

Public Document Pack



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

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Wednesday 1 August 2018

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 9 August 2018**.

(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 Council Chamber.)

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

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

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

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

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

Member

Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Richard Eastwood
Councillor Nell Griffiths
Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Bernard McGuin

Under the provisions of Council Procedure Rule 35(8) Cllr Bernard McGuin will replace Cllr Nigel Patrick as a permanent member of the Committee.

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

Substitutes Panel

Conservative

B Armer
V Lees-Hamilton

Green

K Allison
A Cooper

Independent

C Greaves

Labour

E Firth
S Hall
N Mather
H Richards
R Walker

Liberal Democrat

C Iredale
A Munro
A Pinnock

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of previous meeting

1 - 8

To approve the Minutes of the meeting of the Committee held on 21 June 2018.

3: Interests and Lobbying

9 - 10

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

4: Admission of the Public

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

5: Deputations/Petitions

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

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

6: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application No: 2017/93544

Erection of 5 detached dwellings and garage ancillary to 33, Woodside Lane 33, Woodside Lane, Fixby, Huddersfield.

(Estimated time of arrival at site – 9:55 am)

Contact Officer: Adam Walker, Planning Services

Wards Affected: Ashbrow

Wards

Affected: Ashbrow

8: Site Visit - Application No: 2017/93333

Outline application for the erection of up to 12 dwellings (revised description) Land off, Grove Street, Longwood, Huddersfield

(Estimated time of arrival at site – 10:25 am)

Contact Officer: Matthew Woodward, Planning Services

Wards Affected: Golcar

Wards

Affected: Golcar

9: Site Visit - Application No: 2018/90941

Outline application for residential development Springfields, Mill Moor Road, Meltham, Holmfirth.

(Estimated time of arrival at site – 10.55 am)

Contact Officer: Adam Walker, Planning Services

Wards Affected: Holme Valley North

Wards

Affected: Holme Valley North

10: Site Visit - Application No: 2018/91492

Erection of a detached dwelling (within a Conservation Area) Land Adj, 27, Goose Green, Holmfirth.

(Estimated time of arrival at site – 11:20 am)

Contact Officer: Neil Bearcroft, Planning Services

Wards Affected: Holme Valley South

Wards

Affected: Holme Valley South

11: Local Planning Authority Appeals

11 - 36

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

Contact: Mathias Franklin –Development Management Group Leader

Wards Affected: Holme Valley South; Lindley; Greenhead; Crosland Moor and Netherton and Colne Valley.

Wards

Affected: Colne Valley; Crosland Moor and Netherton; Greenhead; South; Lindley

Planning Applications

37 - 40

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

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 6 August 2018.

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

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

12: Planning Application - Application No: 2018/90413 41 - 58

Change of use from dwellinghouse to mixed use dwellinghouse and training centre (within a Conservation Area) Thorpe Grange Manor, Thorpe Lane, Almondbury, Huddersfield.

Contact Officer: Nick Hirst, Planning Services

Wards Affected: Almondbury

Wards

Affected: Almondbury

13: Planning Application - Application No: 2017/93544 59 - 70

Erection of 5 detached dwellings and garage ancillary to 33, Woodside Lane 33, Woodside Lane, Fixby, Huddersfield.

Contact Officer: Adam Walker, Planning Services

Wards Affected: Ashbrow

Wards

Affected: Ashbrow

14: Planning Application - Application No: 2017/93333 71 - 90

Outline application for the erection of up to 12 dwellings (revised description) Land off, Grove Street, Longwood, Huddersfield.

Contact Officer: Matthew Woodward, Planning Services

Wards Affected: Golcar

Wards

Affected: Golcar

15: Planning Application - Application No: 2018/90941 91 - 110

Outline application for residential development Springfields, Mill Moor Road, Meltham, Holmfirth.

Contact Officer: Adam Walker, Planning Services

Wards Affected: Holme Valley North

Wards

Affected: Holme Valley North

16: Planning Application - Application No: 2018/91492 111 - 122

Erection of a detached dwelling (within a Conservation Area) Land Adj, 27, Goose Green, Holmfirth.

Contact Officer: Neil Bearcroft, Planning Services

Wards Affected: Holme Valley South

Wards

Affected: Holme Valley South

17: Planning Application - Application No: 2018/90776 123 - 136

Outline application for erection of up to 10 dwellings Land at, Yew Tree Road/Burn Road, Birchencliffe, Huddersfield

Contact Officer: Adam Walker, Planning Services

Wards Affected: Lindley

Wards

Affected: Lindley

18: Planning Application - Application No: 2018/91119 137 - 150

Outline application for erection of residential development Land to the rear of 11 Holme Avenue, Dalton, Huddersfield.

Contact Officer: Victor Grayson, Planning Services

Wards Affected: Almondbury

Wards

Affected: Almondbury

19: Planning Application - Application No: 2018/91685 151 - 158

Erection of single storey rear extension 9, Clough Head, Slaithwaite Gate, Bolster Moor, Huddersfield.

Contact Officer: Adam Walker, Planning Services

Wards Affected: Colne Valley

Wards

Affected: Colne Valley

20: Planning Application - Application No: 2018/91722 159 -
166

Erection of single storey rear extension and garage with store below
147, Huddersfield Road, Meltham, Holmfirth.

Contact Officer: Francis Davies, Planning Services

Wards Affected: Holme Valley North

Wards

Affected: Holme Valley North

21: Planning Application - Application No: 2018/91529 167 -
174

Erection of single storey extension 12, Woodlea Avenue, Marsh,
Huddersfield.

Contact Officer: Francis Davies, Planning Services

Wards Affected: Lindley

Wards

Affected: Lindley

Planning Update

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

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 21st June 2018

Present: Councillor Mohan Sokhal (Chair)
Councillor Donna Bellamy
Councillor Richard Eastwood
Councillor Nell Griffiths
Councillor James Homewood
Councillor Ken Sims
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Bill Armer

Apologies: Councillor Nigel Patrick

1 Appointment of the Chair

Councillor Mohan Sokhal was appointed as Chair of the meeting.

2 Membership of the Committee

Councillor Bill Armer substituted for Councillor Nigel Patrick

3 Minutes of previous meeting

The Minutes of the meeting held on 17 May 2018 were approved as a correct record.

4 Interests and Lobbying

Councillors Bellamy an 'other interest' in applications 2018/91198 and 2018/91045 on the grounds that she was a member of Holme Valley Parish Council.

Councillor Bellamy declared she had been lobbied on application 2018/90021.

In relation to items 13 and 14 Councillor Ullah declared an 'other interest' on the grounds that he had been involved in facilitating a number of meetings between the developer and objectors.

In relation to items 13 and 14 Councillor Sokhal declared the following "I am a ward member for the Greenhead ward and I have been involved in the Clayton Fields issues for many years. Whilst I consider myself to be fully able to participate in the meeting and to vote, I will remain as Chair but will not participate and vote on the item. This is in the interest of transparency and to uphold the general principles for members' conduct"

5 Admission of the Public

All items on the agenda were taken in public session

- 6 **Deputations/Petitions**
No deputations or petitions were received.
- 7 **Public Question Time**
No questions were asked
- 8 **Site Visit - Application No: 2018/90413**
Site visit undertaken.
- 9 **Site Visit - Application No: 2016/91200**
Site visit undertaken.
- 10 **Site Visit - Application No: 2018/91198**
Site visit undertaken.
- 11 **Site Visit - Application No: 2018/90021**
Site visit undertaken.
- 12 **Local Planning Authority Appeals**
That the report be noted.
- 13 **Applications for a definitive map modification order to add public footpaths to the definitive map and statement, Clayton Fields, Edgerton. (Application references 30, 31, 184, 185 & 186). Application for a definitive map modification order to vary the recorded width of recorded public footpath Huddersfield 345 (part) (Application reference 187)**
The Committee considered a report that sought a decision on a number of applications for a definitive map modification order to add public footpaths to the definitive map and statement, Clayton Fields, Edgerton and an application for a definitive map modification order to vary the recorded width of recorded public footpath Huddersfield 345 (part).

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

Under the provisions of Council Procedure Rule 37 the Committee received representations from Jonathan Adamson and Bill Magee (read out on his behalf by Jonathan Adamson).

RESOLVED –

(1) That the Committee agree option 2 in paragraph 2.62 of the considered report and authorise the Service Director, Legal, Governance and Commissioning to make a definitive map modification order (“DMMO”) to record public footpaths as shown on appended, amended and clarified plan App Z, under section 53 (3) c (i) of the Wildlife & Countryside Act 1981, but not to make any modification under s 53 (3) c (iii) regarding the recorded width of Huddersfield footpath 345 and

Planning Sub-Committee (Huddersfield Area) - 21 June 2018

(2) Authorise the Service Director, Legal, Governance and Commissioning to confirm the order or if opposed, to submit it to the Secretary of State at DEFRA to determine

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

For: Councillors Armer, Bellamy, Eastwood, Griffiths Homewood, Sims and Uppal.
(7 Votes)

Against (0 votes)

Abstained: Councillors Sokhal and Ullah

14 **Amendments to the authority given by sub-committee in October 2017 for the extinguishment of claimed public footpaths at Clayton Fields, Edgerton Road, and provision of alternative routes. Town & Country Planning Act 1990, section 257.**

The Committee considered a report that sought a decision on amendments to the authorisation issued in October 2017 for an order to extinguish claimed Public Footpath rights over land at Clayton Fields and to provide alternative pedestrian routes

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

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Jonathan Adamson.

RESOLVED –

(1) That the Committee agree option 2 at paragraph 2.7 of the considered report and authorise the Service Director, Legal, Governance and Commissioning to make and seek confirmation of an order under s257 of the Town & Country Planning Act 1990 to reflect the routes determined to subsist, or to be reasonably alleged to subsist in relation to the seven Clayton Fields DMMO applications and to reflect the routes proposed in the implementable planning consents, including the widening of part of Huddersfield 345 lying to the west of the site and

(2) Delegate authority to the Service Director, Legal, Governance and Commissioning to determine the routes to be extinguished (routes in the DMMO report recommendations are indicatively shown in Plan 5/AppZ, along with the DMMO ref 183 route determined by sub-committee in February). The intention is for the s257 order to reflect the decisions by sub-committee.

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

For: Councillors Armer, Bellamy, Eastwood, Griffiths Homewood, Sims and Uppal.
(7 Votes)

Planning Sub-Committee (Huddersfield Area) - 21 June 2018

Against (0 votes)

Abstained: Councillors Sokhal and Ullah

15 **Planning Application - Application No: 2018/90151**

The Sub Committee gave consideration to Planning Application 2018/90151 Outline application for erection of residential development adj, 208, Yew Tree Road, Birchencliffe, Huddersfield

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Malcolm Sizer (Agent)

RESOLVED –

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

1) complete the list of conditions contained within the considered report including:

1. Standard conditions for outline consents (including submission of reserved matters and time limit).
2. Intrusive site investigations and remediation to address coal mining legacy issues and contaminated land issues.
3. Detailed drainage design including future maintenance and management of surface water infrastructure.
4. Provision of footway to site frontage.
5. Noise report and mitigation.
6. Ecological Design Strategy (including retention/provision of wetland area and biodiversity enhancement).
7. Electric vehicle charging points to be provided.
8. Affordable housing.
9. POS.
10. Education.
11. Sustainable travel contribution.
12. Construction management plan.
13. Detailed road junction design.

2) Secure a S106 agreement to cover the following matter:

- I. Contribution towards off-site improvement works at the Halifax Road/East Street (Cavalry Arms) junction.

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

For: Councillors Griffiths, Homewood, Sokhal, Ullah and Uppal. (5 Votes)

Against (0 votes)

Abstained: Councillors Armer, Bellamy, Eastwood and Sims.

16 Planning Application - Application No: 2018/91198

The Sub Committee gave consideration to Planning Application 2018/91198 Outline application for erection of residential development Land at, Westcroft, Honley, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Helen Reddel (Objector) Jeremy Child (Agent).

RESOLVED –

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

1. 3 years to commence development.
2. Reserved matters (access, layout, appearance, scale and landscape).
3. Provision of affordable housing.
4. Provision of public open space.
5. Remediation and decontamination.
6. Provision of electric charging points for low emission vehicles.
7. Habitat enhancement.
8. Ecological Development Strategy.
9. Construction Environmental Management plan.
10. Highways conditions.
11. Drainage, to be submitted with details of layout.
12. Tree protection.
13. Construction management plan.

In addition it was noted that the Committee requested that the application covering reserved matters be brought back to the Committee for consideration.

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

For: Councillors Eastwood, Griffiths, Homewood, Sokhal, Ullah and Uppal. (6 Votes)

Against : Councillors Armer and Bellamy (2 votes)

Abstained: Councillor Sims.

17 Planning Application - Application No: 2018/90413

The Sub Committee gave consideration to Planning Application 2018/90413 Change of use from dwellinghouse to mixed use dwellinghouse and training centre (within a Conservation Area) Thorpe Grange Manor, Thorpe Lane, Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Vivien Uff, Trevor Uff and Caroline Self (objectors) and Antony Dyson (Applicant).

Planning Sub-Committee (Huddersfield Area) - 21 June 2018

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Councillor Judith Hughes (Local Ward Member).

RESOLVED –

That consideration of the application be deferred in order to receive the following information: clarification on the start and finish times of the nearby schools; a further look at the impact of the proposed hours of class sessions on the surrounding transport network; a management plan covering traffic and parking; more detailed information on the types and numbers of delivery vehicles and management of the vehicles; clarification on the relationship of the application site to the residential occupation of 20 Thorpe Lane.

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

For: Councillors Armer, Bellamy, Eastwood, Griffiths Homewood, Sims, Sokhal, Ullah and Uppal. (9 Votes)

Against (0 votes)

18 Planning Application - Application No: 2016/91200

The Sub Committee gave consideration to Planning Application 2016/91200
Erection of single storey rear extension, dormer window to rear and porch to front, formation of retaining wall and associated works 23, Spa Wood Top, Whitehead Lane, Lockwood, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Aziz Patel (Applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Councillor Julie Stewart-Turner (Local Ward Member).

RESOLVED –

That contrary to the officers recommendation that the application be refused.

The committee considered that the scale of the scheme was an overdevelopment of the site and that the external facing materials and overbearing nature of the retaining wall resulted in a scheme that was detrimental to visual amenity.

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

For: Councillors Armer, Bellamy, Eastwood, Griffiths Homewood, Sims, Sokhal, Ullah and Uppal. (9 Votes)

Against (0 votes)

Planning Sub-Committee (Huddersfield Area) - 21 June 2018

19 **Planning Application - Application No: 2018/91045**

The Sub Committee gave consideration to Planning Application 2018/91045
Erection of fence and alterations to driveway 47, Meltham Road, Honley.

RESOLVED –

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

1. Time limit to commence development
2. Development in accordance with approved plans

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

For: Councillors Armer, Bellamy, Eastwood, Griffiths Homewood, Sims, Sokhal, Ullah and Uppal. (9 Votes)

Against (0 votes)

20 **Planning Application - Application No: 2018/90021**

The Sub Committee gave consideration to Planning Application 2018/90021
Erection of studio/store for domestic use 4 Delves Cottage, The White House, Delves Gate, Slaithwaite, Huddersfield.

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

RESOLVED –

That contrary to officers recommendation that the application be approved.

The Committee considered that the scheme would not be a disproportionate addition to the original building and would not constitute an overdevelopment of the site.

It was noted that Committee requested that a condition was put in place that in the interests of the Green Belt permitted development rights should be removed to prevent any further development.

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

For: Councillors Armer, Bellamy, Eastwood, Griffiths Homewood, Sims, Sokhal, Ullah and Uppal. (9 Votes)

Against (0 votes)

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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 (HUDDERSFIELD)

Date: 9 AUGUST 2018

Title of report: LOCAL PLANNING AUTHORITY APPEALS

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

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Service Director - Economy, Regeneration & Culture	Paul Kemp 31 July 2018
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	No financial implications
Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No legal implications
Cabinet member portfolio	Economy (Strategic Planning, Regeneration & Transport) (Councillor P McBride)

**Electoral wards affected: Holme Valley South; Lindley; Greenhead; Crosland Moor and Netherton; Colne Valley;
 Ward councillors consulted: No**

Public or private:

1. Summary

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

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

- 2.1 2018/62/90274/W - Erection of single and two storey rear extension (modified proposal) at 5, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP. (Officer) (Dismissed)

- 2.2 2017/62/93944 - Formation of new boundary wall at 4, Springwood Hall Gardens, Springwood, Huddersfield, HD1 4HA. (Officer) (Dismissed)
- 2.3 2017/64/94267/W - Advertisement Consent for erection of 2 illuminated LED advertising display signs Adj 468b, Manchester Road, Crosland Moor, Huddersfield, HD4 5BW. (Officer) (Dismissed)
- 2.4 2017/65/93297/W - Listed Building Consent for demolition of dog pens, erection of single storey rear extension, demolition of barn and erection of barn using existing materials at New Closes Farm Cottage, Wickins Lane, Holmfirth, HD9 3RB. (Officer) (Appeal against non-determination of application dismissed)
- 2.5 2017/62/93293/W - Erection of single storey rear extension (Listed Building) at New Closes Farm Cottage, Wickins Lane, Holmfirth, HD9 3RB. (Officer) (Appeal against non-determination of application dismissed)
- 2.6 2017/62/93721/W - Demolition of existing agricultural building and erection of two storey agricultural building (within the curtilage of a Listed Building) at New Close Barn, Wickens Lane, Holmfirth, HD9 3RB. (Officer) (Appeal against non-determination of application dismissed)
- 2.7 2017/62/93341/W - Erection of extensions and alterations to existing detached garage to form dwelling with associated access, parking and curtilage areas Adj, 10, Cherry Tree Walk, Scholes, Holmfirth, HD9 1XG. (Sub-Committee in accordance with Officer recommendation) (Dismissed)
- 2.8 2017/62/91966/W - Alterations and extension to agricultural building to form dwelling at land opp, 12, Clough Head Farm, Slaithwaite Gate, Bolster Moor, Huddersfield, HD7 4NW. (Officer) (Dismissed)
- 2.9 COMP/10/0173 - Appeal against an enforcement notice requiring demolition of a raised platform and balustrades at 37 Scholes Moor Road, Scholes. (Officer) (Enforcement Notice Quashed)

3. Implications for the Council

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

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

4. Consultees and their opinions

Not applicable, the report is for information only

5. Next steps

Not applicable, the report is for information only

6. Officer recommendations and reasons

To note

7. Cabinet portfolio holder recommendation

Not applicable

- 8. Contact officer**
Mathias Franklin –Development Management Group Leader (01484 221000) mathias.franklin@kirklees.gov.uk
- 9. Background Papers and History of Decisions**
Not applicable
- 10. Service Director responsible**
Paul Kemp

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Appeal Decision

Site visit made on 26 June 2018

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2018

Appeal Ref: APP/Z4718/D/18/3201942

5 Reinwood Avenue, Quarmby, Huddersfield HD3 4DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N K Singh against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/90274/W, dated 25 January 2018, was refused by notice dated 21 March 2018.
 - The development proposed is described as: 'Erection of single and two storey rear extension (modified proposal)'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, a part two storey, part single storey rear extension was under construction. However, the works which I observed on site appeared to differ from those shown on the appeal drawings in a number of respects. Notwithstanding any works that have taken place on site, I consider the appeal proposal on the basis of the details before me.

Main Issue

3. The main issues are the effects of the proposed development on:
 - the character and appearance of the appeal site and its surroundings; and
 - the living conditions of neighbouring occupants, in particular those of 3 Reinwood Avenue and 7 Reinwood Avenue, with regard to privacy, noise and disturbance.

Reasons

Character and appearance

4. It is not clear from the drawings before me whether the panels to either side of the proposed balcony, on top of the two storey part of the extension, would be constructed in masonry, opaque glazing, or a combination of the two. However, in any event, it is nonetheless evident that these vertical panels would project some way above the eaves line of the host property and its adjoining neighbour, and would have an overall height greater than the ridge level of the

appeal property's existing two storey rear extension. Designed in this way, the proposed extension would therefore appear as an unduly prominent and discordant addition, which would add a significant degree of additional massing at roof level, would not respect the scale and detailing of the host property, and would sit uncomfortably alongside the original building and existing, subservient, rear extension.

5. Although the extension would be to the rear of the property, I observed that it would nonetheless clearly visible from public vantage points around the site, including through the wide gaps between buildings further along Reinwood Avenue and on Reinwood Road. From these viewpoints, the significant scale of the proposed development would be clearly evident and would sit in stark contrast to the lower eaves and hipped roofs of the adjoining property and other similar semi-detached houses to either side of the appeal site.
6. The proposal would therefore have a significant adverse effect on the character and appearance of the appeal site and its surroundings, in conflict with Policies D2 (vi and vii), BE1 (i and ii) and BE2 (i) of the Kirklees Unitary Development Plan (the UDP). Amongst other things, these require that new development is visually attractive, and does not prejudice visual amenity or the character of the surroundings. The proposal would also conflict with core planning principles and policies in the National Planning Policy Framework (the Framework), which require high quality design and that developments respond to local character and reflect the identity of local surroundings.
7. In reaching my conclusion I have also had regard to emerging Policy PLP24 (a and c) of the Kirklees Publication Draft Local Plan (the PDL), the aims of which are similar to those of the UDP policies referred to above, in requiring developments to respect the character of the townscape and be in keeping with existing buildings.

Living conditions

8. Whilst the intended materials of the panels to either side of the balcony are unclear, I am satisfied that, subject to their further details, and to any glazing being of a high degree of opaqueness, the principle of such screens would be sufficient to prevent direct overlooking to either side of the proposed balcony. Therefore, and as a result of their height and their position in relation to the neighbouring houses to either side, these panels would prevent direct overlooking of the rear windows of No 3 and No 7, and of the patio areas immediately to the rear of both of these neighbouring properties.
9. Some views of the rear garden of No 3 would be possible from the proposed balcony. However, due to the high panels to the sides of the balcony, any such views would be limited to the rear part of this neighbouring garden, and would be oblique, rather than direct. Therefore, the proposed balcony would not overlook this neighbouring garden to a significantly greater degree than the first floor windows of the existing property do at present.
10. The rear garden of No 7 is further away, and would be screened by a large outbuilding to the rear of No 7, which extends for some distance alongside the boundary with the appeal site. Therefore, the proposal would not result in a significant increase in the degree of overlooking No 7 or its rear garden.

11. Given the degree of separation between the balcony and other nearby properties, and as there are no houses directly to the rear of the site, the proposed development would not result in a significant increase in overlooking of other nearby houses or their gardens.
12. Whilst it appears that the proposed balcony could accommodate some external seating, its capacity in this respect would be restricted by its limited size. The balcony would not be appreciably closer to the rear windows of No 3 than the appeal site's rear garden, which could be used for outdoor seating close to the boundary with No 3 at present, and which could accommodate larger numbers of people than the balcony. I have no substantive evidence to suggest that the elevated position of the balcony would necessarily lead to greater noise levels arising from the use of this area compared to the existing rear garden area. On the basis of the information before me, I therefore consider that the proposal would not result in a significant increase in the levels of noise and disturbance experienced by the occupants of No 3.
13. For similar reasons, and given the greater separation distance between the proposed balcony and other neighbouring properties, including No 7, the proposal would not result in a significant increase in the levels of noise and disturbance experienced by other neighbouring residents.
14. For the reasons above, the proposed development would not have a significant adverse effect on the living conditions of neighbouring occupants, in particular those of 3 Reinwood Avenue and 7 Reinwood Avenue, with regard to privacy, noise and disturbance. The proposal would therefore not conflict with Policy D2 (v) of the UDP, which requires that development proposals do not prejudice residential amenity, nor would it conflict with the policies and core planning principles of the Framework, which seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
15. In reaching my decision I have also had regard to emerging Policy PLP24 (b) of the PDLP, which has similar aims to those in the UDP policies referred to above, in requiring a high standard of amenity for future and neighbouring occupiers.

Other matters

16. I note that permission has been recently granted for a single and two storey rear extension to the appeal property. However, from the details before me, it appears that the two storey part of the approved extension would maintain a consistent eaves line with the original dwelling, and would have a shallow, hipped roof. Having had due regard to the previously-approved proposal, I am therefore satisfied that the current proposal, which incorporates a flat-roof and balcony above the two storey part of the extension, is materially different. I have considered the specific proposal before me on its planning merits.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR



Appeal Decision

Site visit made on 20 June 2018

by W Johnson BA (Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2018

Appeal Ref: APP/Z4718/D/18/3198893

4 Springwood Hall Gardens, Springwood, Huddersfield HD1 4HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J S Randhawa against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/93944/W, dated 17 November 2017, was refused by notice dated 4 January 2018.
 - The development proposed is formation of new boundary wall.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is described as 'retrospective', but that is not a term recognised for the purposes of the definition of development. At the time of my site visit, I saw that erection of the boundary wall as proposed in the application was substantially complete, and I also had the benefit of seeing the scheme in place. I have dealt with the appeal on that basis.

Main Issue

3. The main issue in this appeal is the effect on the character and appearance of the appeal dwelling and its surrounding area.

Reasons

4. Springwood Hall Gardens is a residential cul-de-sac. Most of the front boundaries to the dwellings are marked by relatively low brick walls with planting behind them. These are generally incidental in scale and form to their host dwellings, and this gives the street a pleasant, soft-landscaped and open character.
5. The appeal property is located on a prominent corner plot and the appeal scheme runs for a considerable length and at a significant height along both the front and side boundaries of the property. Notwithstanding the consistent height of the wall, ground levels generally fall away from Greenhead Road, and this means that the wall on the return elevation, in the direction of 89 Springwood Hall Gardens, appears even more prominent within the street-scene than comparable sections of the front elevation.

6. In the context of this immediate setting the height, length and prominence of the wall, in particular to the side of the host dwelling, mean the scheme forms a large, obtrusive and incongruous feature in the street scene which is at odds with the prevailing character. Whilst the wall displays similar brickwork to the host property this does not offset the wider visual harm otherwise arising in terms of its scale and prominence.
7. The appellant has made reference to the variety of boundary treatments in the locality, including the close boarded timber fencing present at 83 Springwood Hall Gardens, but those works, by reason of their scale and form, are materially different in their visual impact and do not justify the further contrasting scheme now proposed.
8. In his representations the appellant has also made reference to installing hedging 3m in height. No additional details have been provided regarding this alternative scheme, but I consider that hedging would result in a softer visual effect on the street scene, than the brick wall in the case before me. Additionally, as there is little to indicate a reasonable prospect of such planting taking place, little weight can be given to this matter. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
9. The Council has referred to policies contained within the emerging Kirklees Local Plan which although is in the process of examination, it has yet to be adopted by the Council. Furthermore, I have no knowledge of the extent of any unresolved objections relating to the policies identified. Consequently, the weight that I can attach to the policies contained within the emerging plan is limited and the statutory development plan for the purposes of the determination of this appeal remains as the Kirklees Unitary Development Plan (2007).
10. For all of these reasons the scheme has a significant harmful effect upon the character and appearance of the appeal dwelling and the surrounding area, and therefore conflicts with Policy D2 (vi & vii) of the Kirklees Unitary Development Plan (Revised) 2007, which, amongst other things, requires proposals not to prejudice visual amenity, and the character of the surroundings, and with Policy BE1(i & ii), which requires development to create or retain a sense of local identity and is visually attractive, and with Policy BE2 (i), which requires development to be in keeping with surrounding development.
11. The scheme also fails to accord with a core planning principle of the National Planning Policy Framework, which seeks to secure high quality design (Chapter 7 – Requiring good design).

Conclusion

12. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

Wayne Johnson

INSPECTOR



Appeal Decision

Site visit made on 26 June 2018

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2018

Appeal Ref: APP/Z4718/Z/18/3200849

476/480 Manchester Road, Huddersfield HD4 5BP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Insite Poster Properties Ltd against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/64/94267/W, dated 7 December 2017, was refused by notice dated 22 February 2018.
 - The advertisement proposed is described as: 'Replacement of 3no. existing advertising displays (1x96-sheet and 2x48-sheet) with 2no. digital LED advertising displays'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address in the banner heading is taken from the application form. Whilst this differs from the address on the Council's decision notice, there does not appear to be any disagreement between the parties as to the land to which the proposal relates, which is clearly evident from the drawings before me.

Main Issue

3. The main issue is the effect of the advertisements on the amenity of the appeal site and its surroundings.

Reasons

4. The proposed signs would occupy a prominent position on the Manchester Road frontage. The site is just outside the town of Milnsbridge, and development along this stretch of Manchester Road is somewhat sporadic and dispersed, in contrast to the more continuously built-up frontages within this nearby settlement.
5. The presence of advertisements on the site is well-established, and large, non-illuminated poster displays expand for some width along the site frontage at present. Although the proposed LED display panels themselves would be similar in height to the existing poster panels, they would be set in thicker frames, and would be mounted at a higher level than the existing panels, to minimise the risk of vandalism. Therefore, whilst the proposed LED panels would be less wide than the existing poster displays, they would be significantly

- higher than these existing advertisements, and than the low buildings which sit adjacent to and behind the site.
6. Whilst there are some industrial and commercial buildings in the vicinity, these are relatively small in scale, dispersed in nature, and interspersed with residential buildings and wide expanses of tree planting along Manchester Road. Where signage exists to nearby premises, it is limited in size, proportionate in scale to the buildings it relates to and, in the main, is not illuminated.
 7. In this context, as a result of their size, their elevated position, and their fully illuminated design, the proposed signs would appear as discordant, disproportionate and unduly dominant features, which would have a significant exposure in the wider street scene when approaching the site along Manchester Road. This would be evident during the day, but particularly in the evening and at night, when the levels of illumination emanating from the small, sporadic groups of buildings, and intermittent street lights, along this stretch of Manchester Road are likely to be limited.
 8. The appellant has suggested that the signs could be switched off between the hours of midnight and 6am. However, the signs would still be illuminated for considerable periods when ambient light levels are lower, particularly in the winter. Although conditions could be attached to limit the degree of illumination, and the frequency and length of transitions between advertisements, these would not address the harm I have identified, which arises as a result of their height and illuminated design.
 9. The site is quite close to the boundary of Milnsbridge Conservation Area (MCA), which encompasses numerous mills and groups of residential buildings which grew up alongside the nearby river. The proposed signs would be evident from an identified 'gateway' to the MCA, at the junction of Manchester Road and Park Road West. However, they would be situated some way from the Conservation Area boundary and would only be visible in a very limited range of views from within the MCA itself. Therefore, the proposed signs would not harm the character and significance of the wider MCA as a whole.
 10. However, for the reasons given above, the signs would have an appreciably detrimental effect on the amenity of the appeal site and its wider surroundings, in conflict with paragraph 67 of the National Planning Policy Framework. The advertisements would also conflict with Policy BE2 (i) of the Kirklees Unitary Development Plan (the UDP), which requires that new development should be designed so that it is in keeping with any surrounding development in respect of design and scale. I have regard to this policy, as a further material consideration.
 11. In reaching my conclusion I have also had regard to emerging Policy PLP 25 (1.b.) of the Publication Draft Local Plan, which refers specifically to proposals for advertisements, and which has similar aims to those of the UDP policy referred to above, in requiring such developments to respect the character of the locality.
 12. The proposed signs would represent an investment in the site as part of a wider shift towards digital media, would allow greater flexibility in the use of the displays and would require fewer maintenance visits than the existing poster signs. I note the energy saving and sustainability benefits cited by the

appellant with regard to the use of LED display panels, and that no concerns have been raised by the Council with regard to the effects of the signs on the amenity of nearby residents, on biodiversity, or on public safety. However, these matters do not outweigh the significant harm to amenity that I have identified.

Conclusion

13. For the reasons above, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR



Appeal Decisions

Site visit made on 2 July 2018

by **Sarah Colebourne MA, MRTPI**

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

Decision date: 18 July 2018

Appeal A Ref: APP/Z4718/Y/18/3192901

New Closes Farm Cottage, Wickens Lane, Uppershong, Holmfirth, HD9 3RB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Lincoln Properties against Kirklees Metropolitan Council.
 - The application Ref 2017/93297, is dated 13 October 2017.
 - The works proposed are described as 'construction of a single storey rear extension on footprint of masonry dog pens previously demolished'.
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Appeal B Ref: APP/Z4718/W/18/3192899

New Closes Farm Cottage, Wickens Lane, Uppershong, Holmfirth, HD9 3RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Lincoln Properties against Kirklees Metropolitan Council.
 - The application Ref 2017/93293, is dated 13 October 2017.
 - The development proposed is described as 'construction of a single storey rear extension on footprint of masonry dog pens previously demolished'.
-

Appeal C Ref: APP/Z4718/W/18/3192915

New Closes Farm Cottage, Wickens Lane, Uppershong, Holmfirth, HD9 3RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Lincoln Properties Limited against Kirklees Metropolitan Council.
 - The application Ref 2017/93721, is dated 11 October 2017.
 - The development proposed is described as a 'retrospect application for the careful sectional hand demolition of existing stone barn and reconstruction with existing materials'.
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Decisions

1. Appeal A: The appeal is dismissed and listed building consent is refused for the construction of a single storey rear extension on the footprint of masonry dog pens previously demolished and the demolition and reconstruction of a stone barn.
2. Appeal B: The appeal is dismissed and planning permission is refused for the construction of a single storey rear extension on the footprint of masonry dog pens previously demolished.

3. Appeal C: The appeal is dismissed and planning permission is refused for the demolition of an existing stone barn and reconstruction with existing materials.

Preliminary matters

4. I have noted that the Council in its statement for Appeal A accepts that the demolition of the dog pens already has consent. However, it is clear from the submitted plans and documents that the proposals in Appeal A in addition to the proposed extension also include the demolition of a stone barn and the erection of a new barn. To avoid confusion with the converted barns at the site, I have referred to this in my reasoning below as a replacement outbuilding. I saw at my visit that all works except the extension have already been carried out. I have therefore determined the appeals on this basis.
5. I have noted that the Council's emerging Local Plan has been examined and reached an advanced stage but it has not yet been formally adopted by the Council. Whilst I have had regard to the policies referred to, as far as these appeals are concerned, the emerging policies do not advance a significant change from the adopted policies and I have therefore dealt with the appeal on the basis of the latter where relevant.

Main Issues

6. The main issues in these linked cases are:-
 - the effect of the proposals on the special architectural and historic interest and the setting of the listed building at New Close Farmhouse;
 - whether the replacement outbuilding would amount to inappropriate development in the Green Belt; its effect on the openness of the Green Belt and its purposes; and if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, including the effect on the listed building, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development;
 - the effect of the replacement outbuilding on the living conditions of neighbouring occupiers in terms of noise and odour.

Reasons

Listed building

7. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. In the case of substantial harm or total loss of a heritage asset, paragraph 133 says that consent should be refused unless substantial public benefits outweigh the loss or other criteria apply, including the absence of a viable use or grant funding. Paragraph 134 requires that

where the harm is less than substantial, it should be weighed against the public benefits of the proposal.

Extension

8. The proposed extension in Appeals A & B would be sited at the rear of one end of a recently renovated barn conversion. It forms part of a small complex of three properties and outbuildings associated with New Close Farmhouse, a grade II listed building from the early to mid C19th with earlier origins. The buildings are surrounded by open countryside and accessed via long track. The converted barn retains its linear form and simple agricultural character with a limited number of openings. Its form and character contribute strongly to its significance and to that of the principal listed building.
9. The proposed extension, at some 5.9m wide and some 5.4m long, would severely disrupt the linear plan form of the building and its size would be disproportionate. It would have a dual pitch roof whose form and shallow pitch would result in an uncompromisingly modern, domestic appearance. Although the proposed mullioned windows are traditional in design and similar to those in the adjacent cottages, their width and uniformity would contrast with the narrow, irregularly spaced windows in the barn's existing rear elevation. Despite the use of traditional materials, it would therefore fail to preserve or enhance the significance of the building and the setting of the adjacent building. The lack of visibility from surrounding areas does not diminish the harm that would be caused to the character of the building.
10. I have noted that the proposal would sit on the footprint of the demolished dog kennels and was discussed with the Council's previous Conservation Officer but that does not provide justification for the harm that would be caused and no public benefits have been suggested that would outweigh the identified harm as required in paragraph 134 of the Framework. It would therefore conflict with national policy in the Framework.

Outbuilding

11. The demolition and rebuilding of the outbuilding in Appeals A and C has already been carried out. Whilst it is difficult to fully assess its significance due to its demolition, the Council's photograph shows a traditional stone outbuilding with openings in its rear and side elevations. On this basis, its significance appears to lie in its former ancillary use and relationship to the principal listed building and the farm group as a whole, in addition to its utilitarian, agricultural character. Demolition has clearly resulted in substantial harm to its significance because the historical integrity has been weakened and the architectural and historic character lost.
12. The appellant has said that demolition was required due to its failing structural integrity and that liaison with the Council's Conservation and Design team took place. However, I have no evidence before me to substantiate the claim of structural failure and the Council has said that it was informed by the agent that no structural survey had been undertaken.
13. No further evidence has been submitted to demonstrate that there would be any substantial public benefits arising from the demolition of the outbuilding, that demolition was necessary for the continued viability of the property or that

alternative solutions or grant funding were sought as required in paragraph 133 of the Framework.

14. Whilst there are some differences between the previous and the new outbuilding, the Council has raised no objection to the size, scale and external materials of the new building and I would agree that its external appearance is acceptable. I disagree however with the Council that the modern materials used internally to form its structure of a concrete blockwork inner skin, a concrete floor and rolled steel joists have caused harm as these are internal and are commonly accepted in the construction of modern outbuildings in the setting of other listed buildings.
15. Nonetheless, for the reasons given earlier, I conclude that by reason of the demolition of the original outbuilding the works have resulted in substantial harm to the significance of the outbuilding and to the setting of the principal listed building. There are no public benefits or other justification that would outweigh the identified harm as required in paragraph 133 of the Framework. The proposal therefore conflicts with national policy in the Framework.

Green Belt

Outbuilding

16. The appeal site lies within the Green Belt. Paragraph 89 of the National Planning Policy Framework ('the Framework') says that the construction of new buildings in the Green Belt is inappropriate other than for a number of exceptions which include buildings for agriculture and forestry and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
17. The Council accepts that the original building was used as a piggery associated with New Close Farm and the surrounding fields. The application form states that the replacement building is for agricultural use. It would be used as an occasional livestock shelter at ground floor level and for continued storage of agricultural machinery and animal feed at first floor level. However, the appeal form shows that none of the land to which the appeal relates is, or is part of, an agricultural holding and the site plan does not include the surrounding fields. There is insufficient evidence therefore that the building is connected to demonstrable agricultural activity.
18. On this basis, the proposal does not represent any of the exceptions to Green Belt policy and would therefore amount to inappropriate development contrary to the Framework. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. I must attach substantial weight to this harm.
19. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and advises that one of the essential characteristics of the Green Belt is its openness. I agree with the Council that given the similarities between the size and location of the new building and the original building, it has a neutral effect on the openness of the Green Belt and its purposes.
20. The government attaches great importance to the Green Belt and it is important that decisions are made with consistency. As I have already found that there is insufficient evidence of structural failure in this case, I am not

persuaded that there are any considerations that when taken together would amount to the very special circumstances necessary to justify the harm that has been caused to the Green Belt and to the listed building. The proposal would conflict with the Framework.

Living conditions

Outbuilding

21. The Council's concerns relate to noise and odour from the keeping of livestock in the replacement outbuilding and the storage of animal waste externally. The building is sited in close proximity to the former farmhouse and has window and door openings in the nearest elevations. However, given the small size of the building, the previous building's use as a piggery and the proximity of the surrounding countryside I am not persuaded that the impacts would be unacceptable in this context. The proposal therefore accords with UDP policy BE1 which seeks to promote a healthy environment and in this respect accords with the Framework.

Conclusion

22. I conclude that for the reasons given earlier, the proposed extension would fail to preserve or enhance the significance and setting of the listed building. Notwithstanding my findings in regard to living conditions, I conclude that the demolition of the original outbuilding has also failed to preserve or enhance the significance of the listed building and the new outbuilding has caused significant harm in terms of the Green Belt. The proposals would conflict with national policy in the Framework as a whole and there are no other material considerations that warrant determining the appeals otherwise. All the appeals should be dismissed.

Sarah Colebourne

Inspector



Appeal Decision

Site visit made on 19 June 2018

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2018

Appeal Ref: APP/Z4718/W/18/3199914

10 Cherry Tree Walk, Scholes, Holmfirth, West Yorkshire HD9 1XG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Hough against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/93341/W, dated 22 September 2017, was refused by notice dated 8 January 2018.
 - The development proposed is re-use and adaptation of existing garage building to form dwelling with associated access and curtilage areas.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's decision was based on drawings which were revised during the course of the application. The Council has confirmed that the revised drawings were the subject of further publicity and consultation. I am therefore satisfied that all parties who may have wished to comment have had the opportunity to do so, and would not be prejudiced by my dealing with the appeal on the basis of those drawings, consistent with the Council's own consideration.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

4. The appeal building is located within the grounds of 10 Cherry Tree Walk, a stone house which is part of the traditional development at the centre of Scholes village, but which sits at the entrance to a more modern residential estate beyond. The existing garage is a more recent addition to the site, but nonetheless sits comfortably as a subservient outbuilding within the setting of the older buildings nearby, as a result of its relatively modest size and its simple design.
5. Whilst a small increase in the height of the building is proposed, this would be relatively minor, and the proposed dwelling would remain subservient in height to the main building at No 10. Although the building is close to the road frontage, this limited increase in height would not significantly increase its

presence in the street scene compared with that of the existing garage in this position. The building would have an almost blank end elevation. However, this elevation contains no active windows or detailing other than a large, solid garage door at present. The relatively minor increase in height would not significantly increase the expanse of this blank elevation. Therefore, subject to the provision of an appropriate boundary treatment and soft landscaping to the front of this area as proposed, this element of the development would not cause harm to the character and appearance of the street scene or the wider area.

6. The roof slope where the dormers are proposed faces an area of open land which contains a number of mature trees. However, due to the layout of Cherry Tree Walk beyond the site, and the presence of an access drive between the appeal building and this open land, this elevation of the appeal building is clearly evident from views further along Cherry Tree Walk towards the older, more traditional buildings on the appeal site and Paris Road beyond.
7. The new ground floor windows which would be inserted into the elevation facing this open land, whilst relatively small, would reflect the detailing of other existing windows on the appeal building and others nearby. However, whilst the proposed dormers would have pitched roofs and would be separated from one another to some degree, they would nonetheless dominate the roof of this relatively small building, and would appear incongruous in the context of its simple, understated design.
8. Notwithstanding the presence of more modern properties opposite the site, dormer windows are not a characteristic feature of the houses along this initial stretch of Cherry Tree Walk, which leads from the historic village centre into the newer housing estate beyond. In this context, against the backdrop of the more historic development within the site and beyond, the proposed dormers would appear as discordant features which would not reflect the positive characteristics of No 10 or other nearby development, and would detract significantly from the character and appearance of the appeal building and its wider surroundings.
9. Whilst I noted the presence of other dormers in the vicinity of the site, I observed that these are within the newer estate, further beyond the site, and are viewed in the context of other more modern buildings of a similar age and character in their immediate surroundings. As such, their context and circumstances are not directly comparable to the appeal site, and the presence of such features does not dissuade me from my conclusions regarding the particular harm which would arise as a result of the proposal before me.
10. For the reasons above, and notwithstanding the proposed use of matching materials, the proposed development would have a significant adverse effect on the character and appearance of the appeal site and its surroundings. It would therefore conflict with Policies D2 (vi and vii), BE1 (i and ii) and BE2 (i) of the Kirklees Unitary Development Plan which, amongst other things, require that new development is in keeping with surrounding development, retains a sense of local identity, and does not prejudice visual amenity or the character of the surroundings.
11. The proposal would also conflict with core planning principles and policies in the National Planning Policy Framework, which requires high quality design and

that developments respond to local character and reflect the identity of local surroundings.

12. In reaching my conclusion I have also had regard to emerging policy PLP24 (a) of the Kirklees Publication Draft Local Plan, the aims of which are similar to those of the UDP policies referred to above, in requiring developments to promote good design and respect the character of the townscape.

Other Matters

13. The Council is unable to demonstrate a 5-year housing land supply and paragraph 14 of the Framework is thereby engaged. Whilst the site is in an existing residential area, close to local services, and the scheme would assist to address the current housing shortfall, the proposed contribution of one dwelling would be relatively modest. Accordingly, I find the adverse impacts of the scheme as identified would still significantly and demonstrably outweigh the benefits, and that the proposal would not therefore constitute sustainable development.
14. The appellant has referred to the possibility of additional details being added to the gable facing Cherry Tree Walk. However, no such proposal is before me and, in any event, such measures would not overcome the harm which I have identified, which arises as a result of the proposed dormers as described above.
15. I have been referred to a previous appeal decision for the re-use and adaptation of the existing garage to form a dwelling. However, the previous appeal related to a larger proposal, including a greater increase in height to create a second storey to the building. The current proposal relates to a smaller increase in height, and to the installation of dormers into the building's roof. Having had due regard to the previous appeal decision, I am therefore satisfied that the current proposal is materially different for these reasons.
16. I note the appellant's reference to matters relating to the Council's handling of the application and to the planning committee meeting, and that the application was supported by the Parish Council and a local Councillor. However, such matters do not alter my findings on the appeal, which I have considered on its planning merits.
17. I note that the Council has not raised concerns regarding the effects of the proposals on the living conditions of neighbouring residents or on parking provision. I have had regard to these issues and to other matters which have been raised by interested parties. However, as I find the development to be unacceptable for other reasons, these matters do not alter my conclusions above.

Conclusion

18. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR



Appeal Decision

Site visit made on 26 June 2018

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 16 July 2018

Appeal Ref: APP/Z4718/W/18/3197747

12 Clough Head Farm, Clough Head, Slaithwaite Gate, Bolster Moor, Huddersfield HD7 4NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M. Coates against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/91966/W, dated 5 June 2017, was refused by notice dated 7 February 2018.
 - The development proposed is alterations and extensions to agricultural building to form a dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I am advised by the Council that the Kirklees Publication Draft Local Plan (PDLP) was submitted to the Secretary of State for Examination in April 2017. In line with paragraph 216 of the National Planning Policy Framework (the Framework), as the Plan is now at an advanced stage of preparation, I attribute significant weight to its policies in the determination of this appeal.

Main Issues

3. The main issues in this case are:
 - whether the proposed development is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - the effect of the development on the openness of the Green Belt and the character and appearance of the area;
 - whether the proposed development would provide satisfactory living conditions for future residents with particular regard to outlook, noise and odour;
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal property forms an agricultural building located off Slaithwaite Gate near Golcar. The building has two floors and is constructed with lower blockwork walls, upper timber cladding and grey roof sheeting. The site sits lower than surrounding land to the north and to the south the land slopes down to Slaithwaite Gate. Another timber agricultural barn lies immediately to the south of the appeal building and is in the same ownership. The appeal proposes the conversion of the building to form a two storey dwelling. The site is located within the Green Belt.

Inappropriate development

5. Paragraph 90 of the Framework provides that the re use of buildings in the Green Belt is not inappropriate development provided the buildings are permanent and of substantial construction, that they preserve the openness of the Green Belt and do not conflict with the purposes on including land in the Green Belt.
6. There is no dispute that the building the subject of this appeal is permanent. The concern raised by the Council is whether the building is of substantial construction and capable of conversion without rebuilding.
7. The Design and Access Statement accompanying the original planning application included a structural report assessing the buildings structural soundness and including a conversion methodology. It is proposed that the existing timber frame, timber floor beams, brickwork pillars, concrete blockwork walls, timber roof trusses and timber wall cladding would remain. The roof would be replaced and the external walls would be boarded over with new timber board. A new lining wall would be constructed to create a cavity wall.
8. I have no substantive evidence before me to demonstrate that the existing structure is sufficiently robust to take the increased loading of additional boarding to the external walls and new wall lining. Furthermore it is proposed to raise the first floor level. Again I have no evidence that the building is structurally sound to accommodate such an alteration.
9. Whilst I observed on my site visit that the building appears to be in reasonable condition, without a detailed and thorough structural report, I am not satisfied that the building is of substantial construction and capable of conversion as proposed.
10. The appeal scheme therefore fails to comply with paragraph 90 of the Framework and conflicts with draft Policy PLP60 (a) of the PDLP. It therefore forms inappropriate development in the Green Belt.

Openness

11. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework is to keep land permanently open; the essential characteristic of Green Belts is their openness and permanence. The appeal scheme proposes that the dwelling would be shorter in length than the existing building requiring the construction of a new south west gable wall. A veranda amenity space would be provided with a small overhanging roof feature.

12. As the overall footprint of the proposed dwelling would be similar to that of the existing building, I consider that the proposal would have a neutral impact on the openness of the Green Belt. The appeal scheme would therefore not undermine the Green Belt purposes in particular the safeguarding of the countryside from encroachment.

Living conditions

13. The appeal building lies approximately 10 metres from another timber agricultural building on its southern boundary. The proposed south east elevation of the dwelling would contain a number of window and patio door openings which would look onto this adjacent building.
14. Saved Policy BE12 of the Kirklees Unitary Development Plan (UDP) requires a separation distance of 12 metres between habitable room windows and a blank wall in an adjoining building in order to maintain outlook and privacy. The appeal scheme would not provide the required separation distance and would therefore result in a poor outlook for future occupiers. The policy permits a lesser distance if it can be shown that through screening, changes in level or innovative design, such impacts would not be detrimental to the amenity of neighbouring occupiers. In this case there are no such mitigating factors.
15. The neighbouring barn appears to still be in agricultural use and therefore there would also be potential issues of noise and odour nuisance. The appeal scheme as proposed would therefore not provide satisfactory living conditions for future residential occupiers. The proposal would conflict with saved Policy BE2 of the UDP and draft policy PLP24 of the PDL which seek to achieve good design and a high standard of amenity. It would also be contrary to paragraph 17 of the Framework which aims to secure a good standard of amenity for all existing and future occupiers of land and buildings.
16. I am advised that the neighbouring agricultural building is in the ownership of the appellant. I note that at the time of the original planning application, the Council had been informed that the agricultural building was to remain. However the appellant has stated in his appeal submission that this building could be removed. This would overcome any harm to the living conditions of future occupants. However the scheme before me retains this building and therefore I must determine the appeal on that basis.

Other considerations

17. In support of the proposal the appellant has argued that the proposed dwelling would be sited in an accessible location with public transport available from Golcar. Furthermore adequate car parking and turning facilities would be provided and appropriate foul and surface water drainage would be installed. The conversion scheme would require minimal alterations to the fabric of the existing building and there would be no impact on the environment of the local area. Whilst these factors lend support to the scheme, they form elements of good design which would be expected to be achieved as part of a sustainable development.
18. In the planning statement accompanying the original planning application, the appellant states that permitted development rights for the conversion of an

agricultural building to a dwelling under Class Q of the General Permitted Development Order 2015 form an 'in principle' material consideration. However the appellant also recognises that the proposed dwelling conversion would not meet all the relevant criteria. Therefore this would not form a relevant consideration in this case.

Other matters

19. The appeal building lies approximately 63 metres from a Grade II Listed building lying to the north of the site. It therefore lies within the setting of this heritage asset. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act to have special regard to the desirability of preserving a historic asset or its setting or any features of special architectural or historic interest.
20. The neighbouring listed building lies in an elevated position further up the hill from the appeal site. I note that the design of the appeal scheme has been amended and the proposed dwelling would retain the rural character of the existing building. I am satisfied that the appeal scheme would cause no harm to the setting of the nearby listed dwelling.

Conclusion

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except, in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
22. I have found that the proposed development would cause no harm to the openness of the Green Belt. In terms of the other considerations I have outlined above, they form aspects of sustainable development which all developments would be expected to achieve. Whilst they form material considerations in favour of the proposal, I attribute them limited weight.
23. In conclusion, the substantial harm to the Green Belt in this case is clearly not outweighed by other considerations. Very special circumstances necessary to justify the development do not therefore exist. The scheme would therefore conflict with the development plan and the Framework.
24. For the above reasons and having considered all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR



Appeal Decision

Site visit made on 5 June 2018

by **J Whitfield BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 July 2018

Appeal Ref: APP /Z4718/C/17/3179845

37 Scholes Moor Road, Scholes, Holmfirth, West Yorkshire HD9 1SJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Peter Wallace against an enforcement notice issued by Kirklees Metropolitan Borough Council.
- The enforcement notice was issued on 12 June 2017.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of a platform with balustrade.
- The requirements of the notice are demolish the platform and the balustrade.
- The period for compliance with the requirements is 4 weeks.
- The appeal is proceeding on the grounds set out in section 174(2)(c) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The enforcement notice is quashed.

The Notice

1. Section 176(1)(a) and (b) of the 1990 Act allows me to correct any defect, error or misdescription and vary the terms of the notice if I am satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
2. I saw on my site visit that screens had been fixed to each side of the decking. The appellant indicates that the side screens were erected in February 2017, substantially completing the development. This was prior to the notice being issued in June 2017. The side screens are physically attached to the decking and, in my view, clearly form part of the development as enforced against. That view is supported by section 1 of the Council's comments in the officer report dated 2 June 2017 which accompanied the request for authority to issue the notice. That report also considers the planning merits of the screen.
3. Nevertheless, the allegation does not refer to the side screens, only to the platform and the balustrade. Likewise, the notice does not require the removal of the side screens, only the demolition of the platform and balustrade. The side screens cannot be said to form part of the balustrade. The Oxford English Dictionary defines balustrade as 'a railing supported by balusters' with balusters being 'a short pillar forming part of a series supporting a railing'. The side screens comprise wooden trellis and artificial planting. They do not fall within the definition of balustrade as attacked by the notice.

4. The appellant's arguments on the ground (c) appeal essentially amount to whether the structure as enforced against amounts to operational development. The Council argue that it does, the appellant that it does not.
5. However, in order to properly consider the merits of ground (c), I would need to correct the allegation to reflect the entire breach, including not just the platform and the balustrade but the side screens which form part of the development as enforced against.
6. Moreover, the appellant's argument on the ground (f) appeal states that the requirements of the notice are excessive because the side screens mean the structure does not in itself result in any injury to amenity.
7. Such planning merit arguments amount essentially to an appeal on ground (a), which is not before me. Nevertheless, in such circumstances, were the side screens contained within the allegation, and subsequently the requirements of the notice, the appellant may have appealed on ground (a) so that a decision could be reached on whether or not the development in its completed form results in injury to amenity.
8. As a consequence, I consider the notice to be defective, but that it cannot be corrected without causing injustice to the appellant. I therefore have no option but to quash the notice and the appeal on grounds (c) and (f) do not fall to be considered.

Decision

9. The enforcement notice is quashed.

Jason Whitfield

INSPECTOR

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

PLANNING POLICY

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

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

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework 2018. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, 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.

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2018/90413 Change of use from dwellinghouse to mixed use dwellinghouse and training centre (within a Conservation Area) Thorpe Grange Manor, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA

APPLICANT

A and J Dyson

DATE VALID

28-Feb-2018

TARGET DATE

25-Apr-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Almondbury

No

Ward Members consulted

RECOMMENDATION

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

1.0 INTRODUCTION

- 1.1 The application seeks a change of use from dwellinghouse to mixed use dwellinghouse and training centre.
- 1.2 The application was deferred at the previous meeting of the sub-committee (21st June, 2018) to allow officers to gain further clarification/information on;
- The time of classes in relation to the surrounding transport network (specifically school start and finish times)
 - Nature and control of delivery vehicles (including numbers, size, restricting hours and on-site management)
 - For the provision of a Traffic Management Plan
 - The relationship between the site and no.20 Thorpe Lane
- 1.3 The applicant has provided a Traffic Management Plan which contains details and response to the above concerns raised by members, along with reducing the number of students from 13 to 12 and changes to the hours and days of operation.
- 1.4 The application was previously brought to committee at the request of Local Ward Councillor Judith Hughes. Cllr Hughes has expressed concerns over the proposal's impact on the local highway network.

2.0 SITE AND SURROUNDINGS

- 2.1 Thorpe Grange Manor is a detached two storey dwelling faced in stone with natural slate roof tiles. The dwelling has a large garden to the front, hosting several protected trees. The site is accessed to the rear, along a driveway from Thorpe Lane via Thorpe Grange Manor Gardens. To the rear of the dwelling is a detached outbuilding and a separate dwellinghouse, assumed to previously be associated to the main house. The outbuilding is that part of the dwelling proposed for the training centre.

2.2 Thorpe Grange Manor previously had larger associated grounds. Some of these now form the residential scheme, Thorpe Grange Gardens. Prior to its current residential use, Thorpe Grange Manor has had various uses approved, including a care home, training centre and restaurant.

2.3 The site is within the Almondbury Conservation Area. The surrounding area is principally residential, although Thorpe Lane connects to the village centre of Almondbury.

3.0 PROPOSAL

3.1 The detached outbuilding is to be converted into a workshop, to operate as a training centre (D1 Non-residential institution). External physical works are limited to changing the two garage doors into a wall with windows. The main dwellinghouse, Thorpe Grange Manor, is to remain in a residential use.

3.2 The training centre is to be targeted at mature students and is to teach various vocational skills. These include upholstery, sewing, blind and curtain making. A maximum of 12 students are sought for day classes, and 10 for evening classes.

3.3 Following member comments at last committee, the proposed hours of classes have been amended to take into account local school opening/closing times. The revised hours of use sought are;

Monday / Tuesday: 0930 – 1200, 1330 – 1600, 1800 – 2030

Wednesday / Thursday: 0930 – 1200, 1330 – 1600

Saturday: 1000 – 1200, 1330 – 1600

Friday / Sunday: Not in use

3.4 Car Parking is to be provided for 17 vehicles. 6 of these are to be within existing surfaced areas of the site. The remaining 11 are to be formed within the front lawn area of the dwellinghouse. The new lawn parking spaces are to be 'tech-turfed', forming a solid base which vehicles can park on that also allows grass to grow through.

3.5 The physical works to the garage and change of use has been implemented, being in operation since 19.09.2017. The business is in operation with the stated hours of use less than that proposed above, with the following being operated;

Tuesday: 0930 – 2100

Wednesday / Thursday: 0930 – 1500

Monday / Friday / Saturday / Sunday: Not currently in use

4.0 Relevant Planning History (Including Enforcement History)

4.1 Application Site

86/04121: Change of use of existing residential aged persons home to a central training unit – Granted Conditionally

94/90035: Change of use of training centre to residential (one dwelling) – Granted under Reg.4 General Regulations

94/90036: Change of use of training centre to residential institution (class c2) (alternative proposal) – Granted under Reg.4 General Regulations

94/90048: Change of use of training centre to offices (class b1) – Granted under Reg.4 General Regulations

94/91008: Change of use from aged persons home to training centre – Granted under Reg.4 General Regulations

95/92079: Change of use from training centre to restaurant – Conditional Full Permission

2004/93898: Erection of 12 no. Houses and 4 no. Apartments and change of use of restaurant to 1 dwelling (within a conservation area) – Conditional Full Permission

Enforcement

COMP/17/0320: Alleged unauthorised change of use to training centre and retail – Ongoing

Note: This application has been invited to regularise the above breach.

4.2 Surrounding Area

The surrounding area has no relevant planning history.

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

5.1 The parking layout plan was not to an acceptable standard. Officers requested that a technical version be provided. This has been done and now includes details such as swept paths.

5.2 Following the resolution of the previous sub-committee, officers have worked with the applicant to seek to address members' concerns.

5.3 Regarding a parking space for no.20 Thorpe Lane, the applicant has provided the following statement;

We state for the record that No 20 Thorpe Lane is a separate building with its own deeds registered at Land Registry. Similar to many older properties in Almondbury e.g. properties on Watercroft; it has no off street parking. Number 20 Thorpe Lane does not form any part of this application.

We would be very supportive of the suggestion to implement traffic management measures such as yellow lines on Thorpe Lane, as long as this could be managed effectively.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 On the UDP Proposals Map the site is Unallocated.

6.3 The site is Unallocated on the PDLP Proposals Map.

6.4 The site is within the Almondbury Conservation Area.

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

- **D2** – Unallocated land
- **NE9** – Development and mature trees
- **BE1** – Design principles
- **BE5** – Conservation areas
- **EP4** – Noise (sensitive locations)
- **T10** – highways and accessibility considerations in new development
- **H4** – Conversion of residential property to other uses

6.6 Kirklees Publication Draft Local Plan:

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP11** – Housing mix and affordable housing
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP33** – Trees
- **PLP35** – Historic environment
- **PLP51** – Protection and improvement of local air quality
- **PLP52** – Protection and improvement of environmental quality

6.7 National Planning Policy Framework:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 12** – Achieving well-designed places
- **Chapter 16** – Conserving and enhancing the historic environment

7.0 **PUBLIC/LOCAL RESPONSE**

7.1 The application has been advertised via site notice, press notice and through neighbour letters to addresses bordering the site. This is in line with the Council's adopted Statement of Community Involvement.

7.2 The end date for the initial period of publicity was the 3rd of April, 2018. Following the previous committee, where the application was deferred, a Traffic Management Plan has been received. The application has been re-advertised, with the 2nd publicity period due to end on the 7th of August, 2018. As such the period of publicity will not expire until after the report for sub-committee has been published. Representations received prior to publishing are detailed below. Any further representations received will be reported to members in the update.

7.3 Eight representations were received during the initial representation period in objection to the proposal. At the time of publishing a further seven objections have been received to the 2nd representation period, for a combined total of fifteen. The following is a summary of the concerns raised;

- There is not enough parking on the site for the use proposed. Vehicles parking close to the junction between Thorpe Lane and Thorpe Grange Gardens would create even more difficulty.
- The proposal would increase traffic on both Thorpe Lane and Thorpe Grange Gardens. There is already an issue of parking on Thorpe Lane, which the proposal would exacerbate.
- Thorpe Lane is narrow and does not have a footpath; visibility is limited in places.
- Thorpe Lane is used as a 'rat run' to avoid Southgate and by Taxis / Private Hire Cars.
- The training centre will increase noise pollution in the area.
- 17 parking spaces seems 'ambitious' and would make it difficult for emergency vehicles or council Lorries to access the site.
- Thorpe Grange Manor is a lovely house and should remain so.
- The applicant has planted trees along the boundary which have caused overshadowing over neighbouring dwellings.
- The site has been in use for several months, and cars have parked on Thorpe Lane causing the road to be narrowed and impact on safety.
- The area is residential, not business. Operating hours and work should reflect this.
- Object to an industrial/commercial use within a Conservation Area.
- The revised proposal fails to address previous concerns.

- The parking restrictions in Thorpe Lane cannot be enforced, and double yellows should be placed near the junction of Thorpe Lane and Thorpe Grange Gardens along with speed humps.
- What security is there that the applicant will operate in accordance with the permission, if granted?
- Thorpe Grange Gardens' junction has limited sight lines in the direction of no.20 and worse facing towards Almondbury centre.
- No thought has been given to the parking of delivery vehicles
- Near misses on Thorpe Lane are not uncommon
- The car parking shown within the application has not been provided. The car park would harm the amenity of residents near it through noise, such as slamming doors.
- The applicant has not provided parking for no.20 Thorpe Lane, who are required to park on a blind bend close to the junction. Highways DM, in their consultation response, advised that no.20's parking be accommodated on site.
- When Thorpe Grange Manor was used as an office it has a much larger car park, and therefore the situation is different. When it was last commercially used, the car park covered the estate of Thorpe Grange Gardens.
- A petition has been signed by local residents to request double yellow lines on the bend between the blind corner and Thorpe Grange Garden's junction, to stop no.20's residents parking there. Photos have been provided apparently showing a large vehicle struggling to navigate the corner with a car parked on this stretch of road.
- Vans accessing the site currently reverse down the drive, to the locked gates. A photo, showing a PDP van, presumed to demonstrate this manoeuvre, has been provided.
- Historic planning permissions required Thorpe Grange Manor to be converted to residential. The applicant has had permission refused to convert Thorpe Grange Manor into flats and to open another access onto Thorpe Lane.
- Many pedestrians who use Thorpe Lane are either senior or children.

Local Member Interest

- 7.4 Local Ward Member Councillor Judith Hughes initially expressed concerns with the proposal and requested that the application be determined by committee. Cllr Hughes' concerns principally revolve around highways, due to the restrictive nature of Thorpe Lane. Of particular concern to Cllr Hughes was the use of Thorpe Lane by school children and the potential conflict with drivers. Cllr Hughes has confirmed the Traffic Management Plan does not overcome her concerns.
- 7.5 Local Ward Member Councillor Alison Munro has provided the following comment, based on the amendment made following the previous planning committee;

I just want to confirm that I am fully supportive of the planning application 2018/90413 to be granted permission.

7.6 Local Ward Member Councillor Bernard McGuin has provided the following statement in support, post previous committee;

I wish to add my support to the above application. Unfortunately I cannot attend the meeting but would be happy to have my comments form part of the notes.

The applicants have co-operated fully on this application with the planning department.

Although Thorpe Grange is not in an ideal situation, the grounds have sufficient space in order to accept up to 12 students. They have agreed to limit the hours of operation in order that any traffic generated by student comings and goings will not conflict with local school activity.

There is very little in the way of deliveries to this establishment but, nevertheless the applicants have agreed to limiting deliveries to times that are acceptable to the local community.

In reaching any decision on a planning application members have to be mindful that they should support economic activity. The applicants are giving benefit to the local community by their work, they have co-operated fully with the planning officer, they have answered the queries coming from the last meeting's deferred decision and I would hope the committee would be mindful to support this application.

8.0 CONSULTATION RESPONSES

8.1 Statutory

None required.

8.2 Non-statutory

K.C. Highways: Provided feedback, comments and advise through process. No objection subject to condition.

K.C. Environmental Health: No objection subject to condition.

K.C. Trees: No objection, subject to condition.

9.0 MAIN ISSUES

- Principle of development
- Urban Design issues, including the Almondbury Conservation Area
- Residential Amenity
- Highway issues
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable development

- 10.1 NPPF Chapter 2 and PLP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation

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

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

All these considerations are addressed later in this assessment.

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

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

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

Change of use

- 10.4 Policy H4 establishes a principle against the conversion of residential units, due to the loss of housing stock. However the proposal is to convert a residential outbuilding, with the principal dwelling being retained. Therefore the proposal is not considered to be in breach of H4.
- 10.5 Chapter 6 of the NPPF, B1 of the UDP and PLP1 of the PDLP establish a general principle in favour of economic development and for flexible business practises. Chapter 8 of the NPPF states that *'the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities'*. The proposal is deemed to include a social and educational element, providing training and education facilities for adults.

- 10.6 Weighing the above, the principle of development is considered acceptable. Consideration must be given to the local impact, outlined below.

Urban Design issues, including the Almondbury Conservation Area

- 10.7 Physical works are limited to changing the front elevation of the garage, previously garage doors, to a wall with windows. This could be achieved via 'permitted development rights', and has limited impact on the visual amenity of the area. No works are proposed to the host building.
- 10.8 Car parking includes using existing tarmacked areas around the site. Additional parking is to be located on the lawn to the front of the dwelling. It is to be formed using surfacing that allows grass to grow through, limiting its visual impact. The main visual impact would be the parking of vehicles to the front of the property whilst the training centre is in use. Given, the temporary nature of the parking and the fact that this is not particularly visible from public viewpoints this is not considered harmful.
- 10.9 Officers are satisfied that the proposal would not harm visual amenity or the heritage significance of the Conservation Area. This is giving weight to Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990. The proposal is deemed to comply with Policies D2, BE1 and BE5 of the UDP, PLP24 and PLP35 of the PDLP and Chapters 12 and 16 of the NPPF.

Residential Amenity

- 10.10 The physical alterations to the garage, replacing a pair of garage doors to windows, will not result in harm to neighbouring residents. The windows face the rear elevation of Thorpe Manor, not 3rd party land. No physical works within the proposal raise no concerns of overbearing, overshadowing or overlooking upon neighbours.
- 10.11 A training facility is not, typically, considered a noise pollutant. However the site is to be used to teach vocational skills and will include machinery (e.g. sewing machines). Thus there is the potential for noise pollution.
- 10.12 Only a single 3rd party dwelling is within close proximity of the site. This is no.20 Thorpe Lane. The site has been in use for over six months, and K.C. Environmental Health have received no noise complaints. Furthermore no objections have been raised from the occupier of no.20. Conversely the proposal seeks greater hours of use to that currently operating. To protect the amenity of no.20 Thorpe Lane's residents, if minded to approve, it is considered reasonable to condition the need for noise mitigation details to be provided and implemented. As the site is in use, it is considered reasonable to require these details to be submitted within 1 month of any approval.
- 10.13 The next closest dwelling, no.3a, is approx. 20.0m from the building, with Thorpe Lane in between. The distance of the site from no.3a, and other neighbouring dwellings, is considered sufficient to negate concerns of noise pollution.

- 10.14 Concerns have been raised by local residents over the proposed car park and its proximity to neighbouring dwellings, particularly evening use. The closest neighbouring property to the car park is no.3 Thorpe Grange Gardens. There is a separation distance of 13.0m from the rear wall of the dwelling and the closest parking space, with the intervening boundary walls and vegetation. Only two evening classes, between 1800 and 2030, are sought. This is an amended time, with the applicant initially seeking 1830 – 2100. The change was to seek to minimise any impact upon nearby residents. Evening classes are limited to a maximum of 10 students, which is to be secured via conditions. Officers are satisfied that the infrequent coming and goings of users and associated vehicular movements would not cause undue harm to the amenity of neighbouring residents.
- 10.15 Consideration must also be given to the amenity of residents of Thorpe Grange Manor. The proposal would introduce students on site, have a business close to the dwelling and replace a garden space very close to the dwelling's front elevation with a car park. A large area of garden would be retained however. Currently the occupier is to operate the business, and in this scenario officers are satisfied that the business would not harm the amenity of the resident. However should the business, or house, be sold on separately to the other, resulting in having an occupier of the dwelling un-associated with the business, this would result in an unacceptable standard of amenity. As such officers proposed a condition tying the business use to the occupation of Thorpe Grange Manor.
- 10.16 Weighing the above, subject to the conditions, officers are satisfied that the proposal would not harm the amenity of neighbouring residents. Therefore, the proposal complies with Policies D2 and EP4 of the UDP, PLP24 and PLP52 of the PDLP and Chapter 12 of the NPPF.

Highway issues

- 10.17 At the committee meeting on the 21 June, 2018, members resolved to defer the application to allow officers to further consider the following highway related considerations;
- The time of classes in relation to the surrounding transport network (specifically school start and finish times)
 - Nature and control of delivery vehicles (including numbers, size, restricting hours and on-site management)
 - For the provision of a Traffic Management Plan
 - The relationship between the site and no.20 Thorpe Lane

A Traffic Management Plan (TMP) has been provided.

- 10.18 The proposal would not alter access arrangements, which are to remain via Thorpe Grange Gardens. No physical development would be situated close to the highway to impact upon driver sightlines or cause distraction to passing drivers. Thorpe Grange Manor has a gate, which is to be left open half an hour before and after class, to ensure access for students. This is to be secured via condition.

- 10.19 17 parking spaces are to be laid out within the site. This is to accommodate 12 spaces for students, 3 for residents of Thorpe Grange Manor and 2 additional spaces. It is proposed to limit the number of students to a maximum of 12 through the day and 10 for evening classes, via condition. One parking space per student is considered reasonable, despite the site being a close distance to Almondbury local centre (with public transport links) due to concerns of parking on Thorpe Lane. Subject to 17 parking spaces being provided and a maximum number of 12 students being imposed via condition, officers are satisfied that the site can accommodate all parking and the development will not result in any requirement to park on Thorpe Lane.
- 10.20 The TMP details how the parking will be managed. The TMP includes an abstract from the webpage citing the requirement for students to park within the site and not on Thorpe Lane. Students failing to do so will be prevented from attending future classes. Students will be allocated a dedicated parking space. Further to this the applicant will be on site to manage parking and traffic flow within the grounds. Officers consider these provisions, securable by condition, will ensure the appropriate management of the car park and prevent parking upon Thorpe Lane.
- 10.21 In terms of layout, the parking spaces are appropriately spaced with swept path analysis demonstrating the practicability of use. Parking spaces within the grassed area are to be formed used 'tech-turf', therefore maintain the greenery while providing acceptable surfacing.
- 10.22 Considering the hours of used, the TMP lists the timetables of local schools. This has resulted in amendments to the hours of use, to the following;
- 0930 – 1200, 1330 – 1600, 1800 – 2030 (evening session on Monday/Tuesday)
- Officers are satisfied that these hours of use will not result in conflict with the operation of nearby schools or the coming and goings of children. This notably includes the afternoon session, finishing between 40 and 60 minutes after the end of local school days.
- 10.23 Turning to delivery vehicles, deliveries of upholstery supplies for students are necessary. However these are stated to be infrequent, typically once or twice per term. Deliveries are made via a panel van. Within the Traffic Management Plan (TMP) the applicant commits to liaising with the supplier to arrange appropriate access and deliveries will be supervised by the applicant (to act as banksman, if required). To enable flexibility of the business, such as smaller deliveries and to not be overly restrictive, the applicant has requested deliveries be limited to Wednesday, between 1000 and 1600. Officers consider this, in addition to a condition limiting the maximum size of the vehicle, to address concerns regarding deliveries to the training centre.
- 10.24 Objections have claimed that numerous deliveries have taken place to the site in recent months. The applicant does not dispute this, however attributes these to the dwellinghouse, which has been going through renovation works. Other such deliveries include supermarket deliveries and online shopping (e.g. DPD, Amazon), which are typical personal residential functions. Evidence of these deliveries relating to the dwelling, as opposed to the training centre, has been provided in the form of invoices. Officers are unable to control the delivery of goods to the dwellinghouse, as such a condition would fail the six tests for conditions outlined within the NPPF.

- 10.25 The final concern raised by members was the parking of no.20 Thorpe Lane. No.20 is owned by the applicant, however is a separate dwelling (separate deed) and does not form part of this application. No.20 has no parking, and its residents often park on Thorpe Lane, including close to a corner with poor sightlines. Members queried whether the parking spaces for this dwelling can be accommodated within Thorpe Manor's land. The applicant is unwilling to do this, stating as a separate dwelling it should not have access to his land. This includes concerns over privacy and security.
- 10.26 Occupiers of no. 20 park upon an area of highway which is without traffic regulation order. Regardless of this current application, no.20's parking arrangement is established and would continue. For the reasons detailed above, officers do not anticipate the proposal to would have an unacceptable impact on highway safety. Given this, and as no. 20 does not form part of this application, officers are unable to impose further control via amendment to the scheme or condition.
- 10.27 While the proposal would represent an intensification of use, given the limited number of students and the proposed hours of class sessions being outside of peak travel times, on balance officers are satisfied that the development would not cause harm to the safe and efficient operation of the Highway. Therefore, the proposal is deemed to comply with Policies T10 and PLP21.
- 10.28 Notwithstanding the above, this assessment is based on the specific development as proposed. If minded to approve a condition is to be imposed preventing the change of use of the site to another D1 use (e.g. nursery, place of worship) as other D1 uses would have different highway impacts that would require consideration.

Other Matters

Impact on adjacent protected trees

- 10.29 The site is within a Conservation Area. Therefore mature trees are afforded protection. Further to this there are specific TPOs within the site. Most notably for the proposal, this includes a mature Holly tree within the dwelling's front garden. The proposed parking area is to be close to this tree. No trees are to be lost via the proposal, however consideration must be given to development's impact upon closely spaced trees.
- 10.30 Parking spaces are primarily outside the crown spread of the tree with minimal encroachment. Furthermore the parking spaces are to be formed using 'tech-turf', a grass overlay that is intended to form a usable parking space with no impact upon the tree's roots.
- 10.31 K.C. Trees do not object to the proposal, or the use of 'tech-turf', however they request that an Arboricultural Method Statement be secured via condition. This is to allow for more details on 'tech-turf', and other methods to protect the Holly tree and others potentially impacted upon via the development, to be provided. Subject to this condition the officers are satisfied that the development will comply with the objectives of Policies NE9 and PLP33.

Representations

10.32 *Object*

Highways

- There is not enough parking on the site for the use proposed. Vehicles parking close to the junction between Thorpe Lane and Thorpe Grange Gardens would create even more difficulty.
- Thorpe Lane is narrow and does not have a footpath; visibility is limited in places.
- Thorpe Grange Gardens' junction has limited sight lines in the direction of no.20 and worse facing towards Almondbury centre.
- The proposal would increase traffic on both Thorpe Lane and Thorpe Grange Gardens. There is already an issue of parking on Thorpe Lane, which the proposal would exacerbate.
- The site has been in use for several months, and cars have parked on Thorpe Lane causing the road to be narrowed and impact on safety.
- Many pedestrians who use Thorpe Lane are either senior or children.
- Thorpe Lane is used as a 'rat run' to avoid Southgate and by Taxis / Private Hire Cars.
- Near misses on Thorpe Lane are not uncommon

Response: Parking provision deemed sufficient for the demands of the use is to be provided through the application and secured via condition to be implemented within 2 months of approval.

Parking provision is to be improved in site, to be secured via condition to be brought into use within 2 months. Concerns regarding the use of Thorpe Lane are considered in detail within paragraphs 10.17 to 10.28. While officers acknowledge the proposal would increase traffic movements, given the specifics of the proposal on balance officers conclude the development would not harm the safe and efficient use of the highway.

- 17 parking spaces seems 'ambitious' and would make it difficult for emergency vehicles or council Lorries to access the site.

Response: Officers shared concerns over the initial layout, which was not done to a technical standard. The subsequent technical layout shows that 17 vehicles can be accommodated.

- The parking restrictions in Thorpe Lane cannot be enforced, and double yellows should be placed near the junction of Thorpe Lane and Thorpe Grange Gardens along with speed humps.

Response: The site is to have an overprovision for parking and the traffic management plan outlines the applicant's commitment to ensuring students park on site. This includes dedicated parking spaces per student and expulsion for those parking on the street.

Given the above, it is not considered justifiable to seek the applicant to contribute to the provision of double yellows.

- The car parking shown within the application has not been provided.

Response: This is noted, but understandable given that the application has not been resolved. Its implementation is to be secured via condition, to be in place two months following grant of permission, if minded to approve.

- When Thorpe Grange Manor was used as an office it has a much larger car park, and therefore the situation is different. When it was last commercially used, the car park covered the estate of Thorpe Grange Gardens.

Response: This is noted. Nonetheless, for the reasons detailed above, the parking provision and arrangement as proposed is deemed acceptable.

- The applicant has not provided parking for no.20 Thorpe Lane, who are required to park on a blind bend close to the junction. Highways DM, in their consultation response, advised that no.20's parking be accommodated on site.
- A petition has been signed by local residents to request double yellow lines on the bend between the blind corner and Thorpe Grange Garden's junction, to stop no.20's residents parking there. Photos have been provided apparently showing a large vehicle struggling to navigate the corner with a car parked on this stretch of road.

Response: Addressed within paragraph 10.26, no.20 does not form part of this application. Regardless of this current application, no.20's parking arrangement is established and would continue.

Residents' desire for double yellows is noted. However, it is not deemed reasonable to impose a requirement for the applicant to contribute towards a Traffic Regulation order as the assessment above concludes that this would not be required to support the development on the grounds of highway safety.

- Vans accessing the site currently reverse down the drive, to the locked gates. A photo, showing a PDP van, presumed to demonstrate this manoeuvre, has been provided.
- No thought has been given to the parking of delivery vehicles

Response: A condition is proposed to limit the time and days of deliveries, along with the size of vehicles. The photo submitted shows a PDP van, and there is no evidence to demonstrate it is linked to the proposed development, as opposed to the standard residential use of the site.

Amenity

- The area is residential, not business. Operating hours and work should reflect this.
- The training centre will increase noise pollution in the area.
- The car park would harm the amenity of residents near it through noise, such as slamming doors.

Response: Hours of use are principally within core working hours. Two days, Monday and Tuesday, seek an 1800 – 2030 session. It is noted that the education centre is to target adults, and therefore some flexibility outside of core working hours is considered reasonable. Subject to appropriate noise mitigation, to be secured via condition, officers consider two evening sessions reasonable.

- Thorpe Grange Manor is a lovely house and should remain so.
- Object to an industrial/commercial use within a Conservation Area.

Response: Thorpe Grange Manor itself will not be impacted upon via the development and will remain as a dwelling.

Being within a Conservation Area does not preclude industrial/commercial development.

Other

- What security is there that the applicant will operate in accordance with the permission, if granted?

Response: Any breach of planning control reported would be investigated by Planning Enforcement.

- The applicant has planted trees along the boundary which have caused overshadowing over neighbouring dwellings.

Response: This does not form a material planning consideration.

- Historic planning permissions required Thorpe Grange Manor to be converted to residential. The applicant has had permission refused to convert Thorpe Grange Manor into flats and to open another access onto Thorpe Lane.

Response: The current application has been assessed on its own merits..

- The revised proposal fails to address previous concerns.

Response: This comment is noted. Nonetheless, officers are of the opinion that the details provided have satisfactorily addressed the concerns of members addressed at the previous committee.

10.33 *Councillor Comments*

- Local Ward Member Councillor Judith Hughes expressed concerns with the proposal and ultimately requested that the application be brought to committee. Cllr Hughes' concerns principally revolve around Highways, due to the restrictive nature of Thorpe Lane. Of particular concern to Cllr Hughes was the use of Thorpe Lane by school children and the potential conflict with drivers.

Response: These points have been addressed in the appraisal above. It is noted that Cllr Hughes does not consider the additional information overcomes her concerns.

- Cllr Munro and Cllr McGuin are in support of the proposal, which is noted.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposal would provide training facilities for adults, and is anticipated to contribute to a healthy and inclusive community. While making use of a domestic outbuilding, the proposal would not result in the loss of a residential unit. Considering the local impact, officers are satisfied that the development would not harm the character of Almondbury Conservation Area, including protected trees. Subject to appropriate conditions, there are also no concerns relating to the proposal's Highway's impact and impact upon adjacent residents.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. 3 Year Time Limit
2. In accordance with plans
3. Development to operate in accordance with Traffic Management Plan
4. Hours of use and class times
5. Maximum numbers of students, day/evening
6. Training centre (D1 use) to be only used as described in the application and no other use within Class D1.
7. Parking spaces to be provided and retained (within 2 months, or use to stop)
8. Tied use to occupier/owner of Thorpe Grange Manor and only whilst occupying Thorpe Grange Manor
9. Gate to be open allowing access to car parking spaces during hours of business/open for the arrival and exit of students.
10. Restrictions on deliveries
11. Noise mitigation measures (within 1 month)
12. Arboricultural Method Statement (prior to parking spaces being provided)

Background Papers

Application and history files can be accessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90413>

Certificate of Ownership: Certificate B signed

Notice served on 'the occupier' of nos. 1 – 16 Thorpe Grange Gardens

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2017/93544 Erection of 5 detached dwellings and garage ancillary to 33, Woodside Lane 33, Woodside Lane, Fixby, Huddersfield, HD2 2HA

APPLICANT

Mr M Mehat

DATE VALID

13-Oct-2017

TARGET DATE

08-Dec-2017

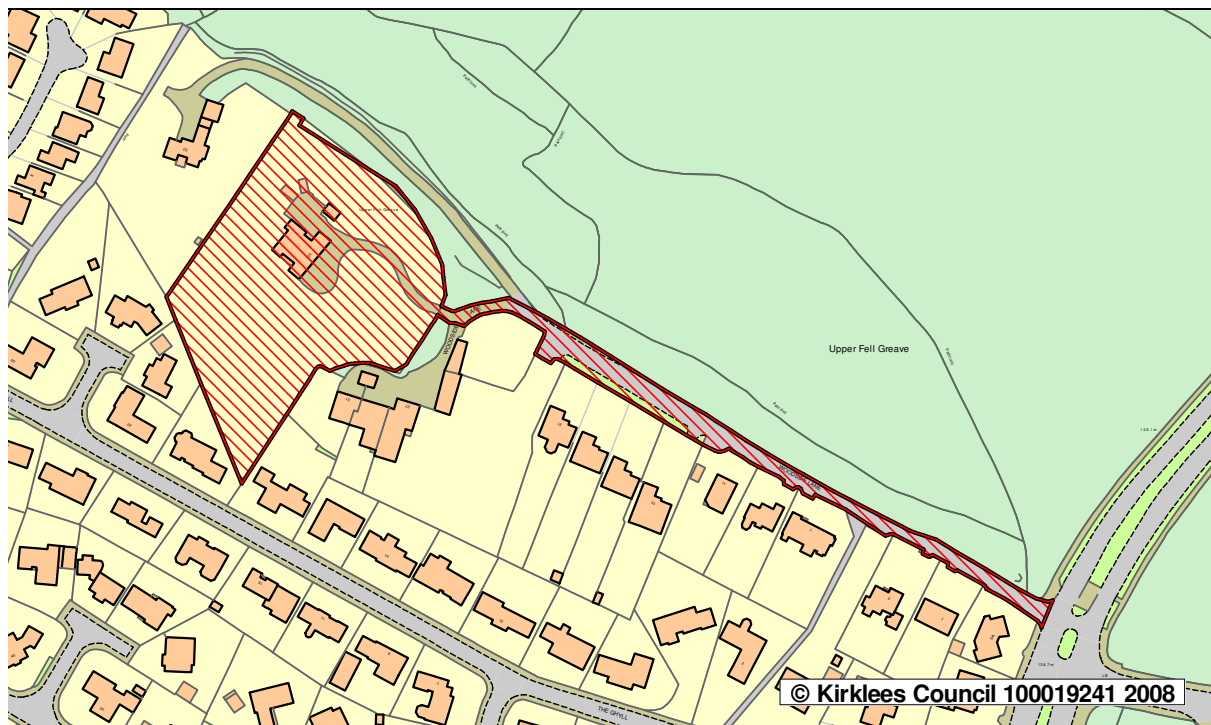
EXTENSION EXPIRY DATE

16-Aug-2018

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Ashbrow

No

Ward Members consulted

RECOMMENDATION: DELEGATE approval and the issuing of the decision notice to the Head of Strategic Investment in order to conclude the assessment of the impact of the development on bats and secure appropriate mitigation and to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Sub Committee for determination in accordance with the scheme of delegation because the site area is over 0.5 hectares.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises of a large detached dwelling set within its own grounds. The property lies at the western end of Woodside Lane, an unadopted access road off Bradford Road. Woodside Lane carries a bridleway (HUD/26/10 & HUD/24/20).
- 2.2 The site is surrounded on three sides by residential development on three sides and there is woodland to the north which is allocated as urban greenspace and has a green corridor running through it.

3.0 PROPOSAL:

- 3.1 Full application for the erection of 5 detached dwellings set around 33 Woodside Lane.
- 3.2 The proposals include the erection of a detached double garage for the existing dwelling.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2017/93707 Certificate of lawfulness for proposed use of premises as a residential home for up to 5 young adults – Withdrawn
- 4.2 2000/93404 Outline application for the erection of 1 detached dormer bungalow at land adjacent 3 Woodside Lane, Fixby – Refused and appeal dismissed

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

- 5.1 The quantum of development has been reduced from 6 dwellings to 5 to address concerns with overdevelopment and mitigate the impact on adjacent property. The size and design of two plots has been amended to mitigate the impact on adjacent protected trees.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is unallocated on the Unitary Development Plan Proposals Map and does not have any specific allocation in the Publication Draft Local Plan.

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

BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
D2 – Unallocated land
T10 – Highway safety
T19 – Parking Standards
G6 – Contaminated land
NE9 – Retention of mature trees

6.4 Kirklees Publication Draft Local Plan (PDLP):

PLP21 – Highway safety
PLP22 – Parking Standards
PLP24 – Design
PLP30 – Biodiversity
PLP33 – Trees
PLP53 – Contaminated and unstable land

National Planning Guidance:

6.5 Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application as originally submitted was advertised by site notices, neighbour letters and press advert. In response to the publicity a total of 15 representations were received. These are summarised as follows:

Highway matters:

- Road safety concerns from increased traffic on Woodside Lane
- Traffic increase likely to be significant given the number and type of houses proposed
- Bradford Road/Woodside Lane junction is already hazardous and unsuitable for increased use traffic
- Limited/poor visibility at junction with Bradford Road
- Width of access is only just wide enough for two cars to pass and parts of Woodside Lane only wide enough for one car
- Turning left onto Woodside Lane can be dangerous if there is already a car waiting to exit
- Can be lengthy waits to turn right onto Woodside Lane resulting in queuing traffic
- Construction traffic using access will increase risk of accidents and potentially cause damage to adjacent walls because of width of Woodside Lane in places
- Bend at top of Woodside Lane is narrow
- People park at the top of Woodside Lane to walk their dogs which narrows width of road
- Woodside Lane is a bridleway with no pavement and used as a pedestrian shortcut. Increased traffic will affect safety of users.
- A previous application (2000/93404) for a dormer bungalow adjacent to 3 Woodside Lane was refused on highway safety grounds and appeal dismissed
- Applicant's traffic calculation unrealistically low
- Woodside Lane unsurfaced in places
- Lack of lighting to Woodside Lane
- Additional impact of separate application to use existing dwelling as care home
- Woodside Lane needs to be brought up to adoptable standards to make the development acceptable in highway terms but it is incapable of being brought up to adoptable standards
- Existing care home at 31 Woodside Lane generates steady stream of traffic
- Insufficient turning space at the head of Woodside Road
- Damage to lane caused by construction traffic, which is unadopted. Any damage needs to be fixed by developer
- Speed limit on Woodside Lane should be reduced if development goes ahead
- Blind bend at the top of Woodside Lane where the access into the site is. Not possible to widen the road here without encroaching into adjacent wood.

Visual amenity/character of the area:

- New, modern dwellings will spoil the character of the area
- Loss of trees will affect beauty and natural environment
- Overdevelopment of the site; out of character; cramped; garden grabbing
- Existing dwelling is potentially worthy of being classed as a non-designated heritage asset; if so, development would harm its setting
- Unsatisfactory/poor design

Residential amenity

- Noise from 6 additional dwellings
- Overlooking
- Lack of adequate separation distances, contrary to BE12 and D2 of the UDP
- Loss of sunlight

Drainage

- Concerned where rainwater run-off will go. Proposed houses are set up from some adjacent properties.
- A waterway close to the site that regularly overflows
- Impact on sewer system of increased discharge
- Additional water run-off to adjacent land including access

Ecology

- Impact on wildlife including bats
- Impact on adjacent green corridor and woodland
- Further survey work required in relation bats

Trees

- Dwellings too close to protected trees which will result in pressure to fell/prune
- Detrimental impact on other mature trees within/adjacent to the site
- Arboricultural Impact Assessment should be provided

Other matters

- Trees removed from site before application was submitted
- Red line not accurate when the certificate of lawfulness application (2017/93707) for the existing dwelling taken into account
- Disturbance from construction work
- Impact on lane of any new services to be installed
- Is there a legal requirement for all existing residents to agree to the 'shared access' rights, which will be required by this new development?

7.2 Following the submission of amended plans a further round of publicity was undertaken with letters sent to neighbours and interested parties. This publicity period runs until 31st July 2018. In response, 3 representations have been received. These are summarised as follows:

- Highway safety concerns remain in terms of increased traffic generation (which the applicant has underestimated in their submission); unsuitability of Woodside Lane for 2 way traffic flow; impact on pedestrian users of Woodside Lane; narrow, hazardous junction with Bradford Road for vehicles exiting and entering Woodside Lane; poor visibility at junction; previous refusal for an additional dwelling off Woodside Lane (2000/93404) and nothing has substantially changed since that refusal
- Development is cramped and out of character. This is garden grabbing
- Impact on mains sewerage
- Impact on surface water run-off
- Signage needed on Woodside Lane, especially at the top of the road because of narrow blind bend

7.3 Any further representations received will be reported to members in the update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – No objections

8.2 Non-statutory:

KC Ecology – The ancient woodland adjacent to the site and features within the site are likely to be suitable habitat for foraging bats. Existing dwelling also has some bat roost potential. Further survey work required to determine usage of the site by bats and impact on the adjacent ancient woodland.

KC Environmental Services – No objections

KC Trees – Notwithstanding the amendments to the scheme some concerns remain with shading of the gardens for plots 4 and 5 and the potential pressure this may put on the adjacent protected trees.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The NPPF establishes a presumption in favour of sustainable development (paragraph 11). For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 10.2 The site does not include any areas or assets of particular importance as defined within the NPPF (footnote 6) however the site is in very close proximity to an area of ancient woodland which falls within this category (irreplaceable habitat). This issue is to be weighed in the planning balance when considering the impact of the development on the ancient woodland.
- 10.3 The council is currently unable to demonstrate a five year supply of deliverable housing sites and as such in accordance with NPPF paragraph 11 policies for the supply of housing are out-of-date. Consequently planning applications for housing are required to be determined on the basis of the guidance at paragraph 11 of the NPPF.
- 10.4 Paragraph 68 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.
- 10.5 The development site is a substantial residential garden located within a built-up area. The NPPF classifies such land as greenfield however it does not seek to restrict development on such sites.
- 10.6 The development will make a modest contribution to the supply of housing in the district at a time of shortage and this weighs in favour of the development proposed.
- 10.7 The site is unallocated and Policy D2 of the UDP states that planning permission will normally be granted on such sites subject to a specific set of considerations. These considerations are addressed later in this assessment (where relevant to this application).

Urban Design issues

- 10.8 The site is surrounded by residential development on three sides. Neighbouring development predominantly comprises detached dwellings, a number of which have relatively large garden areas.
- 10.9 The five proposed dwellings would be set around the existing dwellinghouse. The quantum of development has been reduced from 6 to 5 dwellings and the size of two of the plots (plots 4 & 5) has been reduced and this allows for a more spacious feel to the development. Officers consider that the density of development is compatible with the character of the surrounding area.
- 10.10 The design and materials of the dwellings are considered to be acceptable.
- 10.11 In summary the application is considered to comply with Policies BE1, BE2 and D2 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

Residential Amenity

- 10.12 The side elevation of plot 1 is 24m away from 29/31 Woodside Lane, largely off-set from the from these existing dwellings and partially screened by trees. Plot 1 backs onto some outbuildings associated with 29 Woodside Lane. As such there would not be any significant impact on residential amenity.
- 10.13 At the request of officers plot 2 has been moved further away from no.20 The Ghyll which is a bungalow set down from site. Plot 2 is now over 30m away from 20 The Ghyll which exceeds Policy BE12 requirements. This separation distance is considered to be acceptable.
- 10.14 Plot 3 is at least 15m from the side elevation of 24 The Ghyll which represents an acceptable separation. Plot 3 is a similar distance from the rear elevation of 26 The Ghyll and at an oblique angle to it with some relatively substantial tree planting lying along the boundary. Habitable windows within 26 The Ghyll are off-set from plot 3. Officers consider this relationship to be acceptable.
- 10.15 Plot 4 has a main elevation facing towards 25 Woodside Lane. The separation distance is 30-35m with some screening provided by trees along the boundary. The separation distance exceeds Policy BE12 requirements and is acceptable.
- 10.16 Plot 5 would not have a close or direct relationship with any existing dwellings external to the site.
- 10.17 In terms of internal separation distances, these are all considered to be acceptable. Plots 4 and 5 have been amended to ensure that adequate separation is provided between habitable windows within these plots and the existing dwelling (33 Woodside Lane).
- 10.18 The application is considered to satisfy Policies BE12 and D2 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

Highway issues

- 10.19 Highways Development Management are satisfied that the additional traffic can be accommodated on the highway network.

- 10.20 The site provides adequate parking arrangement for the existing and proposed dwellings and turning space for a refuse vehicle is provided within the site. Some localised widening of the access adjacent to the entrance to 33 Woodside Lane is proposed.
- 10.21 Woodside Lane carries a bridleway but it is not considered that the intensification in its use would significantly prejudice the safety of users of the bridleway.
- 10.22 The application is considered to comply with Policies BE1 and T10 of the UDP and PLP21 of the emerging Local Plan.

Drainage issues

- 10.23 It is proposed for foul waste to be disposed of via main sewer and for surface water to be disposed of via soakaway. There is a right of connection for foul waste to main sewer and infiltration techniques (soakaway) accord with the hierarchy of disposal for surface water and is acceptable in principle. Given that there are properties adjacent to the site set at a lower level design details of the soakaway can be secured by condition. In the event that soakaways are found to be unsuitable then details of an alternative surface water drainage scheme can be.

Trees

- 10.24 There is a narrow belt of protected woodland alongside the north east boundary adjacent to plots 4 and 5. There have been negotiations to mitigate the impact of the development on these protected trees – plots 4 and 5 have been moved further away from the tree canopy; the dwellings have been made smaller which has allowed for a greater proportion of the garden space to be unaffected by tree shading and; the internal layout of the houses has been designed to limit habitable windows in the north eastern elevation (facing the trees).
- 10.25 The trees officer retains some concerns with the extent of shading to the garden areas for plots 4 and 5 and the shading of the kitchen window in the north east elevation of plot 5, as this may result in pressure to prune or fell trees in the future. The impact is however unlikely to be significant enough to justify refusal of planning permission and on balance officers consider the relationship between these plots and the protected trees to be acceptable. This is subject to permitted development rights for extensions being removed because future extensions could bring the dwelling closer to the trees including habitable windows within their influence.
- 10.26 There are some mature trees to the rear of plot 1 that are just outside of the application site boundary. These trees are not protected but are owned by the council. Plot 1 has been brought further away from these trees which has reduced any potential conflict.
- 10.27 On balance the application is considered to comply with Policy NE9 of the UDP and PLP33 of the PDL.

Ecology

- 10.28 To the north east of the site is a large area of ancient woodland (Upper Fell Greave). The ancient woodland is separated from the site by a narrow belt of protected trees. Ancient woodland is classed as an irreplaceable habitat within the NPPF. The ancient woodland and protected trees are designated as a Wildlife Habitat Network in the PDLP and there is a green corridor within the ancient woodland as designated in the UDP.
- 10.29 The application is supported by a preliminary ecological appraisal which identifies the adjacent woodland and other features within the site as providing suitable foraging habitat for bats. In addition, the existing dwelling on the site has the potential for use by roosting bats.
- 10.30 The Ecology Unit has recommended that further information be submitted to assess the impact of the development on the adjacent woodland and for survey work to be carried out to establish the use of the site by foraging and roosting bats. The agent has however confirmed that this information will not be available prior to the committee meeting.
- 10.31 With regard to the impact on the ancient woodland, published guidance recommends leaving a buffer zone of semi-natural habitat between a development and ancient woodland, with a minimum recommended buffer of 15m.
- 10.32 In this case the site is separated from the ancient woodland by a belt of protected trees and an access track serving 25 Woodside Lane. The width of this buffer varies from approximately 9m at its closest point to around 20m at its widest. The nearest proposed built development is plots 4 and 5 which are separated from the ancient woodland by at least 18m. A proportion of this separation is made up of the gardens for these plots and whilst the gardens would not constitute semi-natural habitat they have the potential to provide some ecological value. In any event this part of the site already forms residential garden for the existing dwelling and so there would not be any significant change in circumstances in this regard. Notwithstanding the absence of further information in respect of the impact on the ancient woodland, on the basis of this assessment officers do not consider that the development is likely to unduly prejudice the ancient woodland.
- 10.33 The use of the site by bats is unknown at this stage and it is therefore not possible for officers to make an assessment of the impact on bats and determine the scope of mitigation necessary.
- 10.34 In the circumstances officers recommend that the application be delegated back to officers in order to enable the impact of the development on the local bat population to be established and secure the appropriate level of mitigation measures.

Representations

- 10.35 The main issues arising from the representations concern the access arrangements, the amount of development and the impact on the character of the area, residential amenity concerns, drainage matters and the impact on trees and wildlife.

- 10.36 With regard to the highway concerns, the application has been assessed by Highways Development Management who consider the application to be acceptable. Conditions requiring a construction management plan and a condition survey of Woodside Lane pre and post development with repairs to be carried out as necessary are considered to be appropriate.
- 10.37 The application from 2000 for a dwelling adjacent to 3 Woodside Lane (ref 2000/93404) is acknowledged but based on current highways guidance and planning policies it is considered that the highway impacts are acceptable and this previous application does not materially alter the assessment.
- 10.38 The other concerns raised have been considered within the relevant sections of this report.

Other Matters

- 10.39 The site has been identified as potentially contaminated land due to its proximity to a former colliery. As such Environmental Services have recommended a condition requiring the reporting of any unexpected contamination encountered during development.
- 10.40 To mitigate the impact of the development on air quality and to accord with the West Yorkshire Low Emission Strategy Planning Guidance and PLP24 of the PDLP it is recommended that an electric vehicle charging point is installed within the garage/parking area of each dwelling.

11.0 CONCLUSION

- 11.1 Ecology matters are still to be concluded and this will determine the level of mitigation that is required. The publicity period for the amended plans has not expired at the time of writing and any additional representations will be reported to members in the update.
- 11.2 Notwithstanding the above, officers consider that the erection of 5 large detached dwellings within the grounds of 33 Woodside Lane would not result in any significant harm to the character of the surroundings and the design and materials of the dwellings would harmonise with the area. Furthermore, there would not be any significant impact on the amenity of existing nearby property and on balance the impact on adjacent protected trees is considered to be acceptable. The existing access is capable of accommodating the additional traffic generated.

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

1. Time limit
2. Development in accordance with approved plans
3. Approval of samples of materials
4. Remove permitted development rights for extensions on plots 4 and 5
5. Details of internal adoptable estate road
6. Surfacing of parking areas
7. Reporting of unexpected contamination
8. Electric vehicle charging points
9. Biodiversity mitigation as necessary
10. Soakaway drainage design (or alternative surface water drainage scheme if soakaways found to be unsuitable)
11. Construction management plan
12. Condition survey of Woodside Lane pre and post development and scheme of repairs carried out as necessary

Background Papers:

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93544>

Certificate of Ownership – Notice served on 1, 3, 7, 9, 11, 15, 17, 19, 21, 25, 27, 29 & 31 Woodside Lane, Huddersfield, HD2 2HA

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2017/93333 Outline application for the erection of up to 12 dwellings (revised description) Land off, Grove Street, Longwood, Huddersfield

APPLICANT

S Ioannou

DATE VALID

10-Nov-2017

TARGET DATE

09-Feb-2018

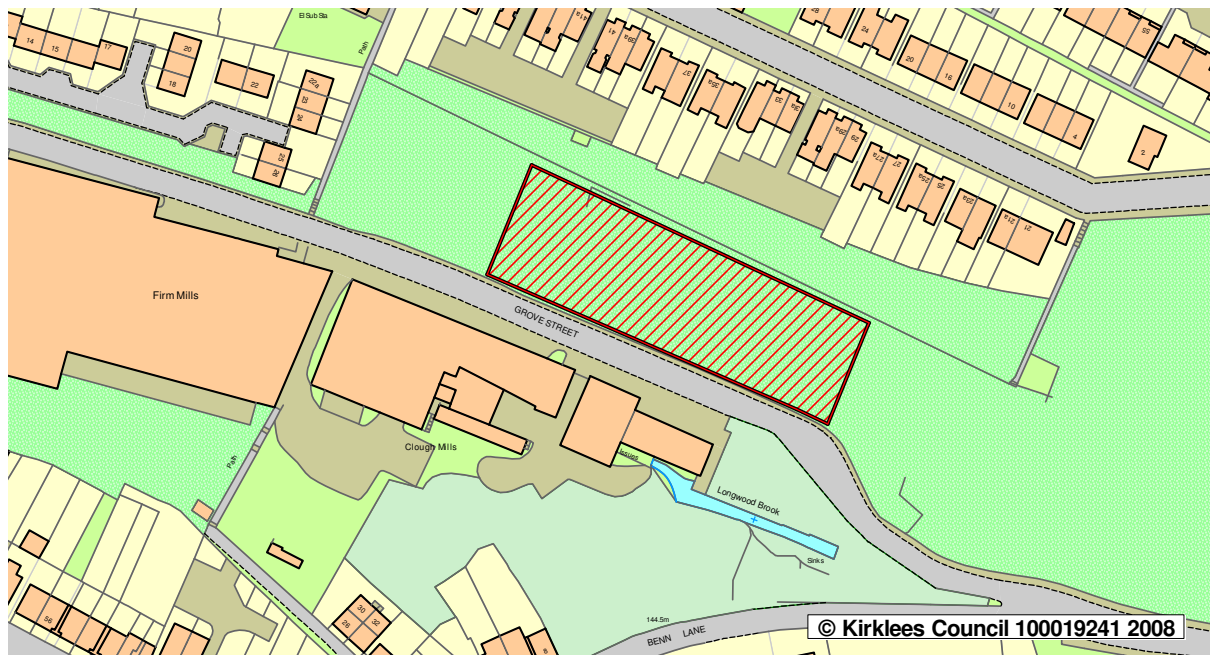
EXTENSION EXPIRY DATE

13-Aug-2018

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Golcar

Yes

Ward Members consulted

RECOMMENDATION:

REFUSE:

The site lies on an area of land allocated for housing on the Kirklees Unitary Development Plan and also lies within the Kirklees Wildlife Habitat Network and within a mature woodland, protected by a Tree Preservation Order, which is identified as a habitat of principal importance by Natural England. The development would result in the significant removal of trees within a woodland Tree Preservation Order, the loss of which would be significantly harmful to public amenity and the distinctiveness of this part of Grove Street. In addition, the proposals would fail to address the significant harm to a habitat of principal importance and identified, but uncharacterised, impacts to species protected through European and domestic legislation, ecological constraints arising from the habitat potential of the mature woodland and the potential presence of protected species. In the context of paragraph 11 of the National Planning Policy Framework such conflict represents significant and demonstrable harm outweighing the benefits of providing housing in this case resulting in an unsustainable development, contrary to Policies NE5, NE9 and BE2(iv) of the Kirklees Unitary Development Plan and emerging Policies PLP30, PLP33 and PLP24(h) of the Kirklees Publication Draft Local Plan and the National Planning Policy Framework (2018).

1.0 INTRODUCTION:

- 1.1 The application is referred to Huddersfield Planning Sub-Committee due to the level of representation received.
- 1.2 The application lies on a Housing Allocation on the Kirklees Unitary Development Plan but the officer recommendation is for refusal.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is a roughly rectangular area of green land, 0.46 hectares in size, off Grove Street on the outskirts of Longwood. The site slopes steeply upwards to the north of the site and is populated by mature trees covered by a group Tree Preservation Order.
- 2.2 Public Footpath HUD/292/10 runs to the west of the site connecting Grove Street with Prospect Road, and public footpath HUD/290/10 runs to the east of the site, also connecting Grove Street with Prospect Road.

- 2.3 The site is bounded by Grove Street to the south, Prospect Road to the north, residential development to the west, and a densely wooded area to the east.
- 2.4 The surrounding area is a mix of residential and commercial uses with older industrial properties off Grove Street and recent residential development off Benn Lane.

3.0 PROPOSAL:

- 3.1 The application seeks permission for the erection of 12 town houses and has been submitted in outline form with details of access
- 3.2 Vehicular access would be at the south-western corner of the site off Grove Street, and the scheme proposes the provision of an internal estate road which would occupy the full frontage of the developed site culminating in a vehicular turning head to the east. The access road would be supported by 60 degree reinforced banking. To the north of the access road it is proposed to erect eight town houses fronting Grove Street, and to the east four town houses perpendicular to the highway.
- 3.3 The indicative plans show that each dwelling would include an off-street car parking space. In addition to the integral garage each dwelling would have an off-street parking space. Private amenity space would be provided to the rear.
- 3.4 It is proposed to create a part landscaped area to the front of the site on the reinforced banking. The existing woodland area to the west of the site would be retained.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 It appears that land beyond the eastern most boundary of the application site but within the applicant's ownership once included a mill building (Sunnybank Mills) which formed a listed building. This building effectively arched over Grove Street. At some time in 1988 a lorry collided with the building to such an extent that the building was in a substantial state of disrepair. Eventually this building was demolished. However, at the time the land to the west (the application site) was still subject to a woodland Tree Preservation Order 11/84 which suggests the woodland had established long before this time.

89/06930 - Erection of 4 no detached houses with integral garages and formation of private access drive – Refused. Upheld at appeal.

95/92008 – Renewal of unimplemented permission for erection of 4no detached houses with integral garages and formation of private access drive – Conditional Full Permission.

2001/91997 – Outline application for erection of residential development – Conditional Outline Permission.

2005/90541 – Renewal of unimplemented outline permission for erection of residential development – Conditional Outline Permission.

2008/94275 – Reserved matters application for erection of 12 dwellings with integral garages, parking and new estate road – Approval of reserved matters.

2010/93587 – Extension to time limit for implementing existing outline planning permission number 2005/90541 – Extension to time limit granted.

2012/90659 – Removal of conditions 1-4 on previous application 2010/93827 for extension of time limit for outline permission number 2005/90541 for erection of residential development – Granted subject to conditions.

2013/90715 - Erection of 12 dwellings and formation of new estate road – Granted subject to conditions.

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

5.1 The scheme has been amended whilst being processed. Initially the proposal involved the development of a much larger parcel of land which included an area of unallocated land to the east of the site. The proposal was for 54 apartments with the site area in excess of 0.6ha.

5.2 The area to the east of the application site comprises protected woodland covered by a Tree Preservation Order (TPO) and is also unallocated. Officers were concerned that the scale of the development would significantly harm the woodland and ecological significance of the site. Officers also raised concerns about the scale of an apartment scheme in relation to its surroundings from a visual amenity/character and appearance perspective. Following these concerns the applicant amended the scheme to reflect the current proposal.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan may carry substantial weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

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

H6 – Housing Allocation
BE1 – Design principles
BE2 – Quality of design
BE11 - Building Materials – Natural Stone in Rural Area
BE12 – Space about buildings
T10 – Highway Safety
T16 - Pedestrian Routes

T19 - Off Street Parking
G6 - Contaminated Land
EP11 – Ecological landscaping
NE9 – Retention of mature trees
NE4 – Development affecting wildlife significance
EP4 – Noise sensitive development
BE23 – Crime prevention
T19 – Parking standards
H18 – Provision of open space
R13 – Public Rights of Way

Kirklees Publication Draft Local Plan (PDLP) 2017:

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

6.3 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Planning Practice Guidance
- Many policies within the National Planning Policy Framework (2018) are relevant to this proposal and, where relevant, are referred to in the main report text.

6.4 Supplementary Guidance:

- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)
- Kirklees Local Plan Accepted Site Options – Technical Appraisal – July 2017
- Kirklees Local Plan Submission Document – New Site Options Report – April 2017
- Kirklees Local Plan Submission Document – Rejected Site Options Report – July 2017

6.5 Other Documents:

Examination of the Kirklees Local Plan – Post Hearings – Appendix A – Main Modifications (From Katie Child, Planning Inspector to Council dated 15th June 2018).

6.6 National Planning Policy Framework July 2018

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised on site, in the local press and by neighbour letter. Amended plans were advertised. A total of 18 representations have been received which can be summarised as follows. These comments are addressed in the remainder of the officer report unless otherwise stated:

- Grove Street, Dale Street, Church Street are very busy already.
- A beautiful woodland has developed on this previous industrial site which was once the textile mill - a home for wildlife & a much needed green space. It would be catastrophic to lose this area - 'protected' or not - to more development especially in light of the fact that just several hundred yards up the road, another section of the old site has been developed as flats and is boarded up & remains empty.
- The infrastructure of the roads providing access around the site cannot currently cope, and more traffic, which this development would produce, will make the situation worse. The roads around are not gritted and they are impossible to navigate in winter when the weather is bad.
- As a resident of Longwood until recently, I know that the drainage system in the area is overloaded and frequently fails. The site is on a flood plain. Dale Street/Grove Street already gets flooded in heavy rain. Removal of trees and vegetation would aggravate this, causing worse flooding in the area surrounding Milnsbridge, and in Milnsbridge itself.
- There is the threat to wildlife living in the vegetation on the site, particularly bats that roost there. There are also many species of bird inhabiting the site and some rare varieties have been seen. Removal of these trees would have a detrimental effect on the environment.
- The 2017 transport assessment carried out by Sanderson's, states that residents will use public transport and refers to bus stops in the vicinity "located 330m from the site on Longwood Gate as well as 525m and 620m from the site on Sycamore Avenue and Leymoor Road respectively" However, none of these bus stops can be accessed without walking up substantial gradients and taking routes that do not have pavements, which will be an issue for the elderly or families with prams; therefore I feel that their assessment that residents will use public transport and not their own vehicles is skewed. Also you approach the proposed site via Grove Street (from Park Mills) the current bend in the road will make the 2nd entrance to the site very difficult to see, which could lead to potential accidents. Vehicles exiting the site by the exit below Benn lane will struggle with visibility too. There's an empty mill 4/500 yards away awaiting renovation (park wood mills). That building is already there so if there is demand in the area for new

housing, this project should be completed, rather than decimating the wooded areas. Removing the trees and shrubs will have an impact on local wildlife and the noise dampening in this residential area.

- The tree report provided confirms that there are types of tree (namely English Elm) that require protection. There is also a TPO on the site. I am also concerned that the tree report comments on trees to the north of the site, which are outside of the boundary of the site. I must stress that under no circumstances can any work be conducted to these trees, as they are the private property of houses on Prospect Road. No response has been provided by the developer to any of the points raised in the tree report. 2. The planning application requires confirmation as to whether any protected or priority species are present on the site that may be affected adversely by the application. The response on the application states there are none. I can confirm that there are hedgehogs present on the site, which will be adversely affected if this application is approved. 3. The planning application states that no diversions will be required to existing rights of way. This would not appear to be true of the footpath leading from Prospect Road to Grove Street, at the east of the site. 4. The geological survey references that the structure of the stone wall to the north of the site requires attention. This wall forms the boundary between properties on Prospect Road and the site and is therefore private property which cannot be altered without specific consent.
- The roads around the junction of Church Street / Botham Hall Road / Grove Street are already extremely congested, particularly at rush hour. Church Street often becomes gridlocked due to parked cars. The junction is already dangerous due to extremely poor visibility and further potential traffic in this area will worsen this considerably. 2) The trees which will be removed for the building work are host to a variety of wildlife including owls, bats and jays as well as a huge number of more common birds and squirrels. The huge amount of woodland which needs clearing will impact this wildlife territory hugely.
- Serious concerns that substantial building work below my property and the removal of trees and earth will have an impact on the already vulnerable and steep landscape. A retaining wall, mentioned in the planning documents, is already weak/bulging and disturbances by building work could cause collapse resulting in landslips impacting my property. I believe the slope is already volatile and there is evidence that my garden is already subject to minor landslip. I'm assuming studies on this have already taken place? Concerned about the impact on wildlife by the removal of a substantial area of established woodland.

Officer response – Conditions are recommended concerning stability in the event that planning permission is granted.

- This development removes a locally rich natural environment impacting wildlife, and removes its availability as a public space for enjoyment and learning by the general public. The Council should not approve this scheme. It should not go further without additional and extensive surveys into the species present both on site and on the connecting conservation area. These surveys need to be undertaken during all seasons to document the breeding cycles of those species present, and the seasonal use of the area

by migrating species. Further comments from ecology experts will give recognition of the woodlands wildlife importance in an urban area. The area is called Longwood, it needs the remaining woodland to be preserved, especially the woodland that we know has a preservation order. The Grove St strip of woodland is crucial; aesthetically on a local basis; for visitors passing through the area; as a well-used local public amenity; and has wider significance to the environment as an essential green corridor link, and therefore I strongly object to the proposed scheme.

- Grove Street suffers from heavy flooding and the removal of trees would exacerbate the flooding issues.
- Peak & Northern Footpaths Society - Public footpath 290 runs through the site but there seems to be no mention in the information provided by the applicant of how the footpath is affected by the proposed development - either during construction or afterwards. Public rights of way are a material consideration in the planning process and the lack of any such information is unacceptable. The footpath is in poor condition and this would seem to be an opportunity to bring the path up to date with appropriate surface and lighting improvements to make it more user friendly. The applicant should be asked to put forward such a scheme for consideration prior to the application going any further.

Officer response – the site boundary has been amended and the layout no longer directly affects footpath 290.

A number of additional comments from objectors have also been received relating to specific concerns regarding proposed apartments. However, as this element of the scheme has now been omitted, these objections are considered to have been addressed by the amendments to the scheme.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Highways Development Management - A Technical Note prepared by Sanderson associates dated 24 April 2018 (ref 10062) has been submitted as part of the proposals.

The submitted Transport Statement assesses the traffic impact of a development of some circa 10 dwellings in trip generation terms. The assessment has undertaken an interrogation of the TRICS database in order to derive trip rates. Highways Development Management considers the trip rates utilised to be too low.

Highways Development Management considers trip rates in the region of 0.7 two way movement per dwelling to be more representative of new residential development within the Kirklees area and as such further clarification and discussion with the applicant is required in this regard.

WYCA (West Yorkshire Combined Authority) have been consulted and they make the following comments:

To encourage the use of sustainable transport as a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Kirklees Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site.

Lead Local Flood Authority – Object. *There is no alteration to our comments of 13th November and no obvious response by the applicant to them. The flood risk assessment should address the concerns of the wider blue line area and look at an indicative drainage scheme at the very least so the planning officer can be certain that ‘space has been made for water’. We would recommend a re-consultation after our points have been considered to further assess risk and any appropriate conditions to any support of this application.*

8.2 **Non-statutory:**

Tree Officer - *I believe that the Council has now agreed to the site being removed as a housing allocation within the Local Plan. On that basis I must assess the proposals on that basis, without the benefit of housing allocation going into the future, i.e. a development within a TPO'd woodland, which is something I cannot support. Obviously as part of the Local Plan process, the unchallenged policies are now given weight, with that in mind this proposal does not meet Local Plan policy, PLP 24:*

“design should ensure the retention of valuable or important trees”

More importantly the proposal does not meet Local Plan policy PLP 33:

“The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a special location or contribute to the environment, including wildlife habitat network and green infrastructure networks. “

The Woodland is protected by TPO 11/84, and has been since 1984, due to the public amenity value that it provides. The woodland is also part of Kirklees' identified wildlife network. Given these points the proposal clearly does not meet PLP 33. It's also worth noting that the proposal does not meet UDP policies BE2, trees to be incorporated as an integral part of the design” or NE9 “mature trees should be retained”. Now that the evidence before us is that the housing allocation is to be removed then these policies need to be given more consideration.

Landscape - Part of the site was proposed for release to housing in the Local Plan, however this has now been removed. These comments are without prejudice on the information submitted, but we cannot recommend approval due to the loss of trees and the impact on the Wildlife and Habitat network. If the site is approved, a visual impact assessment should be carried out and mitigative planting shall be identified on the landscape plans to identify and address the large number of trees to be lost within a protected woodland for the development of these apartments and vehicular access/parking. Only

indicative (and extremely limited) information has been submitted on the plan dwg. SK03, on which to comment, however it should be ensured that the development enhances the character of the area and will not adversely affect the surrounding area, particularly on such a sloping site. We will require full detailed landscape plans for hard and soft landscaping.

West Yorkshire Archaeology Advisory Service – Do not consider any archaeological work to be necessary.

Biodiversity Officer - *No ecological information has been submitted in support of the application and it is evident that the proposals will require the loss of an area of deciduous woodland that is identified by Natural England and included in its inventory of habitats of principle importance (as listed under section 41 of the NERC Act 2006), and included in the Kirklees Wildlife Habitat Network. These habitats would be classed as 'important' following guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM, 2016). Under emerging local planning policy PLP 30, which carries 'considerable weight', proposals are required to protect both habitats of principal importance and the Kirklees Wildlife Habitat Network. In addition to the loss of 'important' habitats, no information on the potential for the site to support protected species, including European protected species, has been submitted. Therefore it is not possible to discharge the LPA's duty under regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. The site is within the Kirklees Bat Alert Layer and it is therefore reasonably likely that mature trees on site are used by roosting bats, and the immediate area is expected to provide suitable foraging habitat.*

Further to the submission of additional detail, the following comments were received:

*The applicant has submitted an ecological report entitled **Extended Phase 1 Habitat Survey Report**. This is not a report type recognised in industry standard guidance published by the Chartered Institute of Ecology and Environmental Management **Invalid source specified.**, and the purpose of the report stated in section 1.1 is very limited in scope in relation to the report type required to provide the information needed by the LPA to assess the application against biodiversity policy and to discharge legal duties.*

*Given the known ecological constraints at this site (see previous biodiversity consultation response dated 28/11/2017) an application, including an outline application, can only be supported by an Ecological Impact Assessment **Invalid source specified.** Preliminary report/survey alone is not sufficient to support an application as it required assumptions and subsequent assessment by LPA officers that is outside the scope of their remit as defined by BS 42020 **Invalid source specified.***

*The report has identified extensive further survey requirements and has presented no mitigation measures for the evident impact of loss of woodland habitat, which occupies the majority of the site. Furthermore, the report includes the following statement in paragraph 5.5: **"If the woodland habitat is to be removed nesting bird surveys will be required [...]"**. As the woodland habitat occupies the area to be developed then woodland habitat will necessarily be removed if development is to be undertaken.*

The report has presented some evaluation of the habitats present, although the further survey recommended is essential to completing this evaluation. The report has not identified that the woodland habitat present is a Habitat of Principle Importance (or Priority Habitat) under Section 41 of the NERC Act 2006.

As the habitat map provided does not include any contextual information such as roads or adjacent housing, includes no scale, and the surveyed area differs from the application area boundary, it is not clear whether the whole site has been included in the survey.

*Assessment of ecological impacts should be a key element of the ecological information submitted to support any application, which is essential to identifying the requirements for ecological mitigation. The submitted information presents no impact assessment or mitigation measures and therefore provided officers with no certainty or clarity over ecological outcomes. **The submitted report is unsuitable for supporting the application.***

Strategic Housing - There is demand for affordable 1-2 bedroom homes in the area. For the affordable units in this proposed development, 1-2 beds or bed types nearest that amount, would suit the affordable housing needs of the local area.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is allocated as a Housing Allocation on the Kirklees Unitary Development Plan. Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is one such material consideration. The starting point in assessing any planning application is therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). The proposed development is for housing and it would be consistent with the housing allocation.
- 10.2 The NPPF is a Government statement of policy and is therefore, considered an important material consideration especially in the event that there are policies in the UDP which are out-of-date or inconsistent with the NPPF. Paragraph 48 of the NPPF reinforces that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

- 10.3 Para 73 then goes on to describe how local authorities should meet the full objectively assessed need for market and affordable housing.
- 10.4 Para 11 of the NPPF states that for decision-taking, the presumption in favour of sustainable development means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.5 The subtext to para 11 explains that out-of-date policies include those where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. As the Council are unable to demonstrate a 5 year housing land supply, relevant policies relating to housing are considered to be out-of-date. The housing land supply shortfall in Kirklees is substantial and falls below 3 years. Whilst the Council have submitted the emerging Local Plan (PDLP) for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the Local Plan is still undergoing Examination and has not been adopted. Therefore, it is currently the case that the Council are unable to identify a five year supply of specific deliverable housing sites against the requirement,
- 10.6 Para 11 of the NPPF provides that planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 10.7 It is also noted that planning permission has been granted on this site for residential development the same as proposed as recently as 2013. Planning permission 2013/90715 expired on 31st May 2016.

Emerging Local Plan Allocation

- 10.8 The Kirklees Publication Draft Local Plan (PDLP) identified the development site as a housing allocation (ref – H814). However, the Post Hearings letter from the Planning Inspector (15 June 2018) concerning the PDLP has recommended that the housing allocation be deleted from the Local Plan for reasons relating to biodiversity and amenity issues. This land would therefore become unallocated. Following the Post Hearings letter the Council are preparing a number of modifications to the Local Plan which will include the rejection of H814 as a housing allocation in order to ensure the Local Plan is legally compliant and sound. This will go through a further consultation exercise in Summer 2018. The final Inspector's report, expected towards the end of 2018, will provide further details of the Inspector's decisions. The points of

concern raised by the Inspector will be elaborated upon in the remainder of this report; suffice it to say that the PDLP allocation has evolved through the Examination process and is no longer considered a suitable housing site. The concerns raised by the Planning Inspector are predicated by the location of the site which forms part of the Kirklees Wildlife Habitat Network, situated within a woodland which is covered by a Tree Preservation Order (TPO).

10.9 PDLP policy PLP33 states:

“The Council will not grant planning permission for development which directly or indirectly threaten trees or woodland of significant amenity...”

10.10 PDLP policy PLP30 states:

“The council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network...”

10.11 Para 175 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

10.12 As the relevant sections of this report will attest, the proposed development fails to demonstrate that the proposed development would satisfactorily protect biodiversity and would mitigate the loss of significant woodland.

Conclusion on Principle of Development

10.13 The site lies on a Housing allocation in the UDP. Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the fact that the proposed development lies in an area of protected woodland with high amenity value which also serves as an important wildlife corridor. The proposal's conflict with the NPPF and emerging policies PLP30 and PLP33 is reflected by the Inspector's recommended modifications to the Local Plan which advises that this site should be deleted from the Local Plan as a housing allocation. The proposal also conflicts with UDP policies NE9 and EP11.

Urban Design issues

10.14 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Paragraph 60 of the NPPF stipulates that planning decisions should not stifle innovation through unsubstantiated requirements to conform to certain development forms or styles, although it is proper to seek to promote or reinforce local distinctness.

- 10.15 The indicative scheme comprises of a mixture of two and three storey properties which is primarily due to the topography of the land. Within the immediate vicinity there is a mixture of two and three storey properties and as such, the scale of development is considered to be acceptable and would comply with policies BE1 and BE2(i – iii) of the Unitary Development Plan but this is subject to the detail at reserved matters stage.
- 10.16 In respect of crime prevention, UDP policy BE23 states that new developments should incorporate crime prevention measures to achieve pedestrian safety on footpaths; natural surveillance of public spaces; and secure locations for parking areas. Previous full applications on this site have been found acceptable but as this is an outline application, full details would need to be considered as part of any reserved matters submission.
- 10.17 The application site is located over 170 metres away from the Longwood Edge Conservation Area to the west. However, due to the tree coverage that is to remain at the western edge of the site and the housing development known as Grove Nook, as well as the dwellings along Stoney Lane and the existing industrial buildings (Firm Mills and Clough Mills), the new development would not have any impact on the conservation area setting in accordance with the NPPF Conserving and Enhancing the Historic Environment.

Residential Amenity

- 10.18 UDP Policy D2 requires residential amenity matters to be considered and Policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows.
- 10.19 A layout for this scheme was previously approved as part of the 2013 planning permission which demonstrates that sufficient distances are achievable within the site, complying with policy BE12 of the UDP.
- 10.20 The current application comprises an outline application and full details would come forward in future as part of any subsequent layout to be submitted at reserved matters stage.

Tree issues

- 10.21 The site lies within a woodland protected by a Tree Preservation Order (ref - 11/84) due to the public amenity value it provides. The trees within the site are a mix of category B and C trees but go to make up the character of this part of Grove Street which is extensively lined with mature trees on its northern side. Their loss would be contrary to policy NE9 of the UDP as it would remove a large area of mature trees which are a component part of the street scene and the scheme fails to incorporate trees into the layout, contrary to policy BE2 of the UDP. PDLP policy PLP33, which carries substantial weight, states that the Council will not grant planning permission for development that directly or indirectly affects trees or woodland of significant amenity.
- 10.22 The above scheme would clearly conflict with these policies and it is also noted that no replacement planting is proposed. Whilst it is acknowledged that planning permission was granted for an almost identical scheme in 2013 which followed a train of planning permissions for residential development on this site dating back to 2001; there are no extant planning permissions on this site as

the latest planning permission expired in 2016. Furthermore, the evidence based used to inform the local plan process has indicated that the site is significantly constrained by trees.

Biodiversity issues

- 10.23 Policy NE5 establishes the importance of wildlife corridors such as the Kirklees Wildlife Habitat Network. It is important that habitats of ecological value are taken into account when assessing the acceptability of development, with chapter 15 of the NPPF establishing that local authorities should aim to conserve and enhance biodiversity. Under PDLP policy PLP30, which carries substantial weight, proposals are required to protect habitats of principal importance and the Kirklees Wildlife Habitat Network.
- 10.24 It is noted that the previous planning permission on this site (2013/90715) included a planning condition requiring the submission of an ecology survey but the requirements of this condition were never discharged. The current application included a phase I habitat survey which was submitted part way through consideration of the planning application. The submitted report concludes:
- “...The proposed development will have a significant detrimental effect on the connectivity of the Kirklees Habitat Network and will have a negative impact on local wildlife and biodiversity...”*
- 10.25 The submitted report goes on to recommend further bat survey work, that the woodland habitat provided excellent opportunities for bird nesting and the site has the potential to support foraging badgers.
- 10.26 The conclusions set out in the submitted ecological report are reflected in the comments from the Council’s biodiversity officer. There are a number of issues concerning the submitted survey. The survey submitted indicates a significant ecological impact and indicates the need for further survey work to investigate the possibility of further impacts, including to European Protected Species. The information submitted does not present any means of mitigation. The biodiversity officer is also of the view that it is reasonably likely that mature trees on site are used by roosting bats, and the immediate area is expected to provide suitable foraging habitat. Even in the absence of additional survey information the proposed development would result in the significant loss of a habitat of Principal Importance as identified by Natural England. Notwithstanding the expected impacts to European Protected Species, the loss of habitats of principal importance would result in a significant ecological impact which is contrary to PDLP 30 and chapter 15 of the NPPF.
- 10.27 Whilst it is acknowledged that the site is currently allocated for housing and planning permission has been granted numerous times previously, the evidence base concerning the importance of this site as a principal habitat and part of the Kirklees Wildlife Habitat Network is enshrined in emerging PDLP policy PLP30 which carries substantial weight. This, in turn, appears to have informed the Inspector’s latest correspondence on the unsuitable nature of this site as a housing allocation. In addition it is noted that no ecological information has supported any previous planning applications on the site. The policy position has, therefore, changed since the previous decision was made to approve planning permission.

10.28 The Secretary of State for the Environment, under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, has issued a list of habitats of principal importance in terms of conserving biodiversity. This list is intended to inform the duty to have regard to conservation of biodiversity as outline in Section 40 of the NERC Act. It considered that the granting of planning permission in this case would not demonstrate sufficient regard to this requirement.

Highway issues

10.29 UDP policy T10 sets out the matters against which new development will be assessed in terms of highway safety. The proposal is almost identical to previously consented proposal and there have been no material changes to policy since this time in relation to highway safety.

10.30 Highways DM comment that incorrect trip rates have been used by the applicant in order to calculate traffic flows in relation to highway capacity. Highways DM consider that 0.7 two way trips per dwelling would be more representative of the rates experienced in Kirklees. Nevertheless, planning permission was previously granted on this site and from a highway perspective there have been no change in circumstances since 2013. The applicant has demonstrated achievable visibility of 2.4m x 43m. Subject to conditions the application is considered to represent a safe and suitable access.

10.31 Policy R13 of the UDP stipulates that in considering development proposals, those that would affect a public right of way should take into account the convenience of the users of the right of way, including the provision of facilities for people with disabilities. Public Right of way HUD/292/10 runs to the west of the site and connects Grove Street with Prospect Road. This existing footpath would be physically separated from the new development by the retained tree buffer proposed to flank the western edge of the site and would be unaffected by the proposed development. The proposal would accord with policy R13 of the UDP.

Drainage issues

10.32 The NPPF sets out the responsibilities for Local Planning Authorities determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach. No formal drainage strategy has been submitted with the application and the applicant has indicated that surface water is to discharge to the public sewer network.

10.33 There is no drainage strategy with the current application and the Lead Local Flood Authority object on the basis of a lack of information. However, the area of the site is identical to that approved in 2013 (ref – 2013/90715) yet the former planning permission was submitted as a full application. In that particular case planning permission was approved subject to drainage conditions. In this case the proposed development is in outline form which gives an opportunity to develop an informed drainage strategy along with the reserved matters. Therefore, in the event planning permission is granted it is recommended in this case that drainage details are submitted as part of the reserved matters.

Other matters

- 10.34 The NPPF stipulates that planning policies and decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability. The safe responsibility for development rests with the developer and appropriate conditions are recommended requiring details to be submitted of all retaining structures within the site, including all necessary ground investigations as part of the reserved matters submission. This is in recognition of the significant regrading works that would be required to implement the scheme both to support the internal access road and to support land to the rear of the site which rises steeply.
- 10.35 A noise report has been submitted. Environmental Services raise no objections subject to a further report being submitted detailing a suitable noise attenuation scheme. In this regard the amenity of future occupiers would be adequately protected and the proposal would accord with policy EP4 of the UDP and PLP52 of the PDLP.
- 10.36 The development proposes the erection of 12 dwellings and accordingly the developer would now be required to provide affordable housing in *Interim Affordable Housing Policy*. A total of 2 units would be required which equates to 20% affordable provision.

11.0 CONCLUSION

- 11.1 The site lies within an area allocated for housing on the UDP. Decisions to approve housing on this site since 2001 are reflective of the requirement to determine applications in accordance with the development plan. Other material considerations at that time did not indicate that a contrary view should be taken. In addition, the Council are unable to demonstrate a 5 year housing land supply which engages the 'tilted balance' and presumption in favour of sustainable development as advocated by para 11 of the NPPF.
- 11.2 The development would lead to the loss of a significant area of TPO'd woodland which forms a greenfield site. Any previous buildings on this site have long since disappeared. This woodland offers significant visual amenity benefits and comprises a habitat of principal importance falling within the Kirklees Wildlife Habitat Network. There are no proposals to replace the woodland and its associated ecological significance, nor would replacement appear feasible within the confines of the site or its surroundings. Consequently the proposed development conflicts with UDP policies NE9 and EP11 and PDLP policies PLP30 and PLP33 which carry substantial weight.
- 11.3 In the context of para 11 of the NPPF, the economic benefits of granting up to 12 houses when the Council are unable to demonstrate a 5 year housing land supply would be outweighed by significant and demonstrable harm. The proposal is considered to be contrary to the NPPF when taken as a whole and represents an unsustainable form of development. It is recommended that planning permission be refused.

11.4 It is acknowledged that any decision to refuse planning permission would be at odds with the decision to grant planning permission for a similar scheme in 2013. However, since then additional evidence has been gathered which has informed the emerging Local Plan. Emerging policies in the PDLP, which now carry substantial weight, are predicated on additional evidence which indicate development of this mature woodland with associated significant ecological potential deem this an unsuitable housing allocation. As a consequence of this, the Council are developing a modified Local Plan which rejects this site as a housing allocation. In addition, an ecology survey has been submitted with the current application which identifies significant ecological constraints and harm. It is, therefore, not anticipated that the application site will be required to meet the Council's objectively assessed need in delivering the housing numbers set out in the Local Plan.

12.0 Background Papers:

Application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90941>

Certificate of Ownership –Certificate A signed: 2nd September 2017

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2018/90941 Outline application for residential development Springfields, Mill Moor Road, Meltham, Holmfirth, HD9 5JYY

APPLICANT

C Dowling

DATE VALID

21-Mar-2018

TARGET DATE

20-Jun-2018

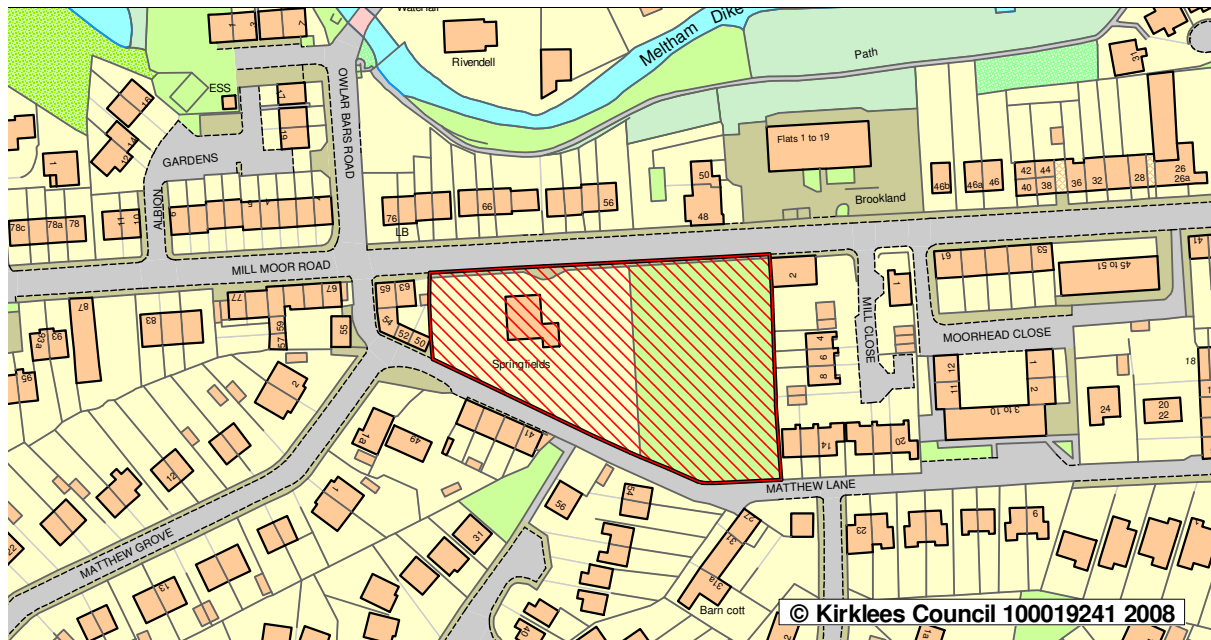
EXTENSION EXPIRY DATE

16-Aug-2018

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley North

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 This application is brought to the planning sub-committee for determination due to a significant volume of public opinion.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an existing dwelling and associated curtilage, a small adjacent field which would appear to have been used for keeping livestock and grazing land and is located approximately 500m west of Meltham town centre. The site is roughly triangular in shape, occupies an area of approximately 0.4 ha and is bordered by Mill Moor Road to the north, Matthew Lane to the south and by residential properties off Mill Close to the east. The area surrounding the site is mainly residential in character although as one progresses west along Mill Moor Road towards Leygards Lane this changes markedly to a much more open rural character. The nearest existing residential properties border the site to east with others facing the site on the opposite side of Mill Moor Road to the north and Matthew Lane to the south.

3.0 PROPOSAL:

- 3.1 The applicant seeks outline planning permission for residential development on the site with all matters reserved except for access. Whilst not seeking approval for layout as part of this application the applicant has provided an indicative plan which shows the potential for the siting of 21 new dwellings on the site. The development of the site would involve the demolition of the existing dwelling and access to the site would be via a newly created estate road which would adjoin Mill Moor Road

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 Records indicate that there have been no recent planning applications associated with the development of this site.

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

5.1 During the consideration of this application negotiations with the applicant resulted in the following:

- Additional information concerning visibility splays at the junction with Mill Moor Road, details of carriageway and footway widths, vehicle tracking information indicating refuse vehicle turning arrangements and details of junction radii
- The submission of a revised drainage strategy
- The submission of a Preliminary Ecological Assessment
- The submission of an emergence bat survey

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

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

G6 – Land contamination
NE9 – Mature trees
BE1 – Design principles
BE2 – Quality of design
BE11 – Building materials
BE12 – Space about buildings
BE21 – Open space accessibility
EP4 – Noise sensitive development
T1 – Transport priorities
T10 – Highway safety
T14 – Pedestrian safety
T19 – Parking standards
H1 – Housing needs
H10 – Affordable housing

H12 – Affordable housing arrangements
H18 – Open space provision
R6 – Public open space

6.3 Kirklees Publication Draft Local Plan (KPDLP):

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing mix and affordable housing
PLP20 – Sustainable travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood risk
PLP28 – Drainage
PLP30 – Biodiversity and geodiversity
PLP32 – Landscape
PLP35 – Historic environment
PLP48 – Community facilities and services
PLP49 – Educational and health care services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP63 – New open space

6.4 Supplementary Planning Guidance / Documents:

Relevant guidance and documents are:

- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)
- Kirklees Council Housing Allocations
- Accessibility Assessment (March 2015)
- National Planning Practice Guidance

6.5 National Planning Guidance:

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 8 – Promoting healthy and safe communities
- 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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by the erection of 4 site notices in the vicinity of the site, the posting of 28 Neighbour notification letters and an advertisement in the local press. This resulted in 18 representations from members of the public being received. The issues raised can be summarised as follows:

- The proposal will lead to an increase in on street parking in the area
- Highway safety in the vicinity of the site will be detrimentally affected due to the increase a vehicles associated with this development
- Local infrastructure including doctor's/dentist's surgeries and schools are full and cannot accommodate further residential development
- As the level of the site is above the level of Mill Moor Road, the proposed houses would over shadow existing properties and block out natural light.
- The development would adversely affect local wildlife such as birds and bats
- The proposal would lead to the loss of valuable woodland habitat
- Excavating the site is likely to have an adverse effect on local drainage regimes which cross the site
- The original occupier of the land indicated that before her death, she did not want the site developed.
- The privacy of existing residents will be detrimentally affected as the houses would overlook the properties
- The construction of the site would lead to the unacceptable disturbance of nearby residents
- The outlook of existing residential properties would be adversely affected
- The scale and layout of the development would not be in keeping with existing development in the area
- Meltham is a tourist area and building more houses would have a negative impact on the numbers of people visiting the area
- There are plenty of brownfield sites in Kirklees that should be developed before this site
- The current sewage system in the area cannot accommodate additional capacity as a result of recent house building on Mill Moor Road

- This land has previously been used by the Air ambulance when conventional ambulances could not reach a casualty on Matthew Lane adjacent to this site
- The proposal would breach the Human rights of existing residents in that it would detrimentally affect their right to enjoy their homes
- The numbers of houses proposed would represent an over development of the site
- No detailed elevational drawings have been submitted to support this application
- This proposal would increase pressure on a highway system which is already struggling to cope with existing capacity
- There are plenty of brownfield sites in the district which could be developed before this site
- If this site is allocated as provisional open land (POL), then the site should be safeguarded in accordance with the requirements of the adopted Unitary Development Plan.
- No Environmental Impact Assessment has been carried out to support the application
- The applicant did not seek any pre-application advice prior to submitting their application which is evidence that they are only interested in making a profit
- Bearing in mind other recent development off Mill Moor Road, this proposal will put an unacceptable strain on the local drainage network and the works required to alleviate this would be such that the scheme is not viable.
- This proposal would result in unacceptable levels of noise due to the introduction of additional people and cars to the area.
- Mill Moor Road is already in a poor condition and the heavy vehicles required to develop the site will cause the surface of the highway to degrade further.
- This proposal does not provide adequate parking and will therefore lead to more uncontrolled on-street car parking
- This proposal is likely to lead to the instability of adjacent land due to the amount of excavation required
- Ward members were consulted on the proposal and the following comments were received in response:
- Cllr T Lyons – “Are you aware of the amount of houses? Will there be a pre-app meeting?”

- Cllr C Greaves – “Would you confirm whether this application will be going to committee, and on what date”
- Meltham Town Council was consulted on this application and indicated that it supported the proposal.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways – No objections subject to conditions that require:

- details of parking provision before development commences
- the provision of adequate sight lines at the junction of the site access with Mill Moor Road before development commences on site
- prior to occupation all areas to be used by vehicles to be surfaced and drained
- details of bin storage and access to be provided before development commences
- The provision of areas for the parking, loading and unloading of contractor’s vehicles
- The location and construction details of all retaining walls adjacent to exiting/proposed adoptable highways
- The location and construction details of new surface water attenuation tanks located within the proposed adoptable highway

8.2 Non-statutory:

K.C. Conservation and Design – No objection in principle but would like to see the layout amended at the reserved matters stage to ensure an open area is maintained between the row of listed cottages opposite the site on Matthew Lane and the new dwellings

K.C. Biodiversity Officer – Following the submission of additional information in the form of a Preliminary Ecological Assessment and bat emergence survey, no objection subject to planning conditions which require:

- Further bat survey work if a reserved matters application is not made within 2 years of the approval of the outline application.
- The removal of trees hedgerows and shrubs not taking place during the bird nesting season
- Landscape and layout shall to include an ecological design strategy

K.C. Environmental Health – No objection subject to the inclusion of planning conditions to deal with potential site contamination.

K.C Education - No comment as the site is less than 25 dwellings and is below the threshold for financial contributions to apply

K.C. Strategic Housing – Advise that 20% of the units on site should be set aside for affordable housing. The site currently includes an empty dwelling which would be demolished to accommodate the development of the site. Consequently the percentage of on site affordable housing this may be reduced if vacant building credit applies.

K C Landscape – Advise that the proposal requires the provision of 630 square metres of public open space or an off-site contribution to be used at a site within the Meltham area of approx. £100,451.00

Lead local Flood Authority – Following the submission of a revised drainage strategy, No objection subject to planning conditions which require:

- Details of foul and surface water drainage arrangements prior to development commencing
- Investigations to be carried out on site prior to development commencing to determine whether any ordinary water courses cross the site and the provision of a scheme to mitigate the impact on any such watercourses
- The submission of a scheme which restricts surface water discharge from the site to 3 litres per second prior to development commencing
- The submission of a scheme detailing temporary drainage arrangements during the construction of the development prior to development commencing

Yorkshire Water – No objection subject to a planning condition requiring the development to be carried out in accordance with the supporting drainage strategy unless otherwise agreed by the Local Planning Authority.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage/Flood risk issues
- Ecological issues
- Representations
- Other matters

10.0 APPRAISAL

10.1 Principle of development

10.2 Paragraph 2 of the NPPF stresses that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 10.3 The NPPF is a material consideration in planning decisions. The current situation regarding housing land supply in Kirklees is a material consideration relevant to applications for residential development and weight can also be attached to the draft policies of the emerging Local Plan.
- 10.4 Therefore, the starting point in assessing this planning application is to ascertain whether or not the proposal accords with the relevant provision of the development plan, which in this case comprises the saved policies of the Kirklees UDP (1999). If a proposal does not accord with the development plan, regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.5 However, paragraph 11 of the NPPF makes it clear that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted without delay unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (when assessed against NPPF policies taken as a whole), or ii) specific policies in the NPPF indicate development should be restricted.
- 10.6 Kirklees is not currently meeting the requirement to identify the supply of housing land as required in paragraph 67 of the NPPF. This is therefore important in the context of paragraph 11 of the NPPF in that relevant UDP policies relating to housing must now be considered to be out-of-date.
- 10.7 Whilst the council has prepared a Local Plan that, for housing purposes, is predicated on the basis of a five-year housing land supply, it is currently undergoing examination, and has not been adopted. Therefore, it remains the case that the council is unable to identify a five-year supply of specific deliverable housing sites.
- 10.8 Having said this the emerging Local Plan is a material consideration. It sets out a housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. If the emerging Local Plan was to be adopted in its current form, the council would be able to demonstrate a five-year housing land supply.
- 10.9 The site is without notation on the UDP proposals map and policy D2 is therefore relevant to the assessment of this proposal .UDP policy D2 indicates that applications for development will be granted provided that proposals do not prejudice:
- i the implementation of proposals in the plan;
 - ii the avoidance of over-development;
 - iii the conservation of energy;
 - iv highway safety;
 - v residential amenity;
 - vi visual amenity;
 - vii the character of the surroundings;
 - viii wildlife interests; and
 - ix the efficient operation of existing and planned infrastructure.

10.10 With regard to policies in the emerging Local Plan, the site has not been allocated for any specific purpose. Bearing in mind the Local Plan is currently being examined, consideration must be given to the weight to be afforded to draft policies contained therein. Paragraph 48 of the NPPF sets out what weight can be given to policies in emerging plans, according to:

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

As the Plan is currently being examined in public and is at an advanced stage, is considered that significant weight should be given to its policies.

10.11 Whilst the site has not been allocated for any specific purpose in both the UDP in the emerging local plan, this does not preclude its development for housing and this site can be considered as a windfall opportunity to address the current shortfall in the district's housing provision.

10.12 Given the issues above it is therefore considered that this proposal is acceptable in principle subject to there being no significant conflict with relevant UDP, emerging Local Plan or national planning policy guidance.

10.13 Urban Design issues

10.14 This application does not seek full permission for the layout, scale and appearance of the development. Consequently should this application be approved, it would not approve the numbers of dwellings on the site. Dwelling numbers would be the subject of a subsequent reserved matters application. However, the applicant has provided an indicative plan which demonstrates that the site could accommodate the scale of residential development suggested.

10.15 Having said this, it is considered appropriate at this stage to provide general comments on this indicative design. The design submitted with this application indicates an over dominance within the layout with regard to parking facilities and the general arrangement of the estate road and a lack of public open space provision. Consequently whilst it is considered by officers that there are no absolute constraints to developing the site for residential purposes, it is likely that the design of the layout at the reserved matters stage will require significant amendments to address Officer's concerns. The final numbers of dwellings is therefore likely to reduce in order to satisfactorily address these concerns.

10.16 Whilst issues relating to scale and design would be dealt with at the reserved matters stage, it should be noted that, whilst the wider area includes three storey properties, the residential properties off Matthew Lane and Mill Close, which are the closest to this site, are typically of two storey semi-detached or terraced design. It is therefore considered that two storey properties would be the most appropriate on this site in that they would respect the character of the surrounding residential properties.

10.17 There is a requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act that “special regard” should be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

10.18 The site is close to a terraced row of four Grade II listed cottages which are located off Matthew Lane to the south west of the site. These cottages are of a traditional weaver’s cottage design from the mid-19th century. The setting of these cottages includes the open aspect associated with the application site and a consequence this setting could be detrimentally affected as a result of this proposal. However, notwithstanding previous comments on the indicative design submitted with this application, Officers consider that the site is large enough to allow the final layout to be designed to ensure that the setting of this neighbouring heritage asset is not adversely affected.

10.19 It is therefore considered that, with regard to urban design, this principle of developing this site, including the point of access would accord with UDP policies D2, BE1 and BE2, KPDLP policy PLP 24 and Section 12 of the NPPF. This does not however, extend to the illustrative layout or numbers of houses indicated on that submitted layout

10.20 Residential Amenity

10.21 The closest residential properties to the site are off Mill Close to the east which abut the site although other residential properties are located in the vicinity off Matthew Lane to the south and Mill Moor Road to the north. All the aforementioned residential properties overlook the site and have outlooks which would be directly affected by this development to varying degrees. This site provides an open area which currently offers a break in the development along this part of Mill Moor Road. However it falls within, what can be described as, Meltham’s developed envelope and bearing in mind the current character of the area, it is considered that the development of this site for residential purposes would not have a significant detrimental impact on the area’s visual amenity.

10.22 This site is at a slightly higher level than residential properties located off Mill Moor Road. Consequently the layout and scale of the houses on this site would need to be carefully considered at the reserved matters stage to ensure their impact on existing residential properties is minimised.

10.23 Whilst it is accepted that the development of the site would lead to some inconvenience being experienced by the occupants of existing residential properties during the construction phase, this inconvenience would be for a temporary period only. The subsequent use of this site would lead to an increase in the numbers of people being present in this location and engaging in activities associated with the occupancy of residential properties. However, it is considered that this additional activity would not lead to any significant problems associated with noise.

10.24 This proposal would therefore accord with UDP policies D2, EP4, KPDLP policy PLP 52 and Section 15 of the NPPF with regard to the development’s potential impact on residential amenity.

10.25 Highway issues

- 10.26 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highways safety problems. Policy PLP21 of the emerging Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems.
- 10.27 The applicant has indicated that access to the site would be off Mill Moor Road via a purpose built junction. Officers consider that subject to the provision of adequate sight lines an access at this point could be satisfactorily designed.
- 10.28 Initially officers raised concerns that further information was required to assess the implications of this development on highway safety with regard to:
- Visibility splays at the junction with Mill Moor Road;
 - Carriageway and footway widths;
 - Refuse vehicle turning arrangements; and
 - Junction radii

However, following the receipt of additional information, Officers consider these issues have been satisfactorily addressed.

- 10.29 Although the final number of houses associated with this development would be determined at the reserved matters stage, the applicant has provided an indicative layout which is considered to represent the maximum number of dwellings which could be provided on this site. This would be an increase of 20 dwellings from the existing situation. The applicant has calculated that using a trip rate of 0.2 trips per hour per dwelling for arrival and 0.6 trips per hour per dwelling for departure in the AM peak; and 0.6 trips per hour per dwelling for arrival and 0.2 trips per hour per dwelling for departure in the PM peak; the traffic generated by the proposal is 16No. total per peak hour. This equates to one car every 3minutes 45 seconds.
- 10.30 Officers have previously carried out an assessment of the cumulative traffic impact on the surrounding highway network arising from a number of residential development sites within this part of Meltham. The assessment included capacity assessment of the Westgate/Station Street and Greens End Road/Station Street junctions.
- 10.31 The assessment sites included a proportion of the application site as well as development on a POL allocation to the west on Mill Moor Road, two housing allocations on Mill Moor Road, the development at the former Albion Mills, a housing allocation on Colders Lane and a small infill development on Matthew Lane. The assessment indicated that the Westgate/Station Street and the Greens End Road/Station Street junctions would continue to operate within accepted parameters during the morning and evening peak periods. Officers therefore consider that the local network would be able to accommodate the increased level of traffic associated with this development and this proposal would not therefore result in any significant detriment to the efficiency and safe use of the local highway network.

- 10.32 The indicative layout provided with the application submission indicates that each dwelling would have two off-street parking spaces, which is the required number for three bedroomed dwellings, although the final design would need to ensure that adequate visitor parking (one per four dwellings) is included.
- 10.33 It is considered that the details of parking, the design of the access road layout, highways retaining structures and drainage arrangements and construction vehicle management can be satisfactorily dealt with at the reserved matters stage.
- 10.34 It is considered that this proposal would accord with UDP policies T10, T19 and KPDLP policies PLP 21 and PLP22 with regard to its potential impact on highway safety in the vicinity of the site
- 10.35 Drainage/Flood Risk issues
- 10.36 The site is located within an area designated as Flood Zone 1 which is the least likely to flood. Consequently, as the site is less than 1 ha. there is no requirement to provide a Flood Risk Assessment to support this proposal.
- 10.37 This proposal would increase the impermeable area of the site by approximately 0.2ha. and therefore has the potential to adversely affect surface water run-off.
- 10.38 The National Standards for Drainage Systems (DEFRA) states that the following options should be considered for the disposal of surface water run-off in order of preference:
- Discharge to ground
 - Discharge to surface water body
 - Discharge to surface water sewer
 - Discharge to combined sewer
- 10.39 The applicant has produced a drainage strategy which indicates that the site is underlain by soils of poor infiltration potential and as a consequence the use of soakaways to manage surface water is not deemed suitable. Given the lack of a suitable surface water body, it is proposed to drain the site using separate foul and surface water sewers which then combine before discharging into the existing combined foul and surface water sewer in Mill Moor Road. The aforementioned drainage strategy indicates that surface water run-off would be managed at a discharge rate of 3.0l/s for all storm events up to and including a 1 in a 100 year event.
- 10.40 This proposed drainage solution has been considered by Yorkshire Water and, bearing in mind other recent developments in the area, has indicated that this method of draining the site is acceptable. Officers are therefore of the opinion that, whilst the area has seen a significant amount of development in recent years, the existing off-site drainage infrastructure can be utilised to accommodate the drainage requirements of the proposed development.

10.41 Whilst Yorkshire Water has raised no objection to the proposed drainage arrangements, the Lead Local Flood Authority (LLFA) has indicated that there may be the possibility of a more sustainable solution to draining the site. However the LLFA considers that such details can be resolved at the reserved matters stage via the inclusion of appropriately worded planning conditions as summarised in section 8 of this report.

10.42 This proposal would therefore accord with KPDL policy PLP28 and Section 14 of the NPPF with regard to drainage and flood risk.

10.43 Ecological issues

10.44 Paragraph 175 of the NPPF indicates that, when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This approach is echoed in KPDL policy PLP 30 which states:

“.....Development proposals will be required to:-

- (i) avoid significant loss or harm to biodiversity in Kirklees through protection, mitigation and compensatory measures secured through the establishment of a legally binding agreement;*
- (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;*
- (iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*
- (iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and*
- (iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.*

10.45 The applicant has provided a Preliminary Ecological Appraisal (PEA) which considers the potential for this proposal to adversely affect local ecology. This document concludes that the habitats on site are of a relatively low value and do not represent a significant constraint to development. However, it indicates that the existing bungalow may offer roosting opportunities for bats and recommended that an emergence survey be carried out to determine this.

10.46 The applicant therefore commissioned a bat emergence survey which did not record any bats using the existing building as a roost and concluded that:

- The existing dwelling on site is very unlikely to support roosting bats;
- The proposed works present little risk of impacting on bats and their roosts in this location; and
- No further survey work is deemed necessary to support these conclusions

10.47 Any subsequent reserved matters application would provide an opportunity to secure biodiversity enhancement as part of an agreed landscape scheme. It is therefore considered that this proposal would accord with KPDL policy PLP 30 and Section 15 of the NPPF with regard to habitats and biodiversity.

10.48 Representations

The proposal will lead to an increase in on street parking in the area.

Response: This proposal would include the provision of off-street parking which would be secured at the reserved matters stage as part of the detailed layout. This would alleviate potential on-street parking on the surrounding highway network associated with this development.

Highway safety in the vicinity of the site will be detrimentally affected due to the increase a vehicles associated with this development.

Response: Whilst the final number of houses would not be determined until the reserved matters stage, the applicant has indicated that, based on the indicative layout submitted with this application, additional traffic generated by this proposal would be a maximum of 16 trips per peak hour. It is considered that this additional increase can be accommodated by the local highway network. The cumulative impact of development along Mill Moor Road has also been taken into account in the assessment.

Local infrastructure including doctor's/dentist's surgeries and schools are full and cannot accommodate further residential development.

Response:

There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, PDL policy PLP49 identifies Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, additional funding would be provided for health care is based on any increase in registrations at a practice. Long-term funding of health facilities is being considered as part of the Local Plan and Community Infrastructure Levy (CIL).

With regard to local schools, this proposal is at a level where it does not trigger a contribution towards the provision of additional school places.

As the level of the site is above that of Mill Moor Road, the proposed houses would over shadow existing properties and block out natural light.

Response: As this application does not seek approval of the design and layout of the development, this matter would be fully considered at the reserved matters stage. Officers consider that whilst there is a change in levels, a scheme can be designed to mitigate the impact of such changes in levels and this issue is not an absolute constraint to developing this site.

The development would adversely affect local wildlife such as birds and bats.

Response: This matter has been considered in the section title "Ecology issues" which forms part of this report

The proposal would lead to the loss of valuable woodland habitat.

Response: The site only contains a small number of non-native tree species which are associated with the garden of the existing dwelling. It is considered the loss of these trees would not have a significant detrimental impact on local ecology and habitat opportunities could be enhanced as part of this proposal.

Excavating the site is likely to have an adverse effect on local drainage regimes which cross the site.

Response: It is acknowledged that investigations into existing drainage regimes will need to be carried out prior to the site being developed and measures may subsequently be required to satisfactorily deal with this matter. However, officers consider that this can be dealt with by the imposition of planning conditions requiring such investigations to be carried out before development commences on site.

The original occupier of the land indicated that before her death, she did not want the site developed.

Response: This is not a material planning consideration and cannot therefore be considered in the assessment of this application.

The privacy of existing residents will be detrimentally effected as the houses would overlook the properties.

Response: As this application does not seek approval of the design and layout of the development, this matter would be fully considered at the reserved matters stage. However, Officers consider that the site would allow a layout design which would meet the Council's UDP policy (BE12) which deals with appropriate space around building in new development.

The construction of the site would lead to the unacceptable disturbance of nearby residents.

Response: This matter has been considered in the section title "Residential issues" which forms part of this report

The outlook of existing residential properties would be adversely affected.

Response: Whilst it is acknowledged that this development would change the outlook of surrounding residential properties it is considered that on balance this proposal would not have a significant detrimental impact on local visual amenity.

The scale and layout of the development would not be in keeping with existing development in the area.

Response: As previously indicated these matters would be dealt with at reserved matters stage but officers consider the site would allow a layout design which would harmonise with its surroundings.

Meltham is a tourist area and building more houses would have a negative impact on the numbers of people visiting the area.

Response: Tourism and leisure forms an important component of the local Kirklees economy. However, the effects this proposal may have on local tourism must be balanced against the need for housing in the area. This area of open land is surrounded by existing residential development and whilst it currently presents a pleasant outlook, its influence on the character of the area is not considered to be significant. Consequently officers consider that any effect on tourism associated with the development of this site would be negligible.

There are plenty of brownfield sites in Kirklees that should be developed before this site.

Response: Whilst it is acknowledged that the development of Brownfield land would be a preferable option, this cannot act as a bar to developing Greenfield sites. The Council cannot prevent such applications and must assess the application based upon its merits, its likely impacts on the locality and bearing in mind the district's current lack of housing provision.

The current sewage system in the area cannot accommodate additional capacity as a result of recent house building on Mill Moor Road.

Response: This matter has been considered in the section title "Drainage/Flood Risk issues" which forms part of this report

This land has previously been used by the Air ambulance when conventional ambulances could not reach a casualty on Matthew Lane adjacent to this site.

Response: This matter is not a material planning consideration and therefore cannot be considered in the assessment of the application

The proposal would breach the Human rights of existing residents in that it would detrimentally affect their right to enjoy their homes.

Response: The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed. In carrying out this balancing exercise the Council considers that it will have acted proportionately and as such the decision to approve this application would not be a breach of the human rights of the existing surrounding residents.

The numbers of houses proposed would represent an over development of the site

Response: As previously indicated in this report this application does not seek approval for the numbers of dwellings at the site and this would be determined at the reserved matters stage. Officers consider that a layout can be designed which maximises the spaces available for housing whilst ensuring over development does not occur.

No detailed elevational drawings have been submitted to support this application.

Response: This is an outline application which does not seek approval for the design and layout of the site. As a consequence detailed elevational drawings are not required in support of this proposal at this stage.

This proposal would increase pressure on a highway system which is already struggling to cope with existing capacity.

Response: This matter has been considered in the Section title "Highways Issues"

If this site is allocated as provisional open land (POL), then the site should be safeguarded in accordance with the requirements of the adopted Unitary Development Plan.

Response: This site is unallocated on the UDP proposals map and is not therefore POL land.

No Environmental Impact Assessment has been carried out to support the application.

Response: A Preliminary Ecological Assessment and bat emergence survey have been produced to support this proposal, the conclusions of which have been included under the section title “Ecological issues”.

The applicant did not seek any pre-application advice prior to submitting their application which is evidence that they are only interested in making a profit.

Response: There is no requirement for pre-application advice to be sought prior to the submission of a planning application. The issue of making a profit by developing a site is not a material planning consideration other than its impact on affordable housing provision.

Bearing in mind other recent development off Millmoor Road, this proposal will put an unacceptable strain on the local drainage network and the works required to alleviate this would be such that the scheme is not viable.

Response: Yorkshire Water has indicated that it does not wish to object to the proposals put forward by the applicant with regard to how the site would be drained.

This proposal would result in unacceptable levels of noise due to the introduction of additional people and cars to the area.

Response: This matter has been considered in the section title “Residential Amenity”

Mill Moor Road is already in a poor condition and the heavy vehicles required to develop the site will cause the surface of the highway to degrade further.

Response: It is acknowledged that this proposal would require heavy vehicles to facilitate the development. However, potential resultant damage to the highway associated with such vehicles cannot act as a bar to developing the site. Should damage to the highway occur and it can be identified as being directly related to the development, then action can be taken by the Council to seek redress.

This proposal does not provide adequate parking and will therefore lead to more uncontrolled on-street car parking;

Response: This matter has been considered in the section title “Highways Issues”

This proposal is likely to lead to the instability of adjacent land due to the amount of excavation required.

Response: Whilst there are level changes from this site to that of Mill Moor Road which will require the excavation and removal of material, it is considered that this can be achieved without it affecting adjacent land stability. Details of how this would be achieved would be considered as part of a subsequent reserved matters application.

Ward members were consulted on the proposal and the following comments were received in response:

Cllr T Lyons – *“Are you aware of the amount of houses? Will there be a pre-app meeting?”*

Cllr C Greaves – *“Would you confirm whether this application will be going to committee, and on what date”*

Meltham Town Council was consulted on this application and indicated that it supports the proposal.

10.49 Other matters

- 10.50 As the site has the capacity to provide more than 10 dwellings then under the Council’s interim affordable housing policy, there is a requirement to provide an element of affordable housing on the site which would equate to 20% of the final number of dwellings. This outline application seeks to deal with the layout of the site as a reserved matter and the number of houses therefore would be determined at that stage. It is therefore proposed to include a planning condition which would require the submission and approval of details of affordable housing provision at the site prior to any development commencing. This would accord with UDP policy H10, KPDLP policy PLP 11 and Section 5 of the NPPF.
- 10.51 Given the size of the scheme, the provision of POS is a material consideration. In this case, due to the size of the site, the provision of on-site play equipment may not be feasible and an off- site contribution in lieu may therefore be appropriate. The Council’s Landscape Architect’s Team has calculated that, based on the scale of the development, an off-site contribution of £100,451.00 would be required if on-site POS is not to be provided. It is considered that this matter can be satisfactorily addressed through the use of planning conditions and via a planning obligation at the reserved matters stage and this proposal would therefore accord with UDP policies H18, R6 and KPDLP policy PLP63 with regard to public open space provision.

11.0 CONCLUSION

- 11.1 The application site is without notation on the UDP proposals map and is not allocated for any specific purpose in the emerging Local Plan. However, this does not preclude the development of the site for housing and as there is no significant conflict with relevant UDP, emerging Local Plan or national planning policy guidance, this proposal is considered to be acceptable in principle.
- 11.2 This application is for outline planning permission with all matters reserved except for access. This is considered as ‘point of access’ only. Consequently, whilst issues relating to appearance, landscaping, layout and scale will require careful consideration at the reserved matters stage, it is considered that the development of this site can be carried out in such a way that these matters can be satisfactorily addressed.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.
- 11.4 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

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

1. Standard timeframe for the submission of reserved matters
2. Requirement for reserved matters submission
3. Highways conditions (parking, sight lines, surfacing, waste collection, retaining structures and surface water attenuation)
4. Environmental Health Conditions (potential contamination, installation of electric vehicle charging points)
5. Drainage Conditions (surface water management, foul water and land drainage, Investigations to ascertain presence of ordinary water course, limits on surface water discharge rate, provision of temporary drainage)
6. Ecology condition (Further bat survey work if a reserved matters application is not made within 2 years, protection of trees/hedgerows during nesting season, submission of an ecological design strategy)
7. Provision of affordable housing
8. Provision of public open space contribution

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90941>

Certificate of Ownership –Certificate A signed: 15 March 2018

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2018/91492 Erection of a detached dwelling
(within a Conservation Area) Land Adj, 27, Goose Green, Holmfirth, HD9 2DH

APPLICANT

Dominic Heleine

DATE VALID

15-May-2018

TARGET DATE

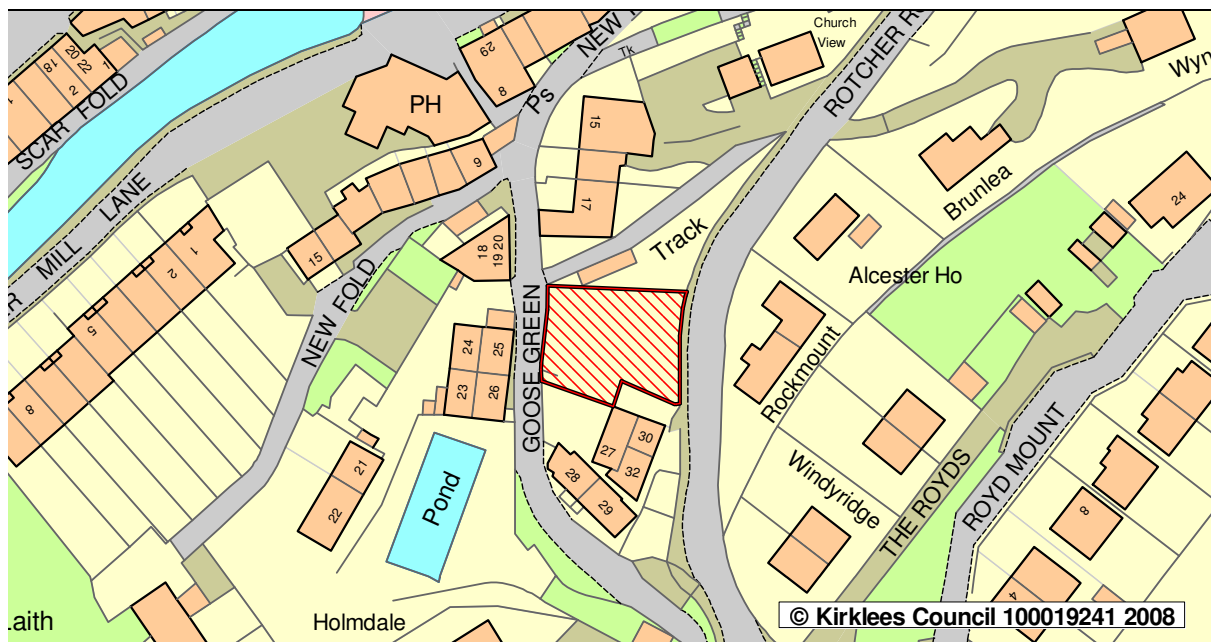
10-Jul-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

No

Ward Members consulted

RECOMMENDATION: REFUSE

1. The proposed development of this open land would harm the character of the Holmfirth Conservation Area through the loss of views towards the town centre and its environs from Rotcher Road. The ability to overlook the town centre from close knit development along the steep hillside is part of the historic character of the Conservation Area. This would cause less than substantial harm to the significance of the Conservation Area which is not outweighed by any public benefit. The proposal does not therefore constitute sustainable development and would be contrary to paragraph 196 of the National Planning Policy Framework, Policies BE5 and BE6 of the Unitary Development Plan and Policy PLP35 (1) of the Publication Draft Local Plan.

2. The proposed dwelling, by reason of its siting and scale, would result in an undue overbearing impact being caused to the occupiers of No. 25 Goose Green which is a single aspect dwelling with no curtilage to the west of the application site. This is due to the significant changes in land level between the application site and the dwelling on Goose Green. This would not be overcome by the planting proposed along the western boundary which could further exacerbate the overbearing impact. As such, the proposal would be contrary to Policy BE1 (iv) of the Unitary Development Plan, Policy PLP24 (b) of the Publication Draft Local Plan and advice within the National Planning Policy Framework, Chapter 12 Achieving well-designed places.

1.0 INTRODUCTION:

1.1 The application has been brought to Sub-Committee at the request of Councillor Ken Sims with the following reason:

For members to consider whether its design and materials would preserve the character and appearance of the Holmfirth conservation area.

1.2 The Chair of the Sub-Committee confirmed that Cllr Sim's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is an area originally associated with No. 27 Goose Green located within the designated Holmfirth Conservation Area. The site forms part of the original curtilage and constitutes a Greenfield site. The land slopes downwards from Rotcher Road to the east to Goose Green which is to the west. To the north of the site the land levels change significantly and a detached garage lies adjacent to the site boundary.

3.0 PROPOSAL:

3.1 Permission is sought for the erection of one detached dwelling. The application has been submitted following the recent refusal of Planning Permission under application 2018/90495 also for the erection of one detached dwelling. The difference between the two schemes is the slight reduction (0.4 metres) to the projection of the single storey element of the building.

3.2 The dwelling would be part single storey and part two storey with an open plan living/dining/kitchen, utility room, hall and WC at lower ground floor and 3 no. bedrooms (including an en-suite) and bathroom at upper ground floor.

3.3 The dwelling would have an overall width of 7 metres, a depth of 12.5 metres with a maximum eaves height of 5.5 metres and maximum overall height of 7.5 metres.

3.4 The sectional drawing illustrates that the eaves and ridge of the proposed dwelling would be comparable with those of No. 25 Goose Green with the site plan indicating that the ridge of the dwelling would be approximately 7 metres lower than the facing dwelling 'Rockmount'.

3.5 2 no. parking spaces are proposed to be located adjacent to Rotcher Road with an adjacent terrace and garden area to the rear of the property. Planting is proposed along the western boundary.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 1988/06118 Outline application for erection of detached dwelling
Refused – access steep, site closely overlooked

4.2 2012/93564 Outline application for erection of detached dwelling (within a Conservation Area)
Refused – overbearing to 25 and 26 Goose Green, scale, standard of amenity – appeal dismissed

4.3 2015/92831 Erection of one dwelling (within a Conservation Area)
Withdrawn

4.4 2017/20011 – Pre-application for erection of detached dwelling
Advice given proposal not supported

4.5 2018/90495 Erection of a detached dwelling (within a Conservation Area)
Refused

4.6 There has been no enforcement history on the site.

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

5.1 Given the site history and the previous advice given, no negotiations have taken place nor have any amendments been sought or received.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Preservation/enhancement of Conservation Areas
- **BE6** – Infill sites in Conservation Areas
- **BE11** – Materials
- **BE12** – Space about buildings
- **T10** – Highway safety

Kirklees Publication Draft Local Plan:

6.3

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway safety and access
- **PLP 24** – Design
- **PLP35** – Historic environment

National Planning Guidance:

6.4

- Chapter 2 – Achieving sustainable development
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by neighbour notification letter, site notice and press advertisement. The period of publicity ended 26th June 2018. Four letters of representations have been received with the following being a summary of objections:

Conservation Area

- Inappropriate development in the Conservation Area; out of character ; loss of views from Rotcher towards Goose Green

Design

- Not in keeping

Highways

- No feasible access; total disruption to school access; access and excavation would require Rotcher to be strengthened; house to which land belongs to would only have parking for one vehicle; reversing onto a busy highway would be dangerous

Amenity

- Overbearing; overdevelopment of a garden; overshadowing; loss of light; loss of privacy; adverse impact on public amenity; garden grabbing; significant loss of green space

Ecology

- Plot is the only safe haven for local wildlife

Other matters

- Land on a steep gradient and would requires tons of soil displacement; unwelcome plan; retaining wall of No. 27 would not cope with digging out of foundations and subsequent construction

7.2 Holme Valley Parish Council – support the application but concerned about the contractor must avoid school start/finish times when accessing site to deliver materials, also that adequate sight lines should be provided and reversing onto the main road should be discouraged.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- K.C. Conservation and Design – informal comments, in line with previous advice, would remove the ability to view the town centre, would not support current scheme.
- K.C. Highways Development Management – no objection subject to conditions relating to surfacing and drainage of parking areas; relocation of street light; visibility sight lines; details of storage and access for collection of waste; schedule of means of access for construction traffic; cross sectional information with regard to all retaining walls

8.2 Non-statutory:

K.C. Ecology – informal comments – if approving attach condition with regards to nesting birds

- K.C. Highways Structures – requested condition relating to cross sectional information with regard to all retaining walls

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity and the Conservation Area
- Residential amenity
- Highway safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The site is within the Holmfirth Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy BE5 of the Unitary Development Plan, emerging Policy PLP35 of the Publication Draft Local Plan together with guidance in Chapter 16 of the National Planning Policy Framework.
- 10.2 The site has been subject to a number of previous planning applications and an enquiry as set out above. In summary, an outline application (2012/93564) for one dwelling which was refused and subsequently dismissed at appeal due to its adverse impact on the amenity of adjacent properties. More recently, the site has been the subject of a pre-application enquiry (2017/920011) which was followed by a planning application (2018/90495) which was refused under delegated powers due to its adverse impact on the Holmfirth Conservation Area and detrimental impact on residential amenity. The only difference between this scheme and the previous refusal is the slight reduction (0.4 metres) to the projection of the single storey element of the building.

- 10.3 Although the site is a garden area, therefore a Greenfield site it is in a sustainable location and is within a built up area. As such, the principle of a dwelling on this site need not be inappropriate and could, in part, achieve the aims of the NPPF, subject to an assessment of all material planning considerations.

Impact on visual amenity and the Conservation Area

- 10.4 The impact of the development on the Conservation Area is a key consideration for the development and has previously represented a reason for refusal for the site.
- 10.5 Extensive discussions have taken place between Officers and the previous applicant including the Conservation and Design Officer in relation to exploring whether an acceptable scheme can be achieved on the site.
- 10.6 Holmfirth is characterised by tight blocks of often back to back housing that rise up the valley sides by terracing which is an indicator of the expansion of the town by the mill industry. Views of the Conservation Area allow this character to be visible and form an important part of its significance.
- 10.7 Historically, concerns have been raised by Conservation and Design that developing this site would remove the ability to view the town centre and its environs from this part of Rotcher Road and as such, cause harm that would fail Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraph 196 of the NPPF. Through discussions it was advised that the proposed dwelling should be reduced in height and angled so that views would be achieved into the area and any views out of the area would be minimal. This was emphasised within the pre-application enquiry.
- 10.8 The submitted plans and Heritage Statement, despite referencing the aim of 'allowing views through the site down into Holmfirth when travelling down Rotcher Road,' do not achieve this, thus blocking the views to the town centre, failing to conserve or enhance the Conservation Area. Officers have taken account of the points put forward in the Heritage Statement that the site is part of an intimate and distinct group of buildings that take advantage of site levels and are of simple detailing. It is acknowledged that this has been taken into account in the design. It is also concluded in the Heritage Assessment that 'some views' across the site should be maintained' but this does not wholly translate in the detailed scheme submitted.
- 10.9 Policy BE6 of the UDP states that development on infill sites will not normally be permitted when it would adversely affect the character or appearance of the conservation area; this is considered to be the case with this proposal. In addition Policy PLP35 of the emerging local plan states that 'development proposal affecting a designated heritage asset should conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal'.

- 10.10 The harm caused to the significance is considered to be less than substantial when assessed against para 196 of the NPPF. This has been demonstrated through the loss of views/ the vista of the town centre and its environs from this part of Rotcher Road through the proposed scheme to develop this open site. No public benefits have been put forward that would outweigh this harm. Although the council cannot demonstrate a 5-year supply of housing land the NPPF, at para 11, sets out that there are specific policies in the Framework (related to heritage assets) that indicate development be restricted.
- 10.11 Following discussions with the Council's Conservation and Design Officer, it is considered that due to the above, the proposal would not comply with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraph 196 of the NPPF with the bulk of the building affecting the views into Holmfirth and is therefore contrary to Policies BE5 and BE6 of the UDP, Policy PLP35 (1) of Publication Draft Local Plan and Chapter 16 of the NPPF.
- 10.12 Turning to the design of the property itself, taken in isolation, the building would be part single storey and part two storey to take into account the constraints of the site. Although this would not particularly be in keeping with the surrounding area, it is not considered that the design of the building would result in significant harm to the street scene. It would take account of the topography of the site and the simple detailing of other older properties in the area. The proposed construction materials would be in keeping with the surrounding area and are considered to be acceptable.

Residential Amenity

- 10.13 The impact of the development on residential amenity is a key consideration for the proposal and has formed a reason for refusal on previous schemes. There have been concerns that the development would lead to a detrimental overbearing impact on the occupants of properties on Goose Green. This was also the opinion of the Inspectorate in dismissing the 2012 appeal. It is noted that the location of the dwelling within the plot has moved away from 25 Goose Green to face the driveway between No. 25 and No's 18-20 New Fold, and that 'minimum' separation distances as described within Policy BE12 of the UDP have been achieved. However this does not recognise the impact the mass of the dwelling would have, in particularly on no. 25. This also takes into account that the latest plan has reduced a single storey 'lean-to' element of the proposal.
- 10.14 It is noted that the proposed dwelling would not directly face the established openings within these dwellings, however the new dwelling, due to the steep topography, would still be an oppressive feature exacerbating the existing impact of rising land forming the application site. This would particularly affect No. 25 Goose Green which is a single aspect dwelling without a curtilage. The proposed dwelling with its associated terrace, parking area and garden would develop the remaining open space to the front of this single aspect property to the detriment of the amenity of the occupiers. This property already faces a retaining structure at lower level and the proposed dwelling would impact on the open aspect from the upper floor.

- 10.15 The Inspector's previous comments cited that the scale of the proposal would materially add to the feeling enclosure and dominance for the occupiers of No's 25 and 26 Goose Green and exacerbate an oppressive outlook and result in an unacceptable impact on residential amenity. The revised scheme has worked to overcome these objections but it is considered that it does not achieve this and would result in harm to the amenities of existing occupiers of no. 25.
- 10.16 Openings are also proposed that could impact on No. 17 New Fold which is located to the north of the site and has openings on the side elevation at ground and first floor level which face the application site. Windows are proposed on the side elevation of the proposed dwelling which face to the north, however given that the proposed dwelling is located to the east of the site there would be no direct window to window relationship between the two properties. Furthermore given the change in levels at the site, with the proposed dwelling set at a much higher level, this would in part help to negate overlooking concerns as the main outlook from these windows would be above no.17. In conclusion it is not considered that the proposed dwelling would cause such harm to No. 17 that there would be sufficient justification to refuse the scheme due to the impact on this property.
- 10.17 It is noted that the submitted plans show planting along the western boundary facing Goose Green however, the Local Planning Authority cannot control of the height of the planting which would be required by the occupiers of the new dwelling. This could have a further impact the properties of Goose Green which would be detrimental to residential amenity. It is therefore considered that, as highlighted by the Inspector, the dwelling would not ensure that the development would function well and add to the overall quality of the area, nor would it create an attractive and comfortable place to live, therefore conflicting with Chapter 12 of the NPPF.

Highway safety

- 10.18 Two off-street parking spaces are proposed for the property with access taken directly from Rotcher Road which is protected by a No Waiting 8am-6pm restriction. Highways Development Management raise no objection to the proposed development however have requested that should permission be granted that conditions are attached to the decision notice in relation to the surfacing and drainage of parking areas; relocation of street light; visibility sight lines; details of storage and access for collection of waste; schedule of means of access for construction traffic; cross sectional information with regard to all retaining walls. A footnote is also requested with regards to the dropped crossing. If minded to approved these matters could be secured by condition.

Other matters

- 10.19 Comments were received from a member of the public relating to the site being used by wildlife. As such, discussions have taken place with the Council's Ecologist who has stated that should permission be granted, vegetation works are to be undertaken outside of the bird breeding season and if any clearance works are to be carried out within the season, a nest search should be carried out by a qualified ecologist immediately preceding the works.

- 10.20 The wall along the western boundary provides a retaining wall for the site and Goose Green which is significantly lower than the application site and some excavation work would be required to provide the dwelling and the associated amenity areas. Paragraph 179 of the National Planning Policy Framework states that *“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”*
- 10.21 As such, should the proposal be recommended for approval, a note should be attached to the decision notice outlining that in terms of land stability and excavation works, it is the developer’s responsibility for securing a safe development.
- 10.22 The Council is currently unable to demonstrate a five year supply of deliverable housing land sufficient to satisfy the requirements of the NPPF. In such circumstances paragraph 11 states that permission be granted unless the benefits of a scheme do outweigh the harm of the development when assessing the development against policies within the NPPF. The footnote to this paragraph (11) indicates that specific policies include those relating to designated heritage assets such as the Holmfirth Conservation Area. This means that the tilted balance of paragraph 11 does not apply as there are specific policies in the Framework that indicate development should be restricted and planning permission refused.

Representations

- 10.23 Four letters of representations have been received with the following being a summary of objections and Local Planning Authority response:

Conservation Area

- Inappropriate development in the Conservation Area; out of character ; loss of views from Rotcher towards Goose Green
Response: The impact of the development on the Conservation Area has been assessed within paragraph nos. 10.4 -10.12. Discussions have taken place with the Conservation and Design Officer who is concerned about the loss of views towards the Town Centre

Design

- Not in keeping
Response: The design of the property, notwithstanding the impact on the conservation area, has been assessed in paragraph 10.12

Highways

- No feasible access; total disruption to school access; access and excavation would require Rotcher to be strengthened; house to which land belongs to would only have parking for one vehicle; reversing onto a busy highway would be dangerous
Response: The Council’s Highways Development Management team have fully assessed the proposal and consider, subject to specific conditions, that the proposal is acceptable. If the application was to be approved a condition could be imposed regarding a construction management plan. The Highways

Structures team has requested a condition regarding cross-section information for all retaining walls, acknowledging the topography of the site and the relationship of the site to the surrounding highway network. The existing dwelling would have a garage with parking space in front.

Amenity

- Overbearing; overdevelopment of a garden; overshadowing; loss of light; loss of privacy; adverse impact on public amenity; garden grabbing; significant loss of green space

Response: The impact of the scheme on residential amenity has been assessed above. It is considered that, in line with previous applications and pre-application advice that by moving the dwelling to a different position within the plot does not overcome the previous concerns to such a degree that the scheme could be supported.

Ecology

- Plot is the only safe haven for local wildlife

Response: The impact of the proposal on local wildlife and ecology have been discussed with the Council's Ecologist and details are within the Other Matters section of this report.

Other matters

- Land on a steep gradient and would require tons of soil displacement; unwelcome plan; retaining wall of No. 27 would not cope with digging out of foundations and subsequent construction

Response: Both the Highways Development Management and Highways Structures teams have requested a condition to be imposed on the decision notice with regards to the submission of a scheme detailing the design and construction details for the existing and any proposed retaining walls. This is to ensure that any new retaining structures do not compromise the stability of the highway.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and that there are specific policies in the NPPF which indicate the development should be restricted.

Background Papers:

Application and history files:

Current Application 2018/91492

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91492>

History

2012/93564:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2012%2f93564>

2015/92831:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f92831>

2018/90495:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90495>

Certificate of Ownership – Certificate A signed

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2018/90776 Outline application for erection of up to 10 dwellings Land at, Yew Tree Road/Burn Road, Birchencliffe, Huddersfield

APPLICANT

J M Fryer

DATE VALID

15-Mar-2018

TARGET DATE

14-Jun-2018

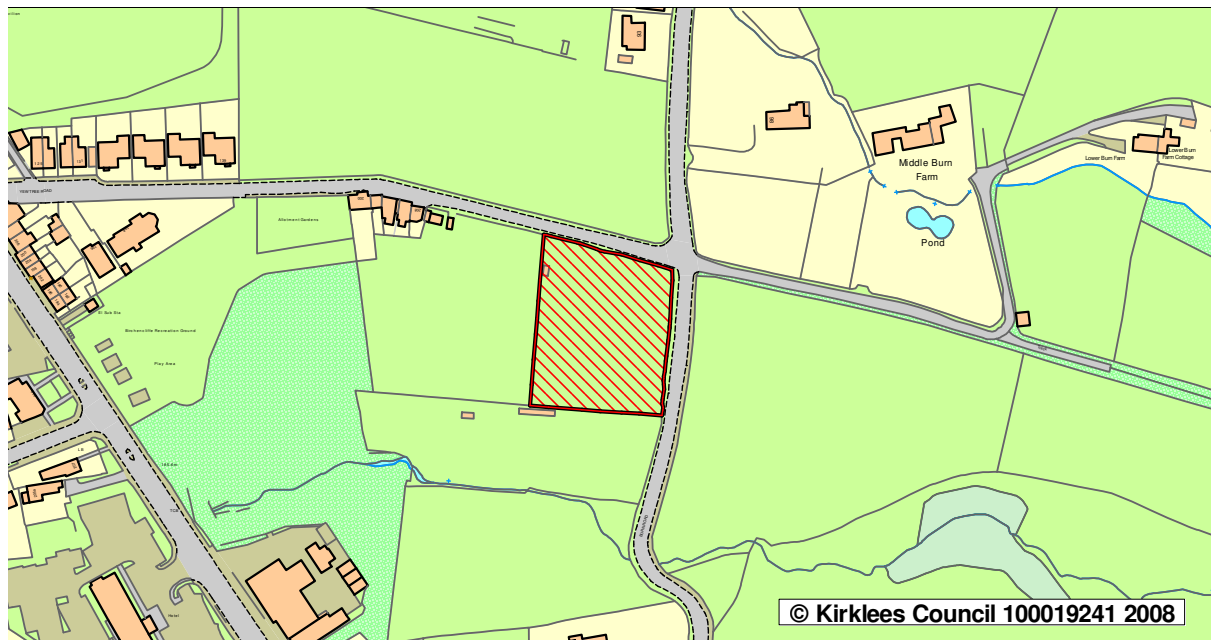
EXTENSION EXPIRY DATE

03-Sep-2018

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Lindley

Yes

Ward Members consulted

RECOMMENDATION:

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

1. Financial contribution towards off-site improvement works at the Halifax Road/East Street (Cavalry Arms) junction (figure dependent on number of dwellings to be agreed under 'layout' at reserved matters)

1.0 INTRODUCTION:

- 1.1 The application is brought forward to the Sub Committee in accordance with the Scheme of Delegation because the proposal is for residential development on Provisional Open Land and therefore represents a departure from Policy D5 of the development plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is a field that lies at the junction of Yew Tree Road and Burn Road, Birchencliffe. The field is largely flat.
- 2.2 There is open land to the north and east on the opposite sides of Yew Tree Road and Burn Road that is currently being developed as part of a scheme for 95 dwellings. There is a field to the west of the site that is the subject of an outline application for residential development that was approved by committee in June 2018. There is also a separate field to the south that slopes down from the site where it then meets a watercourse; this field to the south forms part of a separate outline application for residential development that is currently being considered by the council.

3.0 PROPOSAL:

- 3.1 Outline application for the erection of up to 10 dwellings. Access is the only matter that has been applied for.
- 3.2 The proposed access is a simple priority junction on Yew Tree Road.

3.3 Layout is a reserved matter however an indicative site layout plan has been submitted showing how the site could be developed. The layout shows 10 detached dwellings; three of the dwellings have individual points of access (private drives) off Yew Tree Road and a fourth dwelling has its own access off Burn Road.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 The following applications relate to land immediately to the north of the site and land off Burn Road to the east and south east of the site:

2017/90180 – Erection of 95 dwellings with access from Yew Tree Road and Road – Approved and site currently under construction

2014/93039 – Outline application for residential development – Approved

4.2 The following application relates to the adjoining field to the west of the site:

2018/90151 – Outline application for residential development – Approved by the Sub Committee 21/6/18 (decision notice not yet issued)

4.3 The following application relates to the adjoining land to the rear of the site:

2018/91838 – Outline application for erection of residential development - Undetermined (to be reported to the Huddersfield Sub Committee at a later date)

4.4 The following applications relate to land off Burn Road that form part of the same POL allocation as the application site:

2016/90073 – Outline application for erection of residential development (at 98 Burn Road) – Approved

2016/90524 - Outline application for erection of three dwellings (at Middle Burn Farm) – Approved by Sub Committee earlier this year (decision notice not yet issued)

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

5.1 Further information requested in relation to the proposed main access on Yew Tree Road and in relation to coal mining legacy issues.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework. In particular, where the policies, proposals and

designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is allocated as Provisional Open Land (POL) on the Unitary Development Plan Proposals Map. The site is part of Housing Allocation H706 within the Publication Draft Local Plan.

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

D5 – Provisional Open Land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about dwellings
T10 – Highway safety
G6 – Land contamination
NE9 – Retention of mature trees
H18 – Provision of open space for new housing

6.4 Kirklees Publication Draft Local Plan (submitted for examination 25th April 2017):

Spatial Development Strategy
PLP3 – Location of New Development
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing mix and affordable housing
PLP21 – Highway safety and access
PLP24 – Design
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP32 – Landscape
PLP33 – Trees
PLP51 – Protection and improvement of local air quality
PLP53 – Contaminated and unstable land
PLP63 – New open space

6.5 Supplementary Planning Guidance / Documents:

N/A

6.6 National Planning Guidance:

Chapter 2 Achieving sustainable development
Chapter 4 Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 Promoting sustainable transport
Chapter 11 Making effective use of land
Chapter 12 Achieving well-designed places
Chapter 15 Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Application advertised by site notice, press advert and neighbour notification letters. In response to the publicity 2 representations have been received. These are summarised as follows:

- Enough houses have been built in this area
- Already major development going on in this area
- Negative impact on local amenities
- Loss of greenery
- Impact on wildlife
- Impact on traffic
- Roads already congested
- Halifax Road already problematical
- Further traffic on Halifax Road which is the main link between Huddersfield Royal Infirmary and Calderdale Royal Hospital. HRI A&E may move to Calderdale and this development will add to congestion which is unacceptable and dangerous
- No longer a country walk in this area
- Lindley School oversubscribed already

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – The main point of access is acceptable and is compatible with the other approved road junctions on Yew Tree Road.

The individual points of access (private drives) as shown on the indicative site plan are a concern.

The Yew Tree Road/Burn Road junction should have a 6m radii.

A footway should be provided along the site frontage.

Contribution towards off-site highway works required (Cavalry Arms junction on Halifax Road).

KC Lead Local Flood Authority – Limited consideration has been given to flood risk to and from the site and no drainage strategy has been submitted.

The Coal Authority – No objections subject to conditions

8.2 Non-statutory:

KC Environmental Services – No objection subject to conditions relating to land contamination and electric vehicle charging points.

KC Ecology Unit – No objection subject to conditions.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site forms part of a much larger area of land which is allocated as Provisional Open Land (POL) on the Unitary Development Plan (UDP) Proposals Map. Planning permission for 95 dwellings has been approved on a significant proportion of the allocation under application reference 2017/90180 and this development is currently under construction. Outline consent for seven dwellings has also been approved on two separate parts of the POL allocation to the west of the site under applications 2016/90073 and 2016/90524.
- 10.2 The National Planning Policy Framework (NPPF) outlines the government's definition of how sustainable development will be achieved and paragraph 11 of the Framework sets out a presumption in favour of sustainable development.
- 10.3 In situations where local planning authorities are unable to demonstrate a five year supply of deliverable housing sites policies which are most important for determining the application are deemed to be out-of-date.
- 10.4 As evidenced in recent appeal decisions (e.g. APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton), the Council is failing to meet its requirement to ensure a five year housing land supply by a substantial margin. This is important in the context of paragraph 11 of the NPPF.
- 10.5 As the Council is unable to demonstrate a 5 year housing land supply as required by the NPPF, relevant policies relating to housing are considered to be out-of-date. Indeed, the housing land supply shortfall is substantial and falls below 3 years. Whilst the Council have submitted the emerging Local Plan for examination which, for housing purposes, is predicated on the basis of a five year housing land supply (with the appropriate buffer), the Local Plan has not been through examination and nor has it been adopted. Therefore, it is currently the case that the Council are unable to identify a five year supply of specific deliverable housing sites against the requirement.
- 10.6 Based on the above, there is a presumption in favour of sustainable development and planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.

10.7 Policy D5 of the UDP relates to development on POL. It states:

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

10.8 It is considered that policy D5 is not a policy for the supply of housing having regard to the NPPF and therefore policy D5 is considered to be up-to-date.

10.9 The proposed development is clearly at odds with policy D5 of the UDP partly because the scheme of housing development fails to maintain the character of the land as it stands and fails to retain the open character. The proposed development therefore constitutes a departure from the development plan.

Emerging Local Plan

10.10 The site is part of Housing Allocation H706 within the Publication Draft Local Plan (PDLP). The PDLP was submitted to the Secretary of State on 25th April 2017 for examination in public. The Examination in Public began in October 2017. Given that the PDLP has now been submitted and is undergoing examination consideration needs to be given to the weight afforded to the site's allocation in the PDLP.

10.11 The NPPF provides guidance in relation to the weight afforded to emerging local plans. Paragraph 48 states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

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

10.12 Paragraph 49 of the NPPF relates to prematurity and states that in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

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

10.13 Given the scale of the development proposed when assessed against the wider context of the PDLP the application could not be deemed to be premature.

- 10.14 Given the advanced stage at which the Local Plan has progressed considerable weight should be afforded to the policies and allocations within the emerging Local Plan. There are two unresolved objections to proposed housing allocation H706, one from Historic England and one from a member of the public. The objection from Historic England relates to the impact on the significance and/or setting of Middle Burn Farm and Lower Burn Farm, which lie around 80m and 150m from the application site. As the site is well separated from Middle Burn Farm and Lower Burn Farm, with 7 new dwellings also planned in between, it is considered that Historic England's unresolved objection does not significantly reduce the weight that can be afforded to the application site's allocation in the emerging plan.
- 10.15 If the emerging Local Plan was to be adopted in its current form, the Council would be able to demonstrate a five year housing land supply. However, whilst the PDLP has been through examination, as it stands the Council is a substantial way off from being able to demonstrate a five year housing land supply and housing delivery has persistently fallen short of the emerging Local Plan requirement. This triggers the presumption in favour of sustainable development as advocated by paragraph 11 of the NPPF.
- 10.16 Planning permission should therefore be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Landscape character and urban design issues

- 10.17 The site lies towards the edge of the built-up part of Birchencliffe with open fields to the south and east. The land to the north east is however currently being developed as part of a development of 95 dwellings that also includes a further area of open land towards the southeast. This approved development will therefore substantially alter the semi-rural character of the area and in this context it is considered that additional residential development on the site would not significantly harm the landscape character. Outline consent for development on the field to the west of the site has also been approved by the committee and if this land is developed it would further alter the character of the area.
- 10.18 The application is in outline form with access the only matter applied for. The application specifies a maximum number of dwellings (10). Within the emerging Local Plan Policy PLP7 seeks to achieve a net density of at least 35 dwellings per hectare, where appropriate. The site is just under 0.4 hectares in size which equates to a density of approximately 25 dwellings per hectare. However, any development will need to respect the character of the area, including that of the development currently being built under application 2017/90180. As such this density of development is considered to be appropriate in this case.

- 10.19 Consideration of scale and appearance are also reserved for future approval but officers are satisfied that a scheme can be brought forward that respects existing and planned development within the immediate vicinity of the site. The Planning Statement submitted in support of the application states that it is envisaged that the dwellings would be two storeys in height and constructed in artificial stone and slate. This would be compatible with the surrounding area.
- 10.20 In principle the application is in accordance with Policies BE1 and BE2 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

Residential Amenity

- 10.21 There are no existing dwellinghouses in close proximity to the site although there are a number of approved dwellings to the north and west that are under construction. There is also an outline consent for residential development in the garden of 98 Burn Road and outline consent for residential is to be issued for the adjoining field to the west. There is outline application for residential development on land to the rear.
- 10.22 Policy BE12 of the UDP is the council's space about buildings policy and policy PLP24 of the emerging Local Plan seeks to provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.
- 10.23 The indicative site plan shows how the site could be developed and includes nearby dwellings that have been approved to the north and west. The submitted layout suggests a shortfall in policy BE12 separation distances between habitable windows for some of the plots fronting onto Yew Tree Road and approved development to the north. The shortfall varies between 1 and 3 metres although some mitigation is provided by the respective positioning of the dwellings and the separation is also comparable to the relationship between new and existing dwellings further to the west along Yew Tree Road.
- 10.24 Notwithstanding the issue identified above, officers consider that an acceptable layout can be agreed at reserved matters that provides an adequate standard of amenity for all future occupiers.
- 10.25 This is considered to be a suitable location for residential development. Environmental Services have not raised noise from road traffic (including from the M62 motorway) as a potential issue although this matter has been raised on other applications in the immediate vicinity of the site and a condition recommended to address potential noise disturbance. It is therefore considered that a similar condition should be imposed on this development.
- 10.26 In principle the application satisfies Policies BE12 and BE1 of the UDP and PLP24 of the emerging Local Plan and guidance in the NPPF.

Landscape issues

- 10.27 The landscaping of the site is a reserved matter. It is nevertheless considered that external boundary treatment should respect the established character of the area which includes drystone walling to field boundaries. Drystone walling has been retained to the boundaries of approved developments on other parts of the POL allocation.

10.28 The size of the site is just below the threshold for public open space (POS) provision.

Housing issues

10.29 The development would contribute towards the supply of housing in the district at a time when the council is currently unable to demonstrate a 5 year housing land supply. The number of dwellings falls below the threshold for affordable housing provision.

10.30 The site is allocated for housing in the emerging Local Plan.

Highway issues

10.31 The application seeks approval of the access to the site. A simple priority junction along the site frontage off Yew Tree Road is proposed. The proposed access has been assessed in relation to the approved access to the north west of the site on the opposite side of Yew Tree Road and the access proposed for the adjoining field to the west. Officers consider the location of the junction to be acceptable. Detailed design of the junction can be secured by condition.

10.32 The indicative site layout also includes individual points of access (private drives) off Yew Tree Road and Burn Road. Officers have concerns that these accesses would increase manoeuvres on the highway close to other approved points of access which may lead to conflict and thus harm highway safety. In response the applicant has provided a plan showing a single point of access only and it is this access which is considered acceptable.

10.33 As part of the approved development of 95 houses under application reference 2017/90180 a suite of highway mitigation works were approved. These works include the widening of Yew Tree Road and a footway to the northern side of the road. It is considered that a footway to the application site frontage should be provided as part of the proposed scheme (as indicated on the site layout). This can be secured by condition and incorporated into the site layout to be approved as a reserved matter.

10.34 It is considered that the Yew Tree Road/Burn Road junction should be provided with a 6m radii where the site abuts the junction. An amended plan showing this has been requested from the applicant and this can also be incorporated into the site layout to be approved as a reserved matter.

10.35 The application is considered to comply with Policies T10 and BE1 of the UDP and PLP21 of the emerging Local Plan.

Flood risk and drainage issues

10.36 The site lies within Flood Zone 1 and there are not considered to be any significant flood risk issues associated with this site.

10.37 The application is in outline form and no drainage proposals have been put forward other than indicating that surface water will be disposed of via soakaway. It is not known however whether ground conditions are appropriate for soakaways. Nevertheless officers are satisfied that in principle a suitable

drainage scheme can be agreed for the site and a detailed design can be secured by condition. Subject to this condition the application accords with Policy BE1 of the UDP, PLP28 of the emerging Local Plan and guidance in the NPPF.

Ecology

- 10.38 The application is supported by an ecological appraisal which confirms that there are no important ecological features present. There are no objections from the Ecology Unit subject to a condition requiring an ecological design strategy in support of the scheme that comes forward at reserved matters. Subject to this condition the application accords with PLP 30 of the emerging Local Plan and guidance in the NPPF.

Air quality:

- 10.39 NPPF Paragraph 170 states that “ the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.....”
- 10.40 This development is in close proximity to Halifax Road and the Ainley Top roundabout, where monitored air quality levels have exceeded the health related annual objective for NO₂.
- 10.41 An air quality impact assessment was submitted for application 2014/93039 for the erection of 190 dwellings on the majority of the POL and an update to this assessment was carried out for a subsequent full planning application for 95 dwellings on the same part of the POL (2017/90180), with the development for 95 houses currently being built out. Under both assessments the air quality impacts were found to be imperceptible having regard to national guidance.
- 10.42 Given that the quantum of development on the full POL allocation from both approved and proposed developments is below the number of dwellings which was originally assessed (190) it is considered that the previous conclusions on air quality impact hold for this application. The provision of electric vehicle charging points within the development will help to mitigate air quality impacts and this would be in line with the West Yorkshire Low Emissions Strategy for minor developments such as this as well as being in accordance with PLP24 of the emerging Plan. A contribution towards sustainable travel would also help to mitigate the limited air quality impacts of the development.

Planning obligations

- 10.43 The development does not meet the trigger for POS, affordable housing or education contributions.
- 10.44 It is appropriate to consider a contribution towards sustainable travel given the number of dwellings. Such a contribution would normally be towards Metro Cards, or alternatively it could be used towards other highway/transport improvements in the vicinity of the site. Based on the cost of one Metro Card (£491) and the maximum number of dwellings (10) the contribution would be £4910. This can be secured by condition.

10.45 A contribution is also sought towards planned highway improvement works at the Halifax Road/East Street (Cavalry Arms) junction. These works include road widening, resurfacing, repositioned pedestrian crossings and repositioned footways. The scheme is being funded by the West Yorkshire plus Transport Fund. A contribution towards works at this junction was secured as part of the Harron Homes development (2017/90180) and has recently been sought as part of the outline application on the adjoining field (2018/90151). It is therefore considered reasonable for the proposed development to deliver a proportionate contribution. Based on these other applications the contribution is £790 per dwelling. This is to be secured via S106.

Representations

10.46 Two representations have been received. An officer response to the issues raised is provided below.

- *Enough houses have been built in this area*
- *Already major development going on in this area*

Officer response: The site and the adjacent fields have been identified for housing in the emerging Local Plan and will contribute towards the supply of housing in the district. The impacts of the construction phase are temporary and are not afforded any significant weight. A construction management plan can nevertheless be secured by condition.

- *Impact on wildlife*

Officer response: The ecological impacts have already been addressed within this report.

- *Impact on traffic*
- *Roads already congested*
- *Halifax Road already problematical*
- *Further traffic on Halifax Road which is the main link between Huddersfield Royal Infirmary and Calderdale Royal Hospital. HRI A&E may move to Calderdale and this development will add to congestion which is unacceptable and dangerous*

Officer response: Officers consider that the modest increase in vehicle movements that this development would generate can be accommodated on the highway network. This is supported by the site's allocation for housing in the emerging Local Plan. Localised highway improvement works are also to be delivered within the vicinity of the site under planning permission 2017/90180 and the development provides a contribution towards planned improvement works on Halifax Road.

- *Loss of greenery*
- *No longer a country walk in this area*

Officer response: The impact of the development on landscape character has been addressed within this report.

- *Negative impact on local amenities*
- *Lindley School oversubscribed already*

Officer response: The development does not meet the trigger for an education contribution.

There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, PDLP policy PLP49 identifies Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, additional funding would be provided for health care is based on any increase in registrations at a practice. Long-term funding of health facilities is being considered as part of the Local Plan and Community Infrastructure Levy (CIL).

The proposed development falls below the trigger to seek an education contribution under the Council's "Providing for education needs generated by new housing" document.

Other Matters

- 10.47 The application is supported by a preliminary geoenvironmental appraisal. This has been assessed by Environmental Services who recommend that conditions are imposed requiring intrusive site investigations and a remediation strategy, as may be necessary, to address potential land contaminated issues.
- 10.48 The site lies within a high risk area for coal mining activity. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings, a thick coal seam outcrop and a recorded mine entry (shaft), the zone of influence of which potentially extends across part of the site.
- 10.49 The Coal Authority has assessed the information provided by the applicant in relation to coal mining legacy issues and raises no objection subject to the imposition of conditions requiring intrusive site investigations (including gas monitoring); a layout plan which identifies an appropriate zone of influence for the recorded mine entry off site and the definition of suitable a 'no-build' zone; a scheme of remedial works for the shallow coal workings.

11.0 CONCLUSION

- 11.1 Officers consider the principle of development on this part of the POL allocation to be acceptable; there are not any specific constraints to developing the site and applications for residential development have recently been approved on other parts of the POL allocation, including a scheme for 95 houses. Furthermore the land is allocated for housing in the emerging Local Plan and significant weight can be afforded to this.
- 11.2 The proposed single point of access off Yew Tree Road to serve the development is considered to be acceptable.

- 11.3 Officers are satisfied that an appropriate scheme can be brought forward at reserved matters that respects the character and visual amenity of the area and protects residential amenity. Ecological and drainage considerations can be dealt with by conditions.
- 11.6 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.
- 11.7 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. Standard conditions for outline consents (including submission of reserved matters and time limit)
2. Intrusive site investigations and remediation to address coal mining legacy issues and contaminated land issues
3. Detailed drainage design including future maintenance and management of surface water infrastructure
4. Provision of footway to site frontage
5. Noise report and mitigation
6. Ecological Design Strategy
7. Electric vehicle charging points to be provided
8. Sustainable travel contribution
9. Construction management plan
10. Detailed road junction design
11. 6m radii to Yew Tree Road/Burn Road junction

Background Papers:

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90776>

Certificate of Ownership – Certificate A signed.

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2018/91119 Outline application for erection of residential development Land to the rear of 11 Holme Avenue, Dalton, Huddersfield, HD5 8DP

APPLICANT

Executors of HD
Stephenson

DATE VALID

06-Apr-2018

TARGET DATE

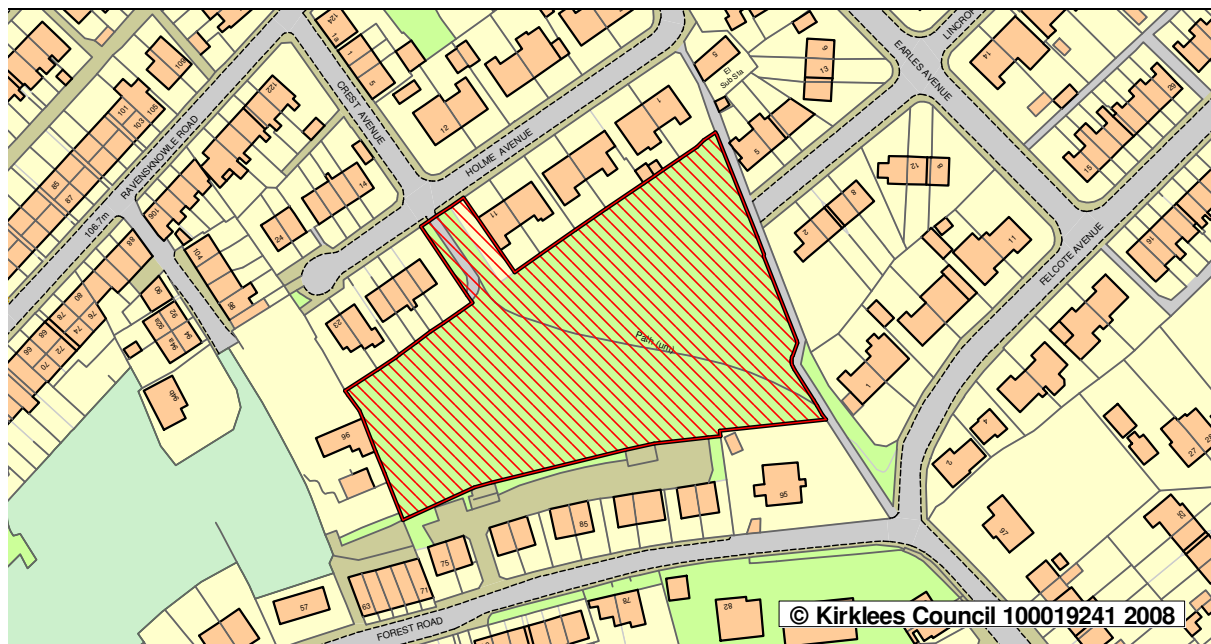
06-Jul-2018

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: Almondbury

Yes

Ward Members consulted

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

1.0 INTRODUCTION:

- 1.1 This is an outline planning application, with all matters reserved (other than access), for residential development.
- 1.2 The application is presented to the Huddersfield Sub-Committee as the site is larger than 0.5 hectares in size.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 0.68 hectares in size and slopes downhill from south (125m AOD approx.) to north (110m AOD approx.). The site is accessed from Holme Avenue.
- 2.2 No buildings exist within the site's boundaries. The site is partly grassed, and partly overgrown with self-seeded trees and shrubs, giving the site a ruderal character. No trees on the site are the subjects of Tree Preservation Orders (TPOs). The site is not within a conservation area and there are no listed buildings immediately adjacent to the site.
- 2.3 Surrounding buildings are in residential use.
- 2.4 A public footpath (HUD/100/10) runs along the site's east boundary, connecting Forest Road and Felcote Avenue with Holme Avenue and Brian Avenue. An informal path also runs diagonally across the site.

3.0 PROPOSAL:

- 3.1 The application is submitted in outline and the applicant seeks permission for the principle of residential development. Approval of the point of access to the site is also sought. All other matters (scale, layout, appearance and landscaping) are reserved.
- 3.2 An indicative site layout plan has been submitted, showing 25 residential units and an area of open space arranged around a single internal road running east-west across the site, accessed from Holme Avenue.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 87/02023 – Outline planning permission granted 03/06/1988 for residential development.
- 4.2 91/02565 – Outline planning permission granted 30/07/1991 for residential development (renewal of outline permission ref: 87/02023).
- 4.3 2014/92369 – Outline planning permission granted 13/04/2015 for residential development.

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

- 5.1 In response to comments from the council's Highways Development Management officers, the applicant submitted a tracking diagram for a 11.85m long refuse vehicle, an amended proposed site layout plan, and an updated Transport Statement.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is allocated for housing in the UDP (allocation ref: H7.26).
- 6.3 Relevant policies are:

- G6 – Land contamination
- NE9 – Mature trees
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Building materials
- BE12 – Space about buildings
- BE21 – Open space accessibility
- BE22 – Accessible parking
- BE23 – Crime prevention

EP4 – Noise sensitive development
EP10 – Energy efficiency
EP11 – Landscaping and ecology
EP30 – Prolonged construction work
T1 – Transport priorities
T2 – Highway improvements
T10 – Highway safety
T14 – Pedestrian safety
T16 – Pedestrian routes
T17 – Cycling
T19 – Parking standards
H1 – Housing needs
H6 – Housing allocations
H10 – Affordable housing
H12 – Affordable housing arrangements
H18 – Open space provision
R6 – Public open space
R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

6.4 The site is allocated for housing in the emerging Local Plan (allocation ref: H551).

6.5 Relevant policies are:

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing mix and affordable housing
PLP20 – Sustainable travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood risk
PLP28 – Drainage
PLP30 – Biodiversity and geodiversity
PLP32 – Landscape
PLP33 – Trees
PLP35 – Historic environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)

- Kirklees Housing Topics Paper (2017)
- Kirklees Council Housing Allocations
- Accessibility Assessment (March 2015)
- Planning Practice Guidance

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2018) 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 15 – Conserving and enhancing the natural environment

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised via two 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 11/05/2018.

7.2 Representations from occupants of two properties were received in response to the council's consultation. The following is a summary of the concerns raised:

- Highways safety concerns. Roads would not be able to cope with additional traffic. Delivery and refuse collection vehicles would create hazards.
- Drainage concerns. Cess pit exists on site, and neighbouring properties have experienced problems with drainage and surface water. Land is marshy.
- Construction noise, dust and pollution would be harmful to health.
- Impacts upon bats which roost in the trees adjacent to Forest Road.
- Proposed dwellings would be overshadowed by trees and steep hillside.
- Proposed dwellings would lack privacy.
- Loss of trees.

7.3 Responses to these comments are set out later in this report. The amended plans/information were not re-publicised as it was considered they did not materially alter then scheme.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – Advice regarding trip generation Section 38 matters and the design of the internal road provided in initial comments. Based on indicative scheme, developer is required to fund a package of sustainable travel measures to encourage the use of sustainable transport – the contribution appropriate for this development would be £14,850 for MetroCards. Amended information (2m wide footways at the site access, and swept path diagram for refuse vehicle) acceptable, however gradients at the site entrance should be a minimum of 1:25 for the first 10m.

KC Strategic Drainage – Supports application, subject to appropriate conditions and Section 106 obligation regarding maintenance and management of sustainable drainage systems.

Yorkshire Water – Recommend conditions (if planning permission is granted) in order to protect the local aquatic environment and Yorkshire Water infrastructure. Submitted Drainage Strategy is generally acceptable. Site is too steep to accommodate soakaways and there are no watercourses in the vicinity. Maximum surface water discharge rate into the public combined sewer must be no more than 3.5 litres per second.

8.2 Non-statutory:

Peak and Northern Footpaths Society – Footpath 100 crosses the site but is not properly considered in the submission, except in plans showing an internal road constructed over the footpath. Detail of footpath treatment required. Building internal road over footpath is unacceptable. The effect of development on a public right of way is a material planning consideration.

Police Architectural Liaison Officer – Detailed advice provided for reserved matters stage. Alternative layout should be proposed to ensure footpath would not take on the appearance of a tunnel, hidden from view behind tall fencing or hedges, particularly as the footpath kinks and could create an area that hides loitering. Current proposed layout raises crime prevention concerns in respect of safety for users of the footpath, and for the security of the dwellings that would have rear gardens bordering the footpath. Condition recommended.

KC Ecology – No objection to principle of residential development at this site. Applicant's ecological information is four years old and outdated, however based on the nature of the site's habitats the submitted information is sufficient to make a judgement on the principle of development, and to suggest conditions to secure a development that complies with biodiversity policies. The site is unlikely to support important ecological features or protected species other than birds. Impacts upon birds can be mitigated and enhancements can be included to support priority species. There is a significant opportunity through landscape and layout design to link the site to the wider ecological network. Conditions recommended.

KC Education – Education contribution of £61,777 required.

KC Environmental Health – Agree with findings of the applicant’s site contamination information. Recommend conditions regarding site contamination. If development would have less than 50 residential units, condition recommended requiring vehicle charging points. Construction noise should be limited to specified hours.

KC Landscape – No landscaping information submitted. Development should preserve and enhance the site’s landscape setting, and should not adversely affect the character of the area. Existing public right of way runs along site’s boundary, and good visibility will be required for secure by design reasons. Full details of landscape proposals and a detailed layout for the public open space are required. Landscaped verges, mitigative buffer zones and screen planting are not considered public open space unless they are fully accessible and useable as such. 25 residential units would trigger a requirement for 750sqm of public open space within which there should be a Local Area of Play with its own associated commuted sum. Proposed area of public open space would equate to approximately 247sqm, and is insufficient. Although overlooked by proposed dwellings, this area may be too small and too close to residential properties to accommodate a playspace. Total public open space and playspace contribution of £88,951 would be required. Tree planting required. Bin storage locations should be confirmed. Detailed advice regarding landscaping provided.

KC Strategic Housing – Within Huddersfield South there is a need for affordable 1- and 2-bedroom units and a greater need for affordable 3-bedroom (and larger) properties. There is also a need for affordable 1- and 2-bedroom homes specifically for older people. The area has a lower level of home ownership (60%) compared with other areas of Kirklees. 20% of homes are rented privately, and 20% are affordable (social) housing. Kirklees’s interim affordable housing policy seeks 20% affordable housing provision on sites where 11 units or more are proposed. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be acceptable where appropriate. Borough-wide, a split of 54% Affordable Rent / 46% Intermediate is appropriate within affordable housing provisions.

KC Public Rights of Way – Footpath HUD/100/10 runs adjacent to and is outside (to the east of) the site. Public rights may have been established along the unmade path that crosses the site. The indicative scheme would retain public access along an alternative line – any public rights which may have been established would only be changed by formal legal order or similar legal event. Support pedestrian link between footpath HUD/100/10 and the new internal road. Condition 10 of the 2014 permission should be reapplied.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 This greenfield site was allocated for housing in the UDP in 1999 (site reference: H7.26), and the allocation was retained (saved) by the Secretary of State for Communities and Local Government in 2007. The allocation has been carried through to the draft Local Plan (site reference: H551), and this proposed allocation has not been the subject of significant objections. Full weight can be given to the longstanding UDP allocation, and significant weight can be given to the allocation in the emerging Local Plan.
- 10.2 Outline planning permission for residential development at this site has previously been approved by the council in 1988, 1991 and 2015.
- 10.3 A proposed site layout plan (13-D54-02 rev E) has been submitted, however the applicant has stated that this is indicative, and approval of a specific number of residential units is not sought.
- 10.4 Without having regard to the applicant's indicative information, it is considered that the site can be developed for residential use and there is no reason to believe at this stage that the site's constraints and challenges (relating to highways safety, gradients, drainage, open space, neighbour amenity and other planning considerations considered later in this report) cannot be satisfactorily addressed at detailed (reserved matters) application stage. Noting that the site is within an existing residential settlement with reasonably good access to public transport and other facilities, and having regard to paragraph 11 of the NPPF (which sets out a presumption in favour of sustainable development, and which directs local planning authorities to approve proposals that accord with the development plan), it is considered that the principle of residential development at this site should be accepted.
- 10.5 It is noted, however, that the indicative quantum of development (25 units are shown on drawing 13-D54-02 rev E) suggested by the applicant would not be approved under this application. The site's constraints and opportunities would determine what number of units would be possible at detailed (reserved matters) stage, and this number may be different to the suggested 25.

Urban design issues

- 10.6 The application site is sloped (increasing its visibility when viewed from the north), has an 80m long (approximately) public frontage along footpath HUD/100/10, and currently provides some green relief to the built-up areas to the east of Huddersfield, however it has a limited street frontage, and is not a significant landscape feature that heavily influences the character of Dalton. The site is surrounded by existing residential development, and development at this site would not constitute a major urban extension to an existing settlement, nor would development here significantly alter the character of the area.
- 10.7 There are no designated heritage assets within, covering or close to the site.

- 10.8 As the proposed site layout plan submitted by the applicant is only indicative, no further consideration is necessary at this outline stage in relation to townscape, landscaping and other design matters. However, it can be noted at this stage that consideration of these matters would be necessary at reserved matters stage, and that improvements to the applicant's indicative layout are likely to be necessary to address concerns regarding crime and anti-social behaviour, to ensure the setting and treatment of adjacent footpath HUD/100/10 are satisfactory, and to ensure sufficient visual interest and variation of house types is provided.

Residential amenity

- 10.9 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties. It is considered that residential development can be carried out at the site without unacceptably harming the outlook, privacy and natural light currently enjoyed by neighbouring residents. The minimum distances set out under UDP policy BE12 can be achieved (although some amendments to the applicant's indicative site layout may be necessary to achieve this and to take into account the significant difference in levels across the site and to adjacent land).
- 10.10 Residential development at this site can be designed to avoid the introduction of light pollution that would otherwise adversely affect neighbouring amenity and wildlife.
- 10.11 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development that is likely to be acceptable at this site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise or incompatible with existing surrounding uses. The number of vehicle movements along Holme Avenue, Crest Avenue and other streets would increase, but not to levels unusual for a street of this size and character.
- 10.12 There are considered to be no reasons why new dwellings at the application site could not be provided with adequate levels of amenity, including in relation to natural light, privacy and outlook.

Highway issues

- 10.13 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highways safety problems. Policy PLP21 of the emerging Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. Chapter 9 of the NPPF requires the council to consider the potential impacts of development on transport networks, and encourages walking, cycling and public transport use.
- 10.14 During the life of the current application, the applicant provided an amended site layout plan, showing 2m wide footways at the site entrance. The applicant has also agreed to amend gradients at the site entrance so they are a minimum of 1:25 for the first 10m, and a further amended drawing reflecting this is expected. The applicant's tracking diagram confirms that a 11.85m long refuse vehicle would be able to move in and out of the site via the proposed point of access.

- 10.15 No recorded or claimed rights of way run through the application site, however it is crossed by an informal footpath, and public rights may subsist over this route. This possibility is not a reason to withhold outline planning permission, however any public rights which may have been established would only be changed by formal legal order or similar legal event. The council's Public Rights of Way team have advised that a condition of the previous planning permission for this site be reapplied – this condition required details of works adjacent to footpath HUD/100/10, which runs along the site's east boundary.
- 10.16 In light of the above, and given that outline planning permission is sought only for the principle of residential development and the point of access to the site (and approval of a specified number of units and/or the submitted indicative layout is not sought), highways matters need not be considered further at this stage. Accurate trip generation figures would be provided at reserved matters stage (if outline permission is granted), when a specific number of residential units would be proposed by the applicant.

Drainage issues

- 10.17 The site is within Flood Zone 1, but is less than 1 hectare in size, therefore a site-specific Flood Risk Assessment is not required, and would not be required at reserved matters stage. The applicant has, however, submitted a Drainage Strategy, which states that surface water is likely to be disposed of via the public sewer in Holme Avenue (and limited to a discharge rate of 3.5l/s), that on-site surface water attenuation would be required, and that foul water would be disposed of via the combined sewer in Holme Avenue and/or the foul sewer in Lincroft Avenue.
- 10.18 At this outline stage, the application has not attracted objections from the Lead Local Flood Authority or Yorkshire Water, however appropriate conditions have been recommended. These are listed under section 12 of this report.

Ecological considerations

- 10.19 The application site is not subject to any adopted designations or allocations in relation to ecology, however one resident has stated that bats roost in the area, the site is undeveloped greenfield land (and would therefore provide at least some habitat), and the applicant has submitted a Preliminary Ecological Site Appraisal. This report is considered sufficient to determine that it is possible to develop the site for housing while avoiding significant ecological impacts. Furthermore, appropriate ecological enhancement is possible. Further details will be required prior to development commencing, and appropriate conditions have been recommended to ensure the proposed development complies with policy PLP30 of the emerging Local Plan and chapter 15 of the NPPF.

Trees

- 10.20 No Tree Preservation Orders cover the application site. The site is partly overgrown with self-seeded trees and shrubs, however these are not mature, are not of significant amenity value, and are not considered worthy of protection. The loss of the site's trees would not conflict with UDP policy NE9 (which states that mature trees should normally be retained) or policy PLP33 in the emerging Local Plan (which states that the council will not grant planning permission for development which directly or indirectly threaten trees or woodlands of significant amenity value, and that development proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network). Redevelopment of the site in fact provides an opportunity to secure the planting of trees in appropriate locations where they would be capable of providing public amenity benefits.
- 10.21 There are considered to be no reasons relating to trees that would prohibit residential development in principle at this site. The outline proposal is considered compliant with UDP policy NE9 and policy PLP33 of the emerging Local Plan.

Representations

- 10.22 Representations have been received from the occupants of two properties. Below are the issues which have been raised which have not been addressed earlier in this report, and the case officer's response.
- Construction noise, dust and pollution – These potential impacts can be controlled through the implementation of a Construction Management Plan, which would be secured via a recommended condition.

Planning obligations

- 10.23 As the applicant seeks outline permission with all matters reserved (other than access), the end number of units is unknown. To accord with policy H10 of the UDP, emerging Local Plan policy PLP11 and the Kirklees Interim Affordable Housing Policy, if the council is minded to grant outline permission, a condition can be imposed requiring the provision of affordable housing.
- 10.24 Under policy H18 of the UDP sites of 0.4ha require public open space to be provided on-site. This requirement applies to the application site, given its size of 0.68 hectares. The indicative 25 residential units currently illustrated would trigger a requirement for 750sqm of public open space, and within this a Local Area of Play would need to be provided. The area of on-site public open space currently proposed would equate to approximately 247sqm, and is considered insufficient. Furthermore, although this space would be overlooked by proposed dwellings, it may be too small and too close to residential properties to accommodate a playspace. Given the constraints of the site, it is likely that a contribution towards off-site public open space and playspace would be considered more appropriate at reserved matters stage, and the total contribution required is likely to exceed the £88,951 quoted by officers with reference to applicant's current indicative layout. At outline stage, a condition can be imposed requiring the provision of public open space.

- 10.25 The council's Education department were consulted and commented that a contribution of £61,777 would be required, based on the applicant's current indicative layout which illustrates 25 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, and an appropriate condition is recommended.
- 10.26 Based on the applicant's indicative scheme of 25 dwellings, Highways Development Management officers have identified a need for funding of a package of sustainable travel measures to encourage the use of sustainable transport – the contribution appropriate for this development would be £14,850 for MetroCards. Again, however, the unit number proposed at reserved matters stage may trigger the need for a larger or smaller contribution. At outline stage an appropriate condition is recommended to address this matter.

Other matters

- 10.27 With regard to ground contamination, appropriate conditions have been recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.
- 10.28 The proposed development would involve the removal of trees and shrubs and 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, draft policies PLP21, PLP24 and PLP51 of the emerging Local Plan, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. A Travel Plan, designed to encourage the use of sustainable and low-emission modes of transport, may be required at reserved matters stage.

11.0 CONCLUSION

- 11.1 The site is allocated for housing in both the UDP (saved policies) and the emerging Local Plan, and outline planning permission for residential development at this site has previously been approved. The principle of residential development at this site remains acceptable.
- 11.2 The site is constrained by existing residential properties nearby, drainage, and topography. While these constraints would necessitate careful and detailed consideration at reserved matters stage, none are considered to be prohibitive to the principle of residential development at this site, therefore it is recommended that outline permission be granted.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.4 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

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

1. Standard OL cond (submission of reserved matters)
2. Standard OL cond (implementation of reserved matters)
3. Standard OL cond (reserved matters submission time limit)
4. Standard OL cond (reserved matters implementation time limit)
5. Details of retaining walls
6. Visibility splays
7. Details of junction works
8. Travel plan
9. Details of internal road(s)
10. Details of works adjacent to footpath HUD/100/10
11. Construction management
12. Ecology
13. Drainage
14. Affordable Housing (if Reserved Matters is for more than 11 dwellings)
15. Public Open Space
16. Education
17. Sustainable transport package
18. Noise Report
19. Contamination Reports
20. Drainage and Yorkshire Water conditions
21. Landscaping
22. Bat and bird boxes

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91119>

Certificate of Ownership – Certificate A signed

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2018/91685 Erection of single storey rear extension 9, Clough Head, Slaithwaite Gate, Bolster Moor, Huddersfield, HD7 4NW

APPLICANT

Chris Friend

DATE VALID

29-May-2018

TARGET DATE

24-Jul-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: Colne Valley

No

Ward Members consulted

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

1.0 INTRODUCTION:

- 1.1 The application is brought to the Sub Committee in accordance with the Scheme of Delegation because the applicant is related to an employee of Planning Services.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to 9 Clough Head, Slaithwaite Gate at Bolster Moor. The property forms a two storey dwelling with a detached garage to the side and amenity space to the front and rear. Associated with the property is a large field which extends to the south and northeast. The site lies in a rural area and is adjacent to a former reservoir (Golcar Service Reservoir).

3.0 PROPOSAL:

- 3.1 The application is for a single storey rear extension. This is a modified proposal of a previously refused application for extensions to the dwelling and other operational development within the adjacent land.
- 3.2 The proposed rear extension would project beyond the existing two storey rear extension by 3m and would be just under 4m in height. It would extend beyond a side wall of the dwelling by 1.5m.
- 3.3 The extension would have a flat roof with natural stone capping. A ramped access with black balustrade would be formed to the side of the dwelling providing level access into the extension. The extension would form a sun room, enlarged kitchen area and utility room.
- 3.4 Coursed natural stone to match the existing dwelling would be used for the external walls. Windows would be PVC with natural stone heads and cills.
- 3.5 The plans show that an existing double door to the side elevation is to be blocked up to cill level and replaced with a window.

4.0 RELEVANT PLANNING HISTORY:

2017/92422 Erection of single storey side and rear extensions to dwelling, erection of machinery store and engineering operations – Refused by Committee 23/11/17

2013/91419 Erection of pitched roof (to existing two storey rear extension) – Approved

5.0 HISTORY OF NEGOTIATIONS:

5.1 No negotiations have been undertaken.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is allocated as Green Belt on the UDP Proposals Map and is allocated as Green Belt in the Draft Publication Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.3 BE1 – Design principles
BE13 – Extensions to dwellings (design principles)
BE14 – Extensions to dwellings (scale)
D11 - Extensions in the Green Belt

Draft Publication Local Plan:

PLP24 – Design
PLP57 – Extensions within the Green Belt

National Planning Guidance:

NPPF Chapter 12 – Achieving well-designed places
NPPF Chapter 13 - Protecting Green Belt land

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice. No representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 No consultation was carried out.

9.0 MAIN ISSUES

- Principle of development
- Impact on the openness and visual amenity of the Green Belt
- Residential amenity
- Highway issues

10.0 APPRAISAL

Principle of development:

10.1 The site lies within the Green Belt and the main issue is the impact of the proposed extension on the openness and visual amenity of the Green Belt.

10.2 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

10.3 Policy D11 of the UDP relates to extensions to buildings within the Green Belt and states that:

Proposals for the extension of buildings within the green belt will be considered having regard to:

- i the impact on the openness and character of the green belt;
- ii the size of the extension in relation to the existing building which should remain the dominant element;

and, in the case of traditional buildings,

- iii the effect on the character of the existing building.

In the case of proposals to extend buildings which have already been extended the proposal should have regard to the scale and character of the original part of the building.

10.4 Policy PLP 57 of the emerging Local Plan relates to the extension, alteration or replacement of existing buildings within the Green Belt. It states:

Proposals for the extension, alteration or replacement of buildings in the green belt will normally be acceptable provided that:

- a. in the case of extensions the host building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;
 - b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;
 - c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and
 - d. the design and materials used should be sensitive to the character of the green belt setting.
- 10.5 The principle of the development is accepted subject to an assessment of the above policies.

Impact on the openness of the Green Belt:

- 10.6 In order to assess the proposed extensions in relation to local and national Green Belt policy it is first necessary to establish what constitutes the original building. The original building is defined as a building as it existed on 1st July 1948 (if it was built before that date) or as it was built when built after 1st July 1948. The property was built in the 19th century and therefore in this case the original building means as it existed on 1st July 1948.
- 10.7 Officers considered this matter under the previous application. It was concluded that there have been extensions to the original dwelling in the form of a two storey rear extension (erected circa 1967 with a pitched roof added circa 2013) plus a small single storey utility extension also to the rear. There is however evidence to indicate that these extensions were partially erected in place of a part of the original building which projected out at the rear of the dwelling; it is not known however whether the part that was replaced was single or two storeys in height.
- 10.8 A garage exists to the side of the dwelling. Officers consider this to be an addition to the dwelling, i.e. erected post 1st July 1948. The garage is quite substantial and is closely associated with the dwelling, being less than 1m from the side wall. The garage therefore needs to be taken into account when assessing the extent of additions and extensions to the original building.
- 10.9 There is evidence from historic maps and aerial photographs that there were two small outbuildings at the rear of the property which were original features. One of these was demolished less than fifteen years ago and the other was demolished in 2013. Officers consider that it reasonable to take the presence of these outbuildings into account when considering the extent of the original building.

- 10.10 The existing rear extension and garage approximately double the volume of the original part of the house that still remains. A proportion of the additional volume provided by the extension is however off-set by the part of the original building that was demolished to make way for the existing rear extension.
- 10.11 The proposed development will add to the volume increase of the original dwelling, which officers estimate to be approximately 70%. The question is whether the proposed extension represents a disproportionate addition to this particular dwelling considering what has previously been added.
- 10.12 The proposed extension is single storey with a flat roof and lies to the rear of the dwelling, albeit projecting by a short distance (1.5m) beyond side wall of the house. This part of the site is where two small original outbuildings once stood and is currently used as a patio area and contains a garden shed. This area is bound by a stone wall to the rear and is partially screened on one side by a grassy embankment associated with the adjoining former reservoir land.
- 10.13 The location of the extension is such that it does not significantly add to the sprawl of the dwelling and its visual prominence from surrounding land is limited. The extension would mainly be visible from southerly directions because it is obscured by an embankment to the north, would principally be seen against the backdrop of the existing dwelling within long range vistas from the east and it is only the projecting element at the side of the house that would be visible from the west.
- 10.14 The cumulative volume increase of the existing and proposed additions to the original building is substantial although the main bulk of the existing and proposed additions are single storey and predominantly concentrated towards the rear of dwelling where the extent of the property is contained by the former reservoir land.
- 10.15 In this instance it is considered that the scale and location of the extension are such that it would not significantly harm the openness of the Green Belt. As such officers do not consider that the proposal would represent a disproportionate addition. This is subject to permitted development rights being removed for any further extensions or outbuildings being erected.
- 10.16 Under the previous application it was the large sun room extension to the side of the dwelling which was a particular cause for concern and this has now been omitted.
- 10.17 In summary it is considered that the impact on the openness of the Green Belt is acceptable and the application accords with Policy D11 of the UDP, Policy PLP 57 of the emerging Local Plan and guidance in chapter 13 of the NPPF.

Visual amenity of the Green Belt:

- 10.18 The single storey scale of the extension and its location at the rear of the dwelling attached to an existing extension help to ensure that the original building remains the dominant element.
- 10.19 The design and materials harmonise with the host building which also helps to maintain the character of the existing dwelling.

10.20 The extension would not result in any significant harm to the visual amenity of the Green Belt in officers' view and the application accords with Policy D11 of the UDP, Policy PLP 57 of the emerging Local Plan and guidance in chapter 13 of the NPPF.

Residential Amenity

10.21 The property forms a fairly isolated dwelling with no immediate neighbouring properties and as such there would be no significant impact on residential amenity.

Highway issues

10.22 The proposals do not give rise to any significant highway safety issues.

Other matters:

10.23 No representations have been received and there are not considered to be any other matters that would materially alter the assessment of the application.

11.0 CONCLUSION

11.1 The proposal would not result in a disproportionate addition to the original building having regard to the scale and location of the extension and taking into account the existing extensions/additions to the property. The design is in keeping with the host building and would preserve the character of the dwellinghouse and the surrounding area.

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 condition
2. Development in accordance with approved plans
3. Materials to match existing dwelling
4. Permitted development rights removed for extensions and outbuildings

Background Papers:

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91685>

Certificate of Ownership – Certificate A signed

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2018/91722 Erection of single storey rear extension and garage with store below 147, Huddersfield Road, Meltham, Holmfirth, HD9 4AJ

APPLICANT

G Pearson

DATE VALID

29-May-2018

TARGET DATE

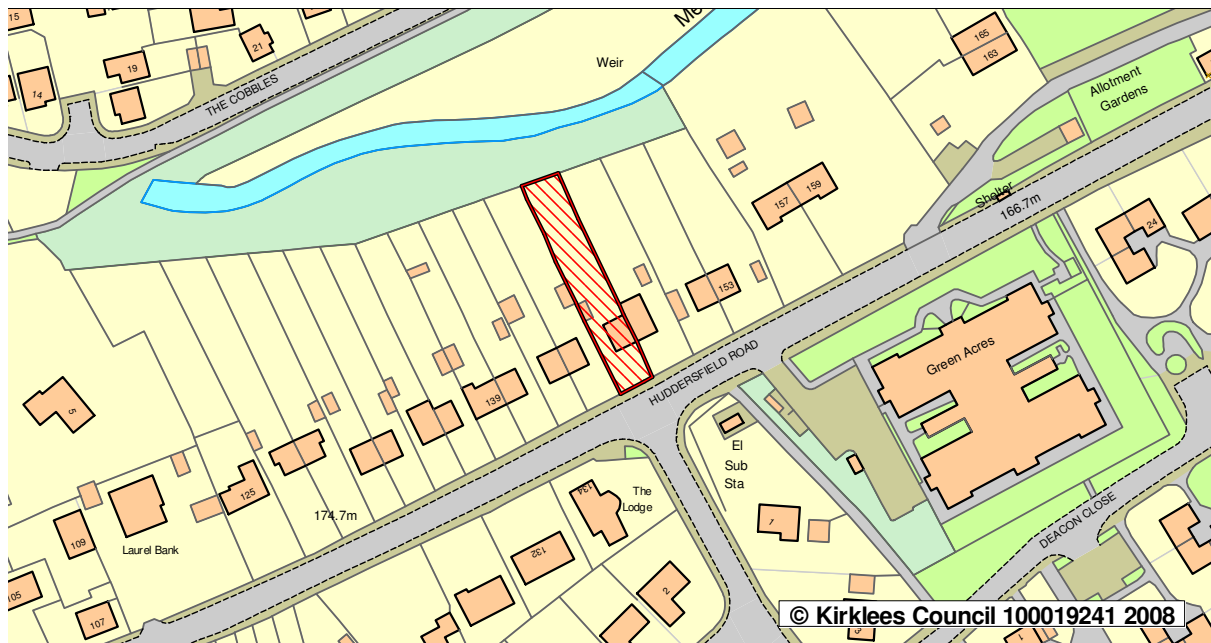
24-Jul-2018

EXTENSION EXPIRY DATE

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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: **Holme Valley North**

No

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 The application has been brought before sub-committee as the applicant is a member of staff of Kirklees Council Planning Service.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to a large, two storey semi-detached house, constructed from brick and designed with a hipped roof, finished in concrete tiles. The application dwelling is located close to Meltham town centre, immediately adjacent from Huddersfield road.

2.2 The application property is secured to the east and west by other residential dwelling of the same architectural design and construction materials. To the north the application site is bounded by Meltham Dike and to the south by Huddersfield road.

2.3 It is noted that the application dwelling benefits from a generous amount of private amenity space to both the front (north) and rear (south). Equally, identified amenity space is well delineated from neighbouring properties and the highway by a low rise natural stone wall and mature vegetation. In terms of access the dwelling benefits from a large vehicle driveway accessed off Huddersfield road, leading to a sectional garage.

3.0 PROPOSAL:

3.1 The application seeks planning permission for the erection of a single story rear extension and a two storey detached garage, replacing the existing sectional garage.

- 3.2 The single storey rear extension would project from the rear elevation of the application dwelling by approximately 5m and would have a total width of approximately 6.3m. Designed with a flat roof and coping detail, the extension would have an overall height of approximately 3.3m. It is noted that the roof of the extension would host a roof lantern.
- 3.3 With regard to the proposed detached garage this would replace the existing sectional garage and be constructed from brick to match the host dwelling. Design with a gable, dual pitched roof the garage would have an eaves height and ridge height of 2.7m and 3.5m respectively. In terms of area it is advised that the proposed garage would be much larger than the one it replaces with a length of approximately 7.4m and a width of 4m. The garage would be constructed over two levels, hosting a garden store at the lower ground. However, making use of the prevailing topography which gives way in a south to north direction, the garage appears as a single storey when viewed from Huddersfield road.
- 3.4 The rear (north) elevation of the proposed garage would have a ground to eaves height of approximately 5m and a total ridge height of approximately 5.9m. It is advised that the north facing elevation of the garage would host a high level window, elongated in the horizontal at the ground floor level and a large window at the first floor. It is also noted that the garage would benefit from three roof lights in the eastern roof plane.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 No relevant planning history

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

- 5.1 Following an initial assessment, it was considered that the height and length of the proposed garage was overly large. As such revised plans were received reducing the eaves height and ridge height of the building as well as reducing the length by approximately 0.5m.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is unallocated on the UDP Proposal Map

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

- D2 – Unallocated Land
- BE1 – Design Principles
- BE2 – Quality of Design
- BE13 – Extension to dwellings (design principles)
- BE14 – Extensions to dwellings (Scale)
- T10 – Highway Safety

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

- PLP1 – Achieving Sustainable Development
- PLP21 – Highway Safety and Parking
- PLP24 - Design

6.5 National Planning Guidance:

Chapter 2 – Achieving Sustainable Development

Chapter 12 – Achieving well designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice and letters to the occupants of the neighbouring dwellings. The public consultation period ended on 18th July 2018.

7.2 No representations have been received in support or in objection to the application.

7.3 Meltham Town Council: support the application.

8.0 CONSULTATION RESPONSES:

8.1 No consultations were sought regarding this application.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation in the UDP Proposals map and Policy D2 (development of land without notation) of the UDP states:

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

All these considerations are addressed later in this assessment.

- 10.2 The general principle of making alterations to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary Development Plan and advice contained within Chapter 2 and Chapter 12 of the National Planning Policy Framework (NPPF). These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations. In addition, Policy PLP24 of the publication draft Local Plan (PDLF) sets out a variety of ‘design’ considerations to take into account in the assessment of a planning application.

Urban Design issues

- 10.3 With regard to visual amenity is anticipated that the proposed single storey rear extension would appear as subservient, being designed with a flat roof and coping detail. The ground to eaves height would measure approximately 3.3m, project from the rear elevation by approximately 5m and have a total width of 6.3m. As such the host dwelling would unmistakably remain as the dominant element.
- 10.4 In terms of construction materials it is advised that the walling material would match that of the host dwelling, thereby being acceptable. However, with regard to proposed fenestration, while it is noted that on the whole the extension would have a window arrangement sympathetic to the host dwelling, a roof lantern would be installed. This feature is common to flat roofed extensions and would provide a good degree of light into the dwelling. As the extension is located the rear of the dwelling, and the roof lantern hidden to a small degree by coping detail, it is not considered to create an overly prominent feature.
- 10.5 With regard to the proposed garage it is noted that this would replace an existing sectional garage which is currently in a poor state of repair. Making use of the prevailing topography, which gives way in a south to north direction, the garage would have a split-level design, hosting a garden store at the lower ground level and a vehicle garage at the upper level.
- 10.6 Consequently, the garage would have a differing eaves and ridge height. When viewed from Huddersfield road, (south) it is advised that the garage would appear with an eaves height and ridge height of 2.7m and 3.5m respectively, not materially larger than the sectional garage it replaces. Alternatively, the garage would have an eaves height and ridge height of 5m and 5.9m. As such, when viewed in the northern elevation the garage would appear a more substantial structure.

- 10.7 However, in this respect it is advised that there are no dwellings located immediately to the rear of the application dwelling. Rather the rear of the property has a substantial garden which gives way to Meltham Dike which is bounded by a number of mature trees, protected by a collective Tree Preservation Order (TPO). Equally, it is advised that substantial boundary treatment, including a close boarded timber fence and the elevation of an existing garage at no.145 would serve to screen the proposed.
- 10.8 In terms of appearance the garage would be constructed from brick and finished in concrete tiles, matching the host building, thereby being acceptable. The principal entrance to the garage would be the up and over door located in the southern facing elevation giving a traditional garage design, although it is noted that two supplementary personal access doors would be installed in the east facing elevation.
- 10.9 Overall, given the above it is advised that while the proposed garage would be large, owing to its position and the prevailing topography it would mostly present as a single storey development. With regard to the single storey rear extension this would be distinctly subservient. As such the proposed scheme is not considered to harm the visual amenity of the host dwelling or the visual amenity enjoyed by occupiers of neighbouring properties. As such the application is considered to comply with Policies D2, BE1, BE2 and BE13 of the Unitary Development Plan, Policies PLP1 and PLP24 of the publication draft Local Plan and guidance contained within Chapter 2 and Chapter 12 of the National Planning Policy Framework (NPPF).

Residential Amenity

- 10.10 With regard to residential amenity the closest neighbouring dwellings are no.145 and no.149 Huddersfield Road. The impact of the proposed development on these dwellings is assessed below.
- 10.11 No.145 Huddersfield road presents as a semi-detached dwelling of the same architectural design and construction materials as the application dwelling and located to the west. While the proposed development would not reduce the existing separating distances between these two dwellings it is noted that the garage would be constructed close to the boundary.
- 10.12 Notwithstanding this it is advised that the proposed garage would be located in a similar position to the existing garage. Equally the proposed eaves height and ridge height would not be materially larger than the garage it replaces. Although a larger structure overall, making use of the available topography serves to remove the additional bulk and weight from the development. As such the impact of the proposed garage on this neighbouring dwelling is not considered to be materially greater than the existing garage.
- 10.13 With regard to no.149, this property adjoins the application dwelling to the west and as such is constructed from matching materials and shares the same architectural design. Again it is identified that the proposed development does not serve to reduce separating distances. However, in the respect of this dwelling it is noted that the single storey extension would be close to the boundary.

- 10.14 However, despite being close to the boundary it is noted that no.149 benefits from a historical single storey extension. Consequently, the proposed would only project by 2m beyond the rear elevation of this neighbouring dwelling. Furthermore, as a single storey development it is not anticipated to overbear or overshadow occupants of this dwelling to an unacceptable degree..
- 10.15 In all other respects the application is considered to be acceptable with regards to residential amenity. As such the application is deemed to accord with Policies D2 of the Unitary Development Plan, Policies PLP1 and PLP24 of the publication draft Local Plan and guidance contained within Chapter 2 and Chapter 12 of the National Planning Policy Framework (NPPF).

Highway issues

- 10.16 The application does not propose any changes to the access and parking arrangements of the site. Rather the application would seek to replace an existing section garage which is currently in a state of disrepair. Furthermore as a single storey extension, forming a large kitchen dining area, it is not anticipated to result in a material increase in vehicular traffic.
- 10.17 As such the application the application is considered to comply with Policies T10 of the Unitary Development Plan (UDP) and Policies PLP21 of the publication draft Local Plan.

Representations

- 10.8 No public representations were received in respect of this application.

Other Matters

10.10 Biodiversity and Ecology

Although the application site is located within a bat alert area, it is not identified on the maps as having a bat roost. The dwelling is also well sealed and unlikely to have any significant bat roost potential. Notwithstanding this, a note recommending that the advice of licensed bat work should be sought if any bats are found during the development. If this application is approved this note would be relayed on the applicant via the decision notice, for the proposal to comply with the guidance contained within the NPPF.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against the relevant policies in the development plan and other materials 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. The development shall be begun within three years of the date of any permission
2. The development where permitted shall be carried out in accordance with the approved plans
3. The external walls and roofing materials should in all respects match those in the construction of the host dwelling.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91722>

Certificate of Ownership – Certificate A signed

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2018/91529 Erection of single storey extension
12, Woodlea Avenue, Marsh, Huddersfield, HD3 4EF

APPLICANT

Mr & Mrs O'Hara

DATE VALID

10-May-2018

TARGET DATE

05-Jul-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: Lindley

No

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 This application is brought to sub-committee as the applicant is related to an employee of Kirklees Planning Services.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to a two storey detached dwelling, constructed from artificial stone and designed with a gable roof, finished in concrete tiles. Located in Marsh the application dwelling forms part of a relatively new development of 150 dwellings, granted planning permission in 1996 (96/93433). As such it is advised that neighbouring properties are constructed from matching materials and of a similar architectural style.

2.2 It is noted that the dwelling as existing benefits from private amenity space to both the front (east) and rear (west) and an integral garage, accessed via a vehicle driveway off Woodlea Avenue. As part of a large residential development the dwelling is well surrounded by other residential properties. However, it is advised that boundary treatment, particularly to the front (east) is 'open plan'. Alternatively, amenity space to the rear (west) is well delineated, consisting of close boarded timber fences and a low rise natural stone wall with parapets.

3.0 PROPOSAL:

3.1 The application seeks planning permission for the erection of a wrap-around side (south) and rear (west) single storey extension. Designed with a lean-to roof the extension would have a continuous eaves height of approximately 2.5m and a total ridge height of approximately 3.3m.

3.2 The extension would project from the external elevations of the original dwelling by 2.7m and as noted in the application form be constructed from materials which match those of the host dwelling. Upon completion the development would offer a large kitchen/dining area.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 96/93433 – Erection of residential development (150 Dwellings) and garages and associated works (Conditional Full Permission).

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

5.1 No negotiations were undertaken.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is allocated for housing development in the UDP Proposals Map. However, it is identified that this allocation has been spent following the implementation of planning permission 96/93433. Consequently, this allocation is deemed to have fallen away and the land is now considered to be without a specific allocation.

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

- D2 – Unallocated Land
- BE1 – Design Principles
- BE2 – Quality of Design
- BE13 – Extensions to dwellings (design principles)
- BE14 – Extensions to dwellings (Scale)

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

The site is without allocation or designation in the publication draft Local Plan

Policies

- PLP1 – Achieving Sustainable Development
- PLP21 – Highway Safety and Parking
- PLP24 – Design

6.5 National Planning Guidance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision making
- Chapter 12 – Achieving well-design places

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by site notice and letter to the occupants of neighbouring dwellings. The public consultation period expired on the 04th July 2018.

7.2 No public representation have been received in support or in objection to the application.

8.0 **CONSULTATION RESPONSES:**

No consultations were sought regarding this application.

9.0 **MAIN ISSUES**

- Principle of development
- Urban Design Issues
- Residential amenity
- Highway issues
- Other matters

10.0 **APPRAISAL**

Principle of development

10.1 The site is without notation in the UDP Proposals map and Policy D2 (development of land without notation) of the UDP states:

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

All these considerations are addressed later in this assessment.

10.2 The general principle of making alteration to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the Unitary Development Plan and advice contained within Chapter 12 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations. In addition, Policy PLP24 of the Publication Daft Local Plan sets out a variety of ‘design; considerations to take into account in the assessment of a planning application.

Urban Design issues

- 10.3 As noted in the submitted application form the proposed extension would be constructed from artificial stone, interlocking concrete tiles and host upvc windows, thereby matching the materials of the host dwelling.
- 10.4 In addition to the above, it is noted that the single storey wrap-around extension is small in scale, appearing as subservient. Consequently, the host detached dwelling would remain as the dominant element, thereby according with guidance contained within Policies BE13 and BE14 of the Unitary Development Plan and Policy PLP24 of the publication draft Local Plan.
- 10.5 While it is noted that the application dwelling occupies a prominent position and that the proposed development would project from an elevation (northeast) adjacent to a highway, due to substantial boundary treatment, concerns of an overbearing nature are negated. Equally, owing to the matching construction materials and small nature of the development it is not anticipated to create an incongruous feature in the streetscape.
- 10.6 Overall, given the above assessment the application is not considered to harm the visual amenity of the host dwelling or that enjoyed by occupants of surrounding dwellings. As such the scheme is assessed as being consistent with Policies D2, BE1, BE2, BE13 and BE14 of the UDP, Policies PLP1 and PLP24 of the PDLP and guidance contained within Chapters 2 and 12 of the National Planning Policy Framework.

Residential Amenity

- 10.7 The single storey wrap-around extension has been assessed with regard to residential amenity and is considered to be acceptable.
- 10.8 Given that the application dwelling is bounded on all elevations by other residential dwellings it is inevitable that development would result in a reduction of separating distances. In the context of this application it is advised that the proposed would reduce separating distances to no.15, no.14 and no.16 Woodlea Avenue.
- 10.9 No.15 Woodlea Avenue presents as a detached dwelling, constructed from artificial stone and designed with a gable roof, located to the north of the application dwelling. It is suggested that the proposed development would reduce separating distances from approximately 13.8m to approximately 11m. While acknowledging this, it is identified the substantial delineating features including boundary treatment and a public highway serve to separate the two properties. Furthermore, as a single storey development it is not anticipated that the development would generate any concerns of an overbearing or overshadowing nature. It is also realised that the southwest facing elevation of no.15 does not contain any openings thereby negating any concerns of residential amenity.

- 10.10 No.14 and no.16 Woodlea Avenue also presents as a detached dwellings, constructed from artificial stone and designed with a gable roof, located to the southeast of the application dwelling. It is identified that the considered scheme would reduce the separating distance from approximately 20m and 16m to 17.3m and 13.3m respectively. Again whilst acknowledging this, it is advised that prominent boundary treatment would serve to shield any overlooking views and that as a single storey development located to the north it does not have the potential to overshadow.
- 10.11 In all other respects the application is considered to be acceptable in respect of residential development. Given the above the proposed development is considered, to be acceptable, complying with Policies D2 and BE14 of the UDP, Policies PLP1 and PLP24 of the PDLP and guidance contained within Chapter 2 and Chapter 12 of the NPPF.

Highway issues

- 10.12 Upon completion the proposed scheme would not contribute any additional bedrooms but rather provide an extension to form a large kitchen/diner. As such it is not anticipated that the considered would result in any increase in vehicle traffic. It is also noted that the application does not propose any changes to the access of parking arrangements of the site.
- 10.13 Given the above it is assessed that the application does not give rise to any highway safety concerns. The application is therefore deemed to comply with Policy T10 of the UDP, Policy PLP21 of the PDLP and guidance contained within the National Planning Policy Framework (NPPF).

Representations

- 10.14 No public representations have been received in respect of this application.

Other Matters

- 10.15 No other matters to consider

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against the relevant policies in the development plan and other material consideration 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. The development shall be begun within three years of the date of this permission
2. The development hereby permitted shall be carried out in accordance with the approved plans
3. The external walls and roofing materials of the extension shall in all respects match those used in the construction of the original house

Background Papers:

Application and history files can be assessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91529>

Certificate of Ownership – Certificate A signed

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