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

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Wednesday 1 November 2017

Notice of Meeting

Dear Member

Planning Sub-Committee (Heavy Woollen Area)

The **Planning Sub-Committee (Heavy Woollen Area)** will meet in the **Reception Room - Town Hall, Dewsbury** at **1.00 pm** on **Thursday 9 November 2017**.

(A coach will depart the Town Hall, at 9.10am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Reception Room, Dewsbury Town Hall.)

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 (Heavy Woollen Area) members are:-

Member

Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Kath Taylor
Councillor Graham Turner
Councillor John Taylor

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

Substitutes Panel

Conservative

B Armer
D Bellamy
N Patrick
G Wilson
D Firth

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons

Labour

E Firth
S Hall
M Sokhal
S Ullah
S Pandor

Liberal Democrat

A Marchington
L Wilkinson

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 - 14

To approve the Minutes of the meeting of the Committee held on 17 August and 28 September 2017.

3: Interests and Lobbying

15 - 16

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

4: Admission of the Public

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

5: Deputations/Petitions

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

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

6: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application No: 2017/90324

Erection of 10 semi-detached houses at land at Warwick Road, Batley.

(Estimated time of arrival at site: 9.20am)

Contact Officer: Emma Thompson, Planning Services

Wards

Affected: Batley East

8: Site Visit - Application No: 2016/93147

Outline application for erection of residential development at 444 Bradford Road, Batley.

(Estimated time of arrival at site: 9.30am)

Contact Officer: Emma Thompson, Planning Services

Wards

Affected: Batley East

9: Site Visit - Application No: 2017/92809

Outline erection for up to 55 dwellings and associated means of access at land off Kenmore Drive, Cleckheaton.

(Estimated time of arrival at site: 9.55am)

Contact Officer: Emma Thompson, Planning Services

Wards

Affected: Cleckheaton

10: Site Visit - Application No: 2017/92211

Erection of extensions, alteration to increase roof height to form second floor and erection of detached workshop at Grove Cottage, 10 Grove Street, Norristhorpe.

(Estimated time of arrival at site: 10.20am)

Contact Officer: Sarah Longbottom, Planning Services

Wards

Affected: Heckmondwike

11: Site Visit - Application No: 2017/93319

Erection of 6 apartments at rear of 8 Crowlees Road, Mirfield.

(Estimated time of arrival at site: 10.30am)

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Mirfield

12: Site Visit - Application No: 2015/90758

Listed Building Consent for conversion of barn into a dwelling and associated works (within a Conservation Area) at 18 Manor Road, Farnley Tyas, Huddersfield.

(Estimated time of arrival at site: 11.00am)

Contact Officer: Sarah Longbottom, Planning Services

Wards

Affected: Kirkburton

13: Site Visit - Application No: 2015/90759

Erection of 6 dwellings and conversion of barn into dwelling and associated works (Listed Building within a Conservation Area) at 18 Manor Road, Farnley Tyas, Huddersfield.

(Estimated time of arrival at site: 11.00am)

Contact Officer: Sarah Longbottom, Planning Services

Wards

Affected: Kirkburton

14: Site Visit - Application No: 2017/92137

Erection of extensions and alterations to roof at 7 Gunthwaite Lane, Upper Denby, Huddersfield.

(Estimated time of arrival at site: 11.30am)

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Denby Dale

15: Local Planning Authority Appeals

17 - 24

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 Officer: Julia Steadman, Planning Services

Wards

Affected: Batley West; Cleckheaton; Kirkburton; Mirfield

Planning Applications

25 - 28

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

Please note that any members of the public who wish to speak at the meeting must have registered no later than 5.00pm (via telephone), or 11.59pm (via email) on Monday 6 November 2017.

To pre-register, please contact andrea.woodside@kirklees.gov.uk or phone Andrea Woodside on 01484 221000 (Extension 74995).

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

16: Planning Application - Application No: 2017/92809

29 - 42

Outline erection for up to 55 dwellings and associated means of access at land off Kenmore Drive, Cleckheaton.

Contact Officer: Emma Thompson, Planning Services

Wards

Affected: Cleckheaton

17: Planning Application - Application No: 2015/90759

43 - 56

Erection of 6 dwellings and conversion of barn into dwelling and associated works (Listed Building within a Conservation Area) at 18 Manor Road, Farnley Tyas, Huddersfield.

Contact Officer: Sarah Longbottom, Planning Services

Wards

Affected: Kirkburton

- 18: Planning Application - Application No: 2015/90758** 57 - 66
- Listed Building Consent for conversion of barn into a dwelling and associated works (within a Conservation Area) at 18 Manor Road, Farnley Tyas, Huddersfield.
- Contact Officer: Sarah Longbottom, Planning Services
- Wards**
Affected: Kirkburton
-
- 19: Planning Application - Application No: 2016/93147** 67 - 80
- Outline application for erection of residential development at 444 Bradford Road, Batley.
- Contact Officer: Emma Thompson, Planning Services
- Wards**
Affected: Batley East
-
- 20: Planning Application - Application No: 2017/93319** 81 - 98
- Erection of 6 apartments at rear of 8 Crowlees Road, Mirfield.
- Contact Officer: Julia Steadman, Planning Services
- Wards**
Affected: Mirfield
-
- 21: Planning Application - Application No: 2017/90324** 99 - 110
- Erection of 10 semi-detached houses at land at Warwick Road, Batley.
- Contact Officer: Emma Thompson, Planning Services
- Wards**
Affected: Batley East
-
- 22: Planning Application - Application No: 2017/92211** 111 - 120
- Erection of extensions, alteration to increase roof height to form second floor and erection of detached workshop at Grove Cottage, 10 Grove Street, Norristhorpe.
- Contact Officer: Sarah Longbottom, Planning Services
- Wards**
Affected: Heckmondwike
-

23: Planning Application - Application No: 2017/92137

121 -
132

Erection of extensions and alterations to roof at 7 Gunthwaite Lane, Upper Denby, Huddersfield.

Contact Officer: Julia Steadman, Planning Services

Wards

Affected: Denby Dale

Planning Update

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

Contact Officer: Richard Farnhill

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 17th August 2017

Present: Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Kath Taylor
Councillor Graham Turner
Councillor Bill Armer

1 Membership of the Committee

Councillor J Taylor to replace Cllr Dodds as a permanent member of the Committee.

Councillor Armer substituted for Councillor J Taylor.

Councillor E Firth substituted for Councillor Scott.

Councillor Marchington substituted for Councillor A Pinnock.

2 Minutes of Previous Meeting

RESOLVED –

That the Minutes of meetings held on 18 May and 29 June 2017 be agreed as a correct record.

3 Interests and Lobbying

Councillor Kane declared a disclosable pecuniary interest in application 2017/92152 due to him being the owner of the property and left the meeting during consideration of the item.

Councillor Kane indicated that he had been lobbied in respect of applications 2017/90661, 2017/92147, 2017/91660 and 2017/91267.

Councillor Grainger-Mead indicated that she had been lobbied in respect of application 2017/91660.

4 Admission of the Public

All items were considered in the public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked at the meeting.

7 Site Visit - Application No: 2017/92147

Site visit undertaken.

8 Site Visit - Application No: 2017/91660

Site visit undertaken.

9 Site Visit - Application No: 2017/90823

Site visit undertaken.

10 Site Visit - Application No: 2017/91046

Site visit undertaken.

11 Local Planning Authority Appeals

The Sub Committee received a report which set out the decisions that have been taken by the Planning Inspector in respect of Appeals submitted against decisions taken by the Local Planning Authority.

RESOLVED –

That the report be noted.

12 Submission of opposed definitive map modification order to the Secretary of State (DEFRA) and the Council stance on its determination - Batley public footpath 71, Hey Beck Lane

The Sub-Committee received a report which provided information on the submission of an opposed definitive map modification order to the Secretary of State DEFRA to add a public footpath to the definitive map and statement and to determine the stance to be taken by the Council as the order making authority in the determination process undertaken on behalf of the Secretary of State.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representation from David Storrie (on behalf of the landowner).

RESOVLED –

That, in accordance with the officer recommendation, the Council will take a neutral stance when submitting the Order to the Secretary of State for determination.

13 Planning Application - Application No: 2017/90661

The Sub-Committee gave consideration to Application 2017/90661 – Erection of 14 dwellings at Westfield Assessment Centre at 13 Westfields Road, Mirfield.

RESOLVED –

- 1) That the delegation of the approval of the application and the issuing of the Decision Notice to the Head of Strategic Investment be approved in order to complete the list of conditions, including those set out below, and secure a Section 106 Agreement to cover the following matters: the provision of affordable housing, units on site, the provision and future maintenance of open space on site and an off-site contribution of £44,000, metro cards - £6876.10;

Conditions

1. The inclusion of the standard time limit for commencement of development
 2. Development to be carried out in accordance with the approved plans
 3. Environmental Health conditions to include contaminated land remediation, air quality and provision of electric charging points
 4. Sample of materials; walling, roof, external doors, windows and boundary treatments to be provided
 5. Tree protection / method safe during construction to be submitted
 6. Landscape Plan / Bio diversity enhancement plan to be submitted
 7. Landscape and Ecological management plan to be submitted
 8. Advanced Bat Mitigation Scheme (pre-commencement condition)
 9. The inclusion of various conditions to be implements in the accordance with the submitted FRA - temporary grange scheme during construction.
 10. The inclusion of Highways conditions to include visibility, road up to adoptable standards, provision/ maintenance of parking
 11. The provision of the construction management plan
- 2) That, pursuant to (1) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Development Management shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that it would have secured, and would therefore be permitted 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 Akhtar, Armer, E Firth, Grainger-Mead, Kane, Lawson, Marchington, K Taylor and G Turner (9 votes)

Against: (no votes)

14 Planning Application - Application No: 2017/91046

The Sub-Committee gave consideration to Application 2017/91046 – outline application for demolition of existing buildings and structures and erection of residential development at Greenside Mill, Savile Road, Skelmanthorpe.

RESOLVED –

- 1) That the application be deferred.

- 2) That, should the applicant not agree to an extension to time for the date after the next scheduled Heavy Woollen sub-Committee meeting, Officers be given delegated powers to refuse the application.

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

For: Councillors Akhtar, Armer, E Firth, Grainger-Mead, Kane, Lawson, Marchington, K Taylor and G Turner (9 votes)
Against: (no votes)

15 Planning Application - Application No: 2017/92147

The Sub-Committee gave consideration to Application 2017/92147 – Erection of single storey extension at 7 Woodfield Avenue, Staincliffe, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Nadeem Hussain (applicant) and Cllr Lowe (ward member).

RESOLVED –

That the determination of the application be deferred to enable further negotiations to take place with the applicant.

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

For: Councillors Akhtar, Armer, E Firth, Grainger-Mead, Kane, Lawson, Marchington, K Taylor and G Turner (9 votes)
Against: (no votes)

16 Planning Application - Application No: 2017/91660

The Sub-Committee gave consideration to Application 2017/91660 – Erection of single and two storey rear extension at 28 Lower Lane, Gomersal.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Anand Sundarsingh (applicant) and Jean Greenhalf (local resident).

RESOLVED –

That the application be refused as the proposed two storey extension, by virtue of its height and proximity to the boundary of the adjoining dwelling, would result in an overbearing and oppressive impact on the residential amenity of the occupants which, if approved, would be contrary to Policy D2.

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

For: Councillors Akhtar, Armer, E Firth, Grainger-Mead, Lawson, Marchington, K Taylor and G Turner (8 votes)
Against: Councillor Kane (1 vote)

17 Planning Application - Application No: 2017/90823

The Sub-Committee gave consideration to Application 2017/90823 – Installation of new shop front and entrance at 54 Calder Road, Lower Hopton, Mirfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Neil Lapusi (applicant).

RESOLVED –

That the application be refused on the grounds that the timber cladding proposed to be installed along the entire ground floor frontage would not be in-keeping with the character and appearance of the host dwelling and wider street scene which comprises predominately of stone-faced properties, and that to approve the application would be to the detriment of visual amenity and contrary to Policies D2, BE1, BE2 and BE16 of the Kirklees Unitary Development Plan, and Chapter 7 of the National Planning Policy Framework.

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

For: Councillors Akhtar, Armer, E Firth, Grainger-Mead, Kane, Lawson, Marchington, K Taylor and G Turner (9 votes)

Against: (no votes)

18 Planning Application - Application No: 2017/91267

The Sub-Committee gave consideration to Application 2017/91267– Outline application for demolition of existing farm buildings and erection of 5 detached dwellings at Dry Hill Farm, Dry Hill Lane, Denby Dale.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Noel Scanlon (acting for the applicant's agent) and Simon Blyth (applicant).

RESOLVED –

That the determination of the application be deferred to enable further discussions to take place with the applicant.

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

For: Councillors Akhtar, Armer, E Firth, Grainger-Mead, Lawson, Marchington, K Taylor and G Turner (8 votes)

Against: (no votes)

Abstained: Councillor Kane

19 Planning Application - Application No: 2017/92152

The Sub-Committee gave consideration to Application 2017/92152 – Erection of dwelling forming annex accommodation associated with 20 Bywell Close, Dewsbury.

RESOLVED –

That approval of the application be delegated to the Head of Strategic Investment in order to complete the list of conditions including; time limit for development, development to be carried out in accordance with approved plans, facing and roofing materials to match those on the host dwelling and permitted development rights to be removed for additional openings.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Holmes, Lawson, Pervaiz, A Pinnock and Scott (8 votes)

Against: (no votes)

(Councillor Kane left the meeting during the discussion and determination of this application)

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 28th September 2017

Present: Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Mussarat Pervaiz
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Steve Hall
Councillor Lisa Holmes

Apologies: Councillor Kath Taylor

1 Membership of the Committee

Councillor S Hall substituted for Councillor G Turner.

Under the provisions of a 9 day change, Councillor Holmes substituted for Councillor J Taylor.

2 Interests and Lobbying

It was noted that all Members present had been lobbied on Applications 2017/91046 and 2017/91267.

Councillors Kane, Lawson and A Pinnock advised that they had been lobbied on Application 2014/91242.

Councillors Lawson, A Pinnock and Grainger-Mead advised that they had been lobbied on Application 2016/91287.

3 Admission of the Public

It was noted that all Agenda Items would be considered in public session.

4 Deputations/Petitions

No deputations or petitions were received.

5 Public Question Time

No questions were received.

6 Site Visit - Application No: 2017/90564

Site visit undertaken.

7 Site Visit - Site Visit - Application No: 2016/91287

Site visit undertaken.

8 Site Visit - Application 2017/90272

Site visit undertaken.

9 Site Visit - Application 2017/91900

Site visit undertaken.

10 Local Planning Authority Appeals

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

RESOLVED –

That the report be noted.

11 Planning Application - Application No: 2014/91242

The Sub-Committee gave consideration to Application 2014/91242 – Reserved matters application for erection of 47 dwellings at land off Ashbourne Drive, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Heather Freer and Lisa Moyser (local residents), Cllr Kath Pinnock (ward member) and Tom Cooke (applicant's agent).

RESOLVED –

That the determination of the application be deferred in order to enable an Independent Safety Audit to be undertaken in relation to the crossing of the estate road over the existing farm track.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Holmes, Kane, Lawson, Pervaiz, A Pinnock and Scott (9 votes)

Against: (no votes)

12 Planning Application - Application No: 2017/91267

The Sub-Committee gave consideration to Application 2017/91267 – Outline application for demolition of existing farm buildings and erection of 5 detached dwellings at Dry Hill Farm, Dry Hill Lane, Denby Dale.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Claire Parker-Hughill and Noel Scanlan (on behalf of the applicant) and Cllr Dodds (ward member).

RESOLVED –

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

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Holmes, Kane, Lawson, Pervaiz, A Pinnock and Scott (9 votes)

Against: (no votes)

13 Planning Application - Application No: 2017/91046

The Sub-Committee gave consideration to Application 2017/91046 – Outline application for demolition of existing building and structures and erection of residential development at Greenside Mill, Savile Road, Skelmanthorpe.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Nick Willock (applicant's agent).

RESOLVED –

That the application delegated to Officers to Refuse on the grounds that the proposal fails to make any provision (i) for Public Open Space, contrary to Policy H18 of the Kirklees Unitary Development Plan and (ii) towards education improvements, contrary to the Council's Policy of 'Providing for Education Needs generated by New Developments'.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Holmes, Kane, Lawson, Pervaiz and Scott (8votes)

Against: (no votes)

Abstained: Councillor A Pinnock

14 Planning Application - Application No: 2017/92147

The Sub-Committee gave consideration to Application 2017/92147 – Erection of single storey extension at 7 Woodfield Avenue, Staincliffe, Batley.

RESOLVED –

That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and complete the list of conditions including matters relating to; the standard time limit for implementation of development (3 years), development to be carried out in accordance within approved plans and the external walls of the extension to be faced in red brick and the roof covered with tiles to match that used on the host dwelling.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Holmes, Kane, Lawson, Pervaiz, A Pinnock and Scott (9 votes)

Against: (no votes)

15 Planning Application - Application No: 2016/91287

The Sub-Committee gave consideration to Application 2016/91287 – Change of use of agriculture buildings to IT recycling business at Brookfield Farm, Brookfields Road, Wyke.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Cllr K Pinnock (ward member), Nicky Seal (applicant) and David Storrie (applicant's agent).

RESOLVED –

- 1) That authority be delegated to the Head of Development Management to approve a 12 month temporary permission, issue a decision notice and complete the list of conditions including matters relating to; restricting operations to IT recycling only and specifically excluding any other type of waste processing, restricting delivery and collection operations to those prescribed in the travel plan subject to amendment of the start times, limiting the gross weight of HGVs to 18 tonnes and limiting the number of HGVs visiting the site to 17 per week, HGVs delivering or collecting from the site shall not park at Brookfields Road or Brookfields Avenue at any time be it waiting to enter the site or for any other reason, requiring details to be submitted for approval of the proposed refuge areas/the setting back of the fence/provision of a path with protective hand-rail/increase in width of a single track road that is within the control of the applicant to 4.5m (to the Government's standard for permeable hard surfaces), that within 28 days of approval the scheme be completed and retained, that the access road be kept clear of mud and debris and hedgerows be controlled so as not to intrude within 4.5m width of the road, removing permitted development rights for enlargements or buildings, open storage shall be limited to the existing concrete hard surface immediately adjacent to the buildings, one vehicle charging point to be provided within 2 months of this decision notice and hours of use of the premises including deliveries to be controlled.
- 2) That the 12 month period commence after the completion of the final condition relating to highway improvement works, which shall be provided within three months of the date of issuing permission.

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

TO REFUSE;

For: Councillors Lawson and A Pinnock (2 votes)

Against: Councillors Akhtar, Grainger-Mead, S Hall, Holmes, Kane, Pervaiz and Scott (7 votes)

TO PERMIT 12 MONTH TEMPORARY PERMISSION;

For: Councillors Akhtar, Grainger-Mead, S Hall, Holmes, Kane, Pervaiz and Scott (7 votes)

Against: Councillors Lawson and A Pinnock (2 votes)

16 Planning Application - Application No: 2017/90272

The Sub-Committee gave consideration to Application 2017/90272– Outline application for erection of residential development (2 dwellings) at land to the rear of 119/127 Marsh Lane, Shepley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Cllr J Taylor (ward member), Darrel Sykes (local resident) and Andy Keeling (applicant's agent).

RESOLVED –

That authority be delegated to the Head of Development Management to approve a 12 month temporary permission, issue the decision notice and complete the list of conditions including matters relating to; approval of the details of the layout/scale/appearance/landscaping, plans and particulars of the reserved matters, application for approval of any reserved matters, timeframe for implementation of the development, adequate sightlines at the access onto Marsh Lane along the full frontage of the site, surfacing and drainage of access/parking/turning areas, method of storage/access for waste, details of surface water disposal, provision of electric vehicle recharging point (one per dwelling), reporting of unexpected land contamination and requiring preliminary ecological appraisal and any follow up work or assessment.

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Holmes, Kane, Lawson, Pervaiz, A Pinnock and Scott (9 votes)

Against: (no votes)

17 Planning Application - Application No: 2017/90564

The Sub-Committee gave consideration to Application 2017/90564 – Erection of extensions and outhouse to rear of 55 Caledonian Road, Savile Town, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Ayub Mitha (applicant) and Summiya Mitha (on behalf of the applicant).

RESOLVED –

That the application be refused on the grounds that the scale of the rear extension by reason of its size and projection would form an unacceptable relationship with the host property in terms of visual amenity due to the resultant bulk and massing and that to permit the extension would be contrary to Policies D2, BE1 and BE13 of the Kirklees Unitary Development Plan, and advice within the National Planning Policy Framework and Policy PLP24 (a and c) of the Publication Draft Local Plan.

Planning Sub-Committee (Heavy Woollen Area) - 28 September 2017

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

For: Councillors Grainger-Mead, S Hall, Holmes, Kane, Lawson, A Pinnock and Scott (7 votes)

Against: (no votes)

Abstained: Councillors Akhtar and Pervaiz

18 Planning Application - Application No: 2017/91900

The Sub-Committee gave consideration to Application 2017/91900 – Erection of front and rear dormers at 120 Savile Road, Savile Town, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Nasir Musa (applicant).

RESOLVED –

That the application be refused on the grounds that (i) the proposed front dormer, by virtue of its scale and position, would form an incongruous feature along Savile Road which would result in substantial harm to the character of the host property and the wider street scene and that to permit the front dormer would be harmful to visual amenity and contrary to policies D2, BE1, BE13 and BE15 of the Kirklees Unitary development Plan as well as the aims of chapter 7 of the National Planning Policy Framework and Policy PLP24 (a and c) of the Publication Draft Local Plan and (ii) the rear dormer, due to its elevated position, would result in an unacceptable loss of privacy for the occupants of no. 11 Warren Street and to permit the rear dormer would be harmful in terms of residential amenity and contrary to Policy D2 of the Kirklees Unitary Development Plan and the aims of Chapter 7 of the National Planning Policy Framework and Policy PLP24 (c) of the Publication Draft Local Plan.

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

For: Councillors Grainger-Mead, S Hall, Holmes, Kane, Lawson, Pervaiz, A Pinnock and Scott (8 votes)

Against: (no votes)

Abstained: Councillor Akhtar

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KIRKLEES COUNCIL
DECLARATION OF INTERESTS AND LOBBYING
Planning Sub-Committee/Strategic Planning Committee

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

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

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

Name of meeting: PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Date: 9 November 2017

Title of report: LOCAL PLANNING AUTHORITY APPEALS

The purpose of the report is to inform Members of planning appeal decisions received in the Heavy Woollen 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 31 October 2017
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	No financial implications
Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No legal implications
Cabinet member portfolio	Economy (Strategic Planning, Regeneration & Transport) (Councillor P McBride)

Electoral wards affected: Kirkburton; Dewsbury East

Ward councillors consulted: No

Public or private report: Public

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 report are the Inspector's decision letters. These set out detailed reasoning to justify the decisions taken.

- 2. Information to note: The appeal decision received are as follows:-**
 - 2.1 2016/62/93177/E - Erection of detached dwelling with attached garage (within a Conservation Area) adjacent to 14 Manor Road Farnley Tyas Huddersfield, HD4 6UL (Sub-Committee in accordance with Officer recommendation) (Appeal dismissed)
 - 2.2 2017/62/91126/E - Erection of single storey front extension at 60, Leeds Road, Dewsbury, WF12 7BG (Officer decision) (Appeal 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**

That the report be noted.
- 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 26 September 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 5th October 2017

Appeal Ref: APP/Z4718/W/17/3177622

Adjacent to 14 Manor Road, Farnley Tyas, Huddersfield HD4 6UL

- 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 and Mrs Michael Bullas against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/93177/E, dated 30 August 2016, was refused by notice dated 1 March 2017.
 - The development proposed is the erection of a detached dwelling with an attached garage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. For the purposes of clarity and accuracy, I have used the description of development and site address details that are given on the planning appeal form, and as these also reflect the Council's decision notice.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Farnley Tyas Conservation Area.

Reasons

4. The appeal site comprises part of a paddock that forms a frontage onto Manor Road, which is defined by a stone wall. The site shares a common boundary with 14 Manor Road, whilst the boundaries with the remaining area of the paddock are undefined. To the rear of the site is open countryside. Further to the east, two new dwellings have recently been constructed at Park Farm. Opposite the site are dwellings, and to the east of these is a further paddock.
5. Manor Road's contribution to the Conservation Area is derived from a clustering of principally traditionally styled residential properties and farm buildings that are interspersed with open gaps that allow views through to the countryside. These gaps contribute towards the semi-rural character and are a constituent of the significance of this part of the Conservation Area. The importance of the site in this regard has been acknowledged through previous appeal decisions on the site in 1984 and 2001, albeit in relation to larger residential schemes.

6. The proposal, by virtue of its siting in close proximity to the boundary with No 14, would serve to increase the extent of linear built development along Manor Road. In doing so it would also erode the importance of the site as a gap that separates the existing clusters of development. Whilst a gap would remain to the new dwellings at Park Farm, this would be narrowed so as to give a noticeable consolidation of development that would detract from the contribution of the site to the prevailing character and appearance.
7. The narrowing of the gap would also reduce views into the countryside from Manor Road, as the view from in front of the site would be significantly reduced. The view through the remaining gap would also be framed by the increased presence of built development rather than the current largely uninterrupted view over the paddock into the countryside. This would further compromise the importance of the site as a gap between the clusters of development.
8. The proposed design does not change my views because the relevant consideration is the loss of the contribution of the site as part of an important open gap along Manor Road. Similarly, any restrictions over further building towards the remaining part of the gap up to Park Farm through the imposition of conditions would not overcome this detrimental effect as it would not address the loss of this character. The two new dwellings at Park Farm themselves are clustered and sited around the access with the farm buildings. With the different set of circumstances, the proposal fails to preserve the character. None of these matters alter my conclusions.
9. Reference has been made by parties to a recent appeal decision for a dwelling at 20 Manor Road. However, the proposal is on a different site and I have dealt with the current appeal on its merits. I also note comments made about how the Council dealt with the planning application, although this is not a matter for me to comment on in the context of this appeal.
10. The main issue reflects the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons set out above, I conclude the proposal would fail to preserve or enhance the character or appearance of the Conservation Area. This failure and the resulting harm to the significance of the heritage asset are of considerable weight and importance. The absence of a conservation area appraisal does not lessen the protection which is applied to the Conservation Area under the statutory duty. I also conclude the proposal would not comply with 'Saved' Policy BE5 of the Kirklees Unitary Development Plan (1999) which states that development within Conservation Areas should contribute to the preservation or enhancement of the character or appearance of the area.
11. Paragraph 132 of the National Planning Policy Framework (Framework) is also clear that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the purposes of paragraphs 132 to 134 of the Framework, I consider the proposal would lead to less than substantial harm to the significance of the Conservation Area, which is to be weighed against the public benefits.
12. The Council accepts it cannot demonstrate a five year housing land supply, and the proposal would make a contribution, albeit modest, to addressing the shortfall. In respect of a cumulative contribution, no evidence has been

submitted that demonstrates the proposal, in combination with other sites, would significantly contribute to addressing the shortfall. Given the harm that would arise to the character or appearance of the Conservation Area, this would not be outweighed by the benefit to housing land supply, or a demand for housing in the area. Although construction would give rise to some economic benefit, this would be likely to be modest and for a short duration. Consequently, these matters only provide limited weight in favour of the proposal. The public benefits would not outweigh the harm.

Conclusion

13. The proposal would fail to preserve or enhance the character or appearance of the Conservation Area, and would cause less than substantial harm to the significance of the designated heritage asset that is not outweighed by the public benefits. Accordingly, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR



Appeal Decision

Site visit made on 17 October 2017

by **J D Westbrook BSc(hons) MSc MRTPI**

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

Decision date: 26 October 2017

Appeal Ref: APP/Z4718/D/17/3180215

60 Leeds Road, Dewsbury, WF12 7BG

- 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 Gulab Begum against the decision of Kirklees Metropolitan Council.
 - The application Ref 2017/62/91126/E, dated 30 March 2017, was refused by notice dated 26 May 2017.
 - The development proposed is described as a bathroom porch extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the character and appearance of the area around Leeds Road and Charles Street.

Reasons

3. No 60 Leeds Road is a stone-built, three-storey, end-terraced house, situated on the southern side of Leeds Road, close to its junction with Charles Street. Charles Street slopes steeply up from Leeds Road such that the appeal property is in an elevated and prominent position. The surrounding area is largely residential, although there is a relatively modern medical centre opposite to No 60 across Charles Street.
4. The terrace, of which No 60 is a part, consists of 7 houses. There are 3 houses with small front second floor gable windows arranged symmetrically each side of a central house, which is set a little further forward than the rest of the terrace, and which has a larger front gable feature. This symmetry and uniformity is a significant feature in the appearance of the immediate surroundings. The houses have long front gardens, each with access from a communal front path. There is a further open area of land between the path and the boundary wall on the south side of Leeds Road. There is a communal path also at the rear of the terrace, which runs along the rear elevations of the houses and which separates the houses from their rear yards and outhouses.
5. The proposed development would involve the construction of an extension to the front of No 60 with a monopitch roof. From the submitted plans, it appears that the new extension would be around 2.5 metres square and that it would include a wet room and a large porch. It would also involve the construction of a new set of steps with a handrail forward of the new structure.

6. By virtue of the overall scale and the degree of forward projection of the proposed extension, I consider that it would be a prominent and over-dominant feature at the front of a terrace of houses which exhibits a degree of symmetry of design and appearance. This unsympathetic appearance would be exacerbated by the steep slope away from the front of the house, which is not clear from the submitted plans and which would increase the overall visual impact of the proposal, particularly with the addition of more steps.
7. The Council notes that Policy BE14 of its Unitary Development Plan (UDP) supports modest front extensions. However, it would appear that permissions have only been granted elsewhere for up to 1.5m projections from the front elevation. In this case the scale of the proposed extension, with a projection of some 2.5 metres, is larger than would normally be supported by the Council, while the width of the extension further exaggerates its over-dominant appearance within the row. The Council contends, therefore, that the scale and design is harmful to the visual amenity of the area with regard to its effect on both the host property and the row of terraced houses of which it is a part. I concur with that assessment.
8. The appellant has produced a supporting letter relating to a medical condition, which indicates that a downstairs toilet would be advantageous. She has also been referred for assessment by the Council's Accessible Homes Team, although I have no details of any results from this assessment. I have sympathy with Mrs Begum and her condition, and I also note that it is not possible to extend out from the rear of the property. However, from the information before me, I am not satisfied that the proposed front extension represents the only solution to her desire for a more accessible toilet. In this case, therefore, the personal circumstances of the appellant do not outweigh the harm to the character and appearance of the surrounding area that would be caused by the proposal as submitted.
9. In conclusion, I find that the proposed front extension, by virtue of its scale and detrimental effect on the symmetry and overall uniformity of the design of the terrace of which it is a part, would be harmful to the character and appearance of the area around Leeds Road and Charles Street. It would, on this basis, conflict with Policies D2 and BE14 of the UDP, both of which require that developments, including extensions, should not be harmful to the visual amenity of an area.

J D Westbrook

INSPECTOR

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

PLANNING POLICY

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

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

The Council 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

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Nov-2017

Subject: Planning Application 2017/92809 Outline application for erection of up to 55 dwellings and associated means of access Land off, Kenmore Drive, Cleckheaton, BD19 3EJ

APPLICANT

Paul Kemp, Kirklees
Council

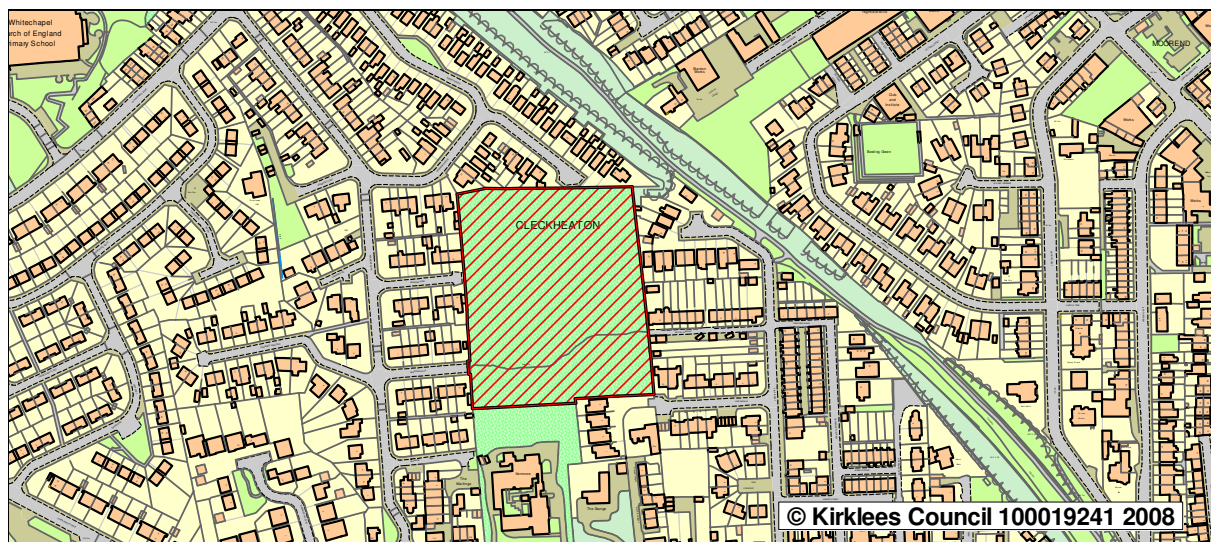
DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
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11-Aug-2017	10-Nov-2017	
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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Cleckheaton Ward

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

1.0 INTRODUCTION:

1.1 This application is brought to the Heavy Woollen Sub Committee as it is for outline residential development on a site in excess of 0.5 hectares. There have also been a significant number of objections received in response to publication of the proposed development. These relate predominantly to matters regarding highway safety, access and parking.

2.0 SITE AND SURROUNDINGS:

2.1 The site is located within, and bound by, residential properties in Cleckheaton. It is to the east of Kenmore Drive and Kenmore View. The site area extends to approximately 1.68 hectares and comprises of scrublands which slopes gently with the highest point being to the south. The site is not maintained and overgrown with grass and shrubs. There are a number of mature trees within the area which form sporadic pockets around the site and to the boundary edge. The area is accessible on foot from a number of points and appears to have reasonably well trodden paths across it.

2.2 The site is situated in a predominantly residential area and is enclosed by dwellings to all sides. The dwellings in the immediate vicinity are generally two storey terraced and semi-detached properties. Extending beyond this are larger detached properties.

2.3 Being located within close proximity to the town centre of Cleckheaton there are a number of key services that are accessible.

3.0 PROPOSAL:

3.1 Outline planning permission is sought for the erection of up to a maximum of 55 dwellings. The application includes the points of access with all other matters reserved. The application is supported by an indicative layout plan, although there is limited information accompanying this.

3.2 The revised proposals being considered show two points of access both from the existing vehicular access points to the west of the site from Kenmore Drive and Kenmore View. The proposals indicate possible pedestrian links to Kenmore View, Rooks Avenue and Milton Terrace. An area of public open space (1590 square metres) is shown as being designated on the indicative plan and located adjacent to the greenway. In addition the plan shows retention of the trees to the Kenmore boundary.

4.0 RELEVANT PLANNING HISTORY:

4.1 The application site is an allocated Housing site H14.19 under the adopted Unitary Development Plan.

4.2 There are no relevant planning applications associated with this site.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Following concerns being raised relating to matters of access and highway safety the application was revised from a single point of access to show two points of access via Kenmore Drive and Kenmore View. The revised details were accompanied by an additional highway statement with responses to concerns raised.

5.2 Resolution of matters relating to drainage of the site is ongoing and direct discussions are progressing between engineers and consultants.

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 application site is an allocated Housing site H14.19 under the adopted Unitary Development Plan. The site is also allocated for housing on the PDLP.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.3 **H6** – Allocated housing site
BE1 – Design principles
BE2 – Quality of design

BE12 – Space about buildings
BE23 – Crime prevention
NE9 – Retention of mature trees
T10 – Highway safety
T19 – Parking standards
H10 – Affordable housing
H12 – Arrangements for securing affordable housing
H18 – Provision of open space
G6 – Land contamination
EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

6.4 Interim Affordable Housing Policy

Council's Guidance on Education Contributions as a Result of New Residential Development.

National Planning Policy Framework:

- 6.5 **Chapter 4** - Promoting Sustainable Transport
Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring Good Design
Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
Chapter 11 – Conserving and enhancing the Natural Environment

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

Policies:

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP30 – Biodiversity and geodiversity

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Over 100 letters of objection were received to the original advertisement. The concerns raised are summarised below:

- Highways – unsuitable access route due to on street parking, not suitable for access by HGVs or emergency services
- Conservation management – development on Green Belt land, loss and disruption to wildlife habitats, loss of recreational space
- Environmental impacts – Increased air and noise pollution in an area highlighted for the need to reduce CO2 emissions
- Impacts on the community – added health implications, loss of privacy due to possible overlooking
- Impacts on local services – already a current oversubscription to schools and strain on services e.g. doctors and dentists, lack of amenities
- Stability to retaining structures and potential for damage

7.2 Following receipt of amended details showing two access points rather than one, the application was re-advertised and representations have been received highlighting similar concerns to those originally raised. Further details were required regarding the access points and responses to these will be included within the committee update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – No objections in principle

Environment Agency – No comments

The Coal Authority- No objections subject to conditions

K.C. Strategic Drainage – Revised FRA sought and agreement with Yorkshire water.

8.2 Non-statutory:

K.C Environmental Services – No objections subject to conditions

K.C. Ecology – No objections subject to conditions

K.C. Strategic Housing – Contribution required

K.C. Landscaping – No objections subject to conditions

K.C. Education – Contribution required

K.C. Crime Prevention Officer – No objections

Yorkshire Water – No objections subject to conditions

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is currently allocated for Housing (reference H14.19) under the adopted UDP: Policy H6, and also benefits from a draft allocation in the emerging Draft Local Plan in which it is shown to be capable of accommodating up to 58 dwellings. The principle of residential development is therefore well established. The site is considered to be located in a sustainable location, within a residential area and with good access to a wide range of services. It is therefore considered that residential use is the most appropriate land use for the site.
- 10.2 Paragraph 14 states that there is a presumption in favour of sustainable development. For 'decision taking' this paragraph goes on to state that this means where relevant policies are out-of-date, planning permission should be granted *"unless any adverse impacts ... would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted"*.
- 10.3 Therefore consideration must be given as to whether the proposal is sustainable development. The NPPF identifies the dimensions of sustainable development as economic, social and environmental (Para.7). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8).
- 10.4 The NPPF sets out at paragraph 49 that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.
- 10.5 Whilst the NPPF encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.
- 10.6 The site comprises of land that is greenfield (previously undeveloped). As such, consideration needs to be given to any harm which would result from the loss of this open land. The specific impacts of the development, for example the visual and ecological impacts, are addressed later in this assessment but, in principle, it is considered by officers that there is no overriding reason why development on this land would be inappropriate subject to consideration of the UDP policies listed above.

- 10.7 Other relevant UDP policies relate to residential use on a site of this size and scale, policy H18 (Provision of Public Open Space) and the Council's education contributions policy and interim Affordable Housing policy. These matters are dealt with in detail in the consultation section, however for clarity, and as the application is outline, the issues of affordable housing and POS will be the subject of conditions
- 10.8 Public open space will be sought in accordance with the criteria detailed in Policy H18. It is likely that at reserved matters stage an off-site financial contribution in lieu of an onsite provision will be acceptable. An education contribution is required.

Urban Design issues

- 10.9 A full assessment of the layout, scale, and appearance of the dwellings and the landscaping of the site would be pursued at reserved matters but it is considered there is sufficient space on site to accommodate 55 dwellings with associated, access and landscaping and amenity areas.
- 10.10 An assessment has to be made as to whether the loss of the site, in terms of visual amenity, would be detrimental to the character of the area and whether the benefit of development would outweigh the loss as a greenfield site. The land is bound by existing residential development. Development has encroached round the site resulting in it being almost enclosed. It is considered that this results in very limited contribution to the visual amenity of the wider area and, subject to design, development would continue the established character of the area.
- 10.11 The development would provide some economic gains by providing business opportunities for contractors and local suppliers, and there will be a social gain through the provision of new housing at a time of general shortage. The development of a greenfield site represents an environmental loss. However, whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. The principle of a proposed development of up to 55 dwellings on this allocated housing site is therefore considered to be acceptable and the benefit of development would outweigh its loss as a greenfield site.
- 10.12 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design. Furthermore, Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials. As the application is in outline with all matters reserved there are no details of scale, materials or design. The nature of existing residential development that surrounds the site is mixed in scale and character, with no single style or design of property taking precedent.

- 10.13 It is considered that matters of visual amenity can be satisfactorily dealt with by means of conditions at this stage.
- 10.14 As such, it is the view of officers that development could be appropriately designed without detriment to the character of the area, in accordance with Policies D2, BE1, and BE2 of the Kirklees UDP, policy PLP24 of the PDLP, as well as chapters 6 and 7 of the NPPF.

Residential Amenity

- 10.15 The site is currently located within a residential area and is bound by residential properties to the north, south east and west. As such it is considered that a residential use could be designed to an appropriate scale so as to avoid any detrimental impact on existing nearby occupants.
- 10.16 At present the application includes access for consideration only and therefore the proposed layout is not being considered or approved at this stage. However, it is considered that a satisfactory layout can be achieved on this site which would protect the privacy and residential amenity of both existing and future occupants.

Landscape issues

- 10.17 Landscaping is not included for consideration and is retained as a reserved matter. As previously set out, any future landscaping scheme would be beneficial in terms of providing mitigation and enhancement where possible.
- 10.18 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The ecological report indicates that the habitats present within the site are generally of limited ecological value. Any reserved matters application will need to include measures to avoid impacts to nesting birds and details to demonstrate how ecological impacts will be mitigated and ecological enhancement provided thereby fulfilling the objectives of paragraph 109 and 118 of the National Planning Policy Framework.
- 10.19 The Arboricultural and Landscape officer raise no objections. There is minimal information to assess and full landscape proposals are required and shall be conditioned to ensure hard and soft landscape details and planting are incorporated to create a diverse and attractive landscape. The scheme will also need to demonstrate bin presentation/collection points in addition to proposed grit bins.
- 10.20 In the interim, the proposals are considered to meet UDP Policy NE9 as mature trees are to be retained and existing trees are to form an integral part of the design thereby meeting Policy BE2. The indicative layout plan provides for adequate space from the retained trees with regards to future growth and shading however further consideration will need to be given to this at any future application when finalising the layout. The trees within the site will require protecting during any future development of the site and as such a "Tree Protection Plan" should accompany any Reserved Matters application.

- 10.21 In order for the development to be acceptable conditions are imposed and can be addressed at Reserved Matters stage. As such the development is considered in accordance with Policy NE9 and EP11 of the Kirklees Unitary Development Plan and with the inclusion of conditions would ensure that the proposal would improve biodiversity within the local area, complying with current guidance contained within the NPPF.

Housing issues

- 10.22 Paragraph 47 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. In terms of how planning applications should be dealt with, paragraph 49 advises: 7 "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." Kirklees cannot demonstrate a five year housing land supply therefore its policies that relate to the supply of housing cannot be considered up to date and the presumption in favour of sustainable development applies.
- 10.23 The development would contribute to the aims of Policy H1 of the UDP in that it would provide additional housing in a sustainable location.

Highway issues

- 10.24 The proposed development is an outline planning application for 55 Dwellings, with 'point' of access only to be considered at this stage with all other matters reserved. Access would be via two points one taken off Kenmore Drive (5.5m wide) and one taken off Kenmore View (4.5m wide) from their junction with Kenmore Road. Kenmore Road has traffic calming (speed humps) along its length.
- 10.25 Both these residential accesses are of a traditional estate road layout with footways either side each serving the 14 residential frontages. In the main, the residential properties have off-street parking with on-site observations of residential on-street parking along on both Kenmore Drive and Kenmore View and at their respective junctions with Kenmore Road.
- 10.26 Kenmore Road has a speed limit of 30-mph with observed driven speeds along Kenmore Road considered to be in the region of 25 mph. This is commensurate with the available visibility from Kenmore Drive and View along Kenmore Road.
- 10.27 In terms of the proposed development traffic, the proposed development is forecast to in the region of 39 two way movements.
- 10.28 To serve the development, the illustrative layout plan (P17 5109 01B) indicates a one-way system into the development from Kenmore Drive and out along Kenmore View. This would require consultation with the existing residents. Notwithstanding, HDM consider these measures at this stage of the proposal to be unacceptable given the likely inconvenience and the practicalities of managing the one-way system which would normally be from entry and exit junctions with Kenmore Road.

10.29 In principle, the proposed access points are considered to be acceptable from HDM point of view, however, given the nature of Kenmore Drive and View in relation to residential on-street parking and the relatively narrow width of Kenmore View additional measures may need to be considered at the reserved matters stage.

10.30 Drainage issues

10.31 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach. Strategic Drainage has been consulted and raise no objections subject to the inclusion of conditions regarding drainage specifically.

10.32 Matters are outstanding with regards to drainage and flood risk. A revised Flood Risk Assessment is to be submitted addressing the concerns of the Council's Strategic Drainage Team. This will be addressed in the update in order to ensure that the proposal complies with the aims of chapter 10 of the NPPF.

Representations

10.33 In so far as the representations have not been addressed above:

Highways (unsuitable access, parking, congestion, pedestrian safety)

Response: Highways have fully assessed the proposals and raise no objections to the development.

Local amenities and services will suffer

Response: Contributions are required regarding education and housing.

Loss of green space

Response: It is considered that the benefit of development for residential purposes, at a time where there is a shortfall in supply, outweighs the loss of land which offers little in terms of ecological value and visual amenity.

Loss of privacy

Response: Matters regarding location and design of development are reserved and would be considered at a subsequent stage in order to avoid any loss of privacy to adjoining occupants.

Structural stability and maintenance of the retaining wall

Response: A section would be required as part of the submission of any reserved matters to demonstrate that levels can be addressed without impacting on matters relating to visual amenity.

Planning obligations

10.34 Education:

The proposed development is for up to 55 dwellings and as such triggers consultation with School Organisation and Planning to establish whether a contribution is required. It has been confirmed that a contribution of £221,657 is required. A condition is recommended to secure this provision.

10.35 Affordable Housing:

Further to comments provided by Strategic Housing the Council are applying the interim affordable housing policy requirement of 20% of the development being affordable. This matter will be secured through a planning condition and at Reserved Matters stage when detailed layout and house numbers are confirmed.

10.36 Public Open Space

The site is over 0.5 hectares and requires the submission of the provision of Public Open Space. The erection of 55 dwellings would equate to 1650 metres square POS requirement with Locally Equipped Area of Play (LEAP) equivalent. This is an outline application and whilst the indicative plan shows the POS as being located to the north east of the site which links well with the Greenway it is considered that there are other locations that may also be acceptable. POS should provide accessible amenity playable spaces, which will not cause nuisance to residents (gable ends should not bound the POS) or those parking adjacent to the areas. Levels and accessibility plans will be required at reserved matters stage. Equipped play equipment, in the traditional sense, would not be included due to the close proximity of existing facilities at West End Park (within 720m of the site), so an off site lump sum would be anticipated, in lieu of this, as a contribution towards west End Park and or possibly Exchange Street.

10.37 With an amenity space potentially of this size, and depending on the situation and aspect of the surrounding dwellings, there is also an opportunity for well-designed natural play on the POS (which would be taken into account when calculating the contributions due). Currently, and without prejudice, an off-site contribution would be in the region of £108k in lieu of on-site provision. As the layout of any areas of Public Open Space are not defined at this time it is appropriate to impose a condition requiring the provision of Public Open Space or an off-site contribution in lieu of on-site provision.

Other Matters

10.38 *Footpaths:*

It is recognised that a number of informal footpaths cross the site. Officers are aware that an application for Definitive Map Modification Order is being considered which may result in the footpaths being registered as public rights of way. The layout of development is not included at this outline stage for consideration and any application for development could accommodate routes for pedestrians across the site. The plans submitted include indicative points of pedestrian links. An application for extinguishing or any rights may be made by future developers but should not be a reason to refuse the development which is only in outline form at this stage.

10.39 *Coal Mining Legacy:*

A Coal Mining Risk Assessment has been submitted with the application and comments received from the Coal Authority. There are no objections to the proposals providing conditions are imposed to ensure there is no risk as a consequence of development. The inclusion of such conditions would ensure that the proposals comply with the aims of chapter 11 of the NPPF.

10.40 *Sustainable transport:*

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

11.0 CONCLUSION

11.1 The site is located in a sustainable location, within a residential area with good access to a wide range of services. It is therefore considered that residential use is the most appropriate land use for the site which complies with the Kirklees development plan and also the emerging Local Plan housing allocations. The proposal is considered to comply with current planning policies and it is the opinion of officers that there would be no significant adverse impact from granting outline planning permission on this site. For the reasons detailed above, it is considered that, subject to the imposition of appropriate conditions, the proposal is acceptable.

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

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

- 1 3 year time limit permission for submission of Reserved Matters
- 2 Reserved Matters of Layout, Scale, External Appearance and Landscaping to be obtained
- 3 Development to commence within 2 years of the date of approval of the last reserved matters to be approved
5. Development to be in accordance with approved plans
6. Affordable Housing
7. Education contribution
8. Public Open Space provision
9. Scheme of intrusive site investigations
10. Submission of report of findings from the site investigations
11. Submission of scheme of remedial works for the shallow coal workings
12. Implementation of remedial works
13. Submission of an ecological design strategy
14. Existing and proposed ground levels including sectional drawings
15. Construction management plan

Background Papers:

Website link to application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92809>

Certificate of Ownership – Certificate A signed and dated 08/08/2017

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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Nov-2017

Subject: Planning Application 2015/90759 Erection of 6 dwellings and conversion of barn into dwelling and associated works (Listed Building within a Conservation Area) 18, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL

APPLICANT

John Radcliffe, Park
Farm (Farnley) Ltd.

DATE VALID

14-Oct-2015

TARGET DATE

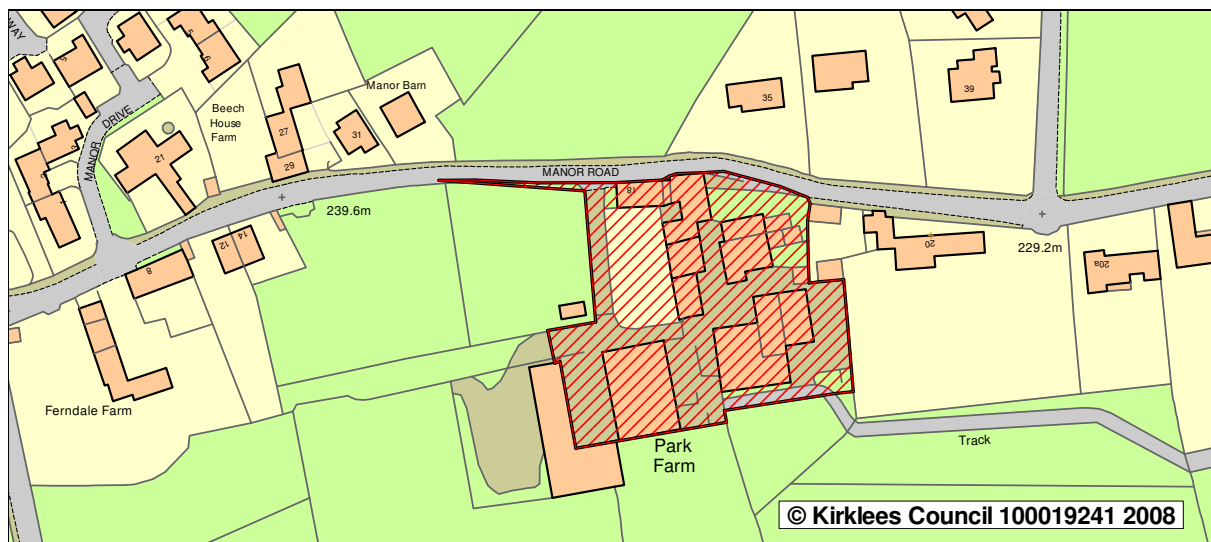
09-Dec-2015

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Kirkburton

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

- 1. Await the expiration of the additional site publicity, which ends of 10th November 2017.**

Provided that there are no new material considerations raised as result of the publicity, complete the list of conditions including those contained within the report.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub Committee due to the significant number of representations received in objection to the proposals. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located to the east of the village of Farnley Tyas, comprising a series of redundant agricultural buildings. These are predominantly of metal portal frames with corrugated sheet roofs, in addition to a number of stone built farm buildings including a traditional barn and Grade II listed barn fronting Manor Road. The site slopes downwards to the south.
- 2.2 The majority of the site is within the Farnley Tyas Conservation Area which covers most of the village; the Conservation Area was designated as an area of high architectural and historic interest in the 1980's; it is a rural village of largely stone built houses which has an intimate relationship with its natural landscape surroundings. The houses within the Conservation Area are close knit and appear to have been developed along the principal thoroughfares but also in an organic nature. The houses vary in date but many appear to be of 18th and 19th century origin. The southernmost part of the site is located within the Green Belt.
- 2.3 The site is accessed directly from Manor Road.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the erection of 6 dwellings and the conversion of the Grade II listed barn to dwelling (a separate application for Listed Building Consent accompanies this application, ref: 2015/90758).
- 3.2 The development would consist of a series of two storey dwellings of varying house types with attached or detached garages, constructed of stone with stone slate roofs. These would be arranged around two private driveways with access taken off Manor Road.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2015/90758 – Listed Building Consent for conversion of barn into a dwelling and associated works (within a Conservation Area) – under consideration as part of this agenda
- 2016/93177 (adjacent 14 Manor Road) – Erection of one dwelling – refused at Heavy Woollen Planning Sub Committee on 23 February 2017 (appeal dismissed)
- 2015/90663 – Erection of 2 dwellings – approved at Heavy Woollen Planning Sub Committee (30 October 2015)
- 2014/93187 – Erection of 3 detached dwellings – Withdrawn

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to submitting the application, the applicant entered into pre-application discussions with Officers. Through the course of the application, the proposed site layout has been amended, in addition to some changes to the design and appearance of the plots. The applicant has also submitted a revised Heritage Statement.

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 application site is located within the Farnley Tyas Conservation Area on the UDP proposals map and draft local plan. Some of the southern part of the site falls within the allocated Green Belt.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **BE1** – General Design Principles
BE2 – Quality of Design
BE5 – Preservation/enhancement of Conservation Areas
BE11 – Materials
BE12 – Space about Buildings
T10 – Highway Safety
T19 – Parking Standards

Kirklees Publication Draft Local Plan

- 6.4 **PLP1** – Presumption in favour of development
PLP2 – Place Shaping
PLP7 – Efficient use of land and buildings
PLP11 – Housing mix and affordable housing
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP35 – Historic Environment
PLP58 – Garden Extensions

National Planning Guidance:

- 6.5 **Chapter 6** – Delivering a wide choice of high quality homes
Chapter 7 – Ensuring Good Design
Chapter 9 – Protecting Green Belt Land
Chapter 12 – Conserving and Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of the original site publicity, 15 letters of representation were received. The concerns raised can be summarised as follows:
- Highway safety issues – roads and pavements on Manor Road are already in a bad state of repair and further traffic would increase the deterioration of the services. Traffic generated from Park Farm would add to the existing problem in conjunction with the extra traffic generating from Beech Farm via the link road
 - The development proposes too many houses
 - Schooling would be a problem as the school in Farnley Tyas isn't big enough to cope with an influx of children
 - Trust that any building works would have set criteria to ensure they fit in with the more traditional looking buildings surrounding them
 - The design of the proposed dwellings does not enhance the designated Heritage Asset (Grade II listed barn) at the entrance to the development and cause substantial harm with no public benefits to outweigh that harm

- The southern part of the development extends into the Green Belt surrounding Farnley Tyas, with portions of the buildings on Plots 4, 5 and 7 and the majority of the building in Plot 8 sited in the Green Belt. The majority of all the garden area on these plots also lie within the Green Belt
- This development in addition to the two dwellings adjacent to the site and Beech Farm would result in a 33% increase in the number of dwellings in Farnley Tyas. This is not taking into account the future plans for Yew Tree Farm in the centre of the village.
- There is a surplus of houses in Farnley Tyas and therefore no market for another 8 properties
- The proposed development is not reflective in terms of massing, access and the landscaping of the predominant features of the area.
- The proposed dwellings, by reason of size, scale, height and siting would be out of keeping with surrounding properties and detrimental to the amenity of the village

7.2 Following receipt of amended plans, three further rounds of publicity were carried out. Two letters of representation were received in response to these. The concerns raised are summarised as follows:

- The design of the barn conversion is unsympathetic to the existing building and does not reference any historical format, being out of keeping with the character of the Farnley Tyas Conservation Area.
- The scale and number of proposed dwellings is totally out of character with the Conservation Area and will create additional problems with car parking on Manor Road
- The visibility splays at the exit points appear to be inadequate and will create a serious hazard for vehicles leaving the site
- The development site encroaches into the Green Belt and beyond the Conservation Area boundary with an area indicated as "Orchard" and "Paddock" in the south west corner of the site. If approved, this parcel of land will no doubt be absorbed within the curtilage of a dwelling. The site also encroaches several metres into the Green Belt along the southern boundary.

7.3 Kirkburton Parish Council was notified of the application and objects on the following grounds:

- The area needs upgrades to the infrastructure before any additional housing can be accommodated.
- Highway Safety: The extra traffic from this proposed development of 8 properties along with the adjacent application for 3 properties and the Beech Farm Development will add to the ever increasing traffic flow exiting Manor Road at the junction Manor Road/The Village with no plans to improve sight lines at what is a dangerous junction.
- Detrimental impact on the visual amenity of the surrounding Conservation Area.
- Part of the development is within the Green Belt, but no special circumstances have been demonstrated.

- The overall effect of these developments will result in a 50% increase in the size of the village without any correspondence increase in facilities and infrastructure planned.

7.4 Councillor Bill Armer has contacted Officers about the application and requested to be kept updated on the status of the application.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Historic England: Request that the issues and safeguards outlined in their advice are addressed for the applications to meet the requirements of paragraphs 128-129, 131-134 of the NPPF

KC Highways Development Management – No objections.

Yorkshire Water – Recommend the imposition of conditions.

8.2 Non-statutory:

KC Conservation and Design: No objections.

KC Environmental Services: Recommend imposition of conditions.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The application site comprises a former farm complex located on the southern side of Manor Road, within the Farnley Tyas Conservation Area and consisting of a Grade II listed barn, detached stone barn, and four modern agricultural buildings. Planning permission is sought for the erection of 6 dwellings and the conversion of the Grade II listed barn to dwelling

10.2 The application site is located to the east of two recently constructed dwellings, approved under application ref 2015/90663.

10.3 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that all applications must either preserve or enhance the character of the Conservation Area.

- 10.4 The existing Grade II listed barn has been unoccupied for some time except for its use as a garden store, and is in need of a long term viable use. A residential use is considered to be an appropriate way forward, provided that the conversion is carried out sympathetically, retaining as much historic fabric as possible. This would ensure that the harm is balanced against the public benefit of the new use, in compliance with paragraph 134 of the NPPF.
- 10.5 Officers acknowledge that harm will be achieved by the proposals, and this should be balanced against the public benefit of the proposals. In this case, the public benefit is one of securing a new use which will retain the historic character of the building, and preserve and enhance the character and appearance of the Farnley Tyas Conservation Area, which is required under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.6 The principle of the redevelopment of the part of the site falling within the Conservation Area for residential purposes is considered to amount to an efficient use of the land, compatible with the predominant residential nature of this part of Manor Road.
- 10.7 The southern portion of the site falls within the Green Belt, and the layout of the development is such that this area would be utilised as paddock/gardens for the relevant plots. Whilst no buildings would be located on this part of the site, this would result in the change of use of the land which would constitute inappropriate development within the Green Belt. In such cases, 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. The applicant considers that the very special circumstances in this instance are as follows:
- The reduction in the area of built development on the site;
 - The removal of storage barns that are in the Green Belt and returning the land to open paddock/amenity space;
 - The submission draft Local Plan housing allocation of the whole site for development that carries significant and substantial weight;
 - The restoration of a listed building on the site;
 - The opportunity for a clear and permanent Green Belt boundary, similar to existing adjacent historic boundaries and consistent with the Conservation Area; and
 - The removal of permitted development rights so that the land remains undeveloped
- 10.8 The removal of the storage barns would not constitute a very special circumstance as these are not inappropriate development within the Green Belt in any case. Notwithstanding this, Officers acknowledge that the proposals would result in the removal of buildings that are currently located within the Green Belt and that the new development would consist of buildings which are entirely out of the Green Belt, leaving only the gardens of Plots 4, 5 and 6 within the Green Belt. The most recently submitted site plan demonstrates that these Plots would have patio areas/hard standings outside of the Green Belt area too.

- 10.9 It is correct that the site is proposed as a housing allocation in the emerging Local Plan (H120). The Local Plan seeks to amend the Green Belt boundary at this location to accommodate the proposed housing allocation. The Local Plan was submitted to the Secretary of State for examination on 25th April 2017 and the Examination in Public began in October 2017. In the context of paragraph 216 of NPPF it is considered that due to the stage the PDLP has reached significant weight can be afforded to it, however, there are some unresolved objections in relation to this site and this should be noted. There is no risk of prematurity in this instance as the site is not considered to be of a strategic nature.
- 10.10 The provision of a clearly defined southern boundary demarcated by a physical barrier would provide a permanent delineation between the site boundary and land beyond.
- 10.11 Whilst the above matters are not considered to constitute very special circumstances on their own or in combination, Officers consider that the restoration of the listed building and the securing of its long term, viable use, would outweigh the harm caused by the inclusion of land within the Green Belt, in this instance. Furthermore, the withdrawal of permitted development rights for development on the Green Belt land and its retention as paddock with natural landscaping would ensure it remained open in perpetuity and prevent its significant domestication. These matters could be controlled by condition.

Urban Design issues

Visual amenity and impact on the setting of the Conservation Area

- 10.12 The location of the proposed development is within an area characterised by large properties set within large grounds. They generally have an overall appearance of farm houses or converted barns. The new dwellings would be detached in nature with integral or detached garages having a subordinate relationship. This would create a development which has a scale appropriate to its surroundings. The layout of the development has been arrived at following discussion with Officers, with reference to the layout of the existing farmyard. Historic England note that some minor amendments have been undertaken but remain of the opinion that due to the size and position of the dwellings, the layout reflects a suburban arrangement. Officers acknowledge that the nature of the layout does reflect a suburban layout to a degree and this has always been the case, however by reflecting the agricultural form and detail into the dwellings this is, to some degree, reduced. A similar approach has been taken on the Beech Farm development which is felt to be successful.
- 10.13 Paragraph 137 of the NPPF states that Local Planning Authority should look for opportunities for new development within conservation areas to enhance or better reveal their significance. Proposals that make a positive contribution should be treated favourably. Paragraph 138 goes on to state that the loss of a building or other element should be treated as either substantial or less than substantial harm. In this case, alluded to by Historic England by reference to para 134, the proposal causes less than substantial harm. In para 134 such proposals should be weighed against the public benefit of the proposal including securing optimum viable uses.

- 10.14 The site is of an agricultural nature with modern barns and structures fronted by the listed barn and the stone outbuilding to the south east; the modern agricultural buildings could be considered to detract from the Conservation Area. The listed barn is to be converted and the outbuilding demolished but rebuilt in the same materials and the same plane as that of the original. Securing the use of the listed building is paramount as the existing use is no longer the optimum use and Officers consider that a conversion is the only way forward. By removing the modern barns and creating a residential development around the barn will increase the attractiveness of the listed building to future occupiers, and as such, will contribute towards the goal of securing the optimum use. It is agreed that the modern and substantial dwellings are not of a true agricultural style but they do retain the cluster effect that is part of the character of the Conservation Area, and this has been achieved with success at Beech Farm to the north-west. The less than substantial harm can be balanced against the retention and re-use of the listed building, the rebuilding of the outbuilding and the loss of buildings which fail to preserve or enhance the Conservation Area. Overall, Officers are of the opinion that the aims of the NPPF in terms of balancing the harm have been achieved and in terms of Section 72, the proposal does preserve the overall setting of the Conservation Area.
- 10.15 The design of the dwellings would be, for the most part, traditional but with some contemporary elements including areas of glazing. The materials to be used would consist of natural stone walls with stone roof slates and this is considered acceptable as it would harmonise well with its surroundings.
- 10.16 In all, the proposal is considered by officers to be acceptable in regard to visual amenity and would accord with policies BE1 and BE2 of the UDP as well as the aims of chapters 6 and 7 of the NPPF. Furthermore the development would accord with emerging Policy PLP24 of the PDLP which states that proposals should promote good design by ensuring (amongst other things) 'the form, layout and details of all development respects and enhances the character of the townscape...'

Residential Amenity

- 10.17 The impact of the development on residential amenity needs to be considered in relation to Policy BE12 of the UDP. Policy BE12 sets out recommended distances that are suggested to be achieved between existing and proposed dwellings.
- 10.18 The layout of the proposed development is such that the aims of Policy BE12 would generally be met in relation to adjacent existing residential development and in respect of the relationship between the proposed dwellings themselves. Separation distances amongst existing dwellings within the village vary and as such, this relationship is considered to be characteristic of the local context.
- 10.19 Adequate areas of amenity space would be provided to serve all plots.

- 10.20 On the above basis, the proposals are considered to be acceptable in residential amenity terms, in accordance with Policies BE1, BE2 and BE12 of the UDP and emerging Policy PLP24 of the PDLP in that they would 'provide a high standard of amenity for...neighbouring properties'.

Highway issues

- 10.21 The application site is located on the southern side of Manor Road approximately 100m from the junction with The Village. Two private driveways would serve the development, with a width of 4.5m to allow two vehicles to pass. Garaging and off street parking provision to serve each dwelling is proposed.
- 10.22 KC Highways DM have previously raised concern regarding the size of the proposed internal turning heads, visibility splays, and parking provision on the site. Re-consultation has taken place following submission of the most recent amended plan, and these concerns have now been addressed.
- 10.23 The proposals as amended would provide adequate access, layout and parking provision in the interests of highway safety, in accordance with Policies D2 and T10 of the UDP and emerging Policies PLP21 and PLP22 of the PDLP relating to highway safety and parking.

Drainage issues

- 10.24 The development proposes to dispose of foul drainage via the existing mains sewer and surface water drainage to a sustainable drainage system and mains sewer. Yorkshire Water has confirmed that they have no objections to the proposals, subject to the imposition of conditions. The proposal is considered to comply with the aims of chapter 10 of the NPPF

Representations

- 10.25 The concerns raised in representations are addressed as follows:

Highway safety issues

Response: The proposed development would not result in a significant intensification in use of Manor Road and is considered to be acceptable from a highway safety perspective.

The development proposes too many houses

Response: The proposals would result in the creation of 7 residential units which equates to a low density development.

Schooling would be a problem as the school in Farnley Tyas isn't big enough to cope with an influx of children

Response: The proposals would result in the creation of 7 residential units which is not considered to amount to a large influx of children. Furthermore, the number of houses is significantly below the threshold for requesting an education contribution.

Trust that any building works would have set criteria to ensure they fit in with the more traditional looking buildings surrounding them

Response: The proposed dwellings would be constructed using natural stone, natural stone slates and timber doors and windows which is an acceptable palette of materials in this context.

The design of the proposed dwellings does not enhance the designated Heritage Asset (Grade II listed barn) at the entrance to the development and cause substantial harm with no public benefits to outweigh that harm

Response – The proposals are considered to bring about the re-use of the building in a sympathetic manner.

The southern part of the development extends into the Green Belt surrounding Farnley Tyas, with portions of the buildings on Plots 4, 5 and 7 and the majority of the building in Plot 8 sited in the Green Belt. The majority of all the garden area on these plots also lie within the Green Belt

Response: The applicant has provided amended plans through the course of the application which ensure patio areas/hardstanding would be located outside of the Green Belt and would be agreeable to a condition being imposed to remove permitted development rights for the erection of any outbuildings/structures on the Green Belt land.

This development in addition to the two dwellings adjacent to the site and Beech Farm would result in a 33% increase in the number of dwellings in Farnley Tyas. This is not taking into account the future plans for Yew Tree Farm in the centre of the village.

Response: This is not a material planning consideration as there is a demonstrated need for housing.

There is a surplus of houses in Farnley Tyas and therefore no market for another 8 properties

Response: This is not a material planning consideration as there is a demonstrated need for housing.

The proposed development is not reflective in terms of massing, access and the landscaping of the predominant features of the area.

Response: The development is considered to be acceptable with respect to the above matters

The proposed dwellings, by reason of size, scale, height and siting would be out of keeping with surrounding properties and detrimental to the amenity of the village

Response: The development is considered to be acceptable with respect to the above matters.

Other Matters

- 10.26 **Ecology:** Paragraph 118 of the NPPF states “when determining applications Local Authorities should aim to conserve and enhance biodiversity” by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments.
- 10.27 The application has been accompanied by a Bat Survey and Ecology survey which makes a series of recommendations for biodiversity mitigation and enhancement. Subject to appropriate conditions, the proposals are considered to comply with the aims of chapter 11 of the NPPF.

10.28 **Air Quality:** Paragraph 109 of the NPPF states that “the planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution”. On relatively small developments, this can be achieved through promoting green sustainable transport through the installation of vehicle charging points. This could be secured through planning condition, to ensure the Council’s sustainability objectives are met.

10.29 **Contaminated Land:** As a result of the former use of the site, some contamination may be present. A series of conditions is therefore recommended to ensure that the site is safe and stable to accommodate new development, in accordance with the guidance set out within Chapter 11 of the NPPF, as well as policy G6 of the UDP.

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

11.0 CONCLUSION

11.1 To conclude, the proposals have been the subject of a series of negotiations between the applicant and officers. For the reasons set out in this report, the proposals are considered acceptable on this sensitive site and would provide additional housing in a sustainable location, whereby 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. Officers consider that the restoration of the listed building and the securing of its long term, viable use, would, on balance, outweigh the harm caused by the inclusion of land within the Green Belt to form garden areas associated with a small number of plots, in this instance. 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. Timeframe for implementation of development (3 years)
2. Development to be carried out in accordance with submitted plans
3. Samples of materials to be submitted for approval
4. Permitted Development Rights to be withdrawn
5. Biodiversity Mitigation and Enhancement Plan
6. Separate systems for foul and surface water drainage
7. Details of means of disposal of surface water drainage
8. No piped discharge of surface water prior to completion of approved surface water drainage works
9. Details of boundary treatments
10. Contaminated Land
11. Electric Vehicle Charging Points
12. Surfacing of vehicle parking areas

13. Landscaping Plan
14. Visibility Splays to be provided
15. Turning Facilities to be provided

Background Papers:

Link to the application details on the website:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90759>

Certificate of Ownership – Certificate B signed, with notice served on Mr & Mrs Bullas, Manor Road, Farnley Tyas, HD4 6UL, dated 16/03/2015.

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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Nov-2017

Subject: Planning Application 2015/90758 Listed Building Consent for conversion of barn into a dwelling and associated works (within a Conservation Area) 18, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL

APPLICANT

John Radcliffe, Park
Farm (Farnley) Ltd.

DATE VALID

14-Oct-2015

TARGET DATE

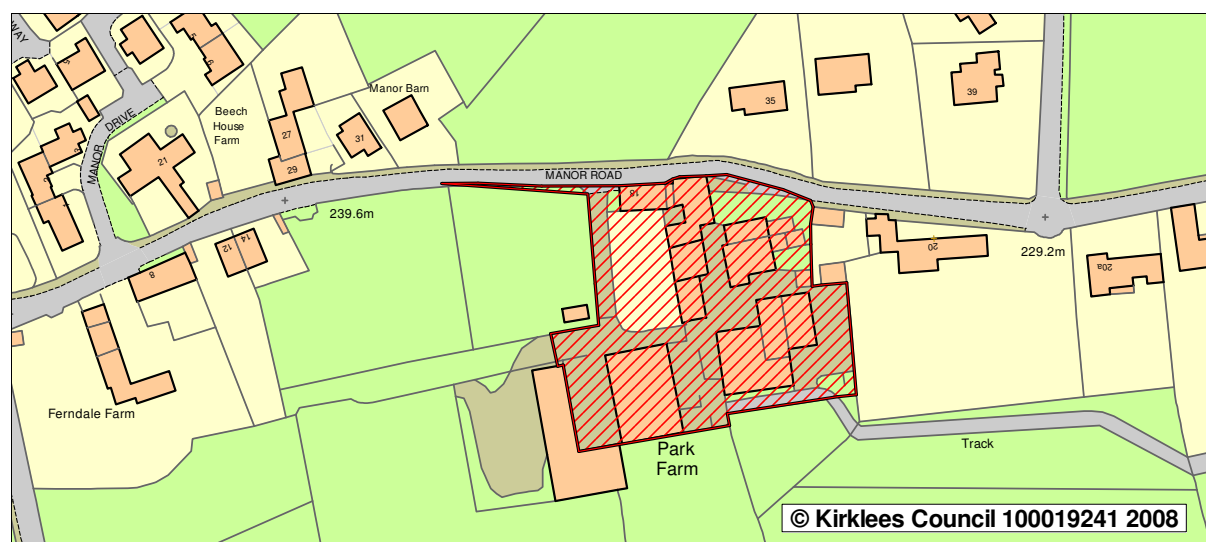
09-Dec-2015

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Kirkburton

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

- 1. Await the expiration of the additional site publicity, which ends on 10th November 2017;**

Provided that there are no new material considerations raised as result of the publicity, complete the list of conditions including those contained within the report.

1.0 INTRODUCTION:

- 1.1** The application is brought to the Heavy Woollen Planning Sub Committee due to the significant number of representations received. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1** The application site is located to the east of the village of Farnley Tyas, comprising a series of redundant agricultural buildings. These are predominantly of metal portal frames with corrugated sheet roofs, in addition to a number of stone built farm buildings including a traditional cart barn and Grade II listed barn fronting Manor Road. The site slopes downwards to the south.
- 2.2** The site itself is within the Farnley Tyas Conservation Area which covers the majority of the village; the Conservation Area was designated as an area of high architectural and historic interest in the 1980's; it is a rural village of largely stone built houses which has an intimate relationship with its natural landscape surroundings. The houses within the Conservation Area are close knit and appear to have been developed along the principal thoroughfares but also in an organic nature. The houses vary in date but many appear to be of 18th and 19th century origin.
- 2.3** The site is accessed directly from Manor Road.

3.0 PROPOSAL:

- 3.1 Listed Building Consent is sought for the conversion of the barn to one dwelling, and associated works. This application is accompanied by a planning application for the erection of 6 dwellings and conversion of barn to dwelling (2015/90759).

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2015/90759 – Erection of 6 dwellings and conversion of barn into dwelling and associated works (Listed Building within a Conservation Area) – Under consideration on this agenda

2016/93177 (adjacent 14 Manor Road) – Erection of one dwelling – refused at Heavy Woollen Planning Sub Committee on 23 February 2017 (appeal dismissed)

2015/90663 – Erection of 2 dwellings – approved at Heavy Woollen Planning Sub Committee (30 October 2015)

2014/93187 – Erection of 3 detached dwellings – Withdrawn

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Through the course of the application, a revised Heritage Statement has been submitted by the applicant which takes into account the wider context of the site.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was 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 application site is located within the Farnley Tyas Conservation Area on the UDP and draft local plan. Some of the southern part of the site falls within the Green Belt.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **BE1** – General Design Principles
BE2 – Quality of Design
BE5 – Preservation/enhancement of Conservation Areas

Kirklees Publication Draft Local Plan

- 6.4 **PLP24** – Design
PLP35 – Historic Environment

National Planning Guidance:

- 6.5 **Chapter 12** – Conserving and Enhancing the Historic Environment

Planning (Listed Buildings and Conservation Areas) Act 1990, S16

- 6.6 This imposes a duty on the local planning authority, in considering whether to grant listed building consent for any works, 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.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of the original site publicity, 15 letters of representation were received (in relation to this and the accompanying planning application). The concerns raised can be summarised as follows:

- Highway safety issues – roads and pavements on Manor Road are already in a bad state of repair and further traffic would increase the deterioration of the services. Traffic generated from Park Farm would add to the existing problem in conjunction with the extra traffic generating from Beech Farm via the link road
- The development proposes too many houses
- Schooling would be a problem as the school in Farnley Tyas isn't big enough to cope with an influx of children
- Trust that any building works would have set criteria to ensure they fit in with the more traditional looking buildings surrounding them
- The design of the proposed dwellings does not enhance the designated Heritage Asset (Grade II listed barn) at the entrance to the development and cause substantial harm with no public benefits to outweigh that harm
- The southern part of the development extends into the Green Belt surrounding Farnley Tyas, with portions of the buildings on Plots 4, 5 and 7 and the majority of the building in Plot 8 sited in the Green Belt. The majority of all the garden area on these plots also lie within the Green Belt
- This development in addition to the two dwellings adjacent to the site and Beech Farm would result in a 33% increase in the number of dwellings in Farnley Tyas. This is not taking into account the future plans for Yew Tree Farm in the centre of the village.
- There is a surplus of houses in Farnley Tyas and therefore no market for another 8 properties
- The proposed development is not reflective in terms of massing, access and the landscaping of the predominant features of the area.

- The proposed dwellings, by reason of size, scale, height and siting would be out of keeping with surrounding properties and detrimental to the amenity of the village

7.2 Following receipt of amended plans, three further rounds of publicity were carried out. Two letters of representation were received in response to these. The concerns raised are summarised as follows:

- The design of the barn conversion is unsympathetic to the existing building and does not reference any historical format, being out of keeping with the character of the Farnley Tyas Conservation Area.
- The scale and number of proposed dwellings is totally out of character with the Conservation Area and will create additional problems with car parking on Manor Road.
- The visibility splays at the exit points appear to be inadequate and will create a serious hazard for vehicles leaving the site
- The development site encroaches into the Green Belt and beyond the Conservation Area boundary with an area indicated as “Orchard” and “Paddock” in the south west corner of the site. If approved, this parcel of land will no doubt be absorbed within the curtilage of a dwelling. The site also encroaches several metres into the Green Belt along the southern boundary.

7.3 Kirkburton Parish Council was notified of the application who object to the application on Kirkburton Parish Council was notified of the application and objects on the following grounds:

- The area needs upgrades to the infrastructure before any additional housing can be accommodated.
- Highway Safety: The extra traffic from this proposed development of 8 properties along with the adjacent application for 3 properties and the Beech Farm Development will add to the ever increasing traffic flow exiting Manor Road at the junction Manor Road/The Village with no plans to improve sight lines at what is a dangerous junction.
- Detrimental impact on the visual amenity of the surrounding Conservation Area.
- Part of the development is within the Green Belt, but no special circumstances have been demonstrated.
- The overall effect of these developments will result in a 50% increase in the size of the village without any correspondence increase in facilities and infrastructure planned.

7.4 Ward Councillor Bill Armer has contacted Officers about the application and requested to be kept updated on the status of the application.

7.5 A revised Heritage Statement was received following comments received from Historic England.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Historic England: Request that the issues and safeguards outlined in their advice are addressed for the applications to meet the requirements of paragraphs 128-129, 131-134 of the NPPF.

8.2 Non-statutory:

KC Conservation and Design: No objections

9.0 MAIN ISSUES

- General principle
- Impact on the significance of the building
- Considering the public benefit
- Representations
- Conclusion

10.0 APPRAISAL

General Principle

- 10.1 The application site comprises a former farm complex located on the southern side of Manor Road, within the Farnley Tyas Conservation Area and consisting of a Grade II listed barn, detached stone barn, and four modern agricultural buildings. Listed Building Consent is sought for the conversion of the Grade II listed barn to dwelling and associated works.
- 10.2 Listed Building Consent is sought for the conversion of the barn to one dwelling, and associated works. This application is accompanied by a planning application for the erection of 6 dwellings and conversion of barn to dwelling (2015/90759).
- 10.3 The proposal will be assessed having regard to the relevant policies in Chapter 12 of the NPPF. Of particular relevance in the NPPF, Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and of development making a positive contribution to local distinctiveness. Furthermore that development causing harm to the significance of heritage assets should not be permitted unless a proportionate public benefit can be demonstrated to outweigh that harm.
- 10.4 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) states that in considering whether to grant Listed Building Consent for any works 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. Section 72 of the Act 1990 imposes a duty, when determining applications that affect buildings within a conservation area, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.

Impact on the significance of the Building

- 10.5 The NPPF requires Local Planning Authorities to identify and assess the particular significance of a heritage asset. This assessment is required so as to be taken into account when considering the impact of a proposal on a heritage asset. This is in the interest of preserving the specific features of the asset which contribute to its heritage value. Paragraph 132 of the NPPF requires that when considering the impact of a proposed development on the significance of a heritage asset great weight is given to the asset's conservation. The NPPF describes any harm as substantial or less than substantial depending on the nature of the harm; substantial harm is normally the total loss of heritage features. In such cases paragraph 134 applies which states that in such cases the harm should be weighed against the public benefit accrued by the proposal.
- 10.6 The barn is of significant merit as an example of a relatively unaltered threshing barn from the late 17th century as such should be retained without the removal of any surviving historic fabric. As with many agricultural buildings, it has been adapted and altered over time, although this does not prevent the historic interest from being read.
- 10.7 During the consultation period, Historic England provided detailed comments which outlined their concerns over the impact on the Farnley Tyas Conservation Area both in terms of the nature of the layout of the new development and the demolition of the outbuilding immediately adjacent to the listed barn.
- 10.8 The application has been accompanied by a Heritage Impact Assessment (HIA) and later update which assesses the value and significance of the listed building and its contribution to the preservation and enhancement of the Conservation Area. The original heritage statement paid little regard to the outbuilding to the south east of the listed barn and provided minimal detail over its impact upon the character of the conservation area, along with the need for a structural survey to explore why the building could not be converted rather than demolished. The agent subsequently produced a revised heritage statement that referred to a structural report. The overall conclusion of the Heritage Impact Assessment was that the outbuilding contributed to the significance of the listed barn as well as the Farnley Tyas Conservation Area and as such less substantial harm occurs (Para 134 of the NPPF). However, the report equally concludes that the significance of the building has been eroded through changes and Unit 3 of the proposed development has been designed to replicate the floor plan; due to the alterations, the plan form and materials are the only parts that are significant.
- 10.9 Officers are of the opinion that the updated HIA resolves the issues raised by Historic England that the HIA as a whole has led to the proposals being carried out sensitively and that the principle is acceptable, resulting in less than substantial harm.

Considering the public benefit

- 10.10 Paragraph 134 of the NPPF states that where development will cause less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. This does include securing its optimum viable use.

- 10.11 The existing Grade II listed barn has been unoccupied for some time except for its use as a garden store, and is in need of a long term viable use. A residential use is considered to be an appropriate way forward, provided that the conversion is carried out sympathetically, retaining as much historic fabric as possible. This would ensure that the harm is balanced against the public benefit of the new use, in compliance with paragraph 134 of the NPPF, and preserve and enhance the character and appearance of the Farnley Tyas Conservation Area, which is required under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Representations

- 10.12 The representations received relate to both the planning and Listed Building Consent applications. Insofar as the application for Listed Building Consent is concerned, the specific representations are addressed as follows:

Trust that any building works would have set criteria to ensure they fit in with the more traditional looking buildings surrounding them

Response: The proposed dwellings would be constructed using natural stone, natural stone slates and timber doors and windows which are an acceptable palette of materials for the Conservation Area setting.

The design of the proposed dwellings does not enhance the designated Heritage Asset (Grade II listed barn) at the entrance to the development and cause substantial harm with no public benefits to outweigh that harm

Response: The proposed dwellings would be constructed using natural stone, natural stone slates for the roofing material, and timber doors and windows. These are considered to be an acceptable and appropriate palette of materials for development within a listed building setting.

The design of the barn conversion is unsympathetic to the existing building and does not reference any historical format, being out of keeping with the character of the Farnley Tyas Conservation Area

Response: Following advice from the Council's Conservation & Design officers, the proposals are considered acceptable from a heritage perspective and would sustain the significance of the designated heritage asset (the listed building).

11.0 CONCLUSION

- 11.1 The proposed works to the building to allow for the conversion into a dwelling have been identified as causing less than substantial harm to the significance of the designated heritage assets: the host listed building and Conservation Area.
- 11.2 The public benefit of securing a new use which will retain the historic character of the building, and preserve and enhance the character and appearance of the Farnley Tyas Conservation Area, which is required under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 11.3 The application is therefore in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, or Chapter 12 of the National Planning Policy Framework.

11.4 The NPPF has introduced a presumption in favor 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. Timeframe for the implementation of development (3 years)
2. Development to be carried out in accordance with the submitted plans
3. Samples of materials to be submitted for approval
3. Joinery details
4. Archaeological record

Background Papers:

Link to the application details on the website:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90758>

Certificate of Ownership – Certificate B completed with notice served on Mr & Mrs Bullas, Manor Road, Farnley Tyas, HD4 6UL dated 16/03/2015.

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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Nov-2017

Subject: Planning Application 2016/93147 Outline application for erection of residential development 444, Bradford Road, Batley, WF17 5LW

APPLICANT

P Lister

DATE VALID

27-Oct-2016

TARGET DATE

26-Jan-2017

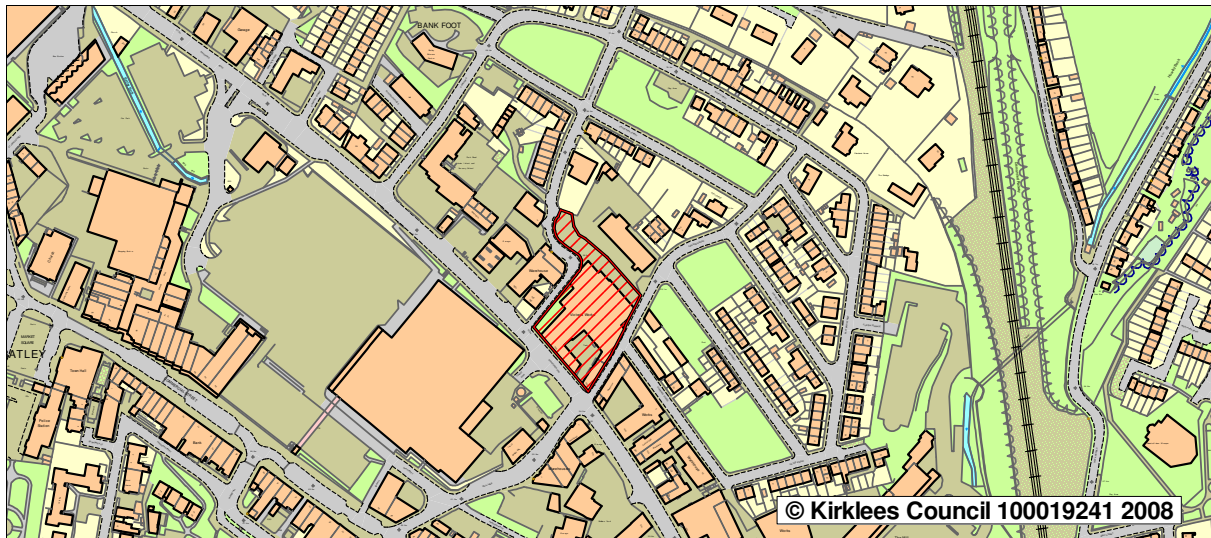
EXTENSION EXPIRY DATE

31-Mar-2017

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Batley East

Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE approval to 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 any added by the Committee).

1.0 INTRODUCTION:

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

2.0 SITE AND SURROUNDINGS:

- 2.1 This site comprises an area of 0.38 hectares located on the North East side of Bradford Road, Batley. The site is flanked to the south east by Caledonia Road and to the North West by Bridge Street. The site is currently occupied by Victoria Works a mixture of one and two storey buildings, containing a number of businesses [printing and packaging] with 20 employees. The surrounding area is predominantly commercial, with occasional dwellings along the Bradford Road frontage. On the opposite side of Bradford Road is a large Tesco Store. Access to the site is taken directly off Bradford Road. There is a significant levels difference across the site with the rear of the site being considerably higher than the Bradford Road frontage.

3.0 PROPOSAL:

- 3.1 Outline approval is sought for residential development on the site. At this stage the applicant wishes access and layout to be considered.
- 3.2 Access is proposed to be taken off Caledonia Road, closing off the existing Bradford Road entrance. The submitted details indicate that the development would comprise of three separate buildings providing a total of 42 residential units. The buildings would be four storeys in height containing a mixture of one and two bed units, in an L-shaped layout. Car and cycle parking facilities, in addition to bin storage and a turning facility for service vehicles, would be provided in the forecourt.

- 3.3 Whilst the appearance of the development is a reserved matter at this stage, the Design and Access Statement submitted with the application states that the buildings would be constructed of artificial stonework at ground, first, second and third floor level, with coloured render at fourth floor level.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2013/92480 – Renewal of outline application for residential development - approved

2010/90185 – Outline application for residential development - approved

07/95262 - Demolition of Existing Industrial Buildings and Erection of 40 No. Apartments and 2 No. Townhouses with Associated car parking, road works, boundary treatment and landscaping - withdrawn

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A revised and updated Flood Risk Assessment has been submitted for consideration at the request of Officers and the Environment Agency.

- 5.2 Further details have been sought regarding parking and access arrangements. Revised plans to show acceptable swept paths, sight lines and parking have been submitted and re-consultation has taken place with KC Highways DM.

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 application site is unallocated on the UDP proposals map and also on the Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **D2** - Unallocated land
B4 – Change of use of land and buildings last used for business or industry
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention
H8 – Change of use to residential
H10 – Affordable housing
H18 – Provision of open space
T10 – Highway safety
T19 – Parking standards
G6 – Land contamination
EP4 – Noise sensitive development

Supplementary Planning Guidance / Documents:

6.4 Interim Affordable Housing Policy

Council's Guidance on Education Contributions as a Result of New Residential Development.

National Planning Guidance:

- 6.5 **Chapter 4** - Promoting Sustainable Transport
Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
Chapter 11 - Conserving and enhancing the natural environment.

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

Policies:

- PLP1** – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP30 – Biodiversity and geodiversity

7.0 PUBLIC/LOCAL RESPONSE:

7.1 16 letters of objection were received. The concerns raised are summarised as follows:

- Increase traffic/Congestion
- Dangerous junction
- Demand for parking
- Disruption to existing business
- Security concerns
- Additional noise
- Pollution
- Overdevelopment
- Not in keeping

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

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

Environment Agency – No objections subject to conditions

Coal Authority – No objections subject to conditions

K.C. Strategic Drainage – Not received

8.2 Non-statutory:

K.C Environmental Services – No objections subject to conditions regarding contaminated land, noise assessment, mitigation to deal with poor air quality, electric vehicle charging points

K.C. Ecology – No objection subject to conditions

K.C. Strategic Housing – Contribution required

K.C. Education – Contribution required

K.C. West Yorkshire Police Architectural Liaison Officer – No objections

Yorkshire Water – No objections subject to conditions

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 permission was granted in 2013 for a similar proposal for the erection of 40 dwellings in apartment blocks - Application number 2013/92480. The site was last in use for employment purposes. As such the proposal needs to be considered in line with guidance contained in the National Planning Policy Framework (NPPF). Paragraphs 14 and 17 of the NPPF indicate a presumption in favour of sustainable development, and support sustainable economic development to meet the needs of both new

business and industry and new homes. Paragraph 22 indicates that Local Authorities should avoid the long term protection of existing employment sites where there is no reasonable prospect of the site being re-used for that purpose. Also paragraph 51 indicates a presumption in favour of change of use from business and industry to residential where there is no strong economic reason to retain the premises for employment purposes. The relevant policy in the Kirklees UDP is Policy B4 which seeks to retain employment uses unless a number of criteria are met.

- 10.2 The applicant has submitted a comprehensive statement which satisfactorily addresses the requirements of policy B4 of the UDP. There are comparable sites available in the Grange Road area and it is accepted that the current mill buildings are in a state where considerable investment would be required in order to enable them to continue in employment use. Redeveloping the site for the company again is not feasible due to the problems of HGV's gaining access to the site and the detrimental impact this already has on adjacent residential premises.
- 10.3 The argument put forward relates to the company using any receipts from the sale of the land for residential to enable them to relocate within North Kirklees to retain the local labour force and to enable them to expand given the new contracts recently secured – this argument is accepted and the money can be reinvested in the new equipment required to service the contracts won. The agent has satisfied requirements relating to Policy B4 in so far as there is a change from a business use. The proposal is considered to be in accordance with Policy B4 of the UDP.
- 10.4 As a result of this, it is considered by officers that the applicant has demonstrated that the existing site is unlikely to be brought back into a beneficial employment use. It is also considered that notwithstanding the loss of this site there are alternative more modern premises available within the Kirklees District, as such, there is no policy objection to the loss of this site from employment use. Policy B4 also indicates that any proposal should be assessed against its compatibility with neighbouring users; and the effect the use may have upon the future operational flexibility of any neighbouring businesses.
- 10.5 The scheme relates to a site that is within a mixed use area with commercial premises adjacent but residential beyond and in the wider area. The layout plan shows buildings set back from Bradford Road, matters of residential amenity are assessed later in the report.
- 10.6 In light of the above, officers have no objection in principle to the release of this site for residential use, subject to the imposition of appropriate conditions. Especially when taking into account the planning history on this site whereby outline permission for residential development was established under approval 2013/92480.
- 10.7 Other relevant UDP policies relate to residential use on a site of this size and scale, namely policy H10 (Affordable Housing) and the Council's education contributions policy.

Urban Design issues

- 10.8 Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials. As the application is in outline with all matters reserved there are no details of scale, materials or design. The nature of existing residential development that surrounds the site is mixed in scale and character, with no single style or design of property taking precedent.
- 10.9 The site contains large blocks of industrial units, of varying heights, located around the edge of the site that appear underused. The existing buildings have little to offer in terms of amenity and contributions to the character of the area.
- 10.10 The proposed development offers accommodation set within 3 blocks with access from Caladonia Road. Blocks A and B are similar in footprint and located adjacent to Bridge Street partially occupying the same footprint as the existing building. Block A has its gable to Bradford Road opening up the area to the site frontage. Block C is a narrower building located adjacent to Bradford Road but again is set back and therefore offers opportunity for landscaping to the main Bradford Road frontage. Access, turning and parking is predominantly located adjacent to Caladonia Road thereby opening this area up visually. The layout is considered acceptable replicating large buildings.
- 10.11 The scale of development is not included for consideration as part of this outline application although supporting information states that the ridge height would be a maximum 13.8 metres. As the surrounding area is mixed in height and scale this is likely to be considered appropriate in this context. Further issues of appearance, including materials, will be considered as part of any subsequent reserved matters. As such, it is the view of officers that development could be appropriately designed without detriment to the character of the area, in accordance with Policies D2, BE1, and BE2 of the Kirklees UDP, policy PLP24 of the PDLP, as well as chapters 6 and 7 of the NPPF.

Residential Amenity

- 10.12 The site is currently in commercial use and within an area which has a mixture of uses. Those buildings that bound the site appear to be predominantly commercial. In addition it is likely that future occupants may be subject to elevated levels of noise. Due to the proximity of the development to existing sources of noise it is recognised that the residential amenity of future occupants should be protected and as such has been assessed. In view of the potential for noise disturbance Environmental Services have recommended the submission of a noise report and consequently mitigation measures to ensure the protection of future occupants. Subject to condition the development would comply with the aims of Policy EP4 of the UDP and Chapter 11 of the NPPF.
- 10.13 It is considered that separation distances as outlined in Policy BE12 can be achieved and would be further considered as part of the subsequent reserved matters application to ensure the privacy of existing and future occupants is maintained.

Landscape & Biodiversity issues

- 10.14 Landscaping is not included for consideration and is retained as a reserved matter. It is noted that there are areas of planting shown on the layout plan which would offer benefit in terms of visual amenity in addition to potential for improving biodiversity in the locality. The comments of the Landscape Section have been passed to the agent to direct any future schemes on the site.
- 10.15 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The scheme currently provides limited ecological enhancement, and therefore does not fully embrace the objectives of paragraph 109 and 118 of the National Planning Policy Framework. In order for the development to be acceptable conditions are imposed and can be addressed at Reserved Matters stage.
- 10.16 A bat survey was submitted with the original application and the conclusions remain valid in that further survey works should be undertaken prior to development. In light of the history of the site it is considered pragmatic in this instance to impose a condition to ensure that the proposal would protect and improve biodiversity within the local area, complying with current guidance contained within the NPPF.

Housing issues

- 10.17 Paragraph 47 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. In terms of how planning applications should be dealt with, paragraph 49 advises: "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." Kirklees cannot demonstrate a five year housing land supply therefore its policies that relate to the supply of housing cannot be considered up to date and the presumption in favour of sustainable development applies.
- 10.18 The development would contribute to the aims of Policy H1 of the UDP in that it would provide additional housing in a sustainable location.

Highway issues

- 10.19 The proposed access and layout to the development are unchanged from the previously approved proposals. The existing access to the site is off Bradford Road, with a secondary access on Bridge Street. Visibility from the main access is poor and no internal turning is present. As a consequence large vehicles reverse in and out of the site to the detriment of highway safety.

- 10.20 The proposed development closes the two existing accesses and would create a new access on Caledonia Road. The revised access arrangements would be of benefit to highway safety. The development proposes the inclusion of 54 parking spaces within the site to be provided within the parking courts or beneath the apartment blocks A and B. Highway improvements included within the scheme include the widening of Caledonia Road to 5.5 metres to the full site frontage, the provision of larger radii at the junctions of Bradford Road and Bridge Street and Bradford Road and the provision of a 2.0 metre wide footway to Caledonia Road to the full site frontage. Concerns were initially raised regarding the provision of 54 spaces and as such a parking layout plan was requested to demonstrate that these could be accommodated within the site. Further details have also been submitted in respect of sight lines, swept paths and bin storage. This additional information is considered to be acceptable.
- 10.21 The formation of a new single point of access in place of two, in addition to internal turning and highway improvements are considered to be acceptable in accordance with Policies D2, T10 and T19 of the Kirklees Unitary Development Plan.

Flood risk & Drainage issues

- 10.22 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach where necessary.
- 10.23 A revised Flood Risk Assessment (FRA) has been submitted and re-consultation with the Environment Agency completed. The proposed development will meet the requirements of the NPPF providing that the measures detailed in the FRA submitted with the application are implemented and are recommended to be secured by planning condition. In view of submitted information it is considered that the proposed development will comply with the aims of chapter 10 of the NPPF.

Representations

- 10.24 16 letters of representation have been received and they are summarised and addressed by officers as follows:

Highway safety/access/Traffic

Response: The application has been fully assessed taking into account the improvements that the development would introduce. As such it is considered that the development would not result in any detrimental impact to highway safety.

Pedestrian safety

Response: The proposals include improvements to the access and highway including the provision of a footway. The development will therefore improve connectivity and highway safety for pedestrians.

Visibility

Response: The application has been fully assessed taking into account the improvements that the development would introduce that include to visibility. As such it is considered that the development would not result in any detrimental impact to highway safety.

Demand for parking

Response: The application proposals include the provision of parking which is in accordance with the standards set out in the UDP.

Disruption to existing business

Response: It is not considered that the development will result in any disruption to businesses. The introduction of residential use will improve natural surveillance and more beneficial use of the site.

Security concerns

Response: The introduction of residential use will improve natural surveillance and more beneficial use of the site.

Additional noise

Response: The introduction of residential activity in place of commercial use will not result in any significant increase in noise and is more likely to reduce any noise.

Pollution

Response: The introduction of residential activity in place of commercial use will not result in any significant increase in pollution.

Overdevelopment/not in keeping

Response: The scale of the development proposed is not included for consideration; however the maximum height of the buildings has been stated. Taking into account the scale and character of existing buildings it is considered that the site can be redeveloped whilst maintaining the mixed character of the area.

Planning obligations

10.25 Affordable Housing:

Further to comments provided by Strategic Housing the Council are applying the interim affordable housing policy requirement of 20% of the development being affordable. This matter will be secured through a planning condition and at Reserved Matters stage when detailed layout and house numbers are confirmed, and subsequently via a S106 Agreement.

10.26 Education:

The proposed development is for 42 residential units and as such triggers consultation with School Organisation and Planning to establish whether a contribution is required. It has been confirmed that a contribution of £53,658 is required in this instance. Due to this being an outline application, and full details not yet being agreed, a condition is recommended to secure this provision in this instance.

Other Matters

10.27 Business:

The site has previously been used by business and industry and as such, in terms of loss of the employment use from this site, the matters set out in UDP Policy B4 should be considered as well as the relevant National Planning Policy Framework (NPPF) policies.

10.29 Paragraph 51 of the NPPF advises that applications for the change of use from a commercial use to residential should be supported if there are no strong economic reasons for their retention, and where there is an identified need for additional housing in the area. The benefits of redevelopment for a residential purpose outweigh the retention of the industrial site. Furthermore there is a history of approvals relating to the site and redevelopment for residential purposes.

10.30 Coal Mining Legacy:

A Coal Mining Risk Assessment has been submitted with the application and comments received from the Coal Authority. There are no objections to the proposals providing conditions are imposed to ensure there is no risk as a consequence of development, in accordance with the aims of chapter 11 of the NPPF.

10.31 Sustainable transport:

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

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

11.0 CONCLUSION

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

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

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

1. Approval of details (appearance, scale & landscaping) to be obtained
2. Plans and particulars in relation to the above details shall be submitted and approved
3. 3 year time limit permission for submission of Reserved Matters
4. Development to commence within 2 years of the date of approval of the last Reserved Matters to be approved.
5. Development to be in accordance with approved plans
6. Affordable Housing contribution
7. Education contribution
8. Flood Risk Assessment
9. Phase I Desk Study
10. Phase II intrusive investigation as necessary
11. Remediation as recommended in the Phase II
12. Implementation remediation strategy
13. Validation Report
14. Noise attenuation
15. Report specifying measures to protect occupants from poor air quality
16. Electric vehicle charge points
17. Drainage details
18. Surface water drainage
19. Submission of an Ecological Impact Assessment and enhancement measures
20. Further bat survey
21. Scheme for layout and parking
22. Existing access from Bradford Road to be closed
23. Highway improvements
24. Removal of permitted development rights for gates or barriers
25. Cycle storage facilities
26. Details of siting, design and material to be used in construction of retaining walls/structures
27. Nothing to be permitted to be planted/erected within 2.0m back from the carriageway edge which exceeds 1.0m in height along the full frontage of Bradford Road

Background Papers:

Link to the planning application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93147>

Certificate of Ownership –Certificate A signed: Mr J Westhead

Link to previous planning applications:-

2013/92480

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2013%2f92480>

2010/90185

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2010%2f90185>

2007/95262

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2007%2f95262>

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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Nov-2017

Subject: Planning Application 2017/93319 Erection of 6 apartments rear of, 8, Crowles Road, Mirfield, WF14 9PJ

APPLICANT

Property Enquiries Ltd

DATE VALID

26-Sep-2017

TARGET DATE

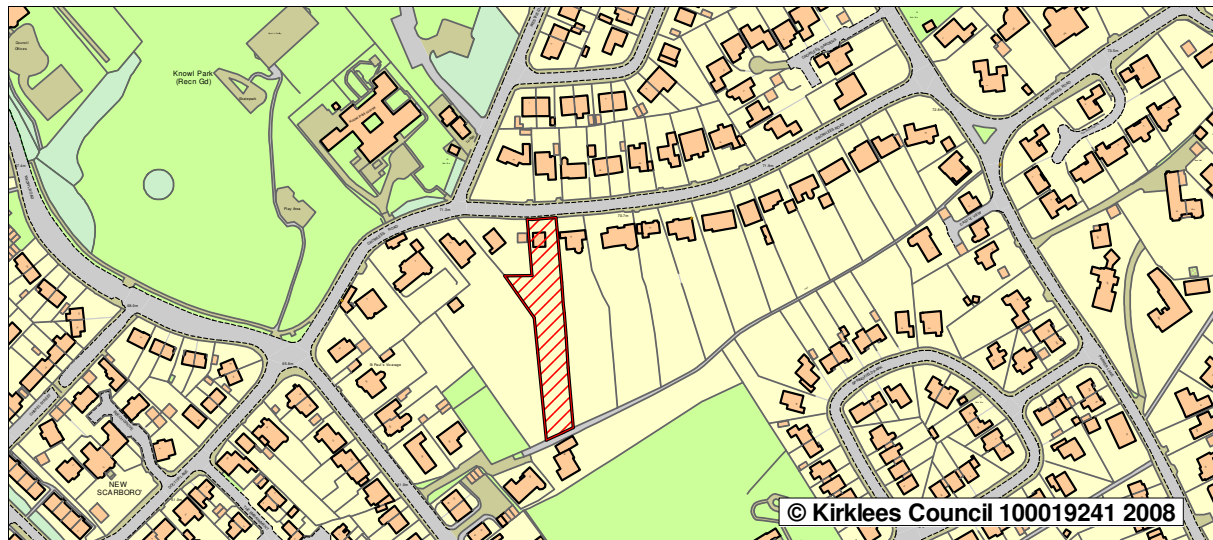
21-Nov-2017

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: Mirfield Ward

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

Refusal

1. The proposed apartment block would be out of character along Crowlees Road being substantially larger in scale and massing than neighbouring properties which flank the site. The building would dominate the site and surrounding area, and the difference in land levels between the highway and the garden area is not sufficient to mitigate against the visual impact. Likewise the use of a dual pitch roof and dormers on the front elevation does not sufficiently alleviate the dominating height and mass of the building. The requirement for a proposed parking court to the front of the building would also be out of character with neighbouring properties which have extensive undeveloped garden areas. The proposed building in respect of its scale and massing would be incongruous as infill development, failing to retain a sense of local identity or be keeping with surrounding development.

As such, the development would not achieve good design because it does not seek to promote or reinforce local distinctiveness, or respond to the local character of the area. To permit the development would be contrary to Policies D2, BE1, and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan, as well as the aims of the National Planning Policy Framework.

2. The proposal would lead to an intensification of use of the access for both vehicular and pedestrian traffic and the application fails to illustrate vehicular visibility splays for the safe and efficient use of the proposed access. To permit the development without providing adequate visibility, taking into account the increase in traffic movements which would occur, would not be in the interest of highway safety. Furthermore, the proposal fails to demonstrate safe and efficient access of the parking bays and how the site would be serviced, including refuse collection. As such, the proposal would be contrary to Policies D2 and T10 of the Kirklees Unitary Development Plan which states that highway safety should not be prejudiced and that new development will not normally be permitted if it will create or materially add to highway safety.

3. The proposed apartment block by reason of its footprint and height would have a detrimental impact on the residential amenity of occupiers of neighbouring properties which flank the site. The proposed apartment block would be overbearing leading to a detrimental loss of outlook to neighbouring occupants to the north and north-west of the site, and would result in a detrimental loss of privacy to their garden areas. To approve the application would be contrary to policy D2 of the Kirklees Unitary Development Plan which stipulates development should protect the residential amenity of neighbouring residential properties.

1.0 INTRODUCTION:

- 1.1 The application seeks planning permission for the erection of a block of six apartments in the rear garden area of No.8 Crowlees Road. It is intended the dwellings would be restricted to occupiers aged 60 and over. It is considered the proposed building in respect of its scale and massing would be incongruous as infill development, failing to retain a sense of local identity or be keeping with surrounding development. The application also fails to illustrate acceptable visibility splays for the safe and efficient use of the proposed access and taking into account the increase in traffic movements which would occur, this would not be in the interest of highway safety. In addition the proposed apartment block by reason of its footprint and height would also have a detrimental impact on the residential amenity of occupiers of neighbouring properties. It is acknowledged the proposal could meet the accommodation needs of persons aged 60 and over, however this does not lend sufficient weight to outweigh the harm which would arise.
- 1.2 The application has been referred to Heavy Woollen Sub Committee at the request of Councillor Vivien Lees-Hamilton as detailed below:

Regarding the above planning application, I have been in several talks over many months regarding this issue. If you are minded to refuse this application I should like to request that the application be heard at Heavy Woollen Planning Committee and would also request a site visit. Mirfield has a great need for this type of accommodation.

I do believe that this development is sustainable and has adequate parking facilities. The development sits in a large plot of land and we have need of such adaptable accommodation in the Mirfield area.

- 1.3 The Chair of Heavy Woollen Sub-Committee has confirmed that Councillor Lees-Hamilton's reasons for making this request is valid having regard to the Councillor's protocol for planning committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises the garden area of No.8 Crowlees Road at Mirfield. The garden area is predominately grassed with some former footings, now largely overgrown, pertaining to a previous planning approval for the erection of 1no. detached dwelling which has never been built. In the southern end of the garden is a wooded area with mixed deciduous and coniferous trees protected by a group Tree Preservation Order. Public footpath MIR/53/100 follows a route to the far south of the site. The site is bordered by neighbouring properties and their amenity spaces to the south, east and west. The site is unallocated on the Kirklees Unitary Development Plan Proposals Map.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the erection of a block of six apartments in the rear garden area of No.8 Crowlees Road. It is intended the dwellings would be restricted to occupiers aged 60 and over.

- 3.2 The apartment block would be three storeys in height with a total height of 10.3 metres to the ridge. The design of the block proposes a dual pitched roof with three dormers on the front elevation. Habitable room windows are proposed on the front and rear elevations. On the application form it states the proposed walling materials will be a mix of brick and stone, although the proportions of each are not detailed on the elevational drawings. It is proposed the roof would be constructed of concrete roof tiles.
- 3.3 It is proposed to extend the existing vehicular access off Crowlees Road into the site and construct a parking court to the north of the building with nine parking spaces.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2010/90508 – Outline application for residential development – Withdrawn
- 2011/92144 – Outline application for erection of detached dwelling – Conditional Outline Permission
- 2012/91218 – Reserved Matters application for erection of detached dwelling – Approval of Reserved Matters
- 2012/93126 – Works to TPO(s) 01/12 – granted
- 2014/90203 – Discharge of conditions on previous permission 2011/92144 for outline application for detached dwelling
- 2014/90201 – Discharge of Condition(s) on previous permission 2014/90203 for reserved matters application for erection of detached dwelling – Withdrawn
- 2014/93042 – Works to TPO(s) 01/12 – Withdrawn
- 2015/90155 – Works to TPO(s) 01/12 – Granted
- 2015/90362 – Erection of 6 age restricted apartments – Withdrawn
- 2017/91953 – Erection of 6 apartments – Refused

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application is a resubmission of a previous application Ref 2017/91952 which was refused in August 2017. In the covering letter the planning agent has stated the following “ Unfortunately, the application was refused before we had an opportunity to discuss the matter with Ward Councillors who were supportive of the proposals and would have sought to have the matter determined by Councillors at Planning Sub Committee”. Accordingly no amendments have been requested.

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 application site is unallocated on the UDP proposals map as well as on the Draft Local Plan.

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

D2 – Unallocated Land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway Safety
NE9 – Retention of mature trees

6.4 Kirklees Draft Local Plan

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP 11 – Housing Mix and Affordable Housing
PLP 24 – Design
PLP 33 – Trees

6.5 Supplementary Planning Guidance / Documents:

Mirfield Design Guidance

6.6 National Planning Policy Framework:

- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and Enhancing the Natural Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Fifteen objections have been received. The concerns raised are précised below:

Highway Safety

- The proposed apartments will most likely be occupied by couples downsizing. It is unlikely thine car parking spaces will be sufficient to avoid increased on-street parking on Crowlees Road.
- Parking is restricted to permit holders during daylight hours. Concerned over-sixties residents will be visited by relatives in evenings and weekends. This will lead to increased congestion on a well used link between Sunny Bank/Dunbottle and the town centre.
- Highways Services found the previous proposal 'unacceptable' as the development would be in excess of the normal carry distance/fire hose distance and did not have required sight lines of 2.4m x 43m in both directions along Crowlees Road. It concluded that the proposal was 'prejudicial to highway' safety.
- The traffic problems in this area, particularly with it being in close proximity to Castle Hall School as well as the junction with Westfields Road are well known and will be exacerbated by the development.
- The plans show nine parking spaces for six apartments (twelve residents). The additional traffic (plus visitors) will cause congestion and significant safety concerns to Crowlees Road.
- Compared to the single dwelling for which outline permission was given in 2011, drainage, refuse disposal and vehicular use are greatly magnified, with up to 9 times as many residents' cars, visitors, deliveries etc. The access is extremely narrow for large vehicles including emergency vehicles and cannot be extended.
- A refuse area is shown near the footpath on Crowlees Road further restricting access. Will this be visible? Are elderly residents intended to walk uphill to this area with their waste? Are these bins to stand on the pavement on collection day? This is unclear.
- Vehicular and pedestrian traffic on Crowlees Road, whilst generally moderate, is heavy during the morning and late afternoon/early evening particularly as pupils go to and leave Castle Hall Academy and Crowlees Primary School. Construction would severely compound problems. Lorries have struggled to reverse into and exit from the site, temporarily blocking the road and pavements and nearly touching the wall at the front of No. 21. What happens to the existing tenants' two cars?
- Potential for a possible 12 more vehicles coming out of the access which is currently used by No.8 Crowlees Road who have three vehicles parked in the drive.
- Query whether the access is wide enough to take two cars side by side and concerns about additional traffic queuing on the road.
- The reference to traffic movements being less than that of a 5 bedroom family dwelling does not make sense. A family house is just 1 family, a block of 6 apartments will be occupied by 6 individual families.
- The access will be dangerous watching out for people at number 8, looking for pedestrians on the road and moving traffic on a blind bend. This is a busy road with the main routes to 2 local schools.
- The properties can't be serviced by dustbin waggons / ambulances without putting residents at number 8, pedestrians and oncoming traffic at risk.

Bins near the road will cause blind spots, and pedestrians to walk in the road.

- The traffic along Crowlees Road is a concern especially at peak times, as motorists use Crowlees Road as a 'rat run' via Parker Lane and Doctor Lane, to avoid congestion through Mirfield. There are no provisions for visitor parking, which would result in visiting cars parking on Crowlees Road. Any on-road parking would violate parking restrictions as well as causing a danger to drivers and pedestrians.
- The single width access is likely to result in stationary vehicles reversing and turning on to the road. The road provides pedestrian access to schools. Queuing and stationary traffic would present a hazard to children.
- For older, retired occupants there will be an increased need for care staff and/or extended family to attend to their needs. It is unreasonable to assume that care workers/family would not need access at peak hours. Parking needs of any visitors are not adequately accommodated.
- The increase in traffic will present an unacceptable hazard to school children. The access allows only for single file traffic. This will result in queues on a busy road.
- Crowlees has an extended peak hour during term time; it supports commuters and is on the main route to two schools. It is used as an alternative route when there is heavy traffic on Huddersfield Road.
- It is probable occupants in their sixties will be working and need private transport. This flow of traffic would be at peak times.

Visual Amenity

- The development is completely out of scale by reason of its size and shape to adjoining properties. It is over dominant
- The building design is incompatible, resembling an institutional building totally out of character in this location.
- The proposal is an overdevelopment and a "garden grab", a practice discouraged by the NPPF. The visual impact is at odds with existing development on Crowlees Road, which is predominantly detached houses built in the 1930s. The development does not have the general aspect of a dwelling, appearing like a professional facility such as a health or day care centre, or managed office space. This is exacerbated by the cramming of nine car parking spaces across the entire front of the building and the need for a separate waste storage area. The frontage will be clearly visible to anyone moving along Crowlees Road due to the wide gap between number 8 and number 10.
- A three storey apartment block would appear incongruous considering that the nearby properties are either two storey detached properties or bungalows
- An apartment building is not appropriate to the setting on Crowlees road; especially as there are no other apartment buildings of this type on this road. The large building is oversized for the plot and is taller than previously granted.
- The proposed building is visually completely out of keeping with the neighbourhood.
- There are no other buildings like this on Crowlees Road, and the site and apartments are clearly visible from both the road and footpath and from the public footpath that runs to the rear.
- The cumulative effect of high density building on this scale in back gardens in this area should be considered and impact minimised by building a single family dwelling.

- The property will be a total eye sore out of character with all other properties. The build cannot be screened.
- The development is totally out of keeping with the other properties in this part of Crowlees Road. All other properties on this road are detached or semi-detached one or two storey houses, this type of multiple accommodation structure is totally incongruous with the rest of the road.
- The proposed development is completely out of context with the existing topography of Crowlees Road, especially in that this large 3 story block would rise above the tree line.
- The south side of Crowlees Road consists of single family detached homes with a wide open aspect. The view is a key feature maintained by covenants on properties which prohibit boundary fencing.
- The rear gardens have public amenity value. The tree preservation orders endorse this.
- Gardens of existing properties are quiet and not overlooked. The proposed development will irrevocably modify the character of the street.
- A block of flats built beyond the recognised building line will have an effect on view and character of the road. The development is a full 3 stories high and is not consistent with the other properties and will change the character of the road significantly.
- A development of this size and density over develops the rear garden.

Residential Amenity

- Its 6 dining rooms and 6 kitchens directly overlook residents rear gardens and their habitable rooms.
- The 9 car parking spaces are located immediately to the rear of the Crowlees properties. This is unreasonable as undoubtedly disturbance will be created at all times.
- Nine or more vehicles sharing a single driveway with a further two at the existing property, together with up to twelve additional residents will lead to an increase in general noise and disturbance to the adjacent and facing properties and their previously peaceful garden spaces.
- The three story structure will dominate the largely undeveloped garden space to the rear of Crowlees Road, overlook currently private garden space and obscure views over the valley enjoyed by several existing properties. It will also overshadow them, being to the south of the existing development. The density of the development is too high.
- The complete rear garden of the property at 6 Crowlees Road will be overlooked by residents at the proposed apartments, leaving no privacy for the occupants of 6 Crowlees Road
- It will overlook No.4a Crowlees Road and have a negative impact upon privacy and access to light.
- This development would result in a loss of privacy to all the properties on the same side of the road.
- The easterly facing windows would overlook and spoil the privacy of the private balcony of No.16 Crowlees Road.

Other Matters

- It is virtually identical to the previously rejected applications.
- Do not object to the erection of a single family dwelling but robustly oppose the erection of an apartment dwelling.
- The Coal Authority deemed the development to be in a high risk area; and numerous local residents raised strong objections.

- Construction and operation will negatively impact on the local environment, pedestrian and traffic issues and local services.
- Cannot see that the three storey block could be built on previously constructed, weathered footings and question their structural suitability.
- How many apartment sites do we need in Mirfield? There are at least four residential homes for elderly, sheltered housing and we have lost count of the number of new apartments.
- If there was no demand from over 60s, it would be difficult to prevent the applicant applying to remove the age restriction as the applicant could dispute they were being stopped from earning.
- Concern about setting a precedent for development in the back gardens of neighbouring properties.
- There is a legally binding covenant on the gardens to protect the area and residents and the plots of land were sold in accordance with this agreement so the owner has signed a contract. Any building other than to the main building at number 8 will be an infringement.
- Local services, already at capacity, will have to be dug up causing issues with traffic and danger to school children and pedestrians.
- A protection order was in place over the wooded area that once covered the garden. These trees were all felled upon the strict agreement that these would be re-planted. These trees have not been re-planted and the applicant is in breach of this agreement.
- Surface water from gardens drains into the school field. In serious rains this can cause flooding in neighbouring gardens and to the footpath. Any changes to flows could potentially put neighbours at risk of flooding.
- This is a coal mine area and it is not safe to build on a site that potentially has mines underneath.
- Concern about the impact on wildlife.
- The application states surface water drainage will be directed to the existing storm drain. The drains in front of 16 Crowlees Road regularly overflow in heavy rain which results in water running down the driveway and flooding the garage. Number 14 is also affected, the basement floods and the water has to be pumped out by the council.
- The existing gardens on this side of Crowlees Road are subject to a restrictive covenant dated 29th September 1961, (an original copy can be provided on request). This states that purchasers must 'keep the plot of land...open and unbuilt upon'. These plans require close scrutiny in respect of this covenant
- It is unclear how occupancy based on an age limit would be controlled/enforced. The layout would cater for the change of use of the dining room and/or lounge to a further bedroom.

Mirfield Town Council – Cllr Lees-Hamilton Proposed MTC uphold the previous motion in support of 2017/91953 and the Clerk resend supporting comments to Kirklees in favour of 2017/93319. Cllr Bolt Proposed Mirfield Town Council welcomes the opportunity for homes for life to be built in Mirfield, giving elderly Mirfield residents the option of living within the local community. MTC supports and endorses the application which would see elderly residents downsizing and releasing 6 dwellings onto the housing market.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **K.C Highways Development Management** – Object
- **The Coal Authority** – No objections

8.2 Non-statutory:

- **K.C Arboricultural Officer** – No objections
- **Public Rights of Way** – No objections

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Impact on Protected Trees
- Health and Safety Matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material consideration indicate otherwise. The development plan is made up of the saved policies within the UDP and the policies set out earlier in the report are relevant to the determination of the application. An assessment of other 'material considerations' and their consequences is also required in order to weigh any social, environmental, resource or economic considerations resulting from the development.
- 10.2 The site has no specific allocation in the UDP. Policy D2 of the UDP states "planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]". All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.
- 10.3 Looking at the principle of housing development on this site, this is a private garden space where planning permission has previously been granted for the erection of a detached dwelling, pursuant to application Ref 2011/92144 (outline application) and 2012/91219 (reserved matters).

- 10.4 The principle of housing development in the rear garden area of this property may be acceptable in accordance with the sustainability principles of the NPPF and well as policy PLP1 of the PDLP. However, the proposal to erect an apartment block of the size proposed for 6 dwellings in the rear garden area of this property, which would be in-keeping with the layout of the surrounding area, relate satisfactorily with surrounding properties and have suitable access arrangements, is unlikely to be achievable.

Urban Design issues

- 10.5 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. UDP policy D2 seeks to avoid an overdevelopment of a site and policy BE1 stipulates all development should be of good quality design which promotes a healthy environment, including space and landscaping about buildings. Paragraph 60 of the National Planning Policy Framework (NPPF) stipulates that planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness. Policy PLP24 of the PDLP is consistent with the above.
- 10.6 The site is bordered by residential development to the north, east and west. Crowlees Road comprises a mix of detached and semi-detached properties, single storey and two storey properties. The properties to the south of Crowlees Road are predominately detached properties with expansive garden areas.
- 10.7 The proposal seeks permission for infill residential development, to introduce into the rear garden area an apartment block of 6 dwellings.

Background / Summary of Previous Applications and Enquiries:

- 10.8 The site has been subject to a refused application. Subsequent to this there was a previously withdrawn application for six apartments Ref 2015/90362, and a subsequent pre-application enquiry. Officers concerns at the time of the 2015 application were that the proposed design and scale of the apartment block, by virtue of its height, bulk and overall massing, would result in an overly dominant feature which would fail to respect the scale, massing, density and layout of surrounding development. As such, the development would not achieve good design because it does not seek to promote or reinforce local distinctiveness, or respond to the local character of the area. There was also concern there would be insufficient visibility when exiting the site onto Crowlees Road and that the proposal failed to demonstrate adequate internal turning for service, refuse and fire vehicles. The application was proposed to be refused, but was withdrawn by the applicant.
- 10.9 In July 2016 Orange Design Studios on behalf of the applicant engaged with Council officers regarding a revised scheme for six apartments. The advice given by officers was that the alterations that had been made were not sufficient to address previous officer concerns and the applicant needed to look at further reducing the bulk and massing of the building.

Current Scheme

- 10.10. The proposal is for the erection of six (age restricted 60+) apartments with nine associated parking spaces. The proposed building would be three storeys in height. It is noted that the scale of the proposed building has not been reduced following the advice given by officers in July 2016.
- 10.11 In support of the application, the applicant has made the following points:
- The apartments are to be occupied by people aged 60. The apartments would meet Homes for Life Standard.
 - The scale, height and location is comparable with the approval for a detached dwelling, and provides the same two storey development with rooms in the roof space. The scale of the approved dwelling provides accommodation for a three storey five bedroom house with a dormer.
 - The proposed development is for 6no 1 bed apartments to be occupied by people aged 60 and over and the level of accommodation will be comparable with that of a 5 bed family.
 - Nearly 21% of the population in the Mirfield Ward is aged 65 plus.
 - The apartments have been designed with advice from Kirklees Accessible Homes team
 - Retirement Homes are in short supply in Mirfield. The development would meet the long term needs of an elderly population wanting to downsize, providing quality accommodation in a sustainable location close to doctor's surgeries, Mirfield town centre and all its amenities.
- 10.12 The applicant makes two key points, firstly that the development is comparable to the previously approved dwelling, and secondly that it would provide much needed accommodation for the elderly population in Mirfield.
- 10.13 In respect of the first point, the dwelling previously approved on the site was large in scale (five bed) and occupied a similar footprint within the site. The approved dwelling was two storeys in height, with additional accommodation in the roof space, to be lit by roof lights on the front elevation and dormers to the rear. Externally a detached double garage was proposed.
- 10.14 Existing development to the south of Crowlees Road is characterised by detached dwellings with extensive garden areas. Neighbouring properties off Crowlees Road predominantly comprise two storey and single storey detached dwellings. The proposed apartment block would have a similar footprint to the previously approved dwelling. It would however be of a greater scale and massing being three storeys in height. The proposed apartment block would be out of character along Crowlees Road being substantially larger in scale and massing than the existing properties, and that of neighbouring properties which flank the site. The building would dominate the site and surrounding area, and the difference in land levels between the highway and the garden area is not sufficient to mitigate against the visual impact. Likewise the use of a dual pitch roof and dormers on the front elevation does not sufficiently alleviate the dominating height and mass of the building. The requirement for a proposed parking court to the front of the building would also be out of character with neighbouring properties which have extensive undeveloped garden areas. There are no three storey buildings or apartment blocks within the vicinity of the site, and it is considered the proposed building in respect of its scale and massing would be incongruous as infill development, failing to retain a sense of local identity or be keeping with surrounding development.

10.15 The second key point raised is that the development would provide much needed accommodation for the over 60s. The Kirklees Market Position Statement (May) highlights that there is a growing demand for older people's accommodation, and it is acknowledged the proposed development may meet the needs of an older population. This does not however lend sufficient weight to outweigh the harm which would arise from the proposed development. The applicant has not attempted to revise the scheme following the previous refusal and it is considered the proposed development would have a detrimental impact on visual amenity and would fail to accord with policies BE1 and BE2 of the UDP, policy PLP24 of the PDLP, and the aims of the NPPF.

Residential Amenity

10.16 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy D2 of the UDP stipulates that development should protect the residential amenity of neighbouring residential properties and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows. The nearest neighbouring properties to the site which would be affected by the development include No.4a, No.6, No.8 and No.10 Crowlees Road.

10.17 In respect of the impact on the existing property No.8 Crowlees Road, this is a two storey detached property. There would be a distance of over 21 metres from the proposed front elevation of the apartment block to the existing rear elevation of this neighbouring property, which meets with the requirements of policy BE12 of the UDP for directly facing habitable room windows. There would however be a loss of outlook and furthermore, to order to facilitate the proposed development, it is proposed to significantly reduce the external amenity space available to serve No.8. There is also the potential for the remainder of this garden area to be overlooked from the proposed upper floor windows of the apartment block.

10.18 In respect of the impact on No.10 Crowlees Road this is a two storey detached property. There would be a distance of over 21 metres to this property in accordance with policy BE12 and furthermore there is a substantial hedge screen along the shared boundary which would mitigate against possible overlooking and overshadowing which would arise from the scale and height of the building and its proximity to the boundary. Subject to this screen being retained it is not considered there would be an undue detrimental impact on the amenity of occupiers of this neighbouring property.

10.19 In respect of the impact on No.6 Crowlees Road this is a two storey detached property whose rear elevation fronts south-east towards the application site. There would be a distance of 30 metres to this neighbouring property. The proposed first floor and second floor apartment windows have the potential to overlook part of the private amenity space of this neighbouring property leading to a loss of privacy that could not be mitigated against though boundary screening.

- 10.20 In respect of the impact on No.4a Crowlees Road this is a two storey detached property located to the west of the application site. Due to the orientation of this property it is considered the proposed apartment block would not have an undue impact on the amenity of the occupants of this neighbouring property through either overshadowing or loss of privacy.
- 10.21 The proposal will have the greatest impact on the amenity of occupiers of No.6 and No.8 Crowlees Road, arising from loss of outlook and the potential for overlooking of private amenity spaces. The proposed apartment block by reason of its height having three floors of accommodation and proximity to the boundaries would have a detrimental impact on the amenities of the occupiers of neighbouring property contrary to policy D2 of the UDP.

Highway issues

- 10.22 UDP Policy T10 sets out the matters against which new development will be assessed in terms of highway safety.
- 10.23 The application is accompanied by a supporting statement that purports to suggest that the likely traffic generation would be less of that of the approved detached single dwelling. There is no evidence presented to support this assertion and Highways Development Management would disagree that this would be the case. There is no empirical evidence to suggest that persons over the aged of 60 would not travel at peak times.
- 10.24 Access to the site is proposed via an extension of the existing vehicular access to No.8 Crowlees Road, itself a small detached dwelling. Concerns exist with regards to the achievable vehicular visibility splays at the site access. The introduction of this proposal would lead to an intensification of use of the access for both vehicular and pedestrian traffic and the submitted plans do not illustrate the vehicular visibility splays available or achievable. The proposal is unacceptable in this regard due to the detrimental impact upon the safety and efficiency of the proposed access for all users.
- 10.25 Concerns exist internally within the site. Nine parking spaces are proposed which would be considered sufficient in line with the adopted standards as prescribed within the UDP. It is unclear however as to the level of accessibility of space no.1 and the application is not supported by any swept path analysis demonstrating safe and efficient access of the parking bays in this regard. It is also unclear how the site would be serviced. The development would need to ensure that a supermarket delivery type vehicle would be able to access and egress the site in a forward gear. The application is not supported by swept path analysis vehicle tracking demonstrating that a vehicle of this size would be able to turn within the site in a safe and efficient manner. Additionally, it is unclear how the site is to be serviced in terms of refuse collection.
- 10.26 Highways Development Management objects to this proposal. In light of the concerns raised about the scale of the development, these matters have not been explored further. Accordingly they constitute a reason for refusal as it has not been demonstrated that the site can be accessed safely and therefore, the proposal is considered contrary to the aims of policies D2 and T10 of the UDP.

Drainage issues

- 10.27 Concerns have been raised in the representations received regarding existing flooding incidents on Crowlees Road. The proposal is to drain foul water and surface water by mains sewer. This is the least sustainable option and no evidence has been provided to demonstrate why sustainable methods of surface water drainage have not been explored. As the proposal is not considered to be acceptable in respect of other matters, this matter has not been explored further.

Impact on Protected Trees

- 10.28 In the southern end of the garden is a wooded area with mixed deciduous and coniferous trees protected by a group Tree Preservation Order. The arboricultural officer has assessed the plans and considers the proposals will not adversely affect the adjacent protected trees. There are no objections to the proposal in respect of the protected trees and the proposal is considered to be in accordance with the aims of policy NE9 of the UDP.

Health and Safety Matters

- 10.29 The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered.
- 10.30 The application is accompanied by a brief Coal Mining Risk Assessment Report (27 March 2015, prepared by Haigh Huddleston & Associates Ltd). The Coal Mining Risk Assessment Report correctly identifies that the site has been subject to past coal mining activity. In addition to the mining of a deep coal seam, The Coal Authority's information indicates that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and that unrecorded, underground coal workings are likely to be present at shallow depth at the northern end of the site.
- 10.31 The Coal Authority considers the Coal Mining Risk Assessment Report has been informed by a limited range of information in the form of a Coal Authority Mining Report and the Coal Authority Interactive Map. Based on a review of these sources of mining information, the Report notes that it is possible that there is coal at shallow depth beneath the site that may have been worked historically. Accordingly, the Coal Mining Risk Assessment Report makes appropriate recommendations for the carrying out of an intrusive borehole investigation to ascertain the ground conditions and to establish the presence or otherwise of mine workings. If shallow mine workings are encountered, the Report recommends the installation monitoring stations to monitor mine gas.
- 10.32 The Coal Authority note that the applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is designed by a competent person and agreed with The Coal Authority's Permitting Team. The findings of these intrusive site investigations should inform any mitigation measures, such as grouting stabilisation works, foundation solutions and gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

10.33 In conclusion the Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends a condition requiring that the site investigation works be undertaken prior to commencement of development. If the development was considered to be acceptable in all other regards, coal mining legacy issues can be addressed by condition.

Representations

10.34 Fifteen objections have been received. In so far as they comments raised have not been addressed above:

10.35 Concern over an increase in noise and disturbance to adjacent properties and their garden spaces

Response: The proposal will result in a level of disturbance that does not currently exist as a result of the comings and goings of residents and visitors. The proposal is for residential development however and it is not considered there would be an undue disturbance to neighbouring properties arising from vehicular and pedestrian movements.

10.36 The Coal Authority deemed the development to be in a high risk area.

Response: The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report submitted; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority raises no objections subject to the inclusion of a condition requiring these site investigation works prior to commencement of development.

10.37 Cannot see the new block can be built on previously constructed, weathered footings and question their structural suitability.

Response: This is a building regulations matter.

10.38 If there was no demand from over 60s, it would be difficult to prevent the applicant applying to remove the age restriction as the applicant could dispute they were being stopped from earning.

Response: Any application to remove such a restriction would be assessed on its own merits.

10.39 Concern about setting a precedent for development in the back gardens of neighbouring properties.

Response: Every planning application is assessed on its own merits.

10.41 There is a legally binding covenant on the gardens to protect the area and residents and the plots of land were sold in accordance with this agreement so the owner has signed a contract. Any building other than to the main building at number 8 will be an infringement.

Response: The grant of planning permission does not override any restrictive covenants which is a separate matter not relevant to the determination of this application.

10.42 Local services, already at capacity, will have to be dug up causing issues with traffic and danger to school children and pedestrians.

Response: This is not a material planning consideration.

10.43 A protection order was in place over the wooded area that once covered the garden. These trees were all felled upon the strict agreement that these would be re-planted. These trees have not been re-planted and the applicant is in breach of this agreement.

Response: This refers to Tree Works application Ref 2015/90155 and to land to the south of the proposed siting of the apartment block. This will be enforced through separate process and is not a material consideration to the assessment of this application.

10.44 This is a coal mine area and it is not safe to build on a site that potentially has mines underneath.

Response: A Coal Mining Risk Assessment Report has been submitted. The Coal Authority concur with the recommendations of the report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

10.46 Concern about the impact on wildlife.

Response: The site has no known biodiversity constraints.

CONCLUSION

11.1 To conclude, for the reasons set out in this assessment, the proposals are considered unacceptable from a visual and residential amenity perspective, as well as in relation to highway safety.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Background Papers:

Website link

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f9331>

Certificate of Ownership – Certificate A signed and dated 05/09/2017

Link to previously refused application: 2017/91953

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91953>

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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Nov-2017

Subject: Planning Application 2017/90324 Erection of 10 semi-detached houses Land at, Warwick Road, Batley, WF17 6AR

APPLICANT

S Patel, S Patel & Y
Jasat

DATE VALID

06-Mar-2017

TARGET DATE

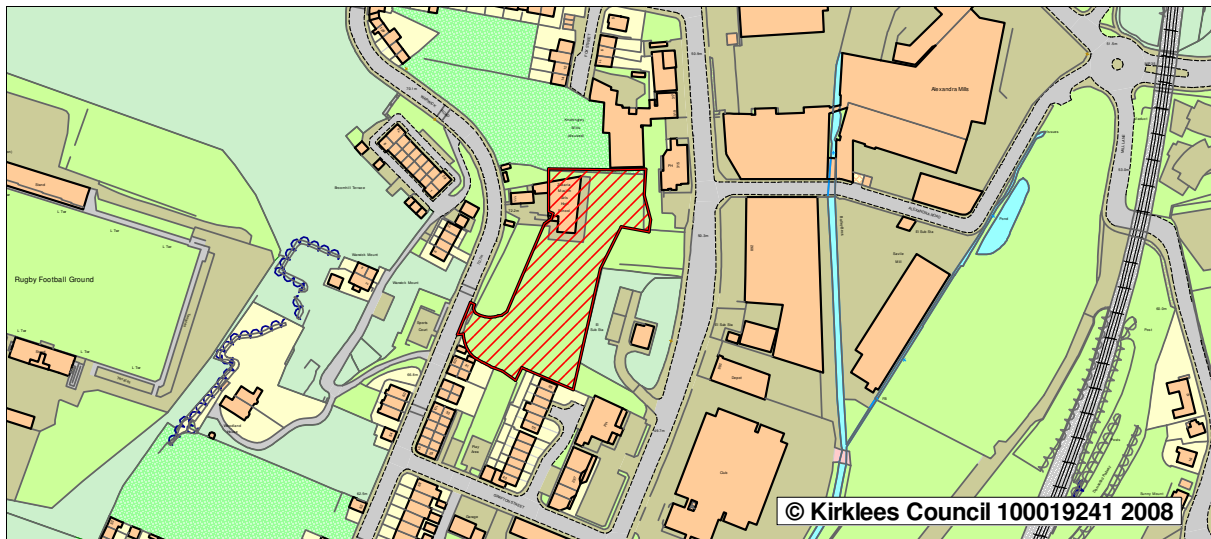
05-Jun-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Batley East Ward

Yes

Batley East 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. Public open space provision**
- 2. 20% of total number of dwellings to be affordable**

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 forward to the Heavy Woollen Planning Sub-Committee for determination as the site is for residential development in excess of 0.5 hectares in area. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The existing site forms the lower half of a large area of land which slopes steeply from Warwick Road to the west down towards Bradford Road to the east. The site includes the main Zakariya Muslim Girls School building. The remaining land is overgrown but is believed to have been playing fields at some time in the past.
- 2.2 The western area of land neighbouring the site is subject to planning application 2017/90322, for the erection of seven dwellings.
- 2.3 The site is located adjacent to high density residential development around the Warwick Road area with more commercial activities to the east located along Bradford Road. The Legends Public House neighbours the site.

3.0 PROPOSAL:

- 3.1 The application site forms part of a larger site that has been subdivided into two separately submitted planning applications. Application 2017/90322 is for seven detached dwellings which are located to the west of the site access and front Warwick Road. This application 2017/90324, is for 10 dwellings. Both applications are submitted in full.
- 3.2 The application subject of this report, reference 2017/90324, is for 5 pairs of semi-detached dwellings located in a row and accessed off a new road through the site. The dwellings are two storeys to the front and three to the rear, providing 4 bedroom accommodation. Each property has off street parking to the front and a reasonable sized garden area to the rear.
- 3.3 The materials proposed for construction are artificial stone and artificial slate roof.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 As referenced above, application 2017/90322 for development of the western area of land shares the same access proposed under application 2017/90324, the subject of this report. The two applications result in a total of 17 dwellings and in order to avoid incremental development, the two applications are being considered as a whole for the purposes of contributions to affordable housing and public open space. The application for seven dwellings is delegated to officers for determination.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers engaged with the agent to discuss the potential for revisions to the layout, inclusion of public open space, matters of ecology, in addition to access arrangements. Revised details have been received in respect of the aforementioned concerns and reconsidered by officers and relevant consultees.

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 application site is unallocated on the UDP proposals map and as Urban Green Space (school playing fields) on the Draft Local Plan.

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

D2 - Unallocated land

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

BE1 – Design principles

BE2 – Quality of design

BE12 – Space about buildings

BE23 – Crime prevention

H10 – Affordable housing

H18 – Provision of open space

T10 – Highway safety

T19 – Parking standards

G6 – Land contamination

EP4 – Noise sensitive development

EP11 – Ecological landscaping

6.4 Supplementary Planning Guidance / Documents:

Interim Affordable Housing Policy

6.5 National Planning Policy Framework:

Chapter 4 - Promoting Sustainable Transport

Chapter 6 – Delivering a wide choice of high quality homes

Chapter 7 – Requiring Good Design

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

Chapter 11 – Conserving and enhancing the Natural Environment

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

Policies:

PLP1 – Presumption in favour of sustainable development

PLP2 – Place shaping

PLP21 – Highway safety and access

PLP22 – Parking

PLP24 – Design

PLP30 – Biodiversity and geodiversity

7.0 PUBLIC/LOCAL RESPONSE:

7.1 One representation received raising concerns regards proximity of residential development to the public house.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – No objection in principle.

8.2 Non-statutory:

K.C Environmental Services – No objections.

K.C. Ecology – No objections.

K.C. Strategic Housing – Contribution required.

K.C. Landscaping – On site provision required.

Yorkshire Water – No objections subject to conditions.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

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

10.2 Paragraph 14 of the NPPF introduces a presumption in favour of sustainable development. For decision taking, unless material considerations indicate otherwise, this means:

- *‘approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted.’*

- 10.3 The site is proposed as a new urban green space allocation in the submitted Publication Draft Local Plan on the basis of it being part of the school grounds. It is not considered that due to the stage the Publication Draft Local Plan (PDLP) has reached significant weight can be afforded to it. There is no risk of prematurity in this instance as the site is not considered to be of a strategic nature. Furthermore, site inspection shows that the land has become dissociated with the school and has an overgrown and unkempt appearance leading to the conclusion that the grounds are not in active use, nor have they been in use recently. The topography and accessibility to the site prevent effective use of the land.
- 10.4 The NPPF sets out at paragraph 49 that ‘housing applications should be considered in the context of the presumption in favour of sustainable development.’ Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.
- 10.5 Whilst the NPPF encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.
- 10.6 The eastern area of land, subject of this planning application, comprises of land that is considered to be greenfield (previously undeveloped). As such, consideration needs to be given to any harm which would result from the loss of this open land. The specific impacts of the development, for example, the visual and ecological impacts, are addressed later in this assessment but, in principle, it is considered by officers that there is no overriding reason why development on this land would be inappropriate, subject to consideration of the UDP policies listed above.
- 10.7 Other relevant UDP policies relate to residential use on a site of this size and scale and the interim affordable housing policy and policy H18 (Provision of Public Open Space). These matters are dealt with in detail in the consultation section, however for clarity, the issues of affordable housing and Public Open Space (POS) will be the subject of a S106.

Urban Design issues

- 10.8 At the time of the officer’s site visit, the land was overgrown and the school building in a state of disrepair. Although the supporting statement describes this grassed area of land as former playing fields it is clear that the land is not maintained as such nor is access easily obtainable. Whilst it is clear that the site has not previously been developed (i.e. greenfield), it is unallocated on the Kirklees UDP proposals map. An assessment has to be made as to whether its loss in terms of visual amenity would be detrimental to the character of the area and whether the benefit of development would outweigh its loss as a greenfield site. There is no merit in the retention of the school building which currently has a negative impact on the area. The site is bound by high density residential development to the south with the area to the north being occupied by the school in addition to further residential properties. Residential development is proposed to the west with mixed commercial uses to the east.

- 10.9 Due to the quality of the land and topography of the site it is considered that the site has very limited contribution to the visual amenity of the area and development would provide wider benefit in providing housing in place of the loss of a greenfield site in addition to replacing the existing school building with an improved built form.
- 10.10 Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials. The scale, design and materials of construction have been considered. The nature of existing residential development, in the vicinity of the site, is mixed in scale and character with no single style or design of property taking precedent. Policies BE1 and BE2 of the UDP reiterate considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.
- 10.11 The scheme has been designed so as to take advantage of the topography of the site and views to the east. The dwellings proposed are in pairs and are two storey to the front increasing to three storey at the rear, each with a balcony at ground floor level. The development complements the character of the local townscape and the design of existing houses in the area, particularly by following the linear form of development predominant within the immediate vicinity. The size, height, scale, window proportions, roof pitch and choice of materials (artificial stone and slate) have been given careful consideration to create a development that is both sympathetic towards and integrates well with its surroundings and it is considered that it achieves these aims.
- 10.12 An area of planting/green space is incorporated at the entrance to the development, softening the visual impact the development will have. The landscaped area is located around a bank of parking and as such softens the hard landscaping. Taking into account the development of the site with hardstanding/access roads, the incorporation of areas of green space are welcomed. It is considered on balance, that the details would provide a development that would meet the aims of chapter 7 of the NPPF by contributing positively to the surrounding area and would also be in accordance with Policies BE1, BE2 and D2 of the Kirklees UDP.

Residential Amenity

- 10.13 In assessing the impact of the development on both dwellings externally surrounding the site and the dwelling proposed within the site, Policy BE12 of the UDP is of relevance. This policy recommends a separation distance of 12m between existing habitable room windows and non-habitable room windows and 21m between habitable room windows of any two dwellings. A distance of 10.5m is recommended from a habitable room window and the boundary of any adjacent undeveloped land and 1.5m between any wall of a new dwelling and the boundary of any adjacent land other than a highway.

- 10.14 The dwellings are located in a row fronting the new access road and provide off street parking to the front thereby setting them back from the road frontage. The distances to the dwellings proposed opposite exceed 21 metres as recommended by Policy BE12 and would thus be well in excess of 21m from the existing row of four cottages on the opposite side of Warwick Road.
- 10.15 The layout of the development takes advantage of land levels resulting in dwellings that are two storey at the front including a lower level at the rear and therefore three storey in appearance. Each dwelling incorporates a balcony. As the pairs of dwellings are identical it is considered that the relationship to each adjacent property is acceptable.
- 10.16 With regard to the existing dwellings to the south of the site, such as no.65 Grafton Street, the gable of plot 1 would face towards this property. There are no openings in the gable of the existing dwelling and therefore, there would be no loss of privacy to these occupants when in their property. In order to retain the privacy when in their garden area, a 2.0m high fence is proposed to be erected along the shared boundary, which can be secured via condition. Due to the land level differences, whilst officers are of the opinion that a satisfactory development is proposed, it is recommended that a condition relating to finished floor levels is imposed in order to ensure that there would be no overbearing impact created upon the existing residents.
- 10.17 With regard to nos. 109 Warwick Road and no.41 Grafton Street, which are back to back properties located to the south of the site, there are windows in the gable of these properties which face towards the application site. The proposed dwellings would be set back from these windows and therefore, no direct relationship would be created between the dwellings. The proposed access into the application site would also be separated from the gable of these properties by the proposed soft landscaped area and parking spaces.
- 10.18 To summarise, it is not considered that the design will result in any loss of amenity to any existing occupants and those purchasing any of the dwellings will be fully aware of the relationship. Each dwelling includes ample amenity space to the rear for future occupants. It is considered that the scale, design and layout of development accords with the aims of Policy D2 of the UDP as well as policy BE12 of the UDP in terms of residential amenity and as such is acceptable.

Landscape issues

- 10.19 The application includes two areas of greenspace proposed for planting. Discussions are ongoing with Landscaping with regards to the provision of access to the existing play space on Grafton Street in addition to matters regarding securing further provision of POS, which shall form part of the s106 agreement.
- 10.20 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. A revised Ecological Assessment has been submitted during the course of the application. The revised report addresses Officer concerns and the recommendations, although general in nature, are appropriate for the proposed scheme. Conditions are recommended to provide more certainty in the biodiversity outcomes. The lighting scheme will need to take account of

the adjacent Kirklees Wildlife Habitat Network, and an appropriate condition in this respect is recommended. The scheme has been assessed by the Council's Ecologist, and providing mitigation and enhancements are conditioned, the proposals would comply with the objectives of paragraph 109 and 118 of the NPPF.

- 10.21 The development is considered to be in accordance with Policy EP11 of the UDP and with the inclusion of the recommended conditions would ensure that the proposal would improve biodiversity within the local area, complying with current guidance contained within the NPPF.

Housing issues

- 10.22 Paragraph 47 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. In terms of how planning applications should be dealt with, paragraph 49 advises: "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." Kirklees cannot demonstrate a five year housing land supply therefore its policies that relate to the supply of housing cannot be considered up to date and the presumption in favour of sustainable development applies.
- 10.23 The development would contribute to the aims of Policy H1 of the UDP and chapter 6 of the NPPF in that it would provide additional housing in a sustainable location.

Highway issues

- 10.24 Access to serve the proposed development, along with the application for seven dwellings (201790322), is proposed to be taken off Warwick Road, to the north of nos. 109 Warwick Road and no.41 Grafton Street. The point of access is considered acceptable from a highway safety perspective to serve the number of dwellings proposed, including sight lines of 2.4m x 43m.
- 10.25 During the course of the application, a revised layout plan has been submitted which is considered to incorporate a suitable internal turning area for vehicles to manoeuvre in and out of the proposed driveways as well as an adequate turning head between plots 8 and 9.
- 10.26 Officers accept that this is a steeply sloping site however, during the course of the application additional information has been submitted which demonstrates that satisfactory gradients for the internal road and driveways can be achieved. Further detail of the internal road, which shall be to an adoptable standard, is recommended to be secured via condition.
- 10.27 To summarise, the proposals, with the inclusion of the recommended conditions, are considered satisfactory from a highway safety and efficiency perspective, in accordance with policies D2 and T10 of the UDP.

Drainage issues

- 10.28 Final comments awaited from the Council's Strategic Drainage officer and will be reported to members in the update to ensure that the proposal complies with the aims of chapter 10 of the NPPF.

Representations

- 10.29 One representation was received regarding the issue of proximity of their establishment to the site. The application has been assessed taking into account the proximity to the business and an acoustic report has been considered acceptable subject to conditions.

Planning obligations

- 10.30 *Affordable Housing:*
Further to comments provided by Strategic Housing the Council are applying the Council's interim affordable housing policy requirement of 20% of the development being affordable. This will be secured via a S106 Agreement.
- 10.31 *Public Open Space*
The application is for 10 semi-detached dwellings with an additional 7 being proposed under application 201/90322. Due to the site area, the application will need to deliver public open space either on site or as an off-site contribution. Discussions are ongoing with the Landscape team to deliver the provision of POS which will be secured via the S106 Agreement.

Other Matters

- 10.32 *Noise*
The application site was assessed due to its vulnerability to potential noise disturbance from the nearby substation and adjacent entertainment establishment. Environmental Health has recommended specific noise attenuation measures to be incorporated into the development, to be validated prior to any occupation. These are to be secured via suggested conditions and would ensure that the proposals accord with the aims of policy EP4 of the UDP and chapter 11 of the NPPF.
- 10.33 *Sustainable transport:*
Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to...incorporate facilities for charging plug-in and other ultra-low emission vehicles."
- 10.34 As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to the provision of facilities for charging plug-in electric vehicles.
- 10.35 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

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

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

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

1. Time limit for implementation – 3 years
2. Plans to be approved
3. Materials (art stone and slate)
4. Remove permitted development rights for new extensions / outbuildings
5. Areas to be surfaced and drained
6. Access sightlines to be provided
7. Details of internal adoptable roads
8. Details of the method of storage/access for waste
9. Noise mitigation in accordance with submitted report
10. Specification of acoustic barrier
11. Ventilation scheme
12. Scheme for provision of electric vehicle charging points
13. Ecological mitigation and enhancement plan
14. Finished floor levels
15. Boundary treatments

Background Papers:

Link to planning application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90324>

Certificate of Ownership – Notice served on the Zakariya School

Link to the planning application for 7 dwellings (2017/90322)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90322>

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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Nov-2017

Subject: Planning Application 2017/92211 Erection of extensions, alteration to increase roof height to form second floor and erection of detached workshop Grove Cottage, 10, Grove Street, Norristhorpe, Liversedge, WF15 7AP

APPLICANT

A Bell

DATE VALID

27-Jun-2017

TARGET DATE

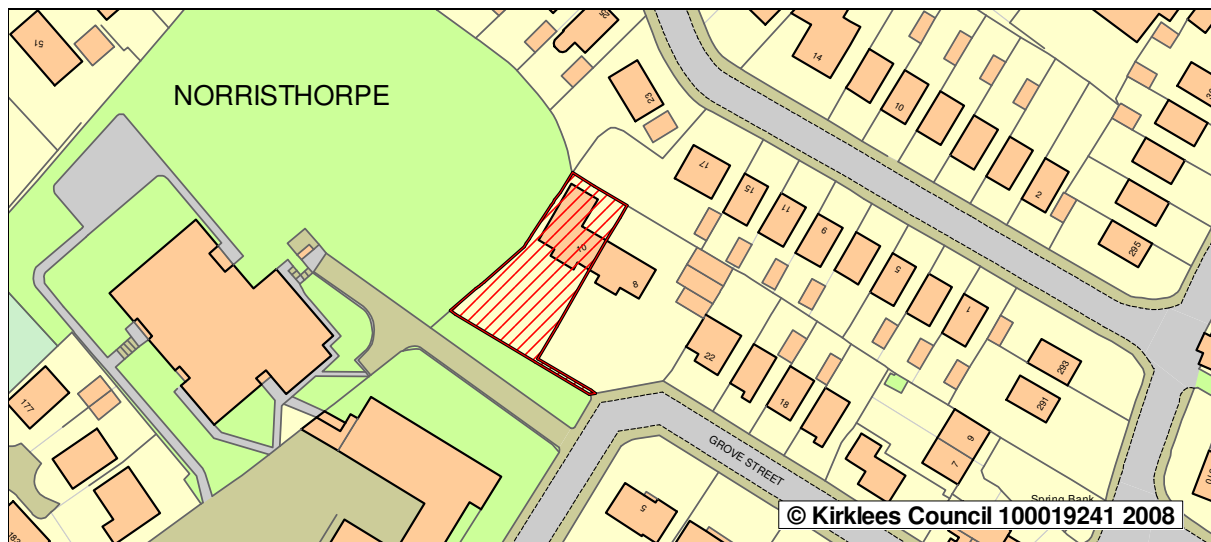
22-Aug-2017

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: Heckmondwike Ward

No

Ward Members consulted
(referred to in report)

RECOMMENDATION: REFUSE

1. The proposed extension, by virtue of its scale and design, would result in the creation of an incongruous feature on the host property that would significantly detract from its character. The extension would appear distinctly out of place adjacent the neighbouring property. To permit this development would be contrary to Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan, as well as Chapter 7 of the National Planning Policy Framework.
2. The proposed development, by virtue of its impact on the scale and massing of the host property and its relationship with dwelling to the north east of the application site, would result in a development which would be overbearing to the occupants of no. 17, Spring Bank Drive. The extension would also result in a significant overbearing and overshadowing impact to their amenity space. To permit this development would be contrary to Policies D2 and BE1 of the Kirklees Unitary Development Plan, as well as a Core Planning Principle of the National Planning Policy Framework which asserts the role of planning as securing a good standard of amenity for all present and future users of land and buildings.
3. It has not been demonstrated that the proposed development would have an acceptable impact on bats. The application property is considered reasonably likely to support roosting bats and in the absence of supporting information the application fails to comply with the aims of Chapter 11 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee at the request of Councillor David Sheard following a meeting with the agent in which concerns regarding the proposed development were discussed.

- 1.2 Councillor Sheard wishes to support the application for the following reasons:
1. *I believe the reasons you have chosen to reject the application are a matter of opinion given the current elevation of the property.*
 2. *I also believe the new proposal would improve the appearance of the site when taking into account the historic extension.*
 3. *I also believe that the applicant is attempting to make a dwelling habitable and rescuing a derelict property.*
- 1.3 Councillor Sheard has requested that a site visit is undertaken by Members.
- 1.4 Prior to the committee request, Officers were working alongside the agent in order to find an acceptable development scheme for the site and amended plans were submitted. After the committee request, the applicant no longer wished to pursue working on finding a scheme which officers supported and another version of the plans for the site were submitted. This iteration of the scheme is slightly reduced from the original proposal but is larger than the amended plans that were previously under consideration. The applicant wishes the application to be determined on the basis of these.
- 1.4 For the reasons set out in the reasons for refusal, Officers are unable to support the proposed development. This is due to severe concerns relating to visual amenity, residential amenity as well as the potential impact on bats. These key areas of concerns, together with all other relevant material considerations are set out in the proceeding sections of the report.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to an unusual semi-detached property located in a set-back position from Grove Street, Norristhorpe. The dwelling offers accommodation over three floors; a lower ground level, a ground floor level and a first floor level within the existing extended section of the dwelling. It has previously been extended and has additions to form the first floor level as well as having a three storey and single storey addition to the rear of the property. The dwelling is faced in white render and has a tiled slate roof. There is a grassed garden area to the front of the property, which is currently in an overgrown state. To the rear, there is a small yard used for parking which provides access into the integral garage on the lower ground floor. Beyond this land levels fall significantly and the private amenity space of no. 17, Spring Bank Drive abuts the boundary. The property is currently in a poor state of repair. Land levels slope down to the rear of the site.
- 2.2 The application site is surrounded by residential development to the north, north east and south east and a school (Norristhorpe Junior and Infant School) is located to the west.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of extensions and alterations to the application property. These are summarised below.

- Erection of extension and alterations to the existing front entrance porch. The proposed front entrance porch would project around 1.8m, have a length of 7.4m and have a hipped roof. The design would comprise a front door, a set of bi-folding doors and a window.
- Erection of an extension to create a forth level of accommodation as well as increasing the amount of accommodation on the third level of the dwelling. Alterations to the roof form would be undertaken to facilitate this, creating an asymmetrical gable on the front elevation. To the rear, extensions would be erected above the existing flat-roofed single storey addition. This would adjoin the adjacent extension and a gable end would be formed. New window openings would be created in the front and rear elevations to serve the proposed new floor.
- The plans demonstrate alterations to the fenestration and the insertion of rooflights into the host property.
- In the front garden area, a garage/workshop would be erected in the front garden space. This would have a footprint of 6.6m x 6.5m. It would have a dual pitched roof with a height of 5.6m to the ridge and 2.6m to the eaves. This would be uses as ancillary to the host property and not for separate commercial use.

3.2 The proposed dwelling and outbuilding would be faced in white render with the exception of the front elevation and the walls of the entrance porch which would be faced in stone.

4.0 RELEVANT PLANNING HISTORY:

4.1 No planning history on the application property or the adjoining dwelling.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The scheme under consideration is amended and has a reduced ridge height in comparison with the originally submitted scheme. Accordingly, the originally proposed French doors and balcony on the proposed new second floor has been replaced with a smaller window opening.

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

- BE1** – Design principles
- BE2** – Quality of design
- BE13** – Extensions to dwellings (design principles)
- BE14** – Extensions to dwellings (scale)
- T10** – Highway safety
- NE9** – Mature trees

National Planning Guidance:

6.3

- Chapter 7** – Requiring good design
- Chapter 11** – Conserving and enhancing the natural environment

Publication Draft Local Plan:

6.4

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of the publicity period, 1 representation has been received albeit the objector did not state an address. The objector raised concern with regards to overlooking from the proposed extension.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

- KC Ecology: bat survey required
- KC Conservation & Design Officer: severe concerns raised
- KC Trees: no objection
- KC Highways Development Management: no objection

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. Visual amenity, residential amenity and highways safety will be assessed in this report.
- 10.2 The general principle of making alterations to a property is assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. Policy PLP24 of the PDLP is consistent with the above. Highway safety and parking provision issues will be considered against policies T10 and T19 of the UDP. All these require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.

Urban Design issues

- 10.3 The application property occupies a set-back position within the streetscene. As such, the dwelling is not readily visible from Grove Street. Whilst it is a semi-detached property, at present the properties are not identical in appearance and Officers acknowledge that there is flexibility in terms of the design solution for extensions to the dwelling.
- 10.4 Notwithstanding this, the proposed extension and alterations under consideration are considered unacceptable in terms of urban design. Officers consider that the proposed extensions in order to creation an additional level of accommodation would overwhelm the host property in terms of its scale. It would result in the creation of a fourth level of accommodation and the additional bulk and massing required to do so as shown on the submitted plans would appear excessively large on the application property.
- 10.5 The proposed design solution is considered wholly inappropriate for the site by officers. Whilst the existing condition and appearance of the application property is fully appreciated, the proposed additions and alterations would result in a development that would appear distinctly out of place on the host property. It is acknowledged that the pair of dwellings is not identical as existing and that there is some flexibility in terms of design. However, it is the view of officers that the proposed design would appear completely incongruous when considered alongside the adjoining property. These design concerns are exacerbated by the large scale that the extensions would have.

- 10.6 The application has been reviewed by a KC Design Officer who echoes these comments and raises significant concern with the proposed extensions and alterations.
- 10.7 In terms of the proposed outbuilding, this would be single storey and have a dual pitched roof. Whilst it is to the front of the property, given the relationship with the streetscene it is considered to be on balance acceptable given the size of the amenity space. It would not be readily visible from within the streetscene and would not undermine visual amenity or the character of the host property. The proposed materials of white render and stone are considered appropriate within this location. Similarly, the single storey front extension is considered on balance acceptable in terms of visual amenity in this concealed location. Whilst the projection is around 1.8m, this is not dissimilar to the existing projection of the front extension.
- 10.8 In summary, the application is considered unacceptable in terms of visual amenity. To permit this development would result in the creation of an incongruous feature on the host property which significantly detracts from its character. It would appear distinctly out of place when considered within the context of the adjoining property. The development is contrary to Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of PDLF, as well as the aims of Chapter 7 of the National Planning Policy Framework.

Residential Amenity

- 10.9 The neighbouring properties that could be impacted by this development are the adjoining property, no. 8, Grove Street and the properties to the rear; nos. 17 and 23, Spring Bank Drive.
- 10.10 The adjoining property would not be unduly impacted by the proposed development. Whilst the front porch would be brought up to the shared boundary of the site it would only project 1.8m and would not be significantly detrimental to the amenities of the adjoining property. Whilst the roof level would be raised, this addition would be largely concentrated on the opposite side of the dwelling and away from the shared wall. The proposed extension would also result in the existing single storey flat roofed element to the rear being built up; this is however, set away from the shared side boundary and there would be no proposed projection within immediate proximity of the neighbouring dwelling at the rear. There is a window facing towards the property; however one exists here already and the proposed window would only serve a stairway. In terms of the outbuilding in the front garage space; this would be used for purposes ancillary to the enjoyment of the dwellinghouse and would not be for a commercial use. The scale of the building, together with its distance from the shared boundary with the neighbouring property, means that there would not be a significant impact in terms of overbearing, overshadowing or overlooking.

- 10.11 No. 17, Spring Bank Drive is one of the neighbouring properties to the rear of the site which is located at a much lower level. This is a detached property with a conservatory on the rear elevation. Whilst there would be no direct relationship with the windows in this property, the private rear amenity space extends adjacent to the application site. The proposed extensions would significantly increase bulk and massing of development on the boundary of the site which would result in severe overbearing and overshadowing to the amenity space over and above what is already a very close relationship. This level of harm is considered severe enough to warrant refusal of the scheme given the impact on the amenity of this neighbour. In terms of overlooking, this is not considered to be materially different from the existing situation; whilst an additional window would be provided at first floor this would serve a landing and could be obscurely glazed. The proposed window at second floor level would be obscurely glazed meaning that there would be no overlooking from this perspective.
- 10.12 No.23, Spring Bank Drive is one of the neighbouring properties to the rear of the site. No. 23 is orientated away from the application property meaning that there would be no direct impact. Whilst there would be some impact in terms of overshadowing to the neighbour's property, this is not considered severe enough to warrant refusal of the scheme.
- 10.13 There are no other residential properties that are considered close enough to be impacted by the proposed development.
- 10.14 In the context of the above, the application is considered unacceptable in terms of residential amenity due to the severe overbearing and overshadowing impact on no. 17, Spring Bank Drive. To permit this development would be contrary to Policies D2 and BE1 of the Kirklees Unitary Development Plan, as well as a Core Planning Principle of the National Planning Policy Framework which asserts the importance of the role of planning in ensuring a good standard of amenity for all existing and future users of land and buildings.

Highway Safety

- 10.15 Vehicle access to the site is achieved via a shared driveway which runs from Grove Street around the rear of the properties. The application property currently has an integral garage to the rear as well as a driveway before this. The proposals would increase the bedroom space from two to four bedrooms.
- 10.16 KC Highways Development Management has reviewed the submitted plans and raises no objections to the proposals. They state that the site can accommodate 3 vehicles in terms of off-street parking within the garage and on the driveway. No objection is raised.
- 10.17 As such, the application is considered acceptable in terms of highway safety and to comply with the aims of Policy T10 of the Kirklees Unitary Development Plan.

Trees and Ecology

- 10.18 The application lies within a Bat Alert Layer on the Council's GIS system. The Council's Ecologist has reviewed the proposed development as well as the site photographs and concludes that a preliminary bat survey should be undertaken and submitted prior to determination of the application in order to ascertain the potential for roosting bats on the site.
- 10.19 As refusal is recommended, the agent/applicant have decided not to provide a survey, however, they have made clear that, should members over-turn the officer recommendation, they would provide a bat survey prior to determination. However, at this stage, as no bat survey has been provided, this in itself is considered to substantiate an independent reason for refusal give the status of this European protected species. The application is considered contrary to the aims of chapter 11 of the NPPF.
- 10.20 In terms of trees, the application property does lie within close proximity to a group of mature trees within the adjacent school's grounds, albeit they are not protected. As such, KC Trees has reviewed the proposal; they conclude that there would be no severe adverse impact on the adjacent trees. The application form states that no trees would need to be felled or pruned as part of the proposed development. Taking these factors into account, the proposal is considered to comply with the aims of policy NE9 of the UDP.

Representations

- 10.21 The one representation that was received on the site objects on the grounds of overlooking. No address was left by the objector. The impact from overlooking to the closest residential properties is addressed within the 'Residential Amenity' section of the report and can be considered acceptable subject to the imposition of appropriate conditions for obscure glazing should planning permission be granted.

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 proposals would result in a development with an unacceptable impact on visual amenity and residential amenity and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against local and national policies and other material considerations. Furthermore, in the absence of any information relating to bats, it has not been demonstrated that the development would have an acceptable impact on bats.

Background Papers:

Website link: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017/92211>

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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Nov-2017

Subject: Planning Application 2017/92137 Erection of extensions and alterations to roof 7, Gunthwaite Lane, Upper Denby, Huddersfield, HD8 8UL

APPLICANT

Mr & Mrs Roderick

DATE VALID

21-Jun-2017

TARGET DATE

16-Aug-2017

EXTENSION EXPIRY DATE

01-Sep-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



LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Denby Dale

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 This application is reported to the Heavy Woollen Planning Sub-Committee following a request from Ward Councillor Graham Turner who states:

"I would like members to consider the proposals for extensions to 7 Gunthwaite Lane as the Officers are intending to recommend approval. I am concerned that the proposals under consideration would be out of keeping with the street scene and raising the roof line of the property could adversely impact on the neighbouring properties. The other properties on this street are bungalows and raising the roofline of this property would change the whole appearance of the street".

- 1.2 Cllr Turner has also requested members visit the site to appreciate the setting given the proposed increase in the height of the dwelling.
- 1.3 The Chair of the Sub-Committee has confirmed that Cllr Turner'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 7 Gunthwaite Lane, Upper Denby, is a detached bungalow with gardens to the front, side and rear, and a drive to the front. The existing property is of stone construction with an attached garage.
- 2.2 The surrounding properties to the north and east of the host property are similarly aged single storey dwellings. The dwelling on the opposite side of Gunthwaite Lane is a two storey property and there are open fields to the south of the host property.

3.0 PROPOSAL:

- 3.1 The applicant is seeking permission to provide additional accommodation within the roof space, extend to the front and side of the dwelling and make alterations to the external appearance of the property.

- 3.2 The proposals would not include an increase of the eaves height which would be retained at 2.6m. The height of the roof over the dwelling would include the area of the existing flat roofed garage and would increase the height of the apex from 4.5m to 6.1m and the formation of dormers within the south facing roof plane with a height of 1.6m and a width of 12.6m. The roof over the dormer would be sloping from the apex of the dwelling.
- 3.3 The front extension would project 2m from the original front wall of the dwelling with a width of 9.8m and a pitched roof form. The canopy would project a further 1.2m with a width of 3.7m.
- 3.4 The side / rear extension would project 3.7m from the rear of the existing garage and the roof would be a continuation of the main roof over the dwelling.
- 3.5 The front elevation would be rendered, the south side elevation would be retained as stone although the face of the dormer would be rendered, the rear elevation would be retained as stone on the ground floor with the increased gable end being rendered and the north facing side elevation would be render covering the garage and retained stone on the original side elevation. The new upper level would be rendered. The roof would be covered with slate tiles.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 No planning application for the host property although the applicant did submit a formal pre-application enquiry under reference 2017/20088. Officer's response supported the proposed extension in principle subject to a full assessment of any subsequent planning application.
- 4.2 The adjacent property, 5a Gunthwaite Lane, was granted planning permission under application reference 2010/93102 for a sunroom extension with a room in the roof-space

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The initially submitted plans raised concerns regarding the impact on visual and residential amenity. Amended plans were sought to amend the design and height which have since been received and are assessed in this report.

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 application site is unallocated on the UDP proposals map however, it is within close proximity to the Upper Denby Conservation Area.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **D2** – Unallocated Land
BE1 – Design principles
BE2 – Quality of design
BE5 – Development affecting a Conservation Area
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
T19 – car parking

National Planning Policy Framework:

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

Publication Draft Local Plan:

- 6.5 **PLP1** – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP24 – Design
PLP35 – Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Eight objections from residents received along with one objection from a Ward Councillor Graham Turner. The concerns raised by residents are summarised below (the concerns raised by Cllr Turner are set out in paragraph 1.1 above):-

- Increase in height would exceed the limitations of buildings facing a conservation area,
- Use of cladding would be out of character,
- Increasing the height would overdevelop the site,
- Scale and design would be harmful to the area,
- Impact on 5a Gunthwaite Lane – overshadowing & overbearing given land level differences,
- Impact on 27 South Croft – in terms of overbearing
- Loss of privacy,
- Loss of the bungalow would reduce housing stock for the elderly and infirm,
- The application form states property cannot be seen from public road, when it is in fact, very prominent from Gunthwaite Lane,
- The site is within the green belt,
- The bungalows on South Croft have covenants on them requiring the use of only stone or rendering.

- 7.2 Denby Dale Parish Council have objected to the proposals on the grounds of the overbearing nature of the development, the loss of privacy and adverse effects on the amenity enjoyed by the occupants of the adjacent property. Concerns were also expressed regarding the materials proposed not being in keeping with the other properties in the area.
- 7.3 Upon receipt of amended plans additional notification letters were sent to neighbours and interested parties. 6 responses were received from residents and an additional representation from Cllr Turner, all of which expressed the same concerns as set out above.
- 7.4 Denby Dale Parish Council provided updated comments on the amended plans with the addition of concerns regarding the property being sited within the Green Belt.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** NONE

8.2 **Non-statutory:** NONE

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated within the Unitary Development Plan proposals map. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 of the UDP.
- 10.2 7 Gunthwaite Lane faces onto the Upper Denby Conservation Area. Whilst the property is not sited within the Conservation Area, consideration is required with regards to how the proposals could affect the setting of the adjacent conservation area.
- 10.3 Although the proposal seeks to increase the height of the dwelling, the resultant structure would remain lower than the properties on the opposite side of Gunthwaite Lane which are sited within the Conservation Area. Indeed, the road itself provides a visual separation between the host property and the Conservation Area.

10.4 Furthermore, the host property is set further back from the road level than the neighbouring properties and as such would not have the same level of prominence as other properties on this side of the road when viewed in the context of the Conservation Area and the wider streetscene. Taking these factors into account, the proposals are considered to have a neutral impact upon the conservation area setting and would therefore not be contrary to the aims of policy BE5 of the UDP, policy PLP35 of the PDLP, and chapter 12 of the NPPF.

10.5 These issues along with other policy considerations will be addressed below.

Visual Amenity

10.6 The properties on the east side of Gunthwaite Lane are bungalows with some variances in terms of design and scale. The adjacent 5a Gunthwaite Lane is, for the most part, a single storey dwelling although there are two sections of the property which are two storey. Taking into account the context of the surrounding area, and dependent upon design, scale and detailing, it may be acceptable to extend the host property.

10.7 The proposal would increase the overall ridge height of the dwelling, whilst retaining the existing eaves height at 2.6m for the most part. The height of the dwelling would be increased in height from 4.5m to 6.1m (1.6m total increase) with the remodelling of the roof form to extend over the existing flat roofed garage and the main house.

10.8 The south facing elevation would include a dormer within the new increased roof plane. This would alter the appearance of the property and have a degree of prominence on the south east approach of Gunthwaite Lane. However, it is the view of officers that the property would still be read within the street scene as a bungalow.

10.9 The host property is set back from the main road and therefore the increase in mass and bulk would have limited impact when approaching from the north of Gunthwaite Lane or indeed whilst directly in front of the property.

10.10 The proposals do include a section on the north side of the original house towards the rear which would have the eaves height increased from 2.6m to 5.3m. This section would not be visible within the wider area although it would be visible from the gardens of the neighbouring properties, 5a Gunthwaite Lane and 27 South Croft. The adjacent property, 5a Gunthwaite Lane does include two sections which are more than a single storey with heights of 5.5m for the section parallel to the drive of the host property and 6m for the section to the rear of the dwelling, albeit there is a modest land level difference with 5a Gunthwaite Lane occupying a slightly lower position. As such, the increase in height proposed for the host property is not considered to be out of character with the streetscene.

10.11 The materials proposed would include a combination of retained stonework and render. The use of render is a new feature for the dwellinghouse. However render has been utilised on other properties on Gunthwaite Lane, including the side elevations of the neighbouring 5a Gunthwaite Lane and 27 South Street, which occupy positions close to the host property. It is therefore considered that the use of render would be acceptable in terms of visual amenity.

- 10.12 The detailing proposed in terms of roof form and the proportions for the openings are considered to represent an acceptable feature of the proposal.
- 10.13 The plans do include the provision of a front extension and a canopy. These would result in the host property being brought closer to the road. However, the scale proposed can be considered to be acceptable relative to the size of the host property and its associated curtilage.
- 10.14 Having taken the above into account, the proposed extensions would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2, BE1, BE13 and BE14 of the UDP, policy PLP24 of the PDLP, and the aims of chapter 7 of the NPPF.

Residential Amenity

- 10.15 There are no residential properties to the south side of the dwelling as the south elevation of the host property faces onto open fields (allocated Green Belt).
- 10.16 The adjacent neighbour to the east, 25 South Croft, has recently constructed their own side extension with a blank gable end. Given the arrangements on site, the proposed extension in terms of the increase in height of the host property would cause no undue harm to the residential amenities of the occupiers of the adjacent 25 South Croft.
- 10.17 There is potential for the proposal to impact upon the amenity of the occupants of the adjacent 5a Gunthwaite Lane. However, in this instance, although there is potential for the alterations to have an overbearing and overshadowing impact upon the amenities of the occupiers of the adjacent property, the host property occupies a position which is further back from the road than the adjacent 5a Gunthwaite Lane. As such, the front section of the host property aligns with only the rear most element of the neighbouring property. Furthermore, although the neighbour occupies a slightly lower land level than the host property, the eaves height of the dwelling would be retained at the existing level of 2.6m. Moreover, the increase in height being provided by a pitched roof, sloping up and away from the adjacent 5a Gunthwaite Lane, which would reduce the vertical emphasis with respect to the adjacent property. There is also a 4m separation between the properties which would further mitigate the potential for harm to the amenities of the occupiers of the adjacent 5a Gunthwaite Lane.
- 10.18 The plans submitted include two new windows on the ground floor of the north side elevation, a dining room window and a bathroom. Whilst the dining room window would be considered to be habitable, it would face towards the fence between the host property and 5a Gunthwaite Lane. It is considered therefore that would be no loss of privacy. There would be two new windows at first floor level on the rear most section of the northern elevation which face towards the garden area to the rear of 5a Gunthwaite Lane. The windows are shown on plan as being obscurely glazed and non-opening and serve bathroom and walk in wardrobe, neither of which would be considered to be habitable. A condition is recommended to be added requiring these are obscure glazed and retained as such to further ensure privacy. There are also 4 roof lights proposed. These are acutely angled upwards and as such offer no possibility of overlooking the adjacent neighbour at 5a Gunthwaite Lane.

- 10.19 There is also an indirect relationship between the host property and the neighbouring 27 South Croft. In this instance, although there is some potential for overbearing, the host property occupies a position which does not align with 27 South Croft. Furthermore, the eaves height of the dwelling would be retained at the existing level of 2.6m with the increase in height being provided by a pitched roof which slopes away from the neighbouring properties, which would take the vertical emphasis up and away from 27 South Croft. There is also a 20m separation between the host property and the neighbouring 27 South Croft which further mitigates the potential for harm to the amenities of the occupiers this property.
- 10.20 The relationship between the rear section of the host property and the side elevation and amenity space of the adjacent 27 South Croft is such that there would be potential for overlooking. The two new first floor windows which have the potential to impact the neighbour face towards the blank side elevation and rear amenity space of 27 South Croft. The windows are shown on plan as being obscurely glazed and non-opening, serving a bathroom and walk in wardrobe, neither of which would be considered to be habitable. A condition can be added requiring these are obscure glazed and retained as such should planning permission be granted.
- 10.21 The neighbouring property on the opposite side of Gunthwaite Lane, Maple House, does not share a direct relationship with the host property and enjoys a substantial separation of 35m provided by the gardens of each property and the road. The relationship together with the limited increase in height is such that there would be no harm caused to the amenities of the occupier of the neighbouring Maple House.
- 10.22 Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies D2, BE1 and BE14 of the UDP and policy PLP24 of the PDLP.

Highway issues

- 10.23 The proposals will result in some intensification of the domestic use. However the parking area to the front of the property would not be affected by the proposed extensions and the proposals include a garage. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with policies D2, T10 and T19 of the UDP.

Representations

- 10.24 8 Objections from residents were received. The concerns raised are summarised and responded to by officers below:-
- Increase in height would exceed the limitations of buildings facing a conservation area.
Response:- the impact of the proposals in terms of the character of the adjacent conservation area is a material consideration. In this instance, the separation provided by the road together with the setback position of the host property from the road and the limited increase in height of 1.6m is such that there would be no significant affect upon the character of the conservation area.

- Use of cladding would be out of character.
Response:- this is a material consideration as it relates to appearance and therefore potential impact in terms of visual amenity. The plans have been amended to alter the material to render which is already utilised on neighbouring properties.
- Increasing the height would overdevelop the site.
Response:- this is a material consideration as it relates to the appearance and character of the property and the wider area and therefore is considered in terms of visual amenity. The property has a substantial curtilage relative to the size of the dwellinghouse and the increase in height proposed would take the overall height of the dwelling from 4.5m to 6.1m, an increase of 1.6m, which is not considered to be excessive. It is appreciated that the overall massing of the property would alter as the new roof would incorporate the existing area of the garage and would include a south facing dormer. However, the properties on Gunthwaite Lane have varied designs and indeed the adjacent property, 5a Gunthwaite Lane has elements which are two storey. Although the proposal would see the whole property increased in height, it is not considered to represent overdevelopment.
- Scale and design would be harmful to the area.
Response:- this is a material consideration as it relates to the appearance and character of the property and the wider area and therefore is considered in terms of visual amenity. The previous comments also have relevance regarding the scale and design of the proposal. Gunthwaite Lane is not a street which consists of homogenously designed dwellings and there is some considerable diversity in terms of style and size. As such, the proposed alterations would not be out of place within the streetscene.
- Impact on 5a Gunthwaite Lane – given the land level differences potential for overshadowing and overbearing.
Response:- impact on residential amenity is a material consideration. In this instance, although there is some potential for overbearing and overshadowing, the host property occupies a position which is further back from the road than the adjacent 5a Gunthwaite Lane. As such, despite the minor land level difference, the front section of the host property aligns with the rear most element of the neighbouring property. Furthermore, the eaves height of the dwelling would be retained at the existing level of 2.6m with the increase in height being provided by a pitched roof over the original dwelling and the existing attached garage. The new roof does slope away from the adjacent 5a Gunthwaite Lane, taking the vertical emphasis up and away from the adjacent property. There is also a 4m separation between the properties which further mitigates the potential for harm to the amenities of the occupiers of the adjacent 5a Gunthwaite Lane.

- Impact on 27 South Croft – overbearing.
Response:- impact on residential amenity is a material consideration. In this instance, although there is some potential for overbearing, the host property occupies a position which does not align with 27 South Croft. Furthermore, the eaves height of the dwelling would be retained at the existing level of 2.6m with the increase in height being provided by a pitched roof over the original house and the existing attached garage which slopes away from the neighbouring properties. This would take the vertical emphasis up and away from 27 South Croft. There is also a 20m separation between the host property and the neighbouring 27 South Croft which further mitigates the potential for harm to the amenities of the occupiers of the neighbouring 27 South Croft.
- Loss of privacy.
Response:- this is a material consideration as it relates to residential amenity. There are no windows proposed in the front elevation. The south facing elevation overlooks fields and as such would not be considered to represent any loss of privacy. The plans show one window on the ground floor of the east facing rear elevation. This window would face towards the blank elevation of the side extension at the neighbouring 25 South Croft and as such would cause no loss of privacy. The plans submitted include windows on the ground floor of the north side elevation for a dining room and a bathroom. Although the dining room window is considered to be a habitable room, this window faces towards the fence between the host property and 5a Gunthwaite Lane. As such, there would be no loss of privacy. The rear section does have two first floor windows which face towards the blank side elevation and rear amenity space of 27 South Croft and the garden area to the rear of 5a Gunthwaite Lane. The windows are shown on plan as being obscurely glazed and non-opening and serve bathroom and walk in wardrobe neither of which would be considered to be habitable and a condition can be added requiring these are obscurely glazed and retained as such. There are also 4 roof lights proposed. These are acutely angled up into the sky and as such offer no possibility of overlooking the adjacent neighbour at 5a Gunthwaite Lane.
- Loss of the bungalow would reduce housing stock for the elderly and infirm.
Response:- This is not a material consideration.
- The application form states property cannot be seen from public road, when it is in fact, very prominent from Gunthwaite Lane.
Response:- the section of the form referred to is for applicants to make officers aware of whether or not all of the site can be seen from the road or if the officer will need to enter the site to consider the impact. In this instance, given the scope of the works the applicant was notifying officers that they would need to enter the site in order to assess the proposals as elements of the property were not visible from the highway.
- The site is within the green belt.
Response:- the property is not sited within the Green Belt, it is on land which is unallocated within the UDP.

- The bungalows on South Croft have covenants on them requiring the use of only stone or rendering.
Response:- this is not a planning consideration as it relates to civil legislation which cannot be considered by the Local Planning Authority.

Other Matters

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

11.0 CONCLUSION

11.1 This application to for extension and alterations to the roof of 7 Gunthwaite Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations.

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

1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

3. The render finish on the external walls shall be painted with a cream colour or equivalent to standard colour code RAL1013 (oyster white) before the extension is first brought into use and thereafter retained and maintained in the same colour.

4. Obscure glazing of windows

Background Papers:

Link to the planning application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92137>

Certificate of Ownership – Certificate A signed and dated 17/06/2017

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