

Public Document Pack



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

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Wednesday 17 April 2019

Notice of Meeting

Dear Member

Planning Sub-Committee (Heavy Woollen Area)

The **Planning Sub-Committee (Heavy Woollen Area)** will meet in the **Main Hall - Town Hall, Dewsbury** at **1.00 pm** on **Thursday 25 April 2019**.

(A coach will depart the Town Hall, at 9.45am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Reception Room at 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', on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Planning Sub-Committee (Heavy Woollen Area) members are:-

Member

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

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

Substitutes Panel

Conservative

B Armer
D Bellamy
V Lees-Hamilton
N Patrick

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons

Labour

E Firth
S Hall
N Mather
H Richards
M Sokhal
R Walker

Liberal Democrat

R Eastwood
C Iredale
A Munro

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 - 4

To receive the Minutes of the previous meeting of the Sub-Committee held on 21 March 2019.

3: Interests and Lobbying

5 - 6

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: Site Visit - Application No: 2019/90061

Change of use of part A1 (Shops) to A3 (Restaurants and Cafe) at Lala's Restaurant, 351A, Bradford Road, Batley.

(Estimated time of arrival at site – 10.00am)

Contact Officer: Nia Thomas

Wards

Affected: Batley East

7: Site Visit - Application No: 2019/90122

Erection of two storey and single storey rear extension, single storey front extension and alterations, and detached double garage with store and formation of access to Fir Grove 21, Fir Parade, Ravensthorpe, Dewsbury.

(Estimated time of arrival at site – 10.25am)

Contact Officer: Sarah Longbottom

Wards

Affected: Dewsbury West

8: Site Visit - Application No: 2019/90269

Erection of detached dwelling and associated site works adjacent to 93, Stocks Bank Road, Mirfield.

(Estimated time of arrival at site – 10.35am)

Contact Officer: Nia Thomas

Wards

Affected: Mirfield

9: Site Visit - Application No: 2019/90380

Outline application for erection of residential development and associated access at land at, Green Acres Close, Emley, Huddersfield.

(Estimated time of arrival at site – 11.10am)

Contact Officer: Victor Grayson

Wards

Affected: Denby Dale

10: Site Visit - Application No: 2018/91866

Demolition of existing dwelling and erection of 4 dwellings at 1 Ouzelwell Lane, Thornhill Lees, Dewsbury.

(Estimated time of arrival at site – 11.45am)

Contact Officer: Sarah Longbottom

Wards

Affected: Dewsbury South

11: Local Planning Authority Appeals

7 - 18

The Sub Committee will received 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

Planning Applications

19 - 20

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 Tuesday 23 April 2019.

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

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

12: Planning Application - Application No: 2018/93781 21 - 32

Change of use of existing post office into living accommodation and erection of new Post Office/General Store (modified proposal 2014/90895) with raised garden area and drive to rear of Hightown Post Office, 483, Halifax Road, Hightown, Liversedge.

Contact Officer: Jennifer Booth

Wards

Affected: Liversedge and Gomersal

13: Planning Application - Application No: 2019/90380 33 - 58

Outline application for erection of residential development and associated access at land at, Green Acres Close, Emley, Huddersfield.

Contact Officer: Victor Grayson

Wards

Affected: Denby Dale

14: Planning Application - Application No: 2018/91866 59 - 70

Demolition of existing dwelling and erection of 4 dwellings at 1 Ouzelwell Lane, Thornhill Lees, Dewsbury.

Contact Officer: Anthony Monaghan

Wards

Affected: Dewsbury South

15: Planning Application - Application No: 2019/90061 71 - 78

Change of use of part A1 (Shops) to A3 (Restaurants and Cafe) at Lala's Restaurant, 351A, Bradford Road, Batley.

Contact Officer: Nia Thomas

Wards

Affected: Batley East

16: Planning Application - Application No: 2019/90269 79 - 92

Erection of detached dwelling and associated site works adjacent to 93, Stocks Bank Road, Mirfield.

Contact Officer: Nia Thomas

Wards

Affected: Mirfield

17: Planning Application - Application No: 2019/90122 93 - 102

Erection of two storey and single storey rear extension, single storey front extension and alterations, and detached double garage with store and formation of access to Fir Grove 21, Fir Parade, Ravensthorpe, Dewsbury.

Contact Officer: Sarah Longbottom

Wards

Affected: Dewsbury West

Planning Update

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

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 21st March 2019

Present: Councillor Steve Hall (Chair)
Councillor Mahmood Akhtar
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Fazila Loonat
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Kath Taylor
Councillor Mark Thompson
Councillor Graham Turner

- 1 **Appointment of the Chair**
Councillor S Hall was appointed to Chair the meeting, in the absence of Councillor Kane.
- 2 **Membership of the Committee**
Councillor S Hall substituted for Councillor Kane.

Apologies for absence were received on behalf of Councillor Pervaiz.
- 3 **Minutes of Previous Meeting**
RESOLVED – That the Minutes of the Meeting held on 7 February 2019 be approved as a correct record.
- 4 **Interests and Lobbying**
There were no declarations of interests or lobbying.
- 5 **Admission of the Public**
It was noted that all Agenda Items would be considered in public session.
- 6 **Deputations/Petitions**
None received.
- 7 **Public Question Time**
No questions were asked.
- 8 **Site Visit - Application No: 2018/93195**
Site visit undertaken.

Planning Sub-Committee (Heavy Woollen Area) - 21 March 2019

9 Review of Planning Appeal Decisions (Heavy Woollen Area) - 2018

The Sub-Committee received a report which provided a review of Planning Appeal decisions during the 2018 year. The report advised that, between January 2018 and December 2018, there had been 35 planning appeals for applications within the Heavy Woollen Area, and that 80% of the appeals had been dismissed. An appendix to the report set out details of the appeals and the appeal outcomes.

RESOLVED – That the report be noted.

10 Planning Application - Application No: 2018/93126

The Sub-Committee gave consideration to Application 2018/93126 – Erection of rear extension with store below and rear dormer window at 16 Thomas Street, Heckmondwike.

RESOLVED – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- standard timeframe for implementation (3 years)
- development in accordance with plans
- facing and roofing materials to match those used on the host dwelling
- remove permitted development rights for the insertion of windows/openings in the side elevations of the rear extension

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

For: Councillors Akhtar, Grainger-Mead, S Hall, Lawson, Loonat, A Pinnock, Scott, K Taylor, Thompson and Turner (10 votes)

Against: (no votes)

11 Planning Application - Application No: 2018/93195

The Sub-Committee gave consideration to Application 2018/93195 – Demolition of existing storage unit and erection of replacement storage unit (Class B8) at land at William Street, Ravensthorpe, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Mr Hussain (applicant) and Mr Riaz (applicant's agent).

RESOLVED – That, contrary to the Officer's recommendation, the application be refused on the grounds of significant concern regarding (i) the overdevelopment of the site and (ii) the impact upon highway safety.

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

For: Councillors Grainger-Mead, S Hall, Loonat, A Pinnock, Scott, K Taylor, Thompson and Turner (8 votes)

Planning Sub-Committee (Heavy Woollen Area) - 21 March 2019

Against: (no votes)

Abstained: Councillors Akhtar and Lawson

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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: 25 APRIL 2019

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.

Electoral wards affected: Dewsbury West

Ward councillors consulted: No

Public or private: 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 Item are the Inspector's decision letters. These set out detailed reasoning to justify the decisions taken.

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

- 2.1 2017/62/91139E - Erection of place of worship and associated car park and landscape works (within a Conservation Area) at 10, Oxford Road, Dewsbury, WF13 4JT. (Committee) (Allowed)

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



Appeal Decision

Site visit made on 25 February 2019

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 28 March 2019

Appeal Ref: APP/Z4718/W/18/3204829

10 Oxford Road, Dewsbury, WF13 4JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr A Vania against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/91139/E, dated 6 March 2017, was refused by notice dated 22 December 2017.
 - The development proposed is described as erection of place of worship and associated car park and landscape works.
-

Decision

1. The appeal is allowed and planning permission granted for the erection of place of worship and associated car park and landscape works at 10 Oxford Road, Dewsbury, WF13 4JT in accordance with the terms of the application, Ref 2017/62/91139/E, dated 6 March 2017, and the plans submitted with it, subject to the conditions set out in the schedule attached to this Decision.

Procedural Matters

2. The description of the application was revised during the course of the application in order to reflect changes to the proposal including the removal of the education block from the development. I have, therefore, taken the description of the application from the decision notice which reflects these changes. I have omitted reference to 'conservation area', however, as this is not part of the description of development.
3. Following an independent examination of the Kirklees Local Plan (LP) it was adopted on 27 February 2019, during the appeal. The Council consider that the proposal should now be considered against Policies PLP24 and PLP35 of the adopted LP. I have sought the views of parties and their comments have been taken into account in my reasoning below.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the Northfields Conservation Area and the area generally.

Reasons

5. The appeal site is situated on the corner of Nowell Street and West Park Street and comprises of vacant land to the rear of the existing mosque building. West Park Street rises from east to west resulting in the appeal site being around

- two metres lower than the gardens of Numbers 7 and 9 West Park Street (No 7 and No 9). There is hardstanding at the southern part of the site which is currently used for car parking in association with the existing mosque at 10 Oxford Road. The existing mosque lies outside but on the southern boundary of the appeal site and is a two-storey flat roofed building. Nowell Street is an unmade/unadopted road linking West Park Street and Oxford Road.
6. The site is situated within the Northfields Conservation Area which is comprised of large detached, semi-detached and terraced Victorian stone houses. The character of the Conservation Area is derived from the consistent layout of streets with large, stone properties set behind front gardens bounded by low stone walls with either hedges or fences on top. The predominant use of stone and slate together with the regular pattern of fenestration, bay windows to the ground floor and the regular use of features such as gabled dormers, arched door heads and stone window sills and lintels add to the cohesive nature and character of the area. Some properties on West Park Street have octagonal towers. Street trees together with hedges and front gardens contribute to the verdant character of the area. The building to the west of the site is a three-storey modern apartment block.
 7. The site is currently vacant, untidy and has been subject to some fly-tipping and as a result detracts from the character and appearance of the Conservation Area. However, there is a mature sycamore situated on the eastern boundary of the site which makes a positive contribution to the character and appearance of the Conservation Area.
 8. The proposed mosque would be three-storey, of natural coursed stone construction with a slate roof. The building would occupy a similar footprint to that of the pair of semi-detached dwellings neighbouring the site. The building would be set back from the road, consistent with that of the adjacent property, No 7. Although three-storey, the height would be lower than No 7 due to the difference in site levels. The proposal would also retain the open character to the rear of the site, albeit for car parking. As a result, the scale and footprint of the proposed building would be broadly consistent with that of adjacent properties.
 9. The fenestration pattern of the elevation facing onto West Park Street would reflect that of the adjacent properties. The façade would also include features consistent with those in the Conservation Area including bay windows, stone lintels and sills. Consequently, I consider that the façade is consistent with the predominant character of West Park Street.
 10. Concerns have been raised that the proposed octagonal element on the east elevation and rear of the building would be out of scale and character with Victorian buildings in the area. However, I note that the design of this element reflects the octagonal features on properties opposite, some of which are also flat roofed. Whilst on a larger scale than those features, the octagonal element would, nevertheless, be consistent in scale with the main building. Furthermore, the overall footprint of the proposal would be consistent with the adjacent pair of semi-detached properties. In my view, the octagonal element would create an attractive design feature in its own right. Consequently, I consider that the proposed building would not harm the character and appearance of the Conservation area or the area generally.

11. The proposal would result in the loss of the mature sycamore tree which it is estimated would have a life expectancy of around 20-40 years. The tree is situated on the eastern boundary of the site, set some distance back from West Park Street. Its removal is required in order to retain a consistent building line along West Park Street. The loss of the tree would have a detrimental effect on the character and appearance of the Conservation Area in the short term.
12. Paragraph 134 of the National Planning Policy Framework 2019 (the Framework) confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
13. The loss of the tree would have a harmful effect on the character and appearance of the Conservation Area in the short term; however, this harm must be weighed against the benefits of the proposal in terms of tidying up a vacant, derelict site which is currently an eyesore. Furthermore, it is proposed to provide replacement planting including a new tree to the north eastern corner of the site. Whilst the replacement tree would take time to establish it would mitigate for the loss of the existing tree in the longer term. Moreover, the proposal would provide a place of worship with significant benefit for the local community. Whilst the harm is less than substantial, overall, I consider that the public benefits of the proposal would outweigh any short-term harm arising from the loss of the tree.
14. In conclusion, overall and in the longer term, the proposal would preserve the character and appearance of the Northfields Conservation Area and the area generally. The proposal would, therefore, accord with Policies PLP24 and PLP35 of the Kirklees Local Plan (2019) which together seek to achieve good design which preserves or enhances the significance of designated heritage assets.
15. Furthermore, the proposal would accord with paragraph 124 of the Framework which states that good design is a key aspect of sustainable development. The proposal also complies with paragraph 134 of the Framework for the reasons set out above.

Other matters

Transport

16. A number of local residents are concerned with the effect of the proposal in terms of increased traffic and parking and the safety of the proposed access. The appeal site is situated within an established residential area. Access to the site would be provided by Nowell Street, an unadopted road which links West Park Street and Oxford Road. It is proposed to upgrade Nowell Street to adoptable standards from Oxford Road to the proposed site access. The existing point of closure will remain and Nowell Street would not become a through road as a result of the proposal.
17. I noted on my site visit that parking is restricted on Oxford Road by permit parking zones and double yellow lines on the northern part of the highway. There are no parking restrictions on West Park Street in the vicinity of the appeal site. The proposal would provide 22 off-street parking spaces. The mosque and Madrassa would not be in operation at the same time and the

Council has accepted that the proposed parking spaces would, therefore, be sufficient to serve the proposal.

18. A Transport Statement was prepared in support of the application. Surveys were undertaken in term time between 1300 and 1500 on Friday 8 September 2017 and included turning counts at the junctions of Oxford Road/Nowell Street and West Park/Unnamed Road; car parking accumulation surveys for sections of Oxford Road, Nowell Street and West Park Street; and counts of pedestrians entering and exiting the mosque via Nowell Street and the unnamed road. This time was chosen as it is the busiest prayer time of the week.
19. The turning counts set out at Appendix BGH4 of the TS confirmed that the two-way hourly traffic flows between 13.00 and 14.00 on West Park Street and Oxford Street were 75 and 201 respectively. There were 10 two-way trips into and out of the northern section of Nowell Street and 26 two-way trips into and out of the southern section of Nowell Street. The TS concludes that these flows are low and that the network is operating well within capacity.
20. A parking accumulation survey was undertaken on Nowell Street and the adjacent sections of Oxford Road and West Park Street. The data for Oxford Road was excluded from the parking calculations as one side of the road is for permit holders only and one side has double yellow lines.
21. The total capacity of the surveyed area is estimated to be 47 parking spaces. The number of vehicles parked at the peak of the survey was 17 vehicles, which equates to 36% of the capacity.
22. The pedestrian survey shows that during the 15 minutes before prayer starts (13:45-14:00) there were a total of 38 pedestrian arrivals to the mosque. In the 15-minute period after prayer there were 40 departures from the mosque. The survey showed that 77% of trips were undertaken on foot and 23% of trips by car.
23. In response to traffic surveys carried out by residents, and in order to verify the appellant's highways evidence, the Highways Development Management (HDM) section of the Council has carried out additional survey work and observations at a variety of times in terms of peak two-way pedestrian and vehicle movements associated with the mosque at a variety of times. HDM conclude that the amount of vehicular and pedestrian movement is not excessive. From everything which I have seen in submissions and on my site visit I have no reason to disagree.
24. HDM also observed average on-street parking on West Park Street and the use of the existing mosque car park (15 spaces) the results of which generally agree with the TA findings. The result show that the car park is well used up to its current capacity and that there is available on-street parking space on West Park Street, albeit over-subscribed around its junction with Nowell Street. Based on the evidence above, even if vehicles had to park on the surrounding streets there would be sufficient capacity to accommodate any overspill.
25. Concerns have also been raised regarding the safety of the Nowell Street/Oxford Road junction. Visibility to the left of the junction is in excess of 2.4m x 43m and, therefore, meets the Manual for Streets guidance for the 30mph speed limit on Oxford Road.

26. Taking into account the downhill gradient towards Nowell Street, the visibility splay to the right of the junction should be 2.4m by 47.5m. In practice, however, the existing visibility is 2.4m by 26.5m. However, the existing visibility could be improved by the removal of the hedge which would provide an element of 'see through' along Oxford Road. Considering that the junction is used at present; that no increase in the use of the mosque is proposed; and the good safety record, there is no evidence to indicate that the junction would operate in a manner which would be detrimental to highway safety.
27. A condition is proposed to restrict the use of the Mosque to no more than 100 worshippers at a time which would limit traffic movements associated with the mosque and ensure that parking does not exceed capacity. Furthermore, a condition to secure the cutting and maintenance of the hedge would improve the safety of the junction.
28. On the basis of the evidence, and subject to conditions, I consider that the proposal would not have a detrimental effect on highway safety.

Living conditions

29. The proposed mosque would occupy a similar position to the dwelling that was previously approved in 2014¹. It would be stepped down from No 7 which has windows in the gable end elevation. The proposal would be around 3.5m from the gable end which is comparable to the spacing between other properties in the street. Given that no windows are proposed in the elevation of the building and that the windows in the gable end of No 7 are unlikely to serve habitable accommodation or be the sole window serving a habitable room, I consider that the proposal would not have an adverse effect on the living conditions of the occupiers of No 7.
30. There are windows proposed in the Nowell Street elevation which would face onto windows in the side elevation of the apartment block opposite. Consequently, there is a need to include a condition requiring that those windows are obscured in order to protect the privacy of occupiers.
31. There is also the potential for noise to surrounding occupiers by virtue of the call to prayer and the arrival and exit of worshippers; however, conditions requiring the restriction of operational times and also restricting the volume and frequency of use of the Azan are proposed. With the suggested conditions, I do not consider that the proposal would have an adverse effect on the living conditions of surrounding occupiers.

Ecology

32. Although the proposal would result in the loss of a mature tree, it is proposed to provide a replacement tree and a landscaping scheme is proposed which would provide the opportunity to enhance the ecological interest of the site. An Ecological Design Strategy is required by condition which requires details of bat and bird boxes to be included in the new structure.
33. Attention is drawn to covenants which it is considered would restrict the use of the land; however, covenants are a private legal matter.

¹ Council's planning application reference 2011/92932

Conditions

34. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty.
35. Conditions requiring the submission of a full landscape scheme and details of all external facing materials are required in the interests of character and appearance.
36. A condition requiring the windows in the east elevation to be obscure glazed is required in order to protect the privacy of the occupiers of the adjacent apartment block.
37. In the event that unexpected contamination is found a condition requiring the submission of a remediation strategy in order to ensure that the site is safe for future occupiers.
38. Conditions restricting the times and volume of the Azan and also restricting activities, other than prayer outside the hours of 0800 to 2200 are required in order to protect the living conditions of surrounding residents. A condition requiring a Construction Management Plan is required for the same reason.
39. Conditions requiring that the hedge fronting 10 Oxford Road is removed; the use of the site is limited to 100 worshippers at any one time; submission of a Travel Plan; and requiring a scheme for the construction of Nowell Street to adoptable standards are all necessary in the interests of highway safety.
40. Concerns have been raised as to whether the condition restricting the use of the site to 100 worshippers is enforceable. However, the Travel Plan which is required by condition would include details of an attendee register and monitoring/reporting regime. On this basis, I am satisfied that the condition is enforceable.
41. A condition requiring a scheme detailing facilities for the charging of electric vehicles and other low-emission vehicles in order to ensure that provision is made for more sustainable modes of transport.
42. Paragraph 118 of the National Planning Policy Framework encourages opportunities to achieve net environmental gains such as developments that would enable new habitat creation. Consequently, a condition is necessary which requires an ecological design strategy is in the interests of biodiversity.

Planning Balance

43. With the suggested conditions, I have concluded that the proposal would not have a harmful effect on highway safety or living conditions. I have concluded that the loss of the mature sycamore would harm the character and appearance of the Conservation Area in the short term; however, the replacement tree would mitigate for the loss of the existing tree in the longer term. Furthermore, this harm must be weighed against the benefits of the proposal in terms of tidying up of a vacant, derelict site. Moreover, I have concluded that the proposed building would preserve and enhance the character and appearance of the Conservation Area and the area generally.
44. The proposal would provide a place of worship with significant benefit for the local community and tidy up a vacant, untidy site. Overall, I consider that the

public benefits of the proposal would outweigh any short-term harm arising from the loss of the tree.

Conclusion

45. For the reasons stated and taking all other considerations into account, I consider that the appeal should be allowed subject to the conditions set out in the attached schedule.

Caroline Mulloy

Inspector

Schedule

Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 16012-D01-C; floor plans 16012-D03-D; site elevations 16012-D06-D; Mosque elevations 16012-D04-D; Site plan 16012-D02-C; floor plans including prayer spaces 16012-D03-D.
3. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping to include replacement trees and wildlife attracting species. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting seasons following the occupation of the building or the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The landscaping shall be carried out in accordance with the approved scheme and retained thereafter.
4. The building hereby permitted shall not be occupied until the windows in the east elevation have been fitted with obscured glazing (minimum grade 4) and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
5. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

6. Calls from the Azan shall only be made between the hours of 0800 and 2000 hours. The Azan should not be audible at any property more than 4 times

each day. Each Azan should not exceed 4 minutes in length. The sound level of the Azan should not be more than 70 dB (A) (Fast) within 3 metres from any elevation of any dwelling or 50 metres from the loudspeaker, whichever is the closer.

If this sound level cannot be achieved, a compressor should be fitted to the amplifier circuit to that the level of 70 dB(A) cannot be exceeded, even if the microphone volume is increased.

- 7 The use of the site shall be limited to 100 worshippers on the site at any one time.
- 8 The development shall not commence until the hedge fronting 10 Oxford Road has been removed and the area thereafter maintained clear of any planting and/or structure.
- 9 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall provide for:
 - The timing and routing of construction traffic.
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Delivery, demolition and construction working hours;The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 10 The development shall not be brought into use until a Travel Plan that includes an attendance register and monitoring regime has been submitted to, and approved in writing by the local planning authority. The development shall operate in accordance with the approved Travel Plan.
- 11 The development shall not commence until a scheme detailing the construction specification for Nowell Street up to an adoptable standard has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 12 Prior to their use details of all the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the decorative mesh feature. The development shall be carried out in accordance with the approved details.
- 13 No activities, other than prayer, shall take place on the premises outside the hours of 0800 and 2200 unless otherwise agreed in writing by the Local Planning Authority.
- 14 Before building works commence a scheme detailing the facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

- 15 No development shall take place until an ecological design strategy (EDS) has been submitted to and agreed in writing by the LPA. The EDS shall include details of the following:
- Purpose and conservation objectives for the proposed ecological works, in relation to site potential and constraints.
 - Location (shown on appropriate scale plans) of specific make and model, or design, of bat and/or bird boxes to be installed integral to the new structure.
 - Planting schedule and planting plan showing the inclusion of native species of plant to be included within/at the boundary of the application area, and how this achieves the stated purpose.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

PLANNING POLICY

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first 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 54 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.

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Apr-2019

Subject: Planning Application 2018/93781 Change of use of existing post office into living accommodation and erection of new Post Office/General Store (modified proposal 2014/90895) with raised garden area and drive to rear Hightown Post Office, 483, Halifax Road, Hightown, Liversedge, WF15 8HU

APPLICANT

Richard Walker,
Hightown Post Office
Store

DATE VALID

29-Nov-2018

TARGET DATE

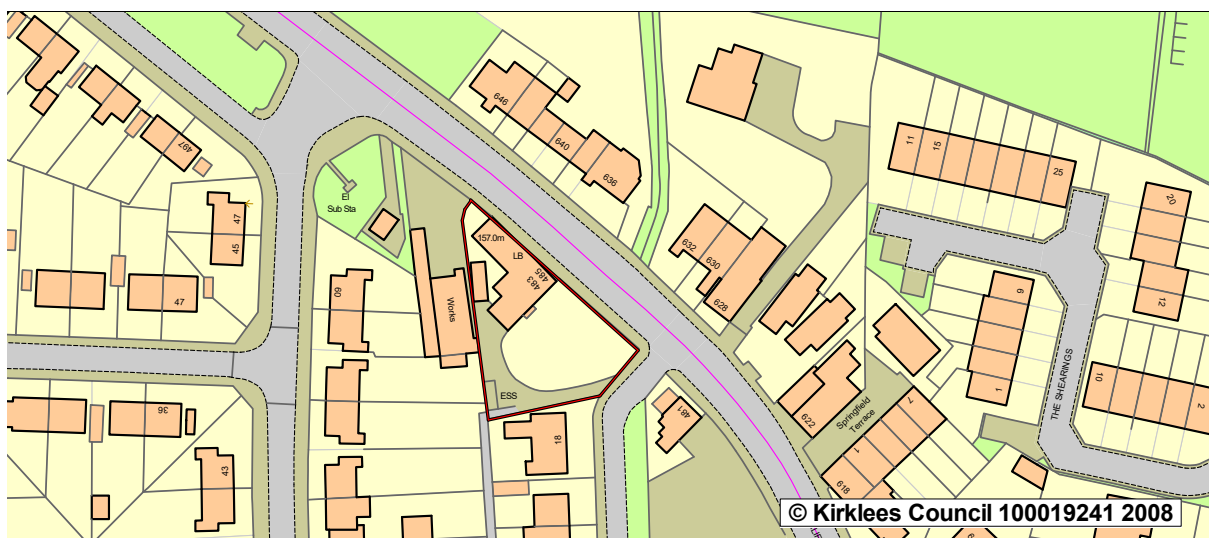
24-Jan-2019

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: Liversedge and Gomersal

No

Ward Members consulted

RECOMMENDATION:

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

- 1. Await the expiration of site publicity (16 April 2019)**
- 2. Complete the list of conditions including those contained within this report**
- 3. Secure a S106 agreement to cover the following matters:**
 - Require the existing retail shop to be converted into habitable accommodation in association with 483 Halifax Road and not retained as a retail unit.**
 - Restrict occupation of 483 Halifax Road to that of the operators of the new store only**

1.0 INTRODUCTION:

1.1 The application was previously brought to the Heavy Woollen Planning Sub Committee on 7 February 2019 where members resolved to defer the application in order to allow the applicant to consider the following matters:

- Consider reducing the height and pitch of the roof of the building;
- Width of narrowed footpath to rear to be widened to minimum 1.8m;
- Dwarf wall to rear area to be reduced in width to allow 2-3 staff car parking spaces only;
- Extra space for bin and refuge area to be created.

1.2 Amended plans/additional information has been received from the agent in order to address the above matters, and Officers consider that on the basis of these amendments, the previous reasons for refusal have, on balance, been addressed.

2.0 SITE AND SURROUNDINGS:

2.1 The application site was formerly a grassed area of land which appeared to be part of the garden associated with no.483 Halifax Road, Hightown, Liversedge. This existing building contains a post office/store (Hightown Post Office) within the single storey building which runs adjacent to the highway and a two storey dwelling which is sited at 90 degrees to the post office/store and within the ownership of the applicant.

- 2.2 Planning permission was granted under application 2014/90895 for the erection of a new single storey general store immediately to the south of no.483 (the existing post office/store). A building has now been predominantly completed on site however, it has not been built in accordance with the above referenced planning permission.
- 2.3 The surrounding area is predominantly residential though there are open fields allocated as Urban Green Space located further north, on the opposite side of Halifax Road. A Public Right of Way (PROW), referenced SPE/94/60, runs along the southern boundary of the site and subsequently along the rear of the dwellings on Springfield Drive and First Avenue (it then splits and heads either east (SPE/94/70) onto Teasel Close (and then Halifax Road) or west (SPE/94/50) onto First Avenue).

3.0 PROPOSAL:

- 3.1 The applicant has been granted planning permission (application ref: 2014/90895) for the erection of a building to facilitate a new general store together with the change of use of the majority of an existing post office/store into habitable accommodation at 483 Halifax Road, Hightown.
- 3.2 The current application was submitted in relation to the building as constructed (which is not in accordance with the approved planning application). The applicant's agent stated that the alterations had been carried out contrary to the approved permission in order meet building regulations requirements for a building of this nature (i.e. to facilitate the damp proof course for the disabled level threshold and in order to meet criteria on ventilation in a store) and to gain height within the roof void to provide for storage.
- 3.3 Members considered the proposals as submitted at the Heavy Woollen Planning Committee on 7 February 2018 and deferred the application in order for the applicant to consider amending specific aspects of the development relating to the appearance and layout of the development, in order to address highways, visual and residential amenity concerns that were raised by officers.
- 3.4 The applicant has recently submitted amended plans indicating the following:
- a partial lowering of the ridge by 600mm at the south eastern end of the building
 - Re-positioning of new fence in order to allow public footpath (SPE/94/60) to be its recorded width of 1.8m
 - Widening of point of access off Springfield Drive to 4.5m
 - Provision of bin store within the site
 - Supporting information relating to the number of employees and frequency of deliveries to the store
 - Agreement that the main house can be 'tied' to the new general store as part of the updated S106 Agreement

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2014/90895 – Change of use of existing post office into living accommodation and erection of new general storey – granted with a section 106 agreement
- 2007/93998 – Erection of ground floor extension, approved
- 2005/92191 – Erection of single storey extension, approved

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

- 5.1 Since the Heavy Woollen Planning Sub Committee on 7 February, Officers have held discussions with the applicant and agent regarding the matters on which the application was deferred. Following these discussions, the applicant has recently submitted amended plans indicating the following:

- a partial lowering of the ridge by 600mm at the south eastern end of the building
- Re-positioning of new fence in order to allow public footpath (SPE/94/60) to be its recorded width of 1.8m
- Widening of point of access off Springfield Drive to 4.5m
- Provision of bin store within the site
- Supporting information relating to the number of employees and frequency of deliveries to the store

- 5.2 Negotiations have also taken place between Officers and the applicant with respect to the impact of the development on residential amenity and options to mitigate this. The applicant has agreed to include in the S106 Agreement that the existing dwelling would be ‘tied’ to the general store.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 Kirklees Local Plan (2019):

- **PLP 1** – Achieving sustainable development (as modified)
- **PLP 2** – Place shaping (as modified)
- **PLP13** – Town Centre Uses (as modified)
- **PLP21** – Access (as modified)
- **PLP 22** – Parking (as modified)
- **PLP 24** – Design (as modified)

National Planning Policy Framework:

- **Chapter 6** – Building a strong competitive economy
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 12** – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by site notice, neighbour notification letter and press advert, with further rounds of publicity carried out following receipt of amended plans.

7.2 Seventeen representations were received in objection to the application as a result of the original and second round of publicity and these were reported to the last Committee. The concerns raised are summarised as follows:

- The building is an eyesore
- No parking has been provided for vehicles
- The loss of the bushes
- The size and height of the building are far too large and out of character with the area
- The building interferes with access and visibility for road users entering and leaving Springfield Drive
- The builders have not been wearing high vis, the cement mixer has been blocking the pavement and the workmen have been working at height with no safety equipment
- The building is overbearing on Springfield Drive
- The use of illuminated signage for the shop would be out of place in the area
- The larger development is not a slip up but a deliberate choice of the applicant contrary to the permission granted
- Why were the neighbouring properties opposite not notified of the original application
- The applicant and the agent are making a mockery of the Planning Department
- The applicant has ignored the Council's request to stop works until the lack of planning has been resolved

7.3 Twenty-nine representations were also received in support of the scheme which expressed the following views:-

- Provision of better facilities including disabled access and wider range of products
- The building is in keeping with the area
- The new shop would not change the existing parking provision
- The store and its owners are an asset to the area
- Encouraging small businesses to expand
- Creation of jobs
- Shutting the shop would be inappropriate

7.4 Following receipt of the most recent amended plans and information, a further round of publicity has been carried out. No representations have been received to date however, should further representations be received, they will be reported in the update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management: On balance, no objections following receipt of amended plans and further information.

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Impact on Town and Local Centres
- Visual Amenity
- Residential Amenity
- Highway issues including Public Rights of Way
- Conditions
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 Local Plan Policy 1 (as modified) states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.

10.2 The application has no specific allocation within the Kirklees Local Plan. As such Policy PLP 24 (as modified) is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, this aspect of the proposal would be considered acceptable in principle.

Impact on Town and Local Centres

10.3 A post office/general store is a retail unit (A1) within the Use Classes Order and as a retail unit; these should be located within town or local centres. The application site is outside of a defined local centre with the closest being Roberttown, Littleton or Scholes, all of which are a considerable distance away.

10.4 The existing post office/store has been in place for a considerable period of time and is a well-established part of the local community. It is therefore considered that as there is already a retail unit in this location then the principle of a replacement unit is acceptable and would have a very limited impact upon the neighbouring local centres.

- 10.5 The application proposes to change the use of the off licence/shop element of this into habitable accommodation to be associated with the existing dwelling and retain only the post office counter. Should this current amended scheme be approved, the applicant would need to enter into a new S106 Legal Agreement to ensure that the existing retail shop is to be converted into habitable accommodation and not retained as a retail unit. This would ensure that the development would comply with current town centre policies.

Visual Amenity

- 10.6 The design of the previously approved building would have been very similar to the existing single storey post office building. The plans agreed included a long, rectangular building with a hipped roof. This would have mirrored the design and appearance of the existing building and would have been constructed using stone which would have been sympathetic in appearance to the surrounding properties. It was considered therefore that the new shop building would not have appeared out of character with the surrounding area.
- 10.7 As members will recall, the proposals put forward at the Planning Sub-Committee Meeting on 7 February comprised a building of substantial height with pitched roof, contrary to that which was previously approved. Furthermore, works had been carried out to the rear of the building to provide a parking area which were considered to be detrimental to highway safety.
- 10.8 The recently submitted amended plans indicate a partial reduction in the ridge height of the building by 0.6m at its south eastern end, adjacent to the junction with Springfield Drive. Officers consider that this amendment does reduce the overall bulk and massing of the building compared to the existing situation, and would, on balance address previous concerns with regard to the impact of the development on visual amenity.
- 10.9 The facing materials of the building comprise a mixture of natural stone to the front elevation with the use of render to the side and rear. The use of render is evident elsewhere in the vicinity of the site, and therefore this combination of materials is considered to be acceptable, in accordance with Policy PLP 24 (as modified) of the Local Plan.
- 10.10 In summary, following receipt of amended plans, whilst the preference of officers would have been to revert to a building of the height previously approved, on balance, and taking a pragmatic approach, the reduction of part of the ridge height and in-filling of the gable adjacent to the access into Springfield Drive would create a more satisfactory building mass when approaching the site from the south. As such, and when acknowledging the case of the applicant in that there are a mix of building types and scales in the vicinity, the proposed amendments are considered by officers to be, on balance, satisfactory and in accordance with the aims of Policy PLP24 (as modified) of the KLP and Chapter 12 of the NPPF. The suggested reason 1 for refusal set out in the Heavy Woollen Planning Sub-Committee agenda dated 7 February 2019 is considered by officers to have been addressed.

Residential Amenity

- 10.11 Whilst there are a number of residential properties within the locality, none would be directly affected by this proposal. There would be a distance of approximately 25m between the front elevation of the building and the dwellings on the opposite side of Halifax Road and a distance of 15m from the rear to the side gable of 18 Springfield Drive. Because of the relationship between this property and the new building, there would be no significant detrimental impact to this dwelling as a result of the proposal.
- 10.12 Although the building is higher than the originally approved single storey structure, it is still some distance from the nearest neighbouring properties and as such would result in no significant harm to the amenities of the occupiers of the neighbouring properties on the opposite side of Halifax Road and on the opposite corner with Springfield Drive.
- 10.13 Notwithstanding the above, the increased height of the building would have an overbearing and oppressive impact on the first floor window of 483 Halifax Road. This dwelling is currently occupied by the applicant, however the impact upon the main house is still a consideration and as such, the larger building is considered to be harmful in terms of residential amenity. The applicant's agent states that the majority of properties within the area are of a two storey scale and higher than the new store, and that any potential future purchaser of the dwelling would be aware of this.
- 10.14 Officers have taken the above into account however, because of the close proximity of windows to the new, higher building, the impact would still be significantly adverse to occupants of this property. As such, after careful consideration, officers consider that the potential impact upon the amenity of future occupiers could be mitigated by restricting the occupation of the dwelling to that of the operators of the store only. This could be secured as part of the S106 agreement. This has been agreed with the applicant.
- 10.15 To summarise, subject to the securing of the S106 agreement restricting the occupation of the dwelling to that of the operators of the store only, reason 3 for refusal set out in the previous Heavy Woollen Planning Sub-Committee agenda dated 7 February 2019 is considered, by officers, to be addressed. The proposal is considered, on balance, to be satisfactory from a residential amenity perspective and would comply with the aims of Policy PLP24 of the KLP and chapter 12 of the NPPF.

Highway issues

- 10.16 The application as originally submitted raised a number of highway safety concerns with respect to the parking layout, width of access, reduced width of public footpath and insufficient bin storage and collection point. The most recently received amended site layout plan demonstrates the increase in width of the public footpath and access point, with bin storage point identified, and reduction in the extent of the raised terrace to the rear of the building. The applicant has also confirmed that deliveries will not be taken at the rear of the building, but will be instead unloaded at the front of the site once per week. Parking provision for customers would remain as existing on street to the front of the site.

- 10.17 Beyond the access point, the width of the access would be limited to 3.5m. However, as the rear parking area would not be for the use of customers, and taking into account the proposed restriction in the occupancy of the dwelling as set out above, KC Highways Development Management consider the proposals to be acceptable, on balance, and in accordance with Policy PLP 21 of the Kirklees Local Plan.
- 10.18 To summarise, reason for refusal 2 as set out in the previous Heavy Woollen Planning Sub-Committee agenda and update dated 7 February 2019 have been addressed following receipt of amended plans and subject to the S106 Agreement.

Representations

- 10.19 Seventeen representations were received in objection as a result of the initial and second round of publicity, which expressed the following views:-
- The building is an eyesore
Response: *This is a material consideration as it relates to visual amenity. Amended plans have now been received and the impact on visual amenity is considered, on balance, to be acceptable.*
No parking has been provided for vehicles
Response: *This is a material consideration as it relates to highway safety and is addressed above.*
 - The loss of the bushes
Response: *This is not considered to be of significant detrimental impact to visual amenity.*
 - The size and height of the building are far too large and out of character with the area
Response: *This is a material consideration as it relates to visual amenity. Amended plans have now been received and the impact on visual amenity is considered, on balance, to be acceptable.*
The building interferes with access and visibility for road users entering and leaving Springfield Drive
Response: *This is a material consideration as it relates to highway safety. Amended plans have been received which address highways concerns and the proposal is now considered to be acceptable, on balance, from a highway safety perspective.*
 - The builders have not been wearing high vis, the cement mixer has been blocking the pavement and the workmen have been working at height with no safety equipment
Response: *This is not a material consideration as safety at work is the remit of the Health & Safety Executive,*
 - The building is overbearing on Springfield Drive
Response: *This is a material consideration as it relates to visual amenity. The amended plans indicate a reduction in the ridge height of the building at the south eastern end, adjacent to the junction with Springfield Drive, which is considered to alleviate the impact upon visual amenity.*
 - The use of illuminated signage for the shop would be out of place in the area
Response: *This is not a material consideration for this application as it is the subject of a separate application, 2018/93566*
 - The larger development is not a slip up but a deliberate choice of the applicant contrary to the permission granted
Response: *This is not a material consideration.*

- Why were the neighbouring properties opposite not notified of the original application?
Response: *This is noted. At the time of the previous application, a site notice was posted in the vicinity of the site and neighbour notification letters sent to those properties adjacent to the site. In relation to the current application, the neighbours opposite and adjacent the site were notified by neighbour notification letter, and a site notice was posted in the vicinity of the site.*
- The applicant and the agent are making a mockery of the Planning Department
Response: *This is not a material consideration*
- The applicant has ignored the Council's request to stop works until the lack of planning has been resolved
Response: *This is not a material consideration. The applicant and agent have both been made aware that any further work carried out is at their own risk.*

10.20 Twenty-nine representations were also received in support of the scheme which expressed the following views:-

- Provision of better facilities including disabled access and wider range of products
Response: *This is not a material consideration*
- The building is in keeping with the area
Response: *This is a material consideration as it relates to visual amenity. Amended plans have now been received and the impact on visual amenity is considered, on balance, to be acceptable.*
The new shop would not change the existing parking provision
Response: *This is a material consideration as it relates to highway safety and has been addressed within the Highway section of this report*
- The store and its owners are an asset to the area
Response: *This is not a material consideration*
- Encouraging small businesses to expand
Response: *This is a material consideration and is a factor in the decision making process. The economic benefits of encouraging businesses to grow are not in dispute. This has to be balanced against all other material considerations.*
- Creation of jobs
Response: *This is a material consideration and is a factor in the decision making process. The formation of jobs is an important issue within the district and is normally something the Local Planning Authority wish to support. This has to be balanced against all other material considerations.*
Shutting the shop would be inappropriate
Response: *This is not a material consideration.*

10.21 The most recent amended plans and information have been re-advertised and any representations received as a result of this will be reported in the update. To date, prior to the publishing of this agenda, no further representations had been received.

Other Matters

10.22 Since this is a retrospective application, careful consideration needs to be had with regard to the timing of the works. Officers suggest the following, which would subsequently be secured via condition, would be reasonable time frames:-

- Reduction in ridge height of part of building – *completed within 6 months from the granting of planning permission*
- Re-positioning of fence in order to allow 1.8m width for PROW – *completed within 3 months from the granting of planning permission*
- Re-positioning of the terrace/widening of access into the site – *completed within 6 months from the granting of planning permission*
- Provision of bin store – *before the new store is first brought into use*

11.0 CONCLUSION

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Time Limit for implementing works (as set out in paragraph 10.22)
2. Development in accordance with approved plans
3. Materials
4. Surfacing and drainage

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f90895>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93781>

Certificate of Ownership –Certificate A signed and dated 14/11/2018

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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Apr-2019

Subject: Planning Application 2019/90380 Outline application for erection of residential development and associated access. Land at, Green Acres Close, Emley, Huddersfield, HD8 9RA

APPLICANT

Highstone Homes Ltd

DATE VALID

11-Feb-2019

TARGET DATE

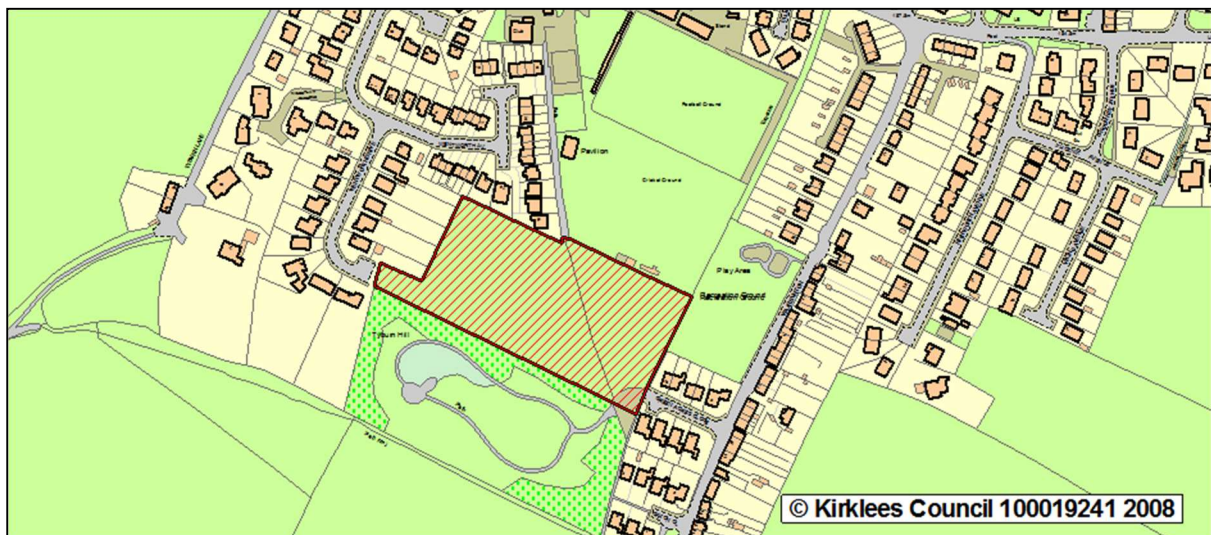
13-May-2019

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: Denby Dale

Yes

Ward Members consulted

RECOMMENDATION: Refuse outline planning permission

For the following reason:

1) The proposed development would intensify vehicular movements on Warburton, which would increase risks to pedestrian safety and the risk of conflicts between drivers, due to the lack of adequate footways, visibility and space for parking. The proposed development would therefore have a detrimental impact on highway safety. This would be contrary to Kirklees Local Plan policy PLP21 (as modified).

1.0 INTRODUCTION:

- 1.1 This is an application for outline planning permission, with all matters reserved (other than access), for residential development.
- 1.2 The application is presented to the Heavy Woollen Sub-Committee as the proposed development relates to site larger than 0.5 hectares and is likely to involve fewer than 61 residential units. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 1.18 hectares in size and is allocated for housing in the Local Plan (site allocation ref: H358, as modified).
- 2.2 To the north of the application site are residential properties on Wentworth Avenue and a cricket ground which is designated as urban green space in the Local Plan. To the east is a recreation field and residential properties on Green Acres Close. To the south is Emley's Millennium Green, which is in the Green Belt. To the west, beyond a strip of land outside the application site, are residential properties on Wentworth Drive.
- 2.3 The application site, the Millennium Green, and some of the adjacent residential properties, occupy a relatively flat and elevated area of land (Tyburn Hill) approximately 200m AOD.

- 2.4 The application site is greenfield, and is grassed. No buildings exist within the site's boundaries. A hard surface exists in the southeast corner of the site, providing access to the Millennium Green.
- 2.5 There are no protected trees on or immediately adjacent to the application site, however there are trees within the adjacent Millennium Green and elsewhere around the edges of the site.
- 2.6 The application site is dissected by public footpath DEN/21/20, and is edged by public footpath DEN/96/10 to the east.
- 2.7 The application site is not within or close to a conservation area. The site includes no listed buildings, however two Scheduled Ancient Monuments (Emley Standing Cross, which is also Grade II listed, and Emley Day Holes) are within walking distance of the site. The site also has some landscape sensitivity resulting from its location, surrounding topography and visibility from land to the south, from surrounding public open space (POS), and from public footpaths.

3.0 PROPOSAL:

- 3.1 Outline planning permission (with details of access) is sought for residential development of the site. A single vehicular access is proposed from Green Acres Close.
- 3.2 Other matters (namely appearance, landscaping, layout and scale) are reserved.
- 3.3 Although the applicant does not seek approval of a layout or specific number of residential units, an indicative site layout plan has been submitted, showing 44 units arranged as detached, semi-detached and terraced dwellings, some with garages. A new estate road would extend westwards across the site from Green Acres Close, private drives would be provided off this estate road, and pedestrian access would be provided from the existing public footpaths. The alignment of public footpath DEN/21/20 would be maintained, with part of it becoming the footway of the proposed estate road.
- 3.4 Other application documents refer to a residential development of "approximately" 50 new dwellings. This number is also indicative.
- 3.5 Outside the application site, works to Warburton and to public footpaths DEN/21/20 and DEN/96/10 are proposed.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 99/91668 – Planning permission was refused on 24/09/1999 for the formation of a grass full-size practice pitch and an all-weather training surface with associated lighting and the formation of millennium green, on a site that includes the current application site and land to the south which is now the Millennium Green. Refusal reasons related to 1) noise and disturbance to nearby residents, 2) visual intrusion caused by floodlights, 3) highways safety, and 4) development prejudicing the future development of Provisional Open Land. A subsequent appeal was dismissed 10/08/2000. Planning permission was granted 12/01/2000 for the change of use of agricultural land to the south to recreational use (ref: 99/92555) and planning permission was granted on 23/04/2001 for the erection of a millennium monument (ref: 2001/90226).

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

5.1 The applicant requested pre-application advice from the council in May 2018. Written pre-application advice (ref: 2018/20216) was issued by the council on 07/02/2019, the main points of which are summarised as follows:

- Given proposed allocation of site for housing in the Local Plan, subject to highways, design, residential amenity, public rights of way and other matters being appropriately addressed, residential development at this site is acceptable in principle.
- Subject to details, residential development at this site is considered to be sustainable development.
- The proposed quantum and density of development was appropriate (44 units were shown on an indicative layout).
- Proposed indicative layout did not satisfactorily accommodate all of the site's constraints. Treatment of public rights of way needed revisiting, dwellings should relate better to the surrounding open spaces, risks of crime and anti-social behaviour should inform the layout, family-sized dwellings should face the open spaces, and side elevations and high fences should not line footpaths.
- A contribution towards off-site public open space provision would normally be appropriate, however some on-site provision may be appropriate here, if carefully designed along footpath.
- Early consideration of landscaping, boundary treatments and lighting would be appropriate.
- Two storey dwellings would be appropriate.
- Proposed short terraces, detached and semi-detached dwellings are appropriate.
- A variety of house types would be appropriate.
- High quality materials (including natural local stone and brick) would be appropriate.
- Car parking should be accessible, usable and overlooked, and should not dominate the street.
- Ball Strike Risk Assessment may be required. Applicant should consult with Sport England.
- Proposed development is unlikely to harm heritage assets, however a full assessment would be necessary.
- Proposed residential units should provide adequate outlook, privacy and natural light. Applicant is encouraged to follow the Government's Nationally Described Space Standard.
- 20% affordable housing required with a 54% Social or Affordable Rent / 46% Intermediate tenure split, Affordable housing should be pepperpotted around site and designed to not be distinguishable from private accommodation.
- Proposed unit size and tenure mix should reflect known housing need.
- Providing vehicular access via Green Acres Close is far less appropriate than via Wentworth Drive, given Warburton's narrow carriageway widths, on-street parking, level of use, lack of footways, poor sight lines in places, and houses with front doors opening directly onto the road.
- Evidence required at application stage of applicant's efforts to secure access from Wentworth Drive.

- Should applicant demonstrate that vehicular access cannot reasonably be achieved from Wentworth Drive, applicant would need to mitigate the proposed development's unacceptable impact on highway safety caused by intensification of vehicular movements to Warburton.
- Proposed improvements to footpaths could encourage pedestrians to use these routes.
- Proposed works to Upper Lane / Warburton junction would improve sight lines and could be considered beneficial, however details are needed.
- Proposed works to Warburton are unnecessary or questioned.
- Warburton is unsuitable for any further intensification of use.
- Transport Assessment required, and its scope should be agreed with officers.
- Travel Plan required.
- Road Safety Audit and designer's response required.
- Construction Management Plan required.
- Detailed advice provided regarding parking, cycle storage, design of roads proposed for adoption, waste storage, and highways retaining structures.
- Contribution towards Metro cards may be necessary.
- Proposed development should provide convenient pedestrian routes, new and enhanced green infrastructure links, and a walkable neighbourhood.
- Access to Millennium Green (including for maintenance vehicles) must not be hindered by development.
- Site-specific Flood Risk Assessment, Surface Water Drainage Report, drainage maintenance plan, and temporary drainage (during construction) plan required. Infiltration may be possible at this site.
- Some adjacent trees should be regarded as constraints. Impact assessment required.
- Preliminary Ecological Appraisal required. This may identify a need for an Ecological Impact Assessment.
- Phase I Contaminated Land Report required.
- Electric vehicle parking spaces required.
- Noise Assessment required. Site may be subject to elevated levels of noise from adjacent sports pitches and recreation field.
- Health Impact Assessment required.
- Site is within a Development High Risk Area as defined by the Coal Authority. Coal Mining Risk Assessment required.
- Section 106 planning obligations likely to relate to affordable housing, education, highways, public open space and drainage.
- Pre-application public consultation is encouraged.

5.2 During the life of the application, on 02/04/2019 the applicant submitted indicative layout drawing 3049-0-001-I, which shows a revised vehicular access from Green Acres Close to the Millennium Green.

5.3 Officers again asked the applicant to provide details of the applicant's efforts to secure access from Wentworth Drive.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

6.2 The site is allocated for housing in the Local Plan (site allocation ref: H358, as modified).

6.3 Relevant policies are:

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP4 – Providing infrastructure
PLP5 – Masterplanning sites
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing mix and affordable housing
PLP20 – Sustainable travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP23 – Core walking and cycling network
PLP24 – Design
PLP27 – Flood risk
PLP28 – Drainage
PLP30 – Biodiversity and geodiversity
PLP32 – Landscape
PLP33 – Trees
PLP34 – Conserving and enhancing the water environment
PLP35 – Historic environment
PLP47 – Healthy, active and safe lifestyles
PLP48 – Community facilities and services
PLP49 – Educational and health care needs
PLP50 – Sport and physical activity
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP53 – Contaminated and unstable land
PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.4 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Strategic Housing Market Assessment (2016)

National Planning Policy and Guidance:

6.5 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised via five site notices, a press notice, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 05/04/2019.

7.2 124 representations were received in response to the council's consultation. Redacted versions of these have been posted online. All representations raised objections to the proposed development. The following is a summary of the points raised:

- Highways-related objections to using Warburton for access. Warburton is narrow, has no footways or pedestrian refuges, is congested, is used by horse riders, already experiences conflicts and near misses, has potholes, is poorly maintained, and doors of many houses open directly onto the carriageway. Warburton was built to accommodate pedestrians and horses and carts. Unacceptable road safety impacts. Lives could be put at risk. Risks to children using the recreation ground.
- Transport Statement does not define the objectives of the works proposed in Warburton, and does not detail baseline situation in Warburton, the impacts of the development, or the impacts of the proposed mitigation.
- Only access from Wentworth Drive would be acceptable. Site was allocated for development on the basis that primary access would be via Wentworth Drive and only secondary access via Warburton.
- On-street parking on Warburton would be displaced.
- Proposed hard margins would not be wide enough for people to use, and may cause water to drain into properties.
- Narrowing Warburton would exacerbate existing access problems.
- Emergency services already have difficulty accessing Warburton.

- Drivers would no longer be able to turn at the junction of Green Acres Close and Warburton.
- Visibility at Upper Lane / Warburton junction would remain sub-standard.
- Reducing width of Upper Lane with build-outs would render it insufficiently wide for a bus and an HGV to pass.
- Increased traffic congestion in the surrounding area. Proposal would result in a high, material impact in relation to traffic. Upper Lane is already unable to support rush hour traffic.
- Transport Statement does not note two road traffic accidents that occurred on Upper Lane in the last five years.
- Air pollution generated by additional traffic. Air quality is already a problem on Upper Lane due to congestion and vehicles waiting to pass each other.
- Cycling and walking to and from the site is not feasible.
- Adverse highway safety impacts of construction traffic. Damage to highway surfaces.
- Dirt, dust and noise during construction. Construction period could be lengthy.
- Development is not sustainable as occupants would be wholly reliant on the private motor vehicle due to lack of facilities and public transport.
- Footpath DEN/21/20 terminates between two buildings on Upper Lane where there is no footway, visibility is poor, and access is unsafe for pedestrians. Nearby bus stop on Upper Lane also lacks safe refuge for passengers.
- Footpath DEN/96/10 also joins Upper Lane where there is no footway.
- Footpath users would be endangered during cricket and football matches.
- No east-west footpaths are proposed.
- Adverse amenity impacts caused by proposed footpath lighting.
- Proposal is not in accordance with site allocation H358 as applicant proposes approximately 50 dwellings and a single access from Green Acres Close.
- Measures proposed in Transport Statement would be ineffective and proposed carriageway width reductions would make it difficult for vehicles to pass each other. 600mm hard margins are not wide enough for pedestrians with prams and/or children.
- Road Safety Audit includes errors.
- Higher density proposed than required by policy PLP7 (as modified).
- Lack of places at Emley First School, which is already oversubscribed. Quality of care would be compromised if class sizes increase.
- Kirkburton, Scisset, Flockton and Lepton schools are also oversubscribed.
- Proposed education contribution would be inadequate.
- Any education contribution should be spent locally.
- Doctor's surgery only provides a limited service, and would not be able to support the proposed development.
- Sewer infrastructure is incapable of supporting additional properties.
- Water supply in Emley is already struggling to cope with demand.
- Applicant's description of local facilities includes inaccuracies.
- Applicant's information regarding coal mining legacy is inaccurate. Area has capped workings.
- Site becomes boggy and waterlogged after heavy rain.
- Only five low-cost houses are shown on plan.

- Loss of green space. Rural areas should stay rural.
- No building should be allowed on this land.
- Brownfield sites or other fields should be developed instead.
- Adverse impacts upon Millennium Green. Trustees have rights over the application site, however these have not been referred to in the application. Loss of access to Millennium Green and its disabled parking spaces. Maintenance of Millennium Green would be prevented. Vista from Millennium Green would be spoilt.
- Adverse impacts on other open spaces in Emley.
- Adverse impacts upon trees.
- Adverse impacts upon wildlife.
- Adverse impacts on amenities of residents of Green Acres Close.
- Quality of life for all Emley residents would be reduced. Atmosphere of the village would change.
- Proposal would not provide any benefit to Emley.
- Adverse impact upon house prices.
- Risk of damage to properties on Warburton.

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority – No objection, subject to pre-commencement condition. Site is within the defined Development High Risk Area, therefore within the site and surrounding area there are coal mining features and hazards which need to be considered. Historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. Applicant's geoenvironmental report identifies that possible unrecorded shallow coal mine workings, including possible bell pits, pose a risk to the stability of the site. Applicant makes appropriate recommendations for intrusive ground investigation, including drilling boreholes, in order to establish the presence or otherwise of shallow coal mine workings. Potential mine gas risk should also be considered. Findings of the applicant's intrusive site investigations should be used to inform any mitigation measures, such as the extraction of remaining coal, 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.

Sport England – Holding objection. Proposed residential development adjacent to a cricket pitch runs the risk of ball strike which can cause injury and property damage, leading to claims against the cricket club which may result in unaffordable insurance, such that the cricket pitch's future may be prejudiced. England and Wales Cricket Board (the national governing body for cricket) advised that a ball strike risk assessment, undertaken by an approved test house, is needed. This should determine the height of mitigation required, detail the required ball stop design, and detail ongoing management and maintenance. Holding objection made until ball strike risk assessment is provided. Should the council be minded to grant planning permission contrary to Sport England advice, application will need to be referred to the Secretary of State.

Yorkshire Water – Conditions recommended regarding drainage for foul and surface water. Applicant's Flood Risk Assessment is acceptable.

KC Highways – Concern regarding proposed road access from Warburton, as there are no footways to both sides of the majority of the length of Warburton, there are poor sight lines at the junctions of Green Acres Close / Warburton and Warburton / Upper Lane, 16 existing driveways have poor sight lines onto Warburton, there are around 15 existing houses with front doors opening directly onto the carriageway of Warburton, on-street parking (26 parked vehicles were observed on 24/07/2018) reduces the available carriageway width for both vehicles and pedestrians, and over 80 dwellings already have access from Warburton.

14 separate problems have been identified with the proposed works in the applicant's Road Safety Audit, however no designer's response has been provided to address these concerns.

The proposed sight line improvements at the Warburton / Upper Lane junction would reduce the width of the carriageway of Upper Lane to through traffic. Upper Lane is a classified road and a bus route, and reducing width at this location may not be in the best interests of highway safety, given the potential use of the road by larger vehicles including buses.

The proposed "H" bar road marking intended to provide space for vehicles to pass along Warburton are not enforceable, and would in any case displace parking to other areas of Warburton.

Hard margins discourage vehicles from travelling close to the carriageway edge, and potentially provide an area for pedestrians to step out, but vehicles already tend not to drive close to walls and hedges. Vehicles are likely to park on the proposed hardened verge along the recreational field.

The proposed works to the Green Acres Close / Warburton junction would provide minimal improvements to visibility from the junction, and would reduce the width of the carriageway where vehicles park opposite.

The public footpaths that the applicant intends to improve emerge onto Upper Lane at locations where no nearside footway is available, and where visibility of approaching traffic will be limited. There is therefore no place of safety for pedestrians to stand when emerging onto Upper Lane.

The proposed improvements to Warburton are of little value, and would not provide any real improvement.

The application should be refused on highways safety grounds.

KC Strategic Drainage – No objection, given application is for outline permission with all matters reserved other than access. However, applicant's Flood Risk Assessment states that no site investigation has been carried out, therefore the feasibility of infiltration cannot be assessed at this stage. The hierarchy of preference for surface water disposal methods must be followed, the Lead Local Flood Authority's data suggests the site is likely to be highly suitable for infiltration, and infiltration testing must be undertaken to BRE Digest 365 standard in a location representative of the proposed location of

any soakaway or infiltration feature. Any future application without full infiltration investigation will attract an objection. Should infiltration be tested and demonstrated not to be feasible, a discharge rate of 3l/s would be permitted. Applicant will need to size and site attenuation to meet this discharge rate, and to ensure no flooding would occur on site in the critical 1 in 30 year storm, and no flooding that poses a risk to users of the site or that discharges off site above the 3l/s rate would occur in the critical in 100 years (plus climate change) storm event. Opportunities to provide storage in safe areas on the surface can be explored. If attenuation is proposed in oversized pipes or crate storage under the carriageway, dimensions greater than 1,500mm would preclude highway adoption by the council. Applicant should provide further simulations to calculate storage required for longer duration storms using both summer and winter profiles. Applicant's allowance for a 10% uplift in impermeable area is good practice and should be retained in any future planning submissions. A discharge agreement, maintenance easements and a new headwall would need to be secured. Surface water flood risk is minimal in the area around the application site. Applicant's acknowledgement that an overland flow route should be provided for exceedance events is good practice. Applicant has referred to swales, ponds, reed beds and other sustainable drainage systems, and these are encouraged. Hardstanding areas should be permeable, and applicant should explore connecting gutter down pipes to rainwater harvesting units and water butts, with overflow into rainwater gardens or ponds.

8.2 **Non-statutory:**

Police Architectural Liaison Officer – No objection in principle. Proposed development should be built in accordance with the requirements for good crime prevention design. Condition recommended. Public footpaths must not be positioned to the rear or side of gardens such that access to gardens would be enabled. Should footpaths be essential to the rear of properties, they should be gated and illuminated. Rear gardens should be divided with close boarded fencing to a minimum 1.5m in height, and 1.8m in height for the first 2m from the rear of the building. Advice provided regarding gate locks. Front gardens should have a marked boundary hedge, low wall, fence or railings that clearly distinguishes the private space of the garden from the public space outside it. Public open space should be supervised from nearby dwellings, and should not immediately abut residential buildings or rear gardens. Advice provided regarding door and window specifications, and external lighting. Car parking should be in-curtilage or within view of the car owner's home. Rear parking court areas, hidden from view behind garden fencing, are unacceptable. Secure cycle storage required.

KC Ecology – No objection – proposed development is unlikely to result in significant ecological harm, subject to conditions. The required biodiversity net gain can be secured through a recommended condition requiring an Ecological Design Strategy. Condition recommended regarding removal of hedgerows, trees and shrubs.

KC Education – Education contribution of £62,055 required.

KC Environmental Health – Recommendations in applicant’s contaminated land report are agreed with. Conditions recommended regarding contaminated land. Applicant’s noise report is not accepted, as it does not provide any background noise levels for the application site, and does not take into account evening football matches. Readings should have been taken during matches. Regarding noise from cricket matches, levels from a comparable site could be used and compared against the background level to ascertain the impact of this activity. Pre-commencement condition recommended regarding noise. Condition recommended regarding air quality, requiring electric vehicle charging points and Travel Plan. Condition recommended regarding dust suppression. Advice provided regarding hours of noisy works.

KC Landscape – Public right of way would be better separated from main estate road, possibly with the inclusion of a tree-lined grass verge with soft landscaping. 44 units triggers the requirement for a Local Area of Play which could partially be on-site within the small public open space area at the site entrance (if the minimum separation distances are demonstrated) or off-site as a financial contribution, potentially towards the adjacent recreation ground or other doorstep provision. Relevant calculations can be provided when the design of the public open space and on-site amenity green space are confirmed. Little detail is provided to identify the use of the small public open space on the site – details of management, maintenance, accessibility, surfacing, and the area’s size are needed. Denby Dale ward is deficient in parks and recreation grounds, and in allotments, and provision of these should be explored. Clarity required regarding planting and hedgerows along streets, and retention of existing hedgerows. Tree planting in front gardens would help break up hard surfacing of roads, parking spaces and driveways. Space should be allocated for bin storage, and presentation points for collection are required (these should not obstruct pavements). Query if existing vehicular access to Millennium Green would be retained. Detailed advice provided regarding hard and soft landscaping, landscape management, public open space, tree planting, street lighting, bin capacity and grit bins.

KC Parks and Recreation – No objection. Footfall in adjacent recreation ground may increase if public footpath is lost. Access from the proposed development to the recreation ground should be maintained.

KC Planning Policy – Site is allocated in the Local Plan as site H358, so the principle of residential development of the site has been established. Constraints and site specific considerations are identified in the site allocation. Most appropriate point of access for the site would be via Wentworth Drive, and the site was allocated in the Local Plan on the basis that Green Acres Close would not form the main point of access for the site. Proposed 44 dwellings (indicative) corresponds with the Local Plan site allocation’s indicative capacity, and 35 units per hectare requirement of policy PLP7 (as modified). A mix (in terms of size and tenure) of housing should be provided, taking into account evidence in the Kirklees Strategic Housing Market Assessment (2016), and providing 20% of units as affordable housing (with a higher proportion encouraged). Indicative proposed layout would retain the alignment of the public right of way that crosses the site. It is unclear whether sufficient access to the Millennium Green is proposed. Parts b and e of Local Plan policy PLP21 apply, as do criteria d and f of the policy PLP24, and policies PLP28 and PLP63 (all as modified).

Further comment, providing breakdown of open space requirements of a 44-unit residential development at this site, in light of Local Plan policy PLP63 (as modified):

- Parks and recreation grounds – enhancement required.
- Natural / semi-natural greenspace – 2,138sqm provision required.
- Allotments – 220sqm provision required.
- Amenity greenspace – 642sqm provision required.
- Children and young people – 590sqm provision required.

Policy PLP63 (as modified) requires residential developments to provide open space based on an assessment of the quantity, quality and accessibility of the existing open space within the area, taking into account any deficiencies. Where existing open space is insufficient to meet local needs, new open space on-site would be preferred, to meet the needs of the development. Where this is not possible the expansion or improvement of existing open space in the area can be acceptable. In areas where existing provision is sufficient, new open space can be provided on-site for amenity purposes and to achieve a well-designed scheme. For this application, some on-site public open space comprising amenity greenspace and landscaping or treeplanting would be appropriate if well designed as a linear green route along the public footpath.

KC Public Health – No comment, as proposed development falls outside the agreed screening criteria for the completion of a Health Impact Assessment.

KC School Organisation and Planning – Proposed development would require a Section 106 education contribution of £62,055.

KC Strategic Housing – The council seeks 20% affordable housing provision on sites where 11 units or more are proposed. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be acceptable where appropriate. Within Kirklees Rural East there is a significant need for affordable 1- and 2-bedroom housing, as well as a need for affordable 3+-bedroom housing and 1- and 2-bedroom housing specifically for older people. Kirklees Rural East has some of the highest house prices in the borough. 20% affordable housing is required, provided as a mix of 1-, 2-bedroom (especially) and 3+-bedroom units, with a 54% social or affordable rent / 46% intermediate tenure split (although this can be flexible). Affordable dwellings should be distributed across the site in clusters of two, three, four or five dwellings together, rather than all located in one part of the development.

KC Trees – No objection.

8.3 **Other responses:**

Cllr Will Simpson – A number of residents are frustrated that none of the education contribution would go to Emley First School. This should be reconsidered, to secure some additional funding for Emley First School.

Denby Dale Parish Council – Objection. Site was allocated in the Local Plan for 44 dwellings with Wentworth Drive as the main point of access and Green Acres Close providing minor secondary access. Proposal for 50 dwellings with a single access from Green Acres Close is contrary to Local Plan policy. Warburton is narrow, lacks footways, has little off-street parking and has doors

opening directly onto the road. Emley and Emley Moor's only children's playground is on Warburton. Warburton meets Upper Lane which is already highly congested and lacks footways and off-street parking. Local Plan policy PLP21 is relevant. An uplift of 70% in vehicular movements on Warburton is a material consideration.

Negative effect on Emley Millennium Green which requires safe pedestrian access and disabled parking provision.

Water supply, drainage and sewage have been an ongoing problem in Emley, and the proposed additional housing would have an adverse effect on a system that cannot cope with existing needs.

Emley is an isolated rural settlement with an infrequent and unreliable public transport provision. It is not feasible for residents to walk or cycle to jobs, services or amenities. Private vehicle use is essential for day-to-day living and the addition of 50 households is not sustainable.

9.0 MAIN ISSUES

- Land use, sustainability and principle of development
- Urban design issues
- Residential amenity and quality
- Highway issues
- Flood risk and drainage issues
- Ecological considerations
- Trees
- Representations
- Planning obligations
- Other planning matters

10.0 APPRAISAL

Land use, sustainability and principle of development

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The application site is allocated for housing in the Local Plan (site allocation ref: H358, as modified). Full weight can be given to this site allocation, which identifies the following constraints relevant to the site:
- Potential third party land required for access.
 - Public right of way crosses the site.
 - Limited surface water drainage options.
 - Part/all of site within a High Risk Coal Referral Area.

- 10.4 Other site specific considerations are listed under site allocation H358 (as modified) as follows:
- Development on the site shall ensure access to the Millennium Green is retained.
 - The Public Right of Way shall be retained.
- 10.5 An indicative capacity of 44 dwellings is noted in the supporting text of the site allocation.
- 10.6 Regarding site allocation H358, the Inspector's Report of 30/01/2019 stated at paragraph 306:
- H358, east of Wentworth Drive, Emley – The site is contained between dwellings off Wentworth Drive and Warburton Road, and is well related to the built-up form of the village. The Council's highways evidence indicates the main site access can be achieved from Wentworth Drive, and no other fundamental constraints to development have been identified. The site contains a PROW and provides access to the adjoining Millennium Green, and this should be referenced in the policy for reasons of effectiveness (SD2-MM213). Subject to this modification, I am satisfied that the proposal is sound.*
- 10.7 Ordnance Survey maps from 1893 onwards annotate parts of Tyburn Hill as "Allotment Gardens", however these annotations do not clarify precisely which land was used as allotments. That use has ceased in any case, and aerial photographs from 2000 onwards do not indicate the application site was in use as allotments over the last 19 years. Therefore, it is considered that the proposed development does not conflict with the final sentence of Local Plan policy PLP61 (as modified) which protects small, valuable green spaces (including allotments) not identified on the Policies Map, or with policy PLP47 (as modified) which encourages the provision of allotments.
- 10.8 Subject to highways, design, residential amenity, public rights of way and other matters being appropriately addressed, it is considered that residential development at this site is acceptable in principle, and would make a welcome contribution towards meeting housing need in Kirklees.
- 10.9 Furthermore, and subject to further details that would be submitted at Reserved Matters stage, it is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area, its proximity to some (albeit limited) local facilities, and the measures related to transport that can be put in place by developers.
- 10.10 Emley and the application site are not isolated and inaccessible, however it is noted that public transport provision in the village is limited – there is no railway station within walking distance, and a Huddersfield-Wakefield bus provides an hourly (at best) service. Although Emley has a relatively extensive network of public rights of way, it is noted that distances between settlements, topography, and shortcomings such as a lack of footpath lighting and footpaths meeting streets without footways mean residents of the proposed development are unlikely to travel on foot in large numbers on a daily basis when moving to and from their homes, workplaces and other destinations. Cycling, although possible along roads, is unlikely to be taken up in large numbers by residents, due to the area's topography and lack of dedicated cycle paths. A major residential development in Emley that was entirely reliant on the private car is

unlikely to be considered sustainable, therefore at Reserved Matters stage the applicant would need to submit a Travel Plan setting out measures to discourage private car journeys, and promote the use of sustainable modes of transport. The council's proposals for the Core Walking, Cycling and Riding Network (which extends to the western edge of Emley) would need to be referred to in the applicant's Travel Plan.

- 10.11 Regarding the social infrastructure currently provided and available in Emley (which is relevant to the sustainability of the proposed development), it is noted that local GP provision is limited, and this has been raised as a concern in many representations made by local residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations. Several residents have pointed out that the applicant's description of other local facilities includes errors, and while these are noted, it is also noted that Emley currently has a shop offering Post Office services, two churches, two pubs, a school, and sports and recreation facilities, such that at least some of the social and community needs of residents of the proposed development can be met within Emley, which further indicates that residential development at this site can be regarded as sustainable.
- 10.12 Officers' recommendation to accept the principle of residential development at this greenfield site, however, is not given lightly. If this site is to be released for development, the development's impacts would need to be mitigated, and a high quality development will be expected. These matters are addressed later in this report, and would require further consideration at Reserved Matters stage.

Urban design issues

- 10.13 Relevant design policies include chapter 12 of the NPPF, and Local Plan policies PLP2 and PLP24.
- 10.14 The application site is located at the edge of an existing, well-established settlement. Residential development exists immediately to the east and west of the site, and this means the proposed development would sit comfortably within its context without appearing as a sprawling, inappropriate enlargement to Emley. Although the proposed development would be visible from several public vantagepoints, its visual impact would not be significant or adverse in the context of the surrounding development already built. Green Belt land to the south of the site would continue to provide green framing around the enlarged settlement, and urban green space to the north would continue to provide relief in the form of an undeveloped green space between built-up areas.

- 10.15 The proposed site layout shown in drawing 3049-0-001-I, and the number of dwellings illustrated, must be regarded as indicative, given that the applicant does not seek approval of appearance, landscaping, layout and scale, and has not specified a number of units for approval. As this drawing is currently before the council, however, it is appropriate to comment on it, to inform future design work.
- 10.16 The proposed layout is considered problematic. Of particular concern, the proposed development would create poor relationships between dwellings and the surrounding open spaces, and between dwellings and public footpaths DEN/21/20 and DEN/96/10. Opportunities to provide natural surveillance to these routes and areas would not be utilised, and instead there would be several locations where the public realm would be lined with side elevations, rear garden fences and parking areas. The proposed treatment of public footpath DEN/21/20 is also problematic in that, for much of its length through the application site, the footpath would be subsumed into the footway of the proposed development's estate road, whereas a green link of amenity and biodiversity value, possibly lined with on-site public open space, would be more appropriate. As approval of this indicative layout is not sought by the applicant at this stage, however, no layout-related reasons for refusal are recommended.
- 10.17 The proposed layout is suburban in character. The mix of short terraces, detached and semi-detached dwellings proposed by the applicant would assist the efficient use of the site, and would be sufficiently reflective of patterns of existing development in Emley.
- 10.18 With 44 units illustrated in a 1.18 hectare site, a density of approximately 37 units per hectare would be achieved. This is close to the 35 units per hectare density specified (and applicable "where appropriate") in Local Plan policy PLP7 (as modified) and it is noted that site allocation H358 refers to an indicative capacity of 44 units, albeit for a 1.28 hectare site.
- 10.19 It is not anticipated that the proposed development would adversely affect the significance of nearby heritage assets, however this matter would need to be considered in detail at Reserved Matters stage.
- 10.20 Details of elevations, house types, materials, boundary treatments, landscaping and other more detailed aspects of design would be considered at Reserved Matters stage. Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would also need to be provided at Reserved Matters stage.
- 10.21 The West Yorkshire Police Architectural Liaison Officer has raised concerns regarding the proposed layout, and these would need to be addressed, crime prevention measures would need to be incorporated, and a revised layout would need to be secured at Reserved Matters stage.

Residential amenity and quality

- 10.22 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties.

- 10.23 As noted above, the site layout shown in drawing 3049-0-001-I is indicative, however it is nonetheless appropriate to comment on it in relation to the amenities of existing neighbouring residents, to inform future design work. Based on this layout and the limited information submitted at this outline stage, it is considered likely that impacts upon the outlook, privacy and natural light currently enjoyed by neighbouring residents will be acceptable, or can be made acceptable through careful (re)design. The proposed positioning and likely heights of the proposed dwellings (in relation to the site's boundaries and to the habitable room windows and outdoor amenity spaces of neighbouring properties) would certainly affect existing outlook, but not to an unacceptable degree. The proposed dwellings would, or could, be positioned far enough away from neighbouring properties to not adversely affect the amenities currently enjoyed by existing residents.
- 10.24 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the quantum of development proposed, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses. The increased number of people and vehicles passing through Green Acres Close (which is currently a relatively quiet residential street serving a small number of properties) would certainly affect the amenities of those existing residents, however it is considered that this impact would not be so great as to warrant the refusal of outline planning permission on amenity grounds.
- 10.25 Had approval of outline planning permission been recommended, a condition requiring the submission and approval of a Construction Management Plan would have been applied. The necessary conditions-stage submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time.
- 10.26 The amenities and quality of the proposed residential accommodation is also a material planning consideration, although it is again note that details of the proposed development's appearance, landscaping, layout and scale are reserved at this stage.
- 10.27 All units shown on the applicant's indicate layout would benefit from dual aspect, and are capable of being provided with adequate outlook, privacy and natural light. Dwellings could be provided with adequate outdoor private amenity space.
- 10.28 At Reserved Matters stage, the applicant would be encouraged to provide bathrooms (and possibly bedrooms or adaptable rooms) at ground floor level in the larger units, providing flexible accommodation and ensuring that a household member with certain disabilities could live in this dwelling. Dwellings should have WCs at ground level, providing convenience for visitors with certain disabilities.

Highway issues

- 10.29 Existing highways conditions around the application site must be noted. The site meets the terminus of Green Acres Close to the east, and almost meets the terminus of Wentworth Drive to the west. Both Wentworth Drive and Green Acres Close are relatively quiet residential street. Green Acres Close serves nine dwellings, has footways on both sides of the carriageway, has no yellow road markings, and has vehicular and personnel gates at its terminus (providing access to the application site and the Millennium Green). Green Acres Close connects to the wider highway network via Warburton, which already serves over 80 dwellings, and which has no footways along the majority of its length, has poor sight lines in places (at the junctions with Green Acres Close and Upper Lane), has 16 existing driveways with poor sight lines, has around 15 houses with front doors opening directly onto the carriageway, and has reduced carriageway width (for both pedestrians and vehicles) in places due to on-street parking. 26 parked vehicles were observed on Warburton by Highways Development Management officers on 24/07/2018, and several local residents have submitted commentary and photographs confirming that Warburton is heavily parked on a regular basis. Wentworth Drive has footways on both sides of the carriageway, has no yellow road markings, and connects to the wider highway network at Beaumont Street (which is a continuation of Upper Lane) to the north.
- 10.30 The applicant proposes to provide access for pedestrians, cyclists and vehicles from Green Acres Close. Pedestrians would also be able to access the development from public footpath DEN/21/20 which dissects the site, and public footpath DEN/96/10 to the east. Access to the adjacent Millennium Green would be maintained through the southeast corner of the site, from Green Acres Close. No access is proposed from Wentworth Drive – the applicant has stated that this is because a ransom strip (in the ownership of three or four parties) exists at the terminus of Wentworth Drive. It is understood that the applicant believes that providing access through this third party land would be too difficult and/or costly to secure.
- 10.31 Given Warburton's significant constraints, any proposal to provide the application site's sole vehicular access via Green Acres Close would be of concern, and would be considered inferior to providing vehicular access from the less-constrained Wentworth Drive to the west. Given that access from Wentworth Drive is by far the more appropriate option, at pre-application stage officers advised the applicant that, if they were to pursue the idea of providing access from Green Acres Close, they would need to submit evidence of the efforts made to secure access from Wentworth Drive before it was discounted by the applicant as an option (copies of correspondence with landowners, details of their asking price(s), and other relevant information were requested) and before an inferior access proposal could be considered. This request was repeated at application stage, however no such evidence has been submitted by the applicant.
- 10.32 In an attempt to address the above concerns regarding access, the applicant proposes works outside the application site, to Warburton and to public footpaths DEN/21/20 and DEN/96/10. Footpath DEN/96/10 would be widened from 0.9-1m to 2m, and street lighting would be installed. Footpath DEN/21/20 would be widened and hard-surfaced, and street lighting and signage would be installed. To Warburton, the applicant proposes:

- Footway extension and white lining realignment at the junction with Upper Lane.
- 600mm wide hard margins (with 25mm upstand) and hardened verge along much of the west side of Warburton, between the junctions with Green Acres Close and Upper Lane.
- 600mm wide hard margins (with 25mm upstand) along parts of the east side of Warburton, between 1 to 11 and 23 to 47 Warburton (approximately).
- Related relocating, raising and lowering of gullies, BT cover, lamppost, telegraph pole, manhole covers.
- “H” bar marking out of no parking areas to allow access to the recreation ground and for vehicles to pass.
- “H” bar marking out (and formalisation) of on-street parking areas adjacent to the recreation ground.

- 10.33 As a result of the above works, the carriageway widths of Warburton would be reduced to 5.2m, 5.3m, 5.8m, 5.3m, 5.1m, 4.8m, 4.5m, 4.7m and 5.7m at the various points indicated on the applicant’s drawing 1035 101 rev A at Appendix C of the applicant’s Transport Statement. The applicant is not attempting to suggest that the 600mm wide hard margins can be regarded as footways – rather, they are proposed as “step off” places for pedestrians should they meet an oncoming vehicle, and to provide a buffer between the carriageway and those residential properties that are currently located immediately adjacent to the existing carriageway.
- 10.34 The applicant has submitted a Stage 1 Road Safety Audit dated October 2018. Although paragraph 3.6.6 of the Transport Statement indicates that its findings resulted in amendments to the Warburton proposals, no designer’s response has been provided to confirm how the 14 identified problems have been addressed.
- 10.35 The proposed works to Warburton raise several concerns. The proposed sight line improvements at the Warburton / Upper Lane junction would reduce the width of the carriageway of Upper Lane to through traffic. Upper Lane is a classified road and a bus route, and Highways Development Management officers have advised that reducing carriageway width at this location may not be in the best interests of highway safety, given the potential use of the road by larger vehicles including buses.
- 10.36 The proposed works to the Green Acres Close / Warburton junction would provide minimal improvements to visibility from the junction, and would reduce the width of the carriageway where vehicles park opposite.
- 10.37 It is accepted that hard margins discourage vehicle drivers from travelling close to the carriageway edge, and potentially provide an area for pedestrians to step out of the way of vehicles, however it is noted that drivers already tend not to drive close to walls and hedges, therefore the proposed hard margins are unlikely to be of benefit. Furthermore, there is a risk that drivers of vehicles would simply use the proposed hardened verge (which would replace the existing grass verge) along the recreational field for parking.

- 10.38 The proposed “H” bar road marking intended to provide space for vehicles to pass along Warburton is not enforceable, and would in any case displace parking to other areas of Warburton.
- 10.39 It is considered that the proposed works to Warburton would be of little value, and would not provide real improvements (in relation to highways safety, the flow of traffic, and limiting conflicts) to enable a significant increase in vehicular movements to Warburton to be accepted. Given the problems and conflicts already experienced along Warburton, and the significant increase in traffic that the proposed development would cause, the proposed development would increase risks to pedestrian safety and the risk of conflicts between drivers, and would therefore have an unacceptable, detrimental impact on highway safety.
- 10.40 It is accepted that the proposed widening, surfacing and lighting of public footpaths DEN/21/20 and DEN/96/10 could increase the likelihood of them being used by residents of the proposed development. Residents of Green Acres Close and Saxon Close, and possibly some residents of the southern end of Warburton, may also be encouraged to use these footpaths if they were so improved. This could mean fewer pedestrians would need to negotiate Warburton, and the risk of pedestrian-vehicle conflicts could be reduced. However, it is noted that these public footpaths emerge onto Upper Lane at locations where no nearside footway is available, and where visibility of approaching traffic will be limited. There is therefore no place of safety for pedestrians to stand when emerging from these footpaths onto Upper Lane. The attraction of public footpath DEN/96/10 would also be limited by the treatment proposed, and lack of natural surveillance of, the indicative layout proposed by the applicant. Having regard to these shortcomings, the proposed public footpath works, although of some benefit, would not sufficiently address the concerns regarding highways safety and Warburton set out above.
- 10.41 The applicant’s Transport Statement predicts that, for a development of 50 dwellings in this location, approximately 28 trips would be generated during the morning peak hour, and approximately 31 would be generated during the evening peak. These are considered significant in the context of the capacity of Warburton, and such a level of vehicle movement further demonstrates that a sole vehicular access from Warburton would not be appropriate. Furthermore, given the predicted level of vehicle movement, and the lack of information in the applicant’s Transport Statement regarding predicted pedestrian and cycle movements, it is clear that measures (proposed via a Travel Plan) to encourage the use of sustainable modes of transport would need to be proposed at Reserved Matters stage.
- 10.42 Given that the submitted site layout plan is indicative, commentary on the detailed design of the internal estate roads is not necessary at this stage.
- 10.43 There is adequate space within the application site for policy-compliant provision of on-site parking and cycle parking for the indicative 44 units, however details of this provision would be considered at Reserved Matters stage.

Flood risk and drainage issues

- 10.44 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) was submitted by the applicant.
- 10.45 The applicant's FRA appropriately recommends site investigation to ascertain whether infiltration (for the disposal of surface water) would be possible – infiltration would indeed be the preferred surface water discharge method, and the Lead Local Flood Authority's data suggests the site is likely to be highly suitable for infiltration.
- 10.46 The Lead Local Flood Authority (LLFA) has raised no objection to the granting of outline planning permission for residential development at this site. The LLFA have provided further, detailed advice, to inform future design work, however at this outline stage it is not considered necessary to pursue detailed information regarding drainage and flood risk, given that a proposed site layout, and details of the number of residential units (and their locations in relation to potential sources and mitigation of flood risk) would not be fixed, had officers recommended that outline permission be granted. Detailed information would be required at Reserved Matters stage, as would details of flooding routes, permeable surfaces, rainwater harvesting, water butts, and rainwater gardens and ponds, had approval of outline planning permission been recommended.

Ecological considerations

- 10.47 The applicant has submitted a Preliminary Ecological Appraisal Report which states that on-site habitats do not represent a significant constraint to development, and that no protected species have been identified. The report does not recommend that any further, detailed ecological studies be carried out, but recommends "standard" precautions regarding nesting birds and hedgehogs.
- 10.48 The council's Biodiversity Officer has raised no objection to the proposed development, stating that it is unlikely to result in significant ecological harm, subject to conditions. It is possible to develop the site for residential use while providing the required biodiversity net gain, in accordance with relevant local and national policy, including Local Plan policy PLP30 (as modified) and chapter 15 of the NPPF.

Trees

- 10.49 There are no protected trees on or immediately adjacent to the application site, however there are trees within the adjacent Millennium Green and elsewhere around the edges of the site. Many of these are worthy of retention, some may overhang the site boundary, and some should be regarded as constraints at the application site. When a detailed layout is prepared prior to Reserved Matters stage, the applicant would need to provide a good level of separation between the proposed dwellings and these trees, and a full assessment of potential impacts upon these trees would need to be carried out.
- 10.50 The council's Arboricultural Officer has raised no objection in principle to residential development at this site.

Representations

10.51 The majority of concerns raised in representations are addressed earlier in this report. Other matters raised are addressed as follows:

- Impacts on Millennium Green – Although there would inevitably be some noise and disruption during the construction period (were planning permission to be granted for the proposed development), it is not considered that noise from the completed development would adversely affect the amenities of the Millennium Green. Furthermore, dwellings would not overshadow this open space. The applicant's amended site layout plan 3049-0-001-I which shows a revised vehicular access from Green Acres Close to the Millennium Green, thus addressing the relevant site allocation requirement, and concerns regarding loss of access.
- Number of units – Residents have noted that 44 dwellings are shown on the indicative layout plan, yet 50 are referred to in some of the applicant's supporting documents. As both figures are taken to be indicative, and as no number of units would be approved at this outline stage, this is not a matter of concern. The number of units would need to be specified at Reserved Matters stage.
- Construction impacts – To address construction noise, dust and other potential impacts, a condition requiring the submission and approval of a Construction Management Plan would have been appropriate, had approval of outline planning permission been recommended.
- Sewerage and water supply – Yorkshire Water have not raised objections in relation to these infrastructure matters.
- Impact on house prices – This is not a material consideration relevant to this planning application.
- Risk of damage to properties on Warburton – This is not a material consideration relevant to this planning application, however the Construction Management Plan (referred to above) would need to include contact details of a site manager, and construction traffic would need to be organised to ensure adverse impacts upon neighbouring properties are minimised.

Planning obligations

10.52 To accord with Local Plan policy PLP11 (as modified), 20% of the proposed development's residential units would need to be provided as affordable housing. These would need to be a mix of 1-, 2-bedroom (especially) and 3+-bedroom units, with a 54% social or affordable rent / 46% intermediate tenure split (although this can be flexible). Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.

10.53 The council's Education department were consulted and commented that a contribution of £62,055 would be required, based on the applicant's current indicative layout which illustrates 44 residential units. Following further design work, however, the unit number proposed at Reserved Matters stage may trigger the need for a larger or smaller contribution.

- 10.54 No publicly-accessible open space has been illustrated or annotated on the applicant's indicative site layout plan, and at paragraph 3.23 of the submitted Planning, Design and Access Statement the applicant stated that "the development proposals will seek to deliver a financial contribution towards the improvement of existing facilities in the area, rather than on site, in order to deliver benefits to the wider community". Open space contributions would need to be secured via a Section 106 agreement at Reserved Matters stage, having regard to any on-site provision that may need to be secured in connection with revisions to the applicant's indicative layout, and to ensure public footpaths are appropriately treated.
- 10.55 Planning obligations related to the provision and maintenance of drainage systems may need to be secured at Reserved Matters stage.
- 10.56 Contributions intended to mitigate the highways impacts of the proposed development may need to be secured at Reserved Matters stage. The need for such contributions would be assessed once the proposed number of residential units has been confirmed, and following a redesign to address the highways safety concerns set out earlier in this report.

Other planning matters

- 10.57 With regard to ground contamination, the applicant submitted a Preliminary Geoenvironmental Investigation report. The recommendations set out therein are accepted by the council's Environmental Health officers, and appropriate conditions would have been recommended, had the application been recommended for approval, to ensure compliance with Local Plan policy PLP53 (as modified).
- 10.58 The proposed development would cause an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, Local Plan policies PLP21, PLP24 and PLP51 (as modified), the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. A condition requiring the submission, approval and implementation of a Travel Plan designed to encourage the use of sustainable and low-emission modes of transport would have been recommended had officers recommended approval of outline planning permission.
- 10.59 The application site is within the Development High Risk Area as defined by the Coal Authority, therefore within the site and surrounding area there are coal mining features and hazards. This is, however, not a reason for refusal of outline planning permission. Had approval been recommended, a pre-commencement condition would have been appropriate, in accordance with the advice of the Coal Authority.
- 10.60 The applicant has not submitted a ball strike risk assessment, and Sport England have submitted a holding objection in relation to ball strike risk. It is not yet established what risks from ball strikes exist at the application site, nor how severe these risks are. This is not considered to be a reason for refusal of outline planning permission, however, as it is noted that measures (if needed) can be put in place to mitigate these risks, and that these would be detailed

and considered at Reserved Matters stage. It is considered that ball strike risk does not prevent the principle of residential development being accepted at this site. Of note, should the Sub-committee resolve to grant outline planning permission (contrary to officers' recommendation and Sport England's holding objection), the current application would need to be referred to the Secretary of State.

11.0 CONCLUSION

- 11.1 The application site is allocated for housing in the Local Plan, and the principle of residential development at this site is considered acceptable.
- 11.2 The proposed development, however, raises significant concerns in relation to highways safety. The mitigative measures proposed by the applicant do not allay these concerns. Due to its detrimental impact on highway safety, the proposed development would be contrary to Local Plan policy PLP21 (as modified), and cannot be supported.

12.0 Reasons for refusal:

- 1) The proposed development would intensify vehicular movements on Warburton, which would increase risks to pedestrian safety and the risk of conflicts between drivers, due to the lack of adequate footways, visibility and space for parking. The proposed development would therefore have a detrimental impact on highway safety. This would be contrary to Kirklees Local Plan policy PLP21 (as modified).

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90380>

Certificate of Ownership – Certificate B signed

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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Apr-2019

Subject: Planning Application 2018/91866 Demolition of existing dwelling and erection of 4 dwellings 1, Ouzelwell Lane, Thornhill Lees, Dewsbury, WF12 9EP

APPLICANT

Z Hyder, Hyder Living

DATE VALID

07-Jun-2018

TARGET DATE

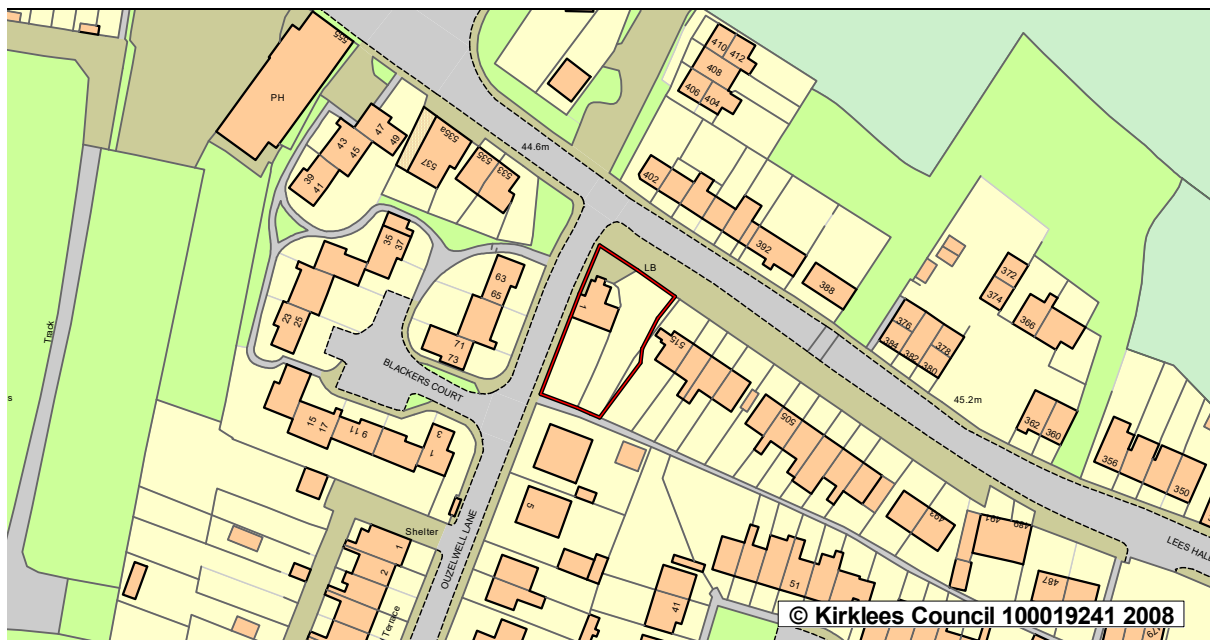
02-Aug-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury South

No

Ward Members consulted
(referred to in report)

RECOMMENDATION: REFUSE

1. The proposed dwellings, by virtue of the combination of their scale and design, would result in an incongruous and cramped form of development on this prominent corner site. The proposals would therefore be harmful to visual amenity and fail to add to the overall quality of the area and would not be visually attractive. As such, the proposals would be contrary to Policy PLP 24 (as modified) of the Kirklees Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework.

2. The proposed dwellings, due to a combination of the proximity to the rear site boundary and the scale of the dwellings, would result in the overlooking and overbearing impact on the rear elevation and rear garden area of no.515 Lees Hall Road. As such, the proposals would be harmful to residential amenity and contrary to Policy PLP 24 (as modified) of the Kirklees Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework, which seeks to, amongst other things, ensure that developments function well.

1.0 INTRODUCTION:

1.1 The application relates to a site at no.1 Ouzelwell Lane, off Lees Hall Road, Thornhill Lees. The application is for the demolition of the existing detached dwelling and the erection of 4 dwellings.

1.2 The application has been brought to the Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Masood Ahmed for the following reasons:-

1. My constituent and his agent have addressed all the issues you have raised, (see below email that they sent you on 6th November).

2. The reduced amenity space should NOT be an issue as there are different houses of all shapes and forms within close proximity and walking distance that meet the needs of the wider and diverse community it serves.

1.3 The Chair of the Heavy Woollen Planning Sub Committee has confirmed that Councillor Ahmed's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located at no.1 Ouzelwell Lane which is a corner site at the junction with Lees Hall Road. It covers approximately 0.06 hectare in area. It is an elongated site with frontage onto both Ouzelwell Lane to the west and Lees Hall Road to the north. It currently comprises of no.1 Ouzelwell Lane, a traditionally built detached dwelling with natural stone slate roof and its associated garden area.
- 2.2 It is a level site with a low brick boundary wall with some small trees and hedging to the side and rear boundaries. Immediately to the eastern boundary is no.515 Lees Hall Road and its associated garden area and to the south is no.3 Ouzelwell Lane.
- 2.3 The site is within a mainly residential area of varying types of housing, including detached and terraced dwellings. It is unallocated on the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the demolition of the existing dwelling and the erection of 4 dwellings in the form of two pairs of two storey, semi-detached dwellings. The dwellings forming Plots 1 and 2 would have rooms in their roof space. The dwellings are positioned towards the front of the site (towards Ouzelwell Lane) where there would be a small yard area with a small garden area to the rear. Parking would be provided to the side of each dwelling.
- 3.2 Each pair of dwellings is designed with a dual pitched roof and a central gable feature end facing the front of the site. There would be a single storey element to the rear. Plot 1, which is the corner site between Lees Hall Road and Ouzelwell Lane, would be slightly larger having 4 bedrooms; Plots 2 to 4 would be 3 bedroom properties.
- 3.3 Materials would be red brick for the facing material and blue-grey concrete roofing tiles.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2018/90032 – Demolition of existing dwelling and erection of 4 dwellings. Refused.

Reason for refusal of this previous application:

1. The proposed dwellings by virtue of the combination of the scale and design, in particular the treatment of the elevation facing Lees Hall Road, would result in an incongruous and cramped form of development on this prominent corner site. The proposals would therefore be harmful to visual amenity and fail to take the opportunities available for improving the character and quality of the area and the way it functions. As such, the proposals would be contrary to Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

2. *The proposed dwellings due to a combination of the proximity to the boundary and the scale of the dwellings, would result in overlooking and overbearing impact on the rear elevation and rear garden area of no. 515 Lees Hall Road. As such, the proposals would be harmful to residential amenity and contrary to Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.*

3. *The proposed maximum surface water discharge rate would be 9.3 l/s and reduced to 6l/s by the use of an attenuation tank sited in the rear gardens of houses 01 and 02. As this is a Greenfield Site the Council's standing advice to applicants is that surface water discharge must be restricted to 5 l/s. No calculations are given as to how the tank would work which in any case would result in a discharge rate greater than 5l/s. Policy PLP 28 of the Kirklees Publication Draft Local Plan states that the 5l/s discharge rate is the maximum starting point and levels lower than this should be achieved where possible. As such the proposals are considered to result in an increase in flood risk from surface water outside of the site contrary to Policy PLP28 of the Kirklees Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework.*

4.2 2017/20256 - Pre application enquiry for erection of 6 dwellings.

Pre-application advice given: *6 dwellings of 2/3 storeys would be an overdevelopment of the site. Should be reduced to a maximum of 4 dwellings of two storeys to allow for the recommended level of parking, appropriate amenity space and some form of soft landscaping to the front. No plans were submitted to show the proposed 4 dwellings and therefore no assessment was carried out at the pre-application stage for the 4 dwellings.*

4.3 2009/93195 - Erection of detached dwelling. Approved.

4.4 2006/90337- Outline application for erection of one detached dwelling. Approved.

4.5 2004/91669 - Outline application for erection of one detached dwelling. Refused.

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

5.1 Amended plans received 6/11/18 after discussions with the agent. The plans include the following amendments:

- Removal of dormers to the front and rear elevations of dwellings. This would be replaced by a gable feature on Plot 1.
- Reduction in height of dwellings on Plots 3 and 4.
- Change to side elevation of Plot 1 facing Lees Hall Road, showing a stepped design rather than the previously proposed "cranked" design.
- Changes to the parking layout to Plot 1 showing three parking places within the ownership of the applicant.
- Obscure glazing proposed in the first floor bedroom windows to the rear elevation of houses on Plots 3 and 4.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan:

- **PLP 1** - Presumption in favour of sustainable development (as modified)
- **PLP 11** - Housing mix and affordable housing (as modified)
- **PLP 20** - Sustainable Travel (as modified)
- **PLP 21** - Highway safety and access (as modified)
- **PLP 22** - Parking (as modified)
- **PLP 24** - Design (as modified)
- **PLP 28** – Drainage (as modified)
- **PLP 51**- Protection and improvement of local air quality (as modified)
- **PLP 52** - Protection and improvement of environmental quality (as modified)
- **PLP 53** - Contaminated and unstable land (as modified)

6.3 Supplementary Planning Guidance / Documents:

None relevant

6.4 National Planning Policy Framework:

- **Chapter 5** - Delivering a sufficient supply of homes
- **Chapter 12** – Achieving well designed places
- **Chapter 14** - Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** - Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Two letters of objection received.

In summary the issues raised are:

- Two large trees would be affected.
- Development would block view.
- Insufficient space for 4 dwellings and 9 parking spaces.
- Red brick would be out of keeping.
- Would be a shame to lose the old stone property.

8.0 CONSULTATION RESPONSES:

- 8.1 The following is a brief summary of Consultee advice; in most cases the consultation advice has been repeated from the previous application 2018/90032 (more details are contained in the Assessment section of the report, where appropriate):

8.2 Statutory:

K.C. Highways Development Management – No objection subject to conditions regarding surfacing and bin storage/collection area. It is also noted that the parking/access for Plot 1 is located on land owned by the Council and the parking provision would not be acceptable without this area of land.

Coal Authority - Inadequate Coal Mining Risk Assessment, however conditions can be imposed requiring intrusive ground investigation works and remediation if required. This has been confirmed with the Coal Authority on 1/04/19.

8.3 Non-statutory:

KC Landscaping - No comments received.

KC Ecology- The Bat survey indicates the building has a moderate potential for bat roosts. Therefore, further survey required and mitigation measures included. These can be conditioned.

Yorkshire Water- No objection in principle subject to appropriate condition.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated on the Kirklees Local Plan (KLP) as such Policy PLP 1 (as modified) is applicable and suggests that proposals that accord with the policies in the KLP (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
- 10.2 Policy PLP 3 (as modified) suggests that development will be permitted where it supports the delivery of housing and employment growth in a sustainable way by (amongst others) providing access to a range of transport choices and access to local services.

- 10.3 The site comprises of a dwellings and its associated garden area and as such, because part of the site includes the garden area, is not considered a previously-developed site under the definitions set out in Annex 2 of the National Planning Policy Framework. It is acknowledged that there is a previous approval on the site for one detached dwelling however this was decided prior to the introduction of the NPPF and when garden areas were considered as previously-developed sites. Notwithstanding the above, the site provides limited public amenity value and low ecological value. It is therefore considered that there would a presumption in favour of developing this site for residential purposes and that the principle of development would accord with the aims of the NPPF.

Urban Design issues

- 10.4 The proposed layout would be in the form of two pairs of semi-detached properties in a linear layout with frontages onto Ouzelwell Lane and amenity space to the rear. As noted above, these would be 2/3 storey on Plots 1 and 2 with rooms in the roof space and two-storey on Plots 3 and 4. The dwellings would be set forward of the existing building line on Ouzelwell Lane. Also, in relation to the rows of red brick terrace properties on Lees Hall Road, being 2/3 storey, these dwellings on Plots 1 and 2 would be fairly prominent on this corner site.
- 10.5 In terms of detailed design, one of the main issues is that the site is in a prominent corner position and the treatment of the side elevation of Plot 1 facing onto Lees Hall Road could have a significant visual impact. The original application proposed to leave this gable blank and would have mostly a rendered finish; this was considered to be at odds with most other materials used on Lees Hall Road. This re-submission now proposes to add visual interest to this elevation with a number of window openings. In addition, the dwellings would now be faced in red brick; this would match the adjacent dwellings on Lees Hall Road. In addition, the amended plans, received 6/11/18, show that the previously proposed “cranked” design has been replaced with a proposed “stepped” design. This is to accommodate the stand-off for the existing foul sewer across this part of the site. It is considered that, in general, these alterations now make this part of the development visually more appropriate, however there is still some concern by officers with the proposed rear gable on Plot 1 and full height detail resulting from the stepped design.
- 10.6 The front elevations would have a central gable feature, shared between the two attached dwellings; the removal of the previously proposed dormers now simplifies the appearance at roof level. As noted above, the proposal is now to use red brick for the facing material and as such this would create a more uniform appearance. Whilst this does not completely overcome the design concerns of officers, it is, on balance, considered to be a more satisfactory design solution.
- 10.7 In terms of the layout, this has been slightly altered from the previously refused application in order to provide parking within the ownership of the applicant. The amended plans also show a bin collection point to the front of the dwellings. In all other respects, the layout remains the same.

- 10.8 The site is angular in shape so that it narrows towards the southern boundary on Ouzelwell Lane. As a result, Plots 3 and 4 would have relatively small garden areas. This appears to be even further reduced as, according to records held by the Local Planning Authority, part of this site to the rear includes the garden area of no. 515 Lees Hall Road, which is within the ownership of Kirklees Council. The result is that the proposed dwellings would have very little amenity space or areas for appropriate landscaping; overall the dwellings would appear to be squeezed into the site resulting in a cramped form of development. Again, this would be harmful to visual amenity and would also go against good design principles in achieving a development which would function well and add to the overall quality of the area.
- 10.9 Overall, it is considered by officers that, in terms of the layout and design, the proposals would not be acceptable from a visual amenity perspective and would be contrary to Policy PLP 24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Residential Amenity

- 10.10 The dwellings would be adjacent to other residential development on four sides. Opposite the site, to the west, on Ouzelwell Lane are nos. 63 to 78, a two storey block of flats within the ownership of the Local Authority. These flats appear to face a central courtyard area with the majority of habitable room windows facing onto this area and away from Ouzelwell Lane. Facing onto the site, the elevation of the flats mainly comprise of small windows and kitchen windows; the distance here would be approximately 16m to the front elevation of the proposed dwellings where there would be habitable windows, this relationship is considered satisfactory.
- 10.11 To the north of the site, across Lees Hall Road, is a row of stone built terrace dwellings. The side elevation of the dwelling on Plot 1 would be approximately 21m from the front elevation of these terrace dwellings where there are habitable windows; this relationship is considered acceptable.
- 10.12 On the east side would be the garden areas and the rear elevations of the proposed dwellings. The boundary is slightly angled here with the first two plots having slightly larger gardens and separated from the adjacent plot by a greater distance. These two dwellings (Plots 1 and 2) would, in general, face the side elevation of no. 515 Lees Hall Road at a distance of approximately 9m. It would appear from the site visit that there is a habitable room window in this side elevation, although it is likely to be secondary as there is also a window in the front elevation of this dwelling.
- 10.13 In addition to the above, the rear of the proposed dwellings would be very close to the boundary with this adjacent site. Although the first floor would be set back, the distance is likely to mean that there would be some overlooking of the rear elevation and rear garden area of this dwelling, particularly from Plots 3 and 4. The amended plans have now proposed obscure glazing in the first floor bedroom windows of Plots 3 and 4, whilst this would help to mitigate overlooking, it would impact on the amenity of the occupiers of these proposed dwellings and where this treatment is proposed to the only window serving a habitable room it would result in a contrived appearance. Furthermore, given the close proximity of these dwellings to the boundary and the orientation, there would be some overbearing impact and overshadowing occurring during late afternoon/evening times.

- 10.14 With regard to the south side of the development, the dwelling on this side is a bungalow. There is a window in the side elevation of this property, no. 3 Ouzelwell Lane, which appears to be a large Kitchen/Dining room window. The distance to the side elevation of the proposed dwelling on Plot 4 would be approximately 10m and would be separated by the driveways of both dwellings and a public footpath; there are no windows proposed in the side elevation of this dwelling. Given this, it is not considered that there would be any overlooking or overbearing issues from the proposed development in relation to no. 3.
- 10.15 Whilst the relationship to other dwellings on three sides of the development is likely to be acceptable, the issues detailed above with regard to no. 515 Lees Hall Road would mean that the proposals would be harmful to residential amenity and as such would not accord with the aims of Policy PLP 24 (as modified) of the Kirklees local Plan and Chapter 12 of the NPPF.

Housing issues

- 10.16 The proposals are for two pairs of semi-detached dwellings, with one having 3 bedrooms and three having 4 bedrooms. In this respect, the development would contribute towards the housing demand in this area and as such would be, in general, in accordance with the aims of Chapter 5 of the NPPF. The proposals are for private housing and there are no affordable homes proposed.

Highway issues

- 10.17 The proposed layout indicates that there would be two parking spaces per dwelling, with three associated with the larger dwelling at Plot 1. Highways Development Management have reviewed the details of the application and have no objection but were concerned that no bin storage area had been indicated and that the parking area associated with Plot 1 would require use of Council-owned land.
- 10.18 The amended plans submitted on 6/11/18 have now addressed these issues showing a bin storage area to the front of each dwelling and 3 parking places within the ownership of the applicant.
- 10.19 Subject to condition, the proposal can be considered acceptable from a highway safety and efficiency perspective, consistent with the aims of Policies PLP21 (as modified) and PLP22 (as modified) of the Kirklees Local Plan.

Drainage issues

- 10.20 Minimal supporting information was originally submitted with application 2018/90032, regarding the hierarchy of drainage. The application form merely stated that surface water drainage would be via a sustainable drainage system. After a request from officers, a drainage layout plan was submitted showing the flow rate attenuated to 2 litres/sec. The submitted scheme proposed to reduce the flow rate from the site from 6.7l/s to 6l/s by the use of attenuation tanks. However, as this is a greenfield site, the Council's standing advice to applicants is that surface water discharge should be restricted to 5 l/s, in addition, Policy PLP 28 (as modified) of the Kirklees Local Plan states that the discharge rate should be 5 l/s per hectare and that this rate is the maximum starting point and levels lower than this should be achieved where possible.

- 10.21 Yorkshire Water has been consulted on the application due to the position of a main sewer pipe within the development site. They have not objected to the proposals subject to appropriate condition and have also commented that the discharge rate should be restricted to 2 l/s to allow connection to the public sewer.
- 10.22 The Design and Access Statement states that due to the cramped nature of the site the proposals are for permeable surfacing and attenuation of the surface water to a maximum outflow of 2 litres per second.
- 10.23 The resubmitted application includes a drainage plan along with calculations which indicates the outflow from the site would be 2l/s by the use of an attenuation tank sited in the rear gardens of Plots 1 and 2. Subject to appropriate condition, should approval be given, the proposals are considered to be in accordance with standing advice and Policy PLP28 (as modified) of the Kirklees Local plan and chapter 14 of the NPPF.

Representations

- 10.24 Two letters of objection have received. The issues raised are responded to below:
- Two large trees would be affected.
Officer Response: There are no protected trees on the site. As such, the trees could be removed at any time.
 - Development would block view (no. 400 Lees Hall Road).
Officer Response: The distance to this property would be approximately 21m across Lees Hall Road. Whilst it is acknowledged that there may be some loss of view, there would not be an overbearing relationship and there would be no loss of outlook.
 - Insufficient space for 4 dwellings and 9 parking spaces.
Officer Response: This has been assessed in the body of the report. The parking provision and layout is considered acceptable by officers.
 - Red brick would be out of keeping.
Officer Response: This has been assessed in the body of the report. The proposed facing materials are considered satisfactory by officers.
 - Would be a shame to lose the old stone property.
Officer Response: The existing building is not listed and is not considered to constitute a non-designated heritage asset.

Planning obligations

- 10.25 The scale of the development is below any threshold which would trigger contributions.

Other Matters

- 10.26 *Protected species* - Although the site lies just outside of the Bat Alert area it was considered by the Council's Ecologist that, due to the age and type of building to be demolished, a Bat Survey should be submitted with the application. The Bat Survey indicates the building has a moderate potential for bat roosts. Therefore further survey is required and mitigation measures to be included. Should the application be approved, these can be conditioned in order to ensure that the proposal complies with the aims of Chapter 15 of the NPPF.
- 10.27 *Land ownership* - Part of the site at the Lees Hall Road end is within the ownership of Kirklees Council. The plans propose that this would form the parking area associated with Plot 1. It also appears that part of the rear of the site is also within the Council's ownership and forms a section of the rear garden of no.515 Less Hall Road, a Local Authority dwelling. Whilst notice has been served, and therefore procedurally, the application can be determined, there is concern particularly with the loss of part of a garden of no. 515.
- 10.28 The Council's position, according to the Estates section, is that planning permission should not be granted until the proposals and sale of the land has been agreed in principle.
- 10.29 Given that this land is owned by the Council, and in effect in public ownership, the loss of this land would be a material consideration. Whilst not in itself given as a reason for refusal, the factors above weigh against the proposals in the determination of this application, especially when taking into account that the off-street parking provision to serve Plot 1 would be on this land. Careful consideration therefore needs to be given that, if permission was granted, could the development be completed in accordance with the submitted plans and adequate parking provision made available within the site.
- 10.30 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

- 11.1 Whilst it is acknowledged by officers that this revised application has addressed some of the design issues and indicated that the required surface water flow rate can be achieved, due to the concerns set out above in relation to visual and residential amenity, the proposal is not considered acceptable in this instance.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would fail to constitute sustainable development and is therefore recommended for refusal.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91866>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90032>

Certificate of Ownership – Notice served on Kirklees Council, disposal and acquisitions. Certificate B signed and dated 07/06/2018.

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Apr-2019

Subject: Planning Application 2019/90061 Change of use of part A1 (Shops) to A3 (Restaurants and Cafe) Lala's Restaurant, 351A, Bradford Road, Batley, WF17 5PQ

APPLICANT

Lala's Batley Limited

DATE VALID

11-Jan-2019

TARGET DATE

08-Mar-2019

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

No

Ward Members consulted
(referred to in report)

1. 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 due to the number of representations that have been received.
- 1.2 The Chair of the Heavy Woollen Planning Sub Committee has confirmed that this item can be referred to Heavy Woollen Sub Committee and is in line with the Councillors' Protocol for Planning Sub Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 No. 351A Bradford Road in Batley is currently run as a restaurant in a two storey building which fronts onto Bradford Road. The building has associated car parking (car park 1) to the south and to the north (car park 2) with residential properties to the southeast and northwest (dwellings on Frederick Walker Gardens).
- 2.2 The site is unallocated on the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the change of use of part A1 (shops) to A3 (Restaurants and Café). This includes a wash/preparation area, cold room and Staff/WC.
- 3.2 The extent of the change of use can be seen on the submitted floor plans and will be used in conjunction with the existing restaurant premises as illustrated on the plans.
- 3.3 The internal works have been carried out and the proposed development is therefore retrospective. The works were carried out in October 2017.
- 3.4 The use operates from 17:00 - 00:00 Monday to Thursday, 17:00 – 01:00 on Fridays and Saturdays and 17:00 – 00:00 on Sundays and Bank Holidays.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2019/90005 – Prior approval from change of use of first floor for office (B1) to residential dwelling PENDING CONSIDERATION
- 4.2 2016/93118 – Change of use from carpet showroom/warehouse (A1) to restaurant (A3) REFUSED
- 4.3 2016/90782 – Change of use from carpet showroom/warehouse (A1) to restaurant (A3) and erection of extension REFUSED
- 4.4 2012/92328 – Change of use of part of retail outlet (A1) to drinking establishment (A4), erection of smoking shelter and internal alterations REFUSED
- 4.5 97/92973 - Change of use from retail to restaurant and hot food takeaway APPROVED

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The case officer has not been in negotiations with the agent as the proposed change of use is acceptable in its current form. No amendments were required during the course of the application.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

6.3 Kirklees Local Plan (KLP)

PLP1 (as modified) – Achieving sustainable development
PLP2 (as modified) – Place Shaping
PLP3 (as modified) – Location of new development
PLP13 (as modified) – Town Centre Uses
PLP21 (as modified) – Highway Safety and Access
PLP22 (as modified) - Parking
PLP24 (as modified) – Design
PLP33 (as modified) – Biodiversity and geodiversity
PLP51 (as modified) – Protection and improvement of local air quality
PLP52 (as modified) – Protection and improvement of environmental quality
PLP53 (as modified) – Contaminated and unstable land

6.4 National Planning Policy Framework (NPPF):

Chapter 7 – Ensuring the vitality of town centres
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well designed places
Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 33 letters of objection have been received. The concerns raised are summarised as follows:-

- Litter from customers causing infestation of rats
- Already experience high levels of noise and anti-social behaviour on the estate behind the site
- Planning application will exacerbate these issues and cause issues within the community
- Parking issues – customers block entrances to the estate
- Only way of getting around is on a mobility scooter – this is difficult due to parking of current bedding business
- High wall abutting existing building does not look safe – looks to create access to basement
- Wall looks like an eyesore

7.2 Officer comments will be made in Section 10.0 of this report in response to the above concerns.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

K.C Highways Development Management – no objection.

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

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy PLP1 (as modified) of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy PLP24 (as modified) of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

- 10.2 The proposal relates to the change of use of part of the building to serve facilities associated with the established A3 restaurant. It is acknowledged that the restaurant use constitutes a main town centre use, on a site which is located outside of Batley Town Centre. In this instance, as the development will not create additional restaurant space and it relates to an existing A3 use rather than the creation of a new A3 use, the principle of the development is considered to be acceptable.
- 10.3 Considering the above, as well as the planning history where the principle of development was considered to be acceptable under 2016/93118, an assessment of the relevant material planning considerations will be undertaken below.

Visual Amenity

- 10.4 The change of use has been facilitated by internal changes only and therefore there will not be any visual changes to the appearance of the building. Therefore there will be no impact on the streetscene or the character of the area as a result of the change of use.

Summary

- 10.5 The proposal is acceptable from a visual amenity perspective and complies with Policy PLP24 (as modified) of the KLP and Chapter 12 of the National Planning Policy Framework.

Residential Amenity:

- 10.6 The impact on residential amenity is considered to be acceptable. In terms of overbearing and overlooking, there are no concerns. The change of use does not involve any extensions to the building and will not result in any openings or habitable spaces being created. Considering this, there will be no harm to residential amenity in this regard.
- 10.7 In terms of noise, representations have been raised in regard to this change of use exacerbating the current noise levels from the use of the building. K.C Environmental Health have reviewed the proposal and do not raise any objections.
- 10.8 Consideration has been given to the prior approval that is currently pending consideration at the first floor of the building from change of use from office to residential dwelling. Given that this planning application for change of use is retrospective and no complaints have been received to date, as well as the fact that it will not increase the table covers at the site, the regularisation of this change of use will not prejudice the use of the first floor of the building if prior approval was to be granted.
- 10.9 There have been no complaints made to K.C Environmental Services about noise or odour and it is considered that this change of use will not exacerbate the situation over and above the existing, in which the building is also in use as a restaurant (see 1997 planning approval). Noise can be controlled under Environmental Health legislation if complaints are received – K.C Environmental Health advise that problems are unlikely to arise as a result of this non noise-generating use (especially when considering the use of the building is currently a restaurant and will operate as approved).

- 10.10 The hours stated in the application form are considered acceptable to ensure that the quality of life and well-being of nearby residents is protected.

Summary:

- 10.11 To conclude, there would be no undue harm to residential amenity and the occupiers of surrounding properties would not be detrimentally affected as a result of the proposal, thus complying with Policies PLP24 (as modified) and PLP52 (as modified) of the KLP and the aims of Chapter 15 of the National Planning Policy Framework.

Highway issues:

- 10.12 The impact on highway safety is acceptable. The change of use does not increase the useable area for the retail use or the restaurant and therefore is unlikely to lead to more customers coming to and from the site. As well as this, the application form states that there will not be a change to the number of employees. This is because the change of use creates operational floor space rather than more tables in the restaurant.
- 10.13 As part of the assessment in relation to highway safety and efficiency, consideration has been given to the previous applications on the site (2016/93118 and 2016/90782) which were both refused on highway safety grounds, specifically relating to the significant shortfall of required parking provision within the site. In the case of the previous applications, proposals were to increase the restaurant floor space which would lead to a significant number of additional trips to the site by customers, as well as a likely increase in staff numbers.
- 10.14 Highways Development Management have reviewed this application and the planning history discussed above and have concluded that, for the reasons set out in paragraph 10.12, there is no objection to the change of use. The existing parking provision is acceptable. Furthermore, the access to the site will not be altered, thus not creating highway safety issues since it is not anticipated that the proposal would result in a material increase in vehicular movements to and from the site.
- 10.15 The proposal will not lead to highway safety issues and complies with Policies PLP21 (as modified) and PLP22 (as modified) of the KLP.

Other matters

- 10.16 *Electric Charging Points* – K.C Environmental Health have recommended that electric charging points are installed at the site (in 10% of the parking spaces) in order to bring the site in line with the West Yorkshire Emissions Strategy.
- 10.17 Paragraph 105 (e) of the National Planning Policy Framework states that “the need to ensure an adequate provision of spaces for charging plug in and other ultra-low emission vehicles” should be taken into account during decision-making. Whilst it is acknowledged that national policy has since changed, in this case, the use of the building has been permitted for a restaurant without a condition for electric charging points (under app ref 97/92973).

- 10.18 Given that the change of use will not increase the restaurant floor space and the parking provision will not be altered, it is not considered reasonable to include this condition should planning permission be granted.
- 10.19 *Ecology* – The site is in the bat alert layer and therefore consideration has to be given to the impact of the change of use on biodiversity. Given that the changes are internal, there is no potential for harm to bats and/or bat roosts. The proposal complies with the aims of Chapter 15 of the National Planning Policy Framework.
- 10.20 *Contaminated Land* - The site is located in an area which has been identified as being contaminated. Given that the application is solely for the change of use of part of the building (internal changes only and no increase in the footprint of the building), there is no concern in this regard. The proposal therefore complies with Policy PLP53 (as modified) of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Representations:

- 10.21 33 letters of objection have been received raising the following concerns which are addressed by officers as follows:
- Litter from customers causing infestation of rats
Officer comment: *this is not a material planning consideration. Any issues relating to rats infestation is covered by separate legislation.*
 - Already experience high levels of noise and anti-social behaviour on the estate behind the site.
Officer comment: *See residential amenity section of this report. K.C Environmental Health do not raise an objection to the change of use subject to a condition restricting the hours of opening. The Police should be contacted for issues relating to physical violence and/or anti-social behaviour.*
 - Planning application will exacerbate these issues and cause issues within the community.
Officer comment: *See officer report above. Considering the small scale of the change of use that is currently operating in conjunction with the permitted change of use, it is not considered that this would exacerbate the situation.*
 - Parking issues – customers block entrances to the estate.
Officer comment: *See Highways section of this report. There is no objection raised from Highways DM.*
 - Only way of getting around is on a mobility scooter – this is difficult due to parking of current bedding business.
Officer comment: *Highways DM do have an objection to the proposed development in relation to parking provision given that the change of use does not increase table space. If the owners of the bedding business are parking illegally, this can be dealt with under separate legislation and is not a material planning consideration.*

- High wall abutting existing building does not look safe – looks to create access to basement (does this have planning permission).

Officer comment: *This is not being considered in this planning application. Safety of the structure is not a material planning consideration. The NPPF sets out, under paragraph 179, that "... responsibility for securing a safe development rests with the developer and/or landowner".*

- Wall looks like an eyesore.

Officer comment: *The wall is not being applied for as part of this permission and it appears, could be erected under permitted development rights which are set out in the Town & Country Planning (General Permitted Development) Order.*

11.0 CONCLUSION

11.1 Considering the planning history of the site, which established the principle of the restaurant / retail unit in an out of centre location, it is considered that the additional restaurant floor space (which does not add to the number of covers within the restaurant) will not be harmful to the vitality of the town centre and the use will also remain compatible with surrounding uses. Furthermore, since the proposal is not anticipated to result in additional vehicular movements to and from the site, the proposal would not result in undue highway safety implications either.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.3 This application has been assessed against relevant policies in the development plan and other material considerations and it is considered that the development proposals accord with the development plan and the National Planning Policy Framework for the reasons set out in the above report.

Suggested Conditions:

1. Development to be in accordance with approved plans
2. Hours of use as stated in the application form

Background Papers:

Link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90061>

Certificate of Ownership – Certificate A signed and dated 10/01/2019.

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Apr-2019

Subject: Planning Application 2019/90269 Erection of detached dwelling and associated site works

adj, 93, Stocks Bank Road, Mirfield, WF14 9QB

APPLICANT

Mr & Mrs Knibbs

DATE VALID

29-Jan-2019

TARGET DATE

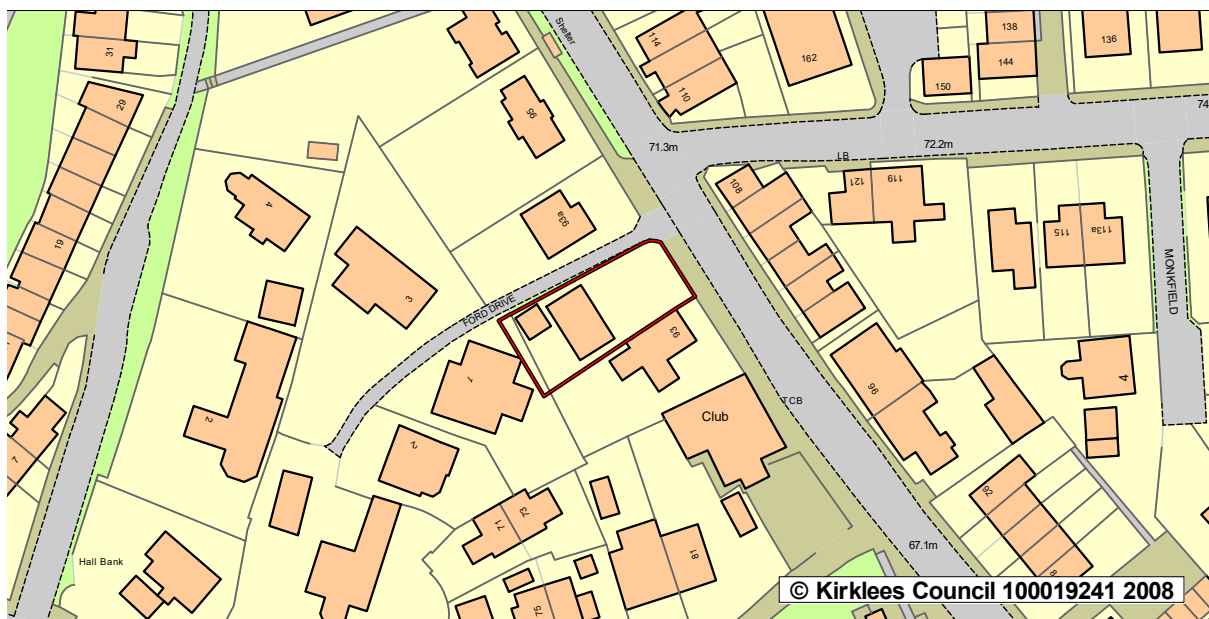
26-Mar-2019

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 NoWard 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 due to the previous committee involvement in this site.
- 1.2 Due to the previous committee interest in the application site, it is advised by officers that this application be reported to members. The Chair of the Planning Committee has confirmed that this is appropriate and would comply with the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site relates to land adjacent to no. 93 Stocks Bank Road, Mirfield which currently has a single storey brick double garage on it and is on a slightly lower level than Stocks Bank Road itself. The site is accessed from Stocks Bank Road and is currently hardstanding which is used as a parking area for no. 93. The site has a stone wall and hedging as a front boundary treatment and there is access to Ford Drive to the northwest of the site.
- 2.2 Surrounding the site there is a mixture of house types. To the northeast (front) of the site, there is a row of two storey terraced properties constructed of stone, to the northwest of the site is a detached dwelling constructed of artificial stone, with detached dwellings on a lower level to the southeast and northwest. To the southeast of the site is no. 93 which is a detached two storey dwelling constructed of render and brick with a conservatory to the rear. There is a variety of dwellings of different appearances and materials, including recently approved modern dwellings at no. 97 Stocks Bank Road.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the erection of one detached dwelling. The proposal also includes a new access for the existing dwelling off Stocks Bank Road. The existing garage is to be retained and incorporated into the proposed dwelling.
- 3.2 The dwelling will have a bungalow appearance with the following dimensions:
- Overall height – 5.6 metres
 - Eaves height – 3.6 metres
 - Width – 10.6 metres
 - Length (including existing garage) – 15.5 metres
- 3.3 The dwelling will be constructed of brick for the external walls, timber cladding for part of the external walling material, and large expanses of glazing. The roof will be covered in roofing tiles.
- 3.4 There will be trees on the rear boundary of the site and a fence at two metres in height surrounding the site.
- 3.5 The proposal would also include an access from Stocks Bank Road to serve no. 93 which is the existing dwelling, as well as the proposed dwelling.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2017/93470 – Erection of detached dwelling and associated site works REFUSED by members of the Heavy Woollen Planning Sub-Committee (appeal dismissed)
- 4.2 2007/92341 – Erection of conservatory APPROVED (no. 93 Stocks Bank Road)
- 4.3 91/01747 – Erection of two storey extension REFUSED (no. 93A Stocks Bank Road)
- 4.4 91/05186 – Erection of double garage extension APPROVED (no. 93A Stocks Bank Road)
- 4.5 2017/92887 – Demolition of dwelling and erection of three dwellings with associated works APPROVED (no. 97 Stocks Bank Road)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 No amendments have been secured as the proposed development is considered, by Officers, to be acceptable in its current form, taking into account the Planning Inspectorate's decision on app ref. 2017/93470, which was dismissed.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan

PLP1 (as modified) – Achieving sustainable development

PLP2 (as modified) – Place Shaping

PLP3 (as modified) – Location of new development

PLP21 (as modified) – Highway Safety and Access

PLP22 (as modified) - Parking

PLP24 (as modified) – Design

PLP28 (as modified) – Drainage

PLP51 (as modified) – Protection and improvement of local air quality

PLP33 (as modified) – Biodiversity and geodiversity

6.3 National Planning Policy Framework (NPPF):

Chapter 5 – Delivering a sufficient supply of homes

Chapter 12 – Achieving well designed places

Chapter 15 – Conserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 8 neighbour representations have been received. The comments raised are summarised as follows:

- Property is not in keeping with any of the houses in the immediate area – modern property that would look unsightly
- House will remove view
- New property would look directly into front room and bedroom window
- Parking is already limited
- Issues with construction traffic (and consequences) from development up the road including at a T-junction on the bus route and when delivery vehicles come. Causes visibility issues – Highways DM should do a site visit
- Dwelling moved front of property closer to Stocks Bank Road (reduce space for parking)
- Sewage system queries including noises
- Site area is wrong – boundary with no.1 Ford Drive was altered and this is not shown on the site plan
- Description wrong but has been amended
- Tree and hedge crucial to application – Design & Access Statement and planning application form are not consistent
- Insufficient attention paid to congested nature of junction of Nab Lane
- Building will fill entire width of plot – scale of building was rejected by Committee and Inspector previously due to overbearing impact
- Footprint is now bigger and previously was turned down for over-development
- Discrepancies in Design & Access Statement – how can we be sure that these calculations are accurate?
- Can requirement for new windows and constructions be guaranteed not to take place?
- Concerns about the amenity of no. 93 due to closeness and massing to proposed property – what if it is owned by someone else at a later stage?

- Maintenance of guttering at no. 93 will be difficult ... due to small gaps between houses. This could cause health and safety issues (Construction Design and Management Regulations)
- Drainage queries – will not allow connection to private drainage system (access and drainage rights)
- Fail to see any material changes to original reasons for refusal – covers more square metres than before
- Overlooking and overbearing, closeness to boundary will dominate properties
- Foundations will be close to Ford Drive and will cause subsidence
- Modern materials been approved at dwellings on Stocks Bank Road but this should not set a precedent
- Dwelling is larger than a single storey dwelling as the roof level is higher to include two large rooms upstairs
- Dubious to say sunlight or overshadowing will not occur at any time
- Significant impact on surroundings
- Up to date highways report (strong concerns relating to vehicular access at a very busy and accident prone junction)

7.2 Officer comments will be made in Section 10.41 of this report in response to the concerns raised above.

7.3 Mirfield Town Council have been consulted but have made no comments.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – no objection.

8.2 Non-statutory:

None

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy PLP1 (as modified) of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy PLP24 (as modified) of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

- 10.2 In this case, the principle of development on the application site is acceptable and shall be assessed against other material planning considerations below.
- 10.3 A previous application (2017/93470) was submitted on the site which was subsequently refused on residential amenity grounds by the Heavy Woollen Planning Sub-Committee and subsequently dismissed at Appeal by the Planning Inspectorate. The principle of developing the site for a dwelling was considered by the Planning Inspectorate to be acceptable and furthermore, under paragraph 15 of the Inspector's decision, he states that "*I see no objection in principle to a contemporary design approach for this site and in this regard the dwelling would sit comfortably within its residential surroundings*".

Visual amenity/local character:

- 10.4 The impact on visual amenity is considered to be acceptable by officers. The Stocks Bank Road area is characterised by a variety of dwelling types with varying levels of density.
- 10.5 The dwelling itself is located in a plot which is an acceptable size for the proposed dwelling which has been significantly reduced in size since the previous refused application which was dismissed at appeal. The development will retain an area of separation between the neighbouring dwellings which is considered to be an important characteristic of this stretch of Stocks Bank Road. Although there are terraced houses on the opposite side of the highway, there are gaps between the dwellings on Stocks Bank Road, creating a spacious character. The distance between the new built form and the neighbouring dwellings has been increased from the previous application that was refused. The bulk and massing of the proposed dwelling has also been reduced, thus creating a more spacious area.
- 10.6 This feature of the area is retained and the dwelling is not considered to constitute a cramped form of development. The proposed dwelling has a reasonable amount of amenity space surrounding it, with the main emphasis of bulk and massing coming from the garage structure that currently exists on site. This part of the dwelling (the existing garage) has been changed from a gable roof to a hipped roof which is an acceptable design.
- 10.7 This change further reduces the bulk of the dwelling and visually increases the gap between no. 1 Ford Drive and the proposed dwelling.
- 10.8 Although the style of the dwelling is modern and is a contemporary design approach due to the materials and glazing, consideration has to be given to Paragraph 127 (c) of the National Planning Policy Framework which states that planning decisions should be sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 10.9 In this instance, the design of the dwelling and the context in which it will be read in will be acceptable and the proposed dwelling will be read harmoniously in its context. There are a variety of property styles within the area, with a range of materials used. For example, no.93 Stocks Bank Road is constructed of render and brick for the external walls, with no. 93a Stocks Bank Road being constructed of artificial stone.

- 10.10 As well as this, at no. 97 Stocks Bank Road, planning permission has been granted for the erection of 3 dwellings as shown in the planning history section of this report. These dwellings have a contemporary style. At the time of the officer site visit, these dwellings were under construction.
- 10.11 Considering the approved application at no. 97, the proposed materials would not be the first introduction of these materials in the immediate streetscene. It is considered by officers that the palette of materials which predominantly features timber cladding and brick, along with the glazing would contribute to a contemporary style that fits in with the character of the area. The proposed dwelling is appropriate in its layout, materials and scale in relation to neighbouring buildings and the local area more generally, thus reinforcing local distinctiveness in accordance with paragraph 127 of the NPPF. This is due to the varied palette of materials within the area and the different building types, especially given the modern style dwellings being under construction in very close proximity to the application site.
- 10.12 As well as the above, the Planning Inspector concurs with Officers' opinion that the principle of a contemporary design on this site is acceptable on this site and would sit comfortably within its residential surroundings.
- 10.13 Within the streetscene, the dwelling would not be read as an incongruous feature. To the northwest, the land slopes downwards. From the streetscene plan submitted by the agent on drawing reference (35) 001, it is clear that the proposed dwelling would not be incongruous in height and scale to the dwellings in which it sits close to. It would have a lower height than no. 93A Stocks Bank Road and a lower height than no. 93 Stocks Bank Road and would sit in its proposed location harmoniously. The dwelling would not exceed the height of the surrounding dwellings and would not therefore be an unduly incongruous or prominent feature. The height of the dwelling is consistent with the surrounding houses and the dwellings are not closely spaced so as to appear cramped.

Summary

- 10.14 In all, officers consider that the proposal is satisfactory from a visual amenity perspective and complies with Chapter 12 of the NPPF, as well as Policy PLP24 (as modified) of the Kirklees Local Plan.

Residential Amenity:

- 10.15 The impact on residential amenity is acceptable. Eight objections have been received. The impact on each of the surrounding residential properties will be assessed below.

Impact on no. 93A Stocks Bank Road

- 10.16 The Planning Inspector's Appeal decision states in paragraph 7 that the side wall of no. 93A includes a secondary kitchen window and a landing/office window; these were considered by the Planning Inspector to constitute habitable room openings for the purpose of assessing the proposal. Taking the appeal decision into account, this report shall be consistent with this approach taken by the Inspector.

- 10.17 The existing garage structure is 6.3 metres from the side elevation of no. 93A Stocks Bank Road, with the main additional bulk of the new dwelling being set back to 9.9 metres from the side elevation of no. 93A Stocks Bank Road. This distance, along with the fact that the main room windows are within the front and rear elevations of no.93A Stocks Bank Road, there would be no harmful impact on these openings as a result of overbearing. A condition has been recommended to remove permitted development rights for extensions and outbuildings to ensure a satisfactory level of amenity in the future.
- 10.18 The Planning Inspector's report makes reference to a shortfall in the distances recommended for the development to comply with UDP Policy BE12. However, the Kirklees Unitary Development Plan has been replaced with the Kirklees Local Plan (2019), which is now the starting point for decision -making. The Local Plan does not specify recommended distances. In this case, there is a two metre high fence proposed along the boundary.
- 10.19 In terms of overlooking and/or loss of privacy to this dwelling, there will be no harmful impact. There will be an en-suite bathroom window and an entrance opening facing this site at ground floor, with no openings proposed at first floor level. As well as this, it has also been confirmed that these openings will be obscurely glazed. Considering the above, there will be no overlooking to this existing dwelling. It is also noted that no. 93a and the ground floor windows would be overlooked from the private driveway and could currently be overlooked from this area as well as the driveway area of no. 93 Stocks Bank Road. Any overlooking from the dining room windows would not lead to a loss of privacy over and above the existing situation.
- 10.20 A condition is recommended to ensure that the bathroom window facing this neighbouring site is obscurely glazed.
- 10.21 If the Planning Inspector's stance is taken, where the windows within this neighbouring dwelling are habitable (a door, a kitchen and a landing/home office), there would be no overbearing impact as a result of the proposed dwelling which is well over 6 metres from this side elevation. The roof of the dwelling is also hipped away from the boundary, further reducing its bulk and massing and reducing this impact.

Impact on no. 93 Stocks Bank Road

- 10.22 There is a distance of 1.3 metres between the proposed dwelling and no. 93 which is within the applicant's ownership (as shown in the blue line on the site location plan). In the side elevation of no. 93 Stocks Bank Road, there are two openings at first floor level and an opening at ground floor which has been described in the Planning Inspector's report as serving a lounge and bedrooms. The applicant has confirmed that this opening serves a secondary kitchen/dining room and secondary bedroom windows at first floor level.
- 10.23 The proposed development has been amended to overcome, in the view of officers, the concern raised by the Planning Inspectorate in terms of outlook from these openings being severely curtailed by the new house. The new proposal shows the ground floor window to be blocked up. A condition has been recommended that the applicant provides a scheme detailing how the window will be controlled - i.e. through blocking up the window.

- 10.24 Through the blocking up of this window and a significant reduction in the scale of the dwelling, which will result in the eaves of the building being much lower than the first floor windows, the proposed development will not impact on these openings in terms of a significant amount of bulk and massing close to these windows. As well as this, the windows are secondary, thus not having the main outlook from the rooms.
- 10.25 There are windows proposed within the side elevation of the proposed dwelling which serve a kitchen and an en-suite. Given that a kitchen is a non-habitable room which is significantly set back from the main bulk and massing of the proposed dwelling, and there is a timber fence proposed on the side boundary between these dwellings, there will be no loss of privacy as a result of the proposed. The en-suite window can be conditioned to be obscurely glazed.
- 10.26 If an additional window is inserted at ground floor, it could serve a habitable room and therefore consideration has to be given to any overlooking or loss of privacy that may occur as a result of the proposal. However, as stated above, there will be a fence between the sites and this will restrict any overlooking into the private amenity space of no. 93 Stocks Bank Road. Any first floor openings would be controlled by the Town & Country Planning (General Permitted Development) Order (the 'GPDO').
- 10.27 Given the nature of the side ground floor opening which will be blocked up, there will be no overbearing impact as a result of the proposal.

Impact on no. 1 Ford Drive

- 10.28 No.1 Ford Drive is on a lower level than the application site and has two elevations in relatively close proximity to the application site. At ground floor, there is a doorway and a window serving a habitable room along with a conservatory. The applicant has also confirmed that the small window in the front elevation at first floor serves a bedroom. However, this does not have a direct relationship with the proposed dwelling. There is also private amenity space to the side and rear of no. 1 Ford Drive.
- 10.29 There is a distance of approximately 13.7 metres between the window serving bedroom one and the south-eastern elevation of no.1 Ford Drive. Officers consider that, in this instance, this distance is acceptable. The relationship between the dwellings is indirect – the rear elevation of the proposed dwelling is not directly facing either of the elevations of no. 1 Ford Drive, but is located in between the two. This relationship, the level differences in which the proposed dwelling is on a higher level, the screening on the boundary, and the fact that no. 93 is closer to no.1 than the proposed dwelling (as long as the fact that the existing garage structure will be retained) – thus the impact of the host dwelling not being significantly detrimental to residential amenity in terms of overbearing over and above the existing situation. The main bulk and massing currently exists through the garage structure. A condition has been recommended to remove permitted development rights for new outbuildings and extensions to ensure that any future development has to be assessed in relation to its impact on residential amenity.

- 10.30 There is a window serving bedroom 1 at ground floor and three openings serving non-habitable rooms all facing this site at ground and first floor. Given the screening on the boundary and the fact that the proposed dwelling would be on a higher level, along with the fact that the three openings at first floor would be onto the corner of the bungalow, there is not considered to be any undue overlooking over and above the existing situation from no. 93. The bedroom window is set back significantly from the garage structure and given the land level differences, the views from this bedroom would be onto the roof of no. 1 Ford Drive, rather than their habitable spaces to the southeast.
- 10.31 Given the level differences and the bungalow nature of this dwelling, the majority of the views would overlook the dwelling and therefore not cause harmful residential amenity issues. The main amenity space for this dwelling is located directly between no. 93 and therefore will not be detrimentally affected by the proposed development. A condition has been recommended to remove permitted development rights for new openings to avoid any potential future overlooking impact.

Impact on properties to the front of the site – a row of terraced properties (nos. 108-98 Stocks Bank Road)

- 10.32 The proposed dwelling has habitable room windows at ground and first floor facing these terraced dwellings which also have habitable room windows in their main elevation facing this site. There is a distance of approx. 17 metres between these dwellings. Given that the proposed dwelling will not extend beyond no. 93 which has an established relationship with these terraced properties to the north east, a precedent has been set for this relationship and therefore, it is considered by officers that there would be no undue overlooking compared to the existing situation.
- 10.33 Furthermore, given that there is a highway in between the sites and the relationship of the new dwelling with these terraced properties is the same as the relationship with no. 93, there would be no overbearing impact as a result of the proposed dwelling. Additionally, this was not raised during the appeal decision by the Planning Inspectorate.

Summary

- 10.34 In all, for the reasons set out above, and subject to the inclusion of suggested conditions, the proposals are considered satisfactory by officers in relation to residential amenity and would comply with the aims of as policy PLP24 (as modified) of the KLP.

Highway issues:

- 10.35 Following consultation with Highways Development Management (HDM), there is no objection to the proposal. The reasons for this will be discussed below.
- 10.36 Following a site visit by the case officer and the Highways Officer during the course of the previous application, there is no objection to the proposal. The proposed dwelling will use the existing access for no. 93 with a new access proposed to serve the existing dwelling.

- 10.37 The parking provision at the site is acceptable. The plan demonstrates that two parking spaces can be accommodated outside the proposed dwelling. At the front of the site, there is adequate space to turn on site, thus not impacting on highway safety and efficiency. The required manoeuvres are shown on the submitted block plan.
- 10.38 At the existing dwelling, the plan shows a new access with acceptable visibility splays and width to ensure that access and egress from the site would be acceptable without causing highway safety issues. There is also capacity to accommodate three spaces to the front of the existing dwelling.
- 10.39 At the appeal stage, no concerns were raised by the Planning Inspector in relation to Highway Safety and the arrangements at the site are similar to those proposed as part of the previous application.

Summary

- 10.40 For the above reasons, there will be no highways safety issues over and above the existing situation. Taking into account the above, the proposal is considered to comply with Policy PLP21 (as modified) of the KLP. Furthermore, the proposal is also considered to be in accordance with policy PLP22 (as modified) of the KLP in relation to the parking provision to serve the existing and proposed dwellings.

Representations

- 10.41 8 neighbour representations have been received which raise the following concerns which are addressed by officers as follows:
- Property is not in keeping with any of the houses in the immediate area – modern property that would look unsightly
Officer comment: *this has been assessed in the visual amenity section of this report. There are other examples of modern style dwellings within the near vicinity.*
 - House will remove view
Officer comment: *loss of view is not a material planning consideration.*
 - New property would look directly into front room and bedroom window
Officer comment: *overlooking has been considered in the residential amenity section of this report.*
 - Parking is already limited
Officer comment: *Highways DM do not have an objection to the proposed development. The parking provision on the site is acceptable for the new dwelling and no. 93 Stocks Bank Road, the host dwelling.*
 - Issues with construction traffic (and consequences) from development up the road including at a T-junction on the bus route and when delivery vehicles come. Causes visibility issues – Highways DM should do a site visit.
Officer comment: *Issues arising from the construction period are not a material planning consideration. Highways DM have reviewed the proposed development and the proposed access is satisfactory, along with the suitable parking provision on the site.*

- Dwelling moved front of property closer to Stocks Bank Road (reduce space for parking)
Officer comment: *there is still adequate parking provision demonstrated within the site.*
- Sewage system queries including noises.
Officer comment: *the addition of one dwelling on the site will not cause undue pressure on the sewage systems. There will be no harmful impact as a result of the proposed drainage system.*
- Site area is wrong – boundary with no.1 Ford Drive was altered and this is not shown on the site plan
Officer comment: *The case officer has queried this with the applicant who has confirmed that the red line is an accurate representation of the ownership. The correct certificate has been signed.*
- Description wrong but has been amended
Officer comment: *The description that is put forward as the current description of development is an accurate representation of the proposed development.*
- Tree and hedge crucial to application – Design & Access Statement and planning application form are not consistent.
Officer comment: *It is noted that the application form states there are no trees on the proposed development site. However, from a site visit, the case officer can confirm there are hedges on the boundaries on the application site and a condition has been recommended for these to be retained.*
- Insufficient attention paid to congested nature of junction of Nab Lane
Officer comment: *Highways DM have reviewed the application and it is acceptable from a Highways safety perspective.*
- Building will fill entire width of plot – scale of building was rejected by Committee and Inspector previously due to overbearing impact/ footprint is now bigger and previously was turned down for over-development
Officer comment: *See assessment of proposed development in the report. The proposed dwelling has been significantly amended from the previous planning application.*
- Discrepancies in Design & Access Statement – how can we be sure that these calculations are accurate?
Officer comment: *the calculations and additional information have been considered as part of the application. Notwithstanding whether the calculations are correct, the proposal has been assessed on its merits against the relevant material planning considerations and is considered to be acceptable.*
- Can requirement for new windows and constructions be guaranteed not to take place?
Officer comment: *consideration has been given in the assessment in relation to permitted development rights set out in the Town & Country Planning (General Permitted Development) Order.*

- Concerns about the amenity of no. 93 due to closeness and massing to proposed property – what if it is owned by someone else at a later stage?
Officer comment: *a condition has been recommended that the ground floor window is blocked up and the amenity of the occupiers of this dwelling has been assessed in the residential amenity section of this report. The blocking up of the window has been annotated on the submitted plans.*
- Maintenance of guttering at no. 93 will be difficult --- due to small gaps between houses. This could cause health and safety issues (Construction Design and Management Regulations)
Officer comment: *this is not a material planning consideration.*
- Drainage queries – will not allow connection to private drainage system (access and drainage rights)
Officer comment: *access and drainage rights is a civil matter. A drainage plan/scheme can be conditioned.*
- Fail to see any material changes to original reasons for refusal – covers more square metres than before
Officer comment: *the application proposal has been changed from the previous proposal as demonstrated on the submitted plans.*
- Overlooking and overbearing, closeness to boundary will dominate properties
Officer comment: *the impact on residential amenity has been assessed in relation to each of the surrounding dwellings and, when taking into account the overall design of the scheme and its surroundings, is considered acceptable by officers.*
- Foundations will be close to Ford Drive and will cause subsidence
Officer comment: *this is not a material planning consideration. This would be assessed at any subsequent building regulations application.*
- Modern materials been approved at dwellings on Stocks Bank Road but this should not set a precedent
Officer comment: *the character of the area and streetscene is considered as part of the visual amenity section of this report. The proposed dwelling will fit in with its surroundings and will not be out of keeping given the other modern dwellings within the area. Furthermore, the Inspectors decision, in relation to the previous refusal, sets out that there is no objection to a contemporary design approach on this site.*
- Dwelling is larger than a single storey dwelling as the roof level is higher to include two large rooms upstairs
Officer comment: *the proposed dwelling is smaller in overall height than the previously refused dwelling and the new proposal is assessed on its own merits in this regard. It is considered, by officers, to sit comfortably within the street scene and would not cause undue harm to visual or residential amenity.*
- Dubious to say sunlight or overshadowing will not occur at any time
Officer comment: *considered in residential amenity section of this report.*

- Significant impact on surroundings
Officer comment: the development has been assessed in terms of residential amenity and visual amenity and the impact on surroundings is considered to be acceptable.
- Up-to-date highways report (strong concerns relating to vehicular access at a very busy and accident prone junction)
Officer comment: Highways DM have reviewed the application and there is no concern relating to the proposed access and parking provision.

11.0 CONCLUSION

- 11.1 To conclude, the proposed dwelling, in terms of its layout, scale, and design, is considered acceptable by officers in this location. It would relate satisfactorily to the varied development within the vicinity of the site and, in the view of officers, would not result in any significant residential amenity implications either. In addition, the proposal is not considered to result in any undue highway safety implications either.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Three year time limit to commence development
2. Development carried out in accordance of approved plans
3. Materials
4. One charging point to be installed
5. Footnote re hours of construction
6. Footnote re access/ownership rights
7. Surfacing re parking area
8. En-suite opening to be obscurely glazed
9. Boundary treatments to the side and rear to be retained
10. Window in side elevation of no. 93 to be blocked up prior to the commencement of development of the new dwelling.
11. Drainage scheme
12. PD rights removed for any outbuildings/extensions.
13. PD rights removed for new openings in south western (rear) elevation.

Background Papers:

Link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/90269>

Certificate of Ownership – Certificate A signed and dated 23rd January 2019

Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Apr-2019

Subject: Planning Application 2019/90122 Erection of two storey and single storey rear extension, single storey front extension and alterations, and detached double garage with store and formation of access to Fir Grove 21, Fir Parade, Ravensthorpe, Dewsbury, WF13 3BH

APPLICANT

S Rafiq

DATE VALID

16-Jan-2019

TARGET DATE

13-Mar-2019

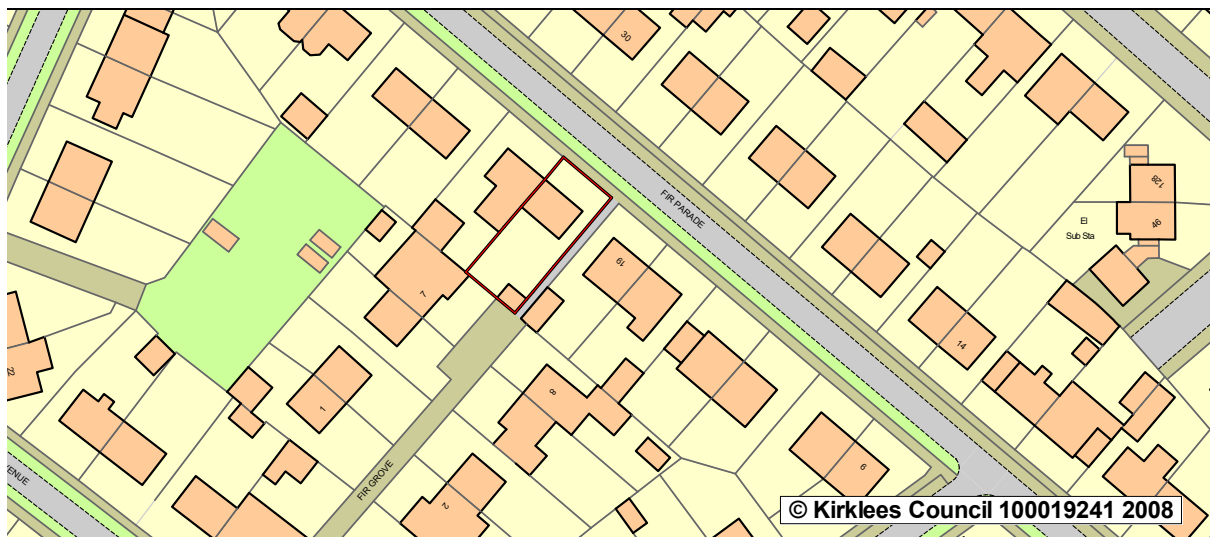
EXTENSION EXPIRY DATE

29-Apr-2019

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury West

No

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 brought to the Heavy Woollen Planning Sub-Committee for determination due to the significant number of representation received in the form of a petition from the residents of Fir Grove, objecting to the proposals.
- 1.2 The Chair of the Heavy Woollen Planning Sub-Committee has confirmed that this reason is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 21 Fir Parade, Ravensthorpe is a semi-detached red brick dwelling with a drive to the side and gardens to the front and rear. The property has a large timber outbuilding to the rear.
- 2.2 There are similar properties surrounding the host property with Fir Grove to the rear.

3.0 PROPOSAL:

- 3.1 The applicant is seeking permission for a single storey front extension, a single and two storey rear extension and the erection of a detached garage.
- 3.2 The front extension is proposed to project 1.5m from the original front wall of the dwelling and would extend across the width of the property. The roof is proposed to be lean to.
- 3.3 The rear extension would project 6m at ground floor reducing to 3m at first floor extending across the full width of the dwelling. The roof over the single storey element is proposed to be lean to with a double hipped roof over the first floor.

3.4 The outbuilding is proposed to have a width of 6m and a depth of 6m with a pitched roof. The garage door would be located in the rear elevation and the proposal would see access taken off Fir Grove.

3.5 The extensions and the garage would be constructed using brick for the walls with tiles for the roof covering.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2018/93737 – larger home notification for single storey rear extension with a 6m projection – prior approval not required

2004/95128 – erection of detached garage – approved

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

5.1 The proposed first floor extension with a dormer over the existing detached garage would have significant implications in terms of visual amenity as the scale, bulk and massing would have been out of character with the host property and the wider area. Amended plans were sought and received reducing the height of the garage to address these concerns.

5.2 Further amendments were sought to alter the roof form over the rear extension to reflect the hipped roof prevalent within the area and a design approach implemented with other extensions within the immediate context.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 Kirklees Local Plan (as modified):

- **PLP 1** – Achieving sustainable development (as modified)
- **PLP 2** – Place shaping (as modified)
- **PLP 22** – Parking (as modified)
- **PLP 24** - Design (as modified)
- **PLP 27** - Flood risk (as modified)
- **PLP 30** – Biodiversity (as modified)

6.3 National Planning Policy Framework:

- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Eight objections from five neighbours and a petition have been received. The objections raised all relate to the provision of vehicular access along Fir Grove for the occupier of 21 Fir Grove to serve the new garage.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

None

8.2 Non-statutory:

K. C. Highways Development Management - No objection to the proposals.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy PLP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy PLP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

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

Visual Amenity

10.3 Fir Parade is part of a larger residential estate of red brick dwellings built between 1922 and 1933. Many of the properties have been extended and altered. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

10.4 The proposal under consideration consists of three distinct elements which shall be addressed below.

10.5 *Single storey front extension*: Extensions to the front of domestic properties have the potential to form inappropriate and incongruous features given the typically prominent position within the street scene. In this instance, given the single storey nature of the front extension together with its limited projection of 1.5m, the proposed front extension is considered to be acceptable in terms of its scale. The materials proposed would utilise red brick and tiles, similar to the main house. Furthermore, the detailing would form an appropriate relationship with the host property. As such, the proposed front extension is considered to be acceptable in terms of visual amenity.

- 10.6 *Single and two storey rear extension:* The footprint of the single storey element of the rear extension has been agreed through the larger home notification procedure. The host property and its associated curtilage are of a sufficient size to support the proposed rear extensions without amounting to overdevelopment of the site. The materials proposed would be to match the main house and the detailing is considered to form an appropriate relationship with the host property. The use of a double hipped roof form over the first floor element would reflect the style of the larger estate. As such, the single and two storey rear extension is considered to be acceptable in terms of visual amenity.
- 10.7 *Detached garage:* The proposed garage would be located to the rear of the property and would be constructed using similar materials to the main house. There are similar structures to other properties in the area and, following receipt of amended plans during the course of the application, would be of an acceptable scale which would not, in the opinion of officers, appear out of character with the wider area. As such, the proposed detached double garage is considered to be acceptable in terms of visual amenity.
- 10.8 Having taken the above into account, the proposed extensions and detached garage would not result in any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy PLP24 (as modified) of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.9 *Impact on 19 Fir Parade:* Given the limited projection and the single storey nature of the front extension, there would be no harm caused to the amenities of the occupiers of the adjacent 19 Fir Parade.
- 10.10 The footprint of the ground floor extension has been agreed through the larger home notification procedure. The rear extension would be set back the width of the driveways that serve the application site (and the neighbouring, no.19 Fir Parade). It is noted that there is a recent planning application for a side and rear extension to the neighbouring property. However, as this has not been constructed, it does have limited weight in the assessment of this application. It is considered that the impact would be limited. It is also noted that the proposed plans show new windows being formed in the side elevation of the original house. The dining room window could be added to the property without the need for planning whilst the new bedroom window would need planning permission in its own right as it is not shown as being obscure glazed. This window would look towards the side elevation of the neighbouring property which currently has a mostly blank elevation (with no habitable room windows). Furthermore, the area to the side of the neighbouring property is not a private amenity space. As such, the first floor window would not result in any loss of privacy.
- 10.11 The outbuilding would be located at the end of the garden along the common boundary with the adjacent property. The building is single storey and given the set back from the neighbouring property, there would be limited opportunity for any detrimental impact upon the amenities of the occupiers of the neighbouring 19 Fir Parade.

- 10.12 *Impact on 23 Fir Parade:* The single storey front extension with its limited projection and single storey nature would cause no significant harm to the amenities of the occupiers of the adjoining 23 Fir Parade.
- 10.13 The ground floor element of the rear extension has been agreed through the larger home notification scheme. Furthermore, the neighbour has their own single storey rear extension. The first floor extension would be built up to the common boundary with the adjoining property and would have the potential to result in some overshadowing in the middle of the day and form an overbearing and oppressive impact. However, the projection is limited to 3m which is generally be considered to be acceptable. Furthermore, the hipped roof form would take the vertical emphasis up and away from the adjoining property reducing the impact upon the amenities of the occupiers of the adjoining 23 Fir Parade.
- 10.14 The outbuilding would be located at the end of the garden set back from the common boundary with the adjoining property. Given the single storey nature of the outbuilding and its position relative to the adjoining neighbour, there would be no harm caused to the amenities of the occupiers of the adjoining 23 Fir Parade.
- 10.15 *Impact on 28 Fir Parade:* Given the limited scale of the front extension would have no significant impact on the amenities of the occupiers of the neighbouring 28 Fir Parade on the opposite side of the road.
- 10.16 *Impact on 7 Fir Grove:* The outbuilding would run parallel to the side boundary of the neighbouring 7 Fir Grove, forward of the front elevation. The sloping roof would take the vertical emphasis away from the adjacent neighbour. Given the scale of the outbuilding together with its position relative to the neighbouring property, there would be no significant harm caused to the amenities of the occupiers of the adjacent 7 Fir Grove.
- 10.17 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 Policy PLP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

Highway issues

- 10.18 The proposals will result in some intensification of the domestic use. However the parking area to the front of the property would still be able to host at least one vehicle off road.
- 10.19 The proposal does include a double garage to the rear of the site which would be accessed off Fir Grove. This has been the main source of concern raised in the representations.
- 10.20 Fir Grove is an adopted road which is within the ownership of the Council. It terminates at the rear boundary of the host property and then provides pedestrian access onto Fir Parade (between nos.19 and 21 Fir Parade). It is considered by officers that the provision of a vehicular access at this point, to serve a domestic garage, would not be considered to be harmful in terms of highway safety. As such, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy PLP22 of the Kirklees Local Plan.

Representations

- 10.21 Eight representations from five residents of Fir Grove and a petition have been received which express concerns regarding the provision of a new vehicular access off Fir Grove.

Officer Response: - *Fir Grove is part of the adopted highway network and is owned by the Council. The proposals have been reviewed by Highways Development Management. As set out in paragraphs 10.18-10.20 above, the provision of a new access to serve a domestic garage off Fir Grove is considered acceptable from a highway safety and efficiency perspective. Should planning permission be granted, prior to any works taking place, the applicant would need to ensure that they have the relevant consent in place to access the site. It should be acknowledged that right of access and ownership are private legal matters which the Local Planning Authority cannot take into account when determining planning applications.*

Other Matters

- 10.22 *Biodiversity:* After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added to the decision notice, should the application be approved, setting out that if bats are found during the development then work must cease immediately and the advice of a licensed bat worker sought. This would comply with the aims of Chapter 15 of the NPPF.
- 10.23 *Flood Risk:* The application site is identified within Flood Zone 3a / 2 on the Environment Agency's flooding data. As part of the information accompanying the application, the applicant has completed the Environment Agency's pro-forma entitled 'Householder and other minor extensions in Flood Zones 2 and 3'. The information submitted with the application is considered satisfactory for this nature of development and would address the aims of chapter 14 of the NPPF.

11.0 CONCLUSION

- 11.1 This application to erect a single storey extension to the front, single & two storey extension to the rear and a detached outbuilding with a dormer to the rear of 21 Fir Parade 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. As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

1. Three year time frame for implementation.
2. Development to be carried out in accordance with the plans and specifications.
3. The external walls and roofing materials of the extensions and detached garage to match those used in the construction of the existing building.
4. Remove permitted development rights for new openings in the side elevations of the extensions.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90122>

Certificate of Ownership – Certificate A signed and dated 14.01.2019

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KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

25 APRIL 2019

Planning Application 2018/93781

Item 12 – Page 21

Change of use of existing post office into living accommodation and erection of new Post Office/General Store (modified proposal 2014/90895) with raised garden area and drive to rear

Hightown Post Office, 483, Halifax Road, Hightown, Liversedge, WF15 8HU

7.0 PUBLIC/LOCAL RESPONSE

Eight objections, including a petition containing four signatures, have been received with respect to the amended plans which raise the following concerns:-

- If the parking to the rear is for shoppers, this will cause issues for the residents of Springfield Drive
Response: *This is a material consideration as it relates to highway safety. However the parking to the rear is not proposed for use by customers. As with the previously approved arrangements, customers would utilise the on-street parking to the front of the site.*
- The shop is completely out of character for the surrounding area
Response: *This is a material consideration as it relates to visual amenity. The amended scheme has reduced the height of part of the building to form a less prominent feature within the street scene. It should also be noted that there is some diversity in the architectural design of the surrounding properties. As such, the reduced scheme would not, in the view of officers, appear significantly out of character with the local area.*
- The plans do not match the approved scheme
Response: *The plans do differ from the approved plans, however, the current application is seeking consideration of the amended design and this has been assessed within the report.*
- The “step” looks absurd
Response: *This is a material consideration as it relates to visual amenity. The impact in terms of visual amenity, with the partial reduction in height of the building, is considered, on balance, to be acceptable from a visual amenity perspective by officers. It should also be acknowledged that the neighbouring property, no.481 Halifax Road which is located to the south of the site (on the opposite side of the access forming Springfield Drive), incorporates a ‘step’ where its extension has been erected. As such, it is the view of officers that this design feature would not appear as an incongruous feature within the street scene.*

- An increase from 86m² to 119m² (35%) is significant
Response: *The size and scale of the building has been considered within the officer report and, for the reasons set out in the main agenda is, on balance, considered acceptable by officers.*
- Would the original planning have been passed if it was known that the post office was to remain in its present position?
Response: *The previous approval did include the post office in its current position (A S106 Agreement was signed securing this). The store element is being moved into the new building, as was the case with the previous approval.*
- Would the original planning application have been passed if it was stated that it was to be a Tesco's One Stop and not a general store?
Response: *This is not a relevant material planning consideration. There is no distinction within the Town and Country Planning (Use Classes) Order for a general store whether it is operated by an individual or a larger company. Both fall under Class A1 use.*
- There is an off licence and convenience store 200 yards down the road
Response: *The presence of another A1 use within the vicinity is not considered to be material in the determination of this application. Furthermore, the principle of a replacement 'store' has previously been established through the granting of the original planning permission.*
- A sign has been put up in the shop which indicates that there will be daily deliveries to the shop
Response: *The applicant has stated that there will be one delivery per week in their supporting statement dated 2nd April 2019. Taking into account the previous approval (reference 2014/90895), where no condition was attached restricting the deliveries to/from the site but having regard for the increased store size and on street parking for customers it is necessary for a condition to control deliveries. This condition will be in the form of a delivery management plan to be approved prior to first use to control the when and frequency of delivery times.*

Planning Application 2019/90380

Item 13 – Page 33

Outline application for erection of residential development and associated access.

Land at, Green Acres Close, Emley, Huddersfield, HD8 9RA

Masterplanning and reason for refusal

As confirmed at paragraph 6.3 of the committee report, Local Plan policy PLP5 (as modified) is relevant. This requires masterplans to be prepared where appropriate, in consultation with the council, prior to the submission of a planning application. Given that the allocated site relies on, and should be accessed via, land outside its boundaries under the control of other parties, it is considered that a masterplan approach, involving engagement with all these parties, is appropriate for this site. To this end, officers have asked the applicant (at both pre-application and application stages) to explain what efforts had been made to secure access to the site from Wentworth Drive (see further information below). Given that there appears to have been no such engagement with the relevant, adjacent landowners, and given the highways safety concerns detailed in the committee report (of note, part h of policy

PLP5 states that masterplans will be expected to include measures to mitigate the traffic impacts of the proposed development on the strategic and local road networks), it is considered appropriate to refer to policy PLP5 in the recommended reason for refusal, such that it would read:

- 1) The proposed development would intensify vehicular movements on Warburton, which would increase risks to pedestrian safety and the risk of conflicts between drivers, due to the lack of adequate footways, visibility and space for parking. The proposed development would therefore have a detrimental impact on highway safety. This would be contrary to Kirklees Local Plan policies PLP5 and PLP21 (as modified).

Wentworth Drive ransom strip

On 18/04/2019 the applicant provided a plan, illustrating four parcels of land (owned by three parties) at the terminus of Wentworth Drive. While this is useful information, officers do not agree with the applicant's commentary that these separate and multiple ownerships render this access point to the site "unviable and unachievable" – to support such an assertion the applicant would need to explain what efforts had been made to secure access over this ransom strip, and what the owners' asking price(s) were, however this information has not been provided. Ransom strips can be bought, and while it is accepted that the multiple ownerships may complicate matters, there is no evidence to demonstrate that providing access from Wentworth Drive would be impossible. It is again considered, therefore, that the relevant requirements of Local Plan policy PLP5 (as modified) have not been met.

Highways

On 15/04/2019 the applicant provided a response to the comments of the council's Highways Development Management (HDM) officer. This response and earlier correspondence can be made available to Members. The applicant's response refers to the lack of recorded injury accidents along Warburton during the last five years, refers to the "modest" traffic generation of the proposed development, emphasises the benefits of the improvements to Warburton proposed by the applicant, includes a Designer's Response to the 14 problems identified in the applicant's Road Safety Audit, and argues that the proposed development would displace only four cars from the maximum car parking potential along Warburton. The applicant has asserted that the proposals would formalise and improve safety on Warburton for vehicular traffic and vulnerable road users.

HDM officers have responded to the applicant's 13 points as follows:

- 1) There are no footways to both sides of the majority of the length of Warburton.

Contrary to the applicant's comments, Warburton is not a shared surface carriageway or street. A shared surface street would typically include sufficient off-street parking with frequent shifts in alignment and/or traffic calming features to constrain traffic speeds to a design speed of around 15mph. In this way spaces that can genuinely be shared safely by vehicles and pedestrians can be created. Warburton is simply a road without footways.

The Highways Safety section's consultation response for this site expresses concerns regarding the lack of footway provisions along Warburton.

2) There are poor sight lines at the junctions with Green Acres Close and Upper Lane.

The applicant's comments regarding traffic speeds on Warburton and the findings of Manual for Streets are acknowledged. It should, however, be noted that on-street parking on the opposite side of Warburton will push through-traffic over towards the junction which is not in the best interests of highway safety.

It is acknowledged that the proposed improvement works at the junction of Warburton and Upper Lane could provide improved visibility. The applicants have not, however, produced a detailed design and the proposed reduced width of Upper Lane is not dimensioned.

3), 4), 5) and 6) 16 driveways have poor sight lines onto Warburton, there are 15 existing houses with front doors opening directly onto Warburton, and there is on-street parking and 80 existing dwellings with access onto Warburton.

It is not considered that the proposed 600mm hard margins would produce any significant improvements in terms of highway safety.

Whilst it is acknowledged that Warburton has a good accident record this proposal will provide between 44 and 50 additional dwellings. The Transport Statement prepared by Paragon Highways suggests that this would produce an additional 28 to 31 two-way movements in the peak hours, however HDM would estimate this could be 35 to 40 two-way movements. This would result in an increase of between 54% and 62% compared to the existing estimated traffic generated by the existing 80 dwellings. This forecast increase is considered significant when compared to the existing situation and is considered to be to the detriment of highway efficiency and safety given the layout and lack of off-street parking and footways on Warburton.

7) The applicant's Road Safety Audit refers to 14 separate problems associated with the proposed works. No Designer's Response has been provided to address any of the concerns raised.

It is noted that the applicant's Road Safety Audit for the proposed works shows that they do not in themselves produce any serious highway concerns other than the potential risk of vehicles colliding head-on due to a misaligned centre line shown on Upper Lane. The auditors wouldn't have been able to comment on the potential risks associated with reducing the Upper Lane carriageway width given that the dimensions were not provided. An audit of the detailed design may result in this issue being raised as a potential problem.

8) The proposed sight line improvements at the Warburton/Upper Lane junction will reduce the width of the carriageway along Upper Lane to through-traffic. No dimensions are specified on the plans provided but Upper Lane is a classified road (C565) and a bus route and reducing the width at this location may not be in the best interests of highway safety given the potential use by larger vehicles including buses.

It is acknowledged that the proposed improvement works at the junction of Warburton and Upper Lane could provide improved visibility. The applicants have not, however, produced a detailed design and the proposed reduced width of Upper Lane is not dimensioned.

9) The proposed 'H' bar road marking intended to provide space for vehicles to pass along Warburton is not enforceable and would in any case displace parking to other areas of Warburton.

The officer site visits on 03/10/2018 at 18:22 hours witnessed the full length of the recreation ground being parked up and the proposed 'H' bar marking would therefore potentially displace existing parking onto other areas of Warburton which could potentially result in Highway efficiency and safety concerns.

10) Hard margins discourage vehicles from travelling close to the carriageway edge and potentially provide an area for a pedestrian to step out but this is what happens in reality now vehicles tend not to drive close to walls and hedges.

Applicant's comments are noted.

11) Vehicles are likely to park on the proposed hardened verge to the frontage of the recreational fields.

Applicant's comments are noted.

12) The works at the junction with Green Acres Lane and Warburton provide minimal improvements to visibility from the junction and reduce the width of the carriageway where vehicles park opposite.

Contrary to the applicant's comments, the issue of visibility at this junction was raised in the audit as visibility is also restricted due to the vegetation at adjacent properties. No recommendations were made in the applicant's audit and no measures are proposed in the Designer's Response. The proposed 'H' bars could displace parking towards this junction which may not be in the best interests of highway efficiency and safety.

13) The public footpaths shown to be improved emerge onto Upper Lane at locations where no nearside footway is available and where visibility of approaching traffic will be limited. There is therefore no place of safety for pedestrians to stand when emerging onto Upper Lane.

The applicant's comments are noted, however it is still considered that the footpaths emerge onto Upper Lane at locations where there are no nearside footways available, and where visibility of approaching traffic is limited.

Member of Parliament objection

Paula Sherriff MP objected to the application, stating that the proposed access to the site is completely inadequate for 44 homes and the associated traffic movements, and that the proposed development would affect residents of Warburton in a way that the proposed alterations (to Warburton) cannot mitigate. Existing conditions and pedestrian movement along Warburton, inaccuracies in the applicant's description of Emley's amenities, the lack of local school capacity, and on-street parking at peak times were noted. Due to the site's access constraints, the application has failed to meet the council's and the Local Plan Inspector's requirements for safe and sound access.

Education contribution

In response to Cllr Simpson's query (summarised at paragraph 8.3 of the committee report) regarding allocation of the necessary education contribution, the council's School Organisation and Planning Team advised that contributions are calculated in accordance with the current policy Providing for Education Needs Generated by New Housing (viewable online at: www.kirklees.gov.uk/beta/planning-applications/pdf/providing-for-education-needs.pdf). Using projected numbers for the 2020/1 academic year (including numbers of children generated by the proposed development), Emley First School and Shelley College would not be at capacity therefore, no education contribution for those institutions could be sought. Kirkburton Middle School would, however, exceed its capacity, hence the need for a £62,055 education contribution.

Millennium Green

A representative of Emley Millennium Green has written to the council, advising that they have not been asked, and have not given permission, to allow the developer to access or carry out any drainage or other works in or across the Millennium Green.

Planning Application 2018/91866

Item 14 – Page 59

Demolition of existing dwelling and erection of 4 dwellings

1, Ouzelwell Lane, Thornhill Lees, Dewsbury, WF12 9EP

2.0 SITE AND SURROUNDINGS:

2.4 A footpath is located to the south of the site, however this is not a recorded Public Right of Way. In any case, Officers do not consider that users of the footpath would be impacted upon by the development due to the distance of Plot 4 from the southern boundary of the site (separated by the proposed driveway of Plot 4).

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 2009/93195 – Erection of one detached dwelling – approved (not implemented)

Erection of detached dwelling and associated site works

adj, 93, Stocks Bank Road, Mirfield, WF14 9QB

The applicant has requested that the application is deferred until the next committee to allow Officers to consider amended plans that have been submitted. The amended plans reduce the overall scale of the dwelling to address some comments raised by objectors.

As well as this, the applicant would like to re-engage their planning consultant to speak at the next committee meeting.

Erection of two storey and single storey rear extension, single storey front extension and alterations, and detached double garage with store and formation of access to Fir Grove

21, Fir Parade, Ravensthorpe, Dewsbury, WF13 3BH

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

The applicant has submitted an updated proposed block plan, in addition to a Supporting Statement relating to the vehicular use of Fir Grove, and to confirm that they propose to use Fir Grove to access the proposed garage only, and not for parking. They state that this would be consistent with the existing arrangement for neighbouring dwellings.

7.0 PUBLIC/LOCAL RESPONSE

Two further representations have been received since the publication of the committee report. These raise no new issues over and above those which have already been reported in the main agenda.

8.0 CONSULTATION RESPONSES:

Kirklees Neighbourhood Housing have been consulted with regard to the provision of a new vehicular access from Fir Grove. There are some concerns that the applicant may park on Fir Grove. However, there are no current restrictions in terms of parking on Fir Grove and this area would be outside the control of the applicant. Furthermore, as set out above, the applicant has confirmed that they would only use Fir Grove to access the proposed garage and not for parking.

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