

Public Document Pack



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

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Wednesday 12 September 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 20 September 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".

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 Nell Griffiths
Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Bernard McGuin
Councillor Gemma Wilson

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
M Thompson

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 9 August 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: 2017/93973

Change of use of dwelling into two dwellings and first floor side extension 103, Greenhead Road, Huddersfield

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

Contact Officer: Laura Yeadon, Planning Services

Wards

Affected: Greenhead

8: Site Visit - Application No: 2018/90912

Reserved matters application pursuant to outline permission 2015/91093 for erection of residential development (17 dwellings) (within a Conservation Area) Land Off, Hollyfield Avenue, Quarmby, Huddersfield

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

Contact Officer: Glenn Wakefield, Planning Services

Wards

Affected: Lindley

9: Site Visit - Application No: 2018/91636

Erection of single storey rear extension 954, New Hey Road, Outlane, Huddersfield.

(Estimated time of arrival at site – 10.25 am)

Contact Officer: Laura Yeadon, Planning Services

Wards

Affected: Colne Valley

10: Site Visit - Application No: 2018/90978

Erection of two storey and single storey extensions Brigsteer, 402,

Birkby Road, Birkby, Huddersfield.

(Estimated time of arrival at site – 10.45 am)

Contact Officer: William Simcock, Planning Services

Wards

Affected: Lindley

11: Site Visit - Application No: 2018/91623

Change of use from dwelling to sui generis use for commercial letting for more than 6 guests at any one time (within a Conservation Area) 221, Meltham Road, Netherton, Huddersfield.

(Estimated time of arrival at site 11:10 am)

Contact Officer: Hannah Thickett, Planning Services

Wards

Affected: Crosland Moor and Netherton

12: Site Visit - Application No: 2017/94120

Reserved Matters application for erection of 3 dwellings pursuant to outline permission 2015/92993 for erection of residential development land off, Butt Lane, Hepworth, Holmfirth.

(Estimated time of arrival at site 11:30 am)

Contact Officer: Neil Bearcroft, Planning Services

Wards

Affected: Holme Valley South

13: Local Planning Authority Appeals

11 - 18

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

Contact: Mathias Franklin –Development Management Group Leader

Wards

Affected: Colne Valley; Greenhead

Planning Applications

19 - 22

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 17 September 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 prior to the meeting.

14: Tree Work Application - Application No: 2018/92466 23 - 30

Consent to carry out works within woodland located between Wilshaw Road, Wilshaw Mill Road and properties on the Avenue, Wilshaw, Meltham.

Contact Officer: Joe Robertson, Arboricultural Officer

Wards

Affected: Holme Valley North

15: Planning Application - Application No: 2018/90776 31 - 48

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

16: Planning Application - Application No: 2018/90912 49 - 64

Reserved matters application pursuant to outline permission 2015/91093 for erection of residential development (17 dwellings) (within a Conservation Area) Land Off, Hollyfield Avenue, Quarmby, Huddersfield

Contact Officer: Glenn Wakefield, Planning Services

Wards

Affected: Lindley

17: Planning Application - Application No: 2017/94120 65 - 82

Reserved Matters application for erection of 3 dwellings pursuant to outline permission 2015/92993 for erection of residential development land off, Butt Lane, Hepworth, Holmfirth.

Contact Officer: Neil Bearcroft, Planning Services

Wards

Affected: Holme Valley South

18: Planning Application - Application No: 2018/90827 83 - 94

Erection of detached dwelling adj 14, The Fairway, Fixby, Huddersfield.

Contact Officer: Laura Yeadon, Planning Services

Wards

Affected: Ashbrow

19: Planning Application - Application No: 2018/90978 95 - 108

Erection of two storey and single storey extensions Brigsteer, 402, Birkby Road, Birkby, Huddersfield.

Contact Officer: William Simcock, Planning Services

Wards

Affected: Lindley

20: Planning Application - Application No: 2017/93973 109 - 120

Change of use of dwelling into two dwellings and first floor side extension 103, Greenhead Road, Huddersfield

Contact Officer: Laura Yeadon, Planning Services

Wards

Affected: Greenhead

21: Planning Application - Application No: 2018/91623 121 -
132

Change of use from dwelling to sui generis use for commercial letting for more than 6 guests at any one time (within a Conservation Area) 221, Meltham Road, Netherton, Huddersfield.

Contact Officer: Hannah Thickett, Planning Services

Wards

Affected: Crosland Moor and Netherton

22: Planning Application - Application No: 2018/91636 133 -
142

Erection of single storey rear extension 954, New Hey Road, Outlane, Huddersfield.

Contact Officer: Laura Yeadon, Planning Services

Wards

Affected: Colne Valley

Planning Update 143 -
152

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 9th August 2018

Present: Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Richard Eastwood
Councillor Nell Griffiths
Councillor James Homewood
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Steve Hall

Apologies: Councillor Mohammad Sarwar

1 Membership of the Committee

Councillor Steve Hall substituted for Councillor Mohammad Sarwar.

2 Minutes of previous meeting

RESOLVED - The Minutes of the meeting held on 21 June 2018 were approved as a correct record.

3 Interests and Lobbying

Councillor Bellamy declared an 'other interest' in application 2018/91492 on the grounds that she was a member of Holme Valley Parish Council.

Councillors Bellamy, Sims, Eastwood, Sokhal, Ullah, Homewood, Uppal, Griffiths and Lyons declared that they had been lobbied on application 2017/93333.

Councillor Sims declared that he had been lobbied on application 2018/91492.

Councillors Homewood, Uppal, Griffiths and Lyons declared that they had been lobbied on application 2018/90413.

Councillor Homewood declared that he had been lobbied on application 2017/93544.

Councillor Lyons declared that he had been lobbied on application 2018/90941.

4 Admission of the Public

All items on the agenda were taken in public session.

Planning Sub-Committee (Huddersfield Area) - 9 August 2018

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2017/93544

Site visit undertaken.

8 Site Visit - Application No: 2017/93333

Site visit undertaken.

9 Site Visit - Application No: 2018/90941

Site visit undertaken.

10 Site Visit - Application No: 2018/91492

Site visit undertaken.

11 Local Planning Authority Appeals

That the report be noted.

12 Planning Application - Application No: 2018/90413

The 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 Jan Dyson, Antony Dyson, Kerry Green, Julie Horsman and Caron Cour (in support).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Cathy Scott on behalf of Cllr Judith Hughes (Local Ward Member).

RESOLVED –

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

1. 3 year time limit to commence development.
2. Development to be 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

Planning Sub-Committee (Huddersfield Area) - 9 August 2018

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)

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

For: Councillors Bellamy, Eastwood, Griffiths, S Hall, Homewood, Lyons, Sims and Uppal (8 Votes)

Against: Councillors Sokhal and Ullah (2 votes)

13 Planning Application - Application No: 2017/93544

The Committee gave consideration to Planning Application 2017/93544 Erection of 5 detached dwellings and garage ancillary to 33, Woodside Lane 33, Woodside Lane, Fixby, Huddersfield.

RESOLVED –

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

The Committee considered that the proposed scheme was an overdevelopment of the site that would be out of character with the host dwelling and impact on its residential amenity. In addition the Committee considered that the proposed plots 4 and 5 were too close to the woodland area and the proximity of the mature trees would result in an unacceptable level of shading and loss of light for future occupiers.

The Committee also considered that the intensification of traffic on the quiet adopted road, which also carried the route of a bridleway, would not be in the interests of highway safety. The Committee also felt that the applicant had not satisfactorily demonstrated the usage of the site by bats and measures to mitigate the impact on the local wildlife.

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

For: Councillors Bellamy, Eastwood, Griffiths, S Hall, Homewood, Lyons, Sims, Sokhal, Ullah and Uppal (10 Votes)

Against: (0 votes)

14 Planning Application - Application No: 2017/93333

The Sub Committee gave consideration to Planning Application 2017/93333 Outline application for the erection of up to 12 dwellings (revised description) Land off, Grove Street, Longwood, Huddersfield.

Planning Sub-Committee (Huddersfield Area) - 9 August 2018

Under the provisions of Council Procedure Rule 37 the Committee received a representation from John Johns (on behalf of the applicant)

RESOLVED –

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

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).

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

For: Councillors Bellamy, Eastwood, Griffiths, S Hall, Homewood, Lyons, Sims, Sokhal, Ullah and Uppal (10 Votes)

Against: (0 votes)

15 Planning Application - Application No: 2018/90941

The Sub Committee gave consideration to Planning Application Planning Application 2018/90941 Outline application for residential development Springfields, Mill Moor Road, Meltham, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received representations from James Shaw and Lorraine Shaw (Objectors) and Ian Whitworth (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. Standard timeframe for the submission of reserved matters
2. Requirement for reserved matters submission

Planning Sub-Committee (Huddersfield Area) - 9 August 2018

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

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:

A motion to refuse the application

For: Councillors Bellamy, Eastwood and Sims (3 Votes)

Against: Councillors Griffiths, S Hall, Homewood, Lyons, Sokhal, Ullah and Uppal (7 votes)

A motion to approve the application in line with the officers recommendation

For: Councillors Griffiths, S Hall, Homewood, Lyons, Sokhal, Ullah and Uppal (7 votes)

Against: Councillors Bellamy, Eastwood and Sims (3 Votes)

16 Planning Application - Application No: 2018/91492

The Sub Committee gave consideration to Planning Application 2018/91492
Erection of a detached dwelling (within a Conservation Area) Land Adj, 27, Goose Green, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Andrew Keeling (Agent).

RESOLVED –

That contrary to officers recommendation that the application be approved.

The Committee considered that the development would not harm the character of the Holmfirth Conservation Area and would not result in an undue overbearing impact to the occupiers of no. 25 Goose Green.

Planning Sub-Committee (Huddersfield Area) - 9 August 2018

The Committee requested that a condition be included that a construction management plan be submitted to include hours of working and deliveries are conducted outside of school start and finish times.

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

For: Councillors Bellamy, Eastwood, Griffiths, S Hall, Sims, Sokhal and Ullah (7 Votes)

Against: Councillors Homewood and Uppal (2 votes)

Abstained: Councillor Lyons

17 **Planning Application - Application No: 2018/90776**

The Sub Committee gave consideration to Planning Application 2018/90776 Outline application for erection of up to 10 dwellings Land at, Yew Tree Road/Burn Road, Birchencliffe, Huddersfield.

RESOLVED –

That consideration of the application be deferred to allow officers an opportunity to bring back to the Committee a report to include: a more detailed overview of how the development fits with the overall development plans in the local area; and details of any planned improvements to the local highways infrastructure to include: details of what Section 106 contributions have been allocated for highways infrastructure and when they have or will take place ; and details of any other issues relating to Section 106 matters including where contributions are required and what has been committed.

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

For: Councillors Bellamy, Eastwood, Griffiths, S Hall, Homewood, Lyons, Sims, Sokhal, Ullah and Uppal (10 Votes)

Against: (0 votes)

18 **Planning Application - Application No: 2018/91119**

The Sub Committee gave consideration to Planning Application 2018/91119 Outline application for erection of residential development Land to the rear of 11 Holme Avenue, Dalton, Huddersfield.

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. Standard Outline condition (submission of reserved matters)
2. Standard Outline condition (implementation of reserved matters)
3. Standard Outline condition (reserved matters submission time limit)

Planning Sub-Committee (Huddersfield Area) - 9 August 2018

4. Standard Outline condition (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

It was noted that the Committee requested that the applicants be advised that due to the number of applications that had been previously granted on the site the Committee would wish to see the site developed as soon as possible.

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

For: Councillors Bellamy, Eastwood, Griffiths, S Hall, Homewood, Lyons, Sims, Sokhal, Ullah and Uppal (10 Votes)

Against: (0 votes)

19 Planning Application - Application No: 2018/91685

The Sub Committee gave consideration to Planning Application 2018/91685
Erection of single storey rear extension 9, Clough Head, Slaithwaite Gate, Bolster Moor, Huddersfield.

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 condition
2. Development in accordance with approved plans
3. Materials to match existing dwelling
4. Permitted development rights removed for extensions and outbuildings.

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

Planning Sub-Committee (Huddersfield Area) - 9 August 2018

For: Councillors Bellamy, Eastwood, Griffiths, S Hall, Homewood, Lyons, Sims, Sokhal, Ullah and Uppal (10 Votes)

Against: (0 votes)

20 Planning Application - Application No: 2018/91722

The Sub Committee gave consideration to Planning Application 2018/91722
Erection of single storey rear extension and garage with store below 147,
Huddersfield Road, Meltham, Holmfirth.

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. 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.

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

For: Councillors Bellamy, Eastwood, Griffiths, S Hall, Homewood, Lyons, Sims, Sokhal, Ullah and Uppal (10 Votes)

Against: (0 votes)

21 Planning Application - Application No: 2018/91529

The Sub Committee gave consideration to Planning Application 2018/91529
Erection of single storey extension 12, Woodlea Avenue, Marsh, Huddersfield.

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. 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

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

For: Councillors Bellamy, Eastwood, Griffiths, S Hall, Homewood, Lyons, Sims, Sokhal, Ullah and Uppal (10 Votes)

Against: (0 votes)

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

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

LOBBYING

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

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

Lobbying

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

Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD)

Date: 20 SEPTEMBER 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.

Electoral wards affected: Colne Valley; Greenhead;

Ward councillors consulted: No

Public or private:

1. Summary

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

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

2.1 2017/62/93051/W - Erection of balcony enclosure to form conservatory at 34, Marsden Lane, Marsden, Huddersfield, HD7 6AF. (Officer) (Dismissed)

2.2 2017/62/93708/W - Erection of extensions and porch and alterations at 220, Birkby Hall Road, Birkby, Huddersfield, HD2 2BP. (Officer) (Dismissed)

3. Implications for the Council

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

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

4. Consultees and their opinions

Not applicable, the report is for information only

5. Next steps

Not applicable, the report is for information only

6. Officer recommendations and reasons

To note

7. Cabinet portfolio holder recommendation

Not applicable

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



Appeal Decision

Site visit made on 7 August 2018

by **Michael Moffoot DipTP MRTPI DipMgt**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2018

Appeal Ref: APP/Z4718/D/18/3201362

34 Marsden Lane, Marsden, Huddersfield HD7 6AF

- 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 Howard Selina against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2017/62/93051/W, dated 1 September 2017, was refused by notice dated 6 March 2018.
 - The development proposed is balcony enclosure to form conservatory.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises a mid-terrace, back-to-back, three-storey dwelling of stone construction under a slate roof. The existing first floor balcony to the front elevation of the property would be adapted and extended to provide a glazed conservatory constructed of powder coated aluminium with a slate-clad lean-to roof containing rooflights.
4. The character of the terrace derives in large part from the uniformity of dwellings and a general consistency of materials and arrangement of windows. A number of properties feature open balconies at first floor level. However, they are of visually lightweight construction and do not unduly compromise the linear form and rhythm of the terrace notwithstanding that No 38 includes enclosed accommodation beneath its balcony. I saw no similar extensions to properties in the terrace and none have been drawn to my attention.
5. Despite its predominantly glazed nature the proposed conservatory would be a significant addition to the dwelling. Although trees and other foliage within and on the boundary of the property would filter views of the extension it would be visible from localised viewpoints on the canal and adjacent towpath. From these vantage points it would be perceived as a visually assertive and discordant addition to the dwelling and wholly out of keeping with the linear uniformity of this traditional and attractive terrace, and particularly so during autumn and winter months when the greenery thins out.

6. Reference is made to the wider context of the site, including a social club to the south and modern bungalows to the north. The club is a substantial structure somewhat at odds with its surroundings whilst the bungalows are clearly modern additions to built development in the area and sit comfortably within their residential setting. These buildings do not individually or collectively compromise the character of the terrace of which the appeal property forms part, and do not therefore provide justification for the proposal.
7. For these reasons, I conclude that the proposed development would severely harm the character and appearance of the area. As such, it would conflict with those parts of saved Policies D2, BE1, BE2, BE13 and BE14 of the *Kirklees Unitary Development Plan* (2007) which seek to protect visual amenity and the character of an area and retain local identity by requiring proposals to be visually attractive and respect surrounding development in terms of design, scale and mass.

Other Matters

8. Reference is made to a "similar structure" at Peel One in the village's conservation area. However, I have not been provided with the location and details of this development or the balance of considerations which informed the decision to grant permission. Accordingly, I have confined my assessment to the planning merits of the case before me.
9. The proposal would not materially diminish daylight and sunlight to adjoining properties and concerns regarding overlooking of them could be largely addressed by the use of obscure glazing to the flank sides of the conservatory.

Conclusion

10. For the reasons set out above and having regard to all other matters raised, including some local support, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

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: 28 August 2018

Appeal Ref: APP/Z4718/D/18/3199106

220 Birkby Hall Road, Birkby, Huddersfield, HD2 2BP

- 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 Sultan Mahmood against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/93708/W, dated 25 October 2017, was refused by notice dated 25 January 2018.
 - The development proposed is a first floor extension and porch, raising height of existing conservatory to form first floor extension, alterations to existing garage to additional accommodation and new roof over swimming pool.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has referred to policies contained within the emerging Kirklees Local Plan which, although it is in the process of examination, has yet to be adopted by the Council. 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).
3. The Revised National Planning Policy Framework (the Framework) was published in July 2018, after the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the Revised Framework, and the subsequent comments submitted by the appellant on 8 August 2018, in reaching my decision.

Main Issues

4. The main issues in this appeal are:
 - the effect on the character and appearance of the appeal dwelling and its surrounding area; and,
 - the effect on the living conditions of neighbouring occupiers, and with particular regard to possible implications for privacy and outlook.

Reasons

Character and appearance

5. The appeal property comprises a detached house, located to the rear of 218 Birkby Hall Road and 218a Birkby Hall Road. The host dwelling is linked by its garage to 222 Birkby Hall Road. The property has benefitted from previous extensions, such as a rear conservatory, single storey rear extension, and indoor swimming pool with a glazed link. The property cannot be easily viewed from the pavement on Birkby Hall Road. Additionally, limited views of the rear elevation of the appeal dwelling can be seen on the footpath in front of 3 Rossefield Avenue.
6. Both parties have brought to my attention an earlier planning application (2016/62/91394/W), which was granted on 31 March 2017. This application is very similar to the appeal scheme. Both parties confirm the main difference between the approved application and the appeal scheme is the introduction of the first floor rear extension to extend the existing bedrooms.
7. In the current appeal scheme, the first floor rear extension would be sited where the conservatory is located, and above the existing kitchen extension. The scheme would not extend beyond the existing rear building line of the kitchen or conservatory into the garden, and would therefore be contained within the existing footprint of the dwelling. I consider that the addition of the first floor rear extension, in conjunction with the other elements of the scheme, such as the 2-storey side extension, replacement single storey rear extension, conversion of the garage, replacement of the swimming pool roof, and a new entrance porch, given the size of the dwelling and the size of the plot in which it is sited would not amount to a disproportionate addition to the host dwelling. The appeal scheme could be comfortably accommodated on the property without it becoming an incongruous feature.
8. Replicating design features present on the host dwelling, such as its fenestration and materials would be sufficient to allow it to assimilate, and compliment the appearance of the host dwelling. The scheme would still preserve the character and appearance of the host dwelling as the addition of a first floor extension in conjunction with the other extensions and alterations would be contained within the existing footprint of the dwelling. The roofs over the first floor rear extension would be hipped, which in turn would help to visually reduce the scale of the extension. This factor in conjunction with the amount of outside space being retained would be sufficient to prevent the host dwelling being over-developed.
9. There is no doubt that the scheme would result in the host dwelling being substantially extended, but for the reasons above, I do not consider that the extensions proposed are excessive in the context of the character and appearance of the existing house and its plot. The dwelling would not have a cramped appearance, as the plot size would still be sufficient to accommodate the additional development, with the outside space being unaltered. Accordingly, given that the host dwelling is not a frontage property and is located to the rear of existing dwellings, the scheme would not have any meaningful visual effect to the detriment of the surrounding area.
10. For all of these reasons it is thus concluded that the proposed development would not harm the character and appearance of the appeal dwelling and the

surrounding area, and therefore accords with Policy D2(ii, vi) which, amongst other things, requires proposals not to prejudice visual amenity or the character of the surroundings, and avoid over-development; Policy BE1(ii), which requires development to be visually attractive, and Policy BE2(i), which requires new development to be in keeping with its surroundings of the Kirklees Unitary Development Plan (Revised) 2007.

11. The proposal would also be consistent with paragraph 127 of the Framework, which, amongst other things, seeks to ensure that developments are visually attractive and are sympathetic to local character.

Living conditions

12. The Council has only raised this issue in respect of the first floor rear extension, and its effect on the living conditions of the occupiers of 3 Rossefield Avenue. I agree that none of the other elements of the scheme would harm the living conditions of neighbouring occupiers, or that any other neighbouring occupiers would be adversely affected by the scheme.
13. No 3 is a bungalow, and is sited on lower ground, when compared against the land levels of the host dwelling. The host dwelling does not have a particularly deep garden, and as a result the distance between the host dwelling and its rear boundary with No 3 is relatively short. The elevated position of the extended host dwelling compared to No3, would only accentuate the harmful effect of the scheme on the occupiers of No 3 by reason of its scale and massing.
14. The first floor element of the scheme would dominate the rear section of the neighbouring domestic garden, thus adding an excessive amount of development to the host dwelling. The resultant scale and massing of the extension would create a tall structure in close proximity to No 3, which would be intrusive and result in a significant harmful effect on the ability of neighbouring occupiers to enjoy their home. Additionally, due to its close proximity and elevated position, the proposal would overlook No 3, and in particular its garden. The ability to overlook this area of garden would result in a significant loss of privacy to the occupiers of this property.
15. For all of these reasons, I therefore conclude that the proposal would unacceptably harm the living conditions of neighbouring occupiers, with particular regard to privacy and dominance. This would conflict with the overall amenity and design aims of Policy D2(v) and Policy BE14 of the Kirklees Unitary Development Plan (Revised) 2007 which, amongst other things, seeks not to prejudice residential amenity, and to permit rear extensions that do not exceed 3m in overall projection.
16. Additionally, the proposal is not consistent with paragraph 127 of the Framework which, amongst other things, seeks a high standard of amenity for all existing and future users.

Other Matters

17. I have also had regard to various other matters raised by the appellant, including his need to develop a family home, energy efficiency, local demand, national space standards and disabled access/facilities, but on the evidence before me this does not outweigh the harm identified. He has also expressed

concern about the way that the Council handled the application, but this does not affect the planning merits of the case.

Conclusion

18. Whilst I have accepted that this scheme would not result in an adverse effect on character and appearance, I have also concluded that the proposal would have a detrimental effect on the living conditions of neighbouring occupiers. Therefore, as material considerations do not indicate that I should conclude other than in accordance with the Development Plan taken as a whole, the appeal is dismissed.

Wayne Johnson

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.

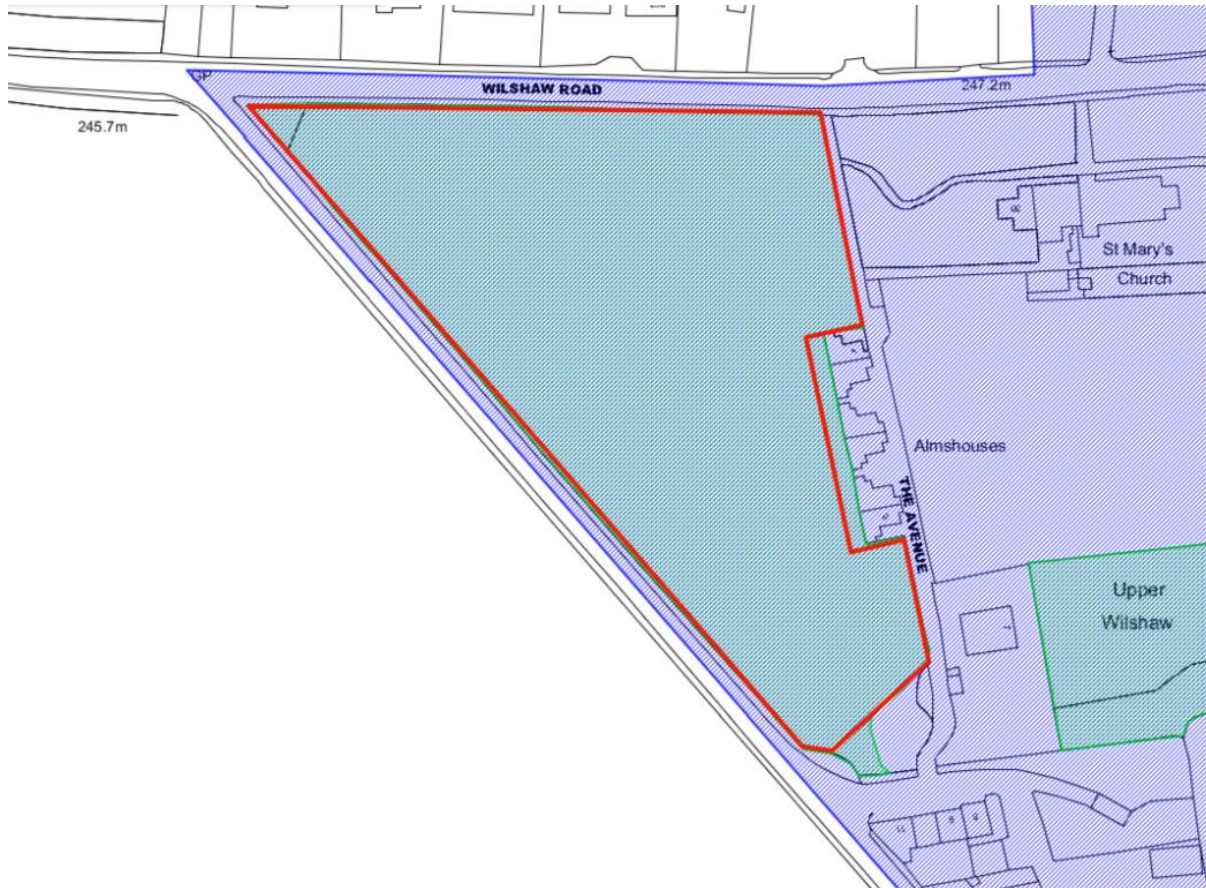
The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

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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LOCATION PLAN



- Approximate woodland boundary
- Conservation Area
- TPO

Map not to scale – for identification purposes only

Electoral Wards Affected:	Home Valley North
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RECOMMENDATION:

Approval of a tree work application.

1.0 INTRODUCTION:

1.1 Tree work application, Ref: 2018/92466 has been submitted which requests consent to carry out works within a woodland that is protected by a Tree Preservation Order and a local conservation area. Mr Walton, the applicant and land owner, is employed as an Arborist by Kirklees Council's Forestry section. Therefore, under the scheme of delegation, the matter can not be decided by officers. The decision must be considered by the relevant planning sub-committee.

2.0 SITE AND SURROUNDINGS:

2.1 The site is an area of woodland, approximately one hectare in size, located between Wilshaw Road, Wilshaw Mill Road and properties on The Avenue, Wilshaw, Meltham. The woodland is located within the local conservation area and is subject to Woodland 11 of Tree Preservation Order (TPO) ME1/57.

2.2 The woodland TPO designation lists deciduous trees as species which it protects, therefore it covers deciduous trees of all ages but does not cover evergreens. The conservation area then offers protection to any other trees that have a stem diameter over 75mm when measured at 1.5m from the ground, regardless of species.

2.3 The woodland is a mixture of mature trees with patches of very dense Holly understory in places, with other areas where the understory is sparse. The woodland abuts, and overhangs, Wilshaw Road and Wilshaw Mill Road along its north and west boundaries. It then overhangs residential gardens and a foot path along its eastern boundary.

3.0 PROPOSAL:

3.1 The application divides the woodland in to specific areas and requests consent to carry out multiple operations, some of which relate to trees which, because of their size and species (evergreen and below the 75mm size threshold), are not protected.

3.2 Works to trees protected only by the conservation area are as follows:

- Area A: remove 30% of Holly trees which are over 7cm in diameter.
- Area B: remove 50% of Holly trees which are over 7cm in diameter.
- Area C: remove 20% of Holly trees which are over 7cm in diameter.
- Area D: remove 10% of Holly trees which are over 7cm in diameter.

The objective is to leave specimen Holly trees and space for natural regeneration of deciduous trees and Yew trees.

3.3 Works to trees protected by the TPO are as follows:

- As required, remove lower branches to give 5.2m clearance over the highway for vehicles and 2.2m clearance over the highway for pedestrians.
- As a result of a legal condition attached to the sale of the woodland, a new boundary fence must be erected. To facilitate this, trees along the proposed fence line require lower branches removing to give 2.4m ground clearance. Along with this, some selected small deciduous saplings, under 7cm diameter, will need to be felled. Although it is the intention to work around trees where possible.

3.4 All work is to improve the woodland by thinning out dense patches of Holly trees to improve diversity and wildlife value. In addition the work is to maintain roadside trees for statutory clearances and facilitate the required boundary fence.

3.5 A copy of the application along with the plan, schedule of works and photos which supported the application, are included in the supporting papers.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 N/A

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

5.1 N/A

6.0 PLANNING POLICY:

6.1 N/A

7.0 PUBLIC/LOCAL RESPONSE:

7.1 No comments have been received.

8.0 CONSULTATION RESPONSES:

8.1 N/A

9.0 MAIN ISSUES

9.1 Consideration is to be given to the possible impacts on landscape value and the level of public amenity provided by the woodland, something the TPO seeks to protect. In addition consideration needs to be given to the possible impact on the character of the conservation area.

10.0 APPRAISAL

- 10.1 On appraisal of the application, Officers believe that the works are in line with good woodland management and routine maintenance of trees in relation to highways. It will improve safety for the road users and will aid more species diversification, along with better woodland structure over the long term.
- 10.2 There will be no significant visual impact as a result of the requested works. It will not have an adverse impact on the woodland as a landscape feature or on the public amenity that it provides. Neither will it have an adverse impact on the character of the conservation area.
- 10.3 Given that part of the aim of the works is to promote naturally regenerating trees that already exist within the wood, no replacement planting condition is proposed in this instances. Officers noted, during the site visit, that multiple new trees had already been recently planted in the areas where the understory is sparse.
- 10.4 In light of the small size of material proposed for felling, no felling license from the Forestry Commissions is required. Therefore, the matter can be dealt with by Kirklees under the tree work application process.

11.0 CONCLUSION

- 11.1 The requested work is in line with Planning Practise Guidance, good forestry practises and the Town and Country Planning (Tree Preservation)(England) Regulations, 2012

12.0 Officer Recommendations

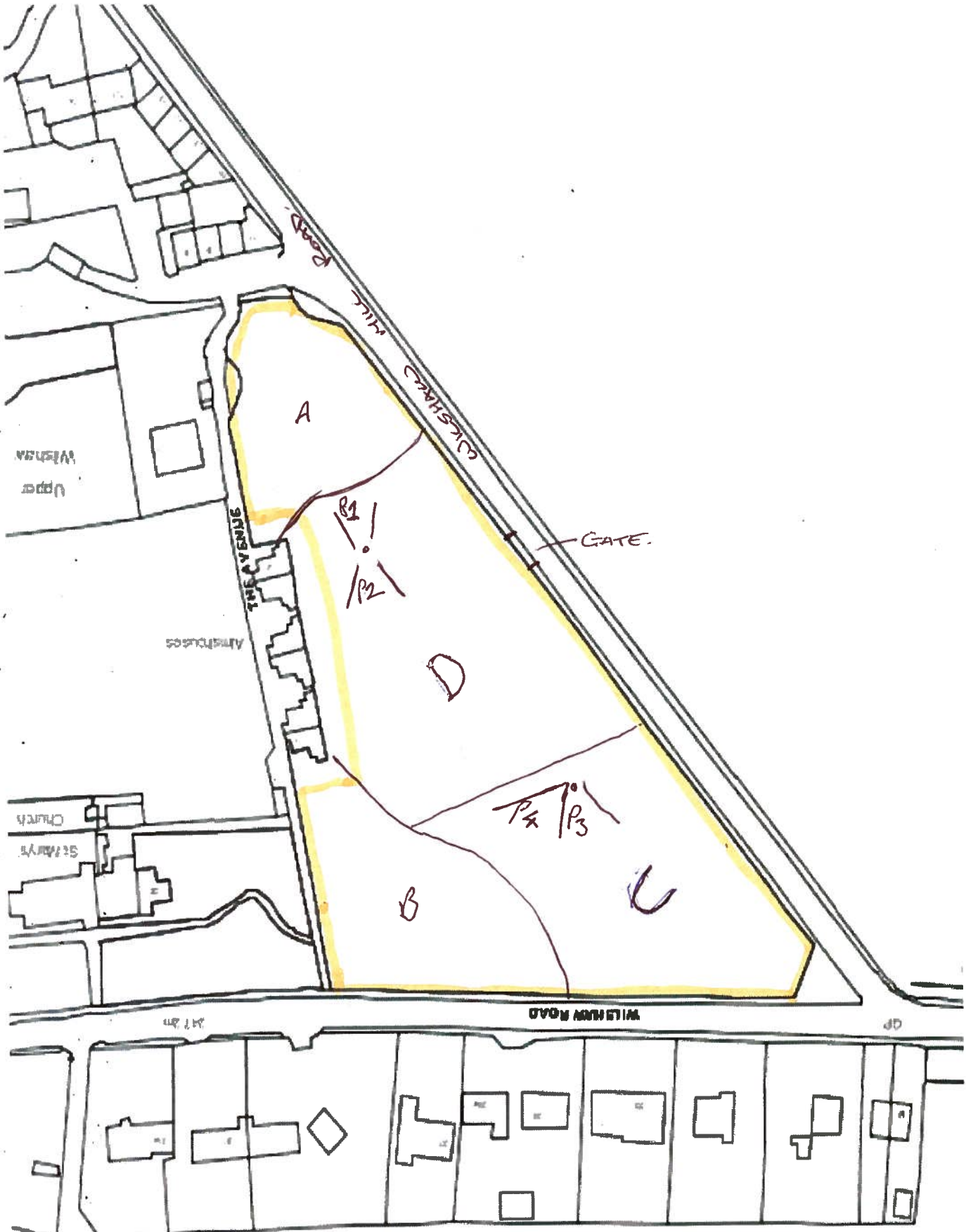
- 12.1 Officers recommend that the application be granted consent.

13.0 CONDITIONS

- (1) That all tree work shall be carried out in accordance with British Standard 3998: 2010 *Tree Work- Recommendations*
- (2) That branchwood shall not be burned on site
- (3) That ALL tree operations outlined in this notice be carried out within ONE year of the date of this notice. If for any reason such works are not completed within this period a new application must be made to the Council

Background Papers:

Supporting plan and photos.







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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Sep-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

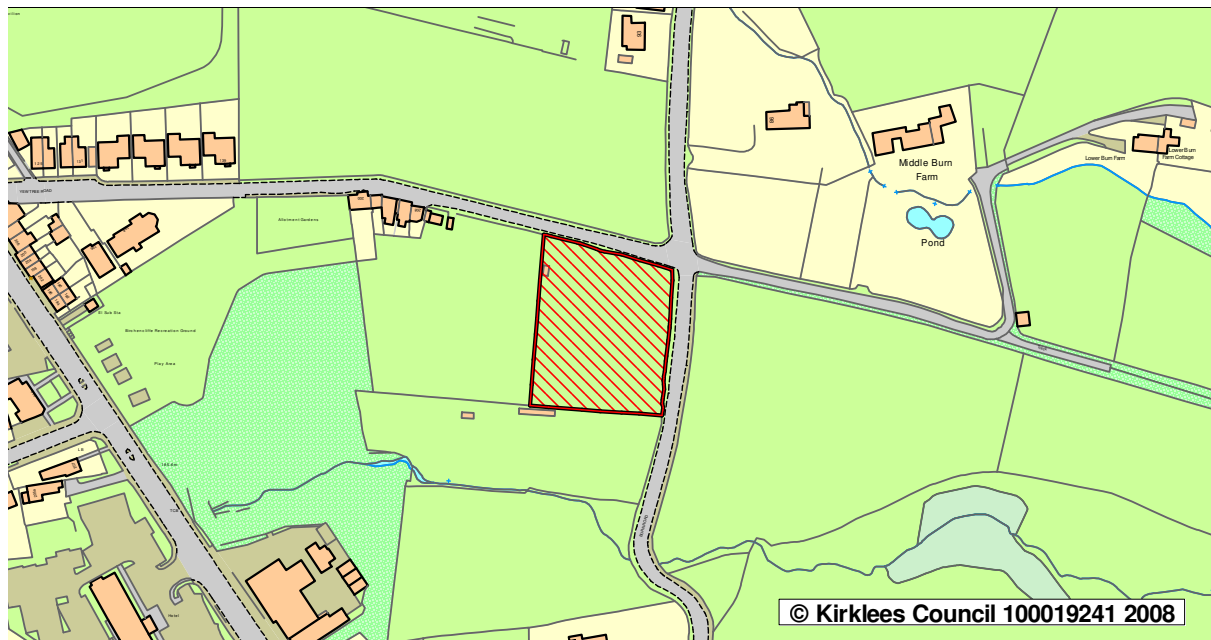
EXTENSION EXPIRY DATE

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. Education contribution
2. Affordable housing (20% of the total number of units on the site)
3. Public Open Space
4. 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 was deferred at the previous committee meeting to enable officers to bring back a report which includes a more detailed overview of how this site fits in with the bigger picture of development in the Yew Tree Road/Burn Road area. This includes reference to S106 issues that might affect the development including highway improvements and other S106 contributions, having regard to cumulative impacts and a piecemeal approach to development.
- 1.2 The application was originally 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
PLP5 – Masterplanning sites
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
- Overview of planned development within the area
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues (including planning history and cumulative highway impacts)
- 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.
- 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 PDLP has been through examination, the Local Plan has not yet been adopted and the council is therefore 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.

Overview of planned development within the area:

- 10.17 The site forms part of a large housing allocation within the Publication Draft Local Plan (PDLP). The gross site area is 16.8 hectares but the net site area is reduced to 12.91 hectares because the developable area is constrained. The indicative capacity of the allocation is 392 dwellings.
- 10.18 Planning permission for 95 dwellings (2017/90180) has been approved on a significant proportion of the allocation and this development is currently under construction. Outline consent for 4 dwellings has also been approved on a separate part of the allocation to the north east of the site (2016/90073).

- 10.19 The Sub Committee recently resolved to approve an outline application for residential development on the adjoining field to the west (2018/90151); this neighbouring application does not specify a total number of dwellings but officers estimate the capacity to be in the region of 10 units. The Sub Committee has also resolved to approve an outline application for 3 dwellings on another part of the allocation to the north east of the site (2016/90524).
- 10.20 A further outline application is being considered on the fields to the rear of the application site; this application indicates a capacity of 20 dwellings (2018/91838).
- 10.21 The above developments plus the 10 dwellings as proposed under the current application totals 142 dwellings and the combined area of all of these sites amounts to approximately 10 hectares of the 16.8 hectare allocation. This equates to 36% of the indicative capacity of the allocation on roughly 60% of the land.
- 10.22 Of the remainder of the allocation there are two relatively substantial swathes of land left over along with a number of small pockets of land. All of these areas are however constrained because of the presence of protected woodland or the proximity of listed buildings. It is to be noted as well that parts of the allocation already take in a small number of existing dwellinghouses as well as the road network which further reduces the amount of the developable part of the allocation that is left over.
- 10.23 Policy PLP5 of the emerging Local Plan relates to masterplanning sites. Masterplanning seeks to ensure that development is properly integrated with existing settlements and that local infrastructure and facilities for the wider area are expanded and enhanced. The policy sets out the objectives of masterplans and the policy justification sets out circumstances when a masterplan will normally be required. This includes multi-plot developments where there may be multiple landowners and it is important to co-ordinate the delivery of infrastructure and ensuring the place shaping principles and other policy requirements are met as set out in the plan.
- 10.24 There are unresolved objections to this policy, however, following the examination in public, modifications have been made to the policy which seek to address the unresolved objections. One of the amendments deals with piecemeal development. These modifications are currently going through public consultation. Unresolved objections would normally reduce the weight that can be afforded to an emerging policy but the proposed modifications allow the weight that that can be afforded to policy PLP5 to be increased.
- 10.25 There has not been a masterplan prepared for Housing Allocation H706 although almost half of the allocation has already been taken up with a single development of 95 dwellings across two large parcels of land. It is nevertheless considered appropriate for the proposal site and the two adjoining development sites to the south and west to be considered in the context of a 'masterplan' for this particular part of the emerging housing allocation. This is because together these three sites amount to a substantial part of the remaining allocation and fall within the definition of multi-plot developments within different ownership. A masterplanning approach to the design and layout of all three sites is relevant to ensuring the respective developments integrate with the surrounding area, as well as being relevant in the context of planning obligations.

Landscape character and urban design issues

- 10.25 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.
- 10.26 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.
- 10.27 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 development as well as new development planned within the immediate vicinity. This includes the fields to the south and west that are subject to separate outline applications and which officers consider should be assessed holistically as part of a masterplanning exercise for this part of the housing allocation.
- 10.28 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.
- 10.29 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

- 10.30 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.
- 10.31 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.

- 10.32 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.
- 10.33 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.
- 10.34 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.
- 10.35 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

- 10.36 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.
- 10.37 The size of the site is just below the threshold for public open space (POS) provision.

Housing issues

- 10.38 The site is allocated for housing in the emerging Local Plan and 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.

Highway issues

- 10.39 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.
- 10.40 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.

- 10.41 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. It is also considered that the Yew Tree Road/Burn Road junction should be provided with a 6m radii where the site abuts the junction. This can also be secured by condition and incorporated into the site layout to be approved as a reserved matter.
- 10.42 The application is considered to comply with Polices T10 and BE1 of the UDP and PLP21 of the emerging Local Plan.

Planning history and cumulative highway impacts:

- 10.43 The site forms part of a larger POL allocation/emerging housing allocation where planning permissions have previously been granted for residential development on a significant proportion of the allocation.
- 10.44 The first permission on this POL allocation was an outline consent for up to 190 dwellings (ref 2014/93039) on two parcels of land accessed from Yew Tree Road (one access) and Burn Road (two accesses). A suite of highway works were required including:
- a) Capacity and safety improvement of the Burn Road / Grimescar Road junction: Increase visibility along Grimescar Road.
 - b) Capacity and safety improvement of the Grimescar Road / Brighthouse Road junction: Increase entry junction radii and width to Grimescar Road
 - c) Capacity and safety improvement of the A629 Halifax Road / Yew Tree Road junction; Increase visibility along Halifax Road.
 - d) Widen Yew Tree Road along site frontage and provide footway.
 - e) Change Burn Road priorities making 'one way' from Halifax Road for approximately 150m.
- 10.45 In addition to the above, financial contributions towards improvements to the A629 Halifax Road and a residential travel plan (including Metro Cards) were required.
- 10.46 The constraints of the aforementioned site meant that the developer (Harron Homes) was unable to accommodate anywhere close to 190 dwellings and so a full application was submitted for 95 dwellings on the same parcels of land and with the same points of access (ref: 2017/90180). As part of the permission the developer was still required to provide all of the highway improvements that were necessary for the 190 dwelling scheme, as listed at points a) to e) above, along with commensurate financial contributions towards improvements to the A629 Halifax Road and a residential travel plan (including Metro Cards).
- 10.47 The development approved under application 2017/90180 is under construction and the current position in relation to the secured highway works is that S278 agreements with the Council for the delivery of the highway works are in place and are/will be constructed as the development is being built out.

10.48 There are also a number of permissions/proposals for much smaller residential developments on other parts of the POL/emerging housing allocation. These are:

2016/90073 – Outline consent for 4 dwellings on land diagonally opposite the site (access and layout approved). The site would be accessed off Burn Road via an existing private shared driveway.

2016/90524 – Outline application for 3 dwellings on land to the north east of the site. The Sub Committee resolved to approve the application subject to further consultation with the Coal Authority. The site would be accessed off Yew Tree Road (Bridleway) east of its junction with Burn Road.

2018/90151 – Outline application for residential development on the adjoining field to the west of the site. The Sub Committee has previously resolved to approve this application. Access was the only matter considered with the access being a single point of access off Yew Tree Road. Officers estimate the capacity of the site to be circa 10 dwellings. A financial contribution to the A629 Halifax Road improvement scheme is to be provided.

2018/91838 - Outline application for access only. The site lies to the rear of the current application site and is proposed to be accessed via two access points off Burn Road. The application is currently under consideration and will be reported to the Sub Committee at a future date. The application indicates 20 dwellings on the site.

10.49 To summarise the cumulative impacts of the above developments, the initial application for 190 dwellings on a significant proportion of the POL/emerging housing allocation undertook a robust modelling analysis of the local highway network which identified the highway works set out in paragraph 10.44. The subsequent approval for 95 dwellings on the same land provides for the same highway works. This essentially leaves a residual of 95 dwellings which was assessed within the initial highway modelling.

10.50 Taking into account the total number of dwellings associated with the planning proposals/permissions set out in paragraph 10.48 along with the 10 dwellings as proposed within the application now under consideration, this results in a total of 47 dwellings. When this is added to the 95 houses already under construction it gives a cumulative total of 142 dwellings on the allocation. As such there is still highway capacity for a further 48 dwellings based on the original 190 dwellings analysis.

10.51 In addition to the above, a 'West Yorkshire Local Transport' funded scheme is being promoted for the extensive improvements along the A629 Halifax Road corridor at the following locations:

- **Blacker Road / New North Road / Edgerton Road / Edgerton Grove Road junction (Blacker Road Jct):**
Widening will be carried out along New North Road, Edgerton Road and Blacker Road to provide more traffic lanes approaching the junction.
- **Halifax Road / Birkby Road / East Street junction (Cavalry Arms Jct):**
Birkby Road will be re-aligned to remove the wide stagger.

- **Between Cavalry Arms Jct and Birchencliffe Hill Road:**
Propose to remove parking from both sides of the road to improve traffic flow and enable footways to be used safely.
- **Yew Tree Road to Ainley Top roundabout (Ainley Top):**
 - Lengthening the approach lanes to the roundabout from Yew Tree Road
 - A new signal controlled left slip to bypass the roundabout for traffic travelling to the M62
 - Dedicated northbound cycle lane (Yew Tree Road to roundabout)

10.52 The proposed development will provide a contribution towards the improvements to this main arterial route.

Flood risk and drainage issues

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

10.54 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

10.55 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:

10.56 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.....”

10.57 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.

10.58 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.

10.59 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

10.60 The quantum of development and the size of the site are such that the development does not meet the trigger for affordable housing, public open space or education contributions. Nevertheless, it is considered reasonable to take into account the wider context of the site when assessing relevant planning obligations.

10.61 The site forms one of a group of three adjoining fields that are all subject to separate outline applications for residential development. These fields form a distinct and self-contained part of the emerging housing allocation, separated from adjacent development land by Yew Tree Road and Burn Road. Together these fields comprise approximately 12% of the emerging housing allocation.

10.62 Development on these three fields could reasonably result in 40 dwellings and considerably more if the PDLP minimum density requirement of 35 dwellings per hectare were to be applied.

10.63 On their own the three developments would not trigger an education contribution, however taken together the developments are extremely likely to exceed the 25 dwelling threshold in regard to Education contributions. Affordable housing and POS provision would also apply to the proposal if the other two developments are taken into account.

10.64 The three applications represent a piecemeal approach to development on this part of the allocation and as a consequence normal planning obligations would either not apply or would apply at a lesser rate. The potential also exists for there being three permissions which could ultimately be built out by a single developer without an education contribution and with reduced affordable housing and POS contributions.

10.65 It is recognised that these three sites are in different ownership and that they are not reliant on one another for access and can be built out independently. However, as set out at paragraphs 10.23-10.25, Policy PLP5 (as modified) of the emerging Local Plan takes into account piecemeal development and enables the council to co-ordinate the delivery of infrastructure through the masterplanning of allocated sites such as this.

10.66 Officers are therefore of the opinion that it is in the public interest to calculate contributions based on there being development on the two adjoining fields that are subject to live outline planning applications, with a mechanism within the S106 to deliver a proportionate contribution towards education, affordable housing and POS.

- 10.67 The modification to Policy PLP5 post-dates the previous committee meeting when the application was deferred. It also post-dates the consideration by the Sub Committee of planning application 2018/90151 on the adjoining field to the west; given that the decision notice has not yet been issued for this neighbouring application planning obligations will be reassessed in light of the masterplanning of this part of the housing allocation.
- 10.68 It is also 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.
- 10.69 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

- 10.70 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:

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). Education has been addressed within the planning obligations section of this report.

Other Matters

- 10.71 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.
- 10.72 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.
- 10.73 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 integrates with the existing area and new planned development in the immediate vicinity. Subject to consideration of the reserved matters residential amenity would be protected. 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: 20-Sep-2018

Subject: Planning Application 2018/90912 Reserved matters application pursuant to outline permission 2015/91093 for erection of residential development (17 dwellings) (within a Conservation Area) Land Off, Hollyfield Avenue, Quarmby, Huddersfield

APPLICANT

Stephen Holman, Yelcon
Ltd

DATE VALID

19-Mar-2018

TARGET DATE

18-Jun-2018

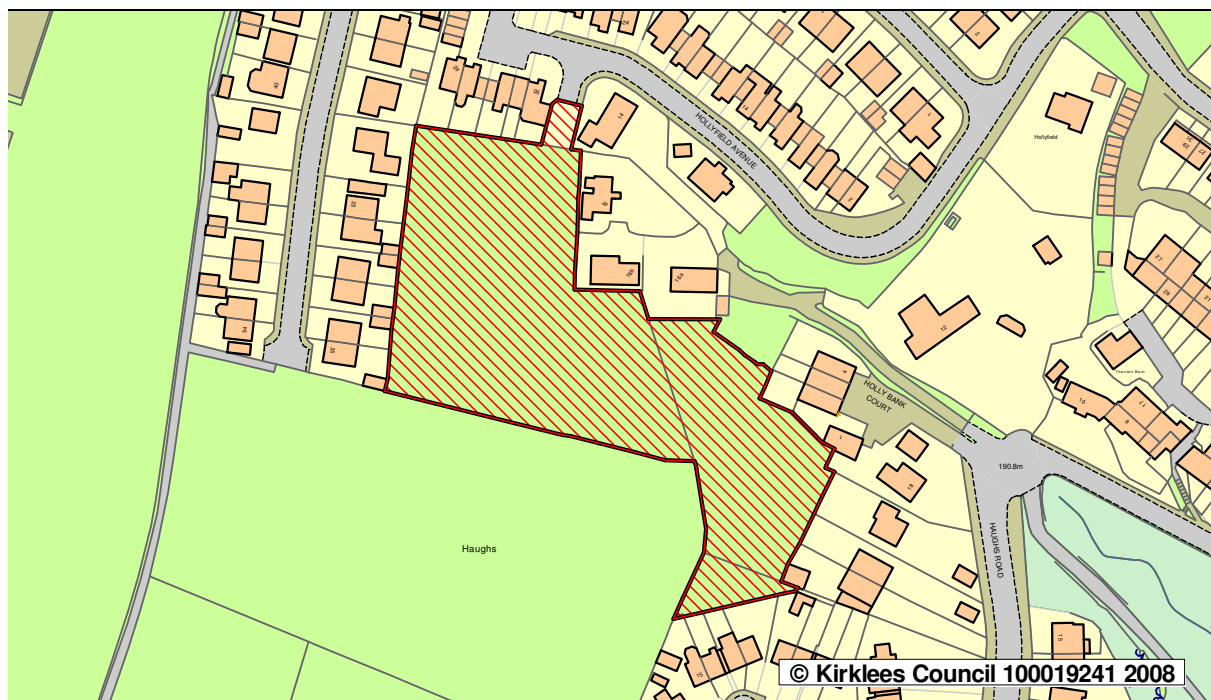
EXTENSION EXPIRY DATE

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: Lindley

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 This application is brought to the Huddersfield Planning sub-committee for determination due to the significant volume of public opinion received.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is located approximately 3 kilometres west of Huddersfield town centre on the periphery of Quarmby. The site is approximately 0.77h in area and forms a small part of a much larger area of Provisional Open Land (POL) which lies south of the application site. The site is green field in character close to an area which is predominantly residential in character. Residential properties border the site to the north, east and west with open land to the south. The site lies within the Quarmby Fold Conservation area and a Grade II listed building now known as 2 – 4 as Holly Bank Court is located close to the eastern boundary of the site.

3.0 PROPOSAL:

3.1 This is a reserved matters submission which originally sought consent for the erection of 20 dwellings under the provisions of outline planning permission 2015/91093. However, following negotiations with the Council this was amended to the provision of 17 dwellings.

3.2 The site would be accessed via Hollyfield Avenue and the dwellings would be served by an internal estate road.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Outline planning permission (2015/9109) for the erection of a residential development within a Conservation Area was approved in relation to this site on 08.12.2015. The application currently being considered therefore seeks approval of the matters reserved as part of that outline approval. These are: appearance, scale, layout and landscaping. In addition, conditions 8 and 20 of the outline permission require specific details of landscape and drainage to be included within the submission of reserved matters. These are considered in the appraisal below.

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

5.1 During the assessment of this application the following revisions to the original scheme have been achieved:

- Amendments to the site layout to ensure adequate easements have been secured in the proximity of existing drainage infrastructure crossing the site.
- Re-siting of plot 14 to reduce impact on listed building adjacent the site
- Amendments to access arrangements
- Submission of landscaping detail and ecological enhancement
- Additional drainage details

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.

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

D5 – Provisional Open Land
BE1 – Design principles
BE2 – Design of new development
BE12 - Space about buildings standards
BE5 – Conservation areas.
H10 - Affordable housing provision
H12 – Arrangements for securing affordable housing
H18 – Provision of open space
G6 - Development having regard to contamination
EP11 – Incorporation of integral landscaping scheme which protects or enhances ecology
T10 - Highway safety considerations
T19 - Parking standards

6.3 Kirklees Publication Draft Local Plan

- 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:

- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topic 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 originally advertised by site notice, neighbour notification letters, and by Press Advert. However, amended plans have been received in connection with this application involving further publicity. This has resulted in the receipt of 22 individual representations. Details of publicity periods, the issues raised as a result and associated response are summarised as follows: Original publicity expired on 26 April 2018 (21days)

Second round of publicity relating to amended site layout expired on 23 August 2018 (21 days)

Third round of publicity relating to re-siting of plot 14 expired on 10 September 2018 (10 days)

Two representations were received following the third round of publicity reiterating original concerns submitted on:

Rep. 1 15 April 2018

Rep.2 14 May 2018

Summary of issues raised:

- Plot 8 is too close to 16b Haughs Road and given the level changes it will have an overbearing effect on this existing dwelling.
- The original outline submission indicated that areas of land close to existing properties would be left undeveloped and could potentially be gifted to the occupiers of those dwellings.
- The drainage proposals included with the application cannot be implemented as they involve a breach of an existing agreement with the Council and a third party landowner.
- Due to the level changes from the site to the surrounding land the privacy of existing properties would be adversely affected.
- The development would result in noise levels in the area increasing which would have a detrimental impact on existing residents.
- The proposal would adversely affect the setting of the nearby listed building.
- Highway safety in the vicinity of the site will be compromised.
- Surface water will drain towards the eastern area of the site and discharge onto the existing properties. This will exacerbate existing problems.
- The proposal could affect the stability of existing retaining structures.
- This proposal would have an adverse impact on local wildlife.
- The value of properties in the area will be adversely affected.
- Previous applications in the area have been refused due to their adverse impact on the conservation area.
- The proposed development may act to channel wind towards existing properties
- The proposed access would adversely affect the occupants of 14 and 50 Hollyfield Avenue.
- Use of this access could undermine the foundations of the adjacent properties.
- The proposal would result in the loss of two mature trees which are at present located at the proposed site access.
- Local schools doctors and dentists do not have the capacity to cope with any further house building in the area.
- This is Green Belt land and should not therefore be developed.
- The turning head on Hollyfield Avenue is used as a parking area and will be lost if this development proceeds.
- Residents were not advised about this application and have not had sufficient time to respond
- Brownfield sites should be developed before this green field site is considered
- The loss of this open space will detrimentally affect the character of the conservation area

- An increase in the housing stock in Quarmby is not needed as 300 houses have been built recently in Lindley with further houses planned in the near future
- This proposal does not consider the affect this development would have on 12 Haughs Road which is also a Grade II listed building.

7.2 Ward Members were consulted with regard to this proposal. Cllrs C Burke and R Eastwood submitted a joint representation to this proposal which reads as follows:

“We wish to express our concerns and objection to the reserved matters planning application (2018/61/90912/W), which entails the construction of 20 houses on land off Hollyfield Avenue, in Quarmby.

As ward councillors, a number of residents have contacted us to voice their concern with the reserved matters planning application. This includes residents who live on a property on Haughs Road, adjacent to the application site boundary. We have been made aware about a letter sent to Kirklees Planning department from Storrie Planning, in connection with this property. The letter references the Design and Access Statement, which was submitted as part of the outline planning application, and which identifies properties at risk of loss of amenity as a result of the development and the need to ‘protect the residential amenity of the identified properties.’

While the Design and Access Statement identifies issues which need to be addressed as part of the reserved matters planning application, we agree with Storrie Planning that there has been a failure to do so. The boundary of the development is now closer to the aforementioned property on Haughs Road. As well as being too close to the existing property, we also agree that the adjacent plot’s higher elevation would be overbearing and could significantly reduce light levels.

Given that there is already conditional outline permission, we recognise that the principle of development has been granted. However, we believe that the existing proposal is not currently acceptable, as it will negatively affect residents living in the area, resulting in a loss of residential amenity and adversely affecting living conditions for some existing residents. In particular, we are concerned with the changes in the design as part of the reserved matters planning application, and also believe that there needs be greater consideration about the issues raised in the Design and Access Statement.

Consequently, we support local residents in requesting changes to the design of the development. We believe that the planning application needs to be amended before it can be considered acceptable.”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways – No objection subject to the inclusion of planning conditions which require:

- Details of the junction works between the proposed estate road and Hollybank Avenue.

- A scheme detailing proposed adoptable roads.
- Details of storage and access for the collection of wastes.
- Details of contractors parking, loading and unloading arrangements.
- A scheme detailing design of retaining walls adjacent to existing/proposed adoptable highways.
- Details of proposed culverts/surface water attenuation tanks within the proposed adoptable highway.

K.C. Conservation and Design – No objection

8.2 **Non-statutory:**

K.C. Biodiversity Officer – No objection – Final comments to follow

K.C. Environmental Services – No objection subject to planning conditions which require:

- Measures to deal with any site contamination not previously identified
- The installation of electric vehicle charging points

Lead Local Flood Authority – Verbally agreed proposed surface water drainage arrangements and flood routing. Final comments to be included in committee update

K.C. Public Rights of Way – No objection

K.C. Landscape – No objection subject to a financial contribution towards the provision off-site Public Open Space

Yorkshire Water – No objection

West Yorkshire Police Crime Prevention – No objection

9.0 **MAIN ISSUES**

- **Principle of development**
- **Layout, including drainage matters within condition 20 of the outline planning permission**
- **Scale**
- **Appearance**
- **Landscaping, including matters contained within condition 8 of the outline permission**
- **Other matters including representations not addressed in the report. (Glenn you can also use this section to explain why S106 matters aren't for discussion)**

10.0 APPRAISAL

10 Principle of development –

10.1 The principle of development on this site has already been established as has the access via the previous grant of outline planning permission and this application seeks the approval of layout, scale, appearance and landscaping as reserved matters.

10.2 Given the issues above and that the site has the benefit of an extant outline planning permission for housing, 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. (Suggest Delete as principle dealt with)

10.3 Layout

10.4 The site is an irregular shape, has only one point of access and involves level changes which generally fall from west to east. These constraints therefore limit the layout design.

10.5 UDP Policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows. In this instance, separation distances would exceed the minimum distances specified in the above policy both with regard to surrounding residential properties as well as within the site. The layout of the development has been designed to balance the constraints of the site and to provide some visual interest within the street scene whilst safeguarding residential amenity.

10.6 The topography of the site sees changes in levels both across the site and in relation to the existing surrounding ground levels. In order to deal with these level changes it is proposed to cut material from the western part of the site and fill the eastern area. Retaining walls would then be constructed to the rear of plots 7,11,12,13,14,15,16 and 17 and between plots 7-10 and 11, 12 and 13.

10.7 The resultant site levels will be such that the new dwellings at the northern and eastern edges of the site will be set at a higher level than the existing dwellings off Holly Bank Court and Haughs Road. This would be more pronounced towards the area of the site close to the boundary with 1 Holly Bank Court and 2 – 4 Hollybank Court which is a Grade II listed building and which are themselves set into the surrounding land. However, it is considered that whilst the level of the new houses will be higher than the existing properties, this arrangement is not unusual in this location due to the existing local topography which sees a number of houses in the vicinity accommodated on land exhibiting significant changes in levels.

10.8 Section 66 (1) of the Listed Buildings Act states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. In terms of conservation areas Section 72 (1) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 10.9 Paragraphs 193 and 194 of the NPPF indicate that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 10.10 The site is located within the Quarmby Fold Conservation area and a listed building immediately abuts the site. Consequently it is important to ensure that this proposal respects the setting of both these heritage assets.
- 10.11 The applicant has provided Heritage Impact Assessment (HIA) in support of this proposal which indicates that this proposal would cause less than substantial harm to the significance of the Grade II listed stables to the former farm at Holly Bank (and associated non-designated former farm buildings) and the Quarmby Fold conservation area. However, the HIA concludes that this harm is significantly limited by the nature of the Conservation Area, patterns of previous development and the shape of the land and that the benefit of providing 17 new dwellings outweighs the limited impact on the significance of the affected heritage assets.
- 10.12 Paragraph 196 of the NPPF indicates that where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 10.13 Whilst Officers agreed that this proposal would not have a significant impact on the setting of the Conservation Area, it was considered that the impact on the adjacent listed building required further consideration. The applicant has therefore revised the siting of plot 14 to move it further away from the boundary with the aforementioned listed building. This revision to the original proposal satisfactorily addresses Officer's concerns. Consequently it is considered that this proposal accords with UDP policy BE5, KPDLP policy PLP35 and Section 16 of the NPPF with regard to its effects on local heritage assets.
- 10.14 The proposed site access would be via an existing highway which currently terminates between two properties on Hollybank Avenue (14 and 50). The adjacent elevation of no. 14 is set back from the edge of the existing highway and screened up to a height of approximately 1.8m by a wooden fence. An upstairs window on this elevation currently overlooks this area. The gable wall of no. 50 is currently a blank elevation although upstairs windows on the front and rear elevations of this property would overlook this access point. Having said this, the access would serve what would be a relatively small site which is effectively a cul-de-sac and traffic levels generated would not be excessive.
- 10.15 It is acknowledged that the outlook of the existing dwellings surrounding this site and the residential amenity of the area will be affected by this development. However, as previously stated the separation distances required under policy BE12 of the Kirklees UDP have been complied with and it is considered that the associated impact on the residential amenity of the occupiers of the surrounding dwellings resulting from this layout design will be relatively modest. Therefore a refusal of this application on these grounds is not considered justified.

- 10.16 The route of existing drainage Infrastructure crossing the site has been identified and the layout has been designed to avoid this route and to provide satisfactory easements.
- 10.17 The applicant has provided satisfactory detailed schemes relating to the management of foul/ surface water drainage and has indicated the direction of flow of surface water in the event of flood exceedance conditions. Separate systems for foul and surface water would be provided and the design of the surface water system indicates a maximum discharge rate of 3l/s.
- 10.18 In light of the above, officers therefore consider that the revised layout of this proposal would be acceptable and therefore accords with UDP policy BE12, KPDLPLP24 and Sections 12, 15 and 16, of the NPPF.

Scale and Appearance

- 10.19 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 distinctiveness.
- 10.20 This proposal includes a variety of house designs albeit predominantly involving detached properties. However the development would include a block of three town houses (Plots 8 to 10).
- 10.21 The proposed house designs can be summarised as follows:
- Plots 1, 12, 14 and 15 (Sandringham) – four bedroomed detached dwelling incorporating a pitched roof design and a detached single garage
- Plots 2,3,4,7 and 11 Laurel - four bedroomed detached dwelling incorporating a pitched roof design and a detached single garage
- Plots 5 and 16 Lilac - Three bedroomed detached incorporating a pitched roof design and a detached single garage
- Plots 6 and 17 Harewood – Double fronted four bedroomed detached dwelling incorporating a pitched roof design and a detached garage
- Plots 8, 9 and 10 Affordable – Two bedroomed town house incorporating a pitched roof including off street parking areas.
- Plot 13 Buckden – Four bedroomed detached dwelling incorporating a pitched roof design and an integral garage.
- 10.22 The applicant has confirmed that as this site is located within the Quarmby Fold Conservation Area, the development would be constructed using natural stone and natural roofing materials to harmonise with existing buildings. The final details of these construction materials will be approved via an appropriately worded planning condition.

- 10.23 With regard to density, paragraphs 122 and 123 of the NPPF highlight the importance of development making efficient use of land. This proposal involves a site area of approximately 0.77ha. which represents a development rate of approximately 22 dwellings per ha. Whilst this rate is generous, this proposal has reduced in size as a result of on site constraints and negotiations with officers regarding the site layout. Bearing in mind the site is located within a Conservation Area, Officers consider that the development rate reflects that of its immediate surroundings and is therefore acceptable in this instance.
- 10.24 Taking the above into account, the proposal is considered acceptable by officers with regard to its design and the associated impact on the visual amenity and is therefore in accordance with the aims of Policies BE1 and BE2 of the UDP, Policy PLP24 of the KPDLP as well as the aims of the NPPF.
- 10.25 Landscape
- 10.26 As the site exceeds 0.4 ha., it should either provide an element of Public Open Space (POS) or if this cannot be achieved then a financial contribution which can be used towards off site POS provision.
- 10.27 The site provides limited opportunity to provide landscaped areas or POS. The applicant has submitted a landscape maintenance and planting plan which indicates areas within the site which can be planted including street scene planting utilising front garden space. Whilst this proposal includes elements of planting and landscaped areas, it does not include any designated Public Open Space. Consequently it is proposed to require the submission of an off-site contribution via a planning obligation in accordance with condition 6 of the outline planning permission. This contribution has been calculated as being £90,101.
- 10.28 Ecological issues
- 10.29 The original outline planning application 2015/91093 was supported by an ecological survey which established that the site is of very limited ecological value. Whilst it is acknowledged that this proposal would have some limited impact on local ecology, the applicant has provided details to enhance biodiversity including the erection of bat and bird boxes, measures to encourage hedgehog connectivity and the inclusion of native hedge and tree planting. These measures are in line with the advice contained in the ecological assessment supporting the original outline planning application.
- 10.30 Officer's consider that subject to the provision of the above enhancements to biodiversity, this proposal would accord with KPDLP policy PLP52 and Section 15 of the NPPF.

10.31 Representations

Plot 8 is too close to 16b Haughs Road and given the level changes it will have an overbearing effect on this existing dwelling.

Response: Following negotiations with Officer's and as a result of site constraints, Plot 8 has been moved further away from the site boundary with 16b Haughs Road and a single storey garage has now been sited between the new and the existing dwelling. Whilst it acknowledged that the dwelling on plot 8 will be higher, it is considered that the separation is sufficient to mitigate the impact.

The original outline submission indicated that areas of land close to existing properties would be left undeveloped and could potentially be gifted to the occupiers of those dwellings.

Response: Whilst this was indicated within the original outline submission, full planning permission was not sought at that time and the layout proposed was indicative. The proposed layout submitted as part of this reserved matters application is considered to be acceptable albeit different from the indicative layout previously approved.

The drainage proposals included with the application cannot be implemented as they involve a breach of an existing agreement with the Council and a third party landowner.

Response: The proposed drainage arrangements indicate that a surface water and combined sewer will be provided which links to existing infra-structure outside the site via land within the control of the applicant.

Due to the level changes from the site to the surrounding land the privacy of existing properties would be adversely affected.

Response: Although some of the proposed dwellings would be sited at a higher level than existing houses on the northern and eastern boundaries of the site, the orientation of the proposed dwellings is such that direct views from these dwellings into those existing would be minimised. Views from the gardens of the proposed properties would be mitigated by the proposed boundary treatment.

The development would result in noise levels in the area increasing which would have a detrimental impact on existing residents.

Response: It is likely that increased noise levels would be generated during the construction phase of the development. However, this would be for a temporary period only and occur during normal working hours. It is anticipated that once the dwellings are fully occupied noise levels will be related to activities associated with any residential development and will not therefore add significantly to the existing noise climate.

The proposal would adversely affect the setting of the nearby listed building.

Response: See 'Layout' Section of this report

Highway safety in the vicinity of the site will be compromised.

Response: See “Layout” section of this report

Surface water will drain towards the eastern area of the site and discharge onto the existing properties. This will exacerbate existing problems.

Response: The proposed surface water drainage measures and flood routing have been reviewed by the Lead Local Flood Authority and Yorkshire Water and are considered to be satisfactory

The proposal could affect the stability of existing retaining structures.

Response: Ensuring the stability of adjacent land during development is the responsibility of the land owner/developer.

This proposal would have an adverse impact on local wildlife.

Response: See “landscape section of this report

The value of properties in the area will be adversely affected.

Response: This is not a material planning consideration and cannot therefore form part of the assessment of this application.

Previous applications in the area have been refused due to their adverse impact on the conservation area.

Response: Other than the previous outline planning permission this site has no other relevant planning history. Two planning application were refused on small sites in the vicinity. However, planning applications are considered each on their merits. In this case it is considered that the proposal is acceptable.

The proposed development may act to channel wind towards existing properties which could adversely affect their occupants

Response: Whilst it is acknowledged that wind patterns may change, it is unlikely that they will change to the extent that it would result in significant adverse impacts particular given the scale of building being proposed.

The proposed access would adversely affect the occupants of 14 and 50 Hollyfield Avenue.

Response: See “Layout” section of this report

Use of the proposed access could undermine the foundations of the adjacent properties.

Response: Ensuring the stability of adjacent land is the responsibility of the developer who it must be assumed will take adequate measures to protect the stability of land. The Geo-environmental report supporting this application does not indicate any significant concerns regarding existing ground conditions at the site.

The proposal would result in the loss of two mature trees which are at present located at the proposed site access.

Response: The trees referred to are self-seeded semi-mature specimens which, although appear to be thriving, are not in ideal condition. Bearing in mind the site will include the planting of native trees close to these existing trees as part of the proposed landscaping scheme, it is considered their loss is acceptable.

Local schools doctors and dentists do not have the capacity to cope with any further house building in the area.

Response: There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health service. 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) and ultimately is a matter for the Health Authority.

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.

This is Green Belt land and should not therefore be developed.

Response: This site is identified as Provisional Open Land in the Unitary Development Plan but it does not fall within the Green Belt. Green Belt policies do not therefore apply in this case.

The turning head on Hollyfield Avenue is used as a parking area and will be lost if this development proceeds.

Response: Whilst this turning head may be used in this way, it was not designed to provide additional parking. This proposal is considered to provide adequate off-street car parking which is in accordance with the Council's policy

Residents were not advised about this application and have not had sufficient time to respond

Response: See "Public/Local response" section of this report

Brownfield sites should be developed before this green field site is considered

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, indeed Planning Policy does not restrict Greenfield development. 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 loss of this open space will detrimentally affect the character of the conservation area.

Response: The loss of this open space will have an effect on the area. However, it is considered that this will be limited and the character of the conservation area will therefore not be significantly affected bearing in mind the existing built environment in the vicinity.

An increase in the housing stock in Quarmby is not needed as 300 houses have been built recently in Lindley with further houses planned in the near future.

Response: See "Principle of development" section of this report.

This proposal does not consider the affect this development would have on 12 Haughs Road which is also a Grade II listed building.

Response: 12 Haughs Road is approximately 45m from the boundary of this site and sited within extensive grounds. The setting of this building has changed over time as a result of other development in the area. Bearing this in mind, it is considered that this development would not have an additional significant impact on this building or its setting to the extent that refusal of this application would be justified.

10.44 Planning Obligations

10.45 Prior to commencing development at this site the applicant will need to enter into a Section 106 agreement to provide the following:

- A financial contribution towards the provision of off-site POS
- The satisfactory provision of 20% on site affordable housing

However, members should note that these issues do not form part of the assessment of this reserved matters application and will be dealt with under the provisions of conditions 5 and 6 of the original outline planning permission.

11.0 CONCLUSION

11.1 The proposals put forward in this reserved matters application are considered to be acceptable and officers consider the design of this development is of sufficient quality to ensure that this proposal would not have a significant adverse impact and therefore preserves the character and setting of the Quarmby Fold Conservation Area.

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

1. Development to be carried out in accordance with approved plans
2. Samples of materials to be submitted and agreed (including retaining structures)
3. Highways conditions dealing with
 - junction works between the proposed estate road and Hollybank Avenue.
 - proposed adoptable roads
 - storage and access for the collection of wastes
 - contractors parking, loading and unloading arrangements
 - design of retaining walls adjacent to existing/proposed adoptable highways.
 - proposed culverts/surface water attenuation tanks within the proposed adoptable highway.
4. Implementation of biodiversity enhancement measures indicated on approved drawings
5. Potential drainage conditions to be included in update if required.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90912>

Certificate of Ownership – N/A

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Sep-2018

Subject: Planning Application 2017/94120 Reserved Matters application for erection of 2 dwellings pursuant to outline permission 2015/92993 for erection of residential development land off, Butt Lane, Hepworth, Holmfirth, HD9 1HT

APPLICANT

Acumen

DATE VALID

01-Dec-2017

TARGET DATE

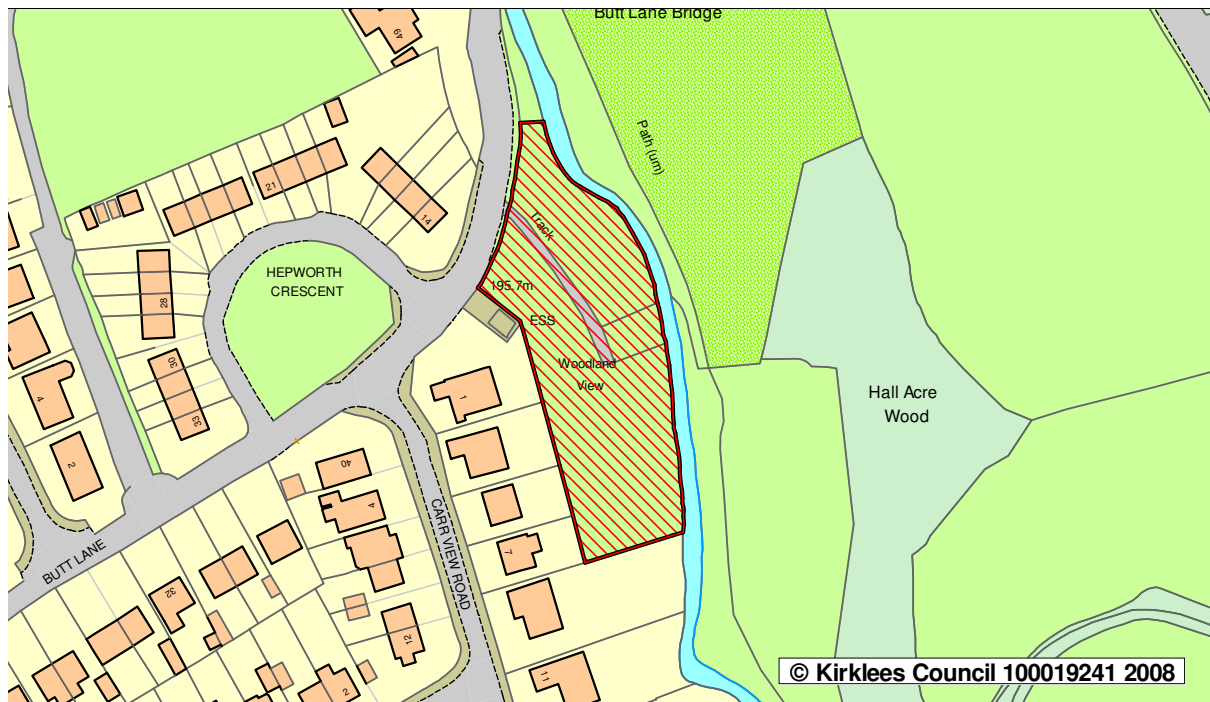
26-Jan-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South YesWard Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the reserved matters 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 Committee on at the request of Cllr Nigel Patrick who has stated:

I have looked at the attachments and I see no flood evaluation or retaining structures in relation to the Dike. I see proposals for run off from the top of the site, but I see nothing in relation to the rising flood waters and the flood zone. I do see a solid fence line on one of the block layout drawings that runs down to the side of the dike. I would suggest that will create a dam affect when the dike floods.

Given that there is no information about the treatment of the boundary of the site in relation to the flood zone I would ask that this application is determined by committee with a site visit.

- 1.2 The Chair of the sub-committee confirmed that Cllr Patrick'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 relates to a site of approximately 0.31ha which forms part of a larger area allocated for housing on the UDP. The remainder of this housing allocation, which lies to the south west of the application site has already been built out.
- 2.2 The site is predominately open grass land, sloping downwards in an easterly direction towards Rakes Dike, and mature trees which run parallel along the eastern boundary which are protected by way of preservation order. The site is bordered by residential properties along the west boundary with the southern boundary adjoining the gardens of residential properties on Carr View Road. Access to the site is off Butt Lane to the north.

3.0 PROPOSAL:

- 3.1 The application seeks reserved matters consent for the erection of 2 detached dwellings pursuant to outline planning approval 2015/92993. The matters to be considered are access, appearance, layout, scale and landscaping.
- 3.2 The 2 dwellings would be located on the northern two thirds of the site and would be served by a new access road which would lead directly from Butt Lane. The proposed dwellings are large, providing 2no. five bedroom dwellings. Plot 1's living space would be laid out across three floors with a lower ground floor to the rear, with plot 2 being two storey. The dwellings would have stone mullioned windows and water tabling, however a large glazed entrance would be included in all dwellings. Each dwelling would have large rear patio area, with plot 2 set up at a higher level to the outdoor ground area.
- 3.3 Each dwelling would benefit from two parking spaces on a drive as well as an integral garage. The dwellings would be constructed from natural stone and roofs covered in blue slate.
- 3.4 The proposal also includes the provision of a footway along Butt Lane, an internal turning head and visitor parking.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 2015/92993 - Outline application for erection of residential development – Outline Consent Granted
- 2002/92902 – erection of four detached dwellings with integral garages - refused April 2003.

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

- 5.1 Extensive negotiations have taken place between officers and the agent which has led to a reduction in the number of dwellings from 4 to 2, the submission of additional information in respect of trees and flood risk and further amended plans in the interests of highway safety and to protect the amenity of surrounding and future occupiers.

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

- H6 – allocated housing site
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Materials
- BE12 – Space about buildings
- EP11 – Ecological landscaping
- NE9 – Retention of mature trees
- T10 – Highway safety
- T19 – parking provision

Supplementary Planning Guidance / Documents:

6.3

- PLP 11 – Housing Mix and Affordable Housing
- PLP21 – Highway Safety and Access
- PLP22 - Parking
- PLP24 – Design
- PLP27 - Flood Risk
- PLP28 - Drainage
- PLP32 – Landscape
- PLP33 - Trees
- PLP52 – Protection and improvement of environmental quality
- PLP53 – Contaminated and unstable land

National Planning Guidance:

6.4

- 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 14 – meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conservation and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised on two separate occasions and 19 comments have been received from 6 interested parties. The period of publicity expired on 29th June 2018. Ward Councillors have been notified of the application and Cllr Patrick has made formal comments. The latest amended plans, reducing the scheme to two dwellings, was not re-publicised given that it reduced the quantum of development. However, the representations made in respect of the application as a whole have been taken into account. A summary of the points raised is set out below:

7.2 Flood Risk and Drainage

- Water from adjacent sites and land drains to the application site which acts as a soakaway for water. Furthermore water from the adjacent Dike floods into the site. The site is therefore subject to surface water and river water flooding.
- The size and extent of flood zone 3 across the site is disputed and it is considered that an updated flood risk assessment should be provided.
- It is considered that part of the site to be developed would be located within the flood zone 2 and 3.
- The proposal would lead to the raising land of levels across the site to form flood defences which would in turn lead to other flooding issues further downstream.
- The proposed development would lead to additional flooding of the footpath on the opposite side of the Dike to the detriment of users.
- The proposal would lead to an increased flood risk to Riverside Cottage located to the north of the site.
- The building of a retaining wall along the Dike corridor will nullify the existing flood capacity in the area moving it elsewhere.
- No details of surface water attenuation measures have been provided.
- Discharge rates if surface water should be restricted to the greenfield rates and not those set out in the Flood Risk assessment.
- There is a road drain overflow running through the site, how will this be dealt with by the developers.
- The site has been seen to be flooded in 2002 and the majority of the site is within Flood Zone 2 or 3.
- It is unclear at what ground level the proposed dwellings would be constructed at, if at only 150mm above ground level than this would be more in keeping with the local area.

7.3 Design

- The proposal for 4 dwellings is an overdevelopment of the site and sufficient land is not provided for these properties.
- The site would be dominated by hard services with no screening of the site to residents on Carr View Road.
- The proposed dwellings are not considered to be in keeping with the character and appearance of the local area which is dominated by split level bungalows on Carr View Road. The proposed development should be similar in scale to Carr View Road being single storey to the front and two storey to the rear.
- The submitted sections do not provide sufficient detail to assess the impact of the development on adjacent properties, features within the adjacent river or
- The proposal includes the erection of retaining walls which would be out of keeping with the local area and would therefore be contrary to policies BE1 and BE2. There is no detail with respect to what these would be constructed from.
- The proposal would lead to raising the land levels with importing new material into the site changing the site's topography. There is concern that there has been no proper assessment of the sub soil.
- To construct the development would require 100s of tonnes of hardcore/fill to be imported into the site to change the levels.

- A boundary wall should be erected along the boundary of properties on Carr View Road to prevent nuisance from construction and the occupation of the proposed dwellings.
- The building of a retaining wall along the dike corridor and infill the site to raise the site level rather than building at the existing level should be considered a substantial change to the outline consent.

7.4 Residential Amenity

- There is concern that the proposed development would lead to overlooking of habitable room windows adjacent properties on Carr View Road. Levels in the local area vary, and properties on Carr View Road are set at a lower level than the road which further increasing concerns regarding the impact of the proposed dwellings.
- No details of boundary treatments are provided on the submitted plans there is concern that without these treatments there would be an adverse impact on the amenity of adjacent properties.
- The proposed dwellings will be erected at an elevated level and would lead to a detrimental impact to the adjacent properties
- Policy BE12 space standards should apply throughout the development and lesser distances should not be allowed.

7.5 Trees

- The proposal would lead to the loss of some mature trees including a large tree in the south of the site, tree removal should be limited and the large tree should be retained. Tree removal would be contrary to Policy NE9.
- The removal of trees would also have a detrimental impact on control surface water runoff from the site as trees help to limit this.

7.6 Highway Safety

- Comments from Highways are disputed, it is considered that the development would have an adverse impact Butt Lane from a highway safety perspective.
- The submitted plans do not demonstrate the provision of the footway.
- The proposed sight lines cannot be achieved as a telegraph pole in part blocks views along with cars which are often parked on the road.
- There are concerns regarding how construction vehicles will access the site given the narrow nature of the local road network.

7.7 Other Matters

- Period for publicity should be extended to allow sufficient time to comment on the application.
- The development will lead to the re-siting of overhead power lines, a feasibility study should be undertaken to investigate whether this is viable.
- The development should not inhibit the free movement of frogs and newts.

7.8 **Cllr Patrick has made the following comments**

We need some clarification here. The consultation response from the EA relates to the first application (7th Dec 2017) and not the amended application. I suggest that the EA should have been consulted again. Why have they not been consulted again? Is it because they did not object to the first one?

There are some revised drawings dates July 2018 that show 4 dwellings and some drawings that show 3 dwellings. Which are relevant?

Drawings show a retaining wall to the river, and from my recollection at outline there was to be no retaining wall because this will deflect flood waters onto the land opposite and flood other property. So why is there now a retaining wall? I specifically recall officers telling me there would be no retaining wall built.

What troubles me about this application is that despite all the correspondence between ward councillors and the EA and ward councillors and your colleagues in relation to the outline application none of our warnings about flooding have been heeded. We might as well have not said anything. Both the EA and the Lead Local Flood Authority are still working on mathematical flood models and ignoring actual flood events. Are we so desperate to build houses that we have to build them where it floods? It is shocking to think this can be allowed when we know this land floods higher than the flood zone shows and when we have experienced serious flooding here and downstream at Jackson Bridge when property and infrastructure was damaged. For the Councils Lead Local Flood Authority to express support for the application is beyond belief.

As I said the EA flood zone is purely based on mathematical modelling and not actual flood events. At the end of the day the EA provides advice, and it is the decision of the Council. In this case the EA advice is very poor, not up to date and quite shocking really. When there is another flood and property is damaged the responsibility for the decision rests with the LPA. Although if I am still alive I will be reminding the EA that they did not listen to local opinion. The warnings have been given and so far the relevant authorities who are employed to protect us have their hands over their ears.

- 7.9 **Holme Valley Parish Council** – Object to the application on the grounds of serious highway/access issues for traffic and pedestrians, flooding, drainage and sewerage issues over-intensification. Members also have concerns regarding surface water created from the proposed development which would cause further issues.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **The Environment Agency** – after the submission of further information, no objection.
- **KC Highways DM** – No objection

8.2 Non-statutory:

- **KC Arboricultural Officer** – comments made, no objection
- **KC Lead Local Flood Authority** – No objection

9.0 MAIN ISSUES

- Principle of development
- Design
- Trees
- Highways
- Flood Risk and Drainage
- Landscape
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The principle of developing the site for a residential development has been granted by outline application 2015/92993. The outline application approved the principle of development only with all other matters 'reserved' for subsequent approval. The current application has been submitted for approval of all the reserved matters, these being: access, layout, scale, appearance and landscape.

Design

- 10.2 The design of the development will consider the layout, scale and appearance of the dwellings. These elements have been considered in relation to Policies BE1, BE2, BE11 and BE12 of the UDP and Policy PLP24 of the draft Local Plan.
- 10.3 The proposed dwellings would be laid out evenly across the northern part of the site with the access road forward of plots 1 and 2. The layout of the site has been influenced by the site's constraints which include the extent of the flood zone from the adjacent Rakes Dike on the eastern side of the site, the extent of the trees on the eastern boundary which are now covered by a preservation order and distances from adjacent properties. It is noted that levels at the site vary with the land dropping away from west to east. There is a maximum change in levels of approximately 4 metres from the west of the site to the bank with the adjacent Rakes Dike. It is noted that the provision of 2 dwellings on a site of 0.3 hectares would lead to a low density, however given the constraints on the site it is considered that the provision of the two units is appropriate.
- 10.4 The dwellings would be laid out adjacent one another in an east-west configuration with a separation distance of approx. 6.5m between the two dwellings. Plot 1 would be located at right angles to Butt Lane with views of the frontage and gable end from Butt Lane. In terms of the pattern of development in the local area, detached properties are located on Carr View Road, Hill Side Avenue and Kemps Way, and the proposal to provide 2 detached dwellings whilst in larger plots are considered to be in keeping with this local character.

- 10.5 In terms of distances to the closest residential properties, these would be no.s 1-5 Carr View Road to the west and no.14 Hepworth Crescent to the north. Separation distances to these adjacent properties would meet the minimum 21 separation distance set out in Policy BE12 with the rear elevation of the dwellings looking towards to the trees which run along the Dike. It is acknowledged that there would still be a direct relationship between plot 2 and the rear elevations of no.s 3 and 5 Carr View Road, though this relationship is considered to be acceptable given the separation distances achieved. It is also noted that the proposed dwellings would be set at a lower level than those on Carr View Road which further reduces any adverse impact.
- 10.6 Turning to scale, it is noted on the submitted site sections that the proposed dwellings ridge heights would be approximately 3.5 metres lower than those of Carr View Road and ground floor levels approximately 3 metres lower. It is noted that dwellings on Carr View Road to the west are split level properties being single storey to the frontage and two storey to the rear. The proposal to erect 2 storey dwellings are, on balance, considered to be acceptable as the proposed dwellings are sufficiently separated from adjacent dwellings to ensure that they would be read separately from adjacent properties. Furthermore the change in levels helps to ensure that the scale of the properties in terms of height is acceptable when read in conjunction with adjacent sites. With regard to future occupiers, each dwelling is of a large scale and provides ample living accommodation for the future occupiers with both properties benefiting from good sized private amenity space, both formal and informal. The scale of development, two dwellings, is appropriate when taking into account the site constraints.
- 10.7 With regard to appearance and the overall visual scale of the dwellings these would have a modern appearance with traditional elements as set out in proposal description above. The use of natural stone and blue slates is considered appropriate for the site and local area and would assist in ensuring that the development fits in to the local vernacular. A condition requiring these materials is attached to the recommendation. Whilst the dwellings would appear larger than many other properties within Carr View Road there is a variety of house types in this part of Hepworth. For example, properties within Hepworth Crescent, on rising land to the north of the site, are terraced properties in stone and blue slate. The elongated form of the terraces is similar to the elongated scale and appearance of the proposed dwellings under consideration.
- 10.8 In conclusion the design elements of the proposed dwellings in terms of scale, appearance and layout considered to be acceptable and would accord with the requirements of Policies D2, BE1, BE2 and BE12 of the UDP, Policy PLP24 of the draft local Plan and Policies in the NPPF.

Trees

- 10.9 The impact of the development on protected trees has been considered by the Council's Arboricultural Officer and in relation to Policy NE9 of the UDP and Policy PLP33 of the draft local plan. Through the course of the application the trees which run along the eastern boundary of the site adjacent Rakes Dike were protected by a woodland preservation order. The applicant has also provided an Arboricultural Method Statement and plan with tree protection area which have been considered.

- 10.10 With regards to the impact of the development on the adjacent protected trees, the Arboricultural Officer raised concerns with through the course of the application in relation to plots 3 and 4 due to their proximity to the protected trees, however these plots have now been removed. The impact of the proposal for two dwellings is considered to have an acceptable impact on the adjacent protected trees. Whilst it is noted that the rear views from the properties would be dominated by the trees, the properties have two aspects which would ensure that natural light to the dwellings would be varied between the different elevations. It is noted that permitted development rights have been withdrawn for the dwellings under condition 9 of the outline application which would ensure that there is also no inappropriate development within the root protection area of the trees.
- 10.11 The submitted method statement has been assessed by the Arboricultural officer and is considered to be acceptable subject to conditions requiring the works to accord with the statement and the submission of any additional works.
- 10.12 Subject to the above mentioned conditions the proposal is considered to have an acceptable impact on the adjacent trees.

Highways

- 10.13 The proposals impact on highway safety has been considered by the Council's Highways DM Officer and in relation to Policies T10 and T19 of the UDP and Policies PLP21 and 22 of the publication draft local plan.
- 10.14 The Highways Officer raises no objection to the development after the submission of amended plans which shows a 2 metre footway to the site frontage, appropriate visibility splays, acceptable internal road dimensions and an internal turning head. Each dwelling would have appropriate parking with double driveways and internal garages provided along with 1 visitor space for the development. The access would represent a private drive laid out as a shared surface. The point of access would achieve appropriate sight lines for the development and provision of two detached dwellings is not considered to lead to an over intensification of use of Butt Lane. It is considered that the site is of a sufficiently large enough scale to allow construction work to be contained within the site.
- 10.15 The above highway arrangements are considered acceptable subject to a conditions requiring the provision of the visibility splays and footway before occupation and the appropriate surfacing of areas to be used by vehicles.

Flood Risk and Drainage

- 10.16 Part of the site to the east is located within Flood Zone 3 and guidance set out in Chapter 14 of the NPPF and Policies PLP27 and 28 of the publication draft Local Plan have been considered with the development. The Environment Agency (EA) and the Council Flooding and Drainage Officer, as lead local flood authority, have also assessed the proposal. Flooding has also been raised as a key issue for the site by local residents and a local ward Councillor.

- 10.17 Flooding was considered in detail at the outline stage with condition 5 setting out requirements which needed to be adhered to through the development of the site. These requirements included:
- i. No development in flood zone 3
 - ii. Finished floor levels to be set 150mm above ground levels
 - iii. Flood resilience measures to be installed up to 600mm above ground levels
 - iv. No ground level changes as set out in section 8 (8.1- 8.4) of the approved Flood Risk Assessment
 - v. Overland flow routes throughout the site –
- 10.18 Through the course of the application amended plans and further information has been received to demonstrate the extent of the flood zone, site drainage and flooding routing. It is noted that some of this information has been submitted for previously proposed schemes for 4 dwellings and has not been updated for the two dwelling proposal. However the position of the two remaining plots now proposed has remained consistent throughout the proposal and the submitted drainage and flood routing information is therefore considered acceptable. The submitted information has also confirmed that the proposed dwellings and any retaining structures are located outside of the flood zone 3 meeting the first criteria above. The agent has also confirmed that the development does not include retaining structures within the garden space. In addition the submitted information has demonstrated that floor levels would be 150mm above ground floor levels and the criteria in section 8 of the approved flood risk assessment would be met. The Council's Drainage Officer has confirmed that the submitted information is acceptable.
- 10.19 The EA have also reviewed the submitted information and have accepted the detail provided is sufficient to ensure that the development would be acceptable in flood risk terms.
- 10.20 Turning to foul and surface water site drainage, details have been submitted through the course of the reserved matters application to demonstrate how condition 6 of the outline approval could be met. Whilst the submitted details are in principle acceptable to the Drainage Officer these matters are covered by condition 6 of the outline application and this condition would need to be discharged by a formal application.
- 10.21 In conclusion there would be no development within the flood zone and the requirements of the flood risk assessment would be met and the drainage officer has no objection to the proposal. The impact of the reserved matters in terms of flood risk and drainage is considered to be acceptable.

Landscape

- 10.22 In terms of landscape as a reserved matter, it is noted that the proposal for 2 dwellings would provide limited shared open space and therefore details of soft landscaping at the site are limited, with the submitted plans indicating new tree planting adjacent the site frontage. Whilst the submitted detail is limited it is considered that this is sufficient given the nature of the development for two private dwellings with no shared open space. In terms of hard landscape, in this case boundary treatment, the details are limited although works would be required to the stone wall at the frontage of the site to accommodate visibility

splays. Condition 8 of the outline permission prevents any gate, wall or fence being erected within flood zone 3. Notwithstanding this to ensure that all details of boundary treatment are controlled, in the interests of visual amenity and flood risk, it is proposed to include a condition requiring full details prior to the occupation of the dwellings.

10.23 With regards to ecological matters, the site is located adjacent to part of the Wildlife Habitat Network which runs along the dike and protected trees to the east. Ecological matters were in principle addressed in the outline application where there were no objections to developing the site. However as set out in the committee report to the outline application bat and bird boxes should be provided integral to the dwellings and this matter can be secured by condition on this application. To ensure that there is no adverse impact on the adjacent Wildlife habitat network any outside lighting would need to face away from the network. To ensure that this matter is addressed in detail a condition will require the submission of details of outside lighting. This condition will also be in the interests of residential amenity of properties on Carr View Road to ensure that no inappropriate lighting is installed anywhere within the site such as the access.

10.24 Subject to the above conditions the proposal is considered acceptable in terms of 'landscape' matters.

Representations

10.25 In total 19 comments have been received from 6 interested parties. Ward Councillors have been notified of the application and Cllr Patrick has made formal comments. A summary of the points raised is set out below along with a response to the points raised:

10.26 Flood Risk and Drainage

- Water from adjacent sites and land drains to the application site which acts as a soakaway for water. Furthermore water from the adjacent Dike floods into the site. The site is therefore subject to surface water and river water flooding.
- The size and extent of flood zone 3 across the site is disputed and it is considered that an updated flood risk assessment should be provided.
- It is considered that part of the site to be developed would be located within the flood zone 2 and 3.

Response: Matters relating to flooding for the site were principally dealt with at outline stage and approval was granted for residential development on the site. However the current application has been assessed by the Environmental Agency (EA) and the Lead Local Flood Authority, neither of whom raise any objections to the proposed development. The flood zone has been shown the submitted layout plan and its extent has been checked by the EA, no development would occur within this zone and permitted development rights for outbuildings and gates, walls and fences were withdrawn under the outline approval.

- The proposal would lead to the raising land of levels across the site to form flood defences which would in turn lead to other flooding issues further downstream.
- The proposed development would lead to additional flooding of the footpath on the opposite side of the Dike to the detriment of users.
- The proposal would lead to an increased flood risk to Riverside Cottage located to the north of the site.
- The building of a retaining wall along the Dike corridor will nullify the existing flood capacity in the area moving it elsewhere.

Response: The land levels would only be raised to form the access road and driveway, there would be no forms of flood defences at the site. It is considered that this would not have a detrimental impact to flooding issues downstream. The EA have no objection to the proposal and have not raised any issues regarding additional flooding of the footpath or properties downstream if the site is developed as shown.

- No details of surface water attenuation measures have been provided.
- Discharge rates if surface water should be restricted to the greenfield rates and not those set out in the Flood Risk assessment.

Reason: Detail of surface water drainage are secured by condition 6 on the outline consent which needs to be discharge separately. In principle an acceptable scheme is considered to be achievable at the site.

- There is a road drain overflow running through the site, how will this be dealt with by the developers.

Response: This would be for the developer to deal with through the construction process and via discharging condition 6.

- The site has been seen to be flooded in 2002 and the majority of the site is within Flood Zone 2 or 3.

Response: Comments noted but the extent of the flood zones is set by the EA and the development would be outside of this zone.

- It is unclear at what ground level the proposed dwellings would be constructed at, if at only 150mm above ground level than this would be more in keeping with the local area.

Response: Plot 1 would be 150mm above the ground level with plot 2 higher due to the rear patio area these heights are set out on the site sections.

10.27 Design

- The proposal for 4 dwellings is an overdevelopment of the site and sufficient land is not provided for these properties.

Response: The scheme has been reduced to 2 dwellings.

- The site would be dominated by hard services with no screening of the site to residents on Carr View Road.

Response: The scheme as amended has reduce the level of hard surfacing with large sections of open areas now included in the development. Boundary treatment would be secured by condition.

- The proposed dwellings are not considered to be in keeping with the character and appearance of the local area which is dominated by split level bungalows on Carr View Road. The proposed development should be similar in scale to Carr View Road being single storey to the front and two storey to the rear.

Response: As assessed in the design section above the scale of the dwellings are considered to be acceptable.

- The submitted sections do not provide sufficient detail to assess the impact of the development on adjacent properties, features within the adjacent river or retaining structures which are proposed to be erected.

Response: The submitted detail is considered sufficient to be able to assess the reserved matters.

- The proposal includes the erection of retaining walls which would be out of keeping with the local area and would therefore be contrary to policies BE1 and BE2. There is no detail with respect to what these would be constructed from.
- The proposal would lead to raising the land levels with importing new material into the site changing the sites topography. There is concern that there has been no proper assessment of the sub soil.
- To construct the development would require 100s of tonnes of hardcore/fill to be imported into the site to change the levels.
- A boundary wall should be erected along the boundary of properties on Carr View Road to prevent nuisances from construction and the occupation of the proposed dwellings.
- The building of a retaining wall along the dike corridor and infill the site to raise the site level rather than building at the existing level should be considered a substantial change to the outline consent.

Response: Retaining walls would only be erected for the dwelling and road, details of boundary treatments will be secured by planning condition. It is considered that the reserved matters application is still valid with its allied outline application. It is not considered that the proposal would lead to significant importation of material. The site is not identified as being contaminated, therefore there is no concern in relation to the sub soil.

10.28 Residential Amenity

- There is concern that the proposed development would lead to overlooking of habitable room windows adjacent properties on Carr View Road. Levels in the local area vary, and properties on Carr View Road are set at a lower level than the road which further increasing concerns regarding the impact of the proposed dwellings.
- No details of boundary treatments are provided on the submitted plans there is concern that without these treatments there would be an adverse impact on the amenity of adjacent properties.
- The proposed dwellings will be erected at an elevated level and would lead to a detrimental impact to the adjacent properties
- Policy BE12 space standards should apply throughout the development and lesser distances should not be allowed.

Response: Space about dwelling distances in accordance with Policy BE12 would be adhered to with the development and the development has been assessed taking into account the need to provide a good standard of amenity for existing and future occupiers of buildings and land. Details of boundary treatment would be secured by planning conditions.

10.29 Trees

- The proposal would lead to the loss of some mature trees including a large tree in the south of the site, tree removal should be limited and the large tree should be retained. Tree removal would be contrary to Policy NE9.
- The removal of trees would also have a detrimental impact on control surface water runoff from the site as trees help to limit this.

Response: Trees at the site have now been protected by preservation order and the mature tree which was to be removed has now been retained as part of the development.

10.30 Highway Safety

- Comments from Highways are disputed, it is considered that the development would have an adverse impact Butt Lane from a highway safety perspective.

Response: The proposal for 2 residential dwellings is not considered to have an unacceptable impact on highway safety.

- The submitted plans do not demonstrate the provision of the footway.

Response: This has now been secured on amended plans and its provision will be secured by condition before occupation of the dwellings.

- The proposed sight lines cannot be achieved as a telegraph pole in part blocks views along with cars which are often parked on the road.

Response: Any obstructions to the sightlines would need to be removed gaining appropriate consent from relevant bodies.

- There are concerns regarding how construction vehicles will access the site given the narrow nature of the local road network.

Response: The local road network is considered to be of a sufficient standard to access the site for 2 dwellings.

10.31 Other Matters

- Period for publicity should be extended to allow sufficient time to comment on the application.

Response: The period for publicity was extended through the course of the application and amended plans were re-advertised.

- The development will lead to the resiting of overhead power lines, a feasibility study should be undertaken to investigate whether this is viable.

Response: This would be a matter for the applicant to address with the relevant bodies. There is no planning objection to the resiting of the powerlines.

- The development should not inhibit the free movement of frogs and newts.

Response: Principal matters of ecology were addressed in the outline application, as set out in the landscaping section it is not considered that the development would be detrimental to local ecology.

10.32 Cllr Patrick has made the following comments

We need some clarification here. The consultation response from the EA relates to the first application (7th Dec 2017) and not the amended application. I suggest that the EA should have been consulted again. Why have they not been consulted again? Is it because they did not object to the first one?

There are some revised drawings dates July 2018 that show 4 dwellings and some drawings that show 3 dwellings. Which are relevant?

Drawings show a retaining wall to the river, and from my recollection at outline there was to be no retaining wall because this will deflect flood waters onto the land opposite and flood other property. So why is there now a retaining wall? I specifically recall officers telling me there would be no retaining wall built.

What troubles me about this application is that despite all the correspondence between ward councillors and the EA and ward councillors and your colleagues in relation to the outline application none of our warnings about flooding have been heeded. We might as well have not said anything. Both the EA and the Lead Local Flood Authority are still working on mathematical flood models and ignoring actual flood events. Are we so desperate to build houses that we have to build them where it floods? It is shocking to think this can be allowed when we know this land floods higher than the flood zone shows and when we have experienced serious flooding here and downstream at Jackson Bridge when property and infrastructure was damaged. For the Councils Lead Local Flood Authority to express support for the application is beyond belief.

As I said the EA flood zone is purely based on mathematical modelling and not actual flood events. At the end of the day the EA provides advice, and it is the decision of the Council. In this case the EA advice is very poor, not up to date and quite shocking really. When there is another flood and property is damaged the responsibility for the decision rests with the LPA. Although if I am still alive I will be reminding the EA that they did not listen to local opinion. The warnings have been given and so far the relevant authorities who are employed to protect us have their hands over their ears.

Response: The EA have been re-consulted on the application and raise no objection. The plans showing retaining structures have now been withdrawn and the agent has confirmed that there would be no retaining structures in the erected in the site. The Flood Zones are considered to be appropriately show the extent of flood risk at the site and the development would be outside of these areas.

10.33 *Holme Valley Parish Council* – Object to the application on the grounds of serious highway/access issues for traffic and pedestrians, flooding, drainage and sewerage issues over-intensification. Members also have concerns regarding surface water created from the proposed development which would cause further issues.

Response: As set out in the above report the proposal is considered to have an acceptable impact on highway safety, flooding and drainage.

11.0 CONCLUSION

11.1 The reserved matters have been assessed against relevant policies in the development plan and other material considerations. It is considered that these matters have been suitably addressed through the submission of amended and additional information. As such it is considered that the scheme 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. In accordance with the submitted plans.
2. Submission of samples of natural stone for wall and natural blue slate for roof
3. Submission of details of all boundary treatment
4. Provision of sightlines before occupation
5. Provision of footway to Butt Lane before occupation.
5. Surfacing of areas to be used by vehicles
6. Submission of details of bat and bird boxes at the site before occupation.
7. Submission external lighting before installation.
8. No retaining walls other than those indicated on site layout plan Dwg. No. 2397-03G and site sections
9. Development to be undertaken in accordance with the Arboricultural Method Statement
10. Removal of Permitted Development Rights for extensions and outbuildings.

Notes

Hours of construction

Works in the highway

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f94120>

Certificate of Ownership – Not required for reserved matters submission.

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Sep-2018

Subject: Planning Application 2018/90827 Erection of detached dwelling adj 14, The Fairway, Fixby, Huddersfield, HD2 2HU

APPLICANT

S Iqbal

DATE VALID

13-Mar-2018

TARGET DATE

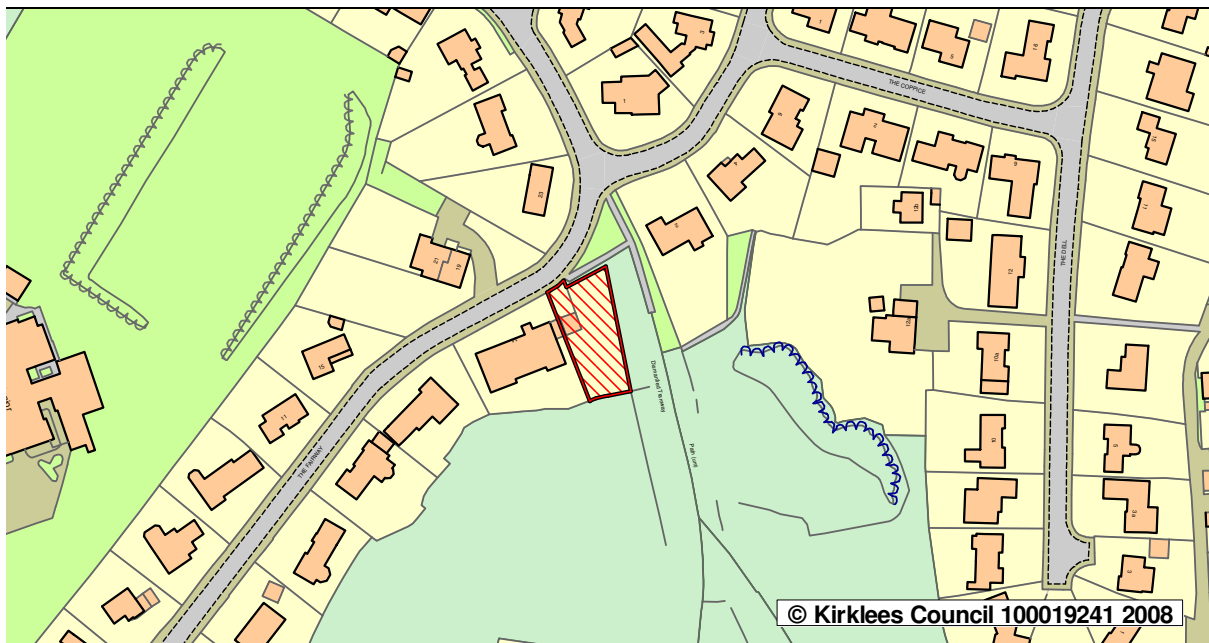
08-May-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Ashbrow

No

Ward Members consulted

RECOMMENDATION: REFUSE

The proposed dwelling by virtue of its constrained plot size and layout would fail to respect the predominant character of development within the area which consists of dwellings within spacious plots. It would appear cramped in the context of the low density nature of the wider estate and which would be out of keeping with its surroundings. This would be contrary to Policies D2 (vi) (vii), BE1 (i) (ii) and BE2 (i) of the Unitary Development Plan, Policy PLP24 (a) of the Publication Draft Local Plan and advice within paragraph 130 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application has been brought back to Sub-Committee following the resolution to defer it at the meeting of 17th May 2018. The reason for deferral was to allow the applicants an opportunity to consider a redesign of the proposed dwelling that would be in keeping with the surrounding area.
- 1.2 Since this time amended plans have been received. This report is based on the consideration of the amended scheme.
- 1.3 A site visit was undertaken prior to the application being considered at the meeting on 17th May 2018.
- 1.4 The application was originally brought to Sub-Committee at the request of Ward Cllr Jean Calvert. The original scheme was recommended for refusal for the following reason.

“The proposed dwelling by virtue of its constrained plot size, layout, scale and design would fail to respect the predominant character of development in the area which consists of dwellings within spacious plots. It would appear cramped in the context of the low density nature of the wider estate and an uncharacteristic form of development which would be out of keeping with its surroundings. This would be contrary to Policies D2 (vi) (vii), BE1 (i) (ii) and BE2 (i) of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within paragraph 64 of the National Planning Policy Framework.”

- 1.5 It is noted that since Members considered the previous plans, the National Planning Policy Framework has been updated (July 2018).

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site originally comprised part of the wider curtilage of No. 14 The Fairway, which is an extended, detached bungalow. This is now separated from No. 14 by a stone wall/fence running along the western boundary.
- 2.2 The application site itself forms a narrow plot, sloping downwards from north (front) to south (rear) and from west to east with a woodland area beyond the eastern and southern boundaries. There is a flat roof garage structure on site which was originally associated with No, 14.
- 2.3 The surrounding area is comprised predominantly of detached residential properties set in spacious plots. No. 14 to the west is set within a large plot and faced in random stone. Slightly beyond the eastern boundary is a Public Right of Way (HUD/171/10).
- 2.4 Opposite the site is No. 21 The Fairway which is a Grade II listed building a mid 19th Century hammer-dressed stone dwelling with a stone slate roof. This is set on rising land off-set from the siting of the proposed dwelling.

3.0 PROPOSAL:

- 3.1 Permission is sought for the erection of a detached dwelling. This would require the demolition of the existing garage on site to accommodate the dwelling.
- 3.2 Following the deferral at Sub-Committee, amended plans have been received which demonstrate a re-design of the property to reduce the overall height of the building from 2-3 storeys to 1-2 storeys.
- 3.3 The proposed footprint of the building has been increased.
- 3.4 The proposed dwelling would be located to the east of No. 14 in a similar position to the original plans. The dwelling would allow an approximate 5.5 metre separation between the dwellings with the front elevation of the dwelling on a similar building line to No. 14 with the rear elevation set slightly in from the rear of No. 14.
- 3.5 The property would be set in from the eastern boundary woodland by approximately 5 metres. The footprint would be larger than original plans and would be 8.3 metres in width and 15 metres in length (previously 8 metres and 13.5 metres respectively) with the front and rear corners of the building infilled.
- 3.6 The maximum eaves height would be 5 metres (previously 6.5 metres) with the maximum height to ridge being 7.3 metres (previously 8.7 metres).
- 3.7 The proposed construction materials would be natural stone for the walls and grey concrete tiles for the roof.
- 3.8 The resultant accommodation would be a garden room and bedroom with en-suite at lower ground floor level and a kitchen, lounge, WC, and 2 no. en-suite bedrooms at ground floor.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Planning history:

This relates to the current application site and the history of No. 14 to the west, as the land subject to this application originally formed part of the curtilage to that property.

2006/94329 Erection of extensions to existing bungalow to form 2 storey dwelling, detached double garage and new vehicular access (no. 14)
Conditional Full Permission

2007/92102 Part demolition of existing bungalow and erection of two storey dwelling and detached garage (No. 14)
Refused – 1) insufficient information regarding bats; 2) aspects of dwellings fail to provide accuracy

2007/94140 Demolition of existing bungalow and erection of two storey dwelling with basement and erection of detached garage/workshop
Refused – size, siting, design, materials and massing would appear overbearing and incongruous detrimental to both visual and residential amenity – appeal dismissed

2012/93440 Demolition of existing bungalow and erection of 2 detached dwellings
Conditional Full Permission

2013/92801 Erection of extensions and alterations with part demolition to form 2 storey dwelling
Withdrawn

2014/93194 Demolition of existing garage and erection of extensions (No. 14)
Conditional Full Permission

2015/93421 Erection of detached dwelling
Refused – layout, scale and design would fail to respect predominant character of the area and detract from the setting of the existing dwelling – also would result in a cramped form of development out of character with low density nature or wider estate and an incongruous and over-prominent appearance out of keeping with existing dwelling and streetscene

2016/92674 Erection of one detached dwelling (same application site and proposal prior to the submission of the amended plans under consideration)
Refused – layout, scale and design would fail to respect the predominant character of the area and detract from the setting of the existing dwelling – development would be out of character with low density nature of the wider estate and have an overall appearance which is out of keeping with the existing dwelling and street scene

4.2 Enforcement history:

COMP/12/0149 Alleged untidy garden – breach not expedient

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

- 5.1 Prior to the submission of amended plans, the application was the resubmission of a previously refused scheme under application number 2016/92674. At that time, it was considered that no amendments could be sought that would overcome the previous reason for refusal so no negotiations took place.
- 5.2 This application was deferred from the Sub-Committee meeting on 17th May 2018 for the applicants to consider redesigning the proposed dwelling.
- 5.3 The applicant/Agent have not discussed the amendments to the scheme prior to their submission and therefore no negotiations have taken place. An email in support of the application from a representative of the applicant states: "Though there was no commitment on the part of members of the Sub-committee, there was an indication that a bungalow might be acceptable.

The drawings now show a bungalow to the front but of course with a lower ground floor to the rear because of the sloping nature of the site.

I consider that the relationship to No.14 is satisfactory, and that the site's appearance will be far better than at present with the flat-roofed garage".

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.

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

D2 – Unallocated Land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway safety
T19 – Parking standards
NE9 – Retention of mature trees
R13 – Public Rights of Way

6.3 Kirklees Publication Draft Local Plan:

PLP1 – Achieving sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP23 – Core walking and cycling network
PLP24 – Design
PLP33 – Trees
PLP35 – Historic environment

6.4 National Planning Guidance:

Chapter 5 – Delivering a sufficient supply of homes
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 original plans considered by sub-committee were publicised by site notice and letters to neighbouring properties. As a result 4 letters of representation were received objecting to the scheme with the following being a summary of comments:

Highway safety

- Already congested, close to a school
- Would increase risk of accidents
- Garage provision required as currently parking on bend/pavement
- Boundary of Public Rights of Way should be marked clearly

Visual amenity

- Loss of views to woodland
- No two houses as close to each other as proposed
- Out of character and squeezed into existing garden
- All other properties on that side of The Fairway are bungalows
- All bungalows are long buildings and garden frontages
- Due to sloping land 2/3 storey building will stand out and dominate the top of the bank
- Materials not in keeping

7.2 The revised plans have been publicised by site notice and letters. The period of publicity expires on 20th September, the same day as sub-committee. At the time of writing 1 letter of representation has been received objecting to the scheme. Any further representations will be reported to the meeting in the update or verbally on the day of the meeting. The summary of comments received to date is set out below:

- Obvious that a house cannot be constructed in place of the garage
- More cars parked on the pavement on the bend is a road safety issue
- Consider that a new house would be 'squeezed' into the site
- For these reasons original objections to the development remain.

8.0 CONSULTATION RESPONSES:

8.1 Non-statutory:

K.C. Highways Development Management – previous comments apply – no objection subject to conditions

K.C. Trees – previous comments still apply – no concerns

K.C. Public Rights of Way – previous comments still apply – of consent is granted, a footnote is required relating to no interference, obstruction, prior to, during or after development works

K.C. Ecology & Biodiversity Officer – informal comments – previous comments still apply – no objection subject to mitigation measures

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Setting of a listed building
- Residential amenity
- Highway safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) on 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 Council is currently unable to demonstrate a 5 year supply of deliverable housing land sufficient to satisfy the requirement of the NPPF (2018). Paragraph 73 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing need where the strategic policies are more than five years old.
- 10.3 This particular application was submitted following the refusal of planning permission under application number 2016/92674 which was also for the erection of one dwelling and had the following reason for refusal:
1. *The proposal by virtue of its layout, scale and design would fail to respect the predominant character of the area and detract from the setting of the existing dwelling. In particular the proposal would result in a development that is out of character with the low density nature of the wider estate and have an overall appearance which is out keeping with the existing dwelling*

and the street scene. This would be contrary to Policies D2 (vi) (vii), BE1 (i) (ii) and BE2 (i) of the Unitary Development Plan and advice within paragraph 64 of the National Planning Policy Framework.

- 10.4 This application was originally submitted with the same plans as previously refused with a Design and Access Statement detailing the reasons why the application/Agent considered the refusal to be unjustified.
- 10.5 Following the committee resolution to defer the application, amended plans have now been received which seek to overcome the previous recommendation to refuse the application.

Impact on visual amenity:

- 10.6 The Fairway is characterised by a variety of differently styled detached properties set within generous plot sizes and set back from the roadside with the row of properties to the south-west of the road within the vicinity of the site being detached bungalows.
- 10.7 The proposed development would result in two dwellings sitting within the original curtilage of No. 14 one being the existing, extended bungalow and one being the proposed new split level, single storey dwelling which would be two storeys to the rear elevation.
- 10.8 The street scene elevation submitted demonstrates that the roofline of the proposed dwelling has been amended to be 1.5 metres lower than the original submission. This in turn reduces the impact of the dwelling as it would not compete (in terms of height) with the host dwelling to the extent of the previous proposal. However, the footprint is now larger as the dwelling is on a simple rectangular base rather than the narrower form of the previous proposal. This is by way of infilling the front and rear sections of the dwelling where it was previously proposed that there would be the entrance to the property, set back from the front elevation and set in from the rear elevation.
- 10.9 The dwelling would now largely replicate the front and rear 'building line' of no. 14. The ensuing mass of building would have the same effect as previous proposals on the site. It would reduce the original curtilage of the adjacent bungalow, which itself has been extended, and by separating the site for a further dwelling would be out of keeping with the established character of the area resulting in a cramped form of development.
- 10.10 Whilst the amendment to the proposal to introduce a dwelling which has been reduced by one storey is considered to be more in keeping with No. 14, it is considered that the design has not overcome the fundamental concerns raised regarding the constraints of the site and topography of the site.
- 10.11 The submitted site plan indicates the trees which have been removed from the site which the Council's Arboricultural Officer is aware of. As such, further details of the proposed boundary treatments would be required via an appropriate condition, should the application be approved.

10.12 In conclusion, with regards to visual amenity, the proposal, by virtue of its layout and constrained plot size would fail to respect the predominant character of the area which consists of dwellings within spacious plots would appear cramped in the context of the low density nature of the wider estate which would be out of keeping with its surroundings. The amended plans have not overcome the previous objections raised. This would be contrary to Policies D2, BE1 and BE2 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within Chapter 12 of the National Planning Policy Framework.

Impact on the Listed Building:

10.13 The proposal would be located within the setting of a Grade II Listed Building. When making decision on planning applications for development that affects the setting of a listed building there is a duty for local planning authorities under S66 of the Listed Buildings and Conservation Areas Act 1990 to have special regard to the desirability of preserving this setting. In this context, preservation means not harming the interests of the building as opposed to keeping it unchanged.

10.14 Chapter 16 of the National Planning Policy Framework states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. The listed building is already characterised as being within an established setting of a more recent estate.

10.15 Furthermore, emerging Policy PLP35 of the Publication Draft Local Plan states that development proposals affecting a designated heritage asset should conserve those elements which contribute to its significance and that harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal.

10.16 The position of the Listed Building within large grounds on rising land ensures that it retains a level of dominance within the estate. Whilst the increase in density on the application site would have some limited impact on the setting of the listed building; (the overall harm on the wider street scene having been assessed above), the impact would cause less than significant harm. On this point alone the public benefit of providing an additional dwelling would outweigh the harm to the setting of the dwelling therefore complying with Chapter 16 of the National Planning Policy Framework.

Impact on residential amenity:

10.17 Policy BE12 of the Unitary Development Plan sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be design to provide privacy and open space for their occupants and physical separation from property and land. There are four sections to Policy BE12 in terms of separation distances and the proposal will be assessed against this criteria.

- 10.18 It is recommended that 21 metres is achieved between a habitable room window of a dwelling and a habitable room of a facing dwelling. There are habitable room windows proposed within the front elevation at ground floor level and within the rear elevation at ground floor and lower ground floor level. In terms of the front elevation openings these would have a greater separation distance than 21 metres to the facing dwelling, No. 23 The Fairway.
- 10.19 The non-habitable room facing No, 14 would be separated by 5.5 metres and would be an opening to an en-suite at ground floor. This could be conditioned to be obscurely glazed to prevent overlooking at close proximity.
- 10.20 There are 3 no. openings within the side elevation of No. 14 which have not been inserted as per the approved planning application to extend the property. It is noted however, that as the property is single storey these openings could be altered without the requirement of Planning Permission now that it is occupied.
- 10.21 It is not known whether the arrangements for internal accommodation at No. 14 are as previously approved, given the changes to window arrangements. Nevertheless, as part of the previous 2016 application for a dwelling a plan was submitted demonstrating a 1.8 metre high boundary treatment be sited along the shared boundary. Whilst this was considered to mitigate the concerns regarding potential overlooking, this was a balanced consideration weighing up the potential harm. The boundary treatment would potentially block light to the occupants of No. 14 rather than the future occupiers of the neighbouring new dwelling. At that time, it was considered that there would not be a justifiable reason for refusal based on harm to residential amenity. This is still considered to be the case as the principal windows to No. 14 are to the front and rear of the dwelling. Furthermore, the boundary treatment between No. 14 and the application site had been part erected at the time this application was submitted.
- 10.22 The openings within the rear elevation of the dwelling would be separated from the closest dwelling by an area of woodland and therefore there are no concerns. With regard to the side elevation facing No. 2 Viewlands the windows would be to the staircase, en-suite and kitchen and therefore non-habitable with a separation distance with an approximate separation distance of 25 metres with No. 2 set on a lower ground level than the application site and a Public Rights of Way separating the plots.
- 10.23 As such, in terms of the requirements of Policy BE12, the proposal would be generally acceptable, subject to appropriate boundary screening.
- 10.24 With regards to overshadowing and/or being overbearing the dwelling would have an overall height which is lower than no. 14. It is not considered that there would be an unreasonable degree of overshadowing to no. 14 and due to its massing would not be particularly overbearing. Whilst the proposed dwelling would be set on a much higher ground level than the adjacent property No. 2 Viewlands the separation distance is considered acceptable for the proposal not be overly oppressive, therefore acceptable in terms of Policies D2, BE1 and BE2, Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

Impact on highway safety:

- 10.25 Two off-street parking spaces are proposed from a new 4.5 metres wide drive. This is considered acceptable for a three bedroomed property and Highways DM raise no objections to the scheme. Should the application be approved it is requested that conditions are attached to the decision notice with regards to the surfacing and draining of the parking areas and also nothing to be planted or erected within a strip of land 2.0m deep measured from the carriageway.
- 10.26 Whilst noting that comments have been received with regards to parking outside the property on the bend, there are no on-street parking restrictions outside the property and therefore, this is not a matter that the Local Planning Authority can control or address.
- 10.27 Public Rights of Way – the route of public footpath Hud/471/10 runs to the east of the site beyond the woodland swathe. The erection of a dwelling would not adversely affect the setting of the footpath or its users.

Other matters:

- 10.28 The site was formally part of a former garden with a longstanding garage in situ. Given this it is unlikely to be of biodiversity interest. The Ecology & Biodiversity Officer was formally consulted as part of a previous application and following informal discussions it is considered that the comments provided at that time are relevant to this application. Should the application be approved, it is requested that mitigation measures should be used on the building in terms of a bat box and also a woodcrete sparrow terrace nest box. This would accord with Policy PLP30 of the Publication Draft Local Plan.
- 10.29 Air Quality. To encourage the use of low-emission modes of transport, if the application was to be approved, an electric/hybrid vehicle charging point 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.

Representations:

- 10.32 Following the re-advertisement of the amended plans, 1 letter of representation has been received to date with the following comments and Local Planning Authority response:
- Obvious that a house cannot be constructed in place of the garage
Response: The impact on amenity has been assessed within the 'Impact on visual amenity section of this report.
 - More cars parked on the pavement on the bend is a road safety issue
Response: The impact on highway safety has been addressed within this report
 - Consider that a new house would be 'squeezed' into the site
Response: The impact on amenity has been assessed within the 'Impact on visual amenity section of this report.

The original representations made have been considered in the visual amenity and highway safety section of this report.

11.0 CONCLUSION

- 11.1 The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the 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 the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90827>

Certificate of Ownership – Certificate A signed

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Sep-2018

Subject: Planning Application 2018/90978 Erection of two storey and single storey extensions Brigsteer, 402, Birkby Road, Birkby, Huddersfield, HD2 2DN

APPLICANT

Acumen Architects

DATE VALID

02-Aug-2018

TARGET DATE

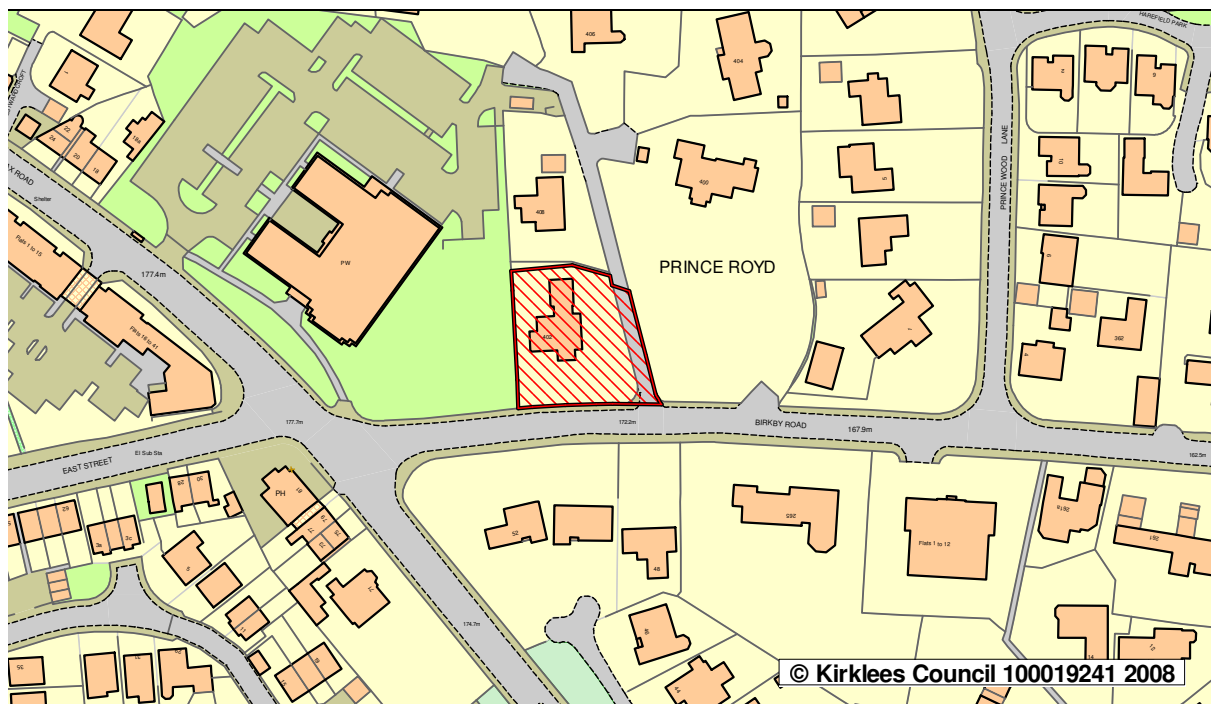
27-Sep-2018

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 before Sub-Committee for determination under the terms of the Delegation Agreement at the request of Ward Councillor Cahal Burke, for the following reason:
- 1.2 *I believe the size and scale of the proposal would result in the overdevelopment of the site and would be out of proportion in relation to the other properties in the area. The size and scale would be overbearing on nearby properties. The proposal for the new garage would result in significant visibility and access issues.*
- 1.3 The Chair of sub-committee confirmed that Cllr Burke's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 402 Birkby Road, known as Brigsteer, is a large detached dwelling situated on the north side of Birkby Road approximately 45m east of the junction with Halifax Road. Vehicular access is provided by an unadopted road adjacent to the eastern boundary of the plot which continues to serve 5 other dwellings. The plot, which measures approximately 20m from north to south and 15m (on average), is somewhat elevated above the level of Birkby Road. Vehicular access to the unadopted road is taken at the north-east corner of the site. The dwelling itself is of an asymmetrical design and layout, with an attached double garage at the northern end. Most of the amenity space is to the south and west, and there are several mature trees on the southern and eastern boundaries. To the west, the site is bounded by the Church of Latter Day Saints grounds, and to the north by no. 408 Birkby Road.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of a two-storey extension to the southern elevation of the property and a single-storey extension to the north-west corner.

- 3.2 The two-storey extension would be 5.3 by 6.0m and would be tied into the southern and part of the western elevations, projecting 2.3m to the south of the existing dining room, and would be 4.7m high to the eaves and with a gable roof.
- 3.3 The proposed single-storey extension would be 5.3 by 3.1m and would be located on the west or rear of the dwelling, tied in to the northern wall of the main dwelling and the southern wall of the garage, and with a monopitch roof.
- 3.4 There is a Council highway improvement scheme proposed nearby which would create a new lane within the carriageway of Birkby Road for southbound traffic turning right onto Birkby Road at the junction with Halifax Road, and then merge into the existing carriageway. It would take a wedge of land off the curtilage of the Church of Latter Day Saints and Brigsteer. This is dependent on the Council securing land off the relevant parties but the site plan has been drawn to reflect what the site would look like if it were carried out. This does not form part of the planning application and is not assessed in the report.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1

2003/94421 – Outline application for the erection of a detached dwelling. Approved and implemented.

2004/91771 – Reserved matters for the erection of a detached dwelling. Approved and implemented.

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

5.1

08-May-2018: Plans amended to show width of access road and position of existing trees. Extension in front of garage added in place of rear two-storey extension behind it.

04-Jul-2018: Garage extension and two-storey rear extension deleted.

16-Jul-2018: Detached double garage deleted and design of two-storey southern extension changed.

4- Sep 2018: The proposal to move the access point southwards from its present position to a point parallel with the access road, set back 1m from it to allow space for vehicles to pass was deleted. The proposal now intends to retain the access as existing.

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

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway safety
- **T19** – Parking
- **NE9** – Retention of mature trees.

Supplementary Planning Guidance / Documents:

6.3

PLP 21: Highway safety and access
PLP 22: Parking
PLP 24: Design
PLP33: Trees.

National Planning Guidance:

6.4

- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The proposal was advertised by a site notice and neighbour notification letters, including publicising amendments to the original scheme on 4 separate occasions by neighbour notification letter (publicity period for the final amended plans expires 18-Sep-2018). Representations have been made by a total of 21 local residents, 1 by the Church of Latter Day Saints, and 1 by a planning agent acting on behalf of local residents.

7.2 Of these 9 are opposed, 2 make comments and 12 are in support (although in this category it is noted that 2 are anonymous and a further 2 fail to give full postal addresses). A summary of the concerns and comments made is given below:

Grounds of objection and concerns

- Overdevelopment. Design and scale out of keeping with its surroundings.
- Already bigger than approved.
- Moving the entrance will impede people's access to and from the lane, and result in cars blocking the lane when the gates are being opened, because of the loss of the pull-in space, which was required by the previous planning consent. Bins would block the lane on collection days. It contravenes condition (3) on the reserved matters approval.
- Overlooking of 48 Inglewood Ave from garage window and upper floor window in extension.
- Insufficient detail about the junction improvements and how the development will affect them, in particular visibility at junction with Birkby Road.
- Visitors to church sometimes use the lane after large events as a means of egress.
- It will become more difficult for the owner to access his own garages because of the changes in internal layout. No swept path analysis
- Loss of trees.
- Hard landscaping affecting run-off and drainage
- Dry stone wall must be maintained.
- No measurements on the plans.
- Access difficulties during construction.
- The lane is not in the applicant's ownership and any alteration to lane requires joint permission of all owners.
- Garages could be added at a later date. PD rights must be removed for all further extensions
- The dry stone boundary wall is not in the same ownership as the house and so the developer would need the consent of third parties to carry out the access works. No proven right of access over the lane.
- The lane does not have a shared turning area with legal access rights, contrary to the swept path analysis shown on the 2004 approval.

Supporting and general comments

- Considers the application should be determined as soon as possible
- In keeping with street scene
- Some of the trees are dying and should be removed.
- Replacement planting can be done if necessary
- Will not affect road safety or visibility, it is a quiet street anyway, might even improve it
- The road widening will improve highway safety
- The country is facing a housing crisis and we cannot run the risk of driving people and their businesses out of town.
- It will provide work for local tradespeople.
- Solar panels are an asset.
- There will be no impact on [the supporter's] house or view.
- The house was built as planned, the drive still incorporates a pull-in area, and the wall will be reconstructed in the same dry stone.

- Other developments in the locality have been approved and built (highlights householder developments nearby) which the writer considers in some cases are of a similar scale to that proposed
- The development would not affect the view of nearby residents
- Parking hasn't been a problem in the past even though there have been as many as 6 adults living there at one time.
- If safety really is such an issue, the Council should adopt the road and impose a speed limit.

7.3 Any further representations received in respect of the latest amended plans will be reported to Members in the update.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory: There were no statutory consultees**

8.2 **Non-statutory:**

KC Arboricultural Officer – No objection in principle;

Highways Development Management – No objection provided that sight lines at Birkby Road junction are shown correctly (i.e. after the improvements have been carried out).

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

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

10.2 Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), T10 (development should not create or materially add to highway safety problems), T19 (development should ensure that adequate parking is provided taking into account the recommendations in Appendix 2) and NE9 (mature trees should normally be retained).

- 10.3 PLP24 (c) of the Publication Draft Local Plan states: “Proposals should promote good design by ensuring that . . . extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers”. PLP21-22, which cover highway safety and parking, can in principle be given considerable weight but cover the same concerns as the UDP policies T10 and T19. Policy PLP33 (Trees) states that 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.”

Urban Design issues

- 10.5 The proposal as originally submitted contained the following two elements that have now been deleted – a two-storey extension behind the existing garage (replaced by a front extension on Revision A); a large detached garage near the south-western corner of the site. These were removed from the scheme on the advice of the case officer because of the impact they would have had on visual and residential amenity.
- 10.6 The existing house is quite large being 3-storey and with 6 bedrooms. Its immediate neighbours are all individually designed, two-storey houses on plots of varying sizes. The plot upon which Brigsteer is built is approximately 1200 sqm in area. The adjoining property, no. 408, is built on a 1100sqm plot, nos. 404 and 406 are built on plots of approximately 1600 and 1400sqm respectively. Comparing Brigsteer and no. 408, the ground covered by the dwelling as actually built (or dwelling plus garage in no. 408’s case) is roughly 210 and 190 sqm respectively, giving a plot coverage of about 17% in each case. So, taking into account the overall scale of dwelling, including both its footprint and overall bulk, it would appear that no. 402 is the most densely built up plot in terms of house size to plot size ratio, but only very marginally more so than no. 408. It is noted that the house has been built slightly larger than that which was shown on the approved plans, but this is not in itself a reason to reject all proposals for extensions – any such proposal must be assessed on its own merits.
- 10.7 The proposed two-storey extension to the southern side elevation, on the Birkby Road side, would only project 2.3m beyond the furthest extent of the existing southern elevation, and would still be 9.9m from the existing plot boundary with Birkby Road, or 6.5m if the highway improvement were to go ahead. It is considered therefore that it would not be unduly prominent.
- 10.8 The proposed rear extension would be very small compared to the existing building and would be, at its closest, 12m and 7m from the northern and western boundaries of the site respectively.
- 10.9 Given the above factors, the extensions now proposed would not amount to overdevelopment or result in the house having an overly prominent appearance, and they would result in a satisfactory amount of garden space being kept at the side and rear of the property. It is considered that this would still be the case if a small wedge of land on the Birkby Road frontage were to be lost to the proposed highway improvement. Design detail, including roof style and the positioning of window openings, would harmonise with the existing building.

- 10.10 In conclusion, it is considered that the proposed development would respect the appearance and character of the existing dwelling and surrounding development, thereby complying with the aims of Policies D2(ii), BE1, BE2 and BE13 of the UDP and Policy PLP(c) of the PDLP.

Residential Amenity

- 10.11 The two-storey extension would be 24m from the nearest point on the curtilage of another residential property (in this case, 48-52 Inglewood Avenue) and 42m from the facing rear elevation of nos. 50-52 (no. 48 is still further away) and it is considered that it would not give rise to any significant overlooking or other undesirable impacts. The single-storey extension would be approximately 7m from the northern boundary of the site and it is considered that owing to its separation distance and small size it would not affect the amenities of no. 408.
- 10.12 In conclusion it is considered that the proposal as shown on the current plans would not result in a loss of amenity to any neighbouring residential property or adjacent land, and would thereby accord with the aims of Policies D2, BE14 and PLP24(b).

Landscape issues

- 10.13 It is considered that the existing trees have only limited amenity value and do not merit a Tree Preservation Order. It is noted that whilst Policy NE9 of the UDP, the adopted plan, states that mature trees should normally be retained, PLP33 qualifies this as trees that are valuable to amenity, local character or the environment.
- 10:14 It is considered that the proposed development would have no significant impact on the wider landscape. The latest plans do not indicate the removal of any trees. Since the proposed new access has been deleted from the proposal, the development would not involve any works within the crown spread of any tree. It is noted that no trees within or on the boundaries of the site are subject to a Tree Preservation Order.
- 10.15 Several trees will, unavoidably, be lost by the proposed junction improvements to Birkby Road, but this is not part of the application. The architect has proposed a replacement planting scheme, consisting of 3 new trees on the highway frontage, silver birch and white oak, which would represent a benefit but is not considered essential and does not need to be conditioned.

Highway issues

- 10.16 The formation of a new or amended means of access to an unclassified road does not normally require planning permission. This was previously proposed as part of this application but has since been deleted.
- 10.17 It should be noted that Condition (3) on reserved matters approval 2004/91771 for the original house requires that "before the development is occupied, the access improvements shown on drawing No. 2827-07 Rev A attached to the outline approval 03/60/94421/W2 shall be provided and the sight lines shown shall be cleared of all obstructions to visibility exceeding 1.0m in height above the adjacent carriageway". (This includes sightlines at the junction of the access road with Birkby Road and the junction of the house drive with the access road).

- 10.18 The Reserved Matters condition does not stipulate that the access improvements and sightlines must thereafter be maintained at all times in the future. Condition (4) on the outline approval however requires that “the access improvements shown on the approved plan shall be...and thereafter retained as such” It is not completely clear from the wording of the condition, or the plan title “proposed junction improvements” reference 2927-07 Rev A which improvements are being referred to. But is considered on balance that the retention of the two main junctions (between the unadopted road and Birkby Road, and between the private drive and the unadopted road). This is as now shown on the latest amended plans.
- 10.19 Several local residents expressed the concern that the loss of the existing angled access with its recessed gateway, as previously proposed, would have led to obstruction of the access road resulting in highway safety problems. This element of the proposal has now been deleted and the existing private access is to be kept unaltered.
- 10.20 Existing parking arrangements would be unaffected – there would be enough space to park at least another two vehicles within the paved part of the curtilage near the southern end. Using standard swept path overlays, a car can easily undertake a 3-point turn within the site.
- 10.21 The sight lines shown at the junction of the access road and Birkby Road are based on the current configuration of the carriageway and not the proposed improvements. If they were based on the layout that would exist post-improvement, the sight line to the west would cross part of the garden. The proposed highway improvements are however completely unrelated to the current application and visibility would not be affected by the proposed extensions. It is therefore considered that notwithstanding Highways Officer’s comments it would be unreasonable to require the applicant to show post-improvement sight lines as part of this application.
- 10.22 In conclusion, the proposed development, if implemented in full accordance with the latest amended site plan, would not create or materially add to highway safety problems provided that the access arrangements as shown are retained at all times which can be conditioned, and would accord with the aims of Policies T10, T19, PLP21 and PLP22.

Representations

- 10.23 The concerns expressed are summarised below with officer responses:

Overdevelopment. Design and scale out of keeping with its surroundings.

Response: This concern has been examined in depth in paragraphs 10.5 to 10.10 of the report and it is considered it would harmonise with its surroundings.

Already bigger than approved.

Response: The “as existing” elevations on the current application have been compared with the approved elevations for 2004/91771. The overall width of the house, north to south, is now 24m, the depth (including the main living accommodation and the original double garage) 12.9m. The original approved plans show it to be 23.4m in length, 13.1 in width. The discrepancy in width is corroborated by aerial photographs held by the Council.

The internal ground floor level to eaves height on the eastern or front elevation as existing is scaled off at 5.7m, and from floor level to the roof ridge 7.9m. The equivalent scaled measurements shown on the 2004 plans are 4.9m and 7.4m. It can be observed on the plans that the proportions of the house are different, in that, for example on the south elevation as built there are several courses of stone between the lintels of the upper floor windows and the gutter line, whereas on the 2004 plans there was no clearance between the lintels and eaves.

In conclusion the dwelling seems to have been built larger than shown on the approved plans, but not drastically so. The most striking difference is not in the footprint but in the height of the walls from ground to eaves, which has allowed the inclusion of second-floor living space in what was originally approved as a two-storey dwelling. It should be noted that this in itself however is not a material planning consideration in the assessment of this application. The dwelling, it would appear, has been substantially completed for more than 10 years and there is no record of a breach of condition ever being challenged by the Council, and so any breach of condition that may have occurred relating to the design or scale is now immune from any enforcement action. Furthermore, as the operational development to construct the dwelling was substantially completed more than 4 years ago this would also preclude enforcement action being considered.

Moving the entrance will impede people's access to and from the lane, and result in cars blocking the lane when the gates are being opened, because of the loss of the pull-in space, which was required by the previous planning consent. Bins would block the lane on collection days. Contravenes condition on previous approval.

Response: The amended site plan demonstrates that the entrance will not be relocated.

Overlooking of 48 Inglewood Ave from garage window and from upper floor in the extension.

Response: The garage has been deleted from the proposal and it is considered that the distance is too big for significant overlooking to occur.

Insufficient detail about the junction improvements and how the development will affect them, in particular visibility at junction with Birkby Road.

Response: The development will not affect the junction improvements or be affected by them.

The Church has a right to use the lane and visitors to church sometimes use it after large events.

Response: This is noted but it is considered that the development would have no impact on highway safety and would cause no significant interference with existing access rights.

It will become more difficult for the owner to access his own garages because of the changes in internal layout. No swept path analysis.

Response: According to standard swept path overlays, manoeuvring and turning within the site will not be problematic.

Loss of trees.

Response: No trees on site would be directly affected by the proposed extensions. In any case they are not deemed worthy of a preservation order as their individual value to amenity is limited.

Hard landscaping affecting run-off and drainage

Response: The area to be used for parking and turning is already block-paved and so the proposal would not bring about any change.

Dry stone wall must be maintained.

Response: The drystone wall is to remain unaltered.

No measurements on the plans.

Response: This is not a mandatory requirement. The plans are scaled and can be measured. It is noted however that the site plan shows the width of the access road as an annotated measurement confirming it is to remain at 4.8m width.

Access difficulties during construction.

Response: Although not a standard requirement for a development of this nature, the architect has submitted a short paragraph explaining how construction access would be managed.

The lane is not in the applicant's ownership and any alteration to lane requires joint permission of all owners.

Response: Notice has been correctly served on the owners of the lane. The current version of the site plan makes it clear there would be no alterations to the lane.

Garages could be added at a later date. Permitted development rights must be removed for all further extensions

Response: Permitted development rights have already been removed condition (8) on the reserved matters approval 2004/91771

The dry stone boundary wall is not in the same ownership as the house and so the developer would need the consent of third parties to carry out the access works. No proven right of access over the lane.

Response: These are considered to be private civil matters and not material planning considerations.

The lane does not have a shared turning area for a bin wagon with legal access rights, contrary to the swept path analysis shown on the 2004 approval.

Response: As the development is for extensions to a dwelling it is unlikely to result in a material increase in refuse collection vehicles or other large vehicles on the lane.

10.24 General comments and those in support of the application are summarised below with officer responses:

Considers the application should be determined as soon as possible

Response: The proposal has required multiple revisions before being taken to committee in order to address concerns raised by officers.

In keeping with street scene.

Response: It is considered that it would conserve the appearance of the street scene.

Some of the trees are dying and should be removed.

Response: This claim is not supported by objective evidence, although the trees are not deemed to be of high quality.

Replacement planting can be done if necessary

Response: Some replacement planting is shown but is not considered essential.

Will not affect road safety or visibility, it is a quiet street anyway, might even improve it

Response: The latest site plan has deleted the proposal to relocate the access point to the dwelling.

The road widening will improve highway safety

Response: The widening of Birkby Road is not part of the application although the plans acknowledge it.

The country is facing a housing crisis and we cannot run the risk of driving people and their businesses out of town.

Response: The proposal would enlarge the property so as to serve the needs of the intended occupant but this factor is, in general, treated as a private interest rather than a public one and is therefore not a material consideration.

It will provide work for local tradespeople.

Response: The benefit to the local economy would be modest and only short-term so this factor cannot be given significant weight.

Solar panels are an asset.

Response: The addition of solar panels to a south-facing roof slope is shown on the plans but this is not directly related to the proposals so cannot be afforded any weight.

There will be no impact on [the supporter's] house or view.

Response: Noted.

The house was built as planned, has not been extended since, the drive still incorporates a pull-in area, and the wall will be reconstructed in the same dry stone.

Response: As previously noted, there are discrepancies between the house as approved under application 2004/91771 and as built, but it would appear there have been no extensions since. There are now no proposal to alter the drive.

Other developments in the locality have been approved and built (highlights householder developments nearby) which the writer considers in some cases are of a similar scale to that proposed

Response: Each application must be judged on its own merits.

The development would not affect the view of nearby residents

Response: This is a subjective claim and is afforded no weight.

Parking hasn't been a problem in the past even though there have been as many as 6 adults living there at one time.

Response: The plans show a very substantial area that could be used for parking in addition to the attached garages, which are to remain.

If safety really is such an issue, the Council should adopt the road and impose a speed limit.

Response: Road adoption is outside the remit of the planning system.

Other Matters

- 10.25 *Construction access.* It is important to note that a Construction Management Plan is not a standard requirement for Minor or Householder development and has not been requested by the Highways Officer. The architect has however offered the following proposals as to how construction traffic can be safely managed:
- 10.26 "In terms of the construction access plan, it is envisaged that part of the wall on the private access road will be removed to allow larger construction vehicles to access to site. There is sufficient room in the site for vehicles to park. In terms of deliveries a large delivery vehicle can stop temporarily on Birkby Road and materials transferred to the site using a hiab crane."
- 10.27 This last operation might require the consent of the Council acting as Highway Authority but again, this is outside the remit of the planning system and this control regime should not be duplicated here.
- 10.28 It should be noted that the partial demolition of a boundary wall that is not in Conservation Area or within the curtilage of a Listed Building does not normally require planning permission. Condition (9) on the reserved matters for the original house, 2004/91771, stipulates that "the realigned boundary wall shall be constructed as a traditional dry stone wall with hand dug foundations" but does not require that it be retained or maintained as such thereafter. It is assumed that the wall will be re-instated using the same materials but it would not be reasonable to condition this since the wall could be demolished and rebuilt under permitted development rights and such a condition would fail the test of being necessary and relevant to the development.

11.0 CONCLUSION

- 11.1 It is considered that the proposed development, as shown on the latest amended plans having undergone multiple major revisions, would not amount to overdevelopment and would respect the character of the existing dwelling and its surroundings. It is therefore recommended that conditional full approval is granted.

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 commencement time limit**
- 2. Development in full accordance with approved plans**
- 3. Materials to match existing**

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90978>

Certificate of Ownership – Notice served on nos. 402, 406 and 410 Birkby Road 1st
August 2018

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Sep-2018

Subject: Planning Application 2017/93973 Change of use of dwelling into two dwellings and first floor side extension 103, Greenhead Road, Huddersfield, HD1 4EZ

APPLICANT

B Singh

DATE VALID

24-Jan-2018

TARGET DATE

21-Mar-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Greenhead

No

Ward Members consulted

RECOMMENDATION: REFUSE

1. The proposed first floor extension when considered cumulatively with the previous extensions to the property, would result in an overly prominent and incongruous structure in the streetscene. Furthermore the extension and subdivision of the property to form two dwellings would result in an overdevelopment of the site. This includes the amount of car parking required and limited amenity space available to future residents. To permit such a development would be detrimental to visual amenity and fail to accord with the requirements of Policy D2 (ii), (vi) and (vii) of the Kirklees Unitary Development Plan, Policy PLP24 (a) and (c) of the Publication Draft Local Plan and guidance in Chapter 12 of the National Planning Policy Framework.

2. The access onto Greenhead Road from the private drive is substandard due to inadequate sight lines in both directions which would be to the detriment of highway safety and contrary to Policy D2 and T10 of the Unitary Development Plan, Policy PLP21 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

3. The proposed sub-division of the property to provide two separate dwellings would result in limited private amenity space for either property. The only usable space, not given over to access and parking being an open, elevated area above Gledholt Bank. It is considered that this would not promote a healthy environment for future occupiers contrary to Policy BE1(iv) of the UDP and paragraph 127 (f) of the NPPF.

1.0 INTRODUCTION:

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

“I would wish the application to be reported at Huddersfield Planning Sub Committee on the basis that members to consider whether the development did constitute an overdevelopment of the site, whether there was sufficient parking and amenity space for future residents and whether the further development of the site would be detrimental to highway safety. I would like to request that members have a site visit before the determination of the application.

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

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is a former detached bungalow situated in an elevated corner plot at the junction of Gledholt Bank and Greenhead Road. Planning permissions approved in 2005 and 2008 have resulted in the property now being a larger, brick and tile two storey property with a single detached garage with access to the property being off a private road to the rear of the property.

3.0 PROPOSAL:

- 3.1 Permission is sought for the change of use of the dwelling into two dwellings and first floor side extension. The application has been submitted following a previously withdrawn scheme for the erection of a first floor extension and alterations to convert existing garage/store to habitable space.
- 3.2 The proposed change of use of the dwelling into two dwellings would result in one property containing a living room, kitchen, dining room, lounge, hallway and WC at ground floor and 4 no. bedrooms (one with en-suite) and a bathroom at first floor and 2 further bedrooms and bathroom within the second floor. The floor plans for the other property would accommodate a garage (if this is utilised as a garage and not habitable accommodation), living room, kitchen and hall at ground floor, 2 no en-suite bedrooms and first floor with a further en-suite bedroom within the proposed first floor extension. In summary, 1 no. 6 bedroom property and 1 no. 3 bedroom property.
- 3.3 Vehicular access into the site is taken from a private access road off Greenhead Road which also provides access to 61-65 Gledholt Bank. The access leads to an area of hardstanding to the east of the property where a detached garage is located and there are lawned areas to the north and west of the property.
- 3.4 The existing single storey side extension was approved under application number 2005/95076 and proposed to be a garage projecting 3 metres from the side of the property and set back from the front and rear elevations. The submitted plans, and as existing on site, demonstrate that the garage as erected is larger with a 4.3 metre side projection lying flush with the front and rear elevations. In addition, the design, including blanked out patio doors which are set above ground level, suggest a garage door was not installed. Externally it appears that the internal space could be utilised as residential accommodation.
- 3.5 The proposed first floor extension would lie flush with the existing front, rear and side elevations and would have an eaves height and ridge height to match the existing. The proposed construction materials would be brick for the walls and tiles for the roof. Two openings are proposed within the east elevation above what should be the garage door facing into the forecourt of the site and a window proposed in the west elevation facing Gledholt Bank. The plans also indicate that the patio doors within the west elevation at ground floor level would be altered to a window.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2004/94587 Alterations to existing bungalow to form a two storey dwelling, erection of detached garage and formation of new access
Conditional Full Permission
- 4.2 2005/92181 Alterations to existing bungalow to form a two storey dwelling, erection of porch and detached garage and formation of new access (modified proposal)
Conditional Full Permission
- 4.3 2005/95076 Erection of extensions and attached garage
Conditional Full Permission
- 4.4 2007/90033 Demolition of bungalow and outline application for erection of 2 no. detached dwellings
Refused – substandard access due to inadequate visibility splays; prejudice protected tree; cramped form of development resulting in overcrowding
- 4.5 2007/92824 Demolition of bungalow and outline application for erection of 2 no. detached dwellings
Refused – not demonstrated that access to the site can be achieved via shared drive; drive is inadequate to accommodate additional traffic; drive would serve more than 5 properties leading to difficulty for maintenance and service vehicles to serve the properties; prejudice protected tree
- 4.6 2008/90812 Demolition of existing bungalow and erection of 2 no. detached dwellings
Invalid
- 4.7 2008/94130 Erection of extensions (modified proposal)
Conditional Full Permission
- 4.8 2016/93736 Dead or dangerous tree to the highway
Noted – requirement to plant a replacement tree
- 4.9 2016/93973 Erection of first floor extension and alterations to convert garage/store to living accommodation.
Withdrawn following concerns raised regarding overdevelopment and highway safety
- 4.10 Enforcement – COMP/08/0169/W2 – not built in accordance with approved plans
Breach regularised
- 4.11 Enforcement – COMP/09/0361 – material change of use from one dwelling to two dwellings - *Breach not expedient.*
It would appear that the proposal to subdivide the dwellings might be retrospective as the site has been recently marketed as an 8-bedroomed semi-detached property with the house numbers being 103 and 103A clearly displayed on the doors to the building. At the time of the site visit, it did not appear that the amenity area had been split for each property. Enforcement records indicate that the change of use was investigated in 2009. However, the 2016 application was submitted as a 'householder' application seeking an

extension to a single dwelling encompassing the whole application site. As the declaration within the previous application was that the property was a single dwelling, the change of use of one dwelling to two is a material consideration in terms of the assessment of this application.

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

5.1 Concerns were raised to the Agent with regards to the attached garage not being used as a garage due to the patio doors and elevated floor level and also that the rooflights are not shown on the plans. Also, that 3 parking spaces per dwelling would be required which does not appear to be achievable. It was also relayed to the agent that the proposal was considered to constitute overdevelopment and an over-intensification of the site, given the scale of the original property, with significant concerns regarding highway safety. Following initial comments from Highways Development Management, a site plan has been submitted demonstrating that 6 vehicles (3 per dwelling) can be parked within the site. The additional plan was received on 17th August 2018.

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

- D2 – Unallocated land
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Materials
- BE12 – Space about buildings
- BE13 – Extensions to dwellings (design principles)
- BE14 – Extensions to dwellings (scale)
- T10 – Highway safety
- T19 – Parking standards

Kirklees Publication Draft Local Plan Policies:

6.3

- PLP1 – Achieving sustainable development
- PLP2 – Place shaping
- PLP21 – Highway safety and access
- PLP22 – Parking
- PLP24 – Design

National Planning Guidance:

6.4

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was publicised by site notice and neighbour notification letters. The period of publicity ended on 3rd March 2018 with 5 letters of representation being received. The amended plan indicating parking spaces was not re-publicised as this did not appear to alter to materially address the original representations made.

The following being a summary of objections:

Principle

- Property advertised as a semi-detached student let
- Historically permission for 2 dwellings on the site have been refused however the building is now two dwellings
- As one property Planning Permission would be needed for a HMO but by splitting the property with total rooms being 10 would not require Planning Permission

Existing attached garage

- Not constructed in accordance with approved plans – larger than approved
- Never been utilised as a garage
- Not accessible as a garage due to floor levels

Highways

- Lane off Gledholt Bank is at full capacity
- Lack of parking and turning point
- Previous applications deemed the private drive was inadequate to accommodate with substandard visibility with the number of properties being served by the access

Trees

- Protected tree damaged and removed with no replacement

Drainage

- No provision for surface water capture or retention yet site hardsurfaced to 3 sides

Visual amenity

- Blank side gable not in keeping with surrounding Victorian properties
- As existing, detrimental to visual amenity made worse by breaches of height and width

Residential amenity

- Increasing number of students would increase noise, nuisance and anti-social behaviour
- Overlooking as all rooms would be bedrooms

Breaches of planning conditions

- Previous approval asked for planting/shrubs to be retained however all planting has been grubbed out
- Previous permission required access to Greenhead Road to be walled up as it formed a hazard but is still in use daily
- Garage hosts patio doors and not a garage door

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- K.C. Highways Development Management – Access is substandard with poor sight lines. Application not supported.

8.2 Non-statutory:

- K.C. Arboricultural Officer – no objection

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for 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 extending and making alterations to a property and the subdivision of the property will be assessed against Policies BE1, BE2, BE13 and BE14 of the UDP, Policy PLP24 of the PDLP and advice within Chapter 12 of the National Planning Policy Framework regarding achieving well-designed places. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations.
- 10.3 Furthermore, the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Urban Design issues

- 10.4 The scheme proposes a first floor extension above the existing single storey side extension which would lie flush with the existing front, rear and side elevations with an eaves and overall ridge height that would lie flush with the existing.
- 10.5 The property was originally a bungalow and has over time been increased to a two storey property with detached garage. This is in a prominent elevated position above Gledholt Bank and on its junction with Greenhead Road. The proposed plans demonstrate a further increase in scale from the original bungalow. This would not appear as a subservient extension to the original structure but rather a full height continuation of the first floor added to this original property. This would exacerbate the elongated appearance of the dwelling, which is out of character with the wider streetscene, forming an incongruous and overly prominent feature in the area. This would be detrimental to visual amenity.
- 10.6 The existing extensions to the building, including the detached garage, have taken much of the amenity area for the single authorised property. It is therefore considered that to further increase the size of the building, subdivide it, together with the provision of 6 no. car parking spaces, would represent an over-development of the site which would be detrimental to the character of the area and the street scene.
- 10.7 In summary, it is considered that the subdivision and proposed extension, would result in a development which would be an over-development of the site and that would be harmful to visual amenity and the character of the area.

Residential Amenity

- 10.8 With regards to residential amenity, the proposed extension would be located above the existing side extension with habitable room windows in both the front and rear elevations with no openings proposed within the side elevation. With regards to overlooking, the established separation distances would not be reduced and therefore, the openings area considered to be acceptable.
- 10.9 Given the location of the extension within the plot, and its proximity to other residential properties, it is not considered that the extension would result in harm caused from overshadowing or by being overbearing.
- 10.10 Issues have been raised from local residents with regards to the potential increase in noise, nuisance and anti-social behaviour from the number of residents the development could accommodate. The proposed development, which sub-divides the property into two would result in a total of 9 bedrooms across both properties. However, if neither property houses more than 6 independent people – which is suggested from the split of 6 bedrooms in one property and 3 bedrooms in the other, Planning Permission is not required for a HMO, as this is a permitted change from Class C3 to C4, and therefore this is not a material planning consideration for this application.
- 10.11 Taking into account the amenity of future occupiers, the living space proposed would provide a reasonable amount of amenity. As set out above neither property would have a generous amount of useable amenity space, and that which would be available would be either to the front of the property which is open to view from Gledholt Bank or largely given over to access and parking. In particular the 6-bedroomed property would solely rely on the land to the west of the property for ‘amenity’ space. Although there are no policies regarding minimum garden space, it is considered that the ensuing development would not promote a healthy environment for future occupiers due to the lack of private amenity space contrary to Policy BE1 of the UDP and para 127 (f) of the NPPF.

Landscape issues

- 10.12 Facing the access to the properties, there is a large area of hard landscaping to accommodate vehicles with the only available soft landscaping to the front of the building. A protected tree was removed from the site under a tree works application in 2016 with a legal requirement to replace the tree however this does not appear to have occurred. This matter is separate to the merits of this application and would be dealt with by the Council’s Arboricultural Officer. The replacement tree, once matured, would further limit useable amenity space for the 3-bedroomed property.

Highway issues

- 10.13 The application has been discussed with the Highways Development Management. Whilst a site plan has been submitted which demonstrates that 3 no. parking spaces per dwelling can be achieved, the sight lines in both directions to Greenhead Road, at the junction of the track which serves the property, are substandard. The intensification of the use of the access from the proposed extension and the sub-division to form 2 separate properties would have an unacceptable impact on highway safety contrary to Policy D2

and T10 of the Unitary Development Plan, Policy PLP21 of the Publication Draft Local Plan and advice within the National Planning Policy Framework. Sight lines of 2.4m x 43m would be required in each direction to make the scheme acceptable. This would require 3rd party land and could not be controlled by planning conditions as part of this planning application.

Representations

10.14 5 representations have been received with the following comments and Local Planning Authority response:

Principle

- Property advertised as a semi-detached student let

Response: Noted

- Historically permission for 2 dwellings on the site have been refused however the building is now two dwellings

Response: Noted

- As one property Planning Permission would be needed for a HMO but by splitting the property with total rooms being 10 would not require Planning Permission

Response: Noted

Existing attached garage

- Not constructed in accordance with approved plans – larger than approved
- Never been utilised as a garage
- Not accessible as a garage due to floor levels

Response: The Case Officer is aware of the above factors however as the garage has been in situ for more than 4 years, it would be immune from enforcement action.

Highways

- Lane off Gledholt Bank is at full capacity
- Lack of parking and turning point
- Previous applications deemed the private drive was inadequate to accommodate with substandard visibility with the number of properties being served by the access

Response: Addressed in Highways Issues of the report

Trees

- Protected tree damaged and removed with no replacement

Response: see para 10.12

Drainage

- No provision for surface water capture or retention yet site hardsurfaced to 3 sides

Response: It appears from the historical aerial maps that the hardstanding to the front of the property was created as following the granting of the 2008 application and therefore would have been subject to the Permitted Development Rights legislation at that time for the creation of a hardstanding area.

Visual amenity

- Blank side gable not in keeping with surrounding Victorian properties
- As existing, detrimental to visual amenity made worse by breaches of height and width

Response: The impact of the scheme on visual amenity has been assessed in para 10.4-10.7 of this report.

Residential amenity

- Increasing number of students would increase noise, nuisance and anti-social behaviour
- Overlooking as all rooms would be bedrooms

Response: The impact of the proposal on residential amenity has been addressed within this report.

Breaches of planning conditions

- Previous approval asked for planting/shrubs to be retained however all planting has been grubbed out
- Previous permission required access to Greenhead Road to be walled up as it formed a hazard but is still in use daily
- Garage hosts patio doors and not a garage door

Response: It is noted that since the submission of this application, the access to the site has been blocked with a fence and cannot be used as access into or out of the site. The enforcement history has been assessed in section 4 of the report.

Other Matters

10.15 There are no other matters for consideration.

11.0 CONCLUSION

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

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 the adverse impacts of the proposed development would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93973>

Certificate of Ownership – Certificate A signed

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Sep-2018

Subject: Planning Application 2018/91623 Change of use from dwelling to sui generis use for commercial letting for more than 6 guests at any one time (within a Conservation Area) 221, Meltham Road, Netherton, Huddersfield, HD4 7BD

APPLICANT

S Wolfenden

DATE VALID

18-May-2018

TARGET DATE

13-Jul-2018

EXTENSION EXPIRY DATE

28-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: Crosland Moor & Netherton

Yes	Ward Members consulted (referred to in report)
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RECOMMENDATION:**Refuse planning application and authorise the Head of Strategic Investment to take enforcement action to cease its use.**

Refuse planning permission for the following reason:

The scale of the proposed use, with up to 16 people occupying the property at any one time, would cause undue noise and disturbance to occupiers of nearby residential property which could not be effectively controlled by planning condition. Furthermore it would result in an unacceptable impact on highway safety as there are insufficient off-road parking facilities to accommodate occupants leading to indiscriminate parking on nearby roads. The development is contrary to BE1 (iv), T10, T19, EP4 of the Kirklees Unitary Development Plan, Policies PLP 24 (b) , PLP 21 and PLP 52 of the Kirklees Publication Draft Local Plan.

1.0 INTRODUCTION:

- 1.1 This application is brought to the sub-committee at the request of Cllr Manisha Kaushik for the reason that *when considered against adopted planning policy, there are no contraventions and the scheme does not generate any highway safety implications.*
- 1.2 The Chair of the Sub-Committee has confirmed that Cllr Kaushik's reason for making this request is valid having regard to the Councillor's protocol for planning committees

2.0 SITE AND SURROUNDINGS:

- 2.1 221 Meltham road is a substantial two-storey detached dwelling built in traditional materials which is sited with its main (north-west) elevation facing Meltham Road. The curtilage is relatively small and comprises some mostly low-lying land to the south-west and steeply rising land to the rear or south-east. The land rises beyond the site boundaries to the south-west and south-east where there are trees and bushes.
- 2.2 The site is outside the main built-up part of Armitage Bridge, being located at the western end of a short row of terraced dwellings. The dwelling lies on the far west boundary of the Armitage Bridge Conservation Area and is within designated Green Belt.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the change of use from dwelling to sui generis use for commercial letting for more than 6 guests at any one time.
- 3.2 The supporting statement submitted with the application outlines the property is host to 4 bedrooms that can sleep up to 16 people and has been in operation since March 2016.
- 3.3 The statement outlines the property can accommodate up to 3 parking spaces to the front of the dwelling off street and is in close proximity to local bus and rail services. The applicant states that guests are informed of parking arrangements before they arrive, however, if it is necessary for guests to park on street the applicant ensures these vehicles are parked away from the main Meltham Road onto Butternab and Armitage Roads down past residential properties.
- 3.4 In addition to the original submission, following environmental health concerns, the applicant has submitted a noise management plan.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2014/92518 - Erection of attached garage, formation of new access and improvement to parking – Conditional Full Permission
- 4.2 COMP/18/0070 – Concerns raised via Local resident regarding the continued increase in cars parking outside 221 Meltham Road relating to its use as a ‘party house’ and the potential for an accident.

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

- 5.1 The agent has been involved in providing additional highway and a noise mitigation plan information following consultation responses. A revised location plan was also sought showing the correct boundary.

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.

This site is allocated both within the Armitage Bridge Conservation Area and as Green Belt under the Unitary Development Plan and Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 BE1 – Design
- BE2 - Design
- BE5 – Preservation/enhancement of Conservation Areas
- T10 – Highways Safety
- T19 – Highways Standards
- EP4 – noise

Supplementary Planning Guidance / Documents:

- 6.3 PLP 1 – Sustainable Development
- PLP 3 – Location of new development
- PLP 21 – Highway Safety
- PLP 24 – Design
- PLP 52 – Noise

National Planning Guidance:

- 6.4 Chapter 6 – Building a strong, competitive economy
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The plans were advertised by press advertisement, site notice and neighbour letters which expired on the 29/06/18. Following submission of further highway and noise management information the application was advertised for comments until 24/08/18.

7.2 As a result of the above publicity 8 representations were made from 5 interested parties which expressed the following concerns:

- Noise disturbance and associated nuisance that comes with large groups of people
- Restrictive covenants on the deeds stating the property is not to become commercial premises
- Not the type of place you find in a conservation area
- Guests trespass on my land, the guests park on my drive blocking my entrance
- There is a real potential danger to life parking on the road at these junctions or outside the property
- Guests cars block residents driveways when they park on Butternab road
- Noise management scheme is not practical to implement, there can be noise issues 24 hours a day
- Parking on the main road makes turning onto Armitage Road dangerous

8.0 CONSULTATION RESPONSES:

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

8.1 Statutory:

KC Environmental Health: Would support the proposal with the condition of a noise management plan

KC Highways Development Management: Object on lack of off street parking and potential detriment to highway safety caused by guests parking on street.

9.0 MAIN ISSUES

- Principle of development
- Residential amenity
- Visual Amenity & Conservation Area
- Highway issues
- Green Belt
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 This site is allocated both within the Armitage Bridge Conservation Area and as Green Belt under the Unitary Development Plan and Kirklees Publication Draft Local Plan.
- 10.2 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.
- 10.3 Chapter 6 (para 80) of the NPPF asserts that: 'significant weight should be placed on the need to support economic growth and productivity, taking account both local business need and wider opportunities for development'.
- 10.4 PLP3 states that development 'will be permitted where it supports the delivery of...employment growth in a sustainable way, taking account of the following criteria: (including) 'ensuring delivery of...jobs in smaller settlements to meet...local employment needs'.
- 10.5 As such, it is considered that the principle of locating self-catering accommodation in this location could be supported in principle as it would support economic growth in a smaller settlement. This is subject to an assessment of whether that development can be undertaken in a sustainable way. This will take into account the impact on visual and residential amenity, highway safety and any other material considerations. An assessment against the relevant considerations is set out below.

Residential Amenity

- 10.6 KC Environmental Health has been consulted on this application and discussion has been held between the Environmental Health Officer and the Case Officer. The discussions have centred on the noise and disturbance concerns from the proposed commercial letting of the property and whether these could be appropriately mitigated.
- 10.7 KC Environmental Health initially objected to the application stating “ in the absence of a comprehensive and effective noise management plan from the applicant or the option of a condition that restricts the number and type of occupants then I consider that the high potential for significant loss of amenity to nearby residents” following these comments the applicant’s agent submitted a noise management plan for assessment.
- 10.8 On assessment of the noise management plan, KC Environmental Health determined that the information provided significantly reduced their previous concerns.
- 10.9 The noise management plan submitted “details the conditions of letting regarding noise and behaviour. It details the information provided to new guests, restrictions on who may be present at the property, monitoring that will be carried out by the management and their response to excessive noise and complaints received. It details the actions that will be taken by the management to deal with any serious noise disturbance that the management becomes aware of.”
- 10.10 The submitted noise management plan places a particular emphasis on controlling noise after 10pm which is reasonable because that is a time when other background noise levels are likely to have reduced and neighbours will be considering going to bed. However excessive noise, particularly involving loud music is not acceptable at any time.
- 10.11 KC Environmental Health have stated they would now support the application if it could be conditioned that “before the application is brought into use, a noise management plan shall be submitted to and approved in writing by the local planning. The plan shall detail the control measures that will be taken to ensure that excessive noise does not arise from the guests’ use of the property and the actions that will be taken if guests at the property fail to observe the required control measures. The approved noise management plan shall be implemented before use commences and retained thereafter.”
- 10.12 Whilst KC Environmental Health have reduced concerns given the noise management plan submitted, in assessing the application as a whole, it is considered that even with the implementation of a noise management plan the potential level of harm caused to residents would be sufficient to consider refusal of this application.
- 10.13 The noise management plan outlines a number of ways in which the applicant aims to keep noise and nuisance to a minimum through removing guests or withholding deposits where guests are disruptive. However, this method of control relies on affected residents of property raising complaints with the owners, or KC Environmental Health noise nuisance team in order for them to be aware that guests are causing a nuisance.

- 10.14 The level at which noise causes nuisance is subjective. Some neighbours may be more sensitive to noise than others, therefore it is difficult to place a measure on where action is taken to remove guests and where it is considered that the level of noise being created is acceptable.
- 10.15 For the noise management plan to work in the interests of protecting residential amenity, the Owners of the property would have to be present 24 hours a day, when the property is in use, to effectively manage any noise or nuisance issues that may arise.
- 10.16 This request would not be reasonable to impose a condition for a 24 hour presence on the site nor would it be enforceable if the owners had shown they had carried out all reasonable steps to limit noise in the absence of their presence (for instance warning signage, retention of deposits etc). The measures they highlight in the noise management plan, such as retaining deposits, would be of the owners benefit and would not compensate neighbouring residents of the disturbance they had been subjected to. A condition to control the noise management plan therefore does not meet the six tests that make a condition acceptable.
- 10.17 In summary, the proposed use of the building for self-catering accommodation for up to 16 people would result in a material loss to residential amenity for the existing residential properties by reason of noise disturbance which could not be effectively controlled by planning condition. To permit this development would be contrary to Policies BE1, EP4 of the Kirklees Unitary Development Plan, policies PLP 24 (b) and PLP 52 of the Kirklees Publication Draft Local Plan.

Visual Amenity & Conservation Area

- 10.18 The site is within the Armitage Bridge 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. The application does not include any physical alterations to the building as such it is considered that the proposed change of use will not have a harmful impact to the special character and appearance of the Armitage Bridge Conservation Area and therefore can be supported as it will satisfy relevant UDP and PDLP Policies together with NPPF Chapter 16.
- 10.19 As this application seeks planning permission solely for the change of use and no external alterations, it would have a neutral impact on visual amenity. As such, the change of use of the building is considered to have a neutral impact on visual amenity, complying with the aims of BE1 and BE2 of the UDP as well as PLP24 of the PDLP from this perspective.

Highway issues

- 10.20 The application site is situated on the B6108 Meltham Road approximately 50m south of the junction with Woodend Road.

- 10.21 This section of Meltham Road has a posted speed limit of 30mph and a system of street lighting. The width of the carriageway has allowed for two right turning pockets to be formed along the site frontage so that drivers can turn onto Butternab Road and Armitage Road without having to stand upon the highway so reduces interference with the free flow of traffic.
- 10.22 In order to serve the proposed use, 3no car parking spaces are shown on the plans. Parking is currently provided through two off-street places on the drive in front of the garage. Furthermore, it is proposed that the hardstanding immediately in front of the cottage that measures 2.7m in width and almost 12m in length could accommodate at least one more car following minor works to lower the height of the short retaining wall.
- 10.23 Prior to the third space being created Highway DM would require details of a swept path analysis of the access and egress into this facility and further details of amendments to the retaining wall.
- 10.24 Under normal circumstances, for a C1 class guest house or hotel, Highways DM would wish to see one off-street parking space per bedroom provided. 221 Meltham Road can accommodate up to 16 guests in 4 bedrooms, so even with the offer of an additional space being created, this proposal falls below the specified requirement in Policy T19.
- 10.25 However, following discussions between the Highways DM team they have determined that applications of this nature cannot be assessed in the same manner as a hotel or guest house where one space per room would be deemed appropriate as, unlike most hotels, there can often be four or five beds in each room. Indeed in this case the occupancy would be a maximum of 4 persons per bedroom.
- 10.26 Again, unlike hotels, the property can only be booked out by one party and is likely to be a meeting point for guests arriving from disparate parts of the country. Given this, it is considered reasonable to request one off-street parking space per two beds, rather than the standard “per room” for hotels and guest houses.
- 10.27 In terms of this application, this would mean in its present guise the dwelling would require eight off-street spaces to be deemed acceptable from a highways perspective.
- 10.28 As pointed out in the Technical Note submitted by the applicant, there have been a number of accidents on this section of Meltham Road, so Highways DM would not wish to see issues exacerbated by increasing on-street parking on a bend on a busy B-class road.
- 10.29 Each week a new set of drivers likely to be unfamiliar with the area would be arriving, and there would be no effective way to condition the requirement not to park on Meltham Road without introducing waiting restrictions. Objections have also been raised regarding the existing situation of visitors parking on Butternab Road.

- 10.30 Application no. 2014/92518 at this property was for the creation of a double garage and hard standing to provide additional parking for a dwellinghouse; however, the double garage is not included as part of the parking provision for this site. The garage has been converted and is currently used as a spa room with hot tub for guests of the property. If the applicant was to revert the garage back to its intended use, they could provide, in total 5 off street parking spaces. However, this would still fall short of the 8 spaces Highways DM have suggested would be necessary for the number of guests that the property can accommodate.
- 10.31 Where there is a short fall in off street parking, the applicant has provided surveys to show that guests could park within the local vicinity on either Armitage Road or Butternab Road. The survey provide concludes that " There is significant available on street capacity and there are also no highway safety concerns within the vicinity of the site".
- 10.32 The applicant did provide information showing how guests travelled to the property between the 3rd June 2018 until the 27th July 2018. This showed a mixture of vehicles, from 50% of bookings using a minibus or similar to drop off at the property to a maximum of 5 cars parking on the drive, Butternab Road and Armitage Road.
- 10.33 Highway DM have reviewed the submitted information and state that whilst the parking survey gives a snapshot of a weekend's occupation of the site, it is difficult to ascertain whether this is the norm. Furthermore, it has to be accepted that, given the proposed use of the development, this site has the potential to attract numerous vehicles far above the off-street parking provision on any given weekend increasing street parking on Meltham Road, Butternab Road, or both.
- 10.34 There would be no way to limit or condition how guests travel and park at the property and therefore it can only be determined that any on street parking in this location will cause disruption to the local highway network and existing on street parking for residents.
- 10.35 In summary, the proposed development, by virtue of its associated intensification in vehicles movements and lack of suitable off-street parking, would result in harm to highway safety. There are no mitigation measures which would avoid this detrimental impact on highway safety and the development would fail to comply with T10 and T19 of the UDP, PLP 21 of the PDLP and paragraph 109 of the NPPF.

Green Belt

- 10.36 Paragraph 146 of the NPPF states that material changes of use of land and the re-use of buildings are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. As there are no physical changes to the building, excepting the provision of an additional parking space, it is considered the proposal would comply with national Green Belt policy.

10.37 Representations

As a result of the above publicity 8 representations were made from 5 interested parties which expressed the following concerns:

Comment: Noise disturbance and associated nuisance that comes with large groups of people

Response: This is considered in the report above

Comment: Restrictive covenant on the deeds stating the property is not to become commercial premises

Response: This is not a planning matter that can be considered under this application

Comment: Not the type of place you find in a conservation area

Response: The application does not include any physical alterations to the building as such it is considered that the proposed change of use will not have a harmful impact to the special character and appearance of the Armitage Bridge Conservation Area

Comment: Guests trespass on my land, the guest's park on my drive blocking my entrance

Response: Highways matters are considered above, however planning cannot deal with private legal issues.

Comment: There is a real potential danger to life parking on the road at these junctions or outside the property

Response: This is considered in the report above

Comment: Guests cars block resident's driveways when they park on Butternab road

Response: Highways matters are considered above, however there are no restrictions to parking on the road in the area nor can it be considered that all visitor cars in the area are associated to 221 Meltham Road

Comment: Noise management scheme is not practical to implement, there can be noise issues 24 hours a day

Response: This is considered in the report above

Comment: Parking on the main road makes turning onto Armitage Road dangerous

Response: This is considered in the report above

11.0 CONCLUSION

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

- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposal does not accord with the development plan and other material considerations for the reasons set out above.
- 11.3 Weight has been afforded to the fact that the development would result in some direct employment opportunities through the business and from the maintenance of the commercial property. Furthermore there would be indirect benefits to the economy of the area through increased tourism and expenditure associated with additional visitors to businesses and attractions. Notwithstanding this, the development could not be undertaken in a 'sustainable' manner due to the adverse impacts on existing residents and highway safety. The adverse impacts of the development would significantly and demonstrably outweigh its benefits. For these reasons the application is recommended for refusal.

Background Papers:

Application and history files.

2014/92518: Erection of attached garage, formation of new access and improvement to parking facilities (within a Conservation Area) Conditional Full Permission

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014/92518>

Current Application :

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/91623>

Certificate of Ownership – Signed Certificate A

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Sep-2018

Subject: Planning Application 2018/91636 Erection of single storey rear extension 954, New Hey Road, Outlane, Huddersfield, HD3 3FE

APPLICANT

R Read

DATE VALID

18-May-2018

TARGET DATE

13-Jul-2018

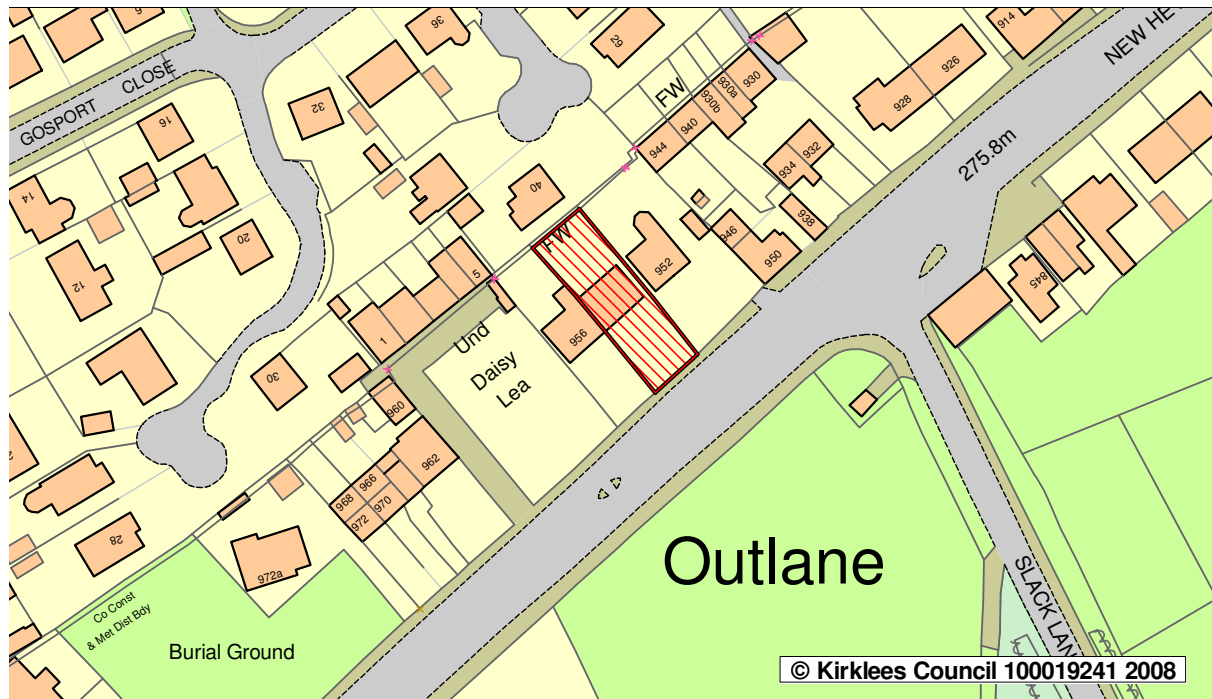
EXTENSION EXPIRY DATE

27-Jul-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: Colne Valley

No

Ward Members consulted

RECOMMENDATION: REFUSE

The proposed extension by virtue of its scale and projection would fail to be subservient to the host dwelling and would have a detrimental impact on the visual amenity of the property. Furthermore the scale of the extension proposed would result in a significant loss of rear amenity space to the extent that it would constitute an overdevelopment of the site. This would be harmful to the visual amenity of the area. The application is therefore contrary to Policy D2 (ii,vi), BE1 (ii) and BE14 of the UDP, Policy PLP24 (c) of the PDLP and paragraph 130 of the NPPF.

1.0 INTRODUCTION:

1.1 This application is brought to Committee at the request of Cllr Donna Bellamy together with a site visit for the following reason:

For the committee to make a decision as to whether the proposal will lead to an over-development of the site and if it is deemed too large or is considered to be out of keeping with the surrounding area.

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

2.0 SITE AND SURROUNDINGS:

2.1 954 New Hey Road is a two storey semi-detached dwelling in Outlane. It is constructed in brick and stone to the front and brick to the side and rear and is designed with a gable roof form which is finished in concrete roof tiles. The dwelling benefits from an integral garage which is located to the north east of the site. The front of the dwelling is set back from the access road with a driveway and garden to the front and a garden and amenity space to the rear. Boundary treatment comprises fencing which runs to the north east and south west of the site. A stone wall forms the boundary to the rear of the site.

2.2 The site is located in a mainly residential area with the vicinity comprising properties of a range of characters, styles and designs. Despite this, the adjoining property no. 956 New Hey Road and the adjacent property no. 952 New Hey Road are of a similar appearance to the application site. The predominant material of construction in the surrounding area is stone.

3.0 PROPOSAL:

3.1 The application is seeking planning permission for the erection of a single storey rear extension.

3.2 The proposed single storey rear extension would project 9.40 metres from the rear elevation of the host dwelling and sit flush with the side elevation of the existing integral garage. The extension, at this projection, will have a width of 5.80 metres. This section would form a games room. A further extension will extend an additional 3.30 metres with a width of 3.10 metres from the rear elevation of the host dwelling. The extension will be set in from the boundary shared with the adjoining property at no. 956 by approximately 0.45 metres. This section would form a garden room.

3.3 The extension would be constructed in brick to the sides to match existing. The exceptions would be the south western side elevation of the smaller section of extension which would be finished in painted render. The rear elevation of the 9.40 metre element of the proposal will also be finished in painted render. The proposed games room would be designed with a gable roof form which will extend from the roof form of the existing integral garage. The proposed garden room will be designed with a lean-to roof which will match the eaves and ridge height of the larger element of the extension.

3.4 Two windows are proposed for the 9.40 metre element of the proposal on the south western side elevation whilst a door is proposed for the north eastern elevation. Bifolding doors and roof lights are proposed for the rear elevation of the 3.10 metre element of the proposal. The windows will be finished in UPVC to match existing. The bifolding doors will be finished in aluminium whilst the access door to the games room will be finished in composite.

3.5 The extension will serve a games room and a garden room.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 No planning history at the site.

4.2 At 952 New Hey Road –

2004/90724: Erection of conservatory. Conditional Full Permission.

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

5.1 Amended plans were sought from the agent to reduce to the projection of the proposed extension to reduce the impact that the development was deemed to have on the appearance of the host dwelling and to prevent the development from amounting to an overdevelopment of the site. It was suggested that the projection of the extension should be reduced to 7.50 metres to reduce the overall scale of the development in relation to the host dwelling and to reduce the amount of rear amenity space that would be lost as a result of the proposal. This would also seek to lessen the impact on neighbouring dwellings as a result of the scale of development although not in itself a reason for refusal. The applicant believed that the requested changes would make the games room, which contains a full sized snooker table, no longer feasible and requested the application to be determined based on the original plans.

6.0 PLANNING POLICY:

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

6.2 The site is unallocated on the Kirklees Unitary Development Plan and the emerging Local Plan.

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

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **T10** – Highway Safety
- **T19** – Parking

6.4 Supplementary Planning Guidance / Documents:

None relevant.

6.5 Kirklees Publication Draft Local Plan (PDLP)

- **PLP1** – Achieving sustainable development
- **PLP2** – Place shaping
- **PLP21** – Highway safety
- **PLP22** - Parking
- **PLP24** - Design

6.6 National Planning Policy Framework (NPPF):

- **Chapter 12** – Achieving well designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by letters and site notice. No representations have been received as a result of the statutory publicity.

The reason Cllr Bellamy requested the application be reported to sub-committee are set out in paragraph 1.1 above.

8.0 CONSULTATION RESPONSES:

8.1 None.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

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

10.2 The general principle of extending and making alterations to a property are assessed against Policies BE1, BE2, BE13 and BE14 of the UDP, emerging Policy PLP24 of the emerging local plan and advice 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.

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

Urban Design issues

10.4 The proposal seeks planning permission for the erection of a single storey rear extension which will serve a games room and garden room. The extension will be constructed in brick and render and will be designed with roof forms which will be finished in concrete roof tiles to match existing. Given the location of the render to the rear of the games room and the south western elevation of the garden room, the proposed materials are considered to be acceptable in this instance.

10.5 Due to the scale of the proposed extension which will project, in part, 9.40 metres from the rear elevation of the host dwelling, it is considered that the development would have a significant detrimental impact on the visual amenity of the host dwelling. The depth of the dwelling to the north east will be more than doubled by the extension; the host dwelling being approx. 8.7m in depth. Although the extension is only single storey the ensuing built form would not be subservient to the host dwelling.

10.6 The detrimental impact of the development on visual amenity is exacerbated by the proportion of rear garden space it would take up. Although the property benefits from a garden to the front, it is noted that the majority of the developable amenity space at the site is located to the rear. The footprint of the extension would result in a limited amount of amenity space being retained to the rear of the property following development. This would be particularly noticeable when viewed against the neighbouring properties at nos. 952 and 956. For this reason it is considered that the development would amount to a visually unacceptable overdevelopment of the site.

10.7 The proposal is therefore not considered to be acceptable from a visual amenity perspective and does not comply with policies D2, BE1 and BE14 of the UDP, Policy PLP24 of the PDLP and Chapter 12 of the NPPF.

Residential Amenity

10.8 *Impact on 956 New Hey Road*

The proposed extension will project 3.10 metres along the boundary shared with the property which currently benefits from a rear conservatory. Approximately 3.90 metres will be retained between the property and the element of the extension which will project 9.40 metres from the rear of the property. Taking this into consideration, along with the single storey nature of the proposal and the fact that the site is located to the north east of the property, it is not considered that the development will have a significant impact on the residential amenity of the property. Two windows are proposed for the side elevation of the extension. However, given the distance that will be retained between the windows and the boundary shared with the property along with the fact that it will serve a games room, it is not considered that the development will offer a significant amount of overlooking into the rear amenity space of the property.

10.9 *Impact on 952 New Hey Road*

The proposed extension will project 9.40 metres from the rear elevation of the dwelling. Guidelines set out within Policy BE14 of the UDP indicate that extensions to the rear with a projection greater than 3.00 metres, will not normally be supported. In this instance, it is noted that the extension will be set in from the boundary of the site by 0.95 metres. An additional 1.00 metre will be retained between the boundary of the site and the property. Taking this into consideration along with the fact that the eaves and ridge height of the extension will not exceed those of the existing garage, it is not considered that the development will have a significant overbearing or overshadowing impact. No openings other than a door are proposed for the side elevation of the extension which will prevent overlooking into the rear amenity space. The adjacent property would retain an open outlook to the north-west.

10.10 *Impact on 40 Gosport Close*

Due to the distance that will be retained between the rear elevation of the extension and the side of this property, which does not contain windows in the two-storey side elevation which immediately addresses the application site, it is considered that the development would not have a significant impact on the residential amenity of the occupiers of the property. Furthermore there is a stone wall and timber fencing of around 2 metres in height between these properties which would prevent overlooking between the properties.

Overall

- 10.11 Having considered the above factors, on balance, the proposal is considered to retain a high standard of amenity for surrounding neighbouring occupants, complying with Policies D2 and BE1 of the UDP, Policy PLP24 of the PDLP and paragraph 127 of the NPPF.

Highway issues

- 10.12 The proposal will not result in an intensification of the use of the dwelling. As such, the proposed extension does not give rise to the requirement for additional parking and would not affect the existing parking and access arrangements on site which are currently located to the front of the property. Accordingly, it would not raise any highway safety issues and thus complies with Policies D2 and T10 of the UDP and Policy PLP21 of the PDLP.

Representations

- 10.13 No representations have been received as a result of the statutory publicity. The reasons Cllr Bellamy requested the application be determined by sub-committee have been addressed in the appraisal.

Other Matters

- 10.10 *Ecology* -

The site is located within the Council's GIS bat alert layer however, it is not identified on the map as having bat roots and is not within 200 metres of woodland. In addition, the dwelling is well sealed and unlikely to have any significant bat roost potential. A note recommending the advice of licensed bat work to be sought if any bats are found during the development will be relayed on the applicant if planning permission was to be granted in the interest of biodiversity and for the proposal to comply with the aims of chapter 15 of 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 relevant policies in the development plan and other material considerations. It is considered that the development proposal does not accord with the development plan and that the adverse impacts of the development would significantly and demonstrably outweigh its benefits when assess policies in the NPPF. It is therefore recommended that the application be refused.

Background Papers:

Application web page:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91636>

Certificate of Ownership – Certificate A signed and dated 14 May 2018.

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KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

20 SEPTEMBER 2018

Planning Application 2018/90912

Item 16 – Page 47

Reserved matters application pursuant to outline permission 2015/91093 for erection of residential development (17 dwellings) (within a Conservation Area)

Land Off, Hollyfield Avenue, Quarmby, Huddersfield

Updated consultation response:

Lead Local Flood Authority - Has confirmed that surface water drainage arrangements are satisfactory and flood routing proposals are acceptable.

Representations:

Since the publication of the committee report two further letters of objection have been received. These continue to maintain objections previously submitted and considered in the report in respect to:

- The proposal's impact on the Grade II listed building and Conservation Area
- Loss of privacy, loss of light and overbearing effects for residents bordering the site, particularly for the residents of 1-4 Holly bank Court
- The potential for this proposal to exacerbate existing flooding problems
- Potential damage to an existing drystone retaining wall which may destabilise adjacent land

The representations comment that the change to the position of plot 14 has not addressed previous concerns raised. One of the objectors has stated that the change has exacerbated the impact of the elevation of the dwelling in relation to the listed building 2-4 Holly Bank Court and the Conservation Area.

Response: The change to the position of plot 14 has not altered the finished floor level of this plot, it has only moved the dwelling further away from the listed building.

A further issue raised relates to how this proposal would prevent current access to maintain the rear of existing properties on the boundary of the site.

Response: Whilst occupiers may currently be able to access their properties from the application site, there is no right to access third party land to maintain property. The owner of third party land would have to grant permission to allow this. This proposal would not change this situation, albeit another landowner would need to allow such access.

Reserved Matters application for erection of 2 dwellings pursuant to outline permission 2015/92993 for erection of residential development

land off, Butt Lane, Hepworth, Holmfirth, HD9 1HT

Clarification on Number of Dwellings

Planning Officers would seek to confirm that the number of dwellings proposed by the development is 2, and not the 3 indicated in the agenda to the committee meeting.

Representation

A further representation has been received from a local resident which is set out below along with a response to the points made:

The reduction in numbers of properties is obviously a vast improvement.

Response: Noted

The impact on visual amenity of the extensive retaining wall and the removal of trees along the wildlife corridor is still an issue. If the developers are committed to only building two properties then they could go a long way to complying with the UDP by adjusting the location of the properties to run alongside Butt Lane. This would remove the need for the extra infrastructure for emergency vehicle/refuse collection access. Also any retaining wall needed would run east to west across the site rather than north to south along the dike so the severity of the visual impact would be reduced and trees would not need to be removed. The houses themselves would have a much improved outlook facing down the valley rather than into adjoining properties lounges and being looked down on by those properties.

Response: The above comments are noted, however the applicant has sought the layout set out on the submitted plans which has to be assessed. In this instance the proposed layout is considered to be acceptable for the reasons set out in the published committee report. The submitted sections demonstrate that the retaining walls would be of an acceptable scale and it is considered that they would not be detrimental to visual amenity. In terms of outlook to adjacent properties acceptable space about dwelling distances would be achieved which is considered to be acceptable to Planning Officers.

Highway Safety

Construction Management Plan - Further to the details set out in the published committee report, whilst the site is considered to be large enough to accommodate construction traffic and materials, on further review it is considered appropriate to require the submission of a construction management plan to provide detail prior to construction work commencing to ensure that the arrangements and routing is appropriate

Bin Collection – Whilst it is noted on the submitted plans that there is sufficient space for internal turning in order to support the operational requirements of bin collection, it is considered more efficient that the bin collection point is located adjacent to Butt Lane. Therefore a condition requiring the submission of bin collection point details is attached to the recommendation.

Additional Conditions

- Construction management plan
- Details of bin collection point

Planning Application 2018/90827

Item 18 – Page 81

Erection of detached dwelling

adj 14, The Fairway, Fixby, Huddersfield, HD2 2HU

RECOMMENDATION

The period of publicity for the amended plans expires on 20th September. As such the recommendation to members has been revised to:

Delegate the refusal of this application, for the reason set out in the committee report, and the issuing of the decision notice to the Head of Strategic Investment on expiration of the period of publicity.

Should any new material considerations be raised in representations received before the expiration of the publicity period, then the application shall be reported back to the next meeting of the sub-committee so that these matters can be assessed by members.

Planning Application 2018/90978

Item 19 – Page 93

Erection of two storey and single storey extensions

Brigsteer, 402, Birkby Road, Birkby, Huddersfield, HD2 2DN

2.0 SITE AND SURROUNDINGS:

- 2.1 *Correction.* The plot measures approximately 39m from north to south and 30m west to east.
- 2.2 As a point of clarification, the existing dwelling was built under a permission granted for the erection of a detached dwelling in what was originally part of the garden of no. 402. This dwelling is now numbered 408. (reserved matters approved, 2004/91771, 16-Sep-2004).

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

5.1 All amended are additional plans are listed below:

08-May-2018: Plans amended to show width of access road and position of existing trees. Extension in front of garage added in place of rear two-storey extension behind it.

04-Jul-2018: Garage extension and two-storey rear extension deleted; site plan modified to reflect actual dimensions and layout.

09-Jul-2018: Height and roof design of two-storey side extension amended.

16-Jul-2018: Detached double garage deleted from site plan. Proposed section and streetscene elevations added.

23-Jul-2018: Garage deleted from section / streetscene elevation.

07-Aug-2018: Amended location plan incorporating the adjacent part of the access road.

29-Aug-2018: Modification to site plan showing existing gate entrance retained as turning space.

31-Aug-2018: Further minor changes to proposed new entrance.

04-Sep 2018: The proposal to move the access point southwards from its present position was deleted. The proposal now intends to retain the access as existing.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Final publicity period expired 18-Sep-2018.

7.2 Within the final publicity period, 8 representations were received. Of these 6 were objections and 2 in support although again it is noted that the latter did not provide full postal addresses. The concerns raised are summarised below.

Summary of concerns raised:

- There is no proven Right of Way over the access road for no. 402 and the walls are in separate ownership. This means the construction management plan is not viable.
- The plot is still shown inaccurately when compared with a site survey done by a specialist aerial surveyor. Dimensions of 20 x 15m are not correct.
- Overdevelopment of the plot.
- The house is already bigger than approved.
- The tree loss will make it appear even more out of keeping.
- Overlooking of (objector's) garden and bedroom from side extension, causing loss of privacy.
- It will encroach on the lane, reducing its width.

- More traffic on lane.
- No swept path analysis.
- Cumulative pressure on local services like doctors and schools.
- 2002/94079 Planning permission for the erection of one dwelling refused. 'It is considered that vehicular access to the site cannot be achieved satisfactorily and therefore would be contrary to Policies D2 and T10 of the Unitary Development Plan.' This is important as it was the changes in the Sanderson report that identified a means of safely having a house there.
- The timeline in "History of Negotiations" does not include all of the changes to the plans over the last 6 months. By our reckoning there have been 6 changes with 6 different consultation dates: 20/4, 3/5, 22/5, 27/7, 29/8, 18/9.
- The site notice had to be replaced twice. Neighbour notification notices went one residential property and as far as we can establish nobody else. So the period for responses had to be extended by a fortnight. According to the guidance, those with property adjacent to the development are statutory consultees, which would include ourselves, the church and the lane owners.
- There were 78 responses over the entire period, with 61 opposed and 17 in favour. In at least one case, two individuals living at the same address wrote in separately but have only been counted as one. The Report's summary of the number of objectors therefore appears to understate the level of objection compared to support.
- There should be a full report from Highways Services, not just a one line statement.
- The report does not calculate the house to plot size ratio for 400, 404 and 406 and omits to state that 404 and 406 are bungalows and not 2 storey buildings.
- Can you confirm whether removal of the wall will still be necessary now that the existing gateway is to remain?
- Would the removal of permitted development rights under the 2004 application apply to boundary walls as well, and would condition (9) – 'The realigned boundary wall shall be constructed as a traditional dry stone wall with hand dug foundations.' – still be enforceable?

- Condition 9 of the same permission states: 'The realigned boundary wall shall be constructed as a traditional dry stone wall with hand dug foundations.' This condition should therefore be unaffected by the current application and should still be enforceable. This is important because an owner of the property in the future may just decide to change the access arrangements and the drystone wall, and we want to be sure that if they did, then enforcement action would be available.
- Although only 6 bedrooms are shown in the proposed plans, if the study and gym were to revert to bedrooms as shown in sales literature, and the playroom were to become a bedroom, 9 bedrooms are possible.
- In addition, a number of counter-claims are made about the accuracy and validity of some of the comments made in support.

Summary of supporting and other comments:

- People who cannot get a big enough house by extending may have to leave the region, which is a loss to the economy.
- The Highways and Trees Officers do not object to the proposals.
- The extensions would be in keeping with their surroundings.

10.0 APPRAISAL

Urban Design issues

- 10.1 The approximate plot coverage has been calculated, using Council maps, for each of the following dwellings as requested by an objector, so as to provide an indication of how intensively built up each plot utilising is:

No. 402 Birkby Road 17% of a site area of 1200 sq m
 No. 408 Birkby Road 17% of a site area of 1100 sq m
 No. 404 Birkby Road 16% of a site area of 1600 sq m
 No. 406 Birkby Road 12% of a site area of 1400 sq m
 No. 400 Birkby Road 6.3% of a site area of 4000 sq m

It should be noted in addition that two of the above houses, nos. 404 and 406, are single-storey.

Representations

The concerns expressed in the most recent representations are summarised below with officer responses:

There is no proven Right of Way over the access road for no. 402 and the walls are in separate ownership. This means the construction management plan is not viable.

Response: These are considered to be private civil matters and not material planning considerations. The submission of a construction management plan is not a standard requirement for householder or minor development.

The plot is still shown inaccurately when compared with a site survey done by a specialist aerial surveyor.

Response: A specialist aerial surveyor's plan was submitted to the Council on 22-May-2018. The surveyor's comments were, in brief, that the applicant's site plan was significantly flawed. The case officer, on the basis of his own observations of Council plans and aerial photographs, advised the applicant's agent that the site plan was not completely accurate in terms of dimensions and in response to this the agent submitted an amendment, Revision B on 04-Jul. It is considered that the current amended plan is sufficient to allow a full assessment to be made.

Dimensions of 20 x 15m are not correct.

Response: The dimensions stated in paragraph 2.1 of the report are incorrect; this is acknowledged in part 2.0 of the update.

Overdevelopment of the plot.

Response: This concern has been examined in depth in paragraphs 10.5 to 10.10 of the main report and it is considered it would harmonise with its surroundings.

The house is already bigger than approved.

Response: This is noted and has been acknowledged in the main report, but is not in itself a reason to refuse all further development within the site.

The tree loss will make it appear even more out of keeping.

Response: No trees would be felled as part of the development. The loss of trees on the site frontage as a result of the proposed highway improvement scheme might affect the character of the site but it is considered that the extensions would not be detrimental to visual amenity in any case.

Overlooking of (objector's) garden and bedroom from side extension, causing loss of privacy.

Response: The garage has been deleted from the proposal and it is considered that the distance from the side extension to other dwellings is too great for significant overlooking to occur.

It will encroach on the lane, reducing its width.

Response: The plans indicate otherwise – the lane is shown retained at its existing width.

More traffic on lane.

Response: As the proposal is for a scheme of domestic extensions it is considered it would not represent a material intensification in the use of the lane.

No swept path analysis.

Response: This is not a standard requirement for a householder application, but applying swept path overlays, manoeuvring and turning within the site would not be problematic.

Cumulative pressure on local services like doctors and schools.

Response: As the proposal is for extensions rather than a new dwelling, it is considered that no material weight can be placed on this factor.

2002/94079 Planning permission for the erection of one dwelling refused. 'It is considered that vehicular access to the site cannot be achieved satisfactorily and therefore would be contrary to Policies D2 and T10 of the Unitary Development Plan.' This is important as it was the changes in the Sanderson report that identified a means of safely having a house there.

Response: The current proposals do not involve any changes to access arrangements, and so the previous refusal was omitted from the report as it was not considered to be relevant.

The timeline in "History of Negotiations" does not include all of the changes to the plans over the last 6 months. By our reckoning there have been 6 changes with 6 different consultation dates: 20/4, 3/5, 22/5, 27/7, 29/8, 18/9.

Response: Various revised plans were submitted 08-May, 04-Jul, 09-Jul, 16-Jul, 23-Jul, 07-Aug, 29-Aug, 31-Aug, 04-Sep. New consultation on amended plans was undertaken: 09-May, 18-Jul, 31-Aug and 04-Sep. In the interests of completeness, the list of amendments has been modified to include all of the amendments in 5.0 – "History of Negotiations" in this update.

The site notice had to be replaced twice. Neighbour notification notices went to one residential property and as far as we can establish nobody else. So the period for responses had to be extended by a fortnight. According to the guidance, those with property adjacent to the development are statutory consultees, which would include ourselves, the church and the lane owners.

Response: The Council is required to publicise a planning application in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) [DMPO] either by posting one or more site notices in the vicinity of the site, or by individual notification letters. Kirklees undertakes both types of publicity in accordance with its Development Management Charter. According to the Council's own records, 4 residential properties plus the Church of Jesus Christ of Latter Day Saints, were notified by letter in the initial phase of consultation (beginning 26-Mar-2018).

Owners of property adjacent to the development do not fall within the definition of “statutory consultee”.

There were 78 responses over the entire period, with 61 opposed and 17 in favour. In at least one case, two individuals living at the same address wrote in separately but have only been counted as one. The Report’s summary of the number of objectors therefore appears to understate the level of objection compared to support.

Response: It is noted that in one instance two individuals living at the same address wrote in separately but the report correctly states that representations were received from 9 different residential addresses. All comments against or in favour of the application have been assessed and responded to impartially in part 10 of the main report.

There should be a full report from Highways Services, not just a one line statement.

Response: The development does not involve any changes to highway access or parking arrangements and as previously stated it is considered it would not give rise to a material intensification of the use of the lane.

The report does not calculate the house to plot size ratio for 400, 404 and 406 and omits to state that 404 and 406 are bungalows and not 2 storey buildings.

Response: This has been noted and is included in the update.

Can you confirm whether removal of the wall will still be necessary now that the existing gateway is to remain?

Response: The construction management plan proposed temporary removal of part of the wall.

Would the removal of permitted development rights under the 2004 application apply to boundary walls as well?

Response: The removal of permitted development rights did not apply to those conferred by Part 2, Class A of the T&CP General Permitted Development Order (gates, fences, walls, etc).

Condition 9 of the same permission states: 'The realigned boundary wall shall be constructed as a traditional dry stone wall with hand dug foundations.' This condition should therefore be unaffected by the current application and should still be enforceable. This is important because an owner of the property in the future may just decide to change the access arrangements and the drystone wall, and we want to sure that if they did, then enforcement action would be available.

Response: Condition (9) did not require the boundary wall to be retained at all times and so it would still be possible to carry out modifications to the boundary wall under Permitted Development rights. Officer observations on the previous conditions on highways access can be found in paragraphs 10.17-10.18 in the report. The question of whether these conditions would prevent the formation of a new private access, or the closure of the existing one, has not been conclusively resolved, as this depends on the interpretation of the wording of each condition.

Although only 6 bedrooms are shown in the proposed plans, if the study and gym were to revert to bedrooms as shown in sales literature, and the playroom were to become a bedroom, 9 bedrooms are possible.

Response: The internal layout and allocation of space within a dwelling is assessed as shown on the plans. The sales literature does not form a material consideration in the assessment of the application.

In addition, a number of counter-claims are made about the accuracy and validity of some of the comments made in support.

Response: It has already been noted that several of the supporting comments made in the earlier publicity periods are either subjective, or not material planning considerations, and have accordingly been given no weight in the assessment.

Supporting and other comments, with officer responses:

People who cannot get a big enough house by extending may have to leave the region, which is a loss to the economy.

Response: This is a subjective claim and is therefore afforded no weight in the assessment.

The Highways and Trees Officers do not object to the proposals.

Response: All highway safety and trees issues have been examined in detail in the main report.

The extensions would be in keeping with their surroundings.

Response: Officers' assessment is that the extensions would harmonise with their surroundings subject to matching materials being used, which can be conditioned.
