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

Julie Muscroft

The Democracy Service
Civic Centre 3
High Street
Huddersfield
HD1 2TG

Tel: 01484 221000

Please ask for: Richard Dunne

Email: richard.dunne@kirklees.gov.uk

Wednesday 24 October 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 1 November 2018**.

(A coach will depart the Town Hall, at 9.50am 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 20 September 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 items or participating in any vote upon the items, 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 2018/91300

Change of use of dwelling to Class D1 (non-residential institution) and formation of parking and associated landscape works
Newhouse Farm, New House Road, Sheepridge, Huddersfield.

(Estimated time of arrival at site – 10:05 am)

Contact Officer: Laura Yeadon, Planning Services

Wards

Affected: Ashbrow

8: Site Visit - Application 2018/92219

Erection of single storey rear extension 20, Standiforth Road, Dalton, Huddersfield.

(Estimated time of arrival at site – 10:30 am)

Contact Officer: William Simcock, Planning Services

Wards

Affected: Dalton

9: Site Visit - Application 2018/92565

Change of use from residential institution (C2) to printing business (B1) and dwelling (C3) and associated works (Listed Building) 80, Lascelles Hall Road, Lascelles Hall, Huddersfield.

(Estimated time of arrival at site – 10:50 am)

Contact Officer : Neil Bearcroft, Planning Services

Wards

Affected: Almondbury

10: Site Visit - Application 2018/90031

Variation of condition 2 and deletion of condition 20i of previous application ref: 2012/90738 (demolition of redundant former industrial buildings and bridge, erection of 46 age-restricted apartments, 2 guest rooms, external residents' lounge, manager's office, residents' and visitor car parking, new bridge access, related engineering and landscape works with retention of former mill dam and formation of riverside walk) to enable changes to layout, elevations, materials, landscaping, boundary treatments, retaining structures and pond works, rerouting of riverside walk, repositioning of blocks, and other changes, and removal of requirement to provide a pedestrian crossing on Woodhead Road (within a Conservation Area) Prickleden Mills, Woodhead Road, Holmfirth

(Estimated time of arrival at site – 11:25 am)

Contact Officer: Victor Grayson, Planning Services

Wards

Affected: Holme Valley South

11: Local Planning Authority Appeals

11 - 30

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; Golcar; Holme Valley South; Newsome

Planning Applications

31 - 34

The Planning Sub Committee will consider the following Planning Applications. Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 29 October 2018.

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

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

12: Planning Application - Application 2018/90031

35 - 52

Variation of condition 2 and deletion of condition 20i of previous application ref: 2012/90738 (demolition of redundant former industrial buildings and bridge, erection of 46 age-restricted apartments, 2 guest rooms, external residents' lounge, manager's office, residents' and visitor car parking, new bridge access, related engineering and landscape works with retention of former mill dam and formation of riverside walk) to enable changes to layout, elevations, materials, landscaping, boundary treatments, retaining structures and pond works, rerouting of riverside walk, repositioning of blocks, and other changes, and removal of requirement to provide a pedestrian crossing on Woodhead Road (within a Conservation Area) Prickleden Mills, Woodhead Road, Holmfirth

Contact Officer: Victor Grayson , Planning Services

Wards

Affected: Holme Valley South

13: Planning Application - Application 2018/92378

53 - 66

Outline application for erection of residential development Oakmead, 1c Lidget Street, Lindley, Huddersfield.

Contact Officer: Victor Grayson, Planning Services

Wards

Affected: Lindley

14: Planning Application - Application 2016/91573

67 - 88

Demolition of existing redundant mill buildings and erection of 55 dwellings with associated parking and access from Manchester Road Cellars Clough Mill, Manchester Road, Marsden, Huddersfield,

Contact Officer: Farzana Tabasum, Planning Services

Wards

Affected: Colne Valley

15: Planning Application - Application 2018/91300 89 - 106

Change of use of dwelling to Class D1 (non-residential institution) and formation of parking and associated landscape works
Newhouse Farm, New House Road, Sheepridge, Huddersfield.

Contact Officer: Laura Yeadon, Planning Services

Wards

Affected: Ashbrow

16: Planning Application - Application 2018/92565 107 - 122

Change of use from residential institution (C2) to printing business (B1) and dwelling (C3) and associated works (Listed Building) 80, Lascelles Hall Road, Lascelles Hall, Huddersfield

Contact Officer: Neal Bearcroft, Planning Services

Wards

Affected: Almondbury

17: Planning Application - Application 2018/92219 123 - 130

Erection of single storey rear extension 20, Standiforth Road, Dalton, Huddersfield

Contact Officer: William Simcock, Planning Services

Wards

Affected: Dalton

Planning Update

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

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 20th September 2018

Present: 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 Andrew Pinnock

1 Membership of the Committee

Councillor Andrew Pinnock substituted for Councillor Gemma Wilson.

2 Minutes of previous meeting

The Minutes of the meeting held on 9 August 2018 were approved as a correct record.

3 Interests and Lobbying

Councillors McGuin, Homewood, Griffiths, Uppal, A Pinnock and Ullah declared that they had been lobbied on application 2018/91636.

Councillors McGuin, Griffiths, Uppal, Lyons and Homewood declared that they had been lobbied on application 2018/91623.

Councillor Bellamy declared an 'other interest' in application 2017/94120 on the grounds that she was a member of Holme Valley Parish Council.

Councillor Bellamy declared that she had been lobbied on application 2018/92466.

Councillor Sims declared that he had been lobbied on application 2017/94120

Councillors Sokhal and Ullah declared that they had been lobbied on application 2017/93973.

Councillor Homewood declared he had been lobbied on application 2018/90827.

Councillor Uppal declared an 'other interest' in application 2018/91623 on the grounds that she personally knew the agent who was representing the applicant.

Planning Sub-Committee (Huddersfield Area) - 20 September 2018

4 **Admission of the Public**

All items on the agenda were taken in public session.

5 **Deputations/Petitions**

No deputations or petitions were received.

6 **Public Question Time**

No questions were asked.

7 **Site Visit - Application No: 2017/93973**

Site visit undertaken.

8 **Site Visit - Application No: 2018/90912**

Site visit undertaken.

9 **Site Visit - Application No: 2018/91636**

Site visit undertaken.

10 **Site Visit - Application No: 2018/90978**

Site visit undertaken.

11 **Site Visit - Application No: 2018/91623**

Site visit undertaken.

12 **Site Visit - Application No: 2017/94120**

Site visit undertaken.

13 **Local Planning Authority Appeals**

That the report be noted.

14 **Tree Work Application - Application No: 2018/92466**

The Committee gave consideration to Tree Application 2018/92466 consent to carry out works within woodland located between Wilshaw Road, Wilshaw Mill Road and properties on the Avenue, Wilshaw, Meltham.

RESOLVED – Approval to carry out works be granted.

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

For: Councillors Bellamy, Griffiths, Homewood, Lyons, McGuin, A Pinnock, Sarwar, Sims, Sokhal, Ullah and Uppal (11 Votes)

Against : (0 votes)

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

The 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

Planning Sub-Committee (Huddersfield Area) - 20 September 2018

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Alistair Flatman (agent).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Richard Eastwood (Local Ward Member).

RESOLVED – Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment to :

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

1. Standard conditions for outline consents (including submission of reserved matters and time limit)
2. Intrusive site investigations and remediation to address coal mining legacy issues and contaminated land issues
3. Detailed drainage design including future maintenance and management of surface water infrastructure
4. Provision of footway to site frontage
5. Noise report and mitigation
6. Ecological Design Strategy
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

2) 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)

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

For: Councillors Griffiths, Homewood, Lyons, A Pinnock, Sarwar, Sokhal and Ullah (7 Votes)

Against: Cllrs Bellamy, McGuin, Sims and Uppal (4 votes)

16 **Planning Application - Application No: 2018/90912**

The Sub Committee gave consideration to 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

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

RESOLVED –

1) 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 and the update list including:

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. Construction management plan.
6. Details of bin collection point.

1) That the discharge of the matters reserved for approval in condition 6 (public open space) of the outline planning permission is reported to the committee for determination.

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

For: Councillors Bellamy, Griffiths, Homewood, Lyons, McGuin, A Pinnock, Sarwar, Sims, Sokhal, Ullah and Uppal (11 Votes)

Against : (0 votes)

17 Planning Application - Application No: 2017/94120

The Sub Committee gave consideration to Planning Application 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.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Anne Dickson and Chris Dickson (objectors) and Hamish Gledhill (agent).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Donald Firth (Local Ward Member).

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

Planning Sub-Committee (Huddersfield Area) - 20 September 2018

The Committee considered that taking account of local knowledge and the past experiences of flooding in the development site that there was an unacceptable risk of flood damage to the proposed dwellings and a risk to the occupants.

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

A motion to defer the application

For : Councillors Griffiths ,Homewood, Lyons, A Pinnock and Uppal (5 votes)

Against: Councillors Bellamy, McGuin, Sarwar, Sims , Sokhal and Ullah (6 Votes)

A motion to refuse the application

For: Councillors Bellamy, McGuin, Sarwar, Sims , Sokhal and Ullah (6 Votes)

Against : Councillors Griffiths ,Homewood, Lyons, A Pinnock and Uppal (5 votes)

18 Planning Application - Application No: 2018/90827

The Sub Committee gave consideration to Planning Application 2018/90827
Erection of detached dwelling adj 14, The Fairway, Fixby, Huddersfield.

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

RESOLVED – That contrary to officers recommendation that the application be approved.

The Committee considered that the proposed dwelling would respect the predominant character of development in the area and would be in keeping with the surrounding estate.

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

For: Councillors Bellamy, Griffiths, Homewood, Lyons, McGuin, A Pinnock, Sarwar, Sims, Sokhal, Ullah and Uppal (11 Votes)

Against: (0 votes)

19 Planning Application - Application No: 2018/90978

The Sub Committee gave consideration to Planning Application 2018/90978
Erection of two storey and single storey extensions Brigsteer, 402, Birkby Road, Birkby, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Sheila Harrison, Christopher Hardern, Carole Hardern, and Robert Taylor-Hughes (objectors) and Hamish Gledhill (agent).

Planning Sub-Committee (Huddersfield Area) - 20 September 2018

RESOLVED – That contrary to the officers recommendations that the application be refused.

The Committee considered that the proposal would result in an overdevelopment of the site and would be out of proportion in relation to the surrounding properties.

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

For: Councillors, Griffiths, McGuin, A Pinnock, Sarwar, Sims and Sokhal (6 Votes)

Against : Councillors Homewood and Uppal (2 votes)

Abstained : Councillors Bellamy, Lyons and Ullah

20 **Planning Application - Application No: 2017/93973**

The Sub Committee gave consideration to Planning Application 2017/93973 Change of use of dwelling into two dwellings and first floor side extension 103, Greenhead Road, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Gurdial Singh and Lesley Taylor (on behalf of the applicant) and Balwant Singh (applicant)

RESOLVED – That in line with officers recommendations that the application be refused for the following reasons outlined in the considered report:

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.

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

Planning Sub-Committee (Huddersfield Area) - 20 September 2018

For: Councillors, Bellamy, Griffiths, Lyons, McGuin, A Pinnock, Sims and Uppal (7 Votes)

Against: (0 Votes)

Abstained : Councillors Homewood and Ullah

21 **Planning Application - Application No: 2018/91623**

The Sub Committee gave consideration to 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.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Andrew Windress (agent) and Sara Wolfenden (applicant)

RESOLVED – That contrary to officers recommendation that the application be approved for a temporary period of 12 months.

The committee considered that this temporary period of approval would provide an opportunity for complaints to be monitored and to assess the impact on highway safety and residential amenity.

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

For: Councillors Bellamy, Griffiths, Homewood, Lyons, McGuin, A Pinnock, Sims , Sokhal and Ullah (9 Votes)

Against : (0 votes)

22 **Planning Application - Application No: 2018/91636**

The Sub Committee gave consideration to Planning 2018/91636 Erection of single storey rear extension 954, New Hey Road, Outlane, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Robert and Dale Read (applicants)

RESOLVED – That contrary to officers recommendation that the application be approved.

The Committee considered that the proposed extension would not have a detrimental impact on the visual amenity of the property and it would not constitute an overdevelopment of the site.

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

For: Councillors Bellamy, Griffiths, Homewood, McGuin, Sims and Sokhal (6 Votes)

Against : Councillor A Pinnock (1 vote)

Abstained: Councillors Lyons and Uppal

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KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

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

LOBBYING

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

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

Lobbying

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

Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD)

Date: 1 NOVEMBER 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: Golcar; Colne Valley; Newsome; Holme Valley South;

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 2017/60/93147/W - Outline application for erection of one dwelling adj, 31, Quarry Court, Longwood, Huddersfield, HD3 4UQ. (Officer) (Dismissed)
- 2.2 2018/62/91263/W - Erection of single storey front extension at 52, Broad Oak, Linthwaite, Huddersfield, HD7 5TE. (Officer) (Dismissed)
- 2.3 2017/62/93308/W - Alterations to convert freemasons hall to 16 student apartments (Listed Building within a Conservation Area) at Birdsall And Armstrong, 80, Fitzwilliam Street, Huddersfield, HD1 5BB. (Officer) (Dismissed)
- 2.4 2017/62/93972/W - Demolition of farmhouse and hall, erection of two dwellings, link extension to farmhouse and two garages (modified proposal) at Upper Millshaw Hall Farm, Mill Shaw Lane, Hepworth, Holmfirth, HD9 7TG. (Officer) (Dismissed)
- 2.5 2016/62/93315/W - Erection of detached dwelling at Land at, Ridings Lane, Golcar, Huddersfield. (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 28 August 2018

by **Caroline Mulloy BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2018

Appeal Ref: APP/Z4718/W/18/3202483

Adj 31 Quarry Court, Longwood, Huddersfield HD3 4UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Jeremy Child against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2017/60/93147/W, dated 11 September 2017, was refused by notice dated 18 April 2018.
- The development proposed is residential development.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline with all matters reserved except for access and I have dealt with the appeal on this basis treating the site plan as indicative.
3. Since the submission of the appeal a revised National Planning Policy Framework (the Framework) was published in July 2018. The main parties have been consulted on the implications of the new Framework for the current appeal and their responses have been taken into account in my reasoning below.

Main Issue

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

Reasons

5. The appeal site is a steeply sloping plot of land situated adjacent to No 31 Quarry Court. Quarry Court is a residential cul-de-sac with two to three-storey stone properties on either side of the street. The rear of No 31 and the adjoining properties look out onto the exposed rock face which is the limit of former quarry workings. Three properties are situated further along the south side of Quarry Court behind a private, gated driveway. Properties face the road set behind small, open landscaped gardens and driveways. The gaps between the properties and groups of dwellings enable views to the gardens and the dramatic setting of the quarry face to the rear. These factors contribute to the open, spacious and verdant character of the area.
6. The site is not allocated in the Council's Unitary Development Plan. However, it is proposed as a larger Urban Green Space (UGS) designation known as Longwood Edge within the Publication Draft Local Plan (PDLP) (allocation UGS1217). Draft Policy PLP 61 states that development will not be permitted within urban green space except where the proposed development demonstrates an assessment showing the open space is clearly no longer required to meet local needs for open

space, sport or recreational amenity. No such assessment is before me and no replacement provision is proposed. Public hearings for the PDLP have been held and the Council is currently consulting on a set of Proposed Modifications. Whilst there are proposed changes to the wording; the thrust of the Policy remains the same. Furthermore, there have been no objections raised in respect of this specific designation and it is not proposed to alter the designation in the Proposed Modifications.

7. Moreover, the Policy is consistent with paragraph 97 of the Framework which states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless an assessment has been undertaken which clearly shows the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. As the PDLP is not yet adopted full weight cannot be afforded to the Policy; however, due to the advanced stage of Plan preparation and the consistency with the Framework, I consider that significant weight can be attached to it in my Decision.
8. The reason for designating the wider land as UGS is due to its wildlife value, informal recreation use and its significant visual amenity benefits as a prominent escarpment. The appeal site has naturalised over time and contains a number of shrubs, trees and grass, including non-native species. Limited evidence is before me regarding the ecological value of the appeal site. However, the site forms part of infilled embankment which rises steeply from the pavement to the top of the rock face which curves to an outcrop. It makes a significant visual contribution to the open hillside and prominent escarpment and forms an integral part of the wider UGS designation. Notwithstanding the contribution which the site makes to the designation, I consider that it, together with the adjacent land, makes a significant contribution to the open and spacious character of the area.
9. The indicative plans show one dwelling situated slightly further behind number 31 Quarry Court (No 31) with an access taken from just west of the existing gated access with a driveway with space for two cars. The proposal would require the excavation and removal of infill material from the site. No cross sections or levels of the site have been provided. However, due to the combination of the steep nature of the site and its elevated position compared to No 31, it appears to me that significant re-grading of the site and the re-exposure of the quarry face would be required to accommodate even a two storey dwelling with a similar height to the adjacent properties. Whilst limited details are before me regarding the design of the proposal, the dwelling would undoubtedly occupy a prominent position and it would be highly visible when viewed across the valley.
10. Furthermore, the dwelling would appear enclosed between the rock face to the rear and the rock outcrop to the east resulting in it appearing cramped and excessive in its plot and it would also result in the loss of green space. Taking these factors in combination, I consider that the proposal would represent an incongruous addition at odds with the open, spacious and verdant character of the area.
11. Attention is drawn to a previous appeal¹ for a three storey dwelling which was dismissed. The appellant considers that the previous Inspector concluded that the site could accommodate a two storey dwelling of a similar height to No 31. However, whilst the Inspector commented on the height of the dwelling she also

¹ Appeal reference: APP/Z4718/A/00/1049577

goes onto state that the proposal would be prominent, cramped and uncharacteristic of other development in the locality, both existing and approved.

12. Attention is also drawn to three dwellings which were allowed on appeal². However, I note that these dwellings are situated lower down the hillside and, therefore, appear less prominent and more compatible with the original development. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
13. For the reasons stated, I conclude that the proposal would harm the character and appearance of the area. It would, therefore, be contrary to criteria vi and vii of saved Policy D2 of the Kirklees Unitary Development Plan (UDP) which states that planning permission will be granted provided that proposals do not prejudice visual amenity or the character of the surroundings. Conflict also arises with criteria i and ii of saved Policy BE1 of the UDP which seeks to ensure that development is of a good quality design which is visually attractive and creates or retains a sense of local identity. Furthermore, there would also be conflict with criterion iv of saved Policy BE2 the UDP which seeks to ensure that existing and proposed landscape features (including trees) are incorporated as an integral part of the proposal.
14. Conflict also arises with draft Policy PLP 61 of the PDLP which states that proposals will not be permitted within Urban Green Space identified on the proposals map unless the proposed development meets a number of exceptions.
15. I have had regard to the indicative plan of the proposal in reaching this conclusion. Moreover, it appears to me that it would not be possible to develop the site for one dwelling in any other way without causing similar harmful effects on the character and appearance of the area.

Other matters

16. Although limited evidence is before me in relation to housing land supply, the Council acknowledge that they cannot demonstrate a five year supply of housing land. Paragraph 59 of the Framework seeks to significantly boost the supply of homes. However, Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 goes onto say that developments should be visually attractive and sympathetic to the local character and history.
17. The proposal would make a contribution, albeit limited, to housing supply; however, the harm which I have identified to the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

18. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector

² Appeal reference T/APP/Z4718/A/99/10194571/P2



Appeal Decision

Site visit made on 21 September 2018

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

an Inspector appointed by the Secretary of State

Decision date: 27th September 2018

Appeal Ref: APP/Z4718/D/18/3206810

52 Broad Oak, Linthwaite, Huddersfield, HD7 5TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs R Booth against the decision of Kirklees Metropolitan Council.
 - The application Ref 2018/62/91623/W, dated 12 April 2018, was refused by notice dated 26 June 2018.
 - The development proposed is the erection of a single-storey front extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The address of the appeal property is given as 52 Broad Oak, although road signs and maps of the area appear to refer to the name of the road as Cowlersley Lane. To avoid confusion, I have used the address as given on the application form and decision notice, and referred throughout to Broad Oak.

Main Issue

3. The main issue in this case is the effect of the proposed extension on the character and appearance of the area around Broad Oak.

Reasons

4. No 52 is a modern detached stone-built house, situated on the northern side of Broad Oak. It is in the middle of a long row of modern, mainly detached houses on this side of the road. The houses are of varied design, though with use of similar materials throughout. They all have pitched roofs with gable ends. There are a number of small front projections and canopies on the houses along the row. Nos 52 and 54 are of similar design, each having a large integral garage that projects forward on its eastern side some 3.5 metres beyond the main front elevation of the house, and that has a cat-slide roof continuing the main front roof slope.
5. The proposed development would involve the erection of a single-storey front extension some 2 metres deep and 4 metres wide on the western side of the front elevation. It would have a hipped roof and 2 roof-lights on the front roof slope. It would match the existing house in terms of materials used.

6. The Council contends that the proposed extension, by reason of its design, scale and location on the principal elevation of the host property would be detrimental to the character and appearance of the host building, and that it would introduce an unsympathetic and incongruous form of development which would detract unduly from the character of the host building, the wider street scene along Broad Oak and wider local area.
7. The appellant contends that the new extension is small in comparison to the large scale of the dwelling, that it is located over an existing window, and that it has a roof pitch to match the cat slide roof of the garage. It is also set behind the line of the garage front wall. Moreover, the appellant notes that there are a number of front projections at houses along the road in the vicinity of the appeal property.
8. The proposed extension would have a depth of some 2 metres and would have a hipped roof, with roof-lights in the front roof slope. Whilst there are other houses with front projections in the vicinity, all appear to have mono-pitch roofs to match the roof style and shape of the main house. Moreover, most of these projections would appear to be of more modest depth.
9. In the light of the above, I consider that the extension as proposed would be of a scale and design that is unsympathetic to the host property and the surrounding area. The proposed hipped roof of the extension would be an incongruous feature and would be detrimental to the character and appearance of the host property.
10. I therefore find that the proposed extension would be harmful to the character and appearance of the wider street scene along this part of Broad Oak. On this basis, it would conflict with Policy D2 of the Council's Unitary Development Plan (UDP) which requires that development proposals do not prejudice visual amenity, and also with Policies B1, B2, BE13 and BE14 of the UDP, which relate to issues of design, including that new development should be in keeping with surrounding development, and that extensions to dwellings should respect the design features of the existing house and adjacent buildings, including roof styles.

J D Westbrook

INSPECTOR

Appeal Decision

Site visit made on 10 September 2018

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2018

Appeal Ref: APP/Z4718/W/18/3196832

Birdsall and Armstrong, 80 Fitzwilliam Street, Huddersfield, HD1 5BB

- 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 Fong Bin Yong against the decision of Kirklees Metropolitan Council.
 - The application Ref 2017/62/93308/W, dated 21 September 2017, was refused by notice dated 1 February 2018.
 - The development proposed is the conversion of premises to 16 self-contained student apartments.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. I saw at the site visit that much work to the building has already been carried out and is underway to convert the building into apartments. I have noted that permission and listed building consent was granted in 2015 for the conversion of the building to 34 bedsits and that a concurrent application for conversion to 16 apartments is pending. However I have determined this appeal on the basis of the plans submitted with this application.

Main issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of the future occupiers of the building in terms of light, outlook and space;
 - the special architectural and historic interest of the listed building at 80 Fitzwilliam Street and the character and appearance of the Huddersfield Town Centre Conservation Area.

Reasons

Living conditions

4. The development plan includes policies BE1 and D2 of the Kirklees Unitary Development Plan (UDP) which seek to ensure good quality design and protect residential amenity. Those policies in accord with the Framework in respect of those matters. I have noted the Council's reference to policies in the Kirklees Publication Draft Local Plan with similar objectives but as this has not yet been adopted by the Council they cannot carry full weight in this appeal.

5. The proposed self-contained apartments would be provided at basement, ground floor and first floor levels. The building has a long, narrow plan form with windows only in the front and rear elevations. In the rear part of the building the outer walls of the apartments would be set in from the side walls of the building. All windows within those apartments would be internal and would look onto a corridor along the western side and a void along the eastern side of the building. The proposal includes the removal of a section of roof on the western side of the rear part of the building and replacement with glazing to create light wells allowing natural light to penetrate down from the top floor through opaque panels in the floor through to the rear part of the basement. Rooflights would be installed on the eastern side of the building for similar reasons. The outer walls would be painted a light colour and mirrors fitted to bounce light around. Light penetrating through the western side of the building would also have to pass through a small number of opaque blocks installed in the corridor at ground floor level. Every room in each of in the rear apartments would be dependent on light from those sources.
6. Whilst the windows in the front elevation would serve the apartments in the front part of the building, not all of the bedrooms and kitchens in the front basement and ground floor apartments would benefit from that light. Two bedrooms and a kitchen would have no window and another bedroom would have a window onto a shared corridor.
7. The lack of direct natural lighting would result in insufficient light to the six apartments in the rear part of the building at ground floor and basement levels and in the front part of the building to one of the apartments at basement level and the two apartments at ground floor level. The outlook from each of the rooms referred to earlier would also be extremely poor, onto either a shared corridor or a void with no external view. I see no reason why students should not expect a reasonable outlook and adequate natural lighting, particularly as they could reasonably expect to study from home.
8. I also share the Council's concerns with regard to the limited space within some of the apartments. Each apartment would comprise two en-suite bedrooms with a shared kitchen and living room. The Council says that some would be less than 50 sq m and two at ground floor level would be approximately 43 sq m. I note from the plans that two of the rear ground floor apartments would have space for a single bed and a desk but no wardrobe or drawers space. The lack of storage and circulation space within those apartments would therefore be unacceptable and would add to the harm experienced in terms of light and outlook.
9. I have noted that the previously permitted scheme was for 34 en-suite bedsits also looking onto an open void on both sides of the building lit by rooflights and communal dining/kitchen areas in a separate area of the building. Whilst the appellant accepts that in the current scheme the light to the basement would be slightly reduced as it would be through glass light wells, he says that the amount of light to the ground and first floor is the same as the previous approval and that the communal areas in that scheme had no windows. He considers that each of the proposed apartments would be adequately lit and lighter than any of the previously approved bedsits. However the Council says that in the previous scheme each bedsit would receive acceptable levels of light due to its small size. Having seen that much work to the building has already

been carried out to create apartments and given that the appellant maintains that the bedsits would be difficult to let it seems very unlikely that the previous scheme would be implemented and I have given it little weight as a fallback position in the determination of this appeal.

10. For the reasons given earlier, I conclude that the proposed scheme is of a poor standard of design that would result in cramped and gloomy conditions, causing significant harm to the living conditions of some of the future occupiers, contrary to UDP policies BE1 and D2.

Listed building and Conservation Area

11. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 193 of the National Planning Policy Framework 2018 (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 194 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
12. I have noted the Council's reference to policy PLP35 in the emerging Kirklees Publication Draft Local Plan but as this has not yet been adopted by the Council it cannot carry full weight in this appeal.
13. 80 Fitzwilliam Street is a grade II listed building dating from the mid C19th which was built as a Freemasons' Hall. It has two storeys and is an imposing stone building which forms one of a row of stone buildings in the street and contributes positively to the character and appearance of the Huddersfield Town Centre Conservation Area (CA). It retains much of its original character both externally and internally. Its historical significance derives from its former use and its architectural significance from the imposing façade and both the layout and the detail of the interior (including much wood panelling and decorative detailing) which reflect its former use.
14. The Council's decision refers to less than substantial harm to the setting of the CA and the listed building. In this regard, the decision refers only to the layout of the residential accommodation and it is unclear to me how it considers this would harm the significance of the building and the CA. Although there would be some changes to the plan form of the building both horizontally and vertically, the Council's Conservation and Design Officer raised no objection to the proposal as he considered there is little difference between this scheme and the previously permitted scheme and that any changes would not affect the historic fabric. I agree that the most important features of the building would be retained and that it would still be possible to read the original form and layout of the building. As such, the significance of the building would be

unharmful and there is therefore no need to consider the public benefits of the proposal in this regard.

15. I conclude then that the proposed development would not harm the significance of the listed building or the Conservation Area and that it accords in this respect with the Framework.

Other matters and planning balance

16. The proposed scheme would secure the long term future and viability of this grade II listed building which has been largely unused for 12 years. It would also increase the amount of student housing at a time when the Council accepts it cannot demonstrate a five year housing supply. However, the Council considers the principle of conversion to be acceptable. In the absence of any detailed viability information and despite the constraints of the building, I see no reason why an acceptable scheme could not be achieved. Thus, whilst the future of the building and the provision of student accommodation are important considerations they do not outweigh the significant harm that I have identified above in terms of living conditions.

Conclusion

17. For these reasons and notwithstanding my findings in regard to the listed building, my findings in terms of living conditions are significant and overriding. I conclude that the proposed scheme would be contrary to the development plan as a whole and there are no material considerations that justify determining the appeal otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector



Appeal Decision

Site visit made on 31 July 2018

by W Johnson BA (Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2018

Appeal Ref: APP/Z4718/W/18/3200576

Upper Milshaw Farm, Milshaw Lane, Dick Edge Lane, near Hepworth, Holmfirth, HD9 7TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Claire Whitaker and Ian Turner against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/93972/W, dated 30 October 2017, was refused by notice dated 16 April 2018.
 - The development proposed is the demolition of Farmhouse and Hall, erection of two new dwellings, link extension to farmhouse, amended window design and erection of two double garages (Amendment to Planning Consent 2017/90561)
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, I saw that the development of the scheme had already started. I have dealt with the appeal on that basis.
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 appellants on 27 July 2018, in reaching my decision.
4. 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). However, I consider the policies relevant to this appeal to be broadly consistent with the Framework.

Main Issues

5. There is agreement between the appeal parties that the development amounts to inappropriate development inside the Green Belt and the replacement scheme causes loss in openness. The main area of disagreement from the reason for refusal are:

- The effect of the proposal on the character and appearance of the appeal site and surrounding area; and,
- Is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations and, if so, would this amount to the very special circumstances required to justify the development?

Reasons

Character and appearance

6. I have noted that the scheme subject of this appeal is the latest in a series of planning applications that have been granted, in particular 2016/92046 and 2017/90561. Both parties have brought to my attention that the appeal scheme differs only from the most recent approved application (2017/90561), by seeking to include in summary, 2 double garages, a link extension to the farmhouse, and amended design to the farmhouse including new window openings. I am mindful that the principle to develop the site has already been established by the grant of earlier planning applications.
7. The Council raise no objections, to any other elements of the scheme, which I too accept in this respect. Nonetheless, there is some concern about the revised fenestration details on Building 2. For example, the outrigger to Building 2, on its south and west facing elevations, would have large expanses of glazing, which face across the valley and towards the proposed new route of PROW 146.
8. I note that there are no neighbouring dwellings in the immediate vicinity. Additionally, whilst the scheme would occupy a prominent location at a raised level on the hillside, overlooking Cat Clough towards Sheffield Road (A616), in my view there would be a considerable distance maintained from any receptors in these locations. Nevertheless, PROW 146 would be located in proximity to the scheme and Building 2, in particular. Any member of the public accessing this footpath from the lower levels of the valley to adjoin PROW 134, would directly face the south-facing elevation of the outrigger, and would then have the ability to clearly view the facing west elevation, when approaching the stile to PROW 134.
9. Furthermore, the west elevation would again be clearly visible to anybody leaving PROW 134 to walk down PROW 146. I consider that when looking at both the south and west facing elevations of the outrigger on Building 2, from PROW 146, they would both appear very imposing. The prevailing local vernacular would appear to consist of buildings of traditional design, with a greater ratio of stone being used in facing elevations. A large proportion of Building 2 is traditional in design, and incorporates traditional features, such as mullioned windows. Whilst, there is no 'in principle' policy objection, against the inclusion of contemporary design features in new dwellings, I consider that the large expanse of glazing identified, does not complement the design of Building 2.
10. The areas of glazing would be completely out of scale with the host dwelling, appearing overly dominant as a result. The areas glazing on Building 2 would represent an incongruous feature that would unacceptably harm the character and appearance of the appeal site and the surrounding area. I note the appellants has sought to reduce the impact of the glazing in the west elevation

through the introduction of a truss style window to the opening, but I consider that this does not provide sufficient mitigation to overcome the harm identified.

11. It is noted that this diversion, has not been approved by the PROW Officer, although a formal application has been submitted by the appellants. There is obviously a clear desire by the appellants for it to be diverted in the proposed location. Additionally, due to the presence of the new retaining wall, it is unlikely that the original route would be reinstated.
12. For all of these reasons, I therefore conclude that the fenestration detailing, in particular the large areas of glazing on the south and west facing elevations on Building 2, would significantly harm the character and appearance of the appeal site and surrounding area. This would be contrary to Policy BE1 (i,ii), which requires development to create or retain a sense of local identity; 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. As a result, the proposal would also be contrary to paragraph 127 of the Framework, which amongst other things seeks to ensure that development is visually attractive as a result of good architecture.

Other considerations

13. The appellants refer to the extensive planning history on this site where residential development has been permitted in the past. In the absence of any evidence to the contrary, I consider that planning application 2017/90561 represents a genuine fallback position because works pursuant to that permission had started. This permission is a relevant consideration as there is a reasonable prospect of it being fully implemented should this appeal be dismissed. I attach significant weight to this matter.
14. The appellants have drawn my attention to a number of properties in the wider vicinity of the site where large expanses of glazing have been incorporated in residential development. No additional details have been provided regarding these schemes and no documentation has been provided regarding the Council's analysis of these schemes in relation to the effect on the character and appearance of the dwellings and surrounding area. Without this detailed information a comparison between these schemes and the case before me cannot be drawn and therefore little weight can be attributed to them in the determination of the appeal. In any event their presence does not have an appreciable bearing on the character or appearance of the context in which the site is viewed.
15. I have had regard to various other matters raised by the Northern Footpaths Society including, amongst other things, highway safety and the diversion of PROW 146. I note that the Council raises no objections in these respects, and little evidence has been provided to support this statement in the context of this appeal. However, these do not alter my conclusions on the main issues. I have considered this appeal on its own merits and concluded that it would be unacceptable for the reasons set out above.
16. The Council confirms that is not able to demonstrate a 5 year supply of deliverable housing sites. This represents a housing shortfall. Despite the deficiency in housing land supply, the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework, does not apply

because specific policies relating to the Green Belt indicate development should be restricted in this case. However, it does still weigh in its favour.

Planning balance

17. The Framework states that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. There is harm by reason of inappropriateness and loss in openness to which substantial weight is given. Additional weight is given to my finding on character and appearance. Accordingly, there is conflict with local and national planning policy.
18. On the other side of the scales, I attach significant weight to the fallback position and I am cognisant of the planning history of the appeal site, but limited weight to the lack of housing land supply arguments. In my planning judgement, the advanced considerations in support of the proposal before me, whether taken individually or cumulatively, do not, on balance, clearly outweigh the identified harms. Very special circumstances do not exist.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Wayne Johnson

INSPECTOR



Appeal Decision

Site visit made on 28 August 2018

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2018

Appeal Ref: APP/Z4718/W/18/3202530

Land at Ridings Lane, Golcar, Huddersfield

- 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 Tibbott against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/93315/W, dated 1 September 2016, was refused by notice dated 13 November 2017.
 - The development proposed is construction of new detached residential dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of the appeal a revised National Planning Policy Framework (the Framework) was published in July 2018. The main parties have been consulted on the implications of the new Framework for the current appeal.

Main Issue

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

Reasons

4. The appeal site is situated close to the junction of Ridings Lane with Cliffe Ash and Small Lane. Ridings Lane is in two parts and the northern part of the lane runs along the top of the appeal site. The site is a steeply sloping area of open space which is heavily vegetated and contains a number of trees some of which are protected by a Tree Preservation Order (TPO). It lies within the Golcar Conservation Area (CA).
5. The Golcar Conservation Area Character Appraisal (CACA) states that the character of Golcar is derived largely from its location and setting. The village form is organic with limited formal planning. It is a largely closely knit hillside village of picturesque quality. Steep slopes, steps, and narrow lanes with homogenous vernacular stone architecture and stone retaining and boundary walls. The CACA goes on to say that tree coverage in Golcar is quintessential to its character. Panoramic views of the settlement reiterate the importance of the trees to the setting and character, creating extra interest, depth and character in the area. The natural landscape is a significant part of the

character and appearance of the area and plays an important role in the setting of the conservation area. Many of the streets and roads are lined with mature trees which are an important feature. On the basis of observations on my site visit, I agree with this assessment.

6. The south side of Ridings Lane is comprised of two to three storey, stone terraced properties which are built into the hill with the first floor of the dwellings being on a level with Ridings Lane. The ground floor of the properties are set at a lower level than the road situated behind a light well and enclosed by predominately metal railings.
7. The terrace faces onto a stone retaining wall of around 2m which encloses the appeal site. The appeal site forms a significant area of open space which contains many of the attendant characteristics of the CA including steep slopes, stone retaining walls and mature trees. In my view, the open space and trees provide relief from the built development and make a significant contribution to the character and appearance of the CA.
8. It is proposed to erect a two to three-storey, split level detached dwelling faced in natural stone with interlocking grey roof tiles. Access would be taken from Ridings Lane adjacent to the junction with Cliffe Ash. Due to the sloped nature of the land excavations and the erection of retaining structures are proposed. The tallest retaining structure to the rear of the site would be around 6m. It is proposed to remove 24 trees in order to facilitate the development. Planting is proposed along the boundary with Ridings Lane.
9. I acknowledge that the proposed dwelling has been designed so as to attempt to reflect the terraced properties opposite in terms of the use of stone and the fenestration pattern. However, the stone quoins would not reflect the more simple appearance of the terraces. In addition, the concrete roof tiles would fail to reflect the natural slate of the terrace opposite; however, a more appropriate roof tile could have been requested by condition, had I decided to allow the appeal. Furthermore, the proposed dwelling would be situated significantly higher than the terraced properties opposite and would stand in an isolated position in contrast to the predominant pattern of development of small, linear plots.
10. Whilst I noted that the area was hilly, most development has taken into account the topography and hence retaining walls are not a regular feature of the area. Due to the sloping nature of the land, significant retaining structures are proposed which would introduce an incongruous feature. The dwelling and retaining structures would be visible above the existing development in long distance views from across the valley.
11. Moreover, the proposal would result in the loss of 24 trees some of which are protected by a TPO. The TPO identifies 9 semi-mature and mature Sycamores within Group 1 growing as a linear feature on land opposite the rear of 14-28 West End Road. An Arboricultural Report, Arboricultural Impact Assessment and Tree Planting Scheme (AIA) has been prepared in order to support the application/appeal. Thirteen trees will need to be removed in order to facilitate the construction of the dwelling and to open up useable garden space, eight of which are sycamores which are protected by the TPO. It goes onto say that all trees to be removed to facilitate the development are considered to have a limited long term future due to the defects noted in the report.

12. I have considered the evidence in the AIA and noted the presence of stem junctions on the twin/multi-stemmed trees on my site visit. The significant amount of vegetation restricted detailed inspection of the trees to a degree. However, the presence of weakened stem junctions is not in itself a justification for removal. The degree of weakness would be dependent upon the type of junction and reduction works can also help to elongate the life of such trees.
13. I note that all of the trees on the appeal site have been classed as being of low amenity value. However, I consider that some of the larger trees have significant amenity value in their own right. Furthermore, the trees identified as having a life span of 10+ years would make a significant contribution to the character and appearance of the CA during this time and may well last longer. Moreover, in my view the trees taken together as a group make a significant contribution to the character and appearance of the Conservation Area. Consequently, I consider that overall the group of trees has high amenity value.
14. Taking these factors in combination, the proposal would be an incongruous addition at odds with the predominant form of development and would result in the loss of a significant area of open space and semi-mature trees subject to a Tree Preservation Order. The proposal would, therefore, fail to preserve the character and appearance of the Conservation Area, although the harm would be less than substantial and I consider this matter further in my conclusion.
15. It is proposed to plant 20 standard size trees including native species such as English Oak, Silver Birch and Rowan. However, I note the replacement trees would be planted very close to the existing trees which would prevent the new trees establishing to maturity. Furthermore, the replacement planting would inevitably take time to establish. Consequently, I only place limited weight on the proposed replacement planting.
16. For the reasons stated, the proposal would fail to preserve the character and appearance of the Golcar Conservation Area and harm the character and appearance of the area generally. It would, therefore, be contrary to saved Policies D2, BE1, BE2 of the Kirklees Unitary Development Plan (UDP) which collectively seek, amongst other things, to ensure that development is of a good quality design which is visually attractive and which does not prejudice the character of the surroundings. Conflict also arises with saved Policy BE5 of the UDP which requires new development within conservation area to respect the architectural qualities of surrounding buildings and contribute to the preservation or enhancement of the character or appearance of the area.
17. Furthermore, there is also conflict with saved Policy NE9 of the UDP which states that development proposals should normally retain any mature trees within an application site.
18. Conflict also arises with draft Policies PLP 24, PLP33 and PLP 35 of the Publication Draft Local Plan (PDLP) which collectively seek to ensure that development proposals achieve good design which respects and enhances the character of the townscape, retain valuable and important trees and conserve the significance of Conservation Areas. As the PDLP is not yet adopted full weight cannot be afforded to the policies. Nevertheless, the conflict with these Policies weighs against the proposal.

Other matters

19. Although limited evidence is before me in relation to housing land supply, the Council acknowledge that it cannot demonstrate a five year supply of housing land. Paragraph 59 of the Framework seeks to significantly boost the supply of homes. The proposal would make a contribution, albeit limited, to housing land supply. The proposal may also contribute in the short term to the local economy during the construction phase and in the longer term as future occupiers utilise local businesses and services.
20. However, Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 goes onto say that developments should be visually attractive and sympathetic to the local character and history. Furthermore, paragraph 193 states 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. Paragraph 196 goes onto say that there a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Conclusion

21. I have found that the proposal would fail to preserve or enhance the character and appearance of the Golcar Conservation Area and harm the character and appearance of the area generally. The proposal would have some benefits referred to in paragraph 19 above; however, in heritage terms, I do not consider that they would outweigh the less than substantial harm to the Golcar Conservation Area. In the overall planning balance, the harm which I have identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. Consequently, for the reasons stated and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Caroline Mulloy

Inspector

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

PLANNING POLICY

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

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

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 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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Originator: Victor Grayson

Tel: 01484 221000

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 01-Nov-2018

Subject: Planning Application 2018/90031 Variation of condition 2 and deletion of condition 20i of previous application ref: 2012/90738 (demolition of redundant former industrial buildings and bridge, erection of 46 age-restricted apartments, 2 guest rooms, external residents' lounge, manager's office, residents' and visitor car parking, new bridge access, related engineering and landscape works with retention of former mill dam and formation of riverside walk) to enable changes to layout, elevations, materials, landscaping, boundary treatments, retaining structures and pond works, rerouting of riverside walk, repositioning of blocks, and other changes, and removal of requirement to provide a pedestrian crossing on Woodhead Road (within a Conservation Area) Prickleden Mills, Woodhead Road, Holmfirth, HD9 2JU

APPLICANT

Stephen Secker,
McCarthy & Stone
Retirement Lifestyles
Limited

DATE VALID

04-Jan-2018

TARGET DATE

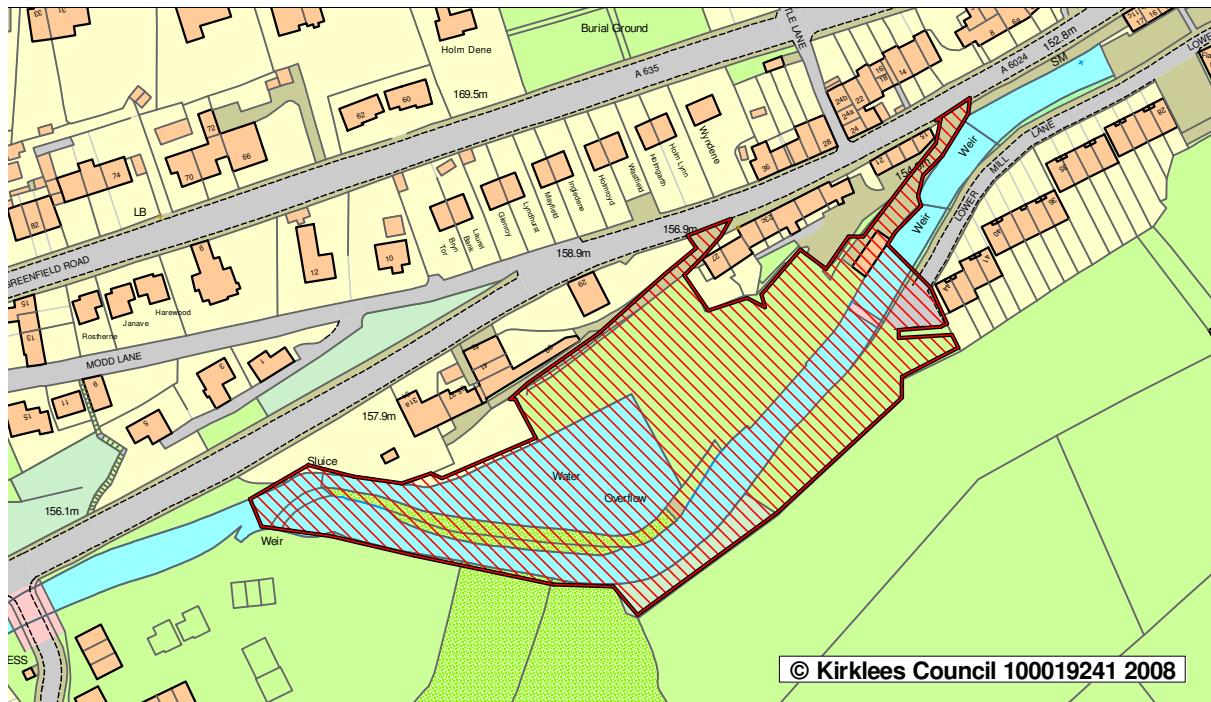
05-Apr-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

Yes

Ward Members consulted

DELEGATE approval of the application (in relation to condition 2 only) and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Linking of this application to the S106 agreement (dated 19/12/2013) for planning permission 2012/90738.
2. Provision of public access along riverside walk and bridge in perpetuity.
3. Construction management provisions as per the draft S106 agreement prepared in connection with application 2014/90183 (secure a post-development survey of Lower Mill Lane, establish and engage with a residents' liaison group, and secure funding for a Traffic Regulation Order).

In the circumstances where the S106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

1.1 This Section 73 (S73) application has been brought to Sub-Committee at the request of Cllr Patrick. Cllr Patrick stated that this is a controversial development and expressed concern that the development's planning gain has been reduced.

1.2 The Chair has agreed to this application being brought to Sub-Committee.

2.0 SITE AND SURROUNDINGS:

2.1 This application relates to an irregular-shaped site, previously occupied by Prickleden Mill. The site is approximately 1.3 hectares in size, and most of it is located on the north bank of the River Holme, however the site also includes a smaller area on the south bank. Much of the site is almost flat, however there are steeply-sloped areas at the north and south edges of the site.

2.2 The site's mill buildings have been demolished, however the mill pond survives, as do stone and brick retaining walls towards the edges of the site. The majority of the site is hard-surfaced.

2.3 A sloped lane provides access to the site from Woodhead Road. The site can also be accessed from Lower Mill Lane, where an existing riverside carriageway and footway currently terminate at the site's boundary.

2.4 The site is surrounded by residential uses, although a two-storey stone building (also accessed via the sloped lane from Woodhead Road) is currently in use by a plumbing and heating engineering company.

2.5 The site is within the Holmfirth Conservation Area. There are no listed buildings within the site, however immediately to the north of the site, 25 and 27 Woodhead Road are Grade II listed.

2.6 Tree Preservation Orders (TPOs) protect trees within the site on the south bank of the River Holme. Other TPOs have been designated at the far west end of the site.

2.7 No public rights of way cross the site.

3.0 PROPOSAL:

3.1 The applicant proposes to vary and partly delete conditions of the previous permission ref: 2012/90738 (approved on 19/12/2013). That permission was for the demolition of the site's former industrial buildings and bridge, and the erection of 46 age-restricted apartments, two guest rooms, an external residents' lounge, a manager's office, resident and visitor car parking, a new bridge, related engineering and landscaping works, the retention of the former mill dam and the formation of a riverside walk. The applicant proposes variation and deletion as follows:

- Condition 2 (approved drawings) – Proposed repositioning of blocks A and B, elevational changes, rerouting of riverside walk, and revisions to boundary treatments, retaining walls and structures, and hard and soft landscaping. Previously-proposed partial infill of the millpond reduced – a small, triangular area of the millpond would now be filled in.
- Condition 20 (highways works) – Deletion of part (i), which requires the provision of a zebra crossing on Woodhead Road.

3.2 Further details of these changes are provided later in this report.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 19/12/2013 – Planning permission granted (ref: 2012/90738) for the demolition of the site's former industrial buildings and bridge, and the erection of 46 age-restricted apartments, two guest rooms, an external residents' lounge, a manager's office, resident and visitor car parking, a new bridge, related engineering and landscaping works, the retention of the former mill dam and the formation of a riverside walk. This permission has been implemented. A related conservation area consent application (ref: 2012/90739) was also approved on 19/12/2013.
- 4.2 08/05/2015 – Non-material amendments approved (ref: 2014/93971) to permission ref: 2012/90738. This concerned parking and site layout amendments, relocation of bike store and manager's office, elevational changes, deletion of guest suite, internal layout changes, reduction in floor-to-floor and cill-to-head heights, and reduction in number of rooflights.
- 4.3 14/10/2015 – Planning permission granted (ref: 2015/92408) for the erection of an electricity substation enclosure.
- 4.4 12/05/2016 – Details submitted pursuant to condition 24 (construction plan) of permission ref: 2012/90738 considered by the Huddersfield Planning Sub-Committee. Ref: 2014/90183. The Sub-Committee resolved to approve the applicant's details and discharge condition 24 subject to a commitment to carry out a post-development survey of Lower Mill Lane, make arrangements to create and engage with a resident liaison group, and provide a means to cover the cost of a Traffic Regulation Order. A S106 agreement was subsequently drafted but never completed and signed, therefore condition 24 remains undischarged.
- 4.5 Pending determination – Application for non-material amendment (ref: 2017/93646) to permission ref: 2012/90738, for the use of PVCu window frames (instead of powder-coated aluminium window frames) to the stair towers, and for the use of hinged French windows instead of sliding patio doors.
- 4.6 Various other applications for the discharge of conditions of permission ref: 2012/90738 were considered by the council. These applications are referred to in this report where necessary.

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

- 5.1 In October 2016 at pre-application stage, officers advised the applicant that a S73 application would be required for changes to the development's previously-approved design, and for the deletion of part (i) of condition 20.
- 5.2 The applicant initially indicated that approval of amendments to conditions 13 (materials), 14 (boundary treatments), 15 (retaining structures), 16 (soft landscaping) and 17 (hard landscaping) were being sought, however the applicant did not propose rewording of these conditions. Given the existing wording of these conditions, it is considered that the proposed changes to the scheme do not in fact necessitate amendments to conditions 13, 14, 15, 16 and 17.
- 5.3 The applicant also proposed the use of artificial stone in the previously-approved residential blocks, however in response to Member comments and officer advice this proposal was withdrawn. Similarly, proposals to use artificial materials in retaining walls and structures around the site (including in the river walls) have been withdrawn.
- 5.4 The deletion of condition 12 (regarding works to the mill pond edge and outfall) is no longer proposed.
- 5.5 The reduction of on-site parking spaces to 53 is no longer proposed.

6.0 PLANNING POLICY:

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

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is within the Holmfirth Conservation Area, and a Green Corridor passes through the site along the River Holme.

6.3 Relevant policies are:

G4 – High standard of design
G5 – Equality of opportunity
D2 – Land without notation
D6 – Green Corridors
NE6 – Water areas
NE9 – Tree retention
BE1 – Design principles
BE2 – Quality of design
BE5 – Development within conservation areas
BE11 – Building materials
BE12 – Space about buildings
BE21 – Accessibility of open space
BE22 – Accessible parking
BE23 – Crime prevention
EP4 – Noise sensitive development
EP11 – Landscaping and ecology
EP30 – Prolonged construction work
T10 – Highway safety
T14 – Pedestrian routes
T15 – Pedestrian facilities
T16 – Development and pedestrian routes
T17 – Cycling
T19 – Parking standards
H1 – Housing needs
H10 – Affordable housing
H12 – Securing affordable housing
H16 – Residential homes for the elderly
H18 – Public Open Space
R18 – Development adjacent to canals and rivers

Kirklees Draft Local Plan Strategies and Policies (2017):

6.4 The site is within a Wildlife Habitat Network in the draft Local Plan. Part of a Core Walking and Cycling Network is shown indicatively in the Local Plan in the Holme Valley close to the site. An SSSI Impact Risk Zone and a buffer zone for twite extend to the site.

6.5 Relevant policies are:

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP4 – Providing infrastructure
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing mix and affordable housing
PLP20 – Sustainable travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP23 – Core walking and cycling network
PLP24 – Design
PLP27 – Flood risk
PLP28 – Drainage

PLP29 – Management of water bodies
PLP30 – Biodiversity and geodiversity
PLP32 – Landscape
PLP33 – Trees
PLP34 – Conserving and enhancing the water environment
PLP35 – Historic environment
PLP47 – Healthy, active and safe lifestyles
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP53 – Contaminated and unstable land
PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2018) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

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

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised via four site notices, a press notice, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for initial publicity was 15/02/2018.

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

- Objection to reconstituted stone on visual amenity and sustainability grounds. Natural stone from demolished buildings, or from local quarries, should be used.
- Objection to increased traffic on Hollowgate and Lower Mill Lane. Concerns regarding potential rat run at peak times along Lower Mill Lane, resulting in residents not being able to access their properties, increased pollution, increased risk to residents, children and pets due to increased vehicle movements, and obstruction of emergency access. Previous application had a more detailed Transport Assessment.
- Proposals do not improve on the previous application.

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

7.4 Cllr Patrick has commented as follows:

Of course [the application] should be taken to committee. This was a very controversial development and still is and despite officers supporting it again I have to say it is still the wrong development in the wrong place with access only via Lower Mill Lane and Hollowgate. Highways officers may have changed their minds about the zebra crossing, but I would like to think we would get some money out of the development for some highways improvements. Given that this is supposed to be for older people and we know the town's pavements are not accessible for wheelchairs, how about some money towards disabled access? Virtually everything else in terms of planning gain has been allowed to be dropped from this development so I'd like to know what planning gain comes with an officer recommendation to support this?

7.5 Holme Valley Parish Council support all variations of conditions except in relation to condition 13 – strong objection to the use of artificial stone in a conservation area.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Environment Agency – No comment to make. Condition 3 of previous permission was requested by the EA, however none of the proposed variations or deletions would compromise that condition.

KC Conservation and Design – No justification has been provided for using reconstituted stone dressings instead of natural stone sawn ashlar dressings, however on balance no objection is raised.

KC Highways – No objection to reduction of car parking spaces to 53.

KC Strategic Drainage – Objection to removal of condition 12. Millponds should be considered in connection with development of mill sites. The previously-applied condition was designed to take into account the flood risk associated with a historic, elevated volume of water (the millpond). Millponds are often neglected and can pose a risk to current or future residential properties. Revised proposals for millpond should be assessed for flood risk and whether appropriate mitigation is needed. The integrity of the millpond is a crucial consideration in this assessment. The millpond will need to be drained to enable examination of the retaining structures and to understand the associated pipework and ancillaries such as sluices and overflows. Operating mechanisms are already in need of renewal. Any changes to levels would need to be re-examined. Future maintenance in relation to drainage should be established as part of the planning process to ensure that flood risk would not increase through neglect and failure to assign responsibility. Concern over applicant's suggestion that millpond edges and outfalls would remain unchanged, when it was previously shown that mitigation was required to reduce flood risk.

8.2 **Non-statutory:**

KC Ecology – Site is in an ecologically sensitive location (the River Holme corridor), which forms an important element of the local ecological network and is identified as part of the Kirklees Wildlife Habitat Network. The previously-applied condition 16 is necessary to ensure some ecological enhancement is provided in accordance with Local Plan policy PLP30. Removal of condition 16 is not supported.

KC Highways Structures – Conditions recommended.

KC Trees – Applicant is proposing to change the retaining feature adjacent to TPO-protected trees. An Arboricultural Method Statement (AMS) was previously approved for these works, however this showed a different retaining structure in this location. Changing this structure would conflict with the previously-approved AMS, therefore a new AMS would be required. Further comment: new AMS (received 17/09/2018) addresses earlier concerns.

West Yorkshire Police Architectural Liaison Officer – Earlier measures proposed by applicant's architect should be implemented. Rerouting of riverside walk would be preferable as it would move passers-by away from the southeast doors and windows of blocks A and B. Rerouting the walk (and its users) through the development's car park may not be ideal, however the route would have better surveillance from blocks A, B, C and D, and concerns could be mitigated through the provision of uniform lighting coverage of the route and the parking areas. Lighting would also augment CCTV in this location. Condition recommended, requiring details of lighting.

9.0 MAIN ISSUES

- Scope of this application
- Urban design and conservation issues
- Residential amenity
- Highway issues
- Drainage issues
- Trees, landscaping and ecological considerations
- Representations
- Planning obligations

10.0 APPRAISAL

Scope of this application

- 10.1 Section 73 of the Town and Country Planning Act 1990 concerns the “Determination of applications to develop land without compliance with conditions previously attached”, colloquially known as “varying” or “amending” conditions. S73 applications must also involve consideration of the conditions subject to which planning permission should be granted. Where an application under S73 is granted, the effect is the issue of a fresh grant of permission and the decision notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.
- 10.2 It is important to note that when assessing S73 applications the previously-granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.
- 10.3 In this case, the applicant could develop the site in accordance with the 2013 permission, and this fallback is a material consideration to which significant weight must be given. The principle of significant development at this site has already been accepted by the council.
- 10.4 Alterations to planning policy and other material considerations that may have emerged since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the above paragraphs and the applicant’s ability to complete the originally-approved development.

Urban design and conservation issues

- 10.5 As noted earlier in this report, the site is within a conservation area, and two houses immediately to the north are Grade II listed. It is also visible from public vantage points, and will become more visible as public access is extended along the banks of the River Holme via the proposed riverside walk. It is therefore important to ensure high quality, appropriate development is brought forward at this relatively sensitive site.

- 10.6 The applicant proposes to relocate blocks A and B 1m further to the northeast, i.e., closer to the bridge that would be provided as part of the development. This is considered to be a minor change in the context of the wider development, it would not result in an inappropriate distribution of massing across the site, and would not cause harm to the Holmfirth Conservation Area or the setting of listed buildings or other heritage assets. This minor amendment is considered acceptable.
- 10.7 Elevational changes have already been approved by the council as non-material amendments under application ref: 2014/93971. The further elevational changes now proposed are:
- Provision of open, projecting balconies (where enclosed balconies were previously approved).
 - Deletion of projecting window columns.
 - Simplified materials – ashlar facing panels have been deleted, so all external stone would be coursed.
- 10.8 These elevational changes are minor in scale, they improve the elevational composition of the five blocks, and they raise no concerns in relation to conservation, and are considered acceptable.
- 10.9 Revised boundary treatments are proposed. Dry stone walls were previously proposed around the edge of millpond and at other locations around the site, however mild steel railings set into a low stone upstand are now proposed around the millpond and along the river outside block E. This is considered acceptable, as a similar boundary treatment has already been used on the south bank of the river along Lower Mill Lane. Indeed, cast iron railings set into a low stone upstand (to match those that exist on Lower Mill Lane) are proposed on the south bank, either side of where the new bridge would land. Details to be submitted pursuant to condition 14 will need to confirm that natural stone would be used for the upstands, and that the railings would have a black finish.
- 10.10 Other boundary treatments around the site would be new or retained and repaired natural stone walls, or concrete faced with natural stone. A low rendered wall with artificial stone coping is proposed behind blocks C and D – these materials would not normally be considered acceptable in this location, however they are proposed in a location heavily screened from public view by retaining walls and the new blocks. Notwithstanding the reference to cast concrete parapet upstands for the river bridge (as annotated on drawing 14036D-07-P20), details of more appropriate external materials for this part of the development will need to be submitted pursuant to condition 14.
- 10.11 Retaining walls and structures would similarly be new or retained and repaired natural stone walls, in some cases with concrete, piles, or soil nailing behind their natural stone facings. On the south bank, close to the southeast edge of the site and behind the parking area, stone-filled baskets are proposed to shore up the bank and to screen soil nailing plates. These proposals are considered acceptable, subject to details (to be submitted pursuant to conditions 15 and 16) confirming that natural stone to match that used in surrounding buildings would be used in the baskets, and that soft landscaping (including climbing plants) would be used to reduce the visual impact of this retaining structure.

- 10.12 Infill of part of the site's millpond was previously approved, however the applicant now proposes significantly less infill – a relatively small area (approximately 60sqm) at the millpond's north corner (outside block C) would be filled in under the current proposals. The millpond is a surviving heritage asset of some interest, and given that UDP policy NE6 and emerging Local Plan policy PLP29 seek to retain water areas, this amendment is welcomed.
- 10.13 The proposed rerouting of the riverside walk around the rear of blocks A and B, instead of providing it between these blocks and the river (including along a previously-approved cantilevered walkway) raises no design or conservation concerns.
- 10.14 The applicant no longer intends to erect the previously-approved detached residents' lounge on the north bank of the millpond. This raises no design or conservation concerns.
- 10.15 A resident has stated that natural stone from demolished buildings, or from local quarries, should be used in the development. Using stone from these sources would have benefits, however it is noted that acceptable stone can be sourced from quarries further afield, and it would not be necessary for the council to insist on the use of local or reclaimed stone at this site. No such requirement was applied by the council when planning permission was initially granted in 2013.

Residential amenity

- 10.16 The proposed relocation of blocks A and B 1m further to the northeast raises no amenity concerns. Existing neighbouring residential buildings are located far enough away from these blocks to not be affected. In relation to impacts within the development, although block A would be moved closer to block E, these elevations have few windows, therefore significant amenity impacts are not anticipated.
- 10.17 New outdoor amenity space was to be provided where part of the millpond was previously proposed to be filled in. With less infill now proposed, outdoor amenity space would be reduced, and although some outdoor space would be regained where the detached residents' lounge is no longer proposed, overall there would be a net reduction in outdoor amenity space provided by this development for its residents (when a comparison with the 2013-approved development is made), although not to an unacceptable level. The landscaped area on the north bank of the millpond, together with the private patios and balconies, would provide residents with adequate outdoor amenity space.
- 10.18 The proposed rerouting of the riverside walk around the rear of blocks A and B is considered beneficial in amenity terms, as this publicly-accessible path would be moved away from the ground floor windows and recessed balconies of blocks A and B.

Highway issues

- 10.19 59 parking spaces were shown on the application drawings approved by the council in 2013 under application ref: 2012/90738. In 2015 the number of spaces was subsequently reduced to 55 for tree and ecological reasons under application ref: 2014/93971. A further reduction to 53 was proposed under the current application, however on 17/10/2018 the applicant withdrew this proposal, and no changes to the previously-approved 55 parking spaces (of which, as previously, four would be provided for public use) are currently proposed. For a development of 46 age-restricted apartments with no guest accommodation, it is considered that this provision is adequate for this location.
- 10.20 Residents have raised concerns regarding traffic along Hollowgate and Lower Mill Lane. These concerns are noted, however the proposed development would not result in a material intensification of use when compared with the 2013-approved development, and anticipated vehicle movements are not expected to differ to those previously considered.
- 10.21 The application has not attracted an objection from the council's Highways Development Management team.
- 10.22 The proposed rerouting of the riverside walk around the rear of blocks A and B is of some concern, as riverside walks should hug the river bank and be provided with direct views of the watercourse wherever possible. Furthermore, directing users through a car park raises concerns in that it would give members of the public a reason to be in an area that would normally be private. In this case, however, a relatively short stretch of the riverside walk would be affected, the proposed rerouting would enable level access to be provided (the previously-approved cantilevered walkway included steps), and would bring amenity benefits to the residents of blocks A and B. The West Yorkshire Police Architectural Liaison Officer has additionally noted that this stretch of the walk would benefit from better surveillance, if rerouted as proposed. It is considered that these improvements in relation to accessibility, privacy and natural surveillance outweigh the concerns regarding moving part of the riverside walk away from the river.
- 10.23 Part (i) of condition 20 of permission ref: 2012/90738 requires the provision of a zebra crossing on Woodhead Road between the Hollowgate and Victoria Street junctions. The applicant proposes the deletion of this part of condition 20, has referred to an exchange of emails in 2015 (in which Highways officers confirmed they could not support the provision of a zebra crossing in the proposed location), and has argued that part (i) does not comply with the relevant tests for conditions. It is, however, noted that relevant circumstances have not materially changed since the council previously (in 2013) determined that a zebra crossing on Woodhead Road was required. The deletion of part (i) of condition 20, therefore, is not recommended for approval.

Drainage issues

- 10.24 Objections received from the Lead Local Flood Authority were made before the applicant withdrew a proposal to delete condition 12 of permission ref: 2012/90738. The applicant had argued that – because less extensive works to the millpond edge and outfall were now proposed – condition 12 was obsolete. However, despite the reference to the millpond edge and outfall in the wording of condition 12, the requirement for the revised flood risk assessment required by that condition remains applicable, as the potential risks posed by the millpond in relation to drainage must be fully assessed and understood in any scenario where residential use is introduced at this site.
- 10.25 Given that reduced infill of the site’s millpond is now proposed (meaning the retained capacity of the millpond would be greater than previously anticipated, and this may affect flood risk calculations), and given that drainage works were previously proposed in the part of the millpond previously proposed to be filled in, all previous drainage conditions would need to be re-applied and further discharges will need to be sought by the applicant.

Trees, landscaping and ecological considerations

- 10.26 Revised landscaping proposals have been submitted. These account for the reduced millpond infill, the deletion of the previously-proposed residents’ lounge, the relocation of blocks A and B, and other changes. The revised landscaping proposals raise no specific concerns at this stage, however full landscaping details would need to be submitted pursuant to conditions 16 and 17.
- 10.27 Tree Preservation Order 08/95/w1 protects trees within the site on the south bank of the river. As the applicant proposes changes to the retaining structure adjacent to these trees, a new Arboricultural Method Statement was required. This was submitted on 17/09/2018, and the council’s Arboricultural Officer has confirmed it addresses previous concerns.
- 10.28 The proposed amendments do not have significant implications in relation to biodiversity. Conditions relating to landscaping will need to be re-applied, and the required details will need to include appropriately revised biodiversity enhancement measures.

Representations

- 10.29 To date, representations have been received from the occupants of three properties. The issues raised which have been addressed earlier in this report.

Conditions

10.30 S73 of the Town and Country Planning Act 1990 allows the Local Planning Authority to review the previously-applied conditions (attached to the previous permission ref: 2012/90738, approved on 19/12/2013), and to update, revise, add to or delete redundant conditions as part of the assessment of the current application. Those conditions would normally be re-applied in any subsequent approval of a S73 application, as the effect of the S73 approval is the issue of a fresh grant of permission. It is, however, appropriate to review those conditions before they are re-applied in light of the council's decisions made since the original permission was granted. Several of the conditions of permission ref: 2012/90728 have been discharged, therefore their wording should be amended to remove the need for resubmissions of previously-approved details.

10.31 Each of the 24 conditions of permission ref: 2012/90738 is considered as follows:

Condition 1 (three years to commence development) – As permission ref: 2012/90738 has been implemented (development commenced with the demolition of the site's existing buildings), this condition does not need to be re-applied.

Condition 2 (approved plans and documents) – Although the applicant proposes a variation under this condition, the wording of the condition would not change. The list of drawings and documents on the new decision letter would be varied to include the drawings and documents illustrating and supporting the proposals detailed in paragraph 3.1 of this report.

Condition 3 (flood risk assessment) – Compliance condition. To be re-applied.

Condition 4 (public sewer easement) – Compliance condition. To be re-applied.

Condition 5 (separate foul and surface water drainage) – Compliance condition. To be re-applied.

Condition 6 (surface water outfall) – Although this condition was discharged (subject to implementation) on 09/03/2017 under application ref: 2015/90323, given that the revisions proposed under the current application will have implications in relation to drainage and flood risk, it is appropriate to re-apply condition 6, and a further discharge will need to be sought by the applicant.

Condition 7 (phase II intrusive site investigation) – On 04/04/2014 under application ref: 2014/90183 the council confirmed this condition was discharged. Condition 7 can therefore be re-applied, but as a compliance condition.

Condition 8 (remediation strategy) – On 09/03/2017 under application ref: 2014/90183 the council confirmed this condition was discharged, subject to remediation being carried out. Condition 8 can therefore be re-applied, but as a compliance condition.

Condition 9 (revised remediation strategy) – Although information was submitted pursuant to this condition under application ref: 2014/90183, it remains undischarged. To be re-applied.

Condition 10 (validation report) – Although information was submitted pursuant to this condition under application ref: 2014/90183, it remains undischarged. To be re-applied.

Condition 11 (foul, surface water and land drainage) – Although this condition was discharged (subject to implementation) on 09/03/2017 under application ref: 2015/90323, given that the revisions proposed under the current application will have implications in relation to drainage and flood risk, it is appropriate to re-apply condition 11, and a further discharge will need to be sought by the applicant.

Condition 12 (revised flood risk assessment) – Although parts ii) and iii) of this condition were partially discharged (subject to further information being submitted) on 09/03/2017 under application ref: 2015/90323, given that the revisions proposed under the current application will have implications in relation to drainage and flood risk, and given that only a partial discharge was confirmed by the council, it is appropriate to re-apply condition 12, and a further discharge will need to be sought by the applicant.

Condition 13 (materials samples) – On 23/04/2015 under application ref: 2014/94009 the council confirmed this condition was discharged, subject to the proposed materials being used. Condition 13 can therefore be re-applied, but as a compliance condition.

Condition 14 (boundary treatments) – On 23/04/2015 under application ref: 2014/94009 the council confirmed this condition was partly discharged (in relation to materials of boundary treatments, but not their positions and heights). As this condition was only partly discharged, and the approved details have been partly superseded by the details submitted under the current application, condition 14 will need to be re-applied and a further discharge will need to be sought by the applicant.

Condition 15 (retaining structures) – Although this condition was discharged (subject to approval of technical specifications) on 09/03/2017 under application ref: 2015/90124, the approved details of retaining structures have been superseded by the details submitted under the current application. Condition 15 will therefore need to be re-applied and a further discharge will need to be sought by the applicant.

Condition 16 (soft landscaping) – Although this condition was discharged (subject to implementation and maintenance) on 09/03/2017 under application ref: 2015/90124, the approved soft landscaping details have been superseded by the amended layout submitted under the current application. Condition 16 will therefore need to be re-applied and a further discharge will need to be sought by the applicant.

Condition 17 (hard landscaping) – Although this condition was discharged on 23/04/2015 under application ref: 2014/94009, the approved hard landscaping details have been superseded by the amended layout submitted under the current application. Condition 17 will therefore need to be re-applied and a further discharge will need to be sought by the applicant.

Condition 18 (turning facilities) – Compliance condition. To be re-applied.

Condition 19 (access, parking and turning areas) – Undischarged. To be re-applied.

Condition 20 (zebra crossing, road markings and amendment to Traffic Regulation Orders) – Undischarged. To be re-applied.

Condition 21 (adoptable access roads) – Undischarged. To be re-applied.

Condition 22 (use of residential parking) – Undischarged. To be re-applied.

Condition 23 (waste storage and collection) – On 12/01/2018 under application ref: 2018/90037 the council confirmed this condition was discharged, subject to implementation and retention. Condition 23 can therefore be re-applied, but as a compliance condition.

Condition 24 (construction plan) – As noted above, although the Huddersfield Planning Sub-Committee considered details submitted pursuant to this condition under application ref: 2014/90138 (and resolved to approve the details at the meeting of 12/05/2016), the necessary S106 agreement was never completed and signed. Condition 24 therefore remains undischarged, and needs to be re-applied. Some rewording of the condition may be necessary in light of the construction management obligations to be secured in a new S106 agreement.

10.32 Renumbering of the conditions is not recommended.

Planning obligations

10.33 The previous permission ref: 2012/90738 which the applicant seeks to amend was subject to a S106 agreement (dated 19/12/2013) which secured the provision of a riverside walk and bridge over the River Holme, and restricted occupation of the development to persons aged 55 years or over.

10.34 That S106 agreement did not explicitly secure public access along the riverside walk and bridge in perpetuity. The current application and related necessary S106 agreement provides an opportunity to explicitly secure this provision, and the current applicant has agreed to this being included in the new S106 agreement.

10.35 As noted above, on 12/05/2016 the Huddersfield Planning Sub-Committee considered application 2014/90138 and resolved to approve the applicant's details and discharge condition 24 of permission ref: 2012/90738, subject to a commitment to carry out a post-development survey of Lower Mill Lane, make arrangements to create and engage with a resident liaison group, and provide a means to cover the cost of a Traffic Regulation Order. A S106 agreement was subsequently drafted but never completed and signed. The current application and related necessary S106 agreement provides an opportunity to secure these obligations, and the current applicant has agreed to them being included in the new S106 agreement.

11.0 CONCLUSION

11.1 This application does not provide an opportunity to revise or reconsider the original grant of planning permission. This application only relates to the consideration of the variation and deletion of conditions as indicated.

11.2 The application site is subject to several constraints, and is visible from public vantage points. Having regard to these circumstances, it is considered that the proposed design, layout and landscaping amendments would not cause unacceptable impacts in relation to design and conservation considerations and amenity. The revised layout would not cause unacceptable highways impacts. The amendments are also considered acceptable in relation to trees, biodiversity and other relevant considerations.

11.3 The deletion of the requirement to provide a zebra crossing to Woodhead Road is not recommended for approval.

- 11.4 It is considered that the proposed development, as amended in relation to condition 2, would still deliver public benefits in relation to housing delivery, re-use of an accessible site in a sustainable location, and the provision of a riverside walk and bridge. Additional public benefits (relating to construction management and public access along the riverside walk and bridge) would be secured through a S106 agreement.
- 11.5 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.
- 11.6 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.
- 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. to 24. As per paragraph 10.31 above.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90031>

Certificate of Ownership – Certificate A signed

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 01-Nov-2018

Subject: Planning Application 2018/92378 Outline application for erection of residential development Oakmead, 1c Lidget Street, Lindley, Huddersfield, HD3 3JB

APPLICANT

Mr Davy, KEJ LLP

DATE VALID

23-Jul-2018

TARGET DATE

22-Oct-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

Yes

Ward Members consulted

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

1.0 INTRODUCTION:

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

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 0.78 hectares in size and is relatively flat. The site is accessed from Lidget Street.
- 2.2 The site has been cleared and no buildings currently exist within the site's boundaries. The site is partly hard surfaced, and partly overgrown. Tree Preservation Orders protect several trees along the western edge of the site and along the site's vehicular entrance.
- 2.3 The site is not within a conservation area, however there are several listed buildings to the east of the site, including the Grade II listed St. Stephen's church.
- 2.4 Surrounding buildings are in residential, religious and commercial use. There are allotments immediately to the south of the site.
- 2.5 A public footpath named Field Tops (HUD/365/10) runs along the site's west boundary, connecting Plover Road with St. Stephen's Fold.

3.0 PROPOSAL:

- 3.1 The application is submitted in outline and the applicant seeks permission for the principle of residential development. All matters (access, scale, layout, appearance and landscaping) are reserved.

3.2 No indicative site layout plan has been submitted, nor has an indicative number of units been suggested by the applicant. The indicative access is from Lidget Street, partly shared with the commercial development to the north and 1b Lidget Street.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2014/90919 – The council determined on 04/07/2014 that prior approval was not required for the demolition of a building.

4.2 2014/93632 – Outline planning permission for residential development granted on 20/04/2015.

4.3 The adjacent site to the north (Fieldhead, now Manor House, Lindley) has recently been developed to provide a wedding venue, restaurant, bar, visitor accommodation, community venue and car parking following the approval of planning permissions and listed building consents (refs: 2014/93326, 2014/93327, 2016/93797 and 2016/93798) in 2015 and 2017.

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

5.1 None necessary.

6.0 PLANNING POLICY:

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

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 The site is unallocated in the UDP.

6.3 Relevant policies are:

G4 – High standard of design

G5 – Equality of opportunity

G6 – Land contamination

D2 – Land without annotation

NE9 – Tree retention
BE1 – Design principles
BE2 – Quality of design
BE11 – Building materials
BE12 – Space about buildings
BE21 – Open space accessibility
BE22 – Accessible parking
BE23 – Crime prevention
EP4 – Noise sensitive development
EP10 – Energy efficiency
EP11 – Landscaping and ecology
EP30 – Prolonged construction work
T1 – Transport priorities
T2 – Highway improvements
T10 – Highway safety
T14 – Pedestrian safety
T16 – Pedestrian routes
T17 – Cycling
T19 – Parking standards
H1 – Housing needs
H10 – Affordable housing
H12 – Affordable housing arrangements
H18 – Open space provision
R6 – Public open space
R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

6.4 The site is allocated for housing in the emerging Local Plan (allocation ref: H1694).

6.5 Relevant policies are:

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing mix and affordable housing
PLP20 – Sustainable travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood risk
PLP28 – Drainage
PLP30 – Biodiversity and geodiversity
PLP32 – Landscape
PLP33 – Trees
PLP35 – Historic environment
PLP47 – Healthy, active and safe lifestyles
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP53 – Contaminated and unstable land
PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

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

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2018) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

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

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised via two site notices, a press notice, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 29/08/2018.

7.2 No representations were received from occupants of adjacent properties.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

KC Conservation and Design – Principle of residential development is accepted. Site formed part of the grounds of Fieldhead (Grade II listed), and there are other listed buildings nearby. At reserved matters stage, a heritage impact assessment will be required, assessing impacts on the settings of listed buildings, and on views towards the site from the church grounds, the adjacent footpath, from the steps of Lindley Clock Tower, and from Fieldhead and the coach house. Other views may also need to be considered, depending on the scale of the development.

KC Highways – No objection, subject to access and layout being made up to an adoptable standard. Pedestrian link to paths 365 and 475 should be considered. Condition recommended, requiring details of layout and other matters relevant to highways.

KC Strategic Drainage – Objection due to the lack of a drainage strategy. Infiltration as a method of disposal of surface water is likely to be possible, however initial testing is required. No known watercourses in the site's immediate vicinity. Public combined sewers surround the site. If infiltration is ruled out, greenfield run-off rates to public sewers should be considered instead of a brownfield 30% reduction of peak flows. Site has no main river flood risk, however flood risk maps show some ponding at the site – this will need to be analysed against an existing topographical survey. Removal of this water (to ensure that new dwellings are not placed in localised basins) should be assessed. General flood routing, blockage scenarios, and exceedance events should be considered. Overland flows should utilise roads and open space as conduits, avoiding curtilages where possible. The council as local planning authority must ensure maintenance and management of sustainable drainage solutions for the lifetime of the development, and a management company set up under a S106 agreement needs to perform duties until such time as the sustainable drainage solutions are adopted by a statutory undertaker. Safety should be at the forefront of sustainable drainage design method statement. A temporary drainage plan is required to minimise the risk of sediment entering local drainage networks during the construction phase (this can be conditioned).

Yorkshire Water – Recommend conditions (if planning permission is granted) in order to protect the local aquatic environment and Yorkshire Water infrastructure. Developer must provide evidence to demonstrate that surface water via infiltration or watercourse is not reasonably practical before considering disposal to the public sewer. As a last resort, if other methods of disposal are rejected based on evidence, surface water may discharge to the public combined sewer, but must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. Developer will be required to provide evidence of existing positive drainage to a public sewer from the site. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Public sewer is for domestic sewage, and land and highway drainage have no right of connection to the public sewer network. Highway drainage may be accepted under certain circumstances – this will require a S115 agreement. No land drainage shall be connected to or shall drain to the public sewer.

8.2 **Non-statutory:**

KC Ecology – A Preliminary Ecological Appraisal Report (PEAR) is not normally sufficient to support a planning application, however as this is an outline application for the principle of residential development only (with no proposed number of units or layout submitted), the PEAR is sufficient at this stage and necessary further survey work can be conditioned. The PEAR indicates the need for additional survey work (which would need to inform a future layout), and recommends impact avoidance and mitigation measures (which should be incorporated into the layout). Other mitigation measures are recommended to be implemented during construction. A net biodiversity gain has not been demonstrated, however no layout has been proposed at this stage, and there

is scope to provide a net gain through future proposals. There is potential for development of the site to result in significant ecological impacts, however there is no objection to the application subject to a condition requiring an ecological design strategy and landscaping details at reserved matters stage, and a construction environmental management plan.

KC Environmental Health – Conditions recommended regarding site contamination. Concern regarding potential impact of noise from Manor House – condition recommended requiring noise report and mitigation. With reference to the West Yorkshire Air Quality and Emissions Technical Planning Guidance, if the proposal falls within the medium sized development category a Travel Plan and electric vehicle charging points would be required. If the proposal falls within the major size development category, an air quality assessment would be required. Informative recommended regarding construction noise.

KC Landscape – Application site is over 0.4 hectares in size and meets the trigger for Public Open Space at 30sqm per dwelling, within which there should be a Local Area of Plan. Site is within proximity of existing provision at Daisy Lea Lane Recreation Ground, Blackthorn Drive and Fern Lea Recreation Ground, and off-site lump sum contribution is recommended. The location for spending any off-site lump sum would be assessed at reserved matters stage and would involve consultation with Members. The lump sum calculations would take account of any on-site provision, should any be included. Landscaped strips, highway verges etc would not be counted as usable POS or amenity space. POS will require natural surveillance. Street tree planting will be expected. Bin storage locations will need to be confirmed. Future layout should avoid the need for refuse vehicles to reverse. Further advice provided regarding tree planting, landscaping, lighting and bin storage.

KC Public Rights of Way – Connection to adjacent footpath (365) would be welcomed. Footpath must not be interfered with or obstructed prior to or during development works.

KC Trees – No objection to the principle of residential development at this site.

9.0 MAIN ISSUES

- Principle of development
- Design and conservation
- Residential amenity
- Highway issues
- Drainage issues
- Ecological considerations
- Trees
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 No indicative proposed site layout plan has been submitted, and approval of a specific number of residential units is not sought.

- 10.2 The site is unallocated in the Kirklees UDP. Policy D2 states that planning permission for development will be granted at this site, provided that the proposals do not prejudice:
- i) The implementation of proposals in the plan;
 - ii) The avoidance of over-development;
 - iii) The conservation of energy;
 - iv) Highway safety;
 - v) Residential amenity;
 - vi) Visual amenity;
 - vii) The character of the surroundings;
 - viii) Wildlife interests; and
 - ix) The efficient operation of existing and planned infrastructure.
- 10.3 It is considered that no aspect of the outline proposal for this site would be in breach of the nine criteria specified under policy D2. A future detailed proposal at reserved matters stage would need to be considered again against policy D2 (if a reserved matters application is considered prior to the adoption of the Local Plan), however the current outline proposal for residential development at this site is not inherently and unavoidably in breach of policy D2.
- 10.4 The site is allocated for residential development in the emerging Local Plan (ref: H1694). Text supporting the proposed site allocation does not highlight any planning considerations that would need to be addressed at outline stage.
- 10.5 Outline planning permission for residential development at this site has previously been approved by the council in 2015.
- 10.6 Given the above, it is considered that residential development is acceptable in principle, and outline planning permission can be granted again. Notwithstanding the lack of indicative information, it is considered that the site can be developed for residential use and there is no reason to believe at this stage that the site's constraints and challenges (relating to drainage, open space, neighbour amenity and other planning considerations considered later in this report) cannot be satisfactorily addressed at detailed (reserved matters) application stage. Noting that the site is within an existing residential settlement with reasonably good access to public transport and other facilities, noting that this is a previously-developed (brownfield) site, and having regard to paragraph 11 of the NPPF (which sets out a presumption in favour of sustainable development, and which directs local planning authorities to approve proposals that accord with the development plan), it is considered that the principle of residential development at this site should be accepted.
- 10.7 The site's constraints and opportunities would determine what number of units would be possible at reserved matters stage.

Design and conservation

- 10.8 The site is relatively unconstrained in some respects relevant to design, as it is relatively flat and has no street frontage. The site is, however, in a sensitive location in relation to heritage assets, and is visible from Field Tops (footpath HUD/365/10).

- 10.9 In terms of wider landscape impacts, although the site is partly overgrown it is not a significant landscape feature that heavily influences the character of Lindley. The site is previously-developed land and is surrounded by existing residential and other development, and residential development at this site would not significantly alter the character of the area.
- 10.10 As no indicative proposed site layout plan has been submitted, no further consideration is necessary at this outline stage in relation to townscape, layout, heritage assets, landscaping and other design and conservation matters. However, it can be noted at this stage that consideration of these matters would be necessary at reserved matters stage, that a sensitive layout and design will be required, that particular regard to heritage assets will be necessary (noting the requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act that “special regard” should be had to the desirability of preserving listed buildings or their setting), and that careful consideration of the setting and treatment of the adjacent footpath will be necessary.

Residential amenity

- 10.11 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties. It is considered that residential development can be carried out at the site without unacceptably harming the outlook, privacy and natural light currently enjoyed by neighbouring residents. The minimum distances set out under UDP policy BE12 can be achieved.
- 10.12 Residential development at this site can be designed to avoid the introduction of light pollution that would otherwise adversely affect neighbouring amenity and wildlife.
- 10.13 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development that is likely to be acceptable at this site, it is not considered that neighbouring residents to the west would be significantly impacted. The number of vehicle movements along the area’s streets would increase, however it is noted that the site’s existing vehicular access passes between the adjacent church and the commercial development (Manor House) to the north, and does not pass private dwellings.
- 10.14 The proposed residential use is not inherently incompatible with the existing religious, allotment and residential uses nearby, however Environmental Health officers have expressed concern regarding potential impacts of noise from Manor House, which has recently been developed to provide a wedding venue, restaurant, bar, visitor accommodation and a community venue. That development’s car park is located immediately adjacent to the site boundary. Noise from events, boisterous celebrants, and customers moving and accessing their vehicles could adversely affect the amenities of new residents to the south. Noting the requirements of relevant planning policies and the recent introduction of the “agent of change” principle at paragraph 182 of the NPPF, this potential noise impact will need to be factored into any design brought forward at reserved matters stage. At the current outline stage, a condition is recommended, requiring the submission of a noise report which, if necessary, will need to include noise mitigation measures to protect future residents from the impacts of noise.

- 10.15 With appropriate conditions applied, and subject to detailed consideration at reserved matters stage, there are considered to be no reasons why new dwellings at the application site could not be provided with adequate levels of amenity, including in relation to noise, natural light, privacy and outlook.

Highway issues

- 10.16 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highways safety problems. Policy PLP21 of the emerging Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. Chapter 9 of the NPPF requires the council to consider the potential impacts of development on transport networks, and encourages walking, cycling and public transport use.
- 10.17 Highways Development Management officers have not expressed concern regard the principle of residential development at this site. Detailed consideration of access, layout, number of residential units, vehicle movements and the adequacy of the point of access from Lidget Street (which is shared with Manor House and 1b Lidget Street) in relation to highways safety would be necessary in response to a reserved matters application, however an approval of outline permission would not undermine the need for proper consideration of these matters at that later stage.
- 10.18 A pedestrian connection to the adjacent footpath (Field Tops – HUD/365/10) would be expected at reserved matters stage, if levels differences can be resolved and if such a connection can be appropriately designed. Alignment of this connection with footpath HUD/474/20 (which connects HUD/365/10 to Farnlee to the west) would enable the creation of a useful east-west pedestrian connection from Lidget Street to Farnlee and Sandmoor Drive, improving neighbourhood permeability in compliance with UDP policies T16 (which requires new development to make provision for convenient pedestrian routes) and R13 (which promotes the development of new links in the public right of way network).

Drainage issues

- 10.19 The site is within Flood Zone 1, but is less than 1 hectare in size, therefore a site-specific Flood Risk Assessment did not need to be submitted. Text supporting the proposed site allocation (ref: H1694) does not highlight drainage as a constraint that would need addressing before the principle of residential development could be approved at outline stage.
- 10.20 The Lead Local Flood Authority have objected to the application, requiring initial drainage details at outline stage.
- 10.21 It is considered, however, that detailed information regarding drainage and flood risk need not be pursued at this stage, given that a proposed site layout, and details of the number of units and their locations in relation to potential sources of flood risk, would not be fixed should outline permission be granted. Detailed information would, however, be required at reserved matters stage, as would details of flooding routes, permeable surfaces, rainwater harvesting, water butts, and rainwater gardens and ponds, should outline permission be granted.

Ecological considerations

- 10.22 The application site is in an area where bats are known to be present, and is within an SSSI Impact Risk Zone, however the nature of the proposed development does not trigger a need to consult Natural England in this instance. The site is not subject to any other adopted designations or allocations in relation to ecology, however the site is likely to provide at least some habitat, and the applicant's Preliminary Ecological Appraisal supports this in relation to birds, although no evidence of bat roosts was observed during the applicant's surveys. This report is considered sufficient to determine that it is possible to develop the site for housing while avoiding significant ecological impacts. Furthermore, appropriate ecological enhancement is possible. Further details will be required prior to development commencing, and appropriate conditions have been recommended to ensure the proposed development complies with policy PLP30 of the emerging Local Plan and chapter 15 of the NPPF.

Trees

- 10.23 Tree Preservation Orders 07/14/g4, 07/14/t5, 07/14/t4, 07/14/t3, 07/14/g2, 07/14/g3, 07/14/g1, 07/14/g5, HU1/70/a11, HU1/70/a10 and HU1/70/a9 protect trees within and adjacent to the application site. These trees are located at the site's edges, leaving the larger part of the site available for development without necessitating works to the trees. Notwithstanding this, these trees are a constraint that will need to be accounted for when a proposed layout is brought forward at reserved matters stage. The proposed locations of dwellings would need to ensure that root protection zones are not encroached upon, and that windows and amenity spaces are located to avoid future pressure to fell or prune these trees.
- 10.24 There are considered to be no reasons relating to trees that would prohibit residential development in principle at this site. The outline proposal is considered compliant with UDP policy NE9 and policy PLP33 of the emerging Local Plan.
- 10.25 A full tree survey and arboricultural impact assessment will be required at reserved matters stage to support 'landscape'..

Representations

- 10.26 No representations have been received from the occupants of adjacent properties.

Planning obligations

- 10.27 As the applicant seeks outline permission with all matters reserved (other than access), the end number of units is unknown. To accord with policy H10 of the UDP, emerging Local Plan policy PLP11 and the Kirklees Interim Affordable Housing Policy, if the council is minded to grant outline permission, a condition can be imposed requiring the provision of affordable housing.

- 10.28 Under policy H18 of the UDP sites of a minimum size of 0.4ha require public open space to be provided on-site. This requirement applies to the application site, given its size of 0.78 hectares. At outline stage, a condition can be imposed requiring the provision of public open space (which may take the form of an off-site lump sum contribution).
- 10.29 An education contribution may be required. This would depend upon the number of units proposed at this site, and the sum would be determined at reserved matters stage. A relevant condition is recommended.
- 10.30 Contribution(s) related to highways impacts may be required. This would depend on the number of units proposed at this site, the related vehicle movements, and any local highways issues that may be relevant at the time a reserved matters application is considered. The provision of Metro cards for residents may be appropriate. The need for such provisions would be determined at reserved matters stage, and a relevant condition is recommended.
- 10.31 S106 provisions relating to drainage maintenance, management and adoption may also be necessary. These matters would be considered further at reserved matters stage.

Other matters

- 10.32 With regard to ground contamination, appropriate conditions have been recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.
- 10.33 The proposed development would cause an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, draft policies PLP21, PLP24 and PLP51 of the emerging Local Plan, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. A Travel Plan, designed to encourage the use of sustainable and low-emission modes of transport, is likely to be required at reserved matters stage.

11.0 CONCLUSION

- 11.1 The site is allocated for housing in the emerging Local Plan, and outline planning permission for residential development at this site has previously been approved. The principle of residential development at this site remains acceptable.
- 11.2 The site is constrained in relation to trees, neighbour amenity, drainage and heritage assets. While these constraints would necessitate careful and detailed consideration at reserved matters stage, none are considered to be prohibitive to the principle of residential development at this site, therefore it is recommended that outline permission be granted.

- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.4 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.
- 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**
1. Standard OL cond (submission of reserved matters)
 2. Standard OL cond (implementation of reserved matters)
 3. Standard OL cond (reserved matters submission time limit)
 4. Standard OL cond (reserved matters implementation time limit)
 5. Details of access, internal roads, visibility and highways works
 6. Travel plan
 7. Details of works adjacent to footpath HUD/365/10
 8. Construction management
 9. Ecology
 10. Drainage
 11. Affordable Housing (if Reserved Matters is for more than 11 dwellings)
 12. Public Open Space
 13. Education
 14. Transport measures
 15. Noise Report
 16. Contamination Reports
 17. Drainage and Yorkshire Water conditions
 18. Landscaping and ecological design strategy
 19. Construction environmental management plan

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92378>

Certificate of Ownership – Certificate B signed, notice served on the owner of 1 Lidget Street.

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 01-Nov-2018

Subject: Planning Application 2016/91573 Demolition of existing redundant mill buildings and erection of 55 dwellings with associated parking and access from Manchester Road Cellars Clough Mill, Manchester Road, Marsden, Huddersfield, HD7 6LY

APPLICANT

John Mercer, Cellars
Clough Properties Limited

DATE VALID

10-Aug-2016

TARGET DATE

09-Nov-2016

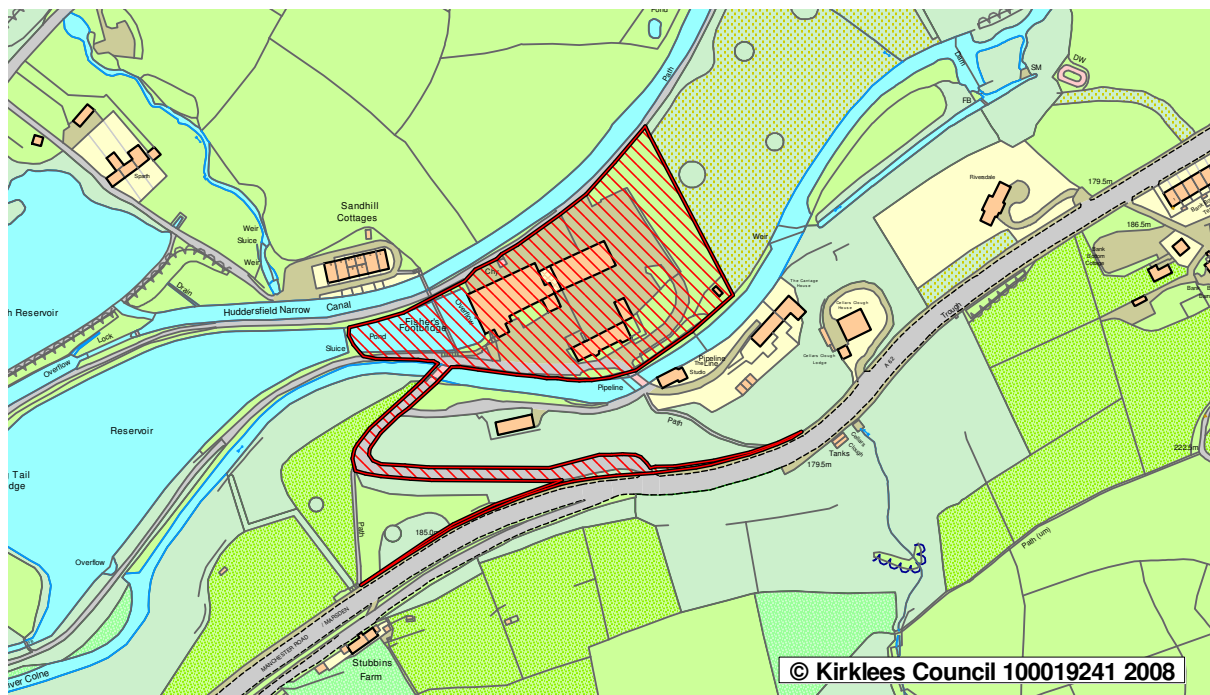
EXTENSION EXPIRY DATE

31-May-2017

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Colne Valley

Yes

Ward Members consulted

RECOMMENDATION:

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

1. Public Open Space provision on site, off site commuted sum (£82, 969.00) and details of private management company to maintain and manage on site POS
2. Education contributions (£130,967.00)
3. Affordable housing on site (11 dwellings with a tenure split to be agreed in accordance with Council Policy)
4. Maintenance and management of SUDs, associated drainage infrastructure and mill pond through a private management company
5. Contribution of £26,468.75 towards the provision of a bus shelter and its maintenance at bus stop no. 19375

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 The application is brought to Sub Committee as the site exceeds 0.5h and the proposals seek permission for the erection of 55 dwellings (apartment blocks and dwellings) with associated parking, following complete demolition of the remaining derelict redundant mill building.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to the site accommodating a redundant derelict part collapsed stone mill building with associated areas of hard standing. The River Colne runs parallel to the southern boundary with areas of woodland between the application red line and Manchester Road. To the north, Huddersfield narrow canal and towpath runs parallel to and beyond the northern boundary. East of the site is a further wooded area. Beyond these areas to the north and east lies open countryside with a short row of residential properties north west of the site. West of the redundant mill building are the former mill ponds which once served the mill. These are split into two distinct areas.
- 2.2 The site itself is fairly flat with access to the site from Manchester Road, down a steep access road leading to a steel bridge over the River Colne. This also carries the route of the public footpath nos. 1181/50 and 181/100. A further footbridge which carries the public footpath no. 181/70 crosses over the former mill ponds. The site lies between Slaithwaite and Marsden.

3.0 PROPOSAL:

- 3.1 The proposals are for the total demolition of the remaining redundant mill building and erection of 55 residential units. These would comprise of 2no. five storey high apartment blocks (plots 1-38) to be sited adjacent to the northern boundary, one detached dwelling (plot 39) and 4 short rows of terraces (plots 40-55) to be sited parallel to the southern boundary. Associated open landscaped areas would be provided to the northern part of the site and centrally within the site, along with a circulatory access road to be serve the whole of the development site. Parking areas are to be provided to the front of the dwellings, undercroft to the apartments and a further visitor and allocated resident parking within the north east corner of the site.
- 3.2 The proposals would include an upgraded access road and works to improve the junction of the access with Manchester Road by providing a new right turn lane. The associated highway works would involve the existing access road and the proposed internal road to be made to adoptable standards, although these are not to be formally adopted. A 1.8m wide footpath would also be provided along the bottom side of the existing access road with the addition of a new passing place and relocation of the existing steps, to the footbridge over the mill ponds. The provision of two pedestrian islands will also be provided within Manchester Road in close proximity of the access.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2006/92095 – application for conversion of mills and new building to form 168 residential units – withdrawn.

2007/93456 – full planning application for the demolition of ancillary mill structures and conversion of main mill buildings to provide 110 residential flats and 9 live / work units, together with communal facilities in the form of a gym, swimming pool, shop, meeting room, bike store and launderette – approved

2011/91795 – extension to time limit to implement existing permission 2007/93456.

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

- 5.1 The agent was advised at the outset that due to previous permissions, the principle of redeveloping this site for residential development is supported. Negotiations have been on going through the course of the application, to address a number of both technical and design issues. This has resulted in a number of revisions to both the plans and accompanying reports/information.

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 in the Green Belt on the UDP Proposals Map and would remain so in the Kirklees Publication Draft Local Plan. Woodland areas to the south and east shown within the blue line form part of the Wildlife Habitat Network on the PDLP. The application site is traversed by a number of public footpaths. Sites of Science Interest lie immediately to the north east and north west of the application site.
- 6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

BE1- good quality design

BE2 – materials, scale, layout & landscape

NE3 – development proposals affecting SSIs

NE5 – development affecting wildlife corridors

NE6 – sites containing water areas should be subject to legal agreement

BE2 – design of new development

BE12 - space about buildings standards

H10 - affordable housing provision

H18 - provision of public open space on sites over 0.4 hectares

B1 - meeting the employment needs of the district

B4 - proposals involving the change of use of industrial / business land / buildings

G6 - development having regard to contamination

R13 – proposals affecting PROW's and its users

R18 – proposals adjacent to canals and rivers

T10 - highway safety considerations

T16 – provision of safe, convenient and pleasant pedestrian routes within developments

T19 - off-street parking standards

6.4 Kirklees Publication Draft Local Plan (PDLP)

PLP 1 – Achieving sustainable development

PLP 2 – Place shaping

PLP 3 – Location of new development

PLP11- Housing mix & affordable housing

PLP 20 - Sustainable travel

PLP 21 – Highway Safety and access

PLP23 - Core walking and cycling network

PLP 24 – Design

PLP27 – Flood risk

PLP28 – Drainage

PLP29- management of water bodies

PLP 30 – Biodiversity

PLP 31 – Strategic green infrastructure network

PLP 32 – Landscape

PLP 51 – Protection and improvement of local air quality

PLP 53 – contaminated and unstable land

PLP 59 – infilling and redevelopment of brownfield sites

PLP 63 - New Open Space

6.5 National Planning Guidance:

Chapter 2 – achieving sustainable development

Chapter 5 – delivering a sufficient supply of homes

Chapter 8 - Promoting healthy communities

Chapter 9- Promoting sustainable transport

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt Land

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15- Conserving and enhancing the natural environment

Chapter 16 – conserving and enhancing the historic environment

6.6 Supplementary Planning Guidance / Documents:

K.C. Supplementary Planning Document (SPD2) – ‘Affordable Housing’

KMC Policy Guidance: ‘Providing for Education Needs Generated by New Housing’

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The Council has advertised the application in the press, by site notices and through neighbour notification letters.

7.2 A total of 25 representations were received initially. On publication of the final revised proposals, the publicity period ended 25th October 2018, this post-dates the publication of this agenda. At the time of writing 1 further representation had been received. Any further representations received will be reported to Members in the update.

The following is a summary of the concerns/issues initially raised: of the representations received one is in support and states the redevelopment of this site is welcomed.

Highway safety/ parking & accessibility issues:

- Increase in traffic in and out of Marsden & lack of parking in village
- Highway safety concerns on Manchester Road from increased traffic using site
- Will public access to Manchester Road remain from Sandhill cottages
- PROW to Sandhill Cottages will need to be kept open to allow pedestrian access for none drivers
- Will the proposals result in changes to the existing access with Manchester Road
- Pedestrian and cycle access links should be made to towpath which provides good accessibility to Marsden railway station
- Has the existing bridge which crosses the river been assessed for accommodation of additional traffic

Response: Addressed in assessment below

Flood risk drainage issues:

- Drainage proposals for proposed dwellings?
- Concerns over flood risk from existing water courses and redevelopment of site
- fails to address the canal and mill-pond in an effective way

Response: Addressed in assessment below

Principle, design and impact on surrounding area:

- Prefer to see façade of existing mill building retained
- Overdevelopment of site & adverse impact on tranquillity of surrounding area/ wildlife
- Poor design, out of character does not retain industrial heritage character of the area
- Will stone from mill building be used?
- Concerns of incursion/encroachment into greenbelt
- No artists impression to support proposals
- poor residential outdoor environment
- Loss of woodland/trees
- Will a nature trail around the remaining large pond be provided?
- Sprawl of development due to spaces including spaces between buildings and addition of 4 dwellings on mill pond area
- Fishing lake is not brownfield land
- Design should be reviewed by Yorkshire Design Panel
- Lack of details of the mill pond to be infilled

Response: The scheme has been revised which omits 4 dwellings that were initially proposed on the former mill ponds. This would ensure the development is restricted to the brownfield part of the site preventing further encroachment into greenfield areas of the green belt. Amendments have also been made to the design, external appearance and layout of the site which addresses a number of the above concerns. The proposal would not include a nature trail to be provided along the fishing pond to be retained, which is outside the application red line.

With regards the design to be considered by the Yorkshire Design Panel, this is promoted by the Council. This would need the consent of the agent /applicant, who in this instance did not wish to pursue it further. Nevertheless, Officers are supportive of the revised proposals which are considered to have been designed to be reflective of the historical character and the impact on the surrounding development taking account of the site constraints.

Amenity issues:

- Object to plots 1-4 directly opposite Sandhill Cottages/loss of privacy/overshadowing, due to scale & elevated position of these proposed plots & spoil openness of area
- Increase in noise levels from demolition/ works on site and future residents
- Not clear from submitted drawings how the proposals would sit with existing landscape/surrounding area
- Will works be carried out within certain timescales to avoid noise/disturbance to nearby residents?
- Light pollution should be kept to a minimum
- Contravene legal right of way from Cellars Clough House through existing mill yard where it is proposed to build houses (plots 40-55)

Response: Plots 1-4 now omitted. Revised site block plan indicates the full extent of the proposals within the developable areas of the site and how it would integrate with surrounding development. With regards to light and noise during construction, a note will be included on the decision notice recommending the developer/applicant of that works shall be restricted to certain hours to avoid and minimise disturbance at nearby premises.

Other issues:

- Need for affordable housing for local young families on site
- Shortfall of infant school & health service provision in area

Response: The proposals would trigger affordable housing on site as such this will be sought through the normal mechanisms for such obligations.

Subsequent to Ward Councillors being briefed on the application details, Cllr Nicola Turner (Ward Councillor at the time) stated:

“The water supply to Sparth Cottages is piped through the mill building and any scheme must ensure a connection direct from Manchester Rd”.

Response: Whilst this is a civil matter, to be resolved between the owners of Sandhill Cottages and the applicant, the applicant has been made aware of the above and the comments received from occupiers of Sandhill Cottages.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Canal & River & Trust- support subject to conditions

Environment Agency – have no concerns on flood risk grounds with regards to removal of culvert under the site. However they have advised the development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Colne, designated a ‘main river’.

DM Highways – support subject to conditions

KC Lead Local Authority – “support subject to appropriate conditions and an acceptable unilateral undertaking to set up a management company and agree lifetime maintenance of SUDS and the mill pond in order to avoid/mitigate flood risk”

8.2 **Non-statutory:**

KC Biodiversity Officer- support subject to conditions

KC Arboricultural Officer - support subject to conditions

KC Public Rights of Way - support subject to conditions

KC Conservation & Design – support revised design & layout

KC Environmental Health – support subject to conditions to address contamination, Electric Vehicle Charging points for all plots & Travel plan to consider and offset the potential damage to air quality as a result of the proposed development

KC Landscape – support revised scheme with on- site POS provision & off site contributions

KC Strategic Housing – there is a significant need for affordable housing in the area as such the Council seeks to secure 20% of the total units for affordable housing

KC Education Service – Contribution required

WY Police Architectural Liaison Officer- Support subject to condition

Yorkshire Water – support subject to development being carried out in accordance with Flood Risk Assessment

9.0 **MAIN ISSUES**

- Principle of development
- Layout, Design & Materials
- Residential Amenity
- Highway issues & promoting sustainable transport
- Drainage Flood risk issues
- Ecology/Trees
- Contaminated land
- Representations
- Planning obligations
- Other Matters
- Conclusion

10.0 APPRAISAL

10.1 Principle of development:

The site lies in an area of green belt, comprising of previously developed land and is therefore classed as 'brownfield' for the purposes of assessing the proposed development in accordance with guidance in the NPPF.

- 10.2 As the Council is unable to demonstrate a 5 year housing land supply, relevant policies relating to housing are considered to be out-of-date. Indeed, the housing land supply shortfall is substantial. Whilst the Council have submitted the Publication Draft Local Plan (PDLP) for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the Local Plan has not been adopted. Therefore, it is currently the case that the Council are unable to identify a five year supply of specific deliverable housing sites against the requirement.
- 10.3 Consideration also needs to be applied to the potential continued future use of the site as employment premises in relation to Policies B1/B4 of the UDP and PLP3 of the PDLP.
- 10.4 In addition, whilst the majority of the site falls within flood zone 2 it does in part fall within zones 1 and 3 as identified on the Environment Agency's flood risk map. As such the proposals need to be considered in accordance with guidance in the NPPF/NPPG and Policy PLP27 of the PDLP in relation to the acceptability of the proposals for residential use on a site.
- 10.5 Firstly with regards to Green Belt, the proposals would fall into the category of complete redevelopment of previously developed land under point g) of paragraph 145 of the NPPF. The information accompanying the application provides details of the footprint & volume of the mill building complex in comparison to the footprint and volume of the proposed buildings as well height details. From this it is concluded that the proposed buildings with a reduced footprint/volume and height would not materially exceed the height of the mill building and as such not have a greater impact on the openness of the Green Belt than the existing development, in accordance with guidance in the NPPF or Policy PLP59 of the PDLP. Furthermore, the proposals would bring about significant and demonstrable environmental improvements to the brownfield part of the site. These are addressed in the assessment below.
- 10.6 Secondly, turning to the potential continued future use of the site as employment premises, from the previous permission it is acknowledged that the principle, albeit through the conversion of the mill building to residential use, was accepted for a number of reasons. These included renovating and bringing back into use traditional mill buildings; (iii) improving residential amenity by replacing industrial operations with less intrusive and more compatible residential uses; (iv) improving some aspects of local road safety by removing commercial traffic and improving the existing access; and (v) providing an opportunity for the Council to secure community benefits through the development in terms of affordable housing, public open space, footpath improvements, wildlife habitat conservation and improvements, and the maintenance and long term management of the mill dams, the chimney and other associated structures.

- 10.7 There have been no occupiers of the buildings (business or otherwise) since the previous permissions. Furthermore, part of the mill building has collapsed and what remains is a dangerous structure. With regards to the suitability to convert the remaining part of the mill building a structural report accompanies the application which concludes

“due to the age and condition of the building the works required to improve the building fabric to a standard that is suitable for a building shell for future use would be very extensive and costly. There are no drivers to maintain the building in its current form as the buildings are not listed nor have they any architectural merit. Therefore, to remove the high financial risk of the unknown it is recommended that serious consideration should be given to the total demolition of the buildings, to then be replaced with a new-build scheme with all the benefits this will bring”

- 10.8 In light of the above the existing derelict/dangerous condition and large areas already collapsed, would make it more problematic to convert. Officers are of the opinion in the current state, the remaining mill building is beyond repair and conversion as such to demolish the remaining structure would be far more viable for any developer wishing to take on the regeneration of this brownfield site. Having regard to the suitability of the site being continued for business and industrial, due to the above, it is considered there is no real prospect of re-use or redevelopment of the site for such uses and the principle to redevelop the site with new build for residential use would accord with UDP Policies B1(ii) and B4(i) and PLP3 of the PDLP and guidance within the NPPF.
- 10.9 Finally, turning to the acceptability of the proposals for residential use on a site which falls within flood zones 1, 2 and 3, the application is accompanied with sequential and exception tests statement and a flood risk assessment. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding; the Exception Test can be applied if appropriate.
- 10.10 In all cases the developer must justify with evidence to the LPA what area of search has been used when making the application. The starting point would be publication draft local plan which identifies similar sites allocated for housing. This will allow the Local Planning Authority to undertake the sequential test as part of its consideration of the application. It is accepted that given the nature of the Cellars Clough site it would be appropriate to review comparable mill sites in the Colne & Holme Valley adjacent to rivers where they are proposed housing allocations. On this basis the supporting sequential test statement makes reference to and provides reasons for discounting two sites from the DPLP allocations document.

- 10.11 These are:
Site no. 1) Black Rock Mills, Linthwaite & site no. 2) Perseverance Place, Holmfirth.
- 10.12 Both do not lie in the green belt. Site no. 1 is much larger than the application site and a small part of site falls within flood zone 2. It is identified for a capacity of 213 dwellings and for these reasons it is not considered comparable nor available.
- 10.13 Site no. 2 includes land within flood zones 2 & 3. The site is stated to be larger than the application site and has been rejected as a potential housing allocation because development on site is almost complete and not available.
- 10.14 The agent states there are no other comparable sites sequentially available in the search area.
- 10.15 Paragraph no. 159 of the NPPF advises, following the application of a sequential test if it is not possible for development to be located in zones with lower risk of flooding then an exceptions test would need to be applied.
- 10.16 It is considered that the Sequential Test has been satisfied. The proposed development with the end use is of more vulnerable classification under table 2 of NPPG. The flood risk vulnerability and flood zone compatibility is shown in table 3, which indicates an exception test would be required for any of the dwellings falling within flood zone 3.
- 10.17 The agent states that majority of the built form would lie within flood zones 2 with only the garden of dwellings facing the river within flood zone 3. From the information plans submitted, officers are of the opinion that part of the development (units 48-55) may overlap and fall slightly within flood zone 3.
- 10.18 However, the proposals would provide appropriate mitigation measures which include, the lower floors of the dwellings that appear to fall within flood zone 3 to accommodate garaging with utility and W.C areas, discharges of surface water to be managed through surface water attenuation and storm water storage systems. The conditions suggested by the Lead Local Flood Authority Officer, which includes a requirement for a S106 Unilateral Undertaking to include all agreements to maintain and manage through a management company, the mill pond in line with the applicant's drainage consultant's instructions in an email dated 17th September 2018 to the Council, would provide wider sustainability benefits. Subject to the conditions recommended, it is demonstrated that the site could be developed to ensure it is safe for its lifetime taking account the vulnerability of its users, without increasing flood risk elsewhere and where possible would reduce flood risk overall, in accordance with guidance in the NPPF/NPPG and Policy PLP27 of the PDLP.

- 10.19 On the basis of the information provided it is considered the proposals would regenerate a site which currently accommodates an unsightly derelict dangerous, part collapsed building, with a development which would preserve the industrial heritage and characteristic of the site. Furthermore, the proposed use of the site is considered to be more compatible within the context of the existing surrounding development, thereby, improving the environmental and amenity conditions of the area, through proposals which would achieve the three overarching objectives of sustainable development (social, environmental and economic) as set out in chapter 2 of the NPPF.
- 10.20 In applying a balanced approach to the principle of demolition and redevelopment of the site for housing, Officers are supportive for this brownfield site to be brought forward for redevelopment which is considered would not have a greater impact on the openness of the green belt particularly at a time when the Council is unable to demonstrate a 5 year supply of land for housing.
- 10.21 **Layout, Design & Materials:**
- 10.22 The proposals would provide a linear form of development with the introduction of two apartment blocks adjacent to the canal and dwellings houses adjacent to the river with landscaped areas to be sited in between and along the northern boundary. These will be served by an upgraded access road from Manchester Road and new circulatory traffic route within the site. The apartments would reflect the historic character in relation to the form and massing of the mill building. The development would be largely confined to and extend no further than the footprint of the mill building and current areas of hardstanding. Proposed areas of hard standing include the car park within the north east corner of the site.
- 10.23 The design of the proposed apartments has been amended with the final revisions to be more reflective and sympathetic to the character and appearance of the existing mill building, particular with regards to the external appearance of the northern elevation of the apartments. This being the most likely part of the development to be more visible from the surrounding areas. The scale of the dwellings (3 storey) and apartments (5 storey) in the siting proposed with the separation distance in excess of 21m to be achieved between them would be compatible with each other.
- 10.24 In terms of layout, the scheme would offer two areas of public open space. These are shown along the northern boundary and centrally within the site to form a 'village green' style open space. The central principal area would incorporate play equipment facilities, details of which have been provided on drawing no. SHF.1330.001.L.D.002.Rev C. The northern POS areas would be more informal with seating. Surfacing of the play areas will consist of grass, self-binding gravel with sett stone/composite material to provide textured surfaces on the edge and raised benches/seating. Soft and hard landscaping details in the layout proposed would be appropriate and would provide adequate POS areas to serve the proposals.

- 10.25 The application form states the proposed buildings will be faced in stone, brick and render. The supporting statement makes reference to the use of the reclaimed stone from the demolished mill building. This is considered sustainable. However the use of render and brick is not supported. Details of external facing materials are to be conditioned, in the event there is not sufficient reclaimed stone from the mill building to complete the development and to ensure the visual amenity of the area is not unduly compromised, in accordance with Policies BE1 of the UDP and PLP24 of the PDLP as well guidance within the NPPF.
- 10.26 **Residential Amenity:**
UDP Policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows. The proposed development adequately deals with these objectives in respect of spaces in relation to internal space about building standards. Furthermore, with regards to the dwellings, it is considered necessary to remove permitted development rights for extensions and structures in the rear garden areas. This is to prevent over development of the plots, in the interests of amenity of neighbouring dwellings from structures in close proximity to their boundaries, to preserve the openness of the green belt and reduce the potential of increasing the risk of flooding
- 10.27 **Highway issues and promoting sustainable transport:**
The site is currently not generating traffic. The site access is substandard in terms of radii at the junction with Manchester Road, road width pedestrian facilities and forward visibility on the bend.
- 10.28 The highway works put forward would include upgrading and widening of the existing junction with Manchester Road to provide a new right turn lane along with the provision of a new 1.8m footpath for the majority of its length to the bottom side of the access road. The proposals would also include two traffic islands in Manchester Road in close proximity of the access to the site. Detailed drawings along with sections have been submitted. Whilst the highway works are acceptable in principle, further information would be required in the form of technical/structural surveys to ensure the proposals can be carried out appropriately.
- 10.29 The revised internal layout would provide adequate car parking for the development. Further information has been submitted to demonstrate the revised layout in particular the access road, traffic flow through the development and central landscaped space, works to upgrade the access road and widening of the junction with Manchester Road, subject to conditions are considered to be acceptable to serve the development and would accord with Policies T10 and T19 of the UDP, PLP20 and PLP21 of the PDLP along with guidance in chapter 9 of the NPPF.
- 10.30 With regards to PROW's there is no indication to divert the route of the public footpath nos. 181/50 & 181/100 which share and runs the route of the access road. The proposals are likely to increase the level of activity and use of this PROW from both traffic and pedestrians. To ensure the safety and convenience of the both, at the request of Officers, the proposals would include the provision of a new footpath along the access road. The proposed footpath would link into existing PROW no. 181/60. In addition to this the applicant has agreed to tidy up the two existing PROW's either side of the access road which are shown on land within the ownership of the applicant.

- 10.31 The proposed PROW improvements are welcomed as wider public benefits. Whilst the PROW's to be upgraded/tidied fall outside the application red line, it would be reasonable to condition the upgrade of these as they are within the applicant's ownership, shown within the blue line.
- 10.32 To ensure adequate vehicle manoeuvrability of service and emergency vehicles within the site, the steps to the existing footbridge would need to be relocated on the opposite side of the existing steps. The existing steps/footbridge carries public right of way no. 181/70. The applicant has confirmed access of the existing steps to the footbridge would be retained open until provision of the new stair case has been fully completed and made operational. This would ensure pedestrian access is retained to the canal and Sandhill Cottages, which lie northwest of the site.
- 10.33 Details of the new staircase are to be provided. Should Members be supportive of the scheme/proposals, it is considered necessary to request for this information through a pre- commencement condition, to ensure the stability of adjacent structures/walls is not compromised.
- 10.34 Furthermore it has been brought to the applicant's attention that whilst a scheme for the relocation of the steps can be agreed through a planning condition, this does not permit a diversion or re- routing of the definitive PROW. This would require formal consent outside the remit of the planning process and at the cost of the applicant. In view of this, should Members be supportive of the scheme, it is reasonable to include a suitably worded condition, requiring written confirmation that formal diversion/routing of this PROW has been obtained prior to the closure and removal of the existing staircase which is required to address highway issues to allow for adequate manoeuvrability of service and emergency vehicles to serve the proposed development
- 10.35 On the basis of the above subject to conditions to ensure all highway and PROW works are completed prior to occupation or as suggested by the PROW Officer's, the proposals would accord with Policies R13, T10 & T16 of the UDP, PLP23 and PLP 24 of the PDLP and guidance in the NPPF.
- 10.36 Turning to other forms of sustainable travel, Fishers footbridge, adjacent to the site, offers direct access to the canal towpath, which provides a traffic route to Marsden, the closest town to the site. It also provides a recreational resource for walking and cycling in direct proximity to the site and pedestrian access to Sandhill Cottages from Manchester Road. The proposed development would introduce significant population to the area, which could substantially increase the usage of the towpath and improvements to ensure that the towpath is capable of accommodating such use should therefore be considered in order to encourage its use and reduce car dependency.
- 10.37 Previous permission on this site for the conversion, included a condition specifying opportunities to improve surfacing to areas of the canal towpath in the vicinity of the site. This is still considered relevant to the current scheme as the need to promote the use of towpath as a sustainable transport route in accordance with Policies T16, T17 and R18 of the UDP and paragraph 108 of the NPPF. This is to be addressed via a Grampian worded condition should the application be approved.

10.38 With respect to other measures being included within the development to reduce dependency on the use of the cars which in return would also off set carbon emissions West Yorkshire Combined Authority (WYCA) has advised the provision of a bus shelter to bus stop no. 19375 and payment be secured for its maintenance. Other measures can include, resident's metro cards, car club use, cycle purchase schemes car sharing promotion, walking/cycling promotion and or further infrastructure enhancements. The contribution appropriate for this development would be £26,468.75 and secured through a S106 agreement.

10.39 **Drainage & Flood risk issues:**

10.40 The applicant has been liaising with the Environment Agency and the Council's Lead Local Flood Authority Officer which has resulted in revisions to the original Flood Risk Assessment (FRA). The revised FRA was commissioned to investigate and report flood risk for the site and the overall drainage proposals for the future use of the site when redeveloped.

10.41 Joint site visits and investigations have been carried out by the applicant's drainage consultant and the Council's Lead Local Flood Authority Officer. This has resulted in a revised FRA and subsequent submissions of further information which also considers the residual flood risks of the development in relation to existing drainage systems (including mill pond) together with all proposed site surface water systems for the future users of the site.

10.42 The information includes:

- indicative surface water proposals which would include amongst other things, a detention basin or attenuation tank to be located beyond the eastern boundary of the site, on land within ownership of the applicant.
- Indicative details relating to renew/repair, include a new draw down to provide safe flows to avoid flood risk,
- Associated works to all other ancillary structures inlet and outlets and mill pond, and
- Future maintenance and management of the mill pond and associated structures

10.43 The proposals would result in the mill pond adjacent to the mill building to be largely infilled. The Council's Lead Local Flood Authority Officer and the Environment Agency now support the indicative proposals subject to appropriate conditions and an acceptable S106 which will need to include the setting up of a private management company for the maintenance of SUDS and the mill pond in order to avoid and mitigate against flood risk for the lifetime of the development, in accordance with paragraph no. 165 of the NPPF. The applicant is amenable to this and the recommendation above is reflective of this.

10.44 Yorkshire Water are also in support of the proposals subject to the proposals being carried out in accordance with the revised FRA.

10.45 Canal & River Trust are satisfied the proposals would be at a relatively low risk subject to retention of existing boundary wall along the northern boundary with the canal, which acts as an effective flood barrier. Furthermore, they have requested details of ongoing repair, maintenance/management of the wall along with the submission of a construction method statement to ensure the structural integrity of the canal infrastructure is not unduly affected during the course of the construction works. These issues can be addressed through the imposition of the suggested conditions by Canal & River Trust, to accord with guidance within the NPPF, Policies PLP27, PLP28 & PLP29 of the PDLP.

10.46 **Ecology/Trees**

10.47 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Policy PLP30 of the PDLP states the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designed wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.

10.48 The proposed development is located approximately 850 m from the South Pennine Moors Phase 2 Special Protection Area (SPA) and 1.4 km from the South Pennine Moors Phase 1 SPA, which are internationally important for breeding upland birds. Together, the two phases of the SPA are also designated as the South Pennine Moors Special Area of Conservation (SAC), which is internationally important for its range of upland habitats.

10.49 Natural England's Impact Risk Zone tool (available on the Council's mapping system and DEFRA's MAGIC website) indicates that the proposed scheme is of a type and scale that has the potential to impact the European protected sites. For this reason the LPA has undertaken a Habitat Regulations Assessment (HRA) of the proposals and consulted Natural England, as required under the Conservation of Habitats and Species Regulations 2017. Natural England has indicated that it is in agreement with the findings of the HRA and that, subject to the mitigation proposed in the HRA, the scheme will not have an adverse effect on the integrity of the European protected sites and it has no objection to the proposals.

10.50 The proposed mitigation is to erect signage where the public rights of way network enters the South Pennine Moors SAC and South Pennine Moors Phase 2 SAC to the north of the application area. The purpose of this mitigation is to encourage local residents to keep to paths and keep dogs on a lead during the bird breeding season, in order to prevent damage to the important habitats and disturbance of breeding birds. This can be secured by condition and would accord with paragraph nos. 175 and 176 of the NPPF.

10.51 The applicant has submitted an Ecological Impact Assessment (EclA) incorporating the results of an additional bat emergence survey visit. The Council's Biodiversity Officer has on assessment summarised, in combination with the previous survey information, this latest report is sufficient to support the application, but conditions will be required to secure the detail of mitigation and enhancement measures outlined in the report and in the Biodiversity Officers consultation response dated 10/10/18. This should include details of the proposed wetland habitat within the mill pond.

- 10.52 In addition, there is some uncertainty around whether or not buildings on site are used as a nest site for barn owl, with this species having been positively identified on site. Further investigation can be conditioned along with impact avoidance or mitigation measures. Notwithstanding the details in the ecological report, separate conditions will also be required for the removal of invasive non-native species and a lighting strategy to avoid any adverse impact on the habitat network in and around the site.
- 10.53 Subject to the works being carried out in accordance with recommendations set out in the report as well as those suggested by the Council's Biodiversity Officer, the proposals would accord with Policies EP11 of the UDP, PLP30 of the PDLP and guidance within the NPPF.
- 10.54 With respect to trees, UDP Policy NE9 seeks to retain mature trees on development sites. The importance of retaining trees is also highlighted in paragraph no. 175 of the NPPF. Publication Draft Local Plan Policy PLP 33 states permission will not be granted which directly or indirectly threaten trees or woodland of significant amenity.
- 10.55 The most significant tree related constraint to the site comes from the adjacent woodland south of the developable area and between Manchester Road. This area is also identified as a Kirklees wildlife habitat network (KWHN) on the Publication Draft Local Plan.
- 10.56 The consequence of works to providing a footpath, restraint barrier and widening of the existing access road would result in the loss of trees within the KWHN. As a result, the applicant has also through submissions of detailed section drawings explored the potential of providing a footpath on the top side of the road. On assessment of this information, Officers raise significant concern to the achievability of carrying out such works, given the potential impact it could have on the structural stability of Manchester Road. Secondly, the cost of such works could be problematic in bringing forward the re development of this brownfield site.
- 10.57 Officers taking into account the overall benefits of bringing this brownfield site forward for development, consider the most acceptable option would be for the footpath to be on the bottom side of the access road, albeit with the consequence of some tree loss in the KWHN. Both the Council's Arboricultural and Biodiversity Officers, are on balance supportive of the proposals subject to more information in relation to the proposed footpath. This would need to be accompanied by an Arboricultural Method Statement, in order to fully appraise the potential impact and officers to evaluate the level of mitigation measures required to compensate for the loss of this part of the KWHN. The applicant is amenable to this confirmed in writing the acceptance of pre- commencement conditions to address this issue.
- 10.58 To summarise Officers are satisfied the harm to the trees and KWHN resulting from the proposals could be adequately mitigated through additional tree planting and further measures, in accordance with paragraph 175 of the NPPF, Policies PLP30 and PLP33 to compensate for the loss of trees and wildlife habitat network from the proposed highway works.

10.59 **Contaminated land:**

10.60 The application is accompanied with a Phase I contaminated Land report. This has been assessed by Environmental Services who accept the findings of the report and recommend a full suite of contaminated land conditions requiring the site to be fully investigated for the presence of contaminants.

10.61 **Representations:**

Turning to representations not responded to in the assessment above, in particular to the contravening of legal rights of way, this is a private civil issue to be resolved between all interested parties, outside the planning remit. The granting of planning permission does not waive any legal rights or covenants that may exist.

10.62 **Planning obligations:**

In addition to the maintenance and management of SUDS, mill pond and all associated drainage infrastructure, to be undertaken by a private management company and Contribution of £26,468.75 towards the provision of a bus shelter and its maintenance to bus stop no. 19375, set out in the preceding paragraphs the following contributions are sought:

10.63 ***Education***

The council's Education Service was consulted who advised that in this instance a contribution of £130, 967. 00 would be required.

10.64 ***Public Open Space***

The site is over 0.4ha and triggers the requirement for a public open space in accordance with Policy H18 within which there should be a Local Equipped area of play (LEAP) in accordance with Fields in trust Guidance. Two areas of POS are shown within the proposed layout. The principal area in the centre of the site would accommodate low key playing equipment, equivalent to a local area of play (LAP), details of which have been provided. It would be necessary to impose a condition to ensure the POS areas are completed in accordance with these details prior to occupation of the development, should the application be approved.

10.65 The second area of POS accommodates an informal open space with seating. Taking account of both the areas of POS, the quantum to be provided on site within the layout falls short by a small amount of approximately 30sqm, therefore a financial contribution of £82, 969.00 to improve existing open space off site will be required, (which also takes account of the shortfall of equipped provision of the LEAP).

10.66 ***Affordable Housing***

The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing on site. The identified need in the area is 1-2 bedroom housing, as well as a need for 1-2 bedroom housing for older people specifically. As an alternative to on site provision the applicant states;

“given its remote position from facilities, shops, schools etc, and given the large internal floor spaces and units to be 3 bedroom plus, off site contributions would be more appropriate”.

- 10.67 Officers do not accept this as a valid justification as this would equally apply for occupiers of the market units. Social housing tenants are not necessarily more or less likely than private homeowners to need access to public transport, shops, amenities etc. Social housing tenants are just as likely to use their own cars/bikes for travel and public transport. Furthermore, a Policy compliant scheme would be for on-site affordable units.
- 10.68 To summarise the provision of affordable housing will be sought on site, with a tenure split in accordance with Council Policy requirements.
- 10.69 **Highway Works:**
Highways works would be required at the junction of the access with Manchester Road, including the provision of new pedestrian islands on either side of the access and widening of Manchester Road. These works can be done under a S278 of the Highways Act.
- 10.70 **Other Matters:**
- 10.71 **Air Quality & sustainable transport:**
The provision of electric vehicle charging points will be secured by condition to promote sustainable transport initiatives and improve local environment conditions, to comply with the aims of Chapters 9 and 15 of the NPPF, WYLES and Policies PLP24, PLP52 of the PDLP.
- 10.72 The NPPF also encourages the promotion of sustainable transport. The West Yorkshire Low Emission Strategy (WYLES) has been drafted to take a holistic approach to Air Quality and Planning. The site is classed as a medium sized development with regard to Air Quality. In this particular instance, Environmental Health Officers have advised a detailed Travel Plan be conditioned to consider sustainable transport and that all transport mitigation measures may be included within the Travel Plan. Measures are required to negate the increased emissions in order to be compliant with the NPPF and the WYLES and PDLP Policy PLP 51 and Section 15 of the NPPF
- 10.73 **Crime Prevention:**
- 10.74 New development should incorporate crime prevention measures to achieve pedestrian safety on footpaths, natural surveillance of public spaces and secure locations for car parking areas.
- 10.75 The West Yorkshire Police Liaison Officer has made a number of comments recommendations. These should be incorporated into the scheme to promote good security, maximise surveillance and lighting to publicly accessible areas, controlled access system for the apartment blocks, the design of rear /side garden boundaries.
- 10.76 In light of this a suitable worded condition will need to be included to ensure the security measures to meet the secure by design guidance and prevent crime prevention, in accordance with Policies BE23 of the UDP and PLP24 of the PDLP. With regards to external doors and windows, it is accepted these would form part of a Building Regulations application and as such would provide sufficient protection to the future occupants.

11.0 CONCLUSION

- 11.1 The proposals would bring forward the redevelopment of the former Cellars Clough site which are to be confined to the brownfield part of the site, thus avoiding encroachment further into undeveloped parts of the Green Belt.
- 11.2 The overall benefits of redeveloping this site would secure net gains across all three strands of sustainable development and help provide additional housing at a time when the Council is unable to provide a five year housing land supply. The proposals will also enable the retention & creation of jobs during the construction phase and contribute towards enhancing the natural and built environment by making efficient use of this redundant derelict site, taking into account the characteristics of the surroundings and safeguarding residential amenity and highway safety of both pedestrian and vehicle users.
- 11.3 Officers are of the opinion the proposals have responded and been designed taking into account the identified constraints on and adjacent to the site. The final revised proposals appears to be a more viable scheme, when compared to the previous permissions and would potentially facilitate the redevelopment of a site that has been lying dormant for a number of years.
- 11.4 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.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. 3 year Time limit condition
2. Development in accordance with approved plans
3. Approval of samples of (stone) materials
4. Environment Agency condition- restricting finished ground level of all plots
5. Environment Agency condition-The ground floors of all the proposed dwellings will only be for entrance halls and garages and not habitable rooms.
6. Details of mill pond - to be infilled (to avoid adverse impact on openness of green belt, biodiversity interests, and to ensure safe development for future users of the site.)
7. Ecological Design Strategy (EDS), based on the latest ecological surveys and assessments, including assessment of impacts associated with access improvements – to provide implementable detail of habitat works sufficient to provide a net biodiversity gain.
8. Landscape and Ecological Management Plan (LEMP) – to ensure long-term benefits to biodiversity by securing management of the created habitats.
9. Construction Environmental Management Plan (CEMP), aimed at bats, barn owl, other breeding birds, and invasive non-native plant species – to avoid ecological impacts during construction

10. Lighting design – to ensure lighting associated with the scheme do not result in impacts to bats and the Kirklees Wildlife Habitat Network
11. Method statement for mitigation from Habitat Regulations Assessment (HRA) – to ensure the mitigation measures for impacts to the South Pennine Moors agreed with Natural England are implemented.
12. Arboricultural Impact and methods statement in relation to new footpath and engineering operations along access road.
13. Mitigation measures (including new tree planting) as a result of the impact on the KWHN/trees from the creation of new footpath and engineered operations
14. Details of new external stair case to footbridge and written evidence that formal diversion/routing has been obtained prior to closure or removal of existing staircase
15. Structural survey of stone wall along adjacent to canal to demonstrate it will form an effective flood barrier, in vicinity of the site
16. Details of retention and maintenance of the stone wall adjacent to canal in vicinity of the site with construction method statement for proposed works (foundations, excavation works and stock piling)
18. Grampian worded condition for improvements to the towpath, in vicinity of the site
19. Details of a scheme detailing foul, surface water and land drainage
20. Assessment of overland Flows and Flood Routing
21. A scheme detailing temporary construction phase flood risk and pollution control
22. Details of an emergency draw down facility to drain the mill pond
23. A scheme for the safety and protection of footpaths and path users during the construction and [improvement to the other paths prior to the closure works commencing on the site access road and junction with Manchester Road](#)
24. Full structural assessment of the bridge over the River Colne.
25. Scheme for the provision of road widening, right turn facilities at the Manchester Road junction.
26. Scheme for the provision of works to the access road including widening, vehicle restraint and new footway
27. Access Sightlines to be provided
28. Scheme detailing the proposed internal estate roads
29. Construction Management Plan
30. Details of the siting, design, structural calculations and material to be used in the construction of retaining walls/ structures near or abutting highway
31. Private parking spaces/drives surfaced in permeable material
32. works to be carried out in accordance with Flood Risk Assessment
33. Submission of an Intrusive Site Investigation Report (Phase II Report)
34. Remediation Strategy where recommended in the Phase II Intrusive Site Investigation Report
35. Remediation of the site shall be carried out and completed in accordance with approved Remediation Strategy
36. A Validation Report in respect of approved remediation measures being carried out
37. To incorporate necessary measures to minimise the risk of crime in accordance with WY Police Architectural Liaison Officer's comments dated 12th December 2017
38. A full comprehensive detailed landscape planting and hard landscaping plan, in accordance with Landscape Officers comments dated 16/10/18
39. Landscape Management Plan to include details of initial aftercare and long-term maintenance for minimum of 5 years, in accordance with

Landscape Officers comments dated 16/10/18

40. A detailed travel plan which considers air quality mitigation

41. Provision of electric vehicle charging points, one for each dwelling/apartment and rapid chargers for every 10 unallocated spaces for apartments

42. Removal of permitted development rights for dwellings.

NOTE:

Floodline Warnings Direct

We support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

Discharging to watercourse

Where a new surface water drainage connection to a main river is proposed, pre-approval from the Environment Agency must be sought. New connections must be discharged at greenfield runoff rate. The acceptable greenfield runoff rate is normally 5 litre/second/hectare, but you should consult with the Lead Local Flood Authority for variances in their district. If it is an existing brownfield site then 30% reduction in discharge will be required if the site is bigger than 1ha.

Environmental Permitting Regulations

It is proposed that a bund will be built behind the existing wall along the River Colne. This activity will require an Environmental Permit from us prior to the work taking place. Please refer to our letter dated 9 January 2018 (to the LPA) for further information regarding the need for a permit. As part of the permit application the applicant will have to demonstrate that the embankment is structurally sound enough to support the new bund and land raising behind it.

Online guidance can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

NOTE:

“The applicant/developer is advised to contact the Canal & River Trust’s Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust’s “Code of Practice for Works affecting Canal & River Trust”

Background Papers:

Application and history files.

Website link to application/details:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planningapplications/detail.aspx?id=2016%2f91573>

Certificate of Ownership – Certificate A signed by agent

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 01-Nov-2018

Subject: Planning Application 2018/91300 Change of use of dwelling to Class D1 (non-residential institution) and formation of parking and associated landscape works Newhouse Farm, New House Road, Sheepridge, Huddersfield, HD2 1EG

APPLICANT

Mr Singh, Guru
Teghbadur Gudwara

DATE VALID

30-Apr-2018

TARGET DATE

25-Jun-2018

EXTENSION EXPIRY DATE

17-Aug-2018

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Ashbrow

No

Ward Members consulted

RECOMMENDATION: APPROVAL

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

1.0 INTRODUCTION:

1.1 The application has been brought to Sub-Committee due to the significant number of representations received both in support and against the proposed development.

2.0 SITE AND SURROUNDINGS:

2.1 Newhouse Farm is a large detached building located within an area defined as Urban Greenspace within the Kirklees Unitary Development Plan. The property is two storeys in height and constructed from stone.

2.2 The site is accessed off New House Road which is part adopted and shares the access with Our Lady of Lourdes RC Primary School, The Bungalow and nos. 1 and 2 New House Hall.

2.3 The area surrounding the building is scrub land with some lawned areas and trees protected as a Woodland by Tree Preservation Order to the south east of the building.

2.4 To the rear of the site and along the northern boundary is Lower Fell Greave which is an ancient woodland and also a local wildlife site.

2.5 New House Hall which is the closest property to the application is a Grade II* Listed Building which is sub-divided into two separate dwellings. New House Hall is currently undergoing significant repair works following a catastrophic fire in April 2017. The building was constructed around 1550 and is constructed from hammer dressed stone with a pitched stone slate roof and has 2-storeys with attics.

2.6 Public Rights of Way HUD/29/10 runs along the New House Road and adjoins HUD/28/40 which provides access into the woodland.

- 2.7 A listed barn was originally located between New House Farm and New House Hall which has now been demolished and its listing removed by Historic England.
- 2.8 The Council's internal Land and Property Gazetteer lists the application site as a pair of dwellings which was granted permission to change its use from a community training centre to form two dwellings (app ref 2013/93783). Council Tax records indicate that the property has been vacant since 31st March 2014. However, information has been obtained that one of the dwellings was converted and occupied on a short term tenancy whilst the other was never converted or occupied.
- 2.9 Notwithstanding the above, there were conditions attached to the previous planning application to convert the building to dwellings, with regards to the specifications for the surfacing works and informal parking area and also a tree protection scheme, which have not been submitted for approval and as such remain undischarged.
- 2.10 In addition, the Agent has provided a 'Commercial Property Standard Enquiries' documents which states, within item 8.3 that with regard to the 2013 application... *"It is evident that the work to the layout has not been undertaken in accordance with the planning permission."*

3.0 PROPOSAL:

- 3.1 This proposal seeks permission to change the use of the property to Class D1 (non-residential institution) and the formation of parking and associated landscape works, this includes the erection of a fence. The submitted information states that the intention is to convert the vacant building into a Gurdwara, a Sikh place of worship and a centre for the community. Other activities such as yoga and meditation classes which would be open to the wider community would also take place. A community meal would take place on Sundays.
- 3.2 Use Class D1 includes clinics, health centres, creches, day nurseries, schools, non-residential education and training centres, public libraries, public halls, exhibition halls, places of worship and law courts. The class groups together buildings visited by the public for a wide range of purposes on a non-residential basis.
- 3.3 The Gurdwara would fall within this Use Class as a place of worship with the community centre falling within the same use class as D1(g) specifically includes use as "public hall or exhibition centre". Community centres may be used for a multiplicity of purposes to serve the community however would also be a D1 use in accordance with the Use Class Order.
- 3.4 As such the building would be utilised as a mix between a community building in connection with public worship or religious instruction which both fall within Use Class D1. The building was previously a D1 use when it was a community training centre prior to the change of use granted in 2013.
- 3.5 There are no proposed alterations to the external appearance of the building.

- 3.6 The proposed opening hours would be 07:30 to 20:00 Monday to Friday and 08:30 to 18:00 Saturdays and Sundays.
- 3.7 The number of patrons expected to attend the Gurdwara would be a maximum of 25 with the peak time being on Sundays.
- 3.8 As part of the landscaping works, it is proposed to erect a 2.4 metre high powder coated green paladin fence along the eastern boundary of the site which would sit behind the line of the existing wall and within the trees which would allow for the Public Rights of Way to be defined as existing. The fencing would also span the northern boundary of the site and is required for security purposes.
- 3.9 2.4m high x 2.5 metre wide outward opening gates are proposed at the southern entrance to the site with a pedestrian gate to the northern end, opposite New House Hall.
- 3.10 The western and southern boundaries are defined by the existing palisade fencing to the school.
- 3.11 25 no. car parking spaces would be provided including 2 no. accessible spaces which would be created using a grass reinforcement system.
- 3.12 In terms of landscaping, new planting comprising of native trees and shrubs would be provided to the northern corner of the site with additional planting adjacent to the proposed fence where necessary.
- 3.13 Bin storage is shown on plan to the south of the property, close to the boundary with the school and the main entrance gates and it is proposed that refuse would be collected at the same time as the school whose refuse is collected from its rear entrance on New House Road.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 New House Farm (application site)

1987/03128 Change of use and erection of extension to existing building to form community training centre. This was subject to an hours of use condition which stated no activity shall take place on the premises outside the hours of 9am and 9pm on weekdays and 9am and 5pm on Saturdays or at any time on Sundays and bank holidays
Granted Conditionally

2013/93783 Change of use and refurbishment of existing community farm house to form 2 residential dwellings
Conditional Full Permission

4.2 New House Hall (adjacent Grade II* Listed Building):

1989/00634 Countryside Centre and office accommodation
Granted Conditionally

1995/91045 Listed Building Consent for structural timber repairs and associated works to roof, first floor and party wall
Consent Granted

2007/95023 Listed Building Consent for installation of bathroom, addition M & E services, amendments to heating system, alterations to garage and general insulation
Consent Granted

4.3 Our Lady of Lourdes R C School:

1997/90244 Erection of 2.4 metre high steel palisade fencing
Conditional Full Permission

4.4 New House Road:

1987/03944 Listed Building Consent for demolition of barns
Consent Granted

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

5.1 Following consultation responses received from predominantly Highways Development Management, Historic England and Trees, amended plans have been received with regards to reflect concerns and comments made. This includes a vehicle tracking plan demonstrating cars, refuse vehicles and fire appliance can access and turn within the site.

6.0 PLANNING POLICY:

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

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

BE1 – Design principles
C1 – Community facilities
D3 – Urban Greenspace
D4 – Urban Greenspace
EP4 – Noise sensitive development
NE9 – Development affecting trees
T10 – Highway Safety
T19 – Parking standards
R13 – Public Rights of Way

6.4 Kirklees Publication Draft Local Plan Policies:

PLP21 – Highways safety and access
PLP22 – Parking
PLP23 – Core walking and cycling network
PLP24 – Design
PLP33 - Trees
PLP48 – Community facilities and services
PLP52 – Protection and improvement of environmental quality
PLP61 – Urban Greenspace

6.5 National Planning Guidance:

Chapter 2 – Achieving sustainable development
Chapter 8 – Promoting safe and healthy communities
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was originally advertised by site notice, newspaper advertisement and by neighbour notification letters. Following the submission of amended plans, the description of development was changed and the development was re-advertised by both site notice and neighbour notification letters.

7.2 A total of 424 representations have been made. 421 against the development, 3 in support and 1 general observation. A petition containing 403 signatures has also been received in support of the application.

7.3 The planning concerns raised in the representations are summarised as follows:

Impact on Listed Building:

- Would detract from the setting of New House Hall
- Important to protect New House Hall from further interference and destruction

Visual amenity:

- Visual impact of the fence
- Would create an industrial estate look which is wrong for ancient woodland setting
- Fence would be imposing
- Lose the appearance of a country lane and experience of walking down a country lane past a meadow towards an ancient woodland would be lost
- It is not possible to plant trees and hedges in front of the gates where the industrial style fence would be most visible

Highway safety:

- Fence would restrict access for emergency vehicles
- Access by bin collections affected
- Increase of traffic on the lane which is a registered public footpath
- No separation of vehicles and pedestrians planned and the lane is very narrow

Impact on school:

- Fence too close to the lane and creates a narrow corridor from the rear gates of Our Lady of Lourdes School to the wood and leaves pedestrians, especially school children walking to and from neighbouring schools vulnerable and at risk from increased traffic
- All vehicles including bin wagons and emergency services need access to 1 and 2 New House Hall or the wood would be forced to reverse back down the narrow part of the lane possible to Bradley Boulevard putting pedestrians using the footpath at greater risk. Currently vehicles are able to turn round and drive forward.

Impact on woodland:

- If access into the wood is removed, it would be difficult to access the facility
- Would limit access into the wood
- Would ruin historic landscape
- Spoil approach to ancient woodland
- Woodland would be totally ruined
- Fence would run through a plantation of protected trees, some of which will have to be removed or have branches taken down and their roots would be affected

Other matters:

- Fence would enclose the lane – fear of crime
- Fence would feel excluding – not suitable in community use
- Wood not fit for wheelchair access
- Area has been established for public use for vehicular turning and parking for dog walkers etc
- Destruction of habitats close to the wood
- Will encourage fly tippers
- CCTV would be a better solution

- Property was not a former community centre but designated as a Business Property offering occasional training days and therefore believe the designation remains as Business Premises.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Historic England - welcome the final amended plan that reduces the impact on the setting of the Listed Building

KC Conservation and Design – based on previous discussions and the amendments made, no objection.

8.2 Non-statutory:

K.C. Ecology – no objection subject to a condition relating to hedgehog holes within the fencing

K.C. Public Rights of Way – footnote regarding obstruction interference to the Public Rights of Way should be included should permission be granted

K.C. Arboricultural Officer – no objection subject to conditions relating to Arboricultural Method Statement; landscaping scheme and any other tree works being attached to decision notice

K.C. Highways Development Management – no objection

West Yorkshire Fire Service – no comments received

K.C. Environmental Services – agree to proposed opening hours however noise report required, details of lighting scheme required if external lighting is proposed; condition relating to extract ventilation system to be submitted and one electric vehicle charging point to be provided

9.0 MAIN ISSUES

- Principle of development
- Impact on amenity
- Impact on the setting of Listed Building
- Impact on the Ancient Woodland/Woodland Protected by Tree Preservation Order and Ecology
- Highway safety
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application seeks planning permission for the change of use of the building to Class D1 (non-residential institution) and the formation of parking and associated landscape works.

- 10.2 The site is allocated as Urban Greenspace within the UDP which restricts development as set out in Policy D3. Policy D4 of the UDP however states that the change of use of redundant buildings located with designated urban greenspace for purposes not associated with open land uses will normally be permitted 'provided that the use and quality of the associated open land will be safeguarded'. This site was used as a community training centre for many years, was occupied for a short period of time as a residential property and has been vacant since 2014. Taking all this into account it is considered that the principle of the use of the site for community purposes would accord with Policy D4.
- 10.3 Post-dating the UDP the NPPF at paragraph 97 states that existing open space "should not be built upon unless..." Policy PLP61 of the Publication Draft Local Plan accords with the above guidance by restricting 'proposals' for development subject to a limited number of exceptions. In this case the Urban Greenspace would not be built upon as the proposal is to convert the existing building without extensions. Other landscape works are proposed but these, subject to the assessment set out below, would not result in the loss of urban greenspace as they would be largely contained either within the area previously used for the training centre/change of use to residential or shown to be retained as open space (protective planting/area of tree preservation order). For these reasons the principle of the change of use complies with policy related to the protection of urban greenspace in principle.
- 10.4 The use of the site for a Class D1 use is assessed against Policy C1 of the UDP which states that community facilities should be provided in accessible locations which will normally be in, or adjacent to, town and local centres. The preamble to the policy states that community facilities should be provided in locations accessible to the largest number of people wishing to use them. Also, they should be accessible on foot to as many users as possible and close to public transport routes. In the emerging local plan Policy PLP48 also states that community facilities should be provided in accessible locations which will 'normally' be in town or local centres. It also sets out that proposals will be supported for development that... "enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community". Paragraph 92 of the NPPF continues that planning decisions should 'plan positively' for the provision and use of community facilities, such as meeting places and places of worship
- 10.5 In this particular instance, the building is located approximately 400 metres from the local centre boundary of Sheepridge. There is a bus stop proximate to the building on Bradley Boulevard (approximately 150 metres from the entrance to the site) which is served by 3 no. different bus numbers with the access to the site itself being along a Public Right of Way. The development would also provide some on-site parking facilities.
- 10.6 As the site is not in or adjacent a local centre, in accordance with Policy C1 and PLP48, additional information was requested as to the reasoning why sites closer to local centres have been discounted and why this site has been put forward for the proposed development. This states that the intended users of the Gurdwara would come from the immediate community which would bring back into use the property which has been vacant for a number of years and subject to anti-social behaviour. It goes on to say that the building is close to worshippers which would reduce travel, keeping the

facility within the community. The Agent has indicated that alternative sites including 1a Osborne Road, St John the Evangelist, the former school, Edgerton and St. John's Road, Birkby were all considered however were discounted for a number of reasons including financial, size, location and state of repair.

- 10.7 It is considered that the principle of the use of the site for Class D1 use is acceptable, taking into account the information provided by the Agent, the limited size of the building and its surrounding land, the support for cultural facilities and services in the NPPF and the emerging local plan. Once again this is subject to an assessment of other material considerations.

Impact on the setting of listed building

- 10.8 In considering proposals for planning permission, the duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 of the NPPF states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where the harm is considered less than substantial, which is considered to be the case here, Paragraph 196 requires that such harm should be weighed against the public benefits of the proposal. This is also mirrored within Policy PLP35 of the Publication Draft Local Plan.
- 10.9 New House Hall sits to the east of the application site. It is a Grade II* Listed Building. It was built in around 1550 with the east wing rebuilt in 1865 and refronted in 1903. It is two-storeys in height built in hammer dressed stone with a pitched stone slate roof. There is a very detailed listing description of principal elements of the exterior and interior of the building. A link to this is provided at the end of the report. In April 2017, New House Hall suffered catastrophic fire damage which destroyed much of the interior of the building. Rebuilding works overseen by the Council's Conservation and Design Team and by Historic England are currently underway with the building currently surrounded by hoardings and scaffolding.
- 10.10 As the building is listed Grade II* the protection of the building is paramount to any proposed development within the vicinity of the building. Historic England were consulted as a statutory consultee and initially raised no objection and offered no comments on the proposal. However, further comments raised concerns over the original proposals for both the siting and appearance of the fence proposed to the east of the application site.
- 10.11 Historic England advised that the fence should be located as far away from the listed building as possible and is screened by appropriate vegetation. It was also suggested that a mesh-style fence would be more visually recessive than original scheme for palisade fencing.

- 10.12 Amended plans were submitted to address the points raised by Historic England. Historic England were re-consulted and recommended additional planting in front of the fence or re-positioning the fence further away from the listed building.
- 10.13 Further amended plans were received and form the plans which are under consideration. These now demonstrate that the fence is proposed to be moved further away from the listed building and following an organic alignment to take account of the existing trees. Additional planting is demonstrated within the northern corner of the site to soften the line of the fence.
- 10.14 Historic England have welcomed these amendments and have cited that if the Local Planning Authority is satisfied that a fence is necessary for security purposes, Historic England consider that steps have been taken to mitigate the impact on the setting of the Listed Building, as required by paragraph 190 of the updated NPPF.
- 10.15 With specific regarding to the harm to the setting of the listed building when weighed against the public benefit of the proposal, the NPPF defines the setting of a Listed Building to be “the surroundings, in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.
- 10.16 As stated above, Historic England consider that steps have been taken to mitigate the impact on the Listed Building, as required by the NPPF. The main impact on the setting of the Listed Building would be the proposed fence however, this has been moved away from the heritage asset, changed in appearance and is clearly set within the site boundary. In the main, the fence would be located with an area where trees align the boundary which would mitigate its visual impact, together with its mesh appearance. To the north beyond the fire hydrant, new planting is proposed comprising of native trees and shrubs which will assist to mitigate harm from this section of fencing. The proposal would bring public benefit by creating a place of worship and community centre and bringing the building back into use.
- 10.17 It is therefore considered that the harm to the Listed Building has been mitigated as far as practicable with the harm considered to be less than substantial and for that harm to have been outweighed by public benefit.
- 10.18 With reference to the comments from Historic England regarding a fence being necessary for security purposes, the applicants have stated that crime and anti-social behaviour are a concern. The applicants have submitted crime report numbers to demonstrate problems associated with the continuing vacant site and that it does not have security fencing in place. It is considered that it is reasonable to provide a fence for security purposes and as above, the siting and design of this fence has taken into account the impact on the Listed Building as far as practicable.

Impact on amenity:

- 10.19 The site shares boundaries with Our Lady of Lourdes RC Primary School to the south and west and No's 1 and 2 New House Hall to the east. The boundary of the site which borders with the school grounds is delineated by a palisade fence.
- 10.20 The proposal originally proposed a palisade fence at a height of 2.4 metres to bound the rest of the site to match the school however following initial comments received from Historic England, this has since been amended to a mesh-style Paladin fence due to the impact the proposed fence would have on the adjacent Grade II* Listed Building.
- 10.21 The line and details of the fencing has been amended throughout the application process, in particular along the eastern boundary facing New House Hall.
- 10.22 The fence would be set back from the low stone wall abutting the Public Right of Way, behind the row of trees and it is proposed that additional planting would be used along this boundary and also to the northern of the site adjacent to the woodland to provide a buffer and soften the visual impact of the fence.
- 10.23 It is considered that the additional planting would assist to mitigate the impact of the scheme on visual amenity, protect the function of Urban Greenspace and the details of the planting would be agreed as part of a landscape scheme, secured by Condition.
- 10.24 With specific regard to the fence, as part of the previous application to change the use of the building to residential, a landscaping scheme was submitted to discharge condition 4 approving a 2 metre high boundary wall along the eastern boundary of the site to bound the car parking area. Whilst this has not been implemented, the principle of a boundary treatment has been previously accepted by the Local Planning Authority. It is also considered that the previously approved wall would have had a much greater visual impact than the proposed mesh-style fence.
- 10.25 In terms of the impact of the fence on residential amenity, the fence would face No's 1 and 2 New House Hall however would be separated from the building by the Public Right of Way. As such, it is not considered that the fence would be detrimental to residential amenity by reason of overbearing impact.
- 10.26 The proposed opening hours set out in the application are 07:30 to 20:00 Monday to Friday and 08:30 to 18:00 Saturdays and Sundays, which differ from those approved under application number 1987/03128 for the community training centre. The previous hours for this D1 use were conditioned to be 9am-9pm Monday to Friday and 9am-5pm on Saturday and not open on Sundays or Bank Holidays. The reason for the imposition of this condition was to avoid prejudicing the amenity of the area. Given this, consideration of this application requires an assessment as to whether the hours of use now proposed would 'avoid prejudicing the amenity of the area'.

- 10.27 The proposed number of patrons attending the Gurdwara is stated as being a maximum of 25. The applicant has confirmed this to be the case. Environmental Services have considered the proposed opening hours as put forward by the Agent to be acceptable, no objections have been raised by Highways Development Management on hours of opening either. Notwithstanding this, Environmental Services have recommended the imposition of a noise mitigation condition to ensure that measures can be put in place to protect the noise sensitive premises on New House Road from activities taking place on site. (This is relevant taking into account the extended hours of use proposed). Officers consider it is possible with to allow greater opening hours than was granted for the previous application with the imposition of a noise mitigation condition. However, the applicants have been asked to reconsider the proposed opening hours in light of the previous limitations, in the interest of balancing the residential amenity considerations of the neighbouring properties with the proposals for the application. Further information on this matter will be addressed in the Committee Update.
- 10.28 The comments of Environmental Services are also recommended conditions relating to odour (if an extract ventilation system is proposed) and external lighting. These would be in the interests of the amenity of neighbouring properties and would accord with Policy PLP52 of the PDLP and guidance in Chapter 15 of the NPPF.
- 10.29 A number of comments received during the publicity periods have raised concerns regarding the fence enclosing the lane and the fear of crime this may instil when walking along the Public Right of Way towards to the woodland, thus impacting on amenity.
- 10.30 Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which includes, amongst other things, ensuring that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 10.31 The fence is proposed to improve security and reduce anti-social behaviour with the submitted Design and Access Statement stating that the site has been subject to vandalism as the site is easily accessible. Whilst the fear of crime has been highlighted, the Agent has verbally confirmed that CCTV could be placed on the fencing at the most southern and northern points of the eastern boundary fence which would assist to mitigate the fear of crime. In addition, the mesh fence is not a solid structure and therefore would allow for views through the fencing. Bringing the building back into use would naturally increase the level of activity in the area and the surveillance of the access. The inclusion of CCTV on the fence/within the premises could provide further surveillance of the access/public rights of way. Taking all this into account, including a condition regarding CCTV, it is considered that the risk of crime would be minimised.
- 10.32 It is proposed that 25 car parking spaces would be created to the north of the building between the building and the woodland/landscape buffer. The spaces would be created using a grass reinforced system and would include 2 no. accessible spaces. It is considered that the proposed parking area would be visually acceptable.

10.33 It is therefore considered that in terms of amenity, and subject to further information regarding the hours of use, the proposal is acceptable and would accord with both local and national policies within the Unitary Development Plan, National Planning Policy Framework and advice within the emerging Publication Draft Local Plan.

Impact on the Ancient Woodland and Ecology

10.34 Beyond the northern boundary of the site is Lower Fell Greave which is an ancient woodland and also a local wildlife site. The trees to the south-east of the building are formally protected by Tree Preservation Order. As such, both the Council's Arboricultural Officer and also Ecology & Biodiversity Officer were consulted as part of the application process.

10.35 The Council's Arboricultural Officer raises no objection to the proposed development and considers that the fencing and buffer planting will be a benefit to the woodland by preventing development activities, and activities associated with the use of the building spilling out into the ancient woodland.

10.36 Whilst there are no objections with the proposal in terms of the impact on the ancient woodland or TPO on site, a method statement should be attached, by condition, to the decision notice to show how the fence will be constructed whilst avoiding tree damage (especially under the protected trees), details about any tree work that may be needed and details of the buffer planting, species to be used, quantities etc. These matters can all be addressed by appropriate conditions.

10.37 With regards to the impact of the scheme on ecology and the wildlife site, the Ecology & Biodiversity Officer has raised no concerns regarding the proposed development. However, it has been requested that a Condition allowing the free movement of hedgehogs be imposed. This can be achieved by way of creating hedgehog holes within the fence itself.

Highway safety:

10.38 Initially concerns were raised by Highways Development Management regarding the intensification by vehicles on the Public Rights of Way, the access is less than 4.5 metres wide and already serving more than one property, including the service entrance for the school, and that parking, bin storage and collection, access by emergency vehicles and visitor numbers needed to be supplied. This information was subsequently submitted.

10.39 An additional plan was submitted demonstrating vehicle tracking for a refuse vehicle, car parking and also a fire appliance alongside a letter to address the highways concerns.

10.40 Further information has been submitted and the line of the fence would be set back from the Public Right of Way, to avoid interference with the routes. In light of this Highways Development Management raise no objection to the proposed scheme, no objection have been raised to the proposed hours of uses either, subject to conditions being attached to the decision notice regarding turning, surfacing and drainage and bin collection.

- 10.41 Significant concerns have been raised by the occupants of New House Hall with regards to the ability for emergency services to attend issues at the Hall, especially due to the recent fire damage. The existing fire hydrant is shown to be retained outside the line of the fence adjacent the Public Right of Way.
- 10.42 West Yorkshire Fire Service have also been consulted on the scheme but have not offered any comments.
- 10.43 There would be an increase in traffic from the proposed development as the building is currently vacant. However, the submitted details state that the peak times when the building would be in use, as currently proposed, would be on Sundays which would not conflict with the schools opening times. In addition, a passing place within the site has been indicated on plan which would assist in avoiding vehicles waiting on the access to enter the site.
- 10.44 Concerns have been raised regarding the refuse collectors having to reverse down the narrow lane putting pedestrians at a greater risk. However, the submitted plans demonstrate that refuse collection vehicles can turn within the site and given the current proposed opening times of the building, this has been demonstrated and mitigated as far as practicable.
- 10.45 Taking into account all the above, it is considered that the proposal is acceptable in terms of highway safety and parking provision and would accord with Policies T10 and T19 of the Unitary Development Plan, Policies PLP21, PLP22 and PLP23 of the Publication Draft Local Plan and advice within Chapter 9 of the National Planning Policy Framework.

Representations

- 10.46 A total of 424 representations have been made. 421 against the development, 2 in support and 1 general observation. A petition containing 403 signatures has also been received. The planning concerns raised in the representations are summarised as follows:

Impact on Listed Building:

- Would detract from the setting of New House Hall
- Important to protect New House Hall from further interference and destruction

Response: The impact of the scheme on the adjacent Listed Building has been assessed within the 'Impact on the Listed Building' section of this report.

Visual amenity:

- Visual impact of the fence
- Would create an industrial estate look which is wrong for ancient woodland setting
- Fence would be imposing
- Lose the appearance of a country lane and experience of walking down a country lane past a meadow towards an ancient woodland would be lost
- It is not possible to plant trees and hedges in front of the gates where the industrial style fence would be most visible

Response: The impact of the scheme on visual amenity has been addressed within the 'Impact on amenity' section of this report.

Highway safety:

- Fence would restrict access for emergency vehicles
- Access by bin collections affected
- Increase of traffic on the lane which is a registered public footpath
- No separation of vehicles and pedestrians planned and the lane is very narrow

Response: The impact of the scheme on highway safety has been addressed within this report.

Impact on school:

- Fence too close to the lane and creates a narrow corridor from the rear gates of Our Lady of Lourdes School to the wood and leaves pedestrians, especially school children walking to and from neighbouring schools vulnerable and at risk from increased traffic
- All vehicles including bin wagons and emergency services need access to 1 and 2 New House Hall or the wood would be forced to reverse back down the narrow part of the lane possible to Bradley Boulevard putting pedestrians using the footpath at greater risk. Currently vehicles are able to turn round and drive forward.

Response: The Agent has confirmed that the peak times for the use of the building would be on a Sunday, subject to the currently proposed hours of use. This would not conflict with the school traffic. The impact of the development on highway safety, including the public right of way, has been addressed in the assessment.

Impact on woodland:

- If access into the wood is removed, it would be difficult to access the facility
- Would limit access into the wood
- Would ruin historic landscape
- Spoil approach to ancient woodland
- Woodland would be totally ruined
- Fence would run through a plantation of protected trees, some of which will have to be removed or have branches taken down and their roots would be affected

Response: The impact of the scheme on the woodland and the tree preservation order on site has been addressed within this report.

Other matters:

- Fence would enclose the lane – fear of crime
- Fence would feel excluding – not suitable in community use
- Wood not fit for wheelchair access
- Destruction of habitats close to the wood
- Will encourage fly tippers
- CCTV would be a better solution
- Property was not a former community centre but designated as a Business Property offering occasional training days and therefore believe the designation remains as Business Premises.

Response: The former use of the building and the fear of crime have been assessed within this report as has the impact on the woodland and the lane. Access into the wood for wheelchairs does not form part of the application and therefore is not a material consideration for this application.

Other Matters

- 10.47 Open Space – a number of objections make reference to the land being used by the public for parking for members of the public to use the woodland for dog walking etc. The Enquiry form submitted by the Agent clearly states within item 3.4 that....*"New House Road is designated PROW HUD/29/10 and other parts of the Property may have been used for dog walkers etc. The Council has advertised the proposal disposal of Open Space in accordance with Section 123 of the Local Government Act 1972 and no objections to the disposal were received"*. As such, the applicants have the legal right to prevent indiscriminate parking within the site to members of the public.
- 10.48 Air Quality. As the development is for a D1 use and proposes to formalise a car parking area within the site it is necessary to enable charging of plug-in and other ultra-low emission vehicles. This would accord with paragraph 110 of the NPPF, Policy PLP24 of the PDLP and the West Yorkshire Low Emissions Strategy. Given the number of parking spaces proposed it is proposed to require 2 no. vehicle recharging points be provided by condition.

11.0 CONCLUSION

- 11.1 It is concluded that the proposed use of the site for a D1 use together with the formation of parking with associated landscape works are acceptable taking into account local, national and emerging policies. Additional information regarding the proposed hours of use will be provided for members in the update. It is therefore recommended the application be approved, subject to conditions and subject to agreement regarding the proposed hours of use.

- 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**
- 1. Works to commence within 3 years**
 - 2. Works in accordance with the approved plans**
 - 3. Areas for car parking surfaced and drained**
 - 4. Turning facilities to be provided and retained**
 - 5. Storage and access for collection of wastes to be submitted**
 - 6. Condition opening hours**
 - 7. Noise report to be submitted**
 - 8. Lighting report to be submitted if external lighting is proposed**
 - 9. Installation of 2 no. electric vehicle charging points**
 - 10. Arboricultural method statement to be submitted**
 - 11. Landscaping scheme to be submitted**
 - 12. Landscape maintenance condition**
 - 13. Details of any additional tree works to be submitted**
 - 14. Details of how fencing will allow movement of hedgehogs**
 - 15. Details of extract ventilation system**
 - 16. Scheme for CCTV**

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91300>

[Listing Description for New House Hall](#)

<https://historicengland.org.uk/listing/the-list/list-entry/1279156>

Certificate of Ownership – Notice served on Kirklees Council

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 01-Nov-2018

Subject: Planning Application 2018/92565 Change of use from residential institution (C2) to printing business (B1) and dwelling (C3) and associated works (Listed Building) 80, Lascelles Hall Road, Lascelles Hall, Huddersfield, HD5 0BD

APPLICANT

L Smith

DATE VALID

06-Aug-2018

TARGET DATE

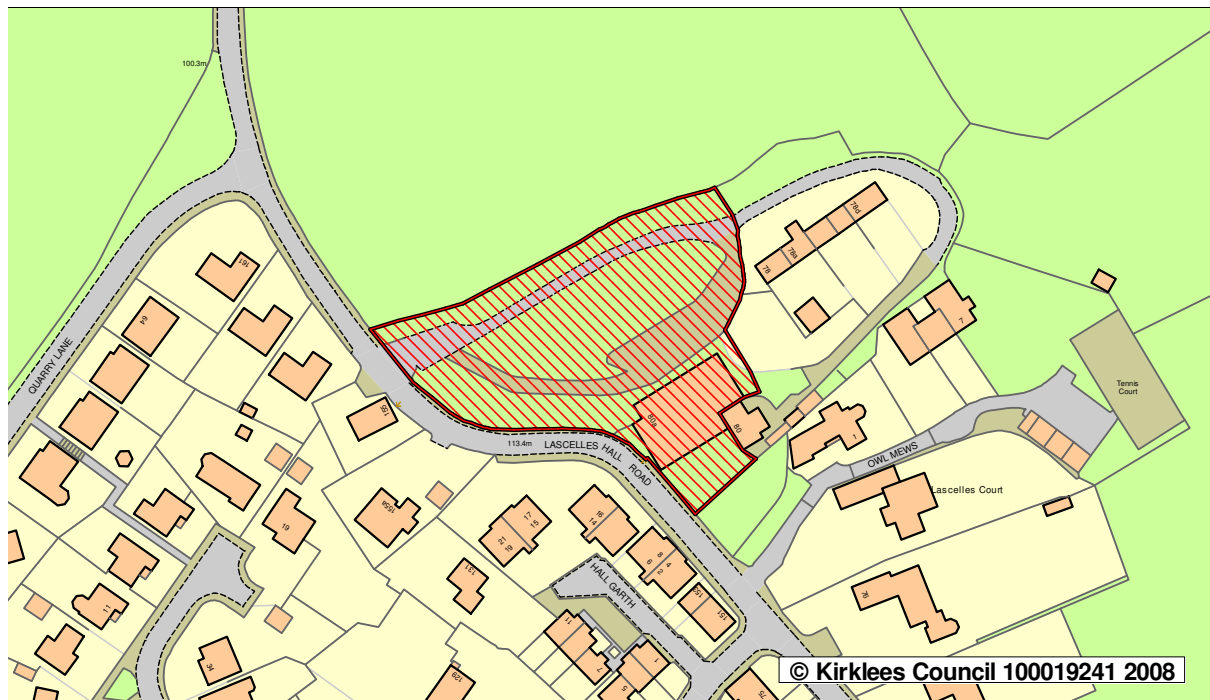
01-Oct-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Almondbury

No

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application is brought to committee at the request of Cllr Alison Munro, the reason for the request is set out below:

I write in connection with the current planning application referred to above for 80 Lascelles Hall Rd and would be grateful if the application could be referred to a planning sub- committee.

There appear to be several objections ranging from access and egress onto Lascelles Hall Rd, a potential shared access problem with existing residents, there is no delivery plan and no storage plan. I am also concerned about the change of use from residential institution to printing business ...

- 1.2 The chair of the sub committee has confirmed the request above accords with the protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises a large two storey Neo-Classical Grade II listed building with a later two-storey annexe at the rear. It has substantial grounds and is approached from a driveway off Lascelles Hall Road which leads to a large parking and turning area to the north-west, or front, of the house.

- 2.2 It is on the edge of Huddersfield, with a short row of cottages and a stable block to the north-east, with open fields beyond, with denser and more continuous residential development on the west side of Lascelles Hall Road.

3.0 PROPOSAL:

- 3.1 The proposal seeks the change of use of the building from a residential care home (C2) to a printing business (B1) at ground floor and a dwelling (C3) above. The application does not propose any additions to the building but would lead to the removal of a flat roofed fire escape on the south western side elevation reducing this to single storey with the addition of a lean to pitched roof. The printing business would be accessed via the traditional main entrance of the building with access to the dwellinghouse via a secondary entrance on the north eastern side of the building.

- 3.2 Highway access to the development would be via an existing driveway which leads from Lascelles Hall Road to a number of dwellings and the application site. The site is served by an informal one-way system which is shown to be retained under this proposal. Parking for the development would be located to the front of the building on an existing surfaced area where 17 spaces would be provided in total.
- 3.3 In terms of other works to the host building two external vents would be installed on the rear elevation which are 400mm by 400mm in size. Internally a number of non-load bearing stud walls would be removed at ground floor, returning the layout of the building into its original form, an internal lift would also be removed. At first floor level the opening for the fire escape would be blocked up and other stud walls would be taken down to open up different parts of the building including creating a large open plan space.
- 3.4 The applicant has detailed that they have 13 staff and operate between the hours of 8.30 to 5.30 Monday to Friday with no weekend working.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2018/92566- Listed Building Consent for change of use from residential institution (C2) to printing business (B1) and dwelling (C3) and associated works – Allied application for listed building consent

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

- 5.1 Planning Officers secured further information regarding the operation of the business including details for deliveries and collection of goods, details of bin storage and collection, amended access and parking arrangements including swept path analysis. The amended plans have not be re advertised as they have sought to address points raised and do not propose to increase the scale of the development.

6.0 PLANNING POLICY:

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

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE12** – Space about buildings
- **EP6** – Development and Noise
- **T10** – New development and access to highways
- **T19** – Parking.

Supplementary Planning Guidance / Documents:

6.3

- **PLP 3:** Location of new development
- **PLP 7:** Efficient and effective use of land and buildings
- **PLP9:** Supporting skilled and flexible communities and workforce
- **PLP 21:** Highway safety and access
- **PLP 22:** Parking
- **PLP 24:** Design
- **PLP30:** Ecology
- **PLP 35:** Historic environment
- **PLP52:** Protection and improvement of environmental quality

National Planning Guidance:

6.4

- **Chapter 6** – building a strong, competitive economy
- **Chapter 7** – Ensuing the vitality of town centres
- **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 13 representations have been received in total, a summary of the points raised is set out below:

7.2 *Highways*

- The proposal would lead to a significant increase in vehicular movements to and from the site from staff and deliveries. Traffic on Lascelles Hall Road is already heavy, is over capacity and vehicles travel in excess of the speed limit. The entrance is on a bend with poor visibility and there is potential for increased risk of accidents from the development with the increased movements that would be generated.
- There is on street parking on Lascelles Hall Road which makes access more difficult.
- Any use of the rear access should be prevented as this goes around 7 cottages, is single width and has experienced damage from vehicles trying to use the access.

- How will the site be serviced for deliveries, how many deliveries/collections will there be, what will the time for these? A restriction on vehicle size servicing the site should also be attached to the decision notice limiting it to a maximum of 7.5 tonnes to ensure that only suitably sized vehicles enter the site.

7.3 Amenity

- Operating hours at the site should be restricted to 6pm with no working on the weekends.
- There is potential for increase noise from the development which would be detrimental to local amenity. There is potential for toxic fumes from the proposed use, how will these be dealt with?
- Is the proposed business traditionally (noisy) or a digital business, and would the noise implications of either of these uses be?
- How will printing inks and solvents be appropriately dissolved of?
- How would the external appearance of the building be affected?
- Any advertising at the entrance would be inappropriate to the local area which is predominantly residential.

7.4 Principle

- The area is residential and not business and this should be retained. If the listed status of the building was removed there would be more potential for a residential development at the site. The proposal should be located in an appropriate purpose built development and not in a residential area.

7.5 Other

- How will noise and fumes affect any nearby wildlife?
- Will there for any future opportunities for local employment at the business?
- How many people will be employed at the site?
- Will the development retain the mature trees at the site?
- All materials should be stored internally in a safe location to prevent anti-social behaviour from occurring at the site which has happen since the building was left empty.

7.6 Cllr Munro has made the following comments as an Almondbury Ward Councillor:

I am concerned about access to the property which is off a narrow road on a hill. The printing company that is planning to be on the site is well known in Huddersfield and I am concerned about the rise in the number of vehicles using the road on a daily basis. Lascelles Hall Rd was built to serve the local villages only. Nowadays it is used as a cut through by many vehicles between Wakefield Rd and Kirkheaton and the shopping outlets at Waterloo.

Access to the site is gained just below a bend in the road and does not appear to be suitable for the number of planned parking places totalling 18. In addition to customer parking there will be deliveries too.

Additionally some business customers may be inclined to park on Lascelles Hall Rd which is too narrow, and would make the road more dangerous, so I ask that a condition be attached to the terms of the planning consent that parking on the roadside is prohibited.

There appear to be several objections ranging from access and egress onto Lascelles Hall Rd, a potential shared access problem with existing residents, there is no delivery plan and no storage plan. I am also concerned about the change of use from residential institution to printing business ...

7.7 Kirkburton Parish Council – no comments received.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**
None

8.2 **Non-statutory:**

- **KC Highways DM** – No objections subject to conditions
- **KC Environmental Services** – no objections subject to conditions
- **KC Conservation and Design** – no objections

9.0 MAIN ISSUES

- Principle of development
- Economic Impact
- Design and Heritage
- Highway Safety
- Residential Amenity
- Ecology
- Environmental Issues

10.0 APPRAISAL

Principle of development

10.1 The site is located within land that is unallocated within the Unitary Development Plan and without designation in the Publication Draft Local Plan. Consequently there is a presumption in favour of sustainable development provided any proposed development accords with the development plan – unless material considerations indicate otherwise.

10.2 The main factors to be considered would be, in brief, the level of amenity the development would provide for future occupiers, any impacts on neighbouring land and buildings, and any implications for highway safety, heritage, ecology and drainage.

10.3 The following NPPF policies are relevant here:

- Achieving sustainable development – planning decisions drive and support sustainable economic development, promote mixed use developments, focus significant development on locations that are or can be made sustainable, secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Achieving well-designed places – planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments.
- Conserving and enhancing the natural environment – to minimise the impact on biodiversity and where possible enhance this.

- Conserving and enhancing the historic environment – The character and significance of heritage assets, including Listed Buildings, should be conserved and where possible enhanced.
- 10.4 Within the UDP, Policy D2 sets out the main factors to be considered in applications on land which is not subject to specific policies or allocations in the UDP, which include visual and residential amenity.
- 10.5 Policies BE1 and BE2 require that development should respect visual and residential amenity, contribute to a sense of local identity, take into account the topography of the site, and incorporate existing or proposed landscaping features as part of the development. New dwellings (including those formed by conversion) should also adhere to the minimum distance standards in Policy BE12 unless other considerations such as changes in level indicate that these can be relaxed.
- 10.6 Policy T10 requires that development should not be allowed to create or materially add to highway safety problems, while Policy T19 states that development should provide parking in accordance with UPD (appendix 2) standards unless they can be reduced without highway safety being affected.
- 10.7 There are no policies in either the UDP or PDLP relating specifically to the change of use of existing residential homes.
- 10.8 When making decisions on planning applications for development that would affect a Listed Building or its setting, there is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged.
- 10.9 Within the Publication Draft Local Plan (PDLP), PLP7 is of relevance. This encourages the reuse or adaptation of vacant or underused land or properties. The other PLP policies listed above, 9, 20-21, 24, 30, 35 and 57, cover similar issues to the NPPF and UDP policies already listed.

Economic Impact

- 10.10 Consideration of the economic impact of the development is a key consideration given that the site is detached from a main local centre and is located on the edge of Huddersfield. Planning Officers consider that the proposed printing business represents a B1(c) use which covers light industry. Whilst it is noted that light industry can cover a variety of different uses and the proposed printing business would have a significant B1 (a) office element, in its operation, the printing business would require printing machines to create the goods for customers and this element is considered to take it beyond the sole B1 (a) office classification. Given that it is considered to represent a light industrial uses the proposal would not represent a main town centre use.

- 10.12 Whilst not repressing a main town centre use it is considered that the location is possibly not ideal from the point of view of accessibility by a range of means of transport. However the location is within an existing built-up area close to Huddersfield and it would involve the re-use of an existing building which is Grade II listed and which has been empty of a significant period of time thereby supporting the aims of PLP7.
- 10.11 In principle the use would benefit the local economy and protect jobs with the applicant currently employing 13 people it would support the aims of sustainable development, thereby supporting the aims of the National Planning Policy Framework, subject to an assessment of highway safety, design and heritage, amenity and all other material planning considerations.

Design and Heritage

- 10.12 The host property is Grade II listed and the impact of the development on the listed building is an important consideration. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act needs to be considered which requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 10.13 The allied listed building application 2018/92566 considers the works to the listed building in detail where the application has been assessed by KC Conservation and Design, Historic England and the Ancient Monuments Society.
- 10.14 The property's listed description is as follows:
Large detached house. Built late C18 for the Walker family on a site occupied by the Lascelles family c. 1175 (Redmonds). Later addition, in keeping, to left. Ashlar with raised quoins. Hipped stone slate roof with ashlar stacks. Moulded eaves cornice with blocking course. Two storeys. Symmetrical 5-bay facade. The centre bay breaks forward and is pedimented. Sash windows with no glazing bars. Central doorway with moulded surround is set in a rounded recess with 2 columns and flanking pilasters. These are surmounted by an entablature with a smaller segmental pediment. Stone stairs lead to the doorway with low side wall with large ball finials. To the left is a 2-bay later addition in keeping. Shuttered windows. Interior not inspected.
- 10.15 The Conservation and Design Officer and Historic England raise no objections to the proposal. There is only limited historic fabric left within the building after alterations to form the care home and these elements would be retained by the proposal. It is noted that the Ancient Monuments Society have objected to the development due to the limited detail provided with regard to the works to the building and further information has been provided by the applicant. The further information has described the extant of works.
- 10.16 In terms of the works proposed the application would entail the removal of the first floor flat roof fire escape reducing this in height and the installation of a lean too roof. It is considered that the removal of this element would enhance the appearance of the building and the heritage asset.

- 10.17 Internally works would include the removing a number of stud wall partitions at the ground floor level along with the removal of a lift, reinstating the floor plan into its original form which is supported by Officers. At first floor level the opening for the fire escape/extension would be blocked up and other stud walls would be taken down to open up different parts of the building including creating a large open plan space. The forming of the open plan space would have the most significant impact on the heritage asset and it is acknowledged that this would be have a harmful impact upon the significance of the listed building, though this is considered to lead to less than substantial harm.
- 10.18 The Conservation Officer has advised that the alterations in the main do not alter the significance of the building and as such do harm the building, in many cases the building will be brought back to the original floor plan. The area of harm is the work to open up the corridor of the first floor which is quite a major intervention. Where there is harm and in this case it is felt to be less than substantial harm as defined by the NPPF, such harm should be balanced against the public benefits the proposal brings including securing its optimum viable use. Where the harm occurs in this case it is for the purpose of creating a residence for the proprietor of the printing business that uses the ground floor. The hall was constructed as a residence and as such the alterations return it back to its original use, with the printing company using part of the building. It is considered that theses uses provide the optimum use for the site, which has been vacant for a considerable period, and this long term use balances the harm to the listed building.
- 10.19 In conclusion the proposed works to the listed building would comply with the aims of UDP Policies BE1-2, PLP35 of the PDLP paragraphs 190, 192 and 196 within Chapter 16 of the NPPF, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act.

Highway Safety

- 10.20 With regards to highway safety the application has been assessed by Highways Development Management (HDM). It is noted that highway safety issues have been raised as a concern by local residents a local ward Councillor. In light of these concerns Planning Officers have secured additional highway information from the applicant to enable a more detailed assessment.
- 10.21 The proposal would employ 13 full time staff and 17 parking spaces have been provided. The applicant has also provided details of collection and delivery arrangements for the products which are produced and the materials which are used. They have stated:
- Collections and deliveries would be via the main entrance.
 - On average there would be between 2-3 collections per day with the majority of print runs being small scale and provided on a short turnaround.
 - Other finished products would be collected once per day by Parcel Force at 3.30pm in a long wheel base van.
 - In terms of other collections, paper recycling would be collected twice per week via short wheel base vans.
 - Supplies would be delivered throughout a month when needed, usually in vans with an estimate of one delivery per day.

- 10.22 The above additional information has been considered by Planning and Highway Officers and from the information available it is anticipated that the proposal would lead to between 4- 5 collections per day with one delivery per day. In addition there would be movements from staff coming to and from the site.
- 10.23 It is noted that the previous care home use at the site would have generated traffic from staff and visitor cars and there would have been deliveries to and from the site. Officers consider that based on the information provided that the trip generation for the proposed use would not be significantly greater than the previous use and the impact of the development on the local highway network would therefore be similar. It is noted that if the business were to expand this could potentially lead to additional movements, however the proposed parking arrangements are considered to meet the necessary parking standards and for the majority of access to and from the site is contained within the development site and away from adjacent residential properties.
- 10.24 The applicant has confirmed that the access which runs to the north of nos 78 – 78d Lascelles Hall Road would not be used for this proposal. They have however advised that building to the rear of the main hall which falls within the blue line ownership boundary will at some stage in the future be refurbished into accommodation for the parents of the applicant. Access to this dwelling will use the access to the north east which is the current arrangement. This is considered to be acceptable given that it would serve one dwelling only.
- 10.25 A restriction on hours of use to between 8 am to 6pm Monday to Friday is considered appropriate to limit unsocial hours of deliveries or collections as detailed in the amenity section below and would ensure that the highway arrangements for the site are compatible with the adjacent residential properties. In addition a scheme of details for signage to advise delivery drivers of the appropriate access to the site, including the use of the one-way system, will also be conditioned. It is envisaged that signs would be limited in number and of a small scale with the aim to aid delivery drivers attending the site. Finally to ensure that deliveries to the site are carried out in accordance with the details submitted and in the interests of highway safety but to permit some flexibility to allow the final arrangements to be established, the submission of a traffic management plan will be conditioned, to be provided before the use commences.
- 10.26 Turning to waste collection the applicant has provided a plan which details a bin storage enclosure that would be constructed from timber 1.8 metres high and swept path analysis to demonstrate that the site can be accessed by a refuse truck. These arrangements are considered to be acceptable for refuse at the site and the bin storage facility will be conditioned to be provided before the use beginning. The swept path analysis has also demonstrated that the site can be accessed by a fire tender which is considered to be acceptable. These arrangements are considered to be acceptable as the existing one way system will be retained by the development and will allow acceptable access to the site for the various different vehicles. A condition regarding the appropriate surfacing and marking out of parking areas is also attached to the recommendation in the interests of highway safety.
- 10.27 In conclusion it is considered that the proposal would comply with the aims of Policies T10 and T19 of the UDP and PLP21-22 of the PDLP.

Residential Amenity

- 10.28 In terms of residential amenity, the closest properties to the proposal are no.s 78 -78d located Lascelles Hall Road to the north east and 1 -7 Owl Mews to the east. The provision of a new residential dwelling needs to consider space about dwelling distances to these adjacent properties and impact of the proposed printing business from any potential noise or disturbance impact. The application has also been assessed by Environmental Services.
- 10.29 Distances from the Hall to the site boundaries are in excess of those required under Policy BE12, and as the building has an established residential use, it is not anticipated that the formation of an apartment would be problematic from a planning point of view, either in terms of providing an acceptable standard of living for future occupants, or in terms of the impact it would have on other properties in the vicinity of the site.
- 10.30 The proposed business on site, is not likely to generate high levels of noise, it is a digital printing business, and it is anticipated that on this basis it would be able to operate without giving rise to loss of amenity to residential properties in the vicinity of the site. It is noted that two extraction fans would be installed within the development on the rear elevation to serve the printing business. Limited information has been provided in relation to the noise that could be generated from the fans. In the interests of protecting local amenity a condition regarding the submission of specific details for the fans will be attached to the decision notice.
- 10.31 Environmental Services have raised no objections to the proposal but have advised that the two uses should be tied to ensure that the first floor apartment is not used as an independent unit, this can be conditioned. They have also raised concern regarding the future use of the rear cottage which is located within the blue line ownership boundary of the applicant but it is to be used by the applicant's parents as a dwelling at some point in the future. Given that the cottage is attached to the building in close proximity and to ensure the amenity of the future occupiers of the cottage is protected for the long term, a noise report will need to be submitted to demonstrate that there would be acceptable impact on residential amenity.
- 10.32 It is also advised that the hours of use at the site is restricted to protect wider amenity. The applicant has advised that the business would operate between 8.30 to 5.30 Monday to Friday, however to allow some additional flexibility whilst protecting local amenity hours of 8am to 6pm Monday to Friday with no actives on Saturday, Sundays or bank holidays are considered to be reasonable.
- 10.33 In conclusion the proposal subject to the conditions set out above is considered to have an acceptable impact on local amenity and would accord with Policies D2, PLP24 and PLP52.

Ecology

- 10.34 The site is located within the bat alert layer (meaning, an area in which bats have been sighted and in which they may forage and roost if the conditions are suitable). As the proposal is for change of use to a building that is already in a form of 'residential' use, it would seem very unlikely that it would have any impact on bats even if the building has bat roost potential. However as it is an offence for anyone intentionally to kill, injure or handle a bat, or disturb a roosting bat a note will be added to recommendation regarding bats.

Environmental issues

Air quality:

- 10.35 In accordance with guidance on air quality mitigation, outlined within the Planning Practice Guidance, West Yorkshire Low Emissions Strategy, Chapter 10 of the NPPF and PLP24, Environmental Services have recommended that an electric vehicle recharging point should be installed for the proposal. This request is considered reasonable given the policy context and a condition will be attached to the decision notice.

Representations

- 10.36 13 representations have been received in total, a summary of the points raised along with a response is set out below:

10.37 *Highways*

- The proposal would lead to a significant increase in vehicular movements to and from the site from staff and deliveries. Traffic on Lascelles Hall Road is already heavy, is over capacity and vehicles travel in excess of the speed limit. The entrance is on a bend with poor visibility and there is potential for increased risk of accidents from the development with the increased movements that would be generated.

Response: As set out above in the highways section, vehicular movements to and from the site are not considered to be materially greater than that of the properties previous use as a care home. The existing point of access would be utilised which provided acceptable sight lines given that the development is not considered to lead to a material intensification of the site. Lascelles Hall Road is a 30mph road and markings are present to advise drivers to 'slow' as the road goes round the bend. In light of these circumstances the proposal is considered to have an acceptable impact on highways safety.

- There is on street parking on Lascelles Hall Road which makes access more difficult.

Response: This point is noted, however the site provides 17 off street parking spaces within the site which is considered to be sufficient for the development and meets the necessary parking standards.

- Any use of the rear access should be prevented as this goes around 7 cottages, is single width and has experienced damage from vehicles trying to use the access.

Response: The road referred to would not be used by this development and falls outside of the application red line boundary. Access to the development would be via the front entrance with parking spaces as provided to the front of the building.

- How will the site be serviced for deliveries, how many deliveries/collections will there be, what will the time for these? A restriction on vehicle size servicing the site should also be attached to the decision notice limiting it to a maximum of 7.5 tonnes to ensure that only suitably sized vehicles enter the site.

Response: As set out above in the highways section, the applicant has provided additional information in relation to deliveries and collection to the site advising that there would be between 4-5 per day mainly via long wheeled based vehicles. Given the nature of the local road network a restriction on the use of vehicles is considered to be appropriate, however the most appropriate method to achieve this would be via a traffic management plan which can be secured by condition.

10.38 Amenity

- Operating hours at the site should be restricted to 6pm with no working on the weekends.

Response: Hours of use would be restricted to 8am to 6pm Monday to Friday with no working at weekends.

- There is potential for increase noise from the development which would be detrimental to local amenity. There is potential for toxic fumes from the proposed use, how will these be dealt with?
- Is the proposed business traditionally (noisy) or a digital business, and would the noise implications of either of these uses be?
- How will printing inks and solvents be appropriately dissolved of?

Response: The printing element of the business would be via photocopy type machines with computers used to process the work and there would be no fumes generated by the development. Paper, cardboard and ink cartridges would be disposed of in an 'environmentally friendly way with collections twice per week'.

- How would the external appearance of the building be affected?

Response: The only external works to the building would be the reduction of a side extension removing a first floor flat roof extension. It is considered that this alteration would improve the appearance of the building.

- Any advertising at the entrance would be inappropriate to the local area which is predominantly residential.

Response: No advertising at the entrance or on the host building is proposed and any sign would be subject to a separate application.

10.39 Principle

- The area is residential and not business and this should be retained. If the listed status of the building was removed there would be more potential for a residential development at the site. The proposal should be located in an appropriate purpose built development and not in a residential area.

Response: As set out above the location whilst predominantly residential in nature is considered to be acceptable and the development would also bring a currently empty listed building back into use. The building is listed due to predominantly due to its external features which are considered to have significant historic value.

10.40 Other

- How will noise and fumes affect any nearby wildlife?

Response: It is considered that the development would be a low generator of noise and it is not considered that it would lead to any adverse impact on local wildlife.

- Will there for any future opportunities for local employment at the business?
- How many people will be employed at the site?

Response: 13 people are employed at the site any future employment operations would be at the discretion of the applicant.

- Will the development retain the mature trees at the site?

Response: The majority of the trees at the site are covered by a preservation order, the applicant does not proposed to do any works to these trees under this development and has advised that they would look to enhance to the local landscape by appropriately maintaining the site.

- All materials should be stored internally in a safe location to prevent anti-social behaviour from occurring at the site which has happen since the building was left empty.

Response: Whilst no specific details have been provided, it is considered that materials for the development would be located internally within a safe and secure place.

10.41 Cllr Munro

Cllr Munro has made the following comments as an Almondbury Ward Councillor:

- *I am concerned about access to the property which is off a narrow road on a hill. The printing company that is planning to be on the site is well known in Huddersfield and I am concerned about the rise in the number of vehicles using the road on a daily basis. Lascelles Hall Rd was built to serve the local villages only. Nowadays it is used as a cut through by many vehicles between Wakefield Rd and Kirkheaton and the shopping outlets at Waterloo.*

Access to the site is gained just below a bend in the road and does not appear to be suitable for the number of planned parking places totalling 18. In addition to customer parking there will be deliveries too.

Additionally some business customers may be inclined to park on Lascelles Hall Rd which is too narrow, and would make the road more dangerous, so I ask that a condition be attached to the terms of the planning consent that parking on the roadside is prohibited.

There appear to be several objections ranging from access and egress onto Lascelles Hall Rd, a potential shared access problem with existing residents, there is no delivery plan and no storage plan. I am also concerned about the change of use from residential institution to printing business ...

Response: As set out above the parking and access arrangements are considered to be acceptable for the proposed development and sufficient parking provision is provided within the site. The proposed use is considered to be acceptable for the site and the development would have the benefit of being a Grade II listed building back into use.

The application provides sufficient space for employees and occupiers of the building to park on site. There is no justification for a Traffic Regulation Order to be sought to restrict parking on the roadside. A planning condition stating that parking on the roadside is prohibited would not meet the tests for conditions as set out in paragraph 55 of the NPPF.

11.0 CONCLUSION

11.1 In conclusion the proposal would bring an existing empty listed building back into use and support the expansion of a local business whilst also maintaining the protection of local amenity. As such the proposal is considered to represent sustainable development.

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

1. Development in 3 years
2. In accordance with the plans
3. Roofing tiles to match existing
4. Making good of stonework to matching existing walling.
4. Tying the use of business to the apartment
5. Hours of use for business, including deliveries, 8 am to 6pm Monday to Friday only.
6. Surfacing and marking out parking provision before use commencing.
7. Submission of traffic management plan before use commencing.
8. Submission of details for the installation of small scale directional signs for deliveries, including reference to the informal one-way system
9. Provision of electric vehicle parking point.
10. Submission of details of noise from fans before installation.
11. Provision of bin storage before use commencing and being retained thereafter.
12. Submission of a noise report to demonstrate the amenity of the cottage is protected by the proposed use.

Background Papers:

Application and history files.

Website link <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92565>

Certificate of Ownership – Certificate B: Notice served on the owner of the site.

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 01-Nov-2018

Subject: Planning Application 2018/92219 Erection of single storey rear extension 20, Standiforth Road, Dalton, Huddersfield, HD5 9HD

APPLICANT

Mr Ali

DATE VALID

09-Jul-2018

TARGET DATE

03-Sep-2018

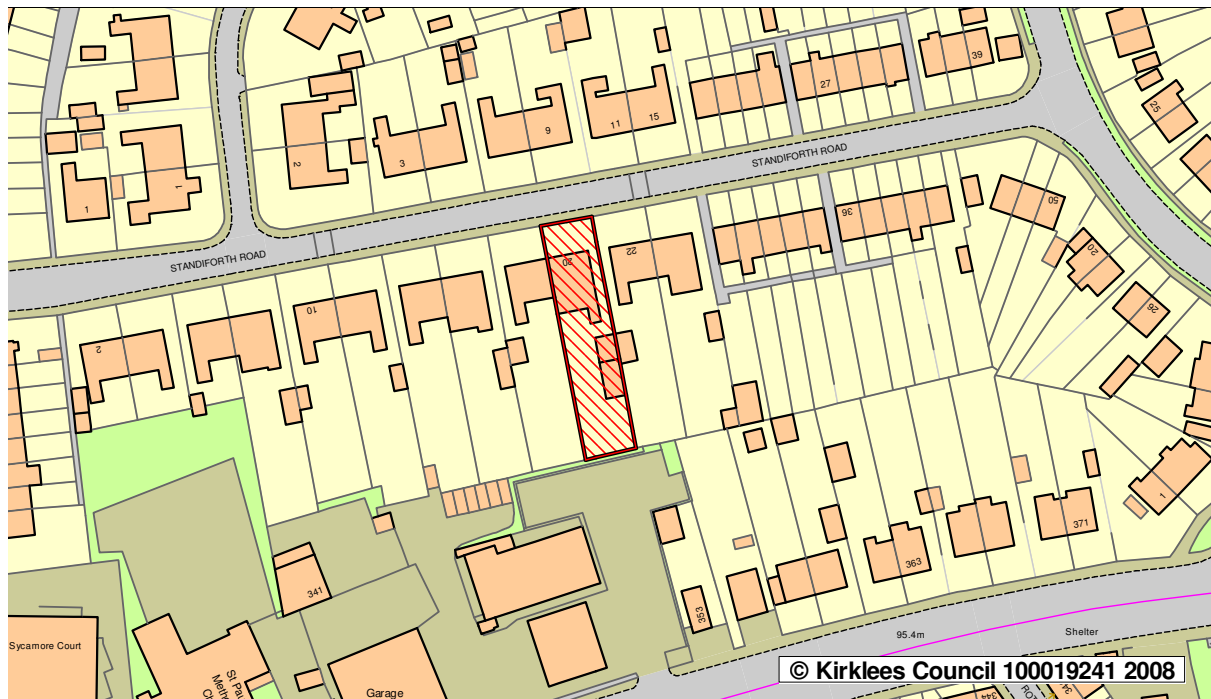
EXTENSION EXPIRY DATE

07-Nov-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



Electoral Wards Affected: Dalton

N

Ward Members consulted

RECOMMENDATION: REFUSE

1. The proposed extension, given the size and width of the plot and the degree to which the dwelling has already been extended, would amount to overdevelopment, resulting in a development out of keeping with its surroundings, and the cumulative scale of extensions would not be subservient to the original building, contrary to the aims of Policies BE1 (ii) BE2(i) and D2 (ii) and (vi) of the Unitary Development Plan and PLP24(c) of the Publication Draft Local Plan.

2 The proposed extension, by reason of its scale and close proximity to the side boundary, would be harmful to the amenities of adjoining residential property at no. 18 Standiforth Road, contrary to the aims of Policies BE14 and D2 (v) of the Unitary Development Plan and PLP24(c) of the Publication Draft Local Plan.

1.0 INTRODUCTION:

1.1 This application is brought before Sub-Committee for determination at the request of Ward Councillor Musarrat Khan.

1.2 Cllr Khan's reason for requesting a Sub-Committee decision is as follows: "I would like this application to be referred to committee on the basis that the loss of visual amenity is a matter of opinion rather than fact. There are no objections received from neighbours and the elevation of the proposed extension is at an angle of 3 metres. The properties are also separated by bushes and shrubbery. For these reasons the effect on the neighbouring property would be minimal. I understand the reasons for the policy in terms of overdevelopment, however in this instance the size of the garden needs to be a consideration. The extension would still leave an exceptionally long garden and the property wouldn't be overbearing."

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

2.0 SITE AND SURROUNDINGS:

2.1 20 Standiforth Road, Dalton, is a semi-detached dwelling, the right-hand half of a pair, located on the south side of the highway. Originally single-storey, it has had living accommodation formed at first floor by the construction of a full-width, flat-roofed dormer at the rear and twin dormers at the front. It has also been substantially extended to the rear. The rear dormer extends out beyond the

original eaves of the roof. The existing extensions at the rear comprise a single-storey full-width extension projecting approximately 3m and a further single-storey extension to the original kitchen which is a projecting structure positioned towards the eastern end of the dwelling, bringing it out to the rear by a further 2.5m. The walls are part stone, part rendered, with a tiled roof.

- 2.2 The site is near level without any steep gradients. There is a paved area for parking at the front and a driveway at the side of the house. The surrounding development (nos. 2-24 and 3-15) consists of housing of the same design. There is a terraced row further to the east.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of a single-storey rear extension. This would be flat roofed and project a further 3.5m beyond the existing lean-to rear extension, bringing it in line with previous kitchen extension, to which it would be joined. The finished extension would therefore project 6.5m beyond the original main rear wall. It would be in the form of a conservatory with a solid west side wall in rendered blockwork. All walling to the rear elevation would be coursed stone.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 91/02891 – Erection of sun lounge. Granted.
92/05092 – Erection of single storey extension. Granted.
2009/93469 – Alterations to roof to form dormers. Approved.
2010/91490 – Alterations to roof to form dormers and rear balcony. Refused. The raised balcony would represent an incongruous feature over the existing conservatory and would exaggerate the box-like design of the already large dormer extension. It would cast shade and be an overbearing presence on no. 18.

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

- 5.1 The applicant was informed that the proposal was considered unacceptable in its present form and was asked to consider amending the plans to keep the enlarged kitchen only but not the conservatory extension. The applicant chose not to pursue this option so the application is being considered on the basis of the originally submitted 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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 The site is unallocated within the UDP Proposals Map.

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)

6.3 The site is without designation on the Draft Local Plan.

- **PLP 1** – Presumption in favour of sustainable development.
- **PLP 2** – Place shaping.
- **PLP21** – Highway safety and access.
- **PLP24** – Design.

National Planning Guidance:

6.4 National Planning Policy Framework (NPPF)

Chapter 2 – Achieving sustainable development

Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by a site notice and by individual letters to neighbours. The publicity period ended on 15-Aug-2018.

No representations were made by members of the public. Councillor Musarrat Khan – See “information” above.

8.0 CONSULTATION RESPONSES:

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

8.2 **Non-statutory:** No consultations were undertaken.

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. 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 including the avoidance of overdevelopment, visual and residential amenity, and highway safety]”.
- 10.2 Other policies of relevance in the UDP are Policy BE1 (development should be visually attractive and retain a sense of local identity), BE2 (development should be in keeping with its surroundings), BE13 (extensions should respect the design features of the existing house), BE14 (a rear extension to semi-detached dwellings will normally be permitted if it does not exceed 3.0m in overall projection) and T10 (development should not create or materially add to highway safety problems).
- 10.3 Policies PLP21 (highway safety) and PLP24 (design) within the PDLP can be given considerable weight. All these considerations are addressed later in this assessment. PLP24 states that proposals should ensure that extensions are subservient to the original building as well as being in keeping with the existing building in terms of scale, materials and details and minimising impact on residential amenity.

Urban Design issues

- 10.4 The property has already been substantially extended, especially at the rear, both at ground and first floor. The overall scale of the extensions already built is approaching the point at which they are no longer subservient to the original building and the question arises of whether any further extensions would be compatible with the aims of PLP24, as well as the aim of avoiding overdevelopment and ensuring that development is in keeping with its surroundings as set out in Policies D2 and BE2. The rear garden is quite long but the plot is narrow and it forms part of a row of closely-spaced dwellings. The extensions so far built amount to an increase of about 43% on the original footprint; the increase in bulk would be greater than this because it would include the dormers which have added bulk but no footprint. With the extension now proposed there would be a 75% increase on the original footprint.
- 10.5 The applicant was asked, during the application process, to consider a compromise by which the extension would be modified so as to consist only of a widening of the existing kitchen by 1.3m and without the additional 4.5m width of the conservatory extension, but chose to have the application determined on the basis of the existing plans.

- 10.6 There is no opportunity remaining to extend the dwelling under permitted development rights. Under Schedule 2, Part 1 Class A (g) of the Planning (General Permitted Development) Order, a single-storey rear extension of up to 6m can be built without planning permission subject to it meeting the other criteria in Class A, and subject to the prior notification procedure. However, where a house has already been extended to the rear, it is the cumulative structure resulting from the old and proposed extensions put together that is counted. In this instance the combined or cumulative extension would not be permitted development because it would incorporate first-floor accommodation in the form of a dormer which extends beyond the original rear elevation of the property.
- 10.7 Furthermore, it should be noted that as it projects beyond the original west side wall of the original kitchen, and is more than half the width of the original dwelling house, it would fail the test in Class A (j). This is because in the case of any new extension linked to an existing extension, the whole has to be considered as one development for GPDO purposes, and if the enlarged part of the dwelling extends beyond “a wall forming a side elevation of the original dwellinghouse” – not necessarily the main side wall – it is not permitted development if it fails to comply with the criteria in Class A (j). This interpretation is supported by page 23-29 of the “Permitted development rights for householders – technical guidance”. There is therefore no permitted development fall-back position.
- 10.8 It is considered that the design, details and choice of materials for the proposed extension are not harmful to amenity in themselves, and that an extension of this design could prove acceptable to a building that had not been previously extended, or had a very wide and large curtilage. But in this context, given the degree to which the original building has already been extended, the extension now proposed would be clearly disproportionate and would amount to overdevelopment. It would therefore be in conflict with the aims of Policies BE1(ii), BE2(i) and D2(ii and vi) of the UDP, and PLP24(c) of the PDLP.

Residential Amenity

- 10.9 The proposed extension would, cumulatively, project 6.5m, or 3.5m beyond the 3.0m recommended under Policy BE14 for semi-detached dwellings. It would have no impact on no. 24, the adjacent property to the east because it would not project beyond the existing kitchen extension.
- 10.10 But it is considered that it would have a significant impact on no. 18 which is the adjoining property to the west. The proposed extension would extend across the whole of the rear elevation of the existing conservatory, leaving no space before the common boundary. It would result in greater restriction of light, including direct sunlight, to rear facing windows in no. 18, and in addition would be likely to lead to a greater sense of enclosure and a loss of open aspect. It is considered that this would be harmful to the residential amenity of this property, contrary to the aims of Policies BE14(ii) and D2(v) of the UDP and PLP24(c) of the PDLP.

Highway issues

- 10.11 The proposed development would have no implications for highway safety as it would not affect existing parking or access arrangements.

Representations

10.12 Councillor Musarrat Khan's comments are noted and are summarised here together with officer responses:

- The loss of visual amenity is a matter of opinion rather than fact.
- There are no objections received from neighbours and the elevation of the proposed extension is at an angle of 3 metres.
- The properties are also separated by bushes and shrubbery.
- For these reasons the effect on the neighbouring property would be minimal. I understand the reasons for the policy in terms of overdevelopment, however in this instance the size of the garden needs to be a consideration. The extension would still leave an exceptionally long garden and the property wouldn't be overbearing.

The impact on visual amenity for any proposal is a matter of professional judgement for planning officers taking into account the merits of each individual application. It is subjective but is considered in light of planning policies and an assessment of the site itself and relationship with surrounding land and property. It is considered however that given the degree to which the property has already been extended, and the narrowness of the plot, the extension proposed would cumulatively lead to the appearance of overdevelopment and would fail to respect the character of the existing dwelling and its surroundings. Furthermore, the absence of public objection to a proposal does not automatically mean that it is acceptable if there are valid planning reasons for opposing it.

Other Matters

10.13 The proposal is not considered to raise any further material planning issues.

11.0 CONCLUSION

11.1 Given the width of the plot, the size of the curtilage, and the degree to which the original building has already been extended, the extension now proposed would amount to overdevelopment, resulting in a development out of keeping with its surroundings, and the cumulative scale of extensions would not be subservient to the original building. Furthermore it would be harmful to the amenities of adjoining residential development owing to its scale and close proximity to the side boundary. It would therefore be in conflict with the aims of Policies BE1(ii), BE2(i) and D2(ii, v and vi) of the UDP and PLP24(c) of the PDLP.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92219>

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