

Public Document Pack



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

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Wednesday 16 January 2019

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 24 January 2019**.

(A coach will depart the Town Hall, at 11.00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber at Huddersfield Town Hall.)

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

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

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Planning Sub-Committee (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

Under the Provisions of Council Procedure rule 35(8) Councillor John Lawson will substitute for 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 - 16

To approve the Minutes of the meeting of the Committee held on 13 December 2018.

3: Interests and Lobbying

17 - 18

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

4: Admission of the Public

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

5: Deputations/Petitions

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

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

6: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application No: 2018/93073

Erection of three storey side and single storey rear extension and erection of dormers 215, Birkby Road, Birkby, Huddersfield.

(Estimated time of arrival at site – 11:15 am)

Contact Officer: Sam Jackman, Planning Services

Wards Affected: Lindley

8: Site Visit - Application No: 2018/93228

Erection of single storey side and rear extension 10, Quarry Court, Longwood, Huddersfield.

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

Contact Officer: Callum Harrison, Planning Services

Wards Affected: Golcar

9: Local Planning Authority Appeals

19 - 26

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; Dalton

Planning Applications

27 - 30

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

Please note that any members of the public who wish to speak at the meeting must register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 21 January 2019.

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

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

- 10: Planning Application - Application No: 2018/92934** 31 - 44
- Outline application for erection of residential development former Gees Garage, New Hey Road, Outlane, Huddersfield.
- Contact Officer:** Adam Walker, Planning Services
- Wards Affected:** Colne Valley
-
- 11: Planning Application - Application No: 2018/92935** 45 - 56
- Outline application for erection of residential development land adj, former Gees Garage, New Hey Road, Outlane, Huddersfield.
- Contact Officer:** Adam Walker, Planning Services
- Wards Affected:** Colne Valley
-
- 12: Planning Application - Application No: 2018/93212** 57 - 68
- Erection of 3 detached dwellings and garage ancillary to 33, Woodside Lane 33, Woodside Lane, Fixby, Huddersfield.
- Contact Officer:** Adam Walker, Planning Services
- Wards Affected:** Ashbrow
-
- 13: Planning Application - Application No: 2018/93073** 69 - 78
- Erection of three storey side and single storey rear extension and erection of dormers 215, Birkby Road, Birkby, Huddersfield.
- Contact Officer:** Sam Jackman, Planning Services
- Wards Affected:** Lindley
-
- 14: Planning Application - Application No: 2018/93226** 79 - 94
- Erection of two storey extension Brigsteer, 402, Birkby Road, Birkby, Huddersfield.
- Contact Officer:** William Simcock, Planning Services
- Wards Affected:** Lindley
-

- 15: Planning Application - Application No: 2018/93228** 95 - 106
- Erection of single storey side and rear extension 10, Quarry Court, Longwood, Huddersfield.
- Contact Officer:** Callum Harrison, Planning Services
- Wards Affected:** Golcar
-
- 16: Planning Application - Application No: 2018/94098** 107 - 112
- Discharge condition 3 (method statement) on previous permission for Listed Building Consent to remove fire-damaged debris from interior of mill building and weaving shed Newsome Mills, Ruth Street, Newsome, Huddersfield.
- Contact Officer:** Nigel Hunston, Planning Services
- Wards Affected:** Newsome
-
- 17: Planning Application - Application No: 2018/93127** 113 - 120
- Demolition of existing dwelling and erection of replacement dwelling 54, Brockholes Lane, Brockholes, Holmfirth.
- Contact Officer:** Francis Davies, Planning Services
- Wards Affected:** Holme Valley North
-

Planning Update

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

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 13th December 2018

Present: Councillor Terry Lyons (Chair)
Councillor Donna Bellamy
Councillor Nell Griffiths
Councillor Mohammad Sarwar
Councillor Ken Sims
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Bernard McGuin
Councillor Alison Munro
Councillor Hilary Richards

1 Membership of the Committee

Councillor Alison Munro substituted for Councillor Gemma Wilson

Councillor Hilary Richards substituted for Councillor James Homewood

2 Minutes of previous meeting

The Minutes of the meeting held on 1 November 2018 were approved as a correct record.

3 Interests and Lobbying

Cllr Lyons and McGuin declared that they had been lobbied on Item 17.

Councillor Richards declared an 'other interest' in application 2018/90501 on the basis that she had known the family of the applicants for many years.

Councillor Lyons declared an 'other interest' in applicant 2018/92937 on the grounds that he was a member of Meltham Town Council.

Councillor Sokhal declared an 'other interest' in item 18 on the grounds that he had previously commented on and supported local residents to maintain the public rights of way footpaths at Clayton Fields.

Councillor Ullah declared an 'other interest' in item 18 on the grounds that he had previously been involved in facilitating a number of meetings between the developer and objectors.

Councillor McGuin declared an 'other interest' in item 18 on the grounds that he had been involved in a local group that had wanted to establish a village green on the land at Clayton Fields.

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Councillor McGuin declared an 'other interest' in application 2018/92785 on the grounds that in his capacity as a local ward member he had been involved in discussing the application with officers on behalf of local residents.

Councillor McGuin declared he had been lobbied on application 2018/93226.

Councillor Bellamy declared an 'other interest' in application 2018/93508 on the grounds that she was a member of Holme Valley Parish Council

Councillor Bellamy declared that she had been lobbied on applications 2016/91573 and 2018/92216.

Councillor Sims declared that he had been lobbied on application 2018/93508.

Councillor Griffiths declared that she had been lobbied on application 2016/91573.

Councillor Uppal declared that she had been lobbied on application 2017/93847.

Councillor Munro declared that she had an 'other interest' in application 2018/92785 on the grounds that she knew the applicants.

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

The Committee received a question from Councillor Nigel Patrick regarding whether members of planning committees had received training on matters relating to Public Rights of Way.

The Kirklees Development Management Group Leader and the Definitive Map Officer responded on behalf of the Committee to the question.

The Committee received a second question from Councillor Nigel Patrick regarding planning reports and recommendations being completed before the public consultation period had expired. The Kirklees Development Manager Group Leader responded on behalf of the committee.

7 Site Visit - Application No: 2018/91542

Site visit undertaken.

8 Site Visit - Application No: 2018/92934

Site visit undertaken.

9 Site Visit - Application No: 2018/92935

Site visit undertaken.

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10 Site Visit - Application No: 2018/90501

Site visit undertaken.

11 Site Visit - Application No: 2016/91573

Site visit undertaken.

12 Site Visit - Application No: 2018/92937

Site visit undertaken.

13 Site Visit - Application No: 2018/93508

Site visit undertaken.

14 Site Visit - Application No: 2018/92785

Site visit undertaken.

15 Site Visit - Application No: 2017/93847

Site visit undertaken.

16 Local Planning Authority Appeals

That the report be noted.

17 Council stance on the definitive map modification order submitted to DEFRA. Public rights of way and their status at Huddersfield 231, Nether Moor, Huddersfield

The Committee considered a report that outlined the Council's stance on the definitive map modification order submitted to DEFRA. Public rights of way and their status at Huddersfield 231, Nether Moor, South Crosland, Huddersfield.

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

Under the provisions of Council Procedure Rule 37 the Committee received representations from Andy Dunlop and Angela Bradbury.

RESOLVED – That the:

- (1) Interim emergency decision made by the Strategic Director Economy and Infrastructure to submit a case seeking the recording of Huddersfield 231 as a footpath be noted;
- (2) Committee acknowledge the amended officers advice that the Council can in fact support the existence of Huddersfield 231 as a bridleway and endorse the Committee's decision made on 23 November 2017 to authorise the making of an order to record Huddersfield public right of way 231 at Nether Moor as a public bridleway.

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

For: Councillors Griffiths, Lyons, McGuin, Munro, Richards, Sarwar, Sokhal, Uppal and Ullah (9 votes)

Against : Councillors Bellamy and Sims (2 votes)

18 Application for a definitive map modification order to add a public footpath to the definitive map and statement, Clayton Fields, Edgerton. (Application reference 204)

The Committee considered a report that outlined details of an application for a definitive map modification order to add a public footpath to the definitive map and statement, Clayton Fields, Edgerton. (Application reference 204).

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

Under the provisions of Council Procedure Rule 37 the Committee received representations from Jonathan Adamson, Bill McGee (statement read out by Jonathan Adamson) and Mike Woodward (Chair of Marsh Community Forum).

RESOLVED –

- (1) That the Committee conclude that the Definitive Map Modification Order (DMMO) application 204 relates to a dispute over the specific alignment of a route that is already subject to an unconfirmed, undetermined DMMO made by the Council, which is to be submitted to the Secretary of State for determination; and
- (2) That the evidence relating to file 204 should be submitted to the Secretary of state together with the opposed DMMO.

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

For: Councillors Griffiths, Lyons, Munro, Richards Sarwar and Uppal (6 votes)

Against : (0 votes)

Abstained: Councillors Bellamy and Sims

19 Planning Application - Application No: 2016/91573

The Sub Committee gave consideration to 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.

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

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

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. 3 year time limit condition for commencement of the development.
 2. Development to be 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)
 17. Grampian worded condition for improvements to the towpath, in vicinity of the site.
 18. Details of a scheme detailing foul, surface water and land drainage.
 19. Assessment of overland Flows and Flood Routing.
 20. A scheme detailing temporary construction phase flood risk and pollution control.
 21. Details of an emergency draw down facility to drain the mill pond.

22. 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.
23. Full structural assessment of the bridge over the River Colne.
24. Scheme for the provision of road widening, right turn facilities at the Manchester Road junction.
25. Scheme for the provision of works to the access road including widening, vehicle restraint and new footway.
26. Access Sightlines to be provided.
27. Scheme detailing the proposed internal estate roads.
28. Construction Management Plan.
29. Details of the siting, design, structural calculations and material to be used in the construction of retaining walls/ structures near or abutting highway.
30. Private parking spaces/drives surfaced in permeable material.
31. Works to be carried out in accordance with Flood Risk Assessment.
32. Submission of an Intrusive Site Investigation Report (Phase II Report).
33. Remediation Strategy where recommended in the Phase II Intrusive Site Investigation Report.
34. Remediation of the site shall be carried out and completed in accordance with approved Remediation Strategy.
35. A Validation Report in respect of approved remediation measures being carried out.
36. To incorporate necessary measures to minimise the risk of crime in accordance with WY Police Architectural Liaison Officer's comments dated 12th December 2017.
37. A full comprehensive detailed landscape planting and hard landscaping plan, in accordance with Landscape Officers comments dated 16/10/18
38. 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.
39. A detailed travel plan which considers air quality mitigation.
40. Provision of electric vehicle charging points, one for each dwelling/apartment and rapid chargers for every 10 unallocated spaces for apartments.
41. Removal of permitted development rights for dwellings.

(2) Secure a S106 obligation covering 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.

(3) That, pursuant to (2) above, 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 being secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

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

For: Councillors Griffiths, Lyons, Sarwar, Sokhal, Uppal and Ullah (6 votes)

Against: Councillors Bellamy, McGuin and Sims (3 votes)

Abstained: Councillors Munro and Richards

20 Planning Application - Application No: 2018/92934

The Sub Committee gave consideration to Planning Application 2018/92934 Outline application for erection of residential development former Gees Garage, New Hey Road, Outlane, Huddersfield.

RESOLVED – That consideration of the application be deferred to allow the applicants and officers an opportunity to address the outstanding matters relating to highways and drainage.

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

For: Councillors Bellamy, Griffiths, Lyons, McGuin, Munro, Richards, Sarwar, Sims, Sokhal, Uppal and Ullah (11 votes)

Against: (0 votes)

21 Planning Application - Application No: 2018/92935

The Sub Committee gave consideration to Planning Application 2018/92935 Outline application for erection of residential development land adj, former Gees Garage, New Hey Road, Outlane, Huddersfield.

RESOLVED – That consideration of the application be deferred to allow the applicants and officers an opportunity to address the outstanding matters relating to highways and drainage.

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

For: Councillors Bellamy, Griffiths, Lyons, McGuin, Munro, Richards, Sarwar, Sims, Sokhal, Uppal and Ullah (11 votes)

Against: (0 votes)

22 Planning Application - Application No: 2018/92937

The Sub Committee gave consideration to Planning Application 2018/92937
Erection of 50 dwellings and associated works Land south of, Helme Lane,
Meltham, Holmfirth.

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

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 and update list including:
 1. 3 year time limit condition for commencement of the development.
 2. Development to be in accordance with approved plans.
 3. Materials.
 4. Ecological enhancement.
 5. Final levels of dwellings to be approved.
 6. Electric charging points (at least 16 amp).
 7. Contaminated land conditions.
 8. Noise assessment.
 9. Travel Plan.
 10. Landscaping.
 11. Full details of pumping station.
 12. Details of footpath link.
 13. Details of surfacing materials for all hard surfaced areas.
 14. Boundary treatments.
 15. Construction management.
 16. Flood routing.
 17. Drainage scheme to be submitted and agreed
 18. Archaeological investigation and potential watching brief.
 19. Adoptable highway details to be submitted.
- (2) Ensure an acceptable turning head in order to accommodate large vehicles.
- (3) Secure a S106 obligation covering the following matters:
 1. Education - 46,127 towards Honley High School
 2. Public Open Space – Off-site contribution:
 3. £176,351 is required for POS and a LAP = £44,100 towards
Broadlands existing play area and £132,250 towards Broadlands
Public Open Space.
 4. Affordable Housing – 10 units – 5 affordable rent/5 intermediate but
split to be confirmed.
 5. Pumping station to be maintained until adopted by Yorkshire Water.
- (4) That, pursuant to (3) above, 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

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permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits being secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

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

For: Councillors, Griffiths, Lyons, Richards, Sarwar, Sokhal and Ullah (6 votes)

Against: (0 votes)

Abstained: Councillors Bellamy McGuin, Munro, Sims and Uppal.

23 **Planning Application - Application No: 2018/90501**

The Sub Committee gave consideration to Planning Application 2018/90501 Change of use and alterations to part of mill to form 42 residential units and 8 light industrial units (use class B1c) and retention of part of existing retail use (revised description and amended plans) Stanley Mills, Britannia Road, Milnsbridge, Huddersfield.

RESOLVED – That consideration of the application be deferred to allow the applicants additional time to address the outstanding noise issues and put forward any necessary mitigation measures.

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

For: Councillors Bellamy, Griffiths, Lyons, McGuin, Munro, Richards, Sarwar, Sims, Sokhal, Uppal and Ullah (11 votes)

Against: (0 votes)

24 **Planning Application - Application No: 2017/93847**

The Sub Committee gave consideration to Planning Application 2017/93847 Outline application for erection of 36 dwellings land off, Upper Quarry Road and Bradley Road, Bradley, Huddersfield.

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

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

- (1) The proposed development would intensify right-turn movement off Bradley Road through queuing traffic across a live lane at a location with poor intervisibility, and would increase the risk of vehicles running over the footway. The proposed development would therefore have a detrimental impact on highway safety. This would be contrary to Kirklees Unitary

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Development Plan policy T10 and Kirklees Publication Draft Local Plan policy PLP21.

- (2) The proposed development, due to its lack of on-site affordable housing and Public Open Space, related financial contributions to address these requirements off-site and a financial contribution towards education provision, would not sufficiently meet known housing need, would not provide adequate, usable outdoor space for its residents, would not make adequate provision for education, and would not sufficiently mitigate its impacts. This would be contrary to Kirklees Unitary Development Plan policy H18, Kirklees Publication Draft Local Plan policies PLP4, PLP11, PLP49 and PLP63, and chapters 5, 8 and 12 of the National Planning Policy Framework.

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

For: Councillors, Griffiths, Lyons, Sarwar, Sokhal, Uppal and Ullah (6 votes)

Against: Councillors Bellamy and Sims (2 votes)

Abstained: Councillors McGuin, Munro and Richards

25 **Planning Application - Application No: 2018/92785**

The Sub Committee gave consideration to Planning Application 2018/92785 Change of use of land to pub garden and play area The Sun, 137, Highgate Lane, Lepton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Donna Brayshaw (applicant)

RESOLVED – Delegate to the Head of Strategic Investment to approve for a temporary period until end of July 2019 (contrary to the officers recommendation to refuse) subject to the following conditions:

- (1) Use of outside pub garden and play area to finish by 8:00 pm.
- (2) A Management Plan for the supervision and monitoring of the use of the outside pub garden and play area.
- (3) Appropriate signage highlighting the need to be considerate to people living in neighbouring properties.

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

For: Councillors, Bellamy, Griffiths, Lyons, Richards, Sims, Sokhal, Uppal and Ullah (8 votes)

Against: (0 votes)

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Abstained: Councillors McGuin and Munro.

26 Planning Application - Application No: 2018/93508

The Sub Committee gave consideration to Planning Application 2018/93508 Reserved matters application pursuant to outline permission 2016/91502 for erection of one detached dwelling Adj, 1, Spring Lane, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Jill Hayfield and John Sandford (objectors) and Emma Hanks (on behalf of the applicant).

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

RESOLVED –

- (1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic.
- (2) Complete the list of conditions including those contained within the considered report including:
 1. Development to be done in accordance with plans.
 2. Roofing samples to be provided
 3. Referenced windows to be obscure glazed
 4. Bat box to be provided
 5. Remove referenced Permitted Development rights
 6. Parking to be provided and retained
- (3) Amend the boundary treatment condition (number 7 in the report) to an erection of a five foot stone wall along the full length of the shared boundary.

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

For: Councillors, Bellamy, Griffiths, Lyons, McGuin, Sims , Sokhal, Uppal and Ullah (8 votes)

Against: Councillor Richards (1 vote)

Abstained: Councillor Munro.

27 Planning Application - Application No: 2018/92216

The Sub Committee gave consideration to Planning Application 2018/92216 Erection of 5 dwellings land off, Netherley Drive, Marsden, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Amanda Tattersall (objector).

RESOLVED – That the application be refused in line with the following reasons outlined in the considered report and the update date list:

- (1) The site is allocated as Provisional Open Land within the Kirklees Unitary Development Plan and Safeguarded Land within the emerging Kirklees Publication Draft Local Plan. While the Council is unable to demonstrate a five year housing land supply, because the site has been through Appropriate Assessment the tilted balance through the presumption in favour of sustainable development does not apply. The benefits of the proposal, including the housing provision, does not in this situation justify the loss of Provisional Open Land. To approve the development would be in breach of Policy D5 of the Kirklees Unitary Development Plan and Policy PLP6 of the Kirklees Publication Draft Local Plan.
- (2) The proposed dwellings, by virtue of their mass, scale and height, would fail to respect the character of the surrounding area. Furthermore the proposal proposes significant retaining works and walls which would also fail to harmonise with the surrounding built environment. To approve the development would be in breach of Policies BE1 and BE2 of the Kirklees Unitary Development Plan, PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.
- (3) The proposed development seeks the pumping of surface water as a drainage solution. Insufficient justification has been provided to evidence that alternative methods of drainage have been appropriately explored and discounted. To approve the scheme would be contrary to Policy PLP28 of the Kirklees Publication Draft Local Plan and the aims and objectives of Chapter 14 of the National Planning Policy Framework.
- (4) There is no information supporting the application relating to requirements to support local infrastructure. A S106 agreement is required to ensure contributions towards Public Open Space and play equipment. The proposed development, therefore, fails to achieve the requirements of Policy H18 of the Kirklees Unitary Development Plan, PLP4 and PLP47 of the Kirklees Publication Draft Local Plan and the aims and objectives of Chapter 8 of the National Planning Policy Framework.

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

For: Councillors, Bellamy, Griffiths, Lyons, McGuin, Richards, Sims, Sokhal, Uppal and Ullah (9 votes)

Against: (0 votes)

Abstained: Councillor Munro.

Planning Sub-Committee (Huddersfield Area) - 13 December 2018

The Sub Committee gave consideration to Planning Application 2018/91838 Outline application for erection of residential development Land off, Burn Road, Birchencliffe, Huddersfield.

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

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 contaminated land issues.
 3. Detailed drainage design including future maintenance and management of surface water infrastructure.
 4. Provision of footway to site frontage.
 5. Detailed road junction design.
 6. Internal estate road design.
 7. Noise report and mitigation.
 8. Ecological Design Strategy.
 9. Sustainable travel contribution.
 10. Construction management plan.
 11. Scheme for dust suppression during construction.
 12. Scheme for archaeological investigation.
 13. Provision for footpath link to Birchencliffe Recreation Ground/PROW HUD/405/10.
 14. Electric vehicle charging points to be provided.
 15. Stand-off distances to drainage infrastructure.

- (2) Secure a S106 agreement covering the following matters:
 1. Education contribution (figure to be established once the number of dwellings on the site is known and taking into account development on land to the north).
 2. Affordable housing (20% of the total number of units on the site).
 3. Public Open Space (form of provision to be established following master planning exercise and once the number of dwellings on the site is known; to include provision/contribution towards play facilities and provision of a link to Birchencliffe Recreation Ground)
 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)
 5. Sustainable travel contribution (figure to be established once the number of dwellings on the site is known)

- (3) That, pursuant to (2) above, 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

Planning Sub-Committee (Huddersfield Area) - 13 December 2018

permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits being secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

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

For: Councillors, Griffiths, Lyons, Sims, Sokhal, Uppal and Ullah (6 votes)

Against: Councillor McGuin (1 vote)

Abstained: Councillors Bellamy and Munro

29 **Planning Application - Application No: 2018/91542**

The Sub Committee gave consideration to Planning Application 2018/91542 Erection of two storey rear extension, porch to front and alterations to roof 9, Inglewood Avenue, Birkby, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Malcolm Sizer (on behalf of local objectors) and Ahmad Iqbal (Agent).

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

- (1) Development within 3 years.
- (2) In accordance with the approved plans.
- (3) Submission of materials.
- (4) Condition obscurely glazed windows.
- (5) Surfacing of parking and vehicles areas for first 5 metres.
- (6) Provision of privacy screen to first floor terrace.
- (7) Provision of privacy screen to roof terrace.
- (8) Withdraw permitted development rights for any further windows.

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

For: Councillors, Bellamy Griffiths, Lyons, McGuin, Sims, Uppal and Ullah (7 votes)

Against: (0 votes)

Planning Sub-Committee (Huddersfield Area) - 13 December 2018

Abstained: Councillors Munro and Sokhal.

30 Planning Application - Application No: 2018/93226

The Sub Committee gave consideration to Planning Application 2018/93226
Erection of two storey and single storey extensions Brigsteer, 402, Birkby Road,
Birkby, Huddersfield.

RESOLVED – That consideration of the application be deferred in line with the following reasons outlined in the update list:

It is recommended that the application be deferred until the next Huddersfield Sub Committee, January 24th 2019. This recommendation is made because of the late submission of amended plans which in the view of planning officers represent an important material consideration, and to ensure that Committee Members have a reasonable amount of time to consider the new plans and form a balanced view on them.

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

For: Councillors Bellamy, Griffiths, Lyons, McGuin, Munro, Richards, Sarwar, Sims, Sokhal, Uppal and Ullah (11 votes)

Against: (0 votes)

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KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

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

LOBBYING

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

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

Lobbying

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

Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD)

Date: 24 JANUARY 2019

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: Dalton; Colne Valley;
Ward councillors consulted: No**

Public or private:

1. Summary

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

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

- 2.1 2018/62/90717/W - Erection of single and two storey extension at 126, Coniston Avenue, Dalton, Huddersfield, HD5 9PU. (Officer) (Dismissed)
- 2.2 2018/62/91763/W - Erection of single storey rear extensions at 8 & 10, High Street, Scapegoat Hill, Huddersfield, HD7 4NJ. (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 21 November 2018

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2018

Appeal Ref: APP/Z4718/D/18/3212860

126 Coniston Avenue, Dalton, Huddersfield, HD5 9PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Sajjad against the decision of Kirklees Council.
 - The application Ref 2018/62/90717/W, dated 2 March 2018, was refused by notice dated 17 July 2018.
 - The development proposed is the erection of single and two storey extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted an amended plan¹ on 25 June 2018, following discussions with the Council.
3. I have taken the description from the decision notice, which is more detailed than the application form (which refers only to "extensions").

Main Issues

4. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of the occupiers of 124 Coniston Avenue, with regards to outlook and sunlight.

Reasons

Character and appearance

5. The appeal property is a semi detached two storey dwelling which has been extended to the side and rear. It is located in a prominent position at the corner of Coniston Avenue and Derwent Drive.
6. The property has a small garden to the front, facing Coniston Avenue and a larger garden to the rear. There is also a small single garage to the rear.
7. The surrounding area is residential in character and largely comprises single and two storey semi detached dwellings with small gardens and/or parking areas to the front and larger gardens to the rear.

¹ Ref: WAA 051/203.

8. During my site visit I observed that the extensions to the appeal property have led the appeal property to extend closer to Derwent Drive than the front building line of neighbouring properties along that street; and its two storey extension to the rear results in a large expanse of brickwork running alongside Derwent Drive for some considerable distance. Also, a porch to the side of the property extends to the pavement edge.
9. As a result of a combination of the above and its prominent corner location and position at the top of Derwent Drive, which rises quite steeply up to Coniston Avenue, the appeal property appears as a dominant feature in its surroundings.
10. The proposal would extend the existing single storey element to the rear of the property by increasing it to two stories in height, with a flat roof at eaves height. It would also include a single storey rear extension, flush with the side elevation of the property.
11. The proposed ground floor extension would have a hipped roof to the section of roof facing towards No 124 Coniston Avenue and a lean-to roof adjacent to Derwent Drive. I find that this would appear as an awkward arrangement, creating an unbalanced appearance. Further, this would combine with the proposed flat roof and the existing main roof to create an uncomfortable juxtaposition of features at roof level.
12. In addition to the above, the proposed ground floor extension would result in the large expanse of brickwork alongside Derwent Drive extending even further and I consider that this would result in the appeal property appearing unduly bulky and overly dominant when seen from the side. The harmful impact of this would be exacerbated as a result of the proposed two storey element adding considerable further bulk to the property when seen from the rear.
13. Whilst I note that the proposal would involve the demolition of the garage, I find that this would do little, if anything, to lessen the overwhelming scale and bulk of the development proposed.
14. Taking all of the above into account, I consider that the proposed development would harm the character and appearance of the area. This would be contrary to the National Planning Policy Framework and to the Council's UDP² Policy D2, which together amongst other things, protect local character.

Living conditions

15. The proposal would result in the presence of a tall, two storey extension projection projecting from the rear of the appeal property, immediately adjacent to the attached property, No 124 Coniston Avenue. Whilst I note that the Council, in its assessment of the proposal, considered that significant harm would arise in respect of a loss of sunlight, there is no substantive evidence before me to demonstrate that this would be the case.
16. However, during my site visit I observed there to be windows, at ground floor and at first floor level, to the rear of No 124 in very close proximity to the appeal property. I consider that, as a result of its height and proximity, the

² Ref: Kirklees Unitary Development Plan (2007).

proposed two storey extension would “loom” above the closest ground floor window of No 124, such that it would appear overbearing from that window.

17. Further to the above, I also find that the first storey element of the proposal would project in such a manner that it would appear unduly prominent in the outlook from the closest first floor window of No 124.

18. Taken together, I find that the above factors would result in a development that would result in significant harm to the outlook from the rear of No 124, to the detriment of the living conditions of the occupiers of that property. This would be contrary to the Framework and to Policies D2 and BE14 of the Council’s UDP, which together amongst other things, seek to protect residential amenity.

Other Matters

19. In support of his case, the appellant has referred to other developments in the surrounding area. However, there is no substantive evidence to demonstrate that these examples are so similar in every aspect to the appeal before me as to provide for direct comparison. Notwithstanding this point, I have found that the proposal would result in significant harm and this is not something that is outweighed by the presence of other developments in the vicinity.

Conclusion

20. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR



Appeal Decision

Site visit made on 17 December 2018

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2019

Appeal Ref: APP/Z4718/D/18/3214652

8 and 10 High Street, Scapegoat Hill, Huddersfield HD7 4NJ

- 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 Holliday and Mr Jackson against the decision of Kirklees Council.
 - The application Ref 2018/62/91763/W, dated 30 May 2018, was refused by notice dated 1 August 2018.
 - The development proposed is a single storey rear extension to 8 High Street and 10 High Street.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. With regard to 10 High Street, the proposal would result in a single storey pitched roof rear extension with basement below. This would extend almost to the full depth of the land to the rear. It would be of a form similar to a previously approved application which allowed an extension three metres deep. The officer report indicates that it was suggested that the depth of this proposal be reduced to 3 metres from the depicted 5.3 metres.
 4. The back of this property does not have any particular architectural merit and the existing rear yard is not a positive visual feature of the area. The proposal would not represent an uncommon form of rear addition although it would be of a significant depth and would take up all of the rear amenity area. Despite this depth, being single storey with a relatively low pitched roof, it would not dominate the host dwelling. It is accepted that the depth of the extension would not result in concerns with regard to the living conditions of the neighbouring residents.
 5. The permitted extension and the shorter depth for this addition suggested by the Council would leave a small yard area to the rear which would reduce the impact of the development on the street scene and allow for an appropriate rear boundary to be introduced. I find that extending so close to the boundary, particularly given the changes in levels, which would require the lower part of
-

the extension to be built to a greater height, would result in it being a dominant feature within the street scene. The appearance of the rear of these properties is important given that they face the frontages of the properties on Bonny Clough View.

6. The extension would make efficient use of this land, it would be separated from the road by the parking bay and it would have satisfactory detailing. However, as a result of it being built so close to the boundary, it would result in harm to the character and appearance of this area and it would represent poor design in this particular context.
7. The extension to 8 High Street would continue the roof line of the neighbouring extension to provide a bike store. This would similarly be built close to the rear boundary although a narrow strip of yard would be left due to the angle of the boundary. Given this slight set back and its narrower form, it would not be as imposing as the proposed neighbouring extension but it would nevertheless represent an uncharacteristic addition that would not make a positive contribution to the street scene.
8. In combination, the proposals would result in overly prominent and incongruous additions to these dwellings and the streetscape of Bonny Clough View. They would represent poor design in this particular context and would fail to accord with the design aspirations of Policies D2(vi & vii), BE1(ii) and BE2(i) of the Kirklees Unitary Development Plan 1999. Policy PLP24(a) of the Publication Draft Local Plan includes similar design requirements. As these policies generally accord with the design objectives of the *National Planning Policy Framework 2018*, I afford them considerable weight.
9. I have considered the matters put forward by the appellants and I have had regard to the planning permissions granted locally, including that at 12 High Street. However, these matters do not outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

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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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 24-Jan-2019

Subject: Planning Application 2018/92934 Outline application for erection of residential development former Gees Garage, New Hey Road, Outlane, Huddersfield, HD3 3YJ

APPLICANT

Hillbrook Printing Inks
Ltd, Directors Pension
Scheme

DATE VALID

07-Sep-2018

TARGET DATE

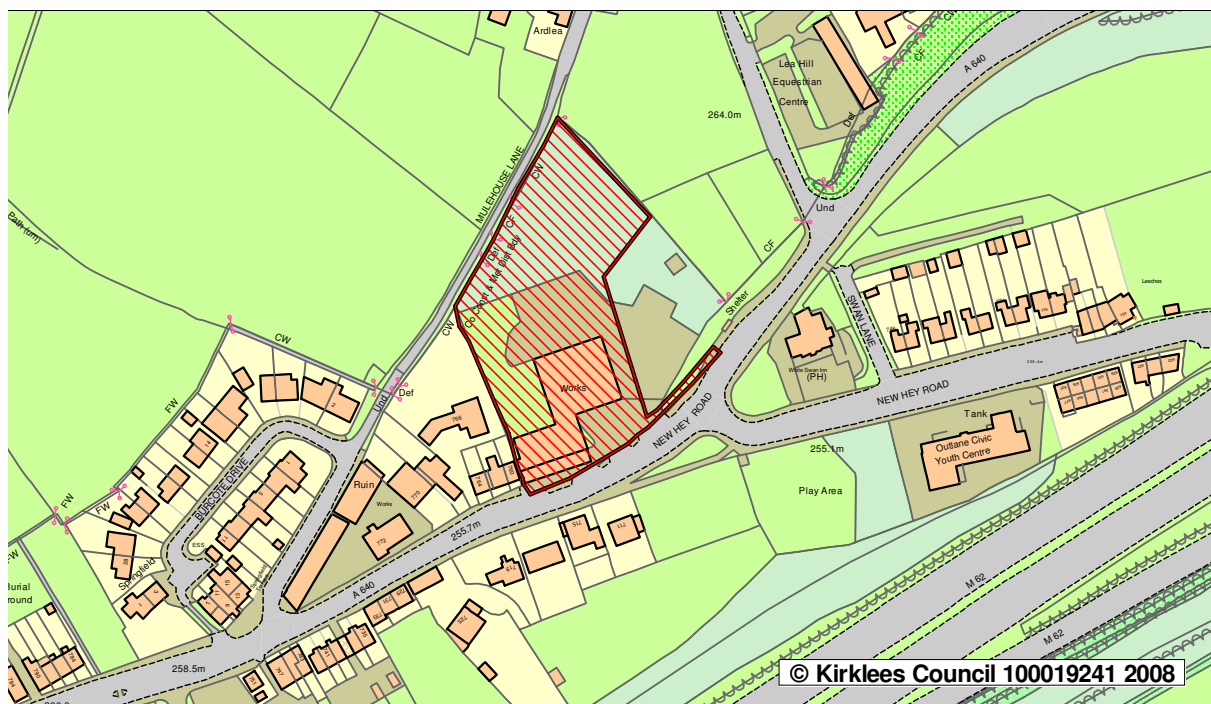
07-Dec-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Colne Valley

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:

Ensure that infrastructure and planning obligation requirements relating to planning applications 2018/92934 and 2018/92935 are considered and delivered cumulatively in order to accord with policy PLP5 of the Kirklees Publication Draft Local Plan.

Planning obligations to include:

- Education contribution
- Affordable housing (20% of the total number of units)
- Public Open Space (including provision for a Local Area of Play)

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

1.0 INTRODUCTION:

- 1.1 The application is brought forward to the Huddersfield Planning Sub-Committee on the basis that the site area is in excess of 0.5ha but the proposed development is less than 60 units.
- 1.2 The application forms part of a wider masterplan relating to an entire housing allocation in the emerging Local Plan. A separate application has been submitted to develop the remainder of the emerging allocation (2018/92935) which is also under consideration at this committee.
- 1.3 The application was deferred at the Huddersfield Sub Committee on the 13th December 2018 at the applicant's request to address outstanding highways and drainage matters. Since the last committee officers have been negotiating with the applicant on highway issues and as a result the applicant has submitted a plan showing revised visibility splays and a plan showing tracking for the largest type of refuse vehicle. The applicant has also commissioned a Road Safety Audit.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is immediately adjacent to the A640 New Hey Road. The application site covers an area of under 0.7 hectares. Most of the site comprises previously developed brownfield land that was occupied by Gees Garages. The garage buildings are still in situ on the site. The site is not allocated in the Kirklees Unitary Development Plan, but is part of a larger Housing Allocation within the emerging Local Plan (Ref: H2652). The emerging Local Plan identifies the whole allocation as having a capacity of 29 dwellings. This site forms the southern-most portion of the allocation.
- 2.2 The site is relatively flat, but the land rises to the west beyond the site boundary. The land rises more steeply to the east.
- 2.3 To the east and north is open agricultural land, with extensive views over Calderdale to the north. To the west is medium to high density residential development, that extends to the west forming the linear settlement of Outlane.
- 2.4 To the rear of the site is Mulehouse Lane, which forms the administrative boundary between Calderdale and Kirklees. Beyond that is open agricultural land located in the Green Belt.

3.0 PROPOSAL:

- 3.1 The application has been submitted in outline form with all matters reserved except for access.
- 3.2 An indicative layout accompanies the submission showing how the roads and dwellings could potentially be laid out and indicates that 20 dwellings would be provided on site.
- 3.3 A masterplan drawing has been submitted detailing how this proposal fits with application 2018/92935. The adjacent proposal includes 7 dwellings being accessed from the same point of access.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 92/00807 – Use of land and buildings for storage of transmission line equipment and plant – approve.

92/03754 – Renewal of temporary permission for use of land and buildings for storage of transmission line equipment and plant – approve.

94/91452 – Outline application for erection of hotel – refused

Application on site adjacent within the same emerging allocation:

2018/92935 – Outline application for residential development – application adjacent being considered at this committee.

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

- 5.1 Following a request by officers the applicant has submitted supporting highways information and amended details in relation to the proposed access arrangements. The applicant has also submitted a drainage strategy.

6.0 PLANNING POLICY:

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

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

D2 – Land without notation
H1 - Housing Need
H10/12 - Affordable Housing
H18 - Provision of Open Space
BE1/2 - Design and the Built Environment
BE12 - New dwellings providing privacy and open space
BE23 - Crime Prevention Measures
EP10 - Energy Efficiency
EP11 – Landscaping
R13 – Rights of Way and Public Access Areas
T1 - Sustainable Transport Strategy
T10 - Highways Safety / Environmental Problems
T16 - Pedestrian Routes
T19 - Off Street Parking
G6 - Contaminated Land

Kirklees Draft Local Plan Strategies and Policies (2017):

PLP3 – Location of New Development
PLP5 - Masterplanning
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing Mix and Affordable Housing
PLP20 – Sustainable Travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design

PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP32 – Landscape
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP61 – Urban Green Space
PLP62 – Local Green Space
PLP63 – New Open Space

6.3 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Planning Practice Guidance

6.4 Supplementary Guidance

- Kirklees Landscape Character Assessment (2015)
- Kirklees Local Plan Accepted Site Options – Technical Appraisal – July 2017
- National Planning Policy Framework (2018)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised on site, in the local press and by way of neighbour letter. A total of 5 representations have been received which can be summarised as follows. They are addressed in the main body of the report unless otherwise stated:

- Parking in the village is already limited and there needs to be sufficient parking within the new development for visitors.
- The land was previously used for the storage of inks and contamination an issue.
- Drainage needs proper consideration to avoid flooding as has been seen on playing fields on Lindley Moor Road.
- Bats are within the area.
- Vehicle access into and from A640 busy commuter route noting regular closures of the M62 motorway.
- No safe pedestrian crossing places noting a children's play area and the westbound bus stop adjacent to the proposed development.
- Average traffic speed, the proposed development is just within the 30 mph zone, however traffic speeds are general in excess of this and observed by the temporary speed camera can be as high as 66 mph.
- The current capacity of amenities, Health Facilities and Schools within the Outlane and surrounding, noting the density of existing and new housing within the proposed development location.
- Drainage and Surface water, it should be noted during high rainfall excessive surface water can be experienced within the road dip.

- The entrance to the development is on a bend and is at the point where the speed limit changes from 30mph to 40mph and traffic already regularly exceeds the limit. The traffic through Outlane at peak times is already excessive as it is used by people from the Colne Valley to access the M62, it is not unusual for it to take over 5 minutes to get on to New Hey Road from the various side streets along the route. Although the Transport report states that there are 2 buses an hour through the village, at several times during the day these buses run within a few minutes of each other. It is stated that between 8am and 9am there are 3 buses towards Huddersfield however I know from personal experience that by the time 2 of these buses reach Outlane they are full as they bring school pupils from the Halifax area to the 2 sixth form colleges on the route. On the return journey on an evening from Huddersfield, with the exception of the service to Hebden Bridge at 17.10, there is a gap of 70 minutes between services.
- The village does not have the infrastructure to support this many houses.
- Although we have no legal right to park on the land (former gees garage) we currently do so. We are concerned that we will have to find alternative parking spaces, which will also add to congestion on New Hey Road.

Officer response – this is not a material planning consideration.

- As our property is directly next door to the development we are concerned that people who are working on the development i.e. tradesmen will use all the available on-road parking, leaving residents with no available parking outside their house. When building work does begin and the structure is demolished, the path beside our property, which leads to our rear garden will be left without a boundary wall, leaving it exposed. We would like to request that you send a surveyor to investigate this to ensure that the boundary separating us from the adjacent development is retained via a wall which is of reasonable height to maintain our privacy from neighbouring properties on the development.

Officer response – a construction management plan is recommended via planning condition.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Lead Local Flood Authority – Objection raised. Further information considered necessary.

KC Highways DM – No objections in principle. Further revised plans submitted 15/1/19 demonstrating tracking for an 11.85m refuse vehicle at the site access and increased visibility splays; these are being assessed and commented on in the committee update. Road Safety Audit awaited for the proposed junction arrangements.

8.2 **Non-statutory:**

Strategic Housing - there is a significant need for affordable 1-2 bedroom housing, as well as a need for affordable 1-2 bedroom housing for older people specifically. The area has some of the highest priced housing in Kirklees with property prices ranging from around £106,000 to £210,000. A future affordable housing calculation should also involve 2018/92935. Vacant building credit may be applicable.

Landscape – No objection subject to public open space and play equipment being provided.

Environmental Health - I consider that the report makes a satisfactory assessment of the existing noise from road traffic and I largely agree with the recommendations. However, in the absence of a final site layout the proposed mitigation measures cannot at this stage be precisely specified. Therefore a condition is necessary requiring a detailed noise mitigation scheme to be submitted, once the final site layout is decided.

Conditions also recommended regarding contaminated land.

Tree Officer - I've no objection to this proposal. None of the trees are protected and there are no trees which meet the criteria for a new TPO to be served.

Conservation and Design – No objection - There are not considered to be any impacts on any heritage assets arising from the proposal.

Education – No comments received.

Biodiversity Officer – No objection subject to conditions.

Yorkshire Water – No objection subject to a condition.

West Yorkshire Archaeological Advisory Service – No objection.

9.0 **MAIN ISSUES**

Principle of development
Urban Design issues
Residential Amenity
Highways Issues
Drainage Issues
Biodiversity and Trees
Other Issues
Infrastructure
Planning Obligations
Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated (without notation) on the Kirklees Unitary Development Plan. Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2018 (NPPF) is one such material consideration. The starting point in assessing any planning application is, therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted. The Council are also at an advanced stage in the preparation and adoption of the Local Plan. The Local Plan - Kirklees Publication Draft Local Plan (PDLP) – was submitted for examination in April 2017.
- 10.2 The application site is without notation on the UDP proposals map and it is therefore considered that the principal policy determining the suitability of this proposal with regard to the UDP is D2 which indicates that development on such land will be permitted 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 With regard to the Local Plan, the NPPF provides guidance with regard to decision making and the emerging plan (para 48):
- “Local planning authorities may give weight to relevant policies in emerging plans according to:*
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).” (NPPF, Paragraph 48).*
- 10.4 The site forms part of a larger Housing Allocation in the Kirklees Publication Draft Local Plan (PDLP), allocated under ref H2652. Given that substantial weight is applied to the PDLP and the fact that the site is unallocated in the current UDP, the provision of residential development on this brownfield site is considered acceptable in principle.

Masterplanning

- 10.5 The proposal is linked to planning application 2018/92935 which is currently under consideration. Both sites would share the same access but the indicative layout for both sites, along with a submitted masterplan drawing, show that the scheme has been comprehensively planned. In accordance with PLP5 of the PDLP infrastructure should be provided based on the quantum of development covering the entire allocation and this could be secured by S106 agreement.

Urban Design issues

- 10.6 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy BE11 of the UDP requires that new development should be constructed in natural stone of a similar colour and texture to that prevailing in the area. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions.
- 10.7 The character of the surrounding area in terms of layout and appearance is not regimented. Whilst houses are generally no more than two storeys in height, their relationship with New Hey Road differs quite substantially. There is a mix of materials, roof forms, age, vernacular and scale. Whilst there are elevated views of the site from surrounding roads (such as Swan Lane); the development would largely be visible against the backdrop of existing urban development.
- 10.8 Given this is an outline application, it is not considered necessary to impose and specific design code/requirement as part of the outline consent. The reserved matters submission(s) will be assessed against the street scene and character and appearance of the area.
- 10.9 The submitted indicative plans demonstrate that the site can be comprehensively developed without conflicting with design policies. The application is considered to comply with policies BE1 and BE2 of the UDP and policy PLP24 of the PDLP.

Residential Amenity

- 10.10 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.
- 10.11 It is acknowledged that the site lies adjacent to a small number of existing properties accessed from New Hey Road the development of this site does have the potential to impact upon the amenity of occupants within nearby residential properties. Amenity impacts would be fully assessed as part of any subsequent reserved matters and there is no reason why potential impacts could not be appropriately mitigated.

Highway Issues

- 10.12 The overall proposed redevelopment of the site will be served via a new radii junction on to the A640 New Hey Road. The new junction will be positioned central to the southern boundary to maximise the available sightlines in both directions and the existing access points will be permanently closed and the footway reinstated.
- 10.13 Highways DM raise no objection in terms of the impact the development would have on the capacity of the existing network as it would not significantly add to any congestion.
- 10.14 Officers have requested additional information relating to a number of matters, including a tracking plan for an 11.85m refuse vehicle at the site access, acceptable sightlines to the east and to the west of the access along with a Road Safety Audit for the proposed junction arrangements. Revised details of the vehicle tracking and sightlines have recently been submitted and are being considered by Highways Development Management. The applicant has also confirmed that a Road Safety Audit will be provided in advance of the committee meeting for officers to assess. An update will be provided to members on these matters.

Drainage Issues

- 10.15 The application site falls within Flood Zone 1 which is the lowest risk area, with the risk of a river flooding event assessed as having a less than a 1 in 1000 annual probability. The application does not meet the criteria for requiring a Flood Risk Assessment although in combination with the application on the remainder of the allocation (2018/92935) the development does meet one of the thresholds (site area over 1 hectare).
- 10.16 A drainage strategy has been submitted that involves the use of a soakaway. The Lead Local Flood Authority (LLFA) has raised numerous concerns with the submitted details.
- 10.17 The application site is part of a housing allocation within the emerging Local Plan. The principle of developing the site for housing has therefore already been assessed as being acceptable, including from a flood risk and drainage perspective. The application is in outline form with the point of access the only matter to be considered; it is only the principle of development and the access arrangements that fall to be considered. Notwithstanding the LLFA's concerns with the submitted drainage strategy, officers are satisfied that an acceptable drainage strategy can be found for this site and that conditions relating to detailed drainage design would adequately address the LLFA's objection. On this basis the reason for deferring the application on drainage grounds at the previous committee is considered to have been resolved.

Biodiversity and Trees

- 10.18 A Preliminary Ecological Appraisal Report has been submitted in support of the application. The report indicates that the majority of habitats present on site are not classed as important. A net biodiversity gain has not been demonstrated, but there is scope to provide sufficient enhancements within the scheme. The biodiversity officer recommends the imposition of conditions in order that biodiversity gain is incorporated into the reserved matters submission(s).

- 10.19 At this stage the proposals have been designed in accordance with the mitigation hierarchy set out in NPPF and KPDLP policy PLP 30.
- 10.20 In terms of trees the specimens on site are relatively young or species which are not worthy of protection. The tree officer raises no objection to tree removal on this site but full details of tree impact would be provided as part of any subsequent reserved matters.

Other Issues

- 10.21 Due to the previous use of this site it is likely that the site will be contaminated to some degree. Conditions are recommended to deal with contaminated land. This proposal would accord with UDP policy G6, KPDLP policy PLP 53 and Section 15 of the NPPF.
- 10.22 The applicant has carried out a noise survey which considers noise mitigation measures. Given that the proposal has been submitted in outline form, the acceptability of the scheme will largely be dictated by the layout. Consequently noise conditions relating to the layout are recommended.

Infrastructure

- 10.23 There is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. However, PLP49 of the PDLP identifies Educational and Health impacts as an important consideration. Additionally, PDLP policy PLP4 Providing Infrastructure requires developments to provide new infrastructure, where it is needed, in line with the appropriate phase of development. PLP5 Masterplanning Sites also requires that health facilities should be incorporated (proportionate to the scale of development), where required.
- 10.24 As part of the development of the Local Plan evidence base, an ongoing infrastructure planning process has considered the impact of future growth on health infrastructure, summarised in the Infrastructure Delivery Plan (IDP) 2015 and IDP Addendum 2016. This is an on-going process and will be monitored and updated alongside the Local Plan. It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population, with direct funding provided by the NHS for GP practices / health centres based on an increase in registrations.

- 10.25 There is no policy basis on which to seek a contribution to health services at this time.

Planning Obligations

- 10.26 In accordance with paragraph 59 of the NPPF, planning obligations should only be sought where they meet the following three 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.

In this case it is considered necessary to ensure that infrastructure is considered and provided across the wider masterplan area (2018/92934 and 2018/92935) in order to address policy PLP5 of the PDLP.

Education Provision

- 10.27 Based on the indicative number of dwellings the development would not meet the trigger for an education contribution however when combined with the separate application on the remainder of the emerging housing allocation it is likely that the 25 dwelling threshold would be met. The level of contribution would be dependent on the number of dwellings that come forward on the allocation.

Public Open Space

- 10.28 Policy H18 of the UDP requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. POS would be considered in the final layout and conditions are recommended relating to this.

Affordable Housing

- 10.29 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. This would be conditioned so that details are submitted with the subsequent reserved matters so they can be successfully incorporated into the layout.

11.0 CONCLUSION

- 11.1 The site lies on unallocated land in the UDP. In the PDLP the site forms part of a wider Housing Allocation. The proposed development is therefore considered to represent an acceptable form of development in principle.
- 11.2 Most of the matters which require consideration over and above the principle of development are reserved for future consideration and would be considered as part of any reserved matters.
- 11.3 Highways have no objection in principle to the proposed development, subject to assessment of the revised details for the access arrangements and submission and consideration of the Road Safety Audit.
- 11.4 All other matters are considered to have been properly addressed, subject to conditions and a S106 relating to education, affordable housing and POS. The proposed development is considered to represent an acceptable, sustainable form of development.

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

1. Standard conditions for outline permissions (x4)
2. Affordable Housing with reserved matters
3. Noise attenuation with reserved matters
4. Ecology with reserved matters
5. Public open space with reserved matters
6. Construction management plan
7. Electric charging points
8. Suite of contaminated land conditions
9. Details of any earthworks to be provided along with land levels at reserved matters
10. Crime Impact Assessment with reserved matters
11. Detailed drainage design

Background Papers:

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92934>

Certificate of Ownership – Notice served on the Secretary of State for Transport

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 24-Jan-2019

Subject: Planning Application 2018/92935 Outline application for erection of residential development land adj, former Gees Garage, New Hey Road, Outlane, Huddersfield, HD3 3YJ

APPLICANT

HD3 Developments Ltd

DATE VALID

12-Sep-2018

TARGET DATE

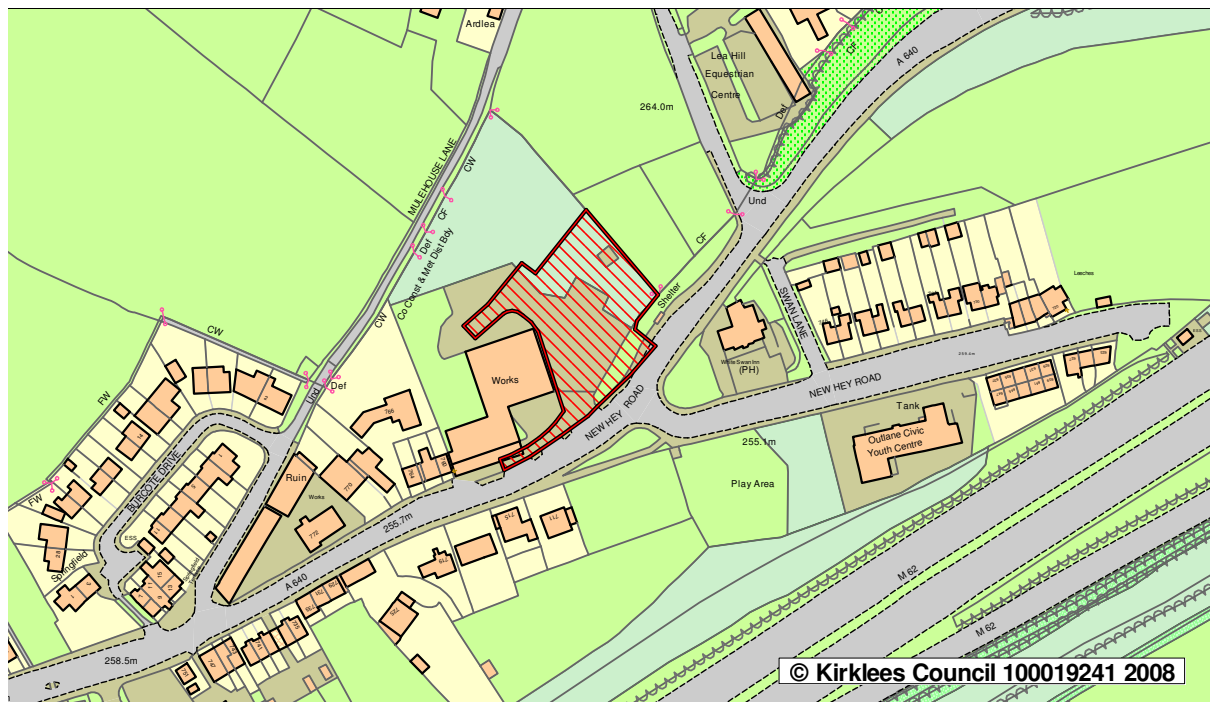
07-Nov-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Colne Valley

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:

Ensure that infrastructure and planning obligation requirements relating to planning applications 2018/92934 and 2018/92935 are considered and delivered cumulatively in order to accord with policy PLP5 of the Kirklees Publication Draft Local Plan.

Planning obligations to include:

- Education contribution
- Affordable housing (20% of the total number of units)
- Public Open Space (including provision for a Local Area of Play)

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

1.0 INTRODUCTION:

- 1.1 The application is brought forward to the Huddersfield Planning Sub-Committee on the basis that the proposal is intrinsically linked to planning application 2018/92934 as it forms part of the same development masterplan and falls within the same emerging site allocation.
- 1.2 The application forms part of a wider masterplan relating to the entire housing allocation in the emerging Local Plan. A separate application has been submitted to develop the remainder of the emerging allocation (2018/92934) which is also under consideration at this committee.

- 1.3 The application was deferred at the Huddersfield Sub Committee on the 13th December 2018 at the applicant's request to address outstanding highways and drainage matters. Since the last committee officers have been negotiating with the applicant on highway issues and as a result the applicant has submitted a plan showing revised visibility splays and a plan showing tracking for the largest type of refuse vehicle. The applicant has also commissioned a Road Safety Audit.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is immediately adjacent to the A640 New Hey Road. The application site covers an area of under 0.3 hectares. Most of the site comprises previously developed brownfield land that was occupied by Gees Garages. The garage buildings are still in situ on the site. The site is not allocated in the Kirklees Unitary Development Plan, but is part of a larger Housing Allocation within the emerging Local Plan (Ref: H2652). The emerging Local Plan identifies the whole allocation as having a capacity of 29 dwellings. This application site forms the northern-most parcel of land within the emerging allocation.
- 2.2 The site is relatively flat, but the land rises to the west beyond the site boundary. The land rises more steeply to the east.
- 2.3 To the east and north is open agricultural land, with extensive views over Calderdale to the north. To the west is medium to high density residential development, that extends to the west forming the linear settlement of Outlane.
- 2.4 To the rear of the site is Mulehouse Lane, which forms the administrative boundary between Calderdale and Kirklees. Beyond that is open agricultural land located in the Green Belt.

3.0 PROPOSAL:

- 3.1 The application has been submitted in outline form with all matters reserved except for access.
- 3.2 An indicative layout accompanies the submission showing how the roads and dwellings could potentially be laid out and indicates that 7 dwellings would be provided on site.
- 3.3 A masterplan drawing has been submitted detailing how this proposal fits with application 2018/92935. The adjacent proposal includes 20 dwellings being accessed from the same point of access.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 92/00807 – Use of land and buildings for storage of transmission line equipment and plant – approve.
- 92/03754 – Renewal of temporary permission for use of land and buildings for storage of transmission line equipment and plant – approve.
- 94/91452 – Outline application for erection of hotel – refused

Application on site adjacent within the same emerging allocation:

2018/92934 – Outline application for residential development – application adjacent being considered at this committee.

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

5.1 Following a request by officers the applicant has submitted supporting highways information and amended details in relation to the proposed access arrangements. The applicant has also submitted a drainage strategy.

6.0 PLANNING POLICY:

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

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

D2 – Land without notation
H1 - Housing Need
H10/12 - Affordable Housing
H18 - Provision of Open Space
BE1/2 - Design and the Built Environment
BE12 - New dwellings providing privacy and open space
BE23 - Crime Prevention Measures
EP10 - Energy Efficiency
EP11 – Landscaping
R13 – Rights of Way and Public Access Areas
T1 - Sustainable Transport Strategy
T10 - Highways Safety / Environmental Problems
T16 - Pedestrian Routes
T19 - Off Street Parking
G6 - Contaminated Land

Kirklees Draft Local Plan Strategies and Policies (2017):

PLP3 – Location of New Development
PLP5 - Masterplanning
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing Mix and Affordable Housing
PLP20 – Sustainable Travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP32 – Landscape
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP61 – Urban Green Space
PLP62 – Local Green Space
PLP63 – New Open Space

6.3 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Planning Practice Guidance

6.4 Supplementary Guidance

- Kirklees Landscape Character Assessment (2015)
- Kirklees Local Plan Accepted Site Options – Technical Appraisal – July 2017
- National Planning Policy Framework (2018)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised on site, in the local press and by way of neighbour letter. A total of 1 representation has been received which can be summarised as follows. They are addressed in the main body of the report unless otherwise stated:

- Although I have no issues with the principle of building on this land, I object to the number of houses being proposed for both this plot and the adjacent plot. I believe the thought behind the traffic management solution is flawed as the proposed exit from the 'new estate' is immediately on the bend just as the speed limit changes from 40 to 30 and cars already speed in excess of this - it is an accident waiting to happen. It should also be noted that at peak times it can take between 5-10 minutes to turn into New Hey Road from the various side streets due to the volume of traffic I am also concerned where excess rain water would drain away as it would no longer be able to sink into the ground - we do not want the same situation occurring on Mulehouse Lane (immediately adjacent to the proposed site) as that on the playing fields just off Lindley Moor Road.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Lead Local Flood Authority – Objection raised. Further information considered necessary.

KC Highways DM – No objections in principle. Further revised plans submitted 15/1/19 demonstrating tracking for an 11.85m refuse vehicle at the site access and increased visibility splays; these are being assessed and commented on in the committee update. Road Safety Audit awaited for the proposed junction arrangements.

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Conditions also recommended regarding contaminated land and electric charging points.

Tree Officer - I've no objection to this proposal. None of the trees are protected and there are no trees which meet the criteria for a new TPO to be served.

Conservation and Design – No objection- There are not considered to be any impacts on any heritage assets arising from the proposal.

Biodiversity Officer – No objection subject to conditions.

Yorkshire Water – No objection subject to a condition.

West Yorkshire Archaeological Advisory Service – No objection.

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Residential Amenity

- 10.10 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.
- 10.11 The site does not lie in close proximity of any existing properties. In any event, impacts on residential amenity would be fully assessed at reserved matters stage.

Highway issues

- 10.12 The overall proposed redevelopment of the site will be served via a new radii junction on to the A640 New Hey Road. The new junction will be positioned central to the southern boundary to maximise the available sightlines in both directions and the existing access points will be permanently closed and the footway reinstated.
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- 10.14 Officers have requested additional information relating to a number of matters, including a tracking plan for an 11.85m refuse vehicle at the site access, acceptable sightlines to the east and to the west of the access along with a Road Safety Audit for the proposed junction arrangements. Revised details of the vehicle tracking and sightlines have recently been submitted and are being considered by Highways Development Management. The applicant has also confirmed that a Road Safety Audit will be provided in advance of the committee meeting for officers to assess. An update will be provided to members on these matters.

Drainage issues

- 10.15 The application site falls within Flood Zone 1 which is the lowest risk area, with the risk of a river flooding event assessed as having a less than a 1 in 1000 annual probability. The application does not meet the criteria for requiring a Flood Risk Assessment although in combination with the application on the remainder of the allocation (2018/92935) the development does meet one of the thresholds (site area over 1 hectare).
- 10.16 A drainage strategy has been submitted that involves the use of a soakaway. The Lead Local Flood Authority (LLFA) has raised numerous concerns with the submitted details.
- 10.17 The application site is part of a housing allocation within the emerging Local Plan. The principle of developing the site for housing has therefore already been assessed as being acceptable, including from a flood risk and drainage perspective. The application is in outline form with the point of access the only matter to be considered; it is only the principle of development and the access arrangements that fall to be considered. Notwithstanding the LLFA's concerns with the submitted drainage strategy, officers are satisfied that an acceptable drainage strategy can be found for this site and that conditions relating to detailed drainage design would adequately address the LLFA's objection. On this basis the reason for deferring the application on drainage grounds at the previous committee is considered to have been resolved.

Biodiversity and Trees

- 10.18 A Preliminary Ecological Appraisal Report has been submitted in support of the application. The report indicates that the majority of habitats present on site are not classed as important. A net biodiversity gain has not been demonstrated, but there is scope to provide sufficient enhancements within the scheme. The biodiversity officer recommends the imposition of conditions in order that biodiversity gain is incorporated into the reserved matters submission(s).
- 10.19 At this stage the proposals have been designed in accordance with the mitigation hierarchy set out in NPPF and KPDLP policy PLP 30.
- 10.20 In terms of trees the specimens on site are relatively young or species which are not worthy of protection. The tree officer raises no objection to tree removal on this site but full details of tree impact would be provided as part of any subsequent reserved matters.

Other Issues

- 10.21 Due to the previous use of this site it is likely that the site will be contaminated to some degree. Conditions are recommended to deal with contaminated land. This proposal would accord with UDP policy G6, KPDLP policy PLP 53 and Section 15 of the NPPF.
- 10.22 The applicant has carried out a noise survey which considers noise mitigation measures. Given that the proposal has been submitted in outline form, the acceptability of the scheme will largely be dictated by the layout. Consequently noise conditions relating to the layout are recommended.

Infrastructure

- 10.23 There is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. However, PLP49 of the PDLP identifies Educational and Health impacts as an important consideration. Additionally, PDLP policy PLP4 Providing Infrastructure requires developments to provide new infrastructure, where it is needed, in line with the appropriate phase of development. PLP5 Masterplanning Sites also requires that health facilities should be incorporated (proportionate to the scale of development), where required.
- 10.24 As part of the development of the Local Plan evidence base, an ongoing infrastructure planning process has considered the impact of future growth on health infrastructure, summarised in the Infrastructure Delivery Plan (IDP) 2015 and IDP Addendum 2016. This is an on-going process and will be monitored and updated alongside the Local Plan. It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population, with direct funding provided by the NHS for GP practices / health centres based on an increase in registrations.
- 10.25 There is no policy basis on which to seek a contribution to health services at this time.

Planning Obligations

10.26 Planning obligations are sought across the entire masterplan site (2018/92934 and 2018/92935) in order to comply with policy PLP5 of the PDL. In accordance with para 59 of the NPPF planning obligations should only be sought where they meet the following three 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.

Education Provision

10.91 Based on the indicative number of dwellings the development would not meet the trigger for an education contribution however when combined with the separate application on the remainder of the emerging housing allocation it is likely that the 25 dwelling threshold would be met. The level of contribution would be dependent on the number of dwellings that come forward on the allocation.

Public Open Space

10.92 Policy H18 of the UDP requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. POS would be considered in the final layout and conditions are recommended relating to this.

Affordable Housing

10.94 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. This would be conditioned so that details are submitted with the subsequent reserved matters so they can be successfully incorporated into the layout.

11.0 CONCLUSION

11.1 The site lies on unallocated land in the UDP. In the PDL the site forms part of a wider Housing Allocation. The proposed development is therefore considered to represent an acceptable form of development in principle.

11.2 Most of the matters which require consideration over and above the principle of development are reserved for future consideration and would be considered as part of any reserved matters.

11.3 Highways have no objection in principle to the proposed development, subject to assessment of the revised details for the access arrangements and submission and consideration of the Road Safety Audit.

11.4 All other matters have been properly addressed and subject to conditions and a S106 relating to education, affordable housing and POS the proposed development is considered to represent an acceptable, sustainable form of development.

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

1. Standard conditions for outline permissions (4x conditions)
2. Affordable Housing with reserved matters
3. Noise attenuation with reserved matters
4. Ecology with reserved matters
5. Public open space with reserved matters
6. Construction management plan
7. Electric charging points
8. Contaminated land conditions
9. Details of any earthworks to be provided along with land levels at reserved matters
10. Crime Impact Assessment with reserved matters
11. Detailed drainage design

Background Papers:

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92935>

Certificate of Ownership – Notice served on Hillbrook Printing Inks Ltd Directors Pension Scheme

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 24-Jan-2019

Subject: Planning Application 2018/93212 Erection of 3 detached dwellings and garage ancillary to 33, Woodside Lane 33, Woodside Lane, Fixby, Huddersfield, HD2 2HA

APPLICANT

M Mehat

DATE VALID

02-Oct-2018

TARGET DATE

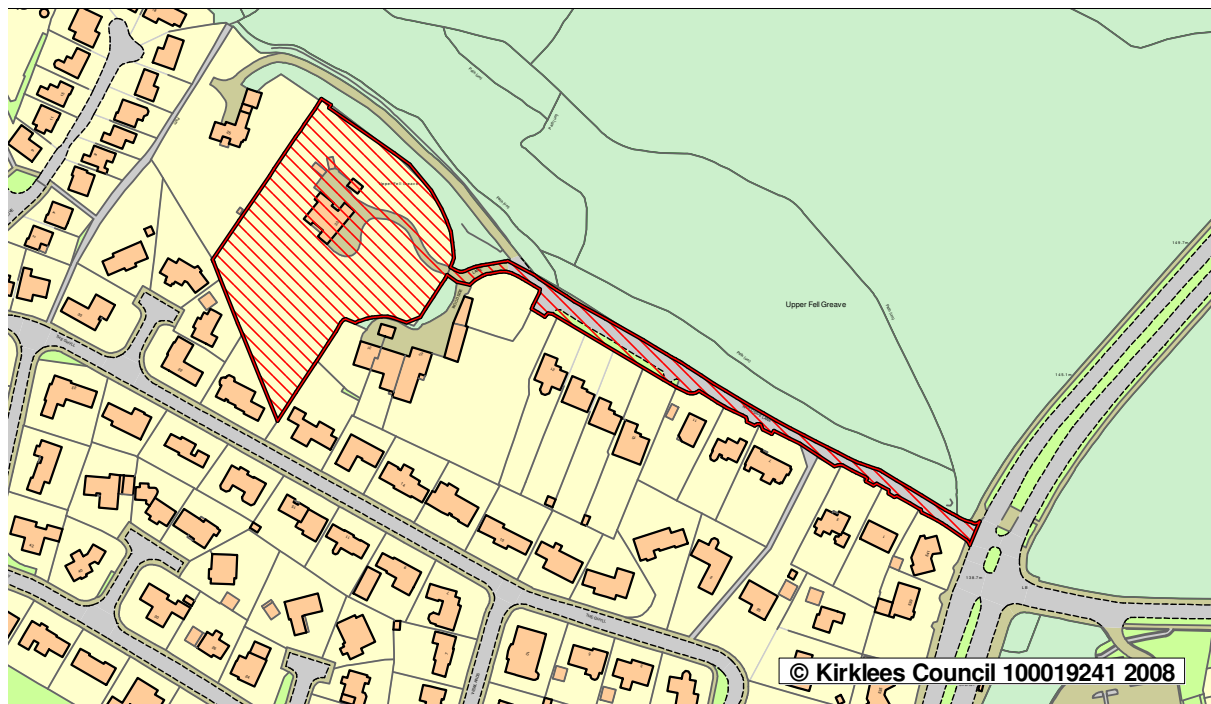
27-Nov-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Ashbrow

No

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

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

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises of a large detached dwelling set within its own grounds. The property lies at the western end of Woodside Lane, an unadopted access road off Bradford Road. Woodside Lane carries a bridleway (HUD/26/10 & HUD/24/20).

2.2 The site is surrounded on three sides by residential development. There is woodland to the north which is allocated as urban greenspace and has a green corridor running through it.

3.0 PROPOSAL:

3.1 Full application for the erection of 3 detached dwellings within the garden of 33 Woodside Lane.

3.2 The proposals also include the erection of a detached double garage for the existing dwelling.

4.0 RELEVANT PLANNING HISTORY:

4.1 2017/93544 Erection of 5 detached dwellings and garage ancillary to 33, Woodside Lane – Refused by the Sub Committee 9/8/18

Application refused for the following reasons:

1. The proposed development of 5 additional houses within the grounds of 33 Woodside Lane would result in a cramped and incongruous form of development that would be out of character with, and harm the setting of, the host dwelling and the wider sylvan streetscene of Woodside Lane. The streetscene of Woodside Lane comprises dwellings within spacious plots characteristically separate from the surrounding built up area within a wooded enclave. It is accessed from a quiet, unadopted road which also carries the route of a bridleway. The proposed development would erode this character, which would represent poor design. Furthermore it would introduce an intensification of traffic which would not be in the interests of highway safety. The development would be contrary to Policies D2 (ii, vi and vii), BE1 (i,ii), BE2 (i) and T10 of the Kirklees Unitary Development Plan, PLP24 (a) of the Publication Draft Local Plan and paragraphs 109 and 130 of the National Planning Policy Framework.

2. The close relationship of proposed plots 4 and 5 to mature trees, protected by Tree Preservation Order to the north east of the site, would result in potential risk to the their longevity as a result of pressure to fell or prune them due to their impact on the reasonable enjoyment of the proposed properties by any future occupiers. This would harm the character and aesthetic qualities of the area and be contrary to Policy NE9 of the Kirklees Unitary Development Plan, PLP33 of the Publication Draft Local Plan.

3. The applicant has failed to demonstrate the usage of the site by both foraging and roosting bats although the site has been assessed as potentially important for both within the submitted Preliminary Ecological Appraisal Report. Without additional surveys it is not possible to ascertain any mitigation requirements or any compensation for the impact on biodiversity. To grant permission would be contrary to PLP30 of the Publication Draft Local Plan, government guidance contained within Chapter 15 of the National Planning Policy Framework and National Planning Practice Guidance.

4.2 2018/93412 Certificate of lawfulness for proposed use of a dwelling (C3) as a residential home for up to 5 young adults – Undetermined

4.3 2017/93707 Certificate of lawfulness for proposed use of premises as a residential home for up to 5 young adults – Withdrawn

4.4 2000/93404 Outline application for the erection of 1 detached dormer bungalow at land adjacent 3 Woodside Lane, Fixby – Refused and appeal dismissed

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

5.1 The layout of the site has been amended. A dwelling has been removed from the north east of the site and replaced with a dwelling that is located towards the south western part of the site. The amendment allows for a more dispersed layout and avoids development being concentrated in one area of the site. It also mitigates the impact on adjacent protected trees. As a consequence of the layout change there have been some alterations to the design of the dwellings.

6.0 PLANNING POLICY:

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

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

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

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

6.4 Kirklees Publication Draft Local Plan (PDLP):

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

National Planning Guidance:

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notices, press advert and neighbour notification letters. In response to this publicity 12 objections were received.

7.2 A summary of the comments received is provided as follows:

- Previous reasons for refusal not addressed

Highway matters:

- Road safety concerns from increased traffic on Woodside Lane
- Woodside Lane unsuitable for increased traffic
- Street lighting to Woodside Lane is poor and there is no footway
- Improvement works to Woodside Lane should be required between the site access and Bradford Road
- Highway safety concerns in relation to Bradford Road junction which is problematic and dangerous
- Woodside Lane carries a bridleway
- A previous application (2000/93404) for a dormer bungalow adjacent to 3 Woodside Lane was refused on highway safety grounds and appeal dismissed
- Increase in wear and tear on Woodside Lane and potential damage to walls

Visual amenity/character of the area:

- Sub-standard design of development
- Detrimental impact on visual amenity/character of area
- Overdevelopment of the site; out of character; cramped; garden grabbing
- Existing dwelling is potentially worthy of being classed as a non-designated heritage asset; if so, development would harm its setting

Residential amenity

- Lack of adequate separation distances, contrary to BE12 and D2 of the UDP

Trees and ecology:

- Impact on protected trees
- Impact on adjacent woodland
- Impact on biodiversity including local bat population
- Inadequate ecological information submitted

Other matters:

- Concerns raised with this application in the context of the separate Certificate of Lawfulness application (2018/93412), including highway impacts and extent of the red line boundary
- Section drawing inaccurate
- Additional properties will increase risk of burglaries

- Potential for the undeveloped parts of the site to be developed in the future
- Impact on drainage including concerns with water run-off

7.3 The amended plans showing the revised layout have been publicised by neighbour notification letters. The publicity period expires on 21st January 2019. To date no representations have been submitted. A summary of any comments received following the publication of this report will be provided within an update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – No objections

8.2 Non-statutory:

KC Trees – The revised site layout is considered to be acceptable.

KC Ecology – Further information required in relation to the impact of the site layout on bat foraging and commuting routes.

9.0 MAIN ISSUES

- Principle of development
- Character and visual amenity issues
- Highway issues
- Trees
- Ecology
- Residential amenity
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 An application for 5 detached dwellings within the garden of 33 Woodside Lane was refused by the Sub-Committee in September this year. It was considered that the 5 dwellings amounted to a cramped and incongruous form of development that was out of character with the site and its wider setting. It was also considered that there would also be an intensification in the use of Woodside Lane that carries the route of a bridleway and this would not be in the interests of highway safety. Additionally, the proximity of two of the plots to mature protected trees would prejudice the longevity of the trees as a result of potential pressure to fell or prune the trees. The applicant had also failed to demonstrate that the development would not result in undue impacts on bats.

10.2 The principle of some form of residential development on the site is considered to be acceptable and so the starting point for the assessment is whether or not the revised scheme adequately addresses the previous reasons for refusal.

Character and visual amenity issues

- 10.3 The reduction from 5 dwellings to 3 dwellings is considered to represent a significant reduction in the quantum of development.
- 10.4 The layout of the site has also been amended during the course of the application to make better use of the land. Initially it was proposed to have all three dwellings concentrated in the eastern part of the site however officers had concerns that such a layout failed to take the opportunity to provide a high quality, spacious form of development and would result in an overly intensive use of one part of the site that would be at odds with the setting of the existing dwelling and the surrounding area.
- 10.5 The revised layout removes one of the dwellings and replaces it with a different house type to the south west of the existing dwelling. As a result there is a much more spacious feel to the overall development and this sits more comfortably with the site's context.
- 10.6 The reduced 3 dwelling scheme with the houses spread out around the existing dwelling is considered to be acceptable and would not result in a cramped or incongruous form of development in the opinion of officers. The proposal therefore adequately addresses this aspect of the previous reason for refusal.
- 10.7 The design of the dwellings is similar to the house types under the previous application and remains acceptable. The dwellings would be faced in natural stone and cream render with artificial blue slate tiles to the roofs; these materials are considered to be acceptable.
- 10.8 In summary the application is considered to comply with Policies BE1, BE2 and D2 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

Highway issues

- 10.9 The reduction in the quantum of development would result in a much less intensive use of Woodside Lane and officers therefore consider that the application has addressed the previous reason for refusal in this regard.
- 10.10 The site provides adequate parking arrangements for the existing and proposed dwellings and turning space for a refuse vehicle is provided within the site. The width of the access into the site is to be widened to allow two way traffic flow.
- 10.11 To ensure the turning head is retained for the benefit of residents of Woodside Lane - and not just the development subject of this application - it is recommended that a condition be imposed preventing gates being erected on the access which would inhibit the use of the turning head by vehicles using the lane (including refuse vehicles) and for signage to be erected advising drivers of large vehicles where there is a suitable turning point and its proximity to the narrowing along Woodside Lane. This is consistent with the information and recommendations provided within the applicant's Highway Statement.
- 10.12 Conditions requiring a construction management plan and a condition survey of Woodside Lane pre and post development with repairs to be carried out as necessary are considered to be appropriate.

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

Trees

10.14 There is a narrow belt of protected woodland alongside the north east site boundary. The previous application proposed two dwellings alongside this area of trees and there were concerns that the proximity of these two plots would prejudice the longevity of the trees because shading of the dwellings and their garden areas may lead to pressure to prune or fell trees in the future.

10.15 The amendment to the site layout has reduced the amount of development adjacent to the protected trees. There is now only one dwelling adjacent to the trees (plot 3) and this property has a much bigger garden area which means that the extent of shading to the private amenity space is significantly mitigated. In addition the dwelling has been designed to avoid main windows facing onto the protected trees.

10.16 Based on the amended plan the arboricultural officer raises no objection to the application.

10.17 It is recommended that permitted development rights for extensions are removed for plot 3 because future extensions could bring the dwelling closer to the trees, including habitable windows within their influence.

10.18 Officers consider that the proposal adequately addresses the second reason for refusal on the previous application. The development now accords with Policy NE9 of the UDP and PLP33 of the PDLP.

Ecology Issues

10.19 To the north east of the site is a large area of ancient woodland (Upper Fell Greave). The ancient woodland is separated from the site by a narrow belt of protected trees and an access track serving 25 Woodside Lane. Ancient woodland is classed as an irreplaceable habitat within the NPPF. The ancient woodland and protected trees are designated as a Wildlife Habitat Network in the PDLP and there is a green corridor within the ancient woodland as designated in the UDP.

10.20 The application is supported by a preliminary ecological appraisal and a bat dusk emergence and transect survey.

10.21 The Ecology Unit has recommended that further information be submitted to fully assess the ecological impacts of the development, particularly in relation to the impact of the layout of the site on bat foraging and commuting routes. A response is awaited from the applicant on this matter and an update will be provided to the Sub-Committee.

10.22 In terms of the impact of the development on the nearby ancient woodland, published guidance recommends leaving a 15m (minimum) buffer zone of semi-natural habitat between a development and ancient woodland.

- 10.23 In this case the site is separated from the ancient woodland by a belt of protected trees and an access track. The nearest proposed built development is plot 3 which is separated from the ancient woodland by around 20m. A proportion of this separation (circa 8m) is made up of the garden for this plot and whilst the garden would not constitute semi-natural habitat it has the potential to provide some ecological value. In any event this part of the site already forms residential garden for the existing dwelling and so there would not be any significant change in circumstances in this regard. On this basis officers do not consider that the development is likely to unduly prejudice the ancient woodland.
- 10.24 The development would result in the loss of some bird breeding and foraging habitat. The site does nevertheless retain some open areas of garden and mitigation can be secured, for example through new landscaping and bird boxes on the dwellings.

Residential Amenity

- 10.25 The layout of the site essentially replicates three of the plots that were proposed under the previous scheme. It was concluded that the development provided acceptable separation distances to adjacent dwellings and this remains the case.
- 10.26 The side elevation of plot 1 is 24m away from 29/31 Woodside Lane, largely off-set from the from these existing dwellings and partially screened by trees. Plot 1 backs onto some outbuildings associated with 29 Woodside Lane. As such there would not be any significant impact on residential amenity.
- 10.27 Plot 2 is over 30m away from 20 The Ghyll, which is a bungalow set down from site. The separation distance exceeds Policy BE12 requirements and is considered to be acceptable.
- 10.28 Plot 3 has a main elevation facing towards 25 Woodside Lane. The separation distance is 30-35m with some screening provided by trees along the boundary. The separation distance exceeds Policy BE12 requirements and is considered to be acceptable.
- 10.29 The application is considered to satisfy Policies BE12 and D2 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

Drainage issues

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

Representations

- 10.31 Twelve objections were received in response to the plans as originally submitted. The main concerns reflect those issues within the previous grounds for refusal i.e. character of the area, highway matters, trees and ecology. These issues have been addressed within this report. Residential amenity and drainage issues have also been addressed within this report.
- 10.32 The application from 2000 for a dwelling adjacent to 3 Woodside Lane (ref 2000/93404) is acknowledged but based on current highways guidance and planning policies it is considered that the highway impacts are acceptable and this previous application does not materially alter the assessment.
- 10.33 It has been stated that the existing dwelling is potentially worthy of being classed as a non-designated heritage asset and in such circumstances the development would harm its setting. Officers have considered this comment but do not agree that the existing building is of sufficient merit to be considered a non-designated heritage asset.
- 10.34 Concerns have been raised with this application in the context of a separate Certificate of Lawfulness application (ref 2018/93412) for the proposed use of 33 Woodside Lane as a residential home for up to 5 young adults with care being provided. That application is seeking confirmation as to whether the use of the existing dwelling in this way would be lawful (i.e. planning permission not required). Application 2018/93412 is to be determined on the basis of the facts of the case and relevant planning law. Planning merits are not relevant at any stage in this particular application process. The Certificate of Lawfulness application does not therefore have any material bearing on the assessment of the planning application that is before the Sub-Committee.
- 10.35 Concerns have been raised that the presence of additional properties will increase the risk of burglaries. Officers are unable to give any particular weight to such concerns.
- 10.36 There are also concerns that the undeveloped parts of the site may be developed in the future. Any further development on the site would be assessed on its own merits but the previous refusal would be a material consideration when having regard to the amount of development that the site can accommodate.
- 10.37 No representations have been received in response to the amended plans. The publicity period expires on 21st January 2019 and a summary of any comments received will be provided within an update to members.

Other Matters

- 10.38 The site has been identified as potentially contaminated land due to its proximity to a former colliery. As such Environmental Services have recommended a condition requiring the reporting of any unexpected contamination encountered during development.

10.39 To mitigate the impact of the development on air quality and to accord with the West Yorkshire Low Emission Strategy Planning Guidance and PLP24 of the PDLP it is recommended that an electric vehicle charging point is installed within the garage/parking area of each dwelling.

11.0 CONCLUSION

11.1 The reduction in the quantum of development and consequential changes to the site layout have addressed the previous reasons for refusal in respect of the character of the area, the intensification in the use of Woodside Lane and the impact on protected trees. Ecology matters are still to be concluded in relation to the impact on bats and this will determine the level of mitigation that is required. The publicity period for the amended plans has not expired at the time of writing and any additional representations will be reported to members in the update.

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

1. Time limit
2. Development in accordance with approved plans
3. Approval of samples of materials
4. Remove permitted development rights for extensions on plot 3
5. Details of internal adoptable estate road
6. Surfacing of parking areas
7. Reporting of unexpected contamination
8. Electric vehicle charging points
9. Biodiversity mitigation
10. Soakaway drainage design (or alternative surface water drainage scheme if soakaways found to be unsuitable)
11. Construction management plan
12. Condition survey of Woodside Lane pre and post development and scheme of repairs carried out as necessary
13. No gates to be formed across the access to allow for vehicle turning plus signage to indicate availability of turning space

Background Papers:

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93212>

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

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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 24-Jan-2019

Subject: Planning Application 2018/93073 Erection of three storey side and single storey rear extension and erection of dormers 215, Birkby Road, Birkby, Huddersfield, HD2 2DA

APPLICANT

N Uppal

DATE VALID

20-Sep-2018

TARGET DATE

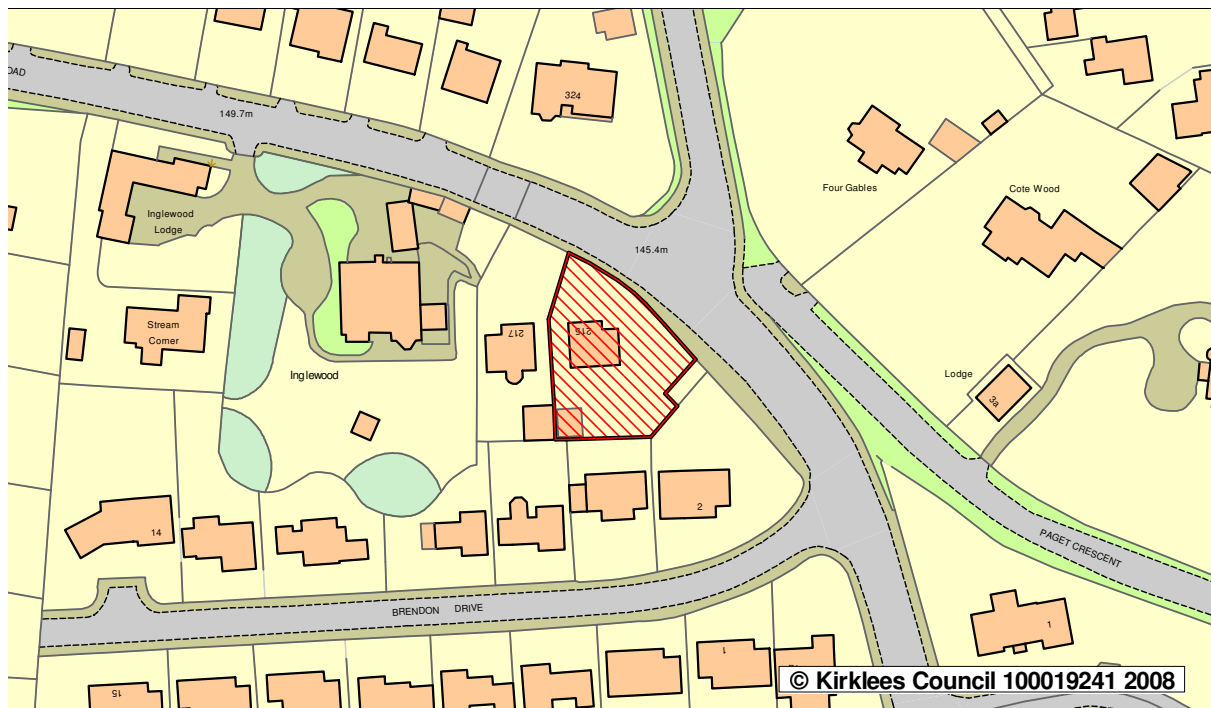
15-Nov-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: LINDLEY

No

Ward Members consulted

RECOMMENDATION: REFUSE

1. The proposed extensions, by reason of the scale, design and materials of the proposed side extension, would appear discordant and incongruous in the streetscene and would fail to relate to or respect the host dwelling's original form. The proposed scheme would be an unsympathetic form of development that would harm the character and appearance of the area and the host dwelling. This would be contrary to the aims of Policies D2(vi & vii), BE1(ii) and BE2(i) BE13i & iii) of the Unitary Development Plan and PLP24 (a & c) of the Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.
2. The siting, design and scale of the proposed side extension would result in an undue overbearing impact on the amenities of the occupiers of no. 4 Brendon Drive. This would fail to retain a high standard of amenity for existing occupiers of this dwelling, contrary to Policies D2 (v) and BE14 of the Unitary Development Plan, PLP24 (b) of the Publication Draft Local Plan and para 127(f) of the National Planning Policy Framework.

1.0 INTRODUCTION:

The application is brought to Planning Committee at the request of Cllr Burke who has provided the following reason:

As the plot is more than large enough to accommodate the proposal, I do not consider that it will have a negative impact on the visual amenity of the local street scene.

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

2.0 SITE AND SURROUNDINGS:

- 2.1 215 Birkby Road, Birkby is a two storey detached dwelling built of brick and a concrete tiled roof, located to the south of Birkby Road, on the inside of a long sweeping bend, close to the junction with Reap Hirst Road. The property and the adjacent property No. 217, were both built in the 1960's, in the grounds of 'Inglewood', a large Victorian Villa, where both properties are set back from the road with a low wall running along the front of the property. The property benefits from a drive along the west facing elevation, leading to a detached

double garage with storage above in the south west corner of the garden. Within the rear amenity space in the south east corner are mature trees protected by a Tree Preservation Order. The property is a modest size, sat within relatively large gardens giving an open aspect characteristic to the area.

3.0 PROPOSAL:

- 3.1 The application seeks permission for the erection of a single storey front, two storey side and single storey rear extension to the existing property to form a 6 bedroom dwelling across 3 floors with an additional gymnasium, games/cinema room, prayer room and living space to the upper floors. At ground floor the accommodation would comprise of two lounges, dining kitchen area, study, the 6th bedroom, laundry room, utility and WC.
- 3.2 The two-storey side extension would project from the gable by 6.3m by 11.6m including 4.05m projection from the rear elevation at ground floor, at first floor this would be reduced to the depth of the property with an additional 2m, a total length of 9.6m and would be 5.5m high to the eaves with the a gabled roof running at right-angles to the host property. The front elevation of the side extension has been designed with a large tapering overhang canopy, with a total additional projection of 1.2m.
- 3.3 The proposed single-storey rear extension would have a projection of 4.05m by 9.6m the full width of the rear elevation linked into the proposed side extension, and with a monopitch roof.
- 3.4 The proposed single storey front extension would enlarge the proposed study, projecting 1.75m in line with the existing WC by 2.95m to the gable of the host property.
- 3.5 Finally within the roof space on the front elevation, there would be two dormers, measuring 2.7m across, these would be set back from the gutter by 0.15m with a dual pitched roof and would be set below the ridge by 0.45m.
- 3.6 The proposed extension would be built from brick, with contrast panels of white render, timber cladding and concrete tiled roof. The front and rear ground floor elevations incorporate a number of bi-fold doors.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2016/93212 – Erection of two storey extension to side and single storey to front and rear. Conditional Full Permission

[http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2016/93212&file_referen
ce=605692](http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2016/93212&file_reference=605692)

2016/91082 – Erection of fencing on existing wall and vehicular and footway gates. Conditional Full Permission

2015/93128 - Erection of boundary wall and gates and formation of extension to dropped kerb. Refused

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Discussions have taken place with the agent to request the scheme be amended to reduce the scale of extensions to follow the footprint of the previously approved scheme and change the roof to follow through over the extension rather than at right-angles. The request for amendments also included the removal of the rear first floor extension.
- 5.2 The application has been amended by reducing the rear first floor extension to 2m and removing 1 dormer on the side elevation.
- 5.3 The roof was initially changed to run through from the host property over the extension, however the applicant has had a meeting with neighbours who preferred the original scheme. Therefore the application has reverted back to the submitted option with regard the roof.

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:

The site is located on unallocated land on the UDP.

6.2

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE13** – Extensions to dwellings (design principles)
- **BE14** – Extensions to dwellings (scale)
- **BE15** - Dormers
- **T10** – Highway safety
- **NE9** – Retention of mature trees.

Kirklees Publication Draft Local Plan:

The site is located on unallocated land on the draft Local Plan.

- 6.3 **PLP1:** Presumption in favour of sustainable development
PLP2: Place shaping
PLP 24: Design
PLP 33: Trees.

National Planning Guidance:

- 6.4
- Section 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The proposal was advertised by a site notice and neighbour notification letters. The publicity period expired 01-11-2018. In addition, the agent has submitted amended drawings where neighbours have been given the opportunity to comment which expired on the 03-01-2019.
- 7.2 Representations have been made by a total of 4 local residents and another third party all in opposition to the original plans.
- 7.3 A summary of the concerns and comments made to the original plans are given below:

Grounds of objection and concerns

- overlooking,
- loss of natural light
- Overbearing & intrusive element.
- No boundary screening
- Large areas of cladding
- Increase in traffic due to the extended family
- Scale of the extension is out of proportions and not sympathetic to the area.
- 3 –storey extension will appear taller given the difference in levels
- changes the visual character of the development and that of the neighbourhood. The size and mass of the extended property will dominate the locality and be out of proportion to other properties.

Following amended plans 2 letters have been received and the comments are summarised below:

- No objections to the revised plan provided that any windows above ground level are frosted.
- Access would be dangerous.

8.0 CONSULTATION RESPONSES:

- 8.1 **Statutory:** none necessary

- 8.2 **Non-statutory:**

K.C Trees – No objections subject to condition

9.0 MAIN ISSUES

- Principle of development
- Design
- Residential amenity
- Highway Safety
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated on the Kirklees Unitary Development Plan (UDP) proposals map and as such Policy D2 applies and does indicate that permission will normally be granted provided it would not have any prejudicial impact upon, for example, visual and / or residential amenity or result in the overdevelopment of a site.
- 10.2 Other UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), BE13 (extensions should respect the design features of the existing building), BE14 (extensions should not have an adverse impact on adjacent properties or land), and NE9 (mature trees should normally be retained).
- 10.3 Furthermore the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 10.4 PLP24 (a and c) of the Publication Draft Local Plan states: "Proposals should promote good design by ensuring that . . . the form and scale, layout and details of all development respects and enhances the character of the townscape...[and] extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers". Policy PLP33 (Trees) states that proposals should normally retain any "valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location, or contribute to the environment."

Design

- 10.5 The proposed development seeks to substantially extend an existing dwelling to provide accommodation over three floors, as set out earlier in the report. This includes extending a total of 6.3m from the existing gable which would bring the dwelling approximately 2.9m from the boundary with Birkby Road at its closest point. Extensions are proposed to the front, side, rear and roof of the property resulting in a dwelling that would be significantly different to that presently on site. There is an extant scheme to extend the dwelling approved under application no. 2016/93212. This demonstrates that it is possible to provide additional accommodation on the site which would comply with existing and emerging policy. Indeed the proposed single storey extensions now proposed, and the dormers within the front roof slope subject to some slight

reductions, are all considered acceptable. The principal concern with the current scheme relates to the proposed side extension and the external facing materials.

- 10.6 The proposed side extension has been designed so that the ridge line runs at right angles to the host property with a feature canopy overhang projecting a maximum of 1.2m to the front elevation, which tapers from the ridge back into the eaves. This would provide accommodation over three floors and is particularly prominent in the streetscape due to sweeping nature of Birkby Road at this point and scale of the extension which extends 16.8m in length as opposed to the existing dwelling which has a depth of approximately 8 metres. This scale together with the orientation of the roof would be out of character with the host property, furthermore the canopy would add additional bulk to the property, introducing an incongruous feature to the street scene. The side elevation would 'face' Birkby Road due to the siting of the host dwelling. At present the dwelling has a blank elevation but the proposed development would introduce windows over two floors and rooflights. In addition it is proposed to add a large panel of white render as a feature of this elevation. These would all add to the prominence of the extension when viewed from Birkby Road and serve to create an incongruous feature at odds with the quiet character of the existing dwelling and surrounding dwellings. 215 Birkby Road is presently a modest size property within relatively large grounds characteristic to the surrounding properties and area. For these reason the development would be contrary to Policies D2(vi & vii), BE1(ii) and BE2(i) BE13i & iii) of the Unitary Development Plan and PLP24 (a & c) of the Publication Draft Local Plan and paragraph 127 of the National Planning Policy framework.
- 10.7 The host property, is built from brick with timber boarding detail below the first floor and ground floor windows to the left hand side of the porch and a concrete pantile roof. The proposed material would be concrete tiles and brick to match the host property which would be acceptable. However the extension has been designed with timber cladding and white render being the predominant facing materials with only the corners being brick. These materials in the proposed proportions would give a stark appearance to the building out of character with the property and drawing further attention to the mass of the proposed side extension. It is accepted that the host property is simple in design and the applicant would like modernise the appearance. However due to the prominent position of the property and the amount of render, it is considered that its use would fail to respect the host dwelling.
- 10.8 The two front dormers do not fully comply with Policy BE15 of the UDP in that they are not set back from the gutter at a sufficient distance and they cover over 50% of the total (original) roof slope. However, these details could be amended to comply with policy BE15 and if they were the only addition to the property, they could be considered as acceptable. However the dormers in addition to the larger extension is considered to dominate and add bulk to the host property.
- 10.9 It should be noted that the treatment to the site frontage, including fence and gates referred to in the Design & Access Statement, were approved under application 2016/91082. The works include widening the site entrance and the erection of gates and fencing.

Residential Amenity

- 10.10 The two-storey side extension would be 12m from the nearest point on the curtilage of the residential property at the rear (in this case, 4 Brendon Drive) and 40m from the facing front elevation of no. 324 Birkby Road with "Four Gables" still further away to the side. It is considered that the side extension would not give rise to any significant overlooking of neighbours to the front and side, given the distance from neighbours.
- 10.11 The single-storey extension would be approximately 10.5m from the southern boundary of the site and it is considered that owing to its separation distance and small size it would not affect the amenities of no. 4 Brendon Drive.
- 10.12 The properties along Brendon Drive to the rear of the site are at a lower ground level than the application property. This has been taken into account in the design of the side extension where the windows in the attic facing south towards these dwellings are shown to be obscurely glazed with no windows in the first floor rear elevation. This could be controlled by condition and therefore it is considered that there would be no undue overlooking of the properties to the rear.
- 10.13 The adjacent neighbours at No 217 Birkby Road are located on the opposite side to the proposed two storey extension and there are no windows proposed that would adversely affect the privacy of this property.
- 10.14 Notwithstanding the scheme has been designed to avoid undue overlooking of neighbouring properties, the scale of the development is considered to result in an overbearing impact to no. 4 Brendon Drive to the south of the site. This property is being at a lower ground level than the application site and the proposed separation distance between the extension and this dwelling being limited to 20.2m. It is considered that the scale and design of the side elevation would introduce a feature that would fail to retain a high standard of amenity for existing occupiers of this dwelling, contrary to Policies D2 and BE14 of the UDP, PLP24 (b) of the PDLP and para 127 of the NPPF.
- 10.15 With regard overshadowing the property is located to the north of properties along Brendon Drive and given the protected trees located between the neighbours and proposal, which will already cast a shadow. It is considered the extension would not create undue overshadowing of the neighbours.

Highway issues

- 10.16 The proposed development does not involve any new or amended means of access to the highway. Existing parking and manoeuvring arrangements within the site would be unaffected. The detached garage would be retained and there would be space enough within the site to park at least four vehicles.
- 10.17 The works to the site entrance and boundary treatment have an extant permission under application 2016/91082 and are considered to be an improvement to the access situation. There are no objections to the proposals subject to a footnote regarding the required works to the highway.

10.18 In conclusion, the proposed development, if implemented in accordance with the submitted plans, would not create or materially add to highway safety problems, and would accord with the aims of Policies T10, T19, PLP21 and PLP22.

Representations

10.19 The concerns expressed are summarised below with officer responses:

- Overlooking,
Response: The windows shown at first floor level are set a distance of over 22 metres to the rear elevation with 4 Brendon Drive. This distance is considered sufficient to avoid loss of privacy to the occupants and is in accordance with Policy BE12 of the Unitary Development Plan.
- Loss of natural light
Response: The proposed extension is north of the neighbours most effected by the proposal and due to the scale and height some natural daylight may be reduced by the extension
- Overbearing & intrusive element.
Response: Officers have concluded that the development would result in an unacceptable relationship being overbearing.
- No boundary screening
Response: It is acknowledged that the 3d drawings give the impression of screening where limited treatment exists.
- Large areas of cladding
Response: The concerns are noted and Officers recognise that the materials proposed are not acceptable adding weight to the unacceptability of the proposed development.
- Increase in traffic due to the extended family
Response: It is accepted that the number of bedrooms and accommodation would increase family members, however the drive can adequately accommodate several cars. Informal discussion with highways have confirmed there are no objections in this respect.
- Scale of the extension is out of proportions and not sympathetic to the area.
Response: Officers have agreed that the extension proposed is not acceptable for reasons referred to in the report.
- 3 –storey extension will appear taller given the difference in levels
Response: Officers have agreed that the extension proposed is not acceptable for reasons referred to in the report.
- Changes the visual character of the development and that of the neighbourhood. The size and mass of the extended property will dominate the locality and be out of proportion to other properties.
Response: Officers have agreed that the extension proposed is not acceptable for reasons referred to in the report.

- No objections to the revised plan provided that any windows above ground level are frosted.

Response: The windows at first floor level are considered to be sufficient distance to avoid any loss of privacy to nearby occupants. If necessary the windows could be obscurely glazed.

- Access would be dangerous.

Response: Alterations to widen the access have been approved under a previous application which remains extant. It is not considered that the works would result in any detriment to highway safety and discussions with Highways DM have confirmed that the increase in width would be beneficial.

Other Matters

10.20 *Trees*

The application is not accompanied by any information in respect of the impact on the protected trees within and adjacent to the site. The proposals show the trees to be retained and despite the submission of further information it remains unclear as to how the trees can be protected. The revised plans show the first floor stepped back and an absence in windows within the wall closest to the tree, these design changes are welcomed. However, in order to ensure that the trees can be protected a tree survey and Arboricultural Method Statement, to include a tree protection plan, would be required to safeguard the trees during the works.

- 10.21 Subject to the imposition of a condition to ensure the trees can be protected, the development can be carried out in accordance with Kirklees Unitary Development Plan Policy NE9 and Publication Draft Local Plan Policy PLP33.

11.0 CONCLUSION

- 11.1 It is considered that the proposed development, would not adequately respect the character of the existing dwelling or its surroundings and that it would result in undue harm to the amenities of existing occupiers of a neighbouring dwelling. It is therefore recommended that permission is refused.

Background Papers:

Application and history files can be accessed at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93073>

Certificate of Ownership – Certificate A signed

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 24-Jan-2019

Subject: Planning Application 2018/93226 Erection of two storey extension
Brigsteer, 402, Birkby Road, Birkby, Huddersfield, HD2 2DN

APPLICANT

Acumen Architects

DATE VALID

21-Nov-2018

TARGET DATE

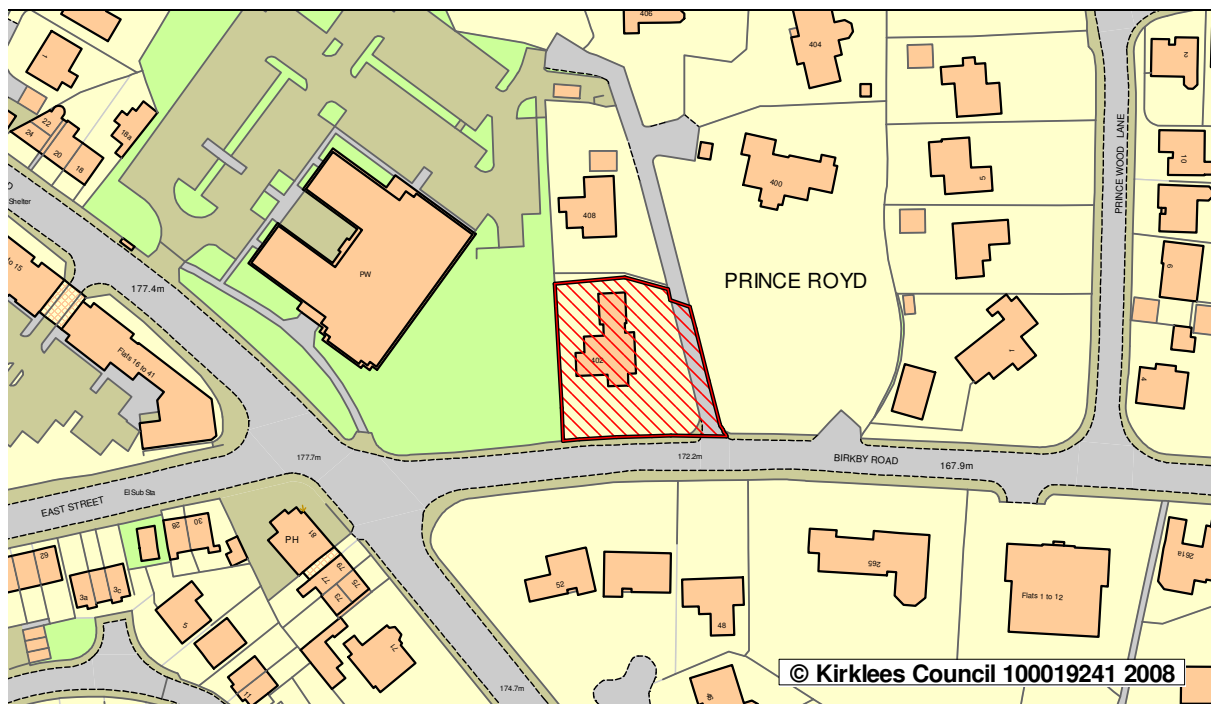
16-Jan-2019

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: LINDLEY

Y

Ward Member consulted

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

1.0 INTRODUCTION:

- 1.1 This application is brought before Sub-Committee for determination on account of the refusal of the previous application (2018/90978) for the erection of extensions on this site, the very short time that has elapsed since this decision was made, and given that the previous reason for refusal is a material consideration in the assessment of the revised scheme.
- 1.2 The proposal was brought before Sub-Committee on 13th December last year but Members voted to defer the application, in accordance with officers' recommendation in the Committee update, in order to allow all parties a sufficient amount of time to assess the amended plans (submitted 7th December) and form a balanced view on them.

2.0 SITE AND SURROUNDINGS:

- 2.1 402 Birkby Road, known as Brigsteer, is a large detached dwelling situated on the north side of Birkby Road approximately 45m east of the junction with Halifax Road. Vehicular access is provided by an unadopted road adjacent to the eastern boundary of the plot which continues to serve 5 other dwellings. The plot, which measures approximately 39m from north to south and 30m west to east (on average), is somewhat elevated above the level of Birkby Road. Vehicular access to the unadopted road is taken at the north-east corner of the site. The dwelling itself is of an asymmetrical design and layout, with an attached double garage at the northern end. Most of the amenity space is to the south and west, and there are several mature trees on the southern and eastern boundaries.
- 2.2 To the west, the site is bounded by the Church of Jesus Christ of Latter Day Saints grounds, and to the north by no. 408 Birkby Road. To the east, on the other side of the access road, is no. 400 Birkby Road, a detached dwelling on a large plot, while to the south, on the opposite site of Birkby Road, are some modern detached dwellings on smaller plots. The wider area is characterised by detached dwellings which are mostly either individually designed or form part of small modern developments.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of a two-storey extension to the southern elevation of the property.
- 3.2 The extension would be 5.3m by 6.0m and would be tied into the southern and part of the western elevation, projecting 2.3m to the south of the existing dining room. It would be 4.7m high to the eaves and with a gable roof.
- 3.3 A single-storey extension, which was to have been located near the north-western corner of the dwelling, has been deleted. The proposed two-storey extension is of the same scale, siting and design as the extension that formed part of the scheme shown on the plans for application 2018/90978.
- 3.4 There is a Council highway improvement scheme proposed nearby which would create a new lane within the carriageway of Birkby Road for southbound traffic turning right onto Birkby Road at the junction with Halifax Road, and then merge into the existing carriageway. It would take a wedge of land off the curtilage of the Church of Jesus Christ of Latter Day Saints and Brigsteer. This is dependent on the Council securing land off the relevant parties but the site plan has been drawn to reflect what the site would look like if it were carried out. This does not form part of the planning application and is not assessed in the report.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1

2003/94421 – Outline application for the erection of a detached dwelling (within the curtilage of the dwelling now known as 408 Birkby Road). Approved and implemented.

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

2018/90978 – Erection of single-storey and two-storey extensions. Refused by Huddersfield Planning Sub-Committee. Reason for refusal:

“The proposed extensions, by reason of their scale, and in the context of and bulk and footprint of the existing dwelling relative to its plot size and those of surrounding houses, would amount to overdevelopment of the site. This would result in a visually assertive development out of character with, and harmful to, the visual amenity of the local area. This would be contrary to the aims of Policies D2(ii), BE1(ii) and BE2(i) of the Unitary Development Plan and PLP24 (a) & (c) of the Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.”

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

- 5.1 04-Dec-2018: Agent submitted calculations to show that no. 408 is more densely built up than 402 in terms of footprint to plot size ratio.

5.2 07-Dec-2018. Submission of amended plans (Rev E) deleting the proposed single-storey extension and retaining the two-storey extension only. These were re-advertised (publicity period ended 07-Jan-2019).

6.0 PLANNING POLICY:

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

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

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

6.3 Supplementary Planning Guidance / Documents:

PLP 21: Highway safety and access

PLP 22: Parking

PLP 24: Design

PLP 33: Trees.

6.4 National Planning Guidance:

- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The proposal was advertised by a site notice and neighbour notification letters. The final publicity period expired 07-Jan-2019.

- 7.2 In addition, the applicant was required to submit an amended ownership certificate because on the originally submitted Certificate under Article 14 for the list of owners notified had not been filled in correctly. The corrected Certificate B was submitted on 21-Nov-2018. The mandatory 21-day period for notification under Article 13 therefore expired on 12-Dec-2018.
- 7.3 Representations have been made by a total of 17 local residents and other third parties. Of these, 9 are in opposition, 8 are in support. This includes the responses to the originally submitted proposal, as well as the publicity undertaken in response to the latest plans, Rev E.
- 7.4 A summary of the concerns and comments made is given below:

Grounds of objection and concerns

- Overdevelopment, and the deletion of the single-storey extension does not adequately address the reason for refusal.
- The extensions will make it the most densely developed plot, and the plot coverage will be proportionately still greater if the highway improvement goes ahead.
- The refusal of the original outline application for erection of a dwelling, 2002/60/94079/W, should be a material consideration. The subsequent application, 2003/94421, was approved even though it was not in accordance with the Kirklees Highways Directive (no more than 5 dwellings to be served by an unadopted road), and there were inaccuracies in the highway consultants' report. In particular there is no shared turning head within the lane nor has there ever been one.
- Already bigger than approved and with more bedrooms.
- Loss of privacy caused by the south-facing upper floor window in the extension.
- Insufficient parking space for the likely number of cars, and no swept path analysis.
- Loss of trees including during construction.
- No proven right of way along lane, no right of access to shared turning head, ownership of boundary walls is disputed, and it has not been demonstrated that safe access could be gained during construction.
- If vehicles cannot turn within the boundary of the property, they will be forced to reverse down the lane into Birkby Road, and this could be made more dangerous after the Halifax Road and Birkby Road junction alterations, because when vehicles turn left into Birkby Road from Halifax Road they may be travelling at a greater speed due to a filter lane. Vehicles have been observed reversing out of Brigsteer on to the lane. The other 5 current residents of the lane, 404-412, and their visitors, have no need to reverse into Birkby Road.
- There may also be more traffic to and from the property once the extension is built.
- There have been recent instances of the lane being blocked by large goods vehicles.
- The applicant is named as Acumen Architects on the form – if they really intend to occupy the property it will need a change of use to commercial, alternatively why doesn't it give the name of the current or intended occupant?

- The site plan is difficult to understand because the trees on the drawing cover what is proposed on the ground and a separate plan should be provided to make this clear.
- Covenant says that every plot must be 200 square yards, and if this had been followed Brigsteer would never have been built. It should not have been able to take the original property name and number.
- Any extensions could open the door to further permitted development – any such rights should be removed.
- The highway improvements will reduce the size of the curtilage even further and make the dwelling more prominent in the street scene.
- The report refers to '*calculations done independently by the applicant and by the case officer*' but makes no mention of the independent survey using measurements on the ground commissioned by residents. It should also include the comparative building densities of other properties that use the lane.
- Some claims made by a supporter are disputed – in particular about the resurfacing of the driveway and about neighbours being shown the plans for the new dwelling and invited to view the property.
- Error in description – it was re-advertised as a proposal for two- and single-storey extensions, which contradict the latest plans.
- The applicant has appealed the original refusal, which implies that both extensions are required after all.

Supporting and general comments

- The proposal has been reduced, would not amount to overdevelopment, and this shows the applicant's willingness to address the reason for refusal.
- The house as built was passed for the purposes of Building Regulations.
- The occupants of no. 402 have historically played an active role in maintaining the shared lane.
- Brigsteer has ownership of the boundary wall, contrary to some claims.
- The house has accommodated 4 or more cars in the past without difficulty.
- The development will not cause overlooking and would harmonise with its surroundings.
- There is a wide variety of house types and styles within the local area and many homes are built closer to the highway than the proposed extension would be.
- It would be done in matching materials.
- Plot coverage is considerably higher for no. 408.
- Replacement of trees would be a net benefit; would not involve any loss of protected trees.
- Some of the objectors' letters raise issues that are not material from a planning point of view.
- Access arrangements would be unaffected, there is minimal traffic on the lane, and a large van can easily manoeuvre in the drive.
- The neighbours cannot see the proposed extension.
- No effect on residential amenity.
- No Ward Councillors have raised any objections to the current application.
- Tree planting will help to screen it.
- Some of the existing properties served by the lane, besides Brigsteer, were originally built on garden plots so it is unfair to single out Brigsteer as being a "garden grab".

- Anyone can drive on to the lane so photographs of vehicles could belong to anyone.
- The Council should impose a speed limit and adopt the lane.

7.4 Ward Councillor Cahal Burke, who commented on application 2018/90978, was notified of the new application. Cllr Burke did not request a Committee decision but requested that if approval is given, a construction management plan must be required as a condition.

8.0 CONSULTATION RESPONSES:

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

8.2 **Non-statutory:**

No consultations were considered necessary in this instance. For application 2018/90978, Highways Development Management and the Arboricultural Officer were consulted and neither had any objection in principle.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

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

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

- 10.3 PLP24 (c) of the Publication Draft Local Plan states: “Proposals should promote good design by ensuring that . . . extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers”. PLP21-22, which cover highway safety and parking, can in principle be given considerable weight but cover the same concerns as the UDP policies T10 and T19. Policy PLP33 (Trees) states that proposals should normally retain any “valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location, or contribute to the environment.”

Urban Design issues

- 10.4 The previous application, 2018/90978, was subject to a number of revisions during the application process, including the deletion of a detached garage near the south-western corner of the site. It was the opinion of planning officers at the time that the proposed scheme, as modified, could be recommended for approval; it was however refused by Planning Sub-Committee, the reason being that proposed extensions, by reason of their scale, and in the context of and bulk and footprint of the existing dwelling relative to its plot size and those of surrounding houses, would amount to overdevelopment of the site, thereby harming visual amenity.
- 10.5 The latest version of the plans for the new application leave the proposed two-storey extension to the south elevation unchanged, but remove the single-storey extension which was to have formed part of the scheme. On the earlier version of the plans (Rev D) this was only reduced in length slightly.
- 10.6 As before it is noted that the immediate neighbouring dwellings are all individually designed houses on plots of varying sizes. In the previous officers’ report to Sub-Committee it stated that Brigsteer and its immediate neighbour to the north, no. 408, both had a plot coverage of approximately 17%. It has subsequently come to light that this is incorrect – based on calculations done independently by the applicant and by the case officer, it would appear that no. 408 has a slightly higher degree of plot coverage. Based on the house as built, or in no. 408’s case the house plus garage as it stood when the dwelling now known as Brigsteer was built, plot coverage is approximately 17.5% for Brigsteer and 19.8% for no. 408.
- 10.7 On the basis of these calculations it can be seen that 408 is the more densely built-up plot in terms of footprint, and would appear to be the most densely built up of the houses served by this unadopted road. It is acknowledged that planning officers made an error in calculating plot sizes for the previous application, but as the recalculation only reveals a small difference between no. 402 and its neighbour in terms of plot coverage (2.3%), this would not, in itself, be a sufficiently strong factor to justify an approval.
- 10.8 It is considered, however, that the latest change to the plans, namely the deletion of the single-storey extension, amounts to a significant change to the planning merits of the scheme. It results in a marked reduction in the bulk, and especially the footprint, of the proposal.

- 10.9 The table below provides a comparative view of three versions of the scheme – the plans and elevations for the refused application 2018/90978 (2532-03 Rev C), the plans originally submitted for 2018/93226 (Rev D), and the plans and elevations now under consideration (Rev E):

Application / Plan	Description	Total footprint added (sqm)
Previously Refused Scheme – Rev C	2- and single-storey extensions	45.9
Scheme initially proposed under this application - Rev D	2- and single-storey extensions	41.8
Scheme now proposed under this application - Rev E	2-storey extension	30.7

- 10.10 The above table demonstrates that the increase in built footprint represented by Rev E as now proposed is only about two-thirds of that shown on the plans refused under the previous scheme as set out in Rev C.
- 10.11 The previously proposed single-storey extension was, of the two extensions proposed, the less visually prominent from Birkby Road. But the original reason for refusal referred to “the proposed extensions” and did not single out one element of the scheme as being particularly harmful. Nor does the wording of the reason for refusal imply that any and all extensions to the building must inevitably be harmful to visual amenity. It is considered that the proposed two-storey extension would not appear overly prominent in the street scene or out of keeping with the local area, given the lack of uniformity of house type along the northern frontage of Birkby Road.
- 10.12 In conclusion, it is considered that the latest changes to the plans have addressed the reason for refusal. It is considered it would no longer amount to a visually assertive form of development, amount to overdevelopment of the site, or be out of character with the local area. It is considered that the development would conserve visual amenity and would thereby comply with the aims of Policies D2(ii), BE1(ii) and BE2(i) of the Unitary Development Plan and PLP24 (a) & (c) of the Publication Draft Local Plan and paragraph 127 of the National Planning Policy Framework.

Residential Amenity

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

Landscape issues

- 10.15 As before, it is considered that the existing trees have only limited amenity value and do not merit a Tree Preservation Order. The development as proposed would not, in any case, involve works within the crown spread of a tree or necessitate any tree pruning or similar works. Several trees will, unavoidably, be lost if the proposed junction improvement to Birkby Road goes ahead. This does not form part of the application but the applicant has proposed that some replacement planting (shown on the site plan) could be undertaken on the Birkby Road frontage. It is considered that the proposed development has no implications for the wider landscape.

Highway issues

- 10.16 The proposed development does not involve any new or amended means of access to the highway. Existing parking and manoeuvring arrangements within the site would be unaffected. The attached garage would be retained and there would be space enough within the site to park at least two vehicles near the southern end of the curtilage. Using standard swept paths, a car can easily undertake a three-point turn within the site.
- 10.17 In conclusion, the proposed development, if implemented in accordance with the submitted plans, would not create or materially add to highway safety problems, and would accord with the aims of Policies T10, T19, PLP21 and PLP22.

Representations

- 10.18 The concerns expressed are summarised below with officer responses:
- Overdevelopment, and the deletion of the single-storey extension does not adequately address the reason for refusal.
Response: The proposal as amended is not considered to be overdevelopment for the reasons set out at length in paragraphs 10.4-10.12.
 - The extensions will make it the most densely developed plot, and the plot coverage will be proportionately still greater if the highway improvement goes ahead.
Response: The analysis of the relative degree of coverage for different plots, in particular Brigsteer and 408, has been undertaken based on how the two dwellings would have appeared when Brigsteer was first built and the original plot divided to form two plots. It does not take into account any later, or proposed, additions in either case, nor does it take into account the proposed highway improvement which does not form part of this application and is outside the applicant's control.
 - The refusal of the original outline application for erection of a dwelling, 2002/60/94079/W, should be a material consideration. The subsequent application, 2003/94421, was approved even though it was not in accordance with the Kirklees Highways Directive (no more than 5 dwellings to be served by an unadopted road), and there were inaccuracies in the highway consultants' report. In particular there is no shared turning head within the lane nor has there ever been one.

Response: The previous refusal for residential development is not considered material to the proposal now under consideration. Paragraph 10.16 in that officer's report refers to "...rights of use over any shared turning head within the land, or absence thereof..." For the avoidance of doubt, the words "shared turning head", wherever they appear, should not be construed as confirming that a turning head actually exists.

- Already bigger than approved and with more bedrooms.

Response: Based on plans held by the Council and supplied by the applicant, the dwelling seems to have been built larger than shown on the approved plans, but not dramatically so. The most notable difference is not in the footprint but in the height of the walls from ground to eaves, which has allowed the inclusion of second-floor living space in what was originally approved as a two-storey dwelling. It should be noted that this in itself however is not a material planning consideration in the assessment of this application. The dwelling, it would appear, has been substantially completed for more than 10 years and there is no record of a breach of condition ever being challenged by the Council, and so any breach of condition that may have occurred relating to the design or scale is now immune from any enforcement action. Furthermore, as the operational development to construct the dwelling was substantially completed more than 4 years ago this would also preclude enforcement action being considered. Finally, an increase in the number of bedrooms does not necessarily require planning permission in itself, since the layout of internal space is, in general, outside of planning control.

- Loss of privacy caused by the south-facing upper floor window in the extension.

Response: It is considered that the distance between the proposed extension and the nearest facing dwelling is too big for significant overlooking to occur.

- Insufficient parking space for the likely number of cars, and no swept path analysis. There may be more traffic to and from the property once the extension is built.

Response: This issue has been fully examined in paragraphs 10.16-10.17 above. It is considered that the amount of parking and turning provision, which would remain unchanged, would be sufficient to serve the development in the event of an approval. Swept path analysis is not a standard requirement for applications of this type.

- Loss of trees including during construction.

Response: As previously stated, none of the trees on site is considered worthy of a tree preservation order.

- No proven right of way along lane, no right of access to shared turning head, ownership of boundary walls is disputed, and it has not been demonstrated that safe access could be gained during construction.

Response: Notice has been correctly served on the owners of the lane. The development would be unlikely to result in a long-term material increase in refuse collection vehicles or other large vehicles on the lane, so the rights of use over any shared turning head within the lane, or absence thereof, are not material to the application. The plans involve no alterations to the lane. Access during construction, including any temporary removal of boundary walls that might be required, is in general deemed to be a private civil matter. A condition requiring a construction management plan can however be imposed if the Local Planning Authority deems it appropriate in the circumstances.

- If vehicles cannot turn within the boundary of the property, they will be forced to reverse down the lane into Birkby Road, and this could be made more dangerous after the Halifax Road and Birkby Road junction alterations, because when vehicles turn left into Birkby Road from Halifax Road they may be travelling at a greater speed due to a filter lane. Vehicles have been observed reversing out of Brigsteer on to the lane. The other 5 current residents of the lane, 404-412, and their visitors, have no need to reverse into Birkby Road.

Response: The proposal involves no change to private access arrangements and would not affect intervisibility, so this cannot be treated as a material consideration. The claim that turning space within the site is inadequate for private cars is considered to be unsubstantiated.

- The applicant is named as Acumen Architects on the form – if they really intend to occupy the property it will need a change of use to commercial. Alternatively why does it not give the name of the current or intended occupant?

Response: The form has been filled in correctly and the application is valid. The fact that Acumen Architects are named as the applicant does not imply that they intend to occupy the property.

- There have been recent instances of the lane being blocked by large goods vehicles, skips, etc.

Response: The erection of an extension is not expected to result in a long-term increase in large vehicles visiting the site. Construction arrangements can be regulated by a construction management plan and a condition that it must be adhered to.

- The site plan is difficult to understand because the trees on the drawing cover what is proposed on the ground and a separate plan should be provided to make this clear.

Response: It is considered that the plans are clear enough to be accurately interpreted by all parties who may have an interest in the application.

- Covenant says that every plot must be 200 square yards, and if this had been followed Brigsteer would never had been built. It should not have been able to take the original property name and number.

Response: A restrictive covenant is not enforceable through the planning system, and this factor cannot be taken into account as a material consideration.

- Any extensions could open the door to further permitted development – any such rights should be removed.

Response: Condition (8) on permission 2004/91771 removed permitted development rights for extensions and outbuildings. For the avoidance of doubt, a similar condition should be re-imposed (see 10.23).

- The highway improvements will reduce the size of the curtilage even further and make the dwelling more prominent in the street scene.

Response: The siting and prominence of the dwelling is noted, but the assessment of visual impact has been carried out on the basis of the site's existing layout since the highway improvement does not form part of the application and is outside the applicant's control.

- The report refers to '*calculations done independently by the applicant and by the case officer*' but makes no mention of the independent survey using measurements on the ground commissioned by residents. It should also include the comparative building densities of other properties that use the lane.

Response: As previously stated, all measurements in the report are approximate. Alternative calculations were submitted by the third party as part of a representation and are available to view. These actually confirm the case officer's and applicant's current view – that no. 408 is more densely developed than no. 402, the difference being about 2%.

- Some claims made by a supporter are disputed – in particular about the resurfacing of the driveway and about neighbours being shown the plans for the new dwelling and invited to view the property.

Response: These are not deemed to be material planning considerations.

- Error in description – it was re-advertised as a proposal for two- and single-storey extensions, which contradict the latest plans.

Response: This was an oversight that has now been corrected. The current description accurately reflects the current plans.

- The applicant has appealed the original refusal, which implies that both extensions are required after all.

Response: An ongoing appeal against refusal of an application is without prejudice to any current planning application for the same site. This cannot be treated as a material consideration.

10.19 Comments in support of the application are summarised below with officer responses:

- The proposal has been reduced, would not amount to overdevelopment, and this shows the applicant's willingness to address the reason for refusal.

Response: It is considered that the latest plans have addressed the reason for refusal and that the scheme would not amount to overdevelopment.

- The house as built was passed for the purposes of Building Regulations.

Response: Building Regulations and Planning are two separate regimes of control and it does not follow that the house was built fully in accordance with the plans approved for planning purposes.

- The occupants of no. 402 have historically played an active role in maintaining the shared lane.

Response: This is not deemed to be a material planning consideration in determining the application.

- Brigsteer has ownership of the boundary wall, contrary to some claims.

Response: This is deemed to be a private civil matter.

- The house has accommodated 4 or more cars in the past without difficulty.

Response: A precise analysis of how many cars can be safely parked within the site has not been undertaken, but officers are satisfied the proposal would not give rise to increased highway safety problems.

- The development will not cause overlooking.

Response: Noted.

- It will harmonise with its surroundings and would be done in matching materials.

Response: It is proposed that materials would be of the same type as those used on the existing dwelling. The standard condition that materials match those on the existing building in all respects can be imposed.

- There is a wide variety of house types and styles with the local area and many homes are built closer to the highway boundary than the proposed extension would be.

Response: Most houses on this part of Birkby Road are set back a substantial distance from the highway, although there are exceptions. There are also examples of detached outbuildings built quite close to the highway. The development proposal has been assessed having regard to the context of the wider area as well as the immediate setting. As previously stated, it is considered that the application as modified would not be harmful to visual amenity.

- Plot coverage is considerably higher for no. 408.

Response: It is acknowledged in paragraphs 10.6-10.7 above that the degree of plot coverage is greater for no. 408.

- Replacement of trees would be a net benefit; would not involve any loss of protected trees.

Response: The plans indicate some additional or replacement tree planting near the Birkby Road frontage. None of the existing trees is covered by a tree preservation order and would not be affected by the building of the extension.

- Some of the objectors' letters raise issues that are not material from a planning point of view.

Response: This is noted and has been highlighted where appropriate in officer responses to the grounds of objection.

- Access arrangements would be unaffected, there is minimal traffic on the lane, and a large van can easily manoeuvre in the drive.

Response: It is noted that access arrangements from the plot to the lane would remain unchanged and that typically, there is very little traffic on the lane. An analysis of swept paths for larger vehicles within the curtilage has not been undertaken. In the circumstances a condition requiring a construction management plan to be submitted by the applicant would be reasonable.

- The neighbours cannot see the proposed extension.

Response: It will be visible from various points outside the application site and this has been taken into account.

- No effect on residential amenity.

Response: It is considered it would have no adverse impact on the amenities of neighbouring properties or land.

- No Ward Councillors have raised any objections to the current application.

Response: It is noted that there have been no objections by Ward Councillors, although Councillor Cahal Burke has requested that a condition requiring a construction management plan is included.

- Tree planting will help to screen it.

Response: It is noted that replanting is shown on the drawings but this was also shown on the 2018/90978 plans and is not a new material consideration.

- Some of the existing properties served by the lane, besides Brigsteer, were originally built on garden plots, so it is unfair to single out Brigsteer as being a “garden grab”.

Response: It would not be possible to confirm or refute this point without further research, but the fact that a particular property is built on a former garden plot is not a reason to rule out domestic extensions per se and is not in itself a material consideration.

- Anyone can drive on to the lane so vehicles shown in photographs could belong to anyone.

Response: Noted.

- The Council should impose a speed limit and adopt the lane.

Response: This is outside the remit of the planning system.

10.20 Ward Councillor Comments

- Ward Councillor Cahal Burke, who commented on application 2018/90978, was notified of the new application. Cllr Burke did not request a Committee decision but requested that if approval is given, a construction management plan must be required as a condition.

Response: It is recommended that a construction management plan is conditioned as part of this application in the interests of highway safety – see paragraph 10.21 below.

Other Matters

10.21 *Construction access.* A Construction Management Plan is not a standard requirement for Minor or Householder development. In the circumstances, since the dwelling is served by an unadopted road, and in view of the concerns raised by some local residents and one Ward Councillor, it is considered that it would be reasonable to impose it as a condition in this case.

10.22 *Ecology.* The site is in the bat alert layer but the existing dwelling has no evident bat roost potential. No bat survey work is considered necessary and the proposal is considered to have no ecological implications.

10.23 *Removal of permitted development rights.* A condition is proposed to restrict permitted development rights for outbuildings given concerns that have been previously raised in relation to the overdevelopment of the site.

11.0 CONCLUSION

- 11.1 It is considered that the proposed development has adequately addressed the Huddersfield Sub-Committee's reason for refusal of the previous application. Taking into account the development plan and all other material considerations, it is considered it would not amount to overdevelopment and would respect the character of the existing dwelling and its surroundings. It is therefore recommended that conditional full permission is granted.

12.0 CONDITIONS

1. Development to be commenced within 3 years
2. Development to be implemented in full accordance with plans and specifications
3. Materials to match
4. Construction management plan
5. Removal of permitted development rights for extensions and outbuildings.

Background Papers:

Application and history files.

Website link <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93226>

Certificate of Ownership – Notice served on nos. 402, 404, 406, 408, 410 Birkby Road, 21-Nov-2018.

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 24-Jan-2019

Subject: Planning Application 2018/93228 Erection of single storey side and rear extension 10, Quarry Court, Longwood, Huddersfield, HD3 4UQ

APPLICANT

G Perfitt

DATE VALID

02-Oct-2018

TARGET DATE

27-Nov-2018

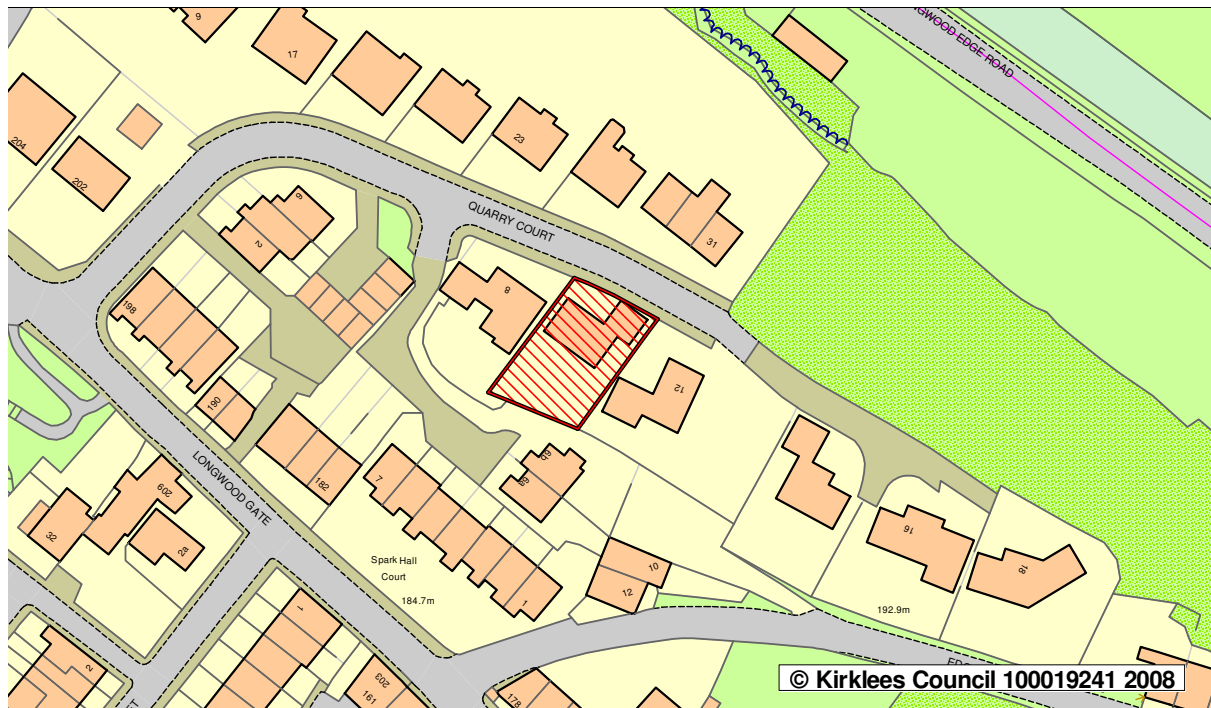
EXTENSION EXPIRY DATE

31-Jan-2019

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Golcar

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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 Planning Committee at the request of Cllr Richards who has provided the following reason:

The developers of this site made maximum use of almost every inch of land when the houses were built. Allowing any extension to houses on this road. These are already substantial homes so extensions would create a feeling of overdevelopment and overcrowding.

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

2.0 SITE AND SURROUNDINGS:

2.1 No. 10 Quarry Court at Longwood is a substantial two storey detached dwelling faced with natural stone walls and a concrete tiled roof. The property, granted permission in 1991 was built in conjunction with No.8 & No.12 Quarry Court. Quarry Court can be considered a densely populated cul de sac. The dwelling is situated within a modest curtilage with an attached single garage and driveway to the front, and a good sized garden to the rear of approximately 160m². It is important to note that the dwelling is set upon a bank which rises from north east to the south west. The surrounding area is predominantly residential and the site is unallocated within the Unitary Development Plan. The site is also unallocated on the Publication Draft Local Plan Policies Map.

3.0 PROPOSAL:

3.1 The application seeks permission for the erection of a single storey side and rear wrap around extension set on the south east elevation to the rear for the purpose of extending the kitchen/dining area. Included in the application is the installation of a raised patio area with a height of 0.5m set underneath and around the extension.

3.2 The extension will continue the existing building line of the garage along the side of the property having a projection of 2.8m from the south east side of the dwelling. The extension would run the full length of the dwelling and will project a further 3.1m out of the rear elevation at the south east end and 1m from the north eastern end. The extension would have a width is 5.85m with the maximum height of 4.35m and with an eaves height of 2.6m.

3.3 Materials would match the host dwelling in its entirety with natural stone for the walls, concrete tiles for the roof and brown upvc for the windows and doors.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Host Property

89/00640 - Erection of 3 no dwellings (Granted Conditionally)

91/03601 – Erection of three detached dwellings with garages (Conditional Full Permission)

4.2 Elsewhere

Adj to 31 quarry Court, 2017/93147 – Outline application for erection of one dwelling was refused on the grounds of detrimental impact on urban green space.

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

5.1 Initially the application sought a two storey side extension with a projection of 3.5m. This was deemed to be not in accordance with BE14 of the UDP and PLP24 of the PDLP in regards to residential amenity, particularly due to the close proximity to the principle elevation of no.12. Subsequently a single storey extension was sought with a smaller projection.

5.2 The first set off amended plans saw the two storey side extension with a reduced projection of 0.7cm to 2.8m. This was still deemed contrary to BE14 and PLP24. The agent was contacted again, and recommend to amend the plans to be single storey.

5.3 A third set of amended plans came in. This time with a reduced projection of the first floor to 2m with the wrap around feature being introduced. It was deemed this reduction was acceptable to an extent where it would be re-advertised and considered. Subsequently the Cllr Richards deemed the plans unacceptable and registered her interest in calling it to committee.

5.4 The committee request was relayed to the agent for the application, and subsequently new plans were submitted for the single storey plans to which this application applies. These were re advertised.

5.5 The red line boundary of the application was slightly amended to take account for an ongoing land ownership dispute with regard to the original development of the dwelling and its neighbouring properties.

5.6 An amendment was sought by Officers to see the rear aspect of the extension straightened up to face to the south west as the property currently does, however the agent declined and wished the decision to be made based on the plans as currently submitted and as described above.

6.0 PLANNING POLICY:

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

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

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

Supplementary Planning Guidance / Documents:

- 6.3 **PLP1** – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP24 – Design

National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2018, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 12: Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by site notice on 16/10/18 and neighbour letters for the initial proposed scheme on 08/10/18. The application has subsequently been advertised by letters to neighbours and registered interested parties: Firstly on the 23/10/18 for the 3rd set of plans, on the 06/12/18 for a 7 Day advertisement for the fourth and final set of plans and again on the 07/12/18 with an amended description and an extended 14 day window.

- 7.2 Objections to the first (two storey) proposal:
5 Representations were received, of which all were against the development.
The following comments were raised:

Impacts on residential amenity

- Overbearingness to the principle elevation of no.12. BE12 not adhered too.
- Blocking up of path down the south east side elevation means access down the north east side elevation only option to access the rear. This would have a detrimental impact on no.8.

Impacts on visual amenity

- Development would ruin the street scene.
- Design too commanding and in turn would overdevelop the plot.
- Contrary to PLP24 as not respecting the form and layout of the neighbouring plots.

Impacts on non-material planning considerations

- Stability of construction to new development and existing buildings.
- Concerns of access to the building site if approved.
- Loss of view over Valley.
- Bought with no NHBC certificate.

- 7.3 Only 1 representation was received for the third (two storey) proposal, however the publicity period had not ended before the scheme was re-advertised as single storey. This representation raised the following comments:

- Extension would cause stability issues when being constructed.
- The fence between nos.10 &12 is not the actual boundary.
- Overbearing to the principle elevation of no.12.
- Detrimental impact on residential amenity of no.10 and the wider street scene as not in keeping with area.

- 7.4 6 representations has been received for the fourth (single storey) and final set of plans for this application. The following comments were raised.

- The location and site plan are not accurate, No.10 is set further back than shown and no.s 8, 10 & 12 are a lot closer together than shown. OS Maps are wrong hence this error. Also chimney breasts have been excluded from the side elevations.
- Great loss of privacy to no.8 in terms of view over garden and in to conservatory due to the height increase and angle of rear extension.
- The plot would appear cramped.
- Does not respect design features of existing and adjacent properties and changes the view line out of the rear elevation as seen in BE13 of the Unitary Development Plan.
- Overbearing on the principle elevation of no.12 due to size and windows proposed.
- The application is contrary to BE14 of the Unitary Development Plan as it extends beyond the rear by more than 3m and therefore would have a detrimental effect on the visual amenity of adjoining dwellings.
- The raised patio would greatly impact the privacy of no.8.
- Excavation for the construction of the development would compromise the foundations no.10 and garage of no.8.

- Due to the pipe below no.10, excavation could alter the water flow and compromise the retaining wall at the edge of the plot.
- The side extension would build over an existing manhole and subsequently effect the drains around the site.
- Would need to access land of no.12 to build the propose extension if approved.
- A Construction Method Statement should be submitted via a condition if the application is approved.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** None

8.2 **Non-statutory:**

- **Building Control:** Consulted at the request of Cllr Richards to consider the impact of the development on the foundations of no.12. Building Control stated:

‘The responsibility would be with the owner of 10 Quarry Court to liaise with the owners of 12 Quarry Court under The Party Wall etc. Act 1996 (which is not within the remit of the Building Regulations) regarding any work which could have an adverse effect on their building’.

9.0 MAIN ISSUES

- Principle of development
- Background
- Design
- Residential amenity
- Highway Safety
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.
- 10.2 Furthermore the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The assessment below takes into account the aims of PLP1.

Background

- 10.3 The application site was constructed under application 91/03601 and it is noted that there is a long legal dispute for residents in the development in relationship to site boundaries showing differently on Ordnance Survey maps to that on the ground or on the approved plans of the dwellings. These are private legal matters and the planning merits of the application will be assessed below. It is noted that the application red line boundary has been amended through the course of the application to a position agreed between the interested parties in respect to this matter.

Design

- 10.4 The NPPF provides guidance in respect of design in chapter 12 (Achieving well designed places) with 124 providing an overarching consideration of design stating:

'124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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'

- 10.5 Kirklees UDP Policies D2, BE1, BE2, BE13 and BE14 and Policy PLP24 of the PDLP are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.
- 10.6 It is considered that the proposed extensions have been designed to be in keeping with the existing development. The use of materials which match the host dwelling in its entirety, respects the design of no.10 and the wider area on Quarry Court. The continuations of the existing garage roofline and width mitigates the impact of the design on the street scene and ensure it appears visually acceptable. The extension will bring the side elevation of no.10, 2.8m closer to the principle elevation of no.12 for an elongated section in front of no.12. However the lean to roof, the single storey scale, the matching materials and the fact there are no habitable rooms in the principle elevation of no.12 means that the design relationship with the two properties is considered to be acceptable. The site visits conducted to the dwelling confirmed that the original plans for the dwelling are correct in that there are no habitable rooms at no.12 facing towards the development. Two of the first floor windows appear to be obscurely glazed whilst the third serves a staircase. There is only one ground floor which is of a narrow form and serves a utility room. This is also stated by the agent in a supporting statement which has never been disputed by the residents of no.12.
- 10.7 To the rear the extension would project further than the existing rear elevation with an angled design proposed with gable roof. It is noted that this would introduce a new architectural feature of the rear of the property. However the location of the host dwelling means the rear elevation would not be fully visible meaning there would be limited impact on the visual amenity of the wider area. With regards to the raised patio it is not considered that this would introduce a detrimental feature in design terms.

- 10.8 Subject to the use of matching materials, the proposal is considered to have an acceptable impact in terms of visual amenity and would accord with the referred to policies.

Residential Amenity Issues

- 10.9 The National Planning Policy Framework seeks a good standard of amenity for all existing and future occupiers of land and buildings though Chapter 12. Policy BE14 of the Unitary Development Plan reiterates the intentions of the NPPF and states that extensions to dwellings should not have a detrimental impact on 'adjoining dwellings or any occupier of adjacent land'. This is further reiterated in Policy PLP24 of the draft Local Plan. The impact on each of the surrounding properties is considered in turn.

No.12 Quarry Court

- 10.10 No.12 is the closest property to the proposed development located to the south east and shares the boundary adjacent to the proposed extension. Architecturally no.12 has an active frontage facing the proposed extension, however after reviewing the planning permission for no.12 (91/03601) it is noted that all windows in the facing elevation are non-habitable.
- 10.11 The proposal would increase the amount of built form adjacent the shared boundary with no.12, however it is noted that host property is set a lower level and the use of a pitched roof of the same scale as the existing garage is considered to provide sufficient mitigation to prevent any detrimental overbearing impact from occurring. The proposed extension is also located to the north of no.12 and this combined with the pitched roof sloping away from the shared boundary and given that it is set at a lower level than no.12 would prevent any detrimental overshadowing from occurring.
- 10.12 With respect to overlooking it is noted that 2 roof lights are also proposed on the side facing no.12. However these roof lights are high level preventing any view out of them which would ensure that there is no detrimental impact from these windows. However in order to prevent any potential for further overlooking permitted development rights for any new windows will be withdrawn.
- 10.13 The works to form a raised patio area on the rear of no.10 are not considered to lead to a detrimental impact on no.12 as any views are restricted by the garage of no.12.
- 10.14 Subject to removing permitted development rights for additional windows the proposal is considered to have an acceptable impact in terms of residential amenity in regards to no.12 Quarry Court.

No.8 Quarry Court

- 10.15 No.8 is located to the north west of the application site and shares a boundary with no.10. The proposed extension would be a minimum of approximately 9 metres from no.10.

- 10.16 It is noted that the proposed angled rear extension would create a new sight line from the rear elevation of no.10 which looks towards the rear garden of no.8 and the side elevation of no.8s conservatory.
- 10.17 Due to the changes in levels between no.s 8 and 10, the proposed floor level of the extension will be approximately 1m above the garden level of the host dwelling and between 1m and 1.5m above the floor level of no.8. This notable increase in height could have an impact on the residential amenity of no.8 as it will reduce the functionality of the existing 2 metre boundary fence. However it is important to note the rear extension will be approximately 9 metres away from the conservatory of no.8 and the relationship between the rear elevation of the extension and no.8 would be largely be at an oblique angle. This separation distance between the two properties combined with oblique angle is considered on balance to provide sufficient mitigation to prevent any detrimental impact from occurring.
- 10.18 Turning to the raised patio area it is noted that this would also be located away from the shared boundary of no.8 by approximately 7 metres. Increasing the height of the existing patio area is not considered to be significantly detrimental to the amenity of no.8 given the separation distance between the properties. As there is already a 2m boundary in place there are no further conditions that could be implemented to mitigate this issue any further.
- 10.19 On balance, the proposal is considered to have an acceptable impact in terms of residential amenity in regards to no.8 Quarry Court.

Other Properties

- 10.20 It is noted that 6b Quarry Court is located to the rear (south) of the application site however this property is set at a significantly lower level than host dwelling and therefore the proposal is not considered to have a detrimental impact on the amenity of no.6b

Highway issues

- 10.21 As the proposal does not seek to add a feature that will intensify trips to and from the site, it can be stated there are no highway safety issues.

Representations

- 10.22 In total, 5 representations were received for the first two sets of plans (both two storey side extensions, all of which were against. The following comments were raised:

Impacts on residential amenity

- Overbearingness to the principle elevation of no.12. BE12 not adhered too.

Response: This opinion was agreed with by the Case Officer and amendments were sought. The two storey element has been removed. In addition it is noted that the facing windows in no.12 are all non-habitable.

- Blocking up of path down the south east side elevation means access down the north east side elevation only option to access the rear. This would have a detrimental impact on no.8.

Response: This issue has been mitigated in the amended plans.

Impacts on visual amenity

- Development would ruin street scene.
- Design too commanding and in turn would overdevelop the plot.
- Contrary to PLP24 as not respecting the form and layout of the neighbouring plots.

Response: As set out above, there has been a detailed assessment of the impact of the design of the proposal on the character of the local area. The currently proposed, amended scheme is significantly smaller in scale than previously proposed scheme and as set out above is considered to be acceptable. The proposed extension would have limited views from the street scene.

Impacts on non-material planning considerations

- Stability of construction to new development and existing buildings.
- Concerns of access to the building site if approved.
- Loss of view over Valley.
- Bought with no NHBC certificate.

Response: The matters above are non-material planning matters which will be can be dealt with through building control or separate legal matters between the interested parties.

10.23 Only 1 representation was received for the third (two storey) proposal, however advertisement expiry had not ended before the scheme was re-advertised as single storey. This representation raised the following comments:

- Extension would cause stability issues when being constructed.

Response: A matter which would be investigated by building control when building regulations are sought.

- The fence between nos.10 & 12 is not the actual boundary.

Response: This matter was investigated with the plans 91/03601, and has subsequently been address above in 10.3 Background.

- Overbearing to the principle elevation of no.12.

Response: As the amended scheme was still two storey, these objections were still agreed with by the case officer and again further amendments were sought.

- Detrimental impact on residential amenity no.10 and the wider street scene as not in keeping with area.

Response: As set out above, there has been a detailed assessment of the impact of the design of the proposal on the character of the local area. The currently proposed, amended scheme is significantly smaller in scale than previously proposed schemes and as set out above is considered to be acceptable.

10.24 6 representations has been received for the fourth (single storey) and final set of plans for this application. The following comments were raised.

Impacts on residential amenity

- The location and site plan are not accurate, No.10 set further back than shown and nos 8, 10 & 12 are a lot closer together than shown. OS Maps are wrong hence this error. Also chimney breasts have been excluded from the side elevations.

Response: This statement correlates with the application 91/03601 which was the permission for the construction of no.s 8, 10 and 12. The red line boundary has now been altered with an amended plan submitted on 7 January 2019 to support the comments made. A decision on the application will not be made until a period of 21 days has lapsed since the submission of this amended plan.

Impacts on residential amenity in regards to 8 Quarry Court

- Great loss of privacy to no.8 in terms of view over garden and in to conservatory due to the height increase and angle of rear extension.
- The raised patio would greatly impact the privacy of no.8.

Response: As set out above, there has been a detailed assessment of the impact of the proposal towards no.8 Quarry Court. Whilst the rear extension will have an impact on no.8, it is considered, on balance, acceptable for the reasons set out in said assessment.

Impacts on residential amenity in regards to 12 Quarry Court

- Overbearing on the principle elevation of no.12 due to the scale and windows proposed.

Response: As set out above, there has been a detailed assessment of the impact of proposal on no.12 in terms of residential amenity. The currently proposed, amended scheme is significantly smaller in scale than previously proposed schemes and as set out above is considered to be acceptable.

Impacts on visual amenity

- The plot would appear cramped.
- Does not respect design features of existing and adjacent properties and changes the view line out of the rear elevation as seen in BE13 of the Unitary Development Plan.
- The application is contrary to BE14 of the Unitary Development Plan as it extends beyond the rear by more than 3m and therefore would have a detrimental effect on the visual amenity of adjoining dwellings.

Response: As set out above, there has been a detailed assessment of the impact of the design of the proposal on the character of the local area. The currently proposed, amended scheme is significantly smaller in scale than previously proposed schemes and as set out above is considered to be acceptable.

Non-material planning considerations

- Excavation for constructed would compromise the foundations no.10, garage of no.8.
- Due to the pipe below no.10, excavation could alter the water flow and compromise the retaining wall at the edge of the plot.
- The side extension would build over an existing manhole and subsequently effect the drains around the site.
- Would need to access land of no.12 to build the propose extension if approved.

Response: The matters above are non-material planning matters which will be can be dealt with through building control or separate legal matters between the interested parties.

Other matters

- A Construction Method Statement should be submitted via a condition if the application is approved.

Response: All development will cause some disruption, however for a development of this size a construction method statement would not be required.

11.0 CONCLUSION

- 11.1 In Conclusion, the proposal is recommended for approval but would be maximum development appropriate on a plot this size.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would 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. Development within 3 years**
- 2. In accordance with the approved plans**
- 3. Matching materials**
- 4. Withdraw permitted development rights for any further windows**

Background Papers:

Application and history files.

Website link to be inserted here <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93228>

Certificate of Ownership –Certificate A signed:

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 24-Jan-2019

Subject: Planning Application 2018/94098 Discharge condition 3 (method statement) on previous permission for Listed Building Consent to remove fire-damaged debris from interior of mill building and weaving shed Newsome Mills, Ruth Street, Newsome, Huddersfield, HD4 6JF

APPLICANT

Panorama Living Ltd

DATE VALID

12-Dec-2018

TARGET DATE

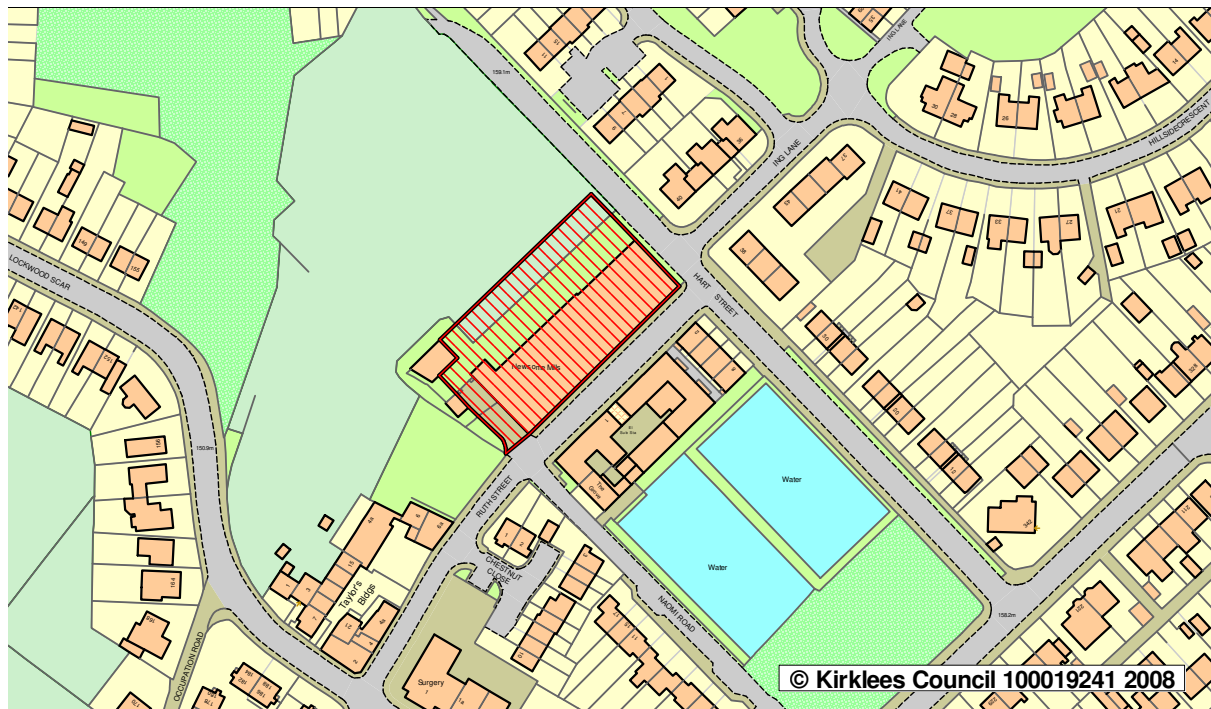
06-Feb-2019

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Newsome YesWard Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to discharge the condition 3 of previous permission 2017/93009.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Huddersfield Planning Sub-Committee for determination at the request of the Huddersfield Planning Sub-Committee for the following reason: *“There is a lot of local concern regarding the mill, so I think it would be better for the decision to be made in public at the Huddersfield Planning Sub-committee”* and *“to allow informed input from local residents.”*
- 1.2 The Chair of the Sub-Committee has confirmed that the reason for making this request is valid.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is the former Newsome Mill that is situated to the north of Ruth Street and turns the corner northwards along Hart Street. To the east of the building is residential, to the north is vacant land that has had previous planning permission for residential development and to the immediate south a range of former mill buildings that have been converted to various uses.
- 2.2 The mill complex is comprised of a free standing six storey tower with a clock to each face, a lodge and archway, a two storey former office buildings, a range of single storey weavers sheds and the remains of the former four storey mill building.
- 2.3 In the early hours of 17th November 2016, the 4 storey mill building, weaving shed and the clock tower were damaged to varying degrees by a fire and resultant safety works. The walls of the main mill building remained standing at approximately first floor window cill height but all the roof, floors and remaining walls had collapsed. The roof and part of the external walls of the weaving shed also were damaged or collapsed to allow access. For safety reasons and with the agreement of Kirklees Council and the Health & Safety Executive (HSE), the debris on the outside of the building was removed from the site, but the internal debris was left in-situ.

3.0 PROPOSAL:

- 3.1 The proposal is to discharge condition 3 of Listed Building Consent 2017/93009 which required a Method Statement to be submitted and approved for the removal of the debris and subsequent storage of material within the walls of the mill building.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2006/91452 – Application to demolish part of the mill building, erection of 13 dwellings and 11 apartments and conversion of the mill buildings to 45 apartments and 1 dwelling. Conditional full planning permission

2009/93669- Full application for the erection of 20 dwellings and the change of use for the mill buildings into 1 dwelling and 40 apartments – conditional planning permission subject to a 106 agreement.

2009/93672 - Application for Listed Building Consent for conversion of the mill building to 40 apartments – conditional consent

2017/90377 – Application for Listed Building Consent of the demolition of the four storey mill building and the single storey weaving shed – withdrawn

2017/93009- Application for Listed Building Consent to remove fire damaged rubble within the mill building-conditional consent

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

- 5.1 Since consent has been granted for the removal of the rubble discussions have been carried out in regards to the safe means of access to within the building, the method of working to prevent the collapse of the outer walls of the building and the storage of any material considered to be of importance for future use.
- 5.2 Following discussions a method statement indicating the exact location of the access point, the method of removal, the type of machinery to be used and the means of protection for the remaining standing walls.

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 None

Supplementary Planning Guidance / Documents:

6.3 None

National Planning Guidance:

6.4 **Chapter 12-** Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The discharge of condition application was publicised by site notice on the 17th of December 2018 and newspaper advert on the 28th of December 2018.

7.2 No comments have been received.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**
None

8.2 **Non-statutory:**
This report is written by an officer of the KC Conservation and Design Team

9.0 MAIN ISSUES

9.1 The main issues to be addressed in discharging condition 3 are:-

- The need to carry out the work
- The impact upon the significance of the building
- Creation of access opening
- Representations

10.0 APPRAISAL

The need to carry out the work

10.1 Following the fire and once the building had been damped down by the Fire Service they requested, with agreement of the Council's Building Control officer, that the site needed to be made safe by the 'pushing in' of the upper floors to prevent collapse into the highway. The upper floors were unsafe due to the lack of restraint caused by the collapse of the floors and roof. During the night and the following days, the building was brought down to a safe height to floor level of first floor. Equally part of the weaving shed was removed to allow machinery to enter the site.

- 10.2 This resulted in stone masonry, tiles and iron columns being mounded on to the ground floor within the remaining four walls. Despite securing the site, the fencing has been broken through and theft of the stone has been occurring on numerous occasions. This poses a risk to health and safety as it is unsafe to enter the building due to the amount of debris, the weight of the debris may have caused damage to the ground floor and the remaining walls may be considered to be dangerous due to the lack of restraint.
- 10.3 The owner of the site has stated his intentions to develop the site and as part of any re-development proposals a structural survey, measured survey and constraints plan will need to be carried out which involves entering the shell of the mill, the Clock Tower which is accessed from the site and can only be done once the site has been declared safe. Equally none of the surveys can be carried out without the debris being removed.

The impact upon the significance of the building

- 10.4 Under the Planning (Listed Building and Conservation Areas) 1990 whilst the building is no longer as originally listed the resultant debris still forms part of the building and as such benefits from protection under the act. Therefore Listed Building Consent is still required for the removal of the debris from the site. The remaining walls of the mill, the remains of the weavers shed, the clock tower and the adjacent buildings are all still listed and as such any alterations to them require consent. Therefore there are two areas of impact, the removal of the debris and the creation of an opening in the remaining building to allow access to machinery and operatives.
- 10.5 The removal of the debris, albeit listed, is to allow safe access to the site for surveying purposes in relation to the redevelopment of the site as well as removing a health and safety hazard. Whilst the stonework appears to be in a good condition and perhaps re-useable as part of any proposed development, the extreme temperatures of the fire has led to the stone 'pinking'; this is the colour of the stone once exposed to fire and leads to the stone being more friable and unsuitable for construction. Therefore it is proposed that the stone is removed from site for disposal. Where any architectural details or iron columns be found then they will be safely stored on site and retained for use in any form of development. The submitted method statement highlights that any retained materials will be stored outside of the area to be cleared but within an agreed location within the footprint of the building. The compound for storage will be in a corner of the building and constructed of timber hoarding and a secured access point.

The creation of an access opening and the removal of debris

- 10.7 Due to the specialist nature of the removal of debris and due to health and safety requirements, a method statement from an appropriately qualified and experienced contractor has been submitted for approval prior to the works commencing.
- 10.8 The remains of the former multi-storey mill and the single storey weaver's sheds are separated by a substantial wall with no openings; breaching this wall to create an opening may cause structural collapse. Equally to retain the historic integrity of the remaining standing parts of the mill it is not acceptable to form openings on the remaining walls to Ruth Street and the walls to the access road off Ruth Street.

- 10.9 The rear wall of the multi-storey mill has been significantly altered over the years. This wall consisted of a series of openings, sub-divided by cast iron columns, which provided access to the now demolished connecting buildings again to the rear. These openings have been infilled using lightweight concrete blocks for security reasons. In terms of the weaving sheds, the rear walls were exposed and open following the long standing demolition of the rear range of buildings following the granting of planning permission for the development of the site. Again the walls were supported by cast iron columns with the openings infilled by lightweight concrete blocks.
- 10.10 The submitted site management plan therefore proposes to access the mill and shed areas from the North West, rear wall, adjacent to the clock tower. In terms of the mill it is proposed to remove the lightweight concrete blocks to form an opening approximately 3.8m by 3.6m high which is below the existing cast iron beams. An access route will be created by the removal of the soil banking off Hart Street and the route will be protected by the use of Heras fencing. Once the works are completed the access will be sealed using blockwork, as existing, and Heras fencing installed to prevent access.
- 10.11 The Method statement includes the size of machinery to be involved, which includes a 360 excavator, a Bobcat excavator and small 4 wheel drive dumpers. The debris will be extracted using this machinery which is of a scale that will be able to use the proposed accesses and be able to move around the narrow confines of the building. Care will be taken to ensure that the walls are not disturbed during the operations so any works adjacent to the walls will be carried out by hand. The method statement proposes that should the walls become unstable, the works will cease until an agreed course of action with the Local Authority is gained.

Representations

- 10.12 No comments have been received.

11.0 CONCLUSION

- 11.1 The proposed method statement indicates how the debris will be removed safely to allow the building to be made safe and to allow for further surveys to take place to enable the redevelopment of the site. The proposed method of working and the creation of an access point near to the clock tower is felt to be acceptable and should ensure the safety of the site, allow for the retention of the remaining parts of the mill and to allow access for further surveys to enable the development of the site.
- 11.2 Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to discharge the condition 3 of previous permission 2017/93009.

Background Papers:

Website link to be inserted here

Certificate of Ownership –Certificate A signed and dated 29/08/2017:

Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 24-Jan-2019

Subject: Planning Application 2018/93127 Demolition of existing dwelling and erection of replacement dwelling 54, Brockholes Lane, Brockholes, Holmfirth, HD9 7EB

APPLICANT

S Kinder

DATE VALID

25-Sep-2018

TARGET DATE

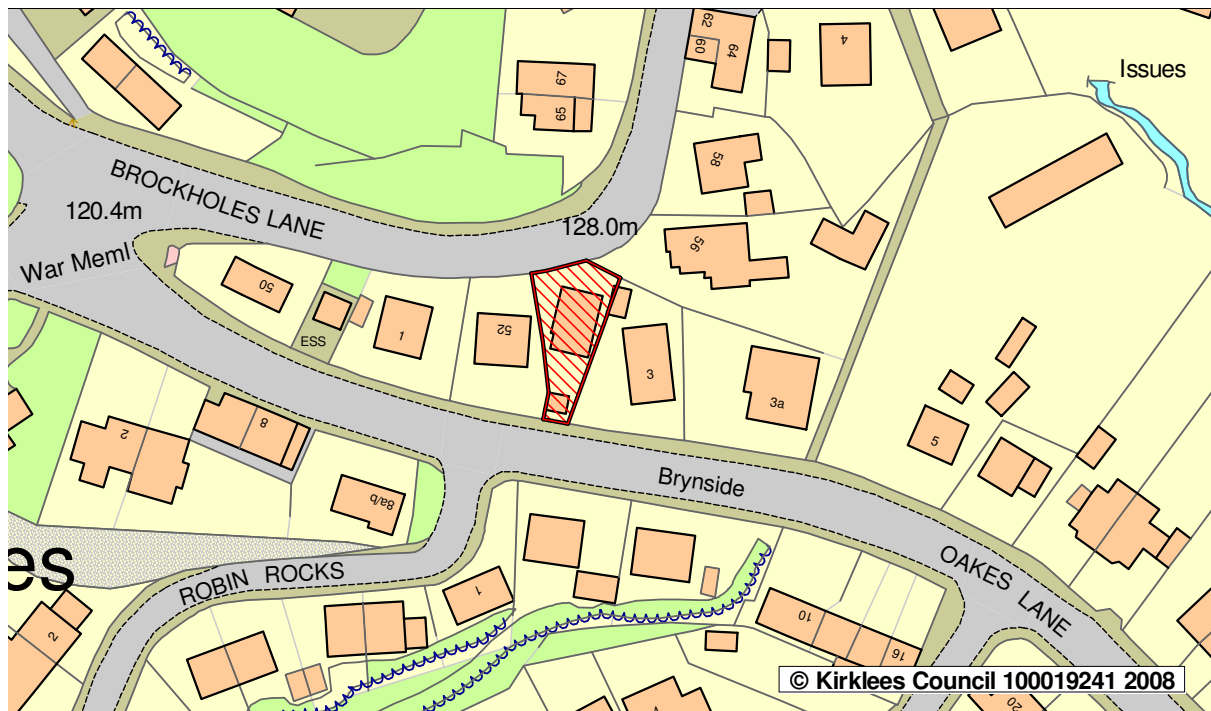
20-Nov-2018

EXTENSION EXPIRY DATE

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley North

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RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application has been brought before sub-committee as the applicant is related to a member of staff of Kirklees Council Planning Service.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to the site of a former detached bungalow which was damaged in a vehicle impact and has been partly demolished. The dwelling which formally occupied the site was constructed from natural stone and designed with a gable roof, finished in concrete tiles. The surrounding land use is residential and characterised by closely spaced dwellings of varying architectural styles, although the dominant construction material is natural stone. Unusually, both the dwelling and neighbouring properties are bounded to the north and south by highways: Brockholes lane and Oakes lane respectively. Boundary treatment on site is considered to be well defined, consisting of a natural stone wall and a hit and miss timber fence.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission to fully demolish the existing dwelling which was damaged through a vehicle impact, and the erection of replacement dwelling. The replacement dwelling would be of a similar design to the existing building but would include raising the ridge of the original dwelling from approximately 5m to 5.9m and the addition of dormer extensions to both the north and south roof planes.
- 3.2 The dormer extensions to the northern roof plane would achieve a distance of approximately 0.5m between the gutter line of the dwelling and the base of the front wall of the dormer. An approximate distance of 0.25m would be achieved between the ridge of the dwelling and the junction with the dormer. Both dormers would have a total width of 1.9m. In respect of positioning it is advised that the dormers would not be centrally placed but located close to either gable above ground floor windows, creating symmetrical appearance.

3.3 A dormer is also proposed on the southern elevation. This dormer, similar to those on the north elevation would have an approximate distance from the gutter line of approximately 0.5m. However, the distance to the ridge would be approximately 0.4m and the width of the dormer would be slightly smaller, approximately 1.5m. Owing to an existing turn gable feature this dormer would be located close to the west gable.

3.4 Upon completion the scheme would allow for two bedrooms at the first floor and alterations at the ground floor would offer more habitable space. Other notable features of the application include the addition of a centrally placed pedestrian door to the northern elevation. Construction materials would match those of the existing dwelling.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2004/93551 – Erection of extensions (Conditional Full Permission)

2007/93063 – Erection of conservatory (Conditional Full Permission)

88/00429 – Outline application for one dwelling (Granted Conditionally)

88/04271 – Reserved matters Erection of detached bungalow (Granted Conditionally)

2004/92386 – Erection of extension to existing bungalow to form two storey dwelling (Refused)

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

5.1 Following an initial assessment it was considered that the proposed height of the two storey rear turn gable was overly large and harmed the residential amenity enjoyed by occupiers of neighbouring properties. As such revised plans were received omitting the first storey extension to the turn gable and amending the design of the dormers to match those in the surrounding area.

5.2 It was not deemed necessary to re-advertise the application as the amendments received represented a reduction in 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 The site is unallocated on the UDP proposals and remains unallocated on the Kirklees publication draft Local Plan.

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

- D2 – Unallocated Land
- BE1 – Design Principles
- BE2 – Quality of Design
- BE12 – Space About dwellings
- BE15 – Dormer extensions
- T10 – Highway Safety

6.4 Kirklees Publication draft Local Plan (PDLP): Submitted for examination April 2017

- PLP1 – Achieving Sustainable Development
- PLP21 – Highway Safety and Access
- PLP24 - Design

6.5 National Planning Guidance

Chapter 2 – Achieving Sustainable Development

Chapter 12 – Achieving well-designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice and letters to the occupants of neighbouring dwellings. The public consultation period ended on 26th October 2018.

7.2 No representations have been received in support or in objection to the application.

7.3 Holme Valley Parish Council – Support the application

8.0 CONSULTATION RESPONSES:

8.1 No consultations were sought regarding this application.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation in the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states:

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

- 10.2 All these consideration are addressed later in this assessment. The proposal is also unallocated on the draft Local Plan and Policy PLP1 will be considered which reflects similar points set out in Policy D2 of the UDP.

- 10.3 It is noted that the host property was damaged by a vehicle impact and has been partly demolished. The applicant seeks to completely demolish the building and rebuild the property to bring the site back into use as a dwelling. The principle of rebuilding the property is supported by Planning Officers subject to an assessment of design as the replacement dwelling is of a slightly larger scale and proposes to introduce dormer windows.

Urban Design issues

- 10.4 It terms of visual amenity it is noted that the application dwelling occupies a prominent location, bounded to the north by Brockholes Lane and to the south by Oakes Lane. The proposed works to erect a replacement dwelling of a slightly large scale need to be considered. The main difference to the exiting dwelling is a slight increase in ridge height and the introducing of dormer windows to both the front and rear roof plane. It is noted that given that roads run to broth the front and rear of the property that these elements would be prominent and visible features within the streetscape.

- 10.5 Whilst the proposal represents a replacement dwelling the key design from existing is the provision of dormer windows. Policy BE15 of the UDP offers guidance in respect of dormer windows to the principal or main elevations and whilst specifically for dormer extensions, it is to be relevant to this application. This policy requires that:

- I. the original roof form remains the predominate feature,
- II. that the extension does not exceed more than 50% of the width of the original roof and is centrally placed,
- III. that 1m is achieved between the base of the dormer and the gutter line and 0.5m achieved between the ridge of the dwelling and junction of the dormer and
- IV. the extension does not project beyond the ridge of the dwelling.

- 10.6 Although not centrally placed, the dormers broadly comply with criteria I, criteria II and criteria iv of Policy BE15. However, the proposed scheme fails to achieve the required distances specified under criteria III. In this regard it is advised that the original scheme proposed flat roof dormers which would have allowed 0.7m between the ridge of the dwelling and the junction with the dormer and distance of 1m between the gutter line and base of the dormer.

- 10.7 However, at the request of officers, a pitch roof design was added so as to accord with the design of other dormer extensions present on neighbouring dwellings. To accommodate such a feature, whereby the ridge of the dormer extension was below that of the host dwelling and to ensure sufficient internal space it was necessary to flexibility in terms of those distances prescribed in Policy BE15, criteria III. In light of the fact that a pitch roof design has a greater affinity with the prevailing streetscene this was considered acceptable.
- 10.8 With regard to the positioning of the dormers on the roof plane it is noted that while those to the north roof plane are not centrally placed, however they do offer a symmetrical appearance. Equally, owing to the existing rear turn gable feature, the dormer to the south is again not centrally placed, but does offer some balance with this existing extension. In any case this dormer is located to the rear of the dwelling. In respect of other elements of the development proposed alterations including raising the ridge height and installation of a pedestrian door to the north elevation, these are considered to be minor and would not harm the visual amenity of the dwelling.
- 10.9 On-balance, given the above considerations the scheme is considered to have an acceptable impact on visual amenity, complying with policies D2, BE1, BE2, and BE15 of the Unitary Development Plan, Policies PLP1 and PLP24 of the publication draft Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework (NPPF).

Residential Amenity

- 10.10 The application dwelling is located in a residential area, characterised by closely spaced dwellings. The closest neighbouring dwellings include no.3 Oakes Lane and no.52 Brockholes Lane.
- 10.11 No.3 Oakes lane is a detached bungalow located approximately 4.7m to the east of the application dwelling. In terms of the impact, while the application dwelling would retain the same footprint, it is noted that raising the ridge height offers a greater potential to overshadow. However, due to the local topography, which rises in a west to east direction, no.3 is elevated against no.54. As such, the extent to which the scheme may overshadow is off-set. In any case, given that the application dwelling is located to the west and is single storey the potential to overshadow is considered minimal.
- 10.12 No.52 Brockholes, this is a detached bungalow, constructed from natural stone and is located approximately 3.5m to the west of the application property. Although the application would not result in a reduction of the separating distances between these two properties, the proposed increase in ridge height again offers the opportunity to overshadow this dwelling. However, in this regard it is noted that the two dwellings are offset from one another, whereby the application dwelling is located further to the north. Such a relationship serves to reduce the amount of built form adjacent to the dwelling and indeed rear private amenity space of no.52.

- 10.13 In addition to concerns of overshadowing the application has been assessed in respect of overlooking and is considered acceptable. The proposed dormer extensions would benefit from considerable separating distanced to the nearest adjacent dwelling of approximately 27m. In any case adjacent dwellings do not share a direct relationship with the application dwelling. However, to ensure that any future development does not result in unacceptable harm to neighbouring dwellings it is considered appropriate to remove permitted development rights for future extensions or alterations and the erection of any outbuildings.
- 10.14 In light of the above the application is considered to have an acceptable impact on residential amenity thereby according with policies D2, BE1, BE2 and BE14 of the UDP, Policies PLP1 and PLP24 of the PDLP and guidance contained within Chapter 12 of the NPPF.

Impact on Highway Safety

- 10.15 The application does not propose any changes to the access or parking arrangements on site. While it is noted that upon completion the scheme would contribute an additional bedroom, given the size of the dwelling overall, this is not anticipated to result in an increase in volume of traffic attending the site. In light of the above the scheme is not believed to give rise to any highway safety concerns and sufficient parking an acceptable access can be achieved. The application is therefore assessed as complying with Policy T10 of the UDP and policy PLP21 of the PDLP and guidance contained within the NPPF.

Representations

- 10.16 No representations were received in relation to this application.

Other Matters

Biodiversity and Ecology

- 10.17 The application dwelling is located within the council's electronic bat alert layer although is not identified as having a bat roost. Furthermore, until recently, when the application dwelling was the location of a road traffic incident it was noted that the dwelling was well sealed and unlikely to be suitable for roosting bats. In any case a note will be attached to any permission requiring a licensed bat person to be employed should be any evidence of bat be found during the development.

11.0 CONCLUSION

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

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

- 1. Development within 3 years**
- 2. In accordance with the approved plans**
- 3. Matching materials**
- 4. Withdraw permitted development rights for outbuildings and extensions**

Background Papers:

Application and history files can be accessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93127>

Certificate of Ownership – Certificate A signed