the opening hours have increased significantly by 3 hours per day I would suggest restriction times along the markings should also be increased and the signage amended to reflect this extension.

Response: This is a matter for the Highway Safety/Streetscene team to assess. It would not be reasonable to seek a TRO under this application for the additional bay to the building.

- Condition 5 of the original planning permission in 2004 stated that a Traffic Management Scheme should be in place by the preschool to ensure onsite parking is managed and also to “safeguard the free and safe flow of both vehicles and pedestrians on the adjacent public highways.....” The scheme was implemented in August 2006 and states management of Cowcliffe Preschool will monitor the scheme and address any problems which may arise.
- As the scheme is now almost 12 years old I believe it needs revisiting to address the increase in illegal and inconsiderate parking by parents. However, both staff at the school and preschool group acknowledge the problem, but seem powerless to halt it in case they put themselves in danger

Response: If the Traffic Management Plan is not being adhered to, this is a matter for the Enforcement team to investigate. The current application would not result in an increase in the number of children at the pre-school.

- The same application 2016/70/90333, made in March 2016 also states: “As part of the previous permission (2004/92305) the maximum number of children using the Playgroup at any one time was limited to 26. No increase in the number of staff or children at the Playgroup is proposed. Yet less than 6 months later an application was made and approval was given (planning application number: 201692895) to vary Condition 3 (number of children) from 26 to a maximum of 32 per session.

Response: The applications were submitted as assessed with regards to highway safety with Highways Development Management being formally consulted.

- The latest application, is to increase the current build by 25% to house a staff room, office and store. There is already an office and staff room (as shown on the original plans of 2004), therefore the relocation of these rooms to the proposed extension will free more space in the existing build. Therefore the potential would be there to increase numbers once again.

Response: The Local Planning Authority can only assess the application submitted. The Local Planning Authority cannot prevent any further applications being submitted however any forthcoming application will be considered on their own merits.

- In conclusion I would ask Officers to consider very carefully before making any decision. The relaxation of 2 Conditions contained in the original plan has increased considerably the problems for residents and exposed us to vile abuse, both verbal and physical and denied us the freedom to access our property. The preschool group's own traffic management scheme is not effective to safeguard everyone and the current restrictions around the school are not enforced by the authorities.

Response: Noted

- I would also request that in future, I am advised in writing, of any further planning applications or relaxation of conditions to the original and subsequent application made in 2004 to Cowcliffe Preschool Group and also to Fixby School in order that I may make any comments.

Response: Any applications received for the site will be advertised in accordance with the Council's adopted procedures at that time.

- Since further developments started on the site over 10 years ago, the size of the school and playgroup site has increased, this has meant over extra teachers and pupils and classes and thus extra traffic by teachers and parents and no end of parking issues for the neighbouring property to endure

Response: Noted

- It has had a bad knock on effect on the neighbourhood and has alongside road resurfacing which resulted in one side of the Lightridge Road being altered from wasteland which was used by parents as parking, to a path, reducing parking.
- It made the parking even worse and reduced the road width which is very narrow and down to a single lane in one direction when parking for the school run is on
- It has resulted in numerous accidents, including a child being run over outside the school, many knocks and mumps involving cars, when whilst parked in their own driveways which involved the police attending.

Response: Noted

- Difficulty in leaving my property already, as many parents and visitors to the school regularly block driveways, obstructing homeowners' access to their own property and any visitors they may have
- Also many parents and visitors to the school park on pavements and pedestrian footways, which around children and a school is dangerous, children can regularly be seen walking around the vehicles parked on footpaths

Response: This is a matter for the Highway Safety/Streetscene and the Police. This cannot be requested under this application for the additional bay to the building

- Lightridge Road is a main road and a bus route which again at the school run times the bus cannot get through sometimes and has on several occasions been blocked and been forced to stop and wait for returning parents to come to their vehicle
- Fire engines and ambulances would not be able to get through at school run times

Response: Noted

- Illegal parking is a major issue for any further expansion to either the school or playgroup on this site

Response: It is not proposed to increase the number of pupils or staff numbers as a result of the proposed development

- If any neighbour confront parked cars owners' we are often met with abuse

Response: This is a police matter and not a matter under the control of the Local Planning Authority

- More expansion would create more problems and chaos

Response: It is not proposed to increase the number of pupils or staff numbers as a result of the proposed development

- We as residents are the ones affected by too much re-development without any further provisions for traffic and parking

- Are the school going to provide extra parking on site within the school?

Maybe where the field is to help ease the problems that they have created by over-expansion of this site

- There is no further room for expansion regarding traffic and parking

Response: This has been addressed within the Highways section of this report

10.14 Other matters

There are no other matters for consideration

11.0 **CONCLUSION**

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. development to commence within 3 years
2. development carried out in accordance with the plans
3. works carried out in accordance with the Delivery and Construction Plan
4. details of 3 parking spaces for staff

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90336>

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

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 29-Mar-2018

Subject: Planning Application 2018/90247 Replacement roof St Bernadette Hall, 5 Copthorne Gardens, Bradley, Huddersfield, HD2 1RH

APPLICANT

John Mowoe, Fartown
Community Seventh-Day
Adventist

DATE VALID

23-Jan-2018

TARGET DATE

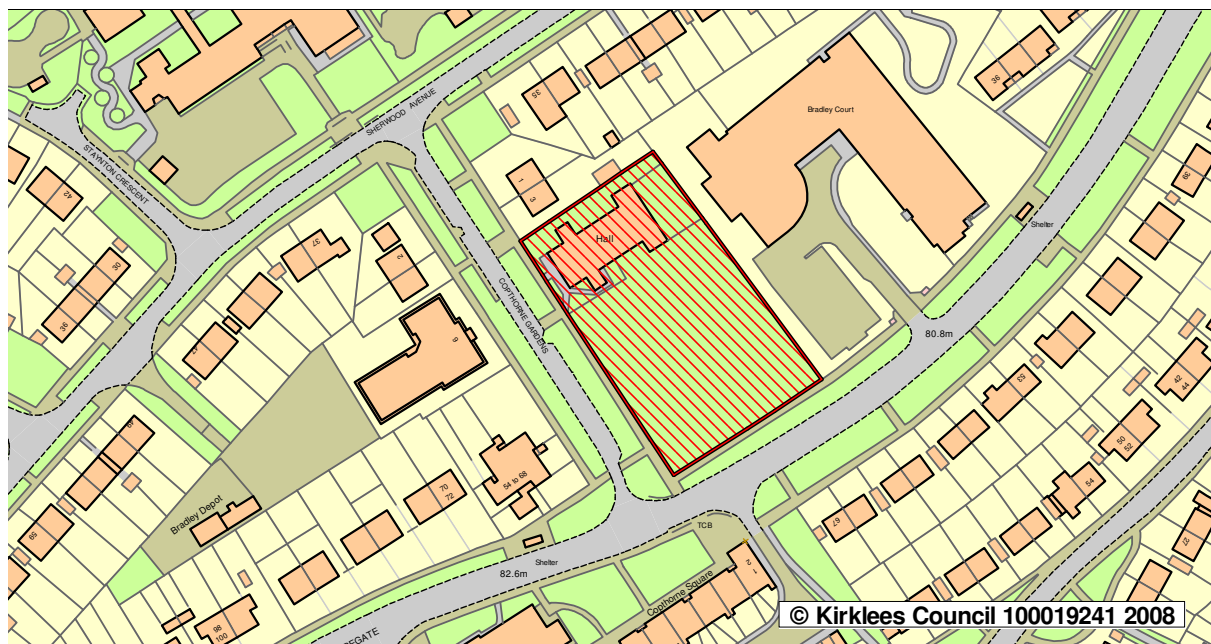
20-Mar-2018

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: Approve

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 has been brought before sub-committee as the agent is an employee of Kirklees Council.

2.0 SITE AND SURROUNDINGS:

2.1 St. Bernadette's Hall, located in Bradley Huddersfield is a large, single storey building, designed with a curved roof. The building is set within a predominately residential area and secured by a mixture of delineating features including a wire fence, approximately 1.5m high and mature vegetation

2.2 A large plot of vacant land to the southeast is associated with the hall as indicated on the submitted location plan. It is noted that the hall appears to be in a weathered state in need of some repair.

3.0 PROPOSAL:

3.1 The proposal relates to a replacement roof covering. The existing roof, green mineral felt and felt shingles would be replaced with lead grey coloured GRP (Fiberglass), textured with simulated lead roll profiles.

3.2 The proposal also makes reference to the replacement of rainwater guttering and fascias which would be constructed from black PVC material. Also of note is the conversion of an existing store room to create a disabled toilet area close to the western entrance.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 No relevant planning history.

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

5.1 No negotiations were undertaken.

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 Examination in Public began in October 2017. 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 of the Plan making process the Publication Draft Local Plan is considered to carry significant 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
- T10 – Highway Safety

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

- PLP1 – Achieving Sustainable Development
- 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 advertised by site notice and letter to the occupants of the neighbouring dwellings. The public consultation period expired on 07th March 2018.

7.2 No representations have been received in support or in objection to the application.

8.0 CONSULTATION RESPONSES:

No consultations were sought regarding this application.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation in the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states:

‘Planning permission of the development... of land and buildings without specific notation on the proposals map, and not subject to a specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]’. All these considerations are addressed later in this assessment.

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

Urban Design issues

- 10.3 The proposal relates to the replacement of the existing green mineral felt and felt shingle roof with a lead grey coloured GRP (Fiberglass) covering, textured with lead roll profiles.
- 10.4 The roof as existing presents in a weathered and tired state with evidence of previous patch repairs. The proposed replacement roof, while not of the same colour or material is not anticipated to look out of place or at odds with the existing building.
- 10.5 Alternatively, it is recognised by planning officers that the building is in need of repair and modernisation and as such it is believed that the proposed would help to achieve a refreshed and modern appearance. In all other respects the external appearance of the building would be unchanged, save renewed fascias and rainwater guttering.
- 10.6 Given the above it is considered that the proposal complies with Policies BE1 and BE2 of the Unitary Development Plan, Policies PLP1 and PLP24 of the Publication Draft Local Plan and guidance contained within the NPPF.

Residential Amenity

- 10.7 The proposed replacement roof would not result in a change to the dimensions of the existing building and as such would not bring the building any closer to surrounding dwellings. Consequently, the proposed does not present any concerns and would preserve the residential amenity of surrounding residents.
- 10.8 Considering the above it is recommended that the proposed would not result in a material change to the residential amenity of the area and as such complies with Policy D2 of the UDP, Policy PLP24 of the PDLP and advice contained within paragraph 17 of the NPPF.

Highway issues

- 10.9 The scheme does not propose any changes to the existing parking and access arrangements of St. Bernadette's Hall. As such the proposal is considered to give rise to any highway safety concerns, thereby complying with Policy T10 of the UDP.

Other Matters

- 10.10 No other matters to consider.

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 the 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. Development must commence within three years of any given permission**
- 2. Development carried out in accordance with the approved plans**

Background Papers:

Application and history files can be assessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90247>

Certificate of Ownership –Certificate A signed

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