

Public Document Pack



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

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Wednesday 30 October 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 7 November 2019**.

(A coach will depart the Town Hall, at 09:50 am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber 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 Nell Griffiths
Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Donald Firth
Councillor Paul Davies
Councillor Andrew Marchington
Councillor Anthony Smith
Councillor Nigel Patrick
Councillor Bernard McGuin

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
R Smith
J Taylor

Green

K Allison
S Lee-Richards

Independent

C Greaves

Labour

S Hall
A Butt
E Hill
M Kaushik
W Simpson

Liberal Democrat

A Munro
A Pinnock
J Lawson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of previous meeting

1 - 4

To approve the Minutes of the meeting of the Committee held on 3 October 2019

3: Interests and Lobbying

5 - 6

The Councillors will be asked to say if there are any items on the Agenda about which they might have been lobbied. The Councillors will 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 2019/92240

Change of use of land to pub garden and play area The Sun, 137, Highgate Lane, Lepton, Huddersfield.

(Estimated time of arrival at site – 10.05 am)

Contact Officer: Neil Bearcroft, Planning Services

Wards Affected: Almondbury

8: Site Visit - Application 2019/90984

Erection of two storey rear extension Toss O Coin, Penistone Road, New Mill, Holmfirth.

(Estimated time of arrival at site – 10.30 am)

Contact Officer: Farzana Tabasum, Planning Services

Wards Affected: Holme Valley South

9: Site Visit - Application 2019/91537

Demolition of existing bungalow and erection of one pair of semi-detached dwellings Mayfield, 125, Huddersfield Road, Meltham, Holmfirth.

(Estimated time of arrival at site – 11:00 am)

Contact Officer: Farzana Tabasum , Planning Services

Wards Affected: Holme Valley North

10: Site Visit - Application 2019/92164

Erection of 27 dwellings Land off Parkwood Road, Golcar, Huddersfield.

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

Contact Officer: Victor Grayson, Planning Services

Wards Affected: Golcar

11: Local Planning Authority Appeals

7 - 22

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: Golcar; Colne Valley; Holme Valley North; Holme Valley South.

Planning Applications

23 - 24

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 4 November 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.

12: Planning Application - Application No 2019/92164

25 - 50

Erection of 27 dwellings Land off Parkwood Road, Golcar, Huddersfield.

Contact Officer: Victor Grayson, Planning Services

Wards Affected: Golcar

13: Planning Application - Application No: 2019/92240

51 - 66

Change of use of land to pub garden and play area The Sun, 137, Highgate Lane, Lepton, Huddersfield.

Contact Officer: Neil Bearcroft, Planning Services

Wards Affected: Almondbury

14: Planning Application - Application No: 2019/90984 67 - 80

Erection of two storey rear extension Toss O Coin, Penistone Road, New Mill, Holmfirth.

Contact Officer: Farzana Tabasum, Planning Services

Wards Affected: Holme Valley South

15: Planning Application - Application No: 2019/91537 81 - 92

Demolition of existing bungalow and erection of one pair of semi-detached dwellings Mayfield, 125, Huddersfield Road, Meltham, Holmfirth.

Contact Officer: Farzana Tabasum, 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 3rd October 2019

Present: Councillor Terry Lyons (Chair)
Councillor Nell Griffiths
Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Councillor Donald Firth
Councillor Paul Davies
Councillor Andrew Marchington
Councillor Anthony Smith
Councillor Bernard McGuin

Apologies: Councillor Nigel Patrick

1 Membership of the Committee

Apologies were received from Councillor Nigel Patrick.

2 Minutes of previous meeting

The Minutes of the meeting held on 22 August 2019 were approved as a correct record.

3 Interests and Lobbying

Councillors Griffiths declared she had been lobbied on applications 2019/92566 and 2019/91365.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application for order to add a public footpath to the definitive map and statement, Miry Lane to St Mary's Rise, Netherthong

Site visit undertaken.

8 Site Visit - Application No: 2018/93453

Site visit undertaken.

9 Site Visit - Application No: 2019/92566

Site visit undertaken.

10 Site Visit - Application No: 2019/91365

Site visit undertaken.

11 Local Planning Authority Appeals

That the report be noted.

12 Application for a definitive map modification order

The committee considered a report that outlined details of an application to add a public footpath to the definitive map and statement, Miry Lane to St Mary's Rise, Netherthong.

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 Nigel Kay, Christine Senior, Andy Dunlop (objectors) and Stewart Brown and Noel Scanlon (in support).

RESOLVED – That the application for a definitive map modification order to add a public footpath to the definitive map and statement, Miry Lane to St Mary's Rise, Netherthong be refused for the reasons outlined in the considered report.

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

For: Councillors Davies, Firth, Griffiths, Homewood, Lyons, Marchington, McGuin, Sarwar, Sokhal, A Smith, Ullah and Uppal (12 votes)

Against: (0 votes)

13 Planning Application - Application No: 2018/93453

The Sub Committee gave consideration to Planning Application 2018/93453
Erection of two storey rear extension and front dormers 39, Springdale Avenue, Thornton Lodge, Huddersfield.

RESOLVED – Delegate approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within the considered report including:

- (1) Development to take place within 3 years
- (2) Development to be In accordance with the approved plans.
- (3) Matching materials

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

For: Councillors Davies, Firth, Griffiths, Homewood, Lyons, Marchington, McGuin, Sarwar, Sokhal, A Smith, Ullah and Uppal (12 votes)

Against: (0 votes)

14 Planning Application - Application No: 2019/92566

The Sub Committee gave consideration to Planning Application 2019/92566 Change of use of parts of 3rd and 4th floors to laboratory (B1) and training facility with ancillary overnight accommodation (D1), with engineering operations including the formation of car parking (Listed Building within a Conservation Area) Titanic Mill, Low Westwood Lane, Linthwaite, 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 Andrew Keeling (on behalf of the applicant)

RESOLVED –

(1) Delegate approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within the considered report including:

1. Time limit
2. In accordance with plans
3. Noise mitigation strategy
4. Electric vehicle charging points
5. Ecological design strategy
6. Details of ventilation/extraction scheme to serve the proposed uses in this section of the building
7. Car parking surfaced and provided in accordance with details to be submitted for approval
8. Limit D1 use to training facility
9. Restrict bed space accommodation on the 4th floor to being tied to, and ancillary to, the D1 training use
10. Gate set back minimum of 6m
11. Footway to be provided
12. Submission of details prior to the installation of external lighting
13. Weekday hours of use
14. Temporary weekend hours of use
15. Limit B1 floor-space to that shown

(2) The following two additional conditions:

- i. That the area converted to B1 business use be restricted to B1c (laboratory use) only.
- ii. That where possible the existing cobbles are re-used in the construction of the new vehicular access from Low Westwood Lane.

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

For: Councillors Davies, Firth, Griffiths, Homewood, Lyons, Marchington, McGuin, Sarwar, Sokhal and A Smith (10 votes)

Planning Sub-Committee (Huddersfield Area) - 3 October 2019

Against: (0 votes)

Abstained: Councillors Ullah and Uppal

15 **Planning Application - Application No: 2019/91365**

The Sub Committee gave consideration to Planning Application 2019/91365
Erection of extensions and alterations to existing dwelling Greenroyd Farm, 4,
Chapel Street, Scapegoat Hill, Huddersfield.

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

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

- (1) The application site is within designated Green Belt. The proposed extensions, when considered cumulatively with the previous extensions to the host property, combined with their overall scale, siting and design, would result in disproportionate additions to the original building with resultant harm upon the openness of the Green Belt. The proposed development would therefore represent inappropriate development within the Green Belt by definition. No very special circumstances have been demonstrated that clearly outweigh the harm caused to the Green Belt by reason of inappropriateness or other harm. The proposal would therefore fail to accord with the requirements of Policy LP57 (a) of the Kirklees Local Plan and policies within Chapter 13 of the National Planning Policy Framework.
- (2) The proposed extensions, by reason of their scale, design and materials would appear discordant with the agricultural character of the host building appearing as insensitive additions that fail to respect the building's original form. The proposed scheme would be an unsympathetic form of development that would harm the appearance of the host and wider rural character of the area. The total additions would result in extensions that cannot be considered as subservient to the host dominating the original building contrary to Policy LP24 (a) and (c) of the Kirklees Local Plan.

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

For: Councillors Davies, Firth, Homewood, Lyons, Marchington, McGuin, Sarwar, Sokhal, A Smith, Ullah and Uppal (11 votes)

Against: (0 votes)

Abstained: Councillor Griffiths

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: 7 NOVEMBER 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: Golcar; Colne Valley; Holme Valley North; Holme Valley South;
Ward councillors consulted: No**

Public or private:

1. Summary

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

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

- 2.1 2018/62/93717/W - Erection of extensions and alterations to dwelling, erection of detached garage with office/store above and related landscape works (within a Conservation Area) at Eastwood House, 14, Green Cliff, Honley, Holmfirth, HD9 6JN. (Sub-Committee contrary to Officer recommendation) (Allowed)
- 2.2 2019/62/90030/W - Demolition of stables and erection of detached games room at Hogley Farm, Hogley Lane, Holmfirth, HD9 2QA. (Sub-Committee contrary to Officer recommendation) (Appeal allowed and application for Award of Costs refused)
- 2.3 2018/62/91573/W - Alterations to former livestock building to form dwelling at land adj, The Edge Accommodation, Longwood Edge Road, Longwood, Huddersfield, HD3 4XN. (Officer) (Dismissed)
- 2.4 2018/62/93573/W - Erection of garage/store at plot 3, land at, Old Lane/Taylor Lane, Scapegoat Hill, Huddersfield, HD7. (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 3 September 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 1 October 2019

Appeal Ref: APP/Z4718/D/19/3231787

Eastwood House, 14 Green Cliff, Honley, Holmfirth HD9 6JN

- 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 K Bedford against the decision of Kirklees Council.
 - The application Ref 2018/62/93717/W, dated 6 November 2018, was refused by notice dated 7 June 2019.
 - The development proposed is extension and alterations to existing dwelling and new detached double garage and related landscape works.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of extensions and alterations to dwelling, erection of detached garage with office/store above and related landscape works at Eastwood House, 14 Green Cliff, Honley, Holmfirth HD9 6JN in accordance with the terms of the application, Ref 2018/62/93717/W, dated 6 November 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18075D-06-P02 and 18075D-04-P09.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement carried out by AWA Tree Consultants ref AWA2641.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no door, windows or any other openings (other than those expressly authorised by this permission) shall be constructed on any elevation of the garage.

Procedural Matter

2. The description of development used by the Council and on the appeal form more accurately describes the development proposed and I have therefore used it in my formal decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area, with due regard to the location of the site in the Honley Conservation Area (CA) and protected trees.

Reasons

4. The appeal property is a large, detached, two storey dwelling located within a generous garden containing several mature trees. The site lies within the CA and the trees within the site are covered by a Tree Preservation Order (TPO).
5. The CA comprises the historic core of Honley Village along with later development in the surrounding area. It also includes a large open field and parts of the River Holme and Mag Brook. The core of the CA is characterised by narrow streets and a generally tight-knit pattern of development of stone built terraced properties focused around St Mary's Church. This is in contrast to the outer parts of the CA which is characterised by a generally looser pattern of development of more recent detached houses sited in large mature gardens. Both aspects combine to give the CA considerable significance as a designated heritage asset.
6. The appeal property and site form part of the more recent development outside of the historic core. The building dates from the early 1990s and is constructed of natural coursed stone with concrete tiles to the roof. Although modern, the building's form, design and materials are respectful of its context, and so, it makes a neutral contribution to the character and appearance of the CA. The large, spacious garden to the property reflects the spatial layout and pattern of development in this part of the CA and, combined with the well-established mature trees along the boundaries and within the site, cause it to make a positive contribution to the character and appearance of the CA.
7. The Council has raised no concerns regarding the proposed extensions and alterations to the dwelling. Given their subservient scale, satisfactory separation distances from adjacent properties, complementary form and design and matching materials, I have no reason to disagree.
8. The proposed development would introduce a detached, two storey, double garage with an office/store above near to the southern corner of the site. It would be partially built into the existing steeply banked slope. The existing driveway would be extended into part of the garden area to provide access and a turning circle. Although it would be a substantial structure, the height, scale and massing of the garage would clearly be subservient to the main building. Furthermore, a sizeable area of the existing garden would be retained which would maintain the spacious nature of the site. On this basis, I consider that it would not amount to a harmful intrusion into the setting of the main building.
9. Its corner location and siting within the bank would mean that the garage would not be unduly prominent when viewed from Green Cliff. Although, this would cause it to be visible in longer range views from the adjacent open field. However, its form, design and matching materials would cause it to be seen as a complementary addition to the main dwelling and enable it to sit comfortably within the site.
10. The mature trees within the site contribute to the verdant and soft landscaped setting of the dwelling and the surrounding area. They are protected by a TPO

and by virtue of their location within the CA. The proposed development would not require the loss of any trees within the site and would be positioned outside the root protection area of the trees that are considered to be most important. Furthermore, it is the opinion of the Council's Tree Officer that, subject to a condition, the required levels could be achieved without harming the long term viability of the retained trees and I have no substantive evidence to disagree. This, taken together with the additional tree planting, would mean that the proposed development would not have a detrimental impact on the well-established tree cover and verdant nature of the site.

11. Accordingly, and having given considerable importance and weight to the preservation of the CA, I conclude that the proposed development would not harm the character and appearance of the site or that of the surrounding area, and thus it would preserve the character and appearance of the Honley Conservation Area. It would also not harm the protected trees on the site. As such, it would not conflict with Policy LP24 (a) and (c) of the Kirklees Local Plan (2019) which promote good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape, and that extensions are subservient to the original building and are in keeping with the existing buildings in terms of scale, materials and details. It would also be consistent with the objectives of Paragraph 127 of the National Planning Policy Framework, which requires development to be sympathetic to local character.

Other Matters

12. I have had regard to representations made by neighbours. I acknowledge their concerns regarding the effect of the garage in relation to outlook, light and privacy. I viewed on site that the garage would be visible from some of the properties on St Mary's Mews. However, taking into account the approximate 15.5m separation distance between the side elevation of the garage and the rear elevation of the nearest property on St Mary's Mews, the form and design of the garage and the existing and newly planted screening, I consider that it would not be unduly overbearing and cause an unacceptable level of harm to outlook or overshadowing and loss of light. In addition, due to the lack of openings on the side elevation of the garage, I consider that there would be no overlooking and harm to the privacy of these neighbours and this could be protected in the future by a condition.
13. I note their concerns in relation to noise due to increased traffic to this part of the site and from the use of the upper floor of the garage. However, I consider that any noise would be no more than that normally associated with a domestic property.
14. Finally, I note the issue raised regarding a decrease in the value of neighbouring properties. However, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land and property.
15. All of the matters above, individually or collectively, do not provide justification to withhold consent for the appeal proposal and therefore do not alter my conclusion.

Conditions

16. Planning permission is granted subject to the standard three year time limit condition. I have imposed a condition specifying the relevant drawings as this provides certainty. To ensure that the external appearance of the development is compatible with its context, a condition is attached relating to matching materials. To safeguard the viability of protected trees on the site a condition is imposed to ensure that the development is carried out in accordance with the approved Arboricultural Method Statement. In the interests of the living conditions of existing and future occupants of neighbouring properties, exceptionally, it is necessary to attach a condition to remove permitted development rights relating to the insertion of openings in the elevations of the garage. I have not imposed a condition suggested by the Council relating to the use of the garage as, should the garage be used for anything other than uses incidental to the dwellinghouse, the Council could take enforcement action.

Conclusion

17. For the reasons given above and subject to conditions, I conclude that the appeal should be allowed.

F Cullen

INSPECTOR



Appeal Decision

Site visit made on 23 September 2019

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/Z4718/D/19/3232787

Hogley Farm, Hogley Lane, Holmfirth HD9 2QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs A and R Hogley against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/90030/W, dated 8 January 2019, was refused by notice dated 24 April 2019.
 - The development proposed is replacement of existing stable block with proposed single storey detached games room.
-

Decision

1. The appeal is allowed and planning permission is granted for a replacement of existing stable block with proposed single storey detached games room at Hogley Farm, Hogley Lane, Holmfirth HD9 2QA in accordance with the terms of application reference 2019/62/90030/W, dated 8 January 2019 subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than 3 years from the date of this Decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following plan: 18117D-01-P04.
 - (3) The development shall not be occupied until all the roof-light windows in the building hereby approved have been obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) the obscure glazing shall thereafter be retained.
 - (4) The development hereby approved shall be used solely as ancillary accommodation incidental to the enjoyment of the property known as Hogley Farm, Hogley Lane, Holmfirth HD9 2QA.

Application for costs

2. An application for costs was made by Mr and Mrs A and R Hogley against Kirklees Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies.
- The effect of the development on openness.
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

4. The appeal site accommodates a detached single storey timber stable block that sits on a concrete base to the front of the residential dwelling known as Hogley Farm. To the side and front of the structure is a drystone wall with a retaining wall to the rear which separates the lower ground of the appeal site from the higher ground of the garden associated with the neighbouring dwelling, Highlands. The stables are currently used for the storage of domestic household items.
5. The appeal site is located in the Green Belt. Paragraph 143 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states the construction of new buildings in the Green Belt is inappropriate. It sets out some exceptions, one of which is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would: not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy LP57 of the Kirklees Local Plan 2019 (Local Plan) amongst other things says replacement buildings in the Green Belt are normally acceptable provided the new building is in the same use and not materially larger than the building it is replacing. The development amongst other things must also not result in a greater impact on openness. Policy LP59 of the Local Plan amongst other things says that the redevelopment of brownfield sites is normally acceptable provided in the case of redevelopment, the extent of the existing footprint is not exceeded.
7. The NPPF defines previously developed land as land which is or was occupied by a permanent structure. The Council say the existing building is temporary and therefore that the land is greenfield rather than previously developed land. Both main parties refer to caselaw which establishes 3 tests for considering whether something is a permanent structure. Whilst neighbouring representors state that the stables were originally built as a temporary structure to stable horses, aerial photography indicates that the stables date from sometime before 2009. Whilst they may not form part of the original dwelling, the Council acknowledge that they have been in place for more than 15 years. This along with the fact that the structure is bolted down to a brick and concrete base suggests it has not been moved. Even if assembled in a single day, and capable

of being dismantled in a similar timeframe, on site assembly would have been required on site given that it is not unsubstantial in size. It is also served by water and electricity.

8. On the basis of the evidence before me, along with my observations on site, I am of the view that the stables can be reasonably considered to be a permanent structure. The land is therefore previously developed land and as such whether the proposal would be inappropriate development is dependent upon whether there would be a greater impact on openness.

Openness

9. Paragraph 133 of the NPPF says 'the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'. The footprint of the existing building is some 46 sqm which would increase to some 53 sqm post development. The proposal would be of a similar height to the existing stables. The proposal would not therefore be materially greater in size than the existing stables. The additional footprint would be accommodated in the gap between the existing structure and the retaining wall behind.
10. There would be very little difference in the overall size of the built form on the site as a result of the proposal. The scheme would not cause material harm to the openness of the Green Belt or impact on one of the purposes of Green Belt in terms of safeguarding the countryside from encroachment.
11. The development would not be inappropriate development and would not harm openness. Very special circumstances are not therefore necessary to justify the development.

Other Matters

12. There is debate between the parties as to whether the piece of land which the development would sit on forms part of the residential curtilage of Hogley Farm and whether the existing building should be treated as an outbuilding of the residential property. However, I would come to the same view whether the site was part of the curtilage or not.
13. The architectural appearance of the proposal would be very similar to the existing stables, timber clad with a sedum roof replacing the existing moss covered roof. The small increase in the footprint of the development would not generate an overly dominant development, despite its location to the front of the property. There would consequently be no harm to the character and appearance of the area.
14. Concern has been raised that the building could be converted to another use in the future. However, any material change of use would require planning permission. To ensure compliance an appropriately worded planning condition restricting use can be imposed.
15. Whilst highway safety concerns have been raised, there has been no objections raised by the Highways Authority and in the absence of any substantial evidence to the contrary I have no reason to disagree. Similarly, given the location of the proposal I have no reason to believe that there would be a harmful impact on existing car parking provision serving Hogley Farm or that the development would generate a need for additional car parking spaces.

There is also little to suggest that the Public Right of Way would be harmed by the scheme.

Conditions

16. In attaching conditions I am mindful of paragraph 55 of the NPPF, which states that they should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. I have assessed the Council's suggested conditions on this basis.
17. In addition to the standard time limitations for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring obscure glazing is necessary to protect the living conditions of the residents of neighbouring properties. A condition restricting use to that which is ancillary to Hogley Farm is necessary to prevent the development from being used as an independent dwelling.

Conclusion

18. For the reasons identified and having regard to all other matters, I conclude that the appeal is allowed.

K Ford

INSPECTOR



Appeal Decision

Site visit made on 3 September 2019

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st October 2019

Appeal Ref: APP/Z4718/W/19/3231485

**Land adjacent to The Edge Accommodation, Longwood Edge Road,
Longwood, Huddersfield HD3 4XN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Whitworth against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/91573/W, dated 11 May 2018, was refused by notice dated 19 March 2019.
 - The development proposed is conversion of former livestock building to create single dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether the proposed development would provide a suitable location for a dwelling having regard to open space, 2) the effect of the development on the character and appearance of the area and 3) the living conditions of future occupants.

Reasons

Location/Open Space

3. The appeal site is an area of open space and includes a single storey timber building formerly used for storing livestock. It is located to the south-east of The Edge Accommodation which is a Guesthouse. The appeal site is opposite school playing fields and sits on the top of a disused quarry face. This elevated position gives the site commanding views across a wide area. The site is accessed from Longwood Edge Road which is a loose surface public byway.
4. The proposal is for the conversion and enlargement of the existing timber building to form a single dwelling. It would also include the change of use of land to form part of the resulting residential unit.
5. The appeal site is allocated in the Kirklees Local Plan (2019) as Urban Green Space and also within the Kirklees Wildlife Habitat Network. The proposed development comprising the enlargement of the building and the change of use of the site would result in the loss of open space. At present the site is part of an area of open grassland. This open aspect of the site contributes to facilitate

views over a wide area from Longwood Road that are particularly appreciable and a positive feature of the area.

6. The change of use of the land to residential would result in a harmful change in the nature of the use and the appearance of the land, severing its continuous open, grassland aspect. The land would lose its visual amenity significance with it clearly appearing to form part of a dwelling that would ultimately include parked cars, bins and bin storage, domestic outdoor paraphernalia, planting containers and a garden landscape.
7. The proposed development does not involve the replacement of open space or constitute an alternative open space, sport or recreation use.
8. The development would therefore be contrary to Policy LP61 of the Kirklees Local Plan (2019) which outlines that the loss of urban green space will only be permitted when, amongst other things, it does not make an important contribution in terms of visual amenity, or where replacement open space is provided, or where the proposal is for an alternative open space, sport or recreation use. The development would also not constitute one of the exceptions for building on open space as outlined in Paragraph 97 of the National Planning Policy Framework (the Framework).

Character and appearance

9. The proposed development involving the conversion of the existing building to form a dwelling includes its enlargement by removing the entire timber façade facing Longwood Road and replacing it with natural coursed stone and a new opening to form a front door. The remainder of the building would be formed from the existing timber which would be insulated internally. Externally, boundary treatments are proposed and a parking space, although no details on these elements have been submitted. Access to the site would require the removal of a section of the existing dry-stone wall that forms part of the boundary with Longwood Road, although again, no details of this aspect are submitted.
10. The area around the appeal site has a semi-rural, agricultural character, into which the existing building and its former use, are not out of character. The proposal in terms of the alterations to the building and the change of use of the site to residential, would appear out of character with the area. As outlined above, the domestication of the site would significantly alter the character and appearance of the site. The main elevation of the building to which the natural coursed stone is proposed would be in such a sharp contrast to the remainder of the building that it would cause harm to its overall appearance particularly when viewed on approaches to the site taking in either side elevation. It would appear to impose itself onto the building and dominate its overall appearance when viewed directly from the front elevation.
11. The development would be harmful to the character and appearance of the area and would therefore be contrary to Policy LP24 of the Kirklees Local Plan (2019) which requires, amongst other things that all development respects and enhances the character of the townscape and landscape. The development would also be contrary to guidance contained in the Chapter 12 of the Framework which outlines, amongst other things, that developments add to the overall quality of the area, are visually attractive, are sympathetic to local character and landscape settings with permission being refused for

development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions

12. The development would create a one-bedroom unit with separate bathroom, and kitchen/living/dining area. Each room would have reasonable levels of daylight, sunlight, outlook and privacy, including benefiting of the wide-ranging views.
13. The Council consider that the development would fail to provide adequate internal living space for future occupiers to promote a healthy environment. The Council have referred to the proposal being contrary to the nationally described space standard with reference to the headroom for part of the building and the width of the double bedroom.
14. Whilst some elements of the development would not meet the space standards, I find the conflict to be only slight and not to be so severe that the development would result in unacceptable living conditions as a whole.
15. The development would therefore comply with Policy LP24 of the Kirklees Local Plan (2019) which requires, amongst other things, that development minimises the impact on residential amenity of future occupiers.

Other Matters

16. The appellant considers that the biodiversity enhancements that are proposed do not result in the loss of the appeal sites important biodiversity role within a Wildlife Habitat Network. I do not find this matter to be one of the main issues in the appeal and it would not override my findings on the main issues.
17. The appellant considers that the proposal would represent an enhanced alternative open space (by way of the biodiversity enhancements) and thus would comply with Policy LP61(c) of the Local Plan. I do not agree. The change of use that would occur to the site would have the effect that it would no longer be classed as open space¹. It would therefore not be alternative open space for the purposes of Policy LP61(c) of the Local Plan.
18. There is dispute in relation to the planning history of the site and whether the original building was a chicken coup, or a livestock shed. This matter is not pertinent to the main issues identified in the appeal. It does not alter my findings on the main issues.
19. The appellant refers to discussions held with the Council during the application process leading them to believe a favourable decision would be made by the Council, and the timescale of the application in the context of the Local Plan adoption. These matters are not however relevant to the planning merits of the appeal and it is not my place to comment on the conduct of the Council.

Conclusion

20. On the matter of the location of the development, with regard to open space, I find that the proposal would result in the loss of open space of important visual amenity value. On the matter of character and appearance, I have found that the proposed development would cause unacceptable harm to the character

¹ S.336 of the Town and Country Planning Act 1990

and appearance of the area. On the matter of living conditions, I have found that the development would provide adequate living conditions for any future occupants.

21. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR



Appeal Decision

Site visit made on 10 September 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2019

Appeal Ref: APP/Z4718/W/19/3232546

**Plot 3, Land off Old Lane / Taylor Lane, Scapegoat Hill, Huddersfield
HD7 4PQ.**

- 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 Bradley against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/93573/W, dated 12 September 2019, was refused by notice dated 8 April 2019.
 - The development proposed is the erection of a garage and storage supplementary to plot 3 of previously approved scheme on appeal reference APP/Z4718/W/3180494.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the development on the character and appearance of the locality.

Reasons

3. The site is set on a steep south-facing slope within the village setting of mainly stone-built housing. The older hilltop development to the north is of close terraces and traditional detached buildings. More recent development has intertwined with the original settlement pattern and extended along ribbons on the lower slopes following the rural lane network and private lanes facilitating intermediate plots. The later development is generally within larger plots and shows more diversity in its architectural styling, including varying design responses to accommodate the steeper land profiles.
4. Due to the nature of the historic development of the village, the older properties show a higher density with few outbuildings other than small sheds apparent within the more limited plots. Later development generally provides for the accommodation of vehicles through integral facilities or modest detached garages and outbuildings subordinate in scale to the host building.
5. The proposed garage would appear subordinate to the dwelling it is intended to serve and retain a ratio of development to plot size similar to other examples in the locality. However, the building's footprint, possibly exceeding 50% of that of the approved dwelling, and the large outward facing roofscape would present as a significant scale of development. This scale is more comparable to a

- primary form of accommodation in the locality than that of an ancillary outbuilding.
6. Notwithstanding the proposed inseting of the building to the local topography, the scale of the approved dwelling and use of materials to match it, the size of the garage/store would fail to reflect the substantially more modest relationships between residential accommodation and their ancillary buildings prevalent in the area. This would appear at significant odds with the local grain of development and fail to reflect the established local character of the townscape.
 7. Although no demonstration of need for the building is required, the appellant suggests that the garage/store would provide additional parking facilities to meet the needs of occupiers alongside any visitor demand and necessary storage. Due to the scarcity of suitable on-street parking in the immediate vicinity, I have some sympathy with that stance. However, given the level of parking previously secured and the potential to provide additional building/s on the site, this would not attract sufficient weight to outweigh the identified harm.
 8. I note an earlier appeal scheme on the site (ref: 3180494) and have taken it into account. However, I do not consider that it provides justification for overcoming the harm I have identified here; a proposal which I have considered on its own planning merits.
 9. The proposed development would therefore fail to reflect the character of the existing local townscape. As such it would be contrary to Policy LP24 of the Kirklees Local Plan (Feb 2019) which, amongst other aims, seeks to ensure that the form, scale, layout and details of developments should respect and enhance the character of the townscape.
 10. The proposed development would be contrary to the adopted development plan, and there are no material considerations indicating a decision otherwise than in accordance with it. For the reasons above, I conclude that the appeal should be dismissed.

R Hitchcock

Inspector

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

PLANNING POLICY

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

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

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 54 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Development and Master Planning

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Nov-2019

Subject: Planning Application 2019/92164 Erection of 27 dwellings Land off Parkwood Road, Golcar, Huddersfield, HD3 4TT

APPLICANT

Parkwood Ventures LLP
and Sir Robert Ogden
Estates Ltd

DATE VALID

15-Jul-2019

TARGET DATE

14-Oct-2019

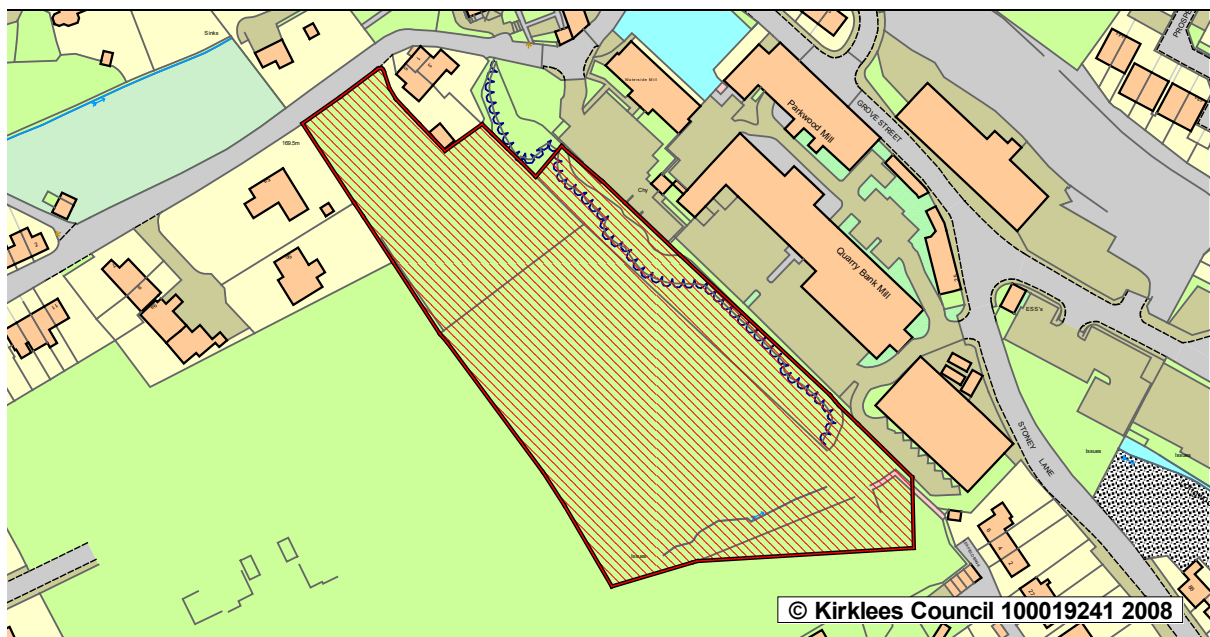
EXTENSION EXPIRY DATE

15-Nov-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 Ward Affected: **Golcar**

Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Masterplanning in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – Five affordable housing units (three social or affordable rent, two intermediate) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £12,273 to address shortfalls in specific open space typologies.
- 3) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including Travel Plan monitoring arrangements and fees.
- 4) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee’s resolution then the Head of Development and Masterplanning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Development and Masterplanning is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This is an application for full planning permission, for a residential development of 27 dwellings.
- 1.2 The application is presented to the Huddersfield Sub-Committee as the site is larger than 0.5 hectares in size.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 1.24 hectares in size, has previously been in agricultural use, and is located to the southeast of Parkwood Road. To the southwest and southeast is a residential development (Weavers Chase) currently being constructed by Barratt Homes. To the northeast is the Parkwood Mills residential development (where converted former woollen mill buildings are Grade II listed) and the Longwood Edge Conservation Area. To the north and northwest, either side of the application site's short frontage to Parkwood Road, are residential properties 1, 3 and 5 Parkwood Road (which are Grade II listed and within the conservation area) and the more recent detached dwellings at 5a and 5b Parkwood Road.
- 2.2 The application site generally slopes downhill from its southwest edge (approximately 170m AOD where the new east-west estate road of the Weavers Chase development meets the site boundary) to the northeast (the site's lowest point is below 160m AOD). There is a significant drop in levels and a bare rock face of a former quarry to the rear of the Parkwood Mills site. A partly-culverted watercourse runs roughly east-west along a depression close to the south edge of the site.
- 2.3 The application site is previously undeveloped (greenfield) land, was previously in agricultural use, and is grassed. Ordnance Survey maps dated 1955, 1965 and 1980 annotate a tennis court (and, in 1955, a pavilion) close to the centre of the site, however this use has ceased.
- 2.4 There are trees and shrubs along the edges of the application site. No trees within or near to the site are protected by Tree Preservation Orders, however the conservation area status of part of the site and land to the northeast bestows protection on trees.
- 2.5 No public rights of way cross the application site, however there is a pedestrian entrance at the north end of the site at Parkwood Road, and evidence of well-trodden pedestrian routes from this entrance and across the site towards Grange Road.
- 2.6 The application site is part of a wider site allocated for residential development in the Local Plan (site allocation HS148). A Biodiversity Opportunity Zone (Built-up Areas) and an SSSI Impact Risk Zone covers the site. The 250m buffer zones of landfill sites to the east and west cover the site.

3.0 PROPOSAL:

- 3.1 The applicant seeks full planning permission for the erection of 27 dwellings.
- 3.2 Dwellings would be arranged around a new estate road running approximately northwest-southeast and which would be accessed from the northernmost east-west road of the Weavers Chase development (which is itself accessed from Thorpe Green Drive). Shared drives would extend from the new estate road.

- 3.3 Publicly-accessible open space is proposed above attenuation tanks at the south end of the estate road, and along the site's south and northeast boundaries where the land slopes downhill away from the proposed dwellings. A footpath is proposed around the site's developable area.
- 3.4 Of the 27 dwellings proposed, 14 would be semi-detached, 10 would be detached, and three would form a short terrace. Two one-bedroom, three two-bedroom, 18 three-bedroom and four four-bedroom dwellings are proposed.
- 3.5 Five of the 27 residential units would be provided as affordable housing. This represents an 18.5% provision.
- 3.6 Five house types are proposed. All dwellings would be two storeys in height. Artificial stone elevations (with natural stone jambs, lintels and cills), concrete roof tiles and UPVC windows are proposed.
- 3.7 All dwellings would have off-street parking, with the larger dwellings having attached or integral garages.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The application site itself has no recent, relevant planning history.
- 4.2 Red line boundaries for some of the applications relating to the adjacent Parkwood Mills site (refs: 2003/93173, 2003/94668 and 2013/90821) overlapped with the red line boundary of the current application site.
- 4.3 The adjacent development site (Weavers Chase) to the south and southeast was the subject of several applications, including:
- 2013/91987 – Outline permission granted 19/06/2014 (subject to a Section 106 agreement) for the erection of 96 dwellings.
 - 2014/92021 – Reserved matters consent granted 13/11/2014 for the erection of 94 dwellings.
 - 2015/90470 – Modification of Section 106 obligation relating to previous application 2013/91987 approved 14/12/2015.
 - 2015/92302 – Non-material amendment to previous reserved matters consent (ref: 2014/92021) approved 27/07/2015.
 - 2015/91118, 2015/91119, 2015/92690, 2016/93928, 2017/93592 – Discharge of conditions applications pursuant to previous approvals 2013/91987 and 2014/92021.
 - 2017/92093 – Reserved matters consent granted 22/08/2017 for the erection of 96 dwellings.
- 4.4 The Weavers Chase site is currently being developed, and some dwellings are already occupied. Two vehicular access points are to be provided – Thorpe Green Drive would carry the majority of the development's traffic, and Grange Road would carry traffic from the southeast part of the site. The Barratt Homes website indicates that the 96-unit scheme is being built.

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

5.1 Written pre-application advice was provided on 21/12/2018 (ref: 2018/20346) in relation to a 27-unit residential scheme with a similar layout to that currently proposed. The main points made in that written advice were:

- The principle of housing development at this site is acceptable.
- Buffer between heritage assets and proposed development preferred. Site to southwest of listed cottages should be retained as open space. Development should be set back from listed mill. Units 5 and 6 would not be respectful to the local vernacular in terms of character and scale. Heritage statement required.
- Properties which turn their side to the estate road are of concern. Query if units 11 to 17 could face the estate road. Unit 18's gable end would abut the open space and may suffer nuisance – reorientation or buffer space recommended.
- Garages to units 9 and 15 appear too close to the estate road.
- Natural stone walling and blue slate roofing required, given adjacent conservation area.
- Boundary treatments visible from the street should be walls of sympathetic materials. Landscaping can be used to reduce the prominence of walls.
- Proposed public open space at site's southern boundary provides opportunity for improved connectivity, green and habitat links, with connection to open space on the adjacent site.
- Footpath between proposed open space and Stoney Lane and Grove Street would provide easier, more direct access to the existing Spark Street Recreation Ground.
- Relationship between trees at 5a Parkwood Road and proposed gable end needs reviewing to ensure there would be no adverse impact upon these trees.
- 73 units of the Weavers Chase development (units 1 to 71, 95 and 96) would be accessed from the western side of that development. Proposals for 27 units would result in 100 units requiring access from this western side. Transport Assessment required, including assessment of impacts on Leymoor Road / Stoney Lane, Stoney Lane / Grove Street and Thorpe Green Drive / Leymoor Road junctions.
- Site is unsuitable for soakaways, therefore potential for connection to a local watercourse should be explored. Watercourse to the south of the site has a culverted section beneath the adjacent mills that is in a poor condition, and connection to it would be objected to. A new sewer connection (that bypasses the culverted watercourse) is being provided as part of the Weavers Chase development, and connection to it should be explored. If northern part of the site cannot be so connected, connection to the Yorkshire Water sewer to the north should be explored.
- On-site open space and a Local Area of Play (LAP) required. This can be natural playable space, but an equipped playspace should be off-site as minimum stand-off distances could not be achieved on-site. Off-site contribution towards a LAP would be approximately £44,000.
- Tree planting required.
- Site's constraints include the area's general suitability for foraging and roosting bats, and the site's proximity to areas within the Kirklees Wildlife Habitat Network. Ecological appraisal required to establish baseline ecology across this site.

- Site is potentially contaminated, and conditions relating to site contamination would be recommended.
- Electric vehicle charging points required.
- Section 106 obligations required in relation to affordable housing (20% provision (six units) required), open space, education (subject to officer advice), Travel Plan and Metro cards.

5.2 At pre-application stage former Cllr Hilary Richards expressed concern regarding additional traffic to Parkwood Road, and requested the provision of safety measures.

5.3 As set out in the applicant's Statement of Community Involvement, the applicant sent letters dated 23/05/2019 to the occupants of 148 surrounding properties, and to Members for Golcar ward. The letters included a proposed layout plan and asked for comments by 07/06/2019. Four responses were received.

5.4 During the life of the current application, the applicant submitted two amended versions of a Flood Risk Assessment and Drainage Strategy, an amended drainage layout drawing, a ground gas risk assessment, four amended versions of a site layout plan, a minor change to the site's red line boundary, information regarding the site's developable area, revised house type drawings, and information related to biodiversity and trees.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

6.2 The site forms part of site allocation HS148 (formerly H116). HS148 relates to 4.53 hectares (gross), however its net site area is identified in the site allocation as 4.48 hectares, taking into account the watercourse that runs across the site. The site allocation sets out an indicative housing capacity of 125 dwellings, and identifies the following constraints:

- Third party land may be required to access part of site
- Improvements to local highway links may be required
- Additional mitigation on the wider highway network may be required
- Watercourse crosses the site
- Site close to a Conservation Area

6.3 Of note, not all of the above-listed constraints apply to the part of the allocated site to which the current planning application relates.

6.4 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

Supplementary Planning Guidance / Documents:

6.5 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highways Design Guide (2019, to be modified following Cabinet resolution of 08/10/2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

National Planning Policy and Guidance:

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

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials.

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

6.8 On 01/10/2019 the Government published the National Design Guide.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a major development and a development that would affect the setting of a listed building and a conservation area.

7.2 The application has been advertised via five site notices posted on 24/07/2019, an advertisement in the local press dated 26/07/2019, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 16/08/2019.

7.3 Three representations were received from occupants of neighbouring properties. These have been posted online. The following is a summary of the points raised:

- Tree impacts. Proposed unit 6 would be close to adjacent trees and boundary hedge. Excavation and works may damage trees. Applicant's consultant recommended preparation of an Arboricultural Implications Assessment, however this has not been submitted. Monitoring recommendations regarding trees have been made by the applicant's consultant without reference to the tree owner. Application is incomplete. Tree matters require further investigation.

- Adjacent former quarry face wall (to rear of Parkwood Mills) is unstable in areas, and rock from the quarry face has fallen into the car park below, causing damage to vehicles. Rock falls may have been caused by development of the Weavers Chase site, as the ground has been disturbed by the excavation of foundations and utilities. Any future building work involving ground works would further weaken the wall. Residents of Parkwood Mills would be put in danger. Proposed development should not be approved until an assessment of the former quarry face, and risk of further rock falls, is carried out. If permission is granted, developers should indemnify adjacent resident against damage, injury and cost of remediation work to former quarry face.

7.4 Amendments made to the proposals during the life of the current application did not necessitate reconsultation.

7.5 Responses to the above comments are set out later in this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Yorkshire Water – Condition recommended, requiring implementation in accordance with drawing 0001 (rev B). No objection to the proposed separate systems of drainage on site and off site, the proposed amount of domestic foul water to be discharged to the public foul water sewer, the proposed amount of curtilage surface water to be discharged to the public surface water sewer (at a restricted rate of 3.5 (three point five) litres/second), or the proposed points of discharge of foul and surface water to the respective public sewers. Advice provided regarding sewer adoption and diversion.

KC Highways – Applicant's anticipated trip generation figures are considered to be low, and 21 two-way vehicle movements would be a more robust estimate. However, given that the applicant's modelling demonstrates that the Leymoor Road / Stoney Lane, Stoney Lane / Grove Street and Thorpe Green Drive / Leymoor Road junctions would operate comfortably within capacity, it is accepted that the impact of the proposed development can be accommodated.

Regarding the proposed layout, gradients to new roads are required, longitudinal sections along new roads are required, double-width driveways for the semi-detached houses should be increased to 5m in width, three off-street parking spaces should be provided for unit 8, kerb lines need to be parallel and carriageway width needs to be a consistent 5.5m, bin collection points should be shown, turning heads and junction splays need to be amended to provide comfortable turning and manoeuvre for refuse vehicles, pedestrian access is needed between the parking spaces of units 11 to 13, and the parking spaces of units 9 and 10 obstruct access to the parking space of unit 11.

Any retaining features affecting the highway will require formal technical approval from the council.

KC Lead Local Flood Authority – Risk of flooding from watercourse (resulting from blockage to culvert adjacent to unit 18) should be considered, as should works to mitigate risk to the proposed development. Ownership of the watercourse and culvert should be confirmed. If the landowner is responsible, information on future maintenance arrangements should be provided. Watercourse survey should be provided.

Flow routing analysis required. Water from short, intense storms may bypass road gullies and flow routes should avoid property curtilages where practicable, utilising roads and open spaces. Flow routing from attenuation tanks should also be considered.

Further, detailed comments made regarding applicant's surface water drainage strategy.

8.2 **Non-statutory:**

KC Biodiversity Officer – Proposals not supported. Errors, inconsistencies and unjustified reduced scope of bat activity survey instil low confidence in the applicant's conclusions regarding ecology. It has not been demonstrated that the proposed development will not result in significant ecological harm, nor that a biodiversity net gain would be achieved. Consideration should be given to using a biodiversity metric to demonstrate that a net gain can be achieved. Adequate ecological information needed, and the most appropriate format for this is an Ecological Impact Assessment.

Applicant's bat survey information does not address earlier concerns – the body of supporting information does not present, or enable, an assessment of the significance of the likely ecological effects of the proposed development. Such an assessment is necessary to understand whether the development would result in significant loss or harm to biodiversity, or whether the mitigation hierarchy has been applied, as set out in Local Plan policy LP30(i). In addition, the applicant has not demonstrated a biodiversity net gain as required by Local Plan policy LP30(ii). The applicant's latest bat survey information has not been undertaken in line with national good practice guidelines. Adequate ecological justification is needed for any deviation from good practice guidance.

The precise nature of the recommended survey effort is dependent on a preliminary assessment of the potential of a site as a foraging resource for bats, which should be undertaken by a consultant as part of a Preliminary Ecological Appraisal. In this instance there is a distinct difference between the evaluation presented in the applicant's two reports; with the Preliminary Ecological Appraisal Report citing low potential, and the Bat Survey Report citing high potential.

Regardless of the evaluated potential of the site to support foraging bats, bat activity survey methods should include survey visits across spring, summer and autumn, and should be supplemented by periods of automated survey with static recording devices. Information collected using these methods enables assessments to take account of seasonal changes in the pattern of bat activity, and to be based on accurate estimations of activity levels and presence or absence of species. Typically, more species are recorded using automated survey methods.

Particular concern that the consultants providing the supporting information have changed the nature of their advice regarding the required survey effort between the two reports submitted – the Preliminary Ecological Appraisal report states that survey should be undertaken across spring, summer and autumn, while the Bat Survey Report indicates a previous recommendation to undertake survey in August and September only. This reduced survey scope is not sufficient to understand how the site is used by foraging bats.

KC Conservation and Design – No objection. Overall the design and layout comply with pre-application advice of the Conservation and Design team.

KC Education – No primary or secondary school contribution required.

KC Environmental Health – Agree with conclusions set out in Phase I and II contaminated land reports and ground gas risk assessment. Conditions recommended relating to site contamination, electric vehicle charging points, and Construction Environmental Management Plan. Advice provided regarding construction noise.

KC Landscape – Developments of 10 to 50 dwellings require a Local Area of Play (LAP). This could be incorporated at the application site's open space as a series of well-designed features and playable elements or equipment within a natural playable space, or as an off-site sum towards an existing equipped facility in the vicinity, or a mix of both. The proposed layout does not include a playable space, and the proposed attenuation tanks may make this unfeasible. Golcar ward is deficient in all six open space typologies in terms of quantity. Due to size of proposal, contributions towards parks and recreation, and natural and semi-natural open space, are required. No LAP is indicated, therefore an off-site contribution of £12,273 is required. This could be spent at Spark Street Recreation Ground, which is within the recommend walking distances from the site.

Proposals involve good inclusion of treeplanting to front gardens. Full hard and soft landscaping details required. Use, design, management, furnishing and landscaping of open space queried. Detail, gradients, handrail and construction method of footpath through open space requested. Proposed open space would provide a good buffer, however some dwellings abutting it may require defensible space against it. Details of bin storage and collection needed, and each dwelling will require space for two 240 litre bins and an option for a third bin for garden waste. Grit bin locations should be confirmed. Landscape and ecological design strategy, and landscape management plan, needed. Streets should be designed to Green Streets principles. Treeplanting and street lighting should be designed together.

KC Planning Policy – Site allocation HS148 sets out an indicative site capacity of 125 dwellings. 31 dwellings should be provided at the application site (based on the 35 units per hectare set out in Local Plan policy LP7). 20% affordable homes required, and the proposed five affordable units complies with policy LP11. Noted that all affordable homes would be located together in one part of the site, and that some would be one-bedroom units. Query if proposed open space could be more overlooked in accordance with policy LP24. Open space assessment provided for wider HS148 site with regard to six open space typologies.

KC Strategic Housing – 20% affordable housing required, split 55% social or affordable rent / 45% intermediate. On-site provision preferred. Affordable homes must be evenly distributed throughout the development, and not provided in a single cluster. Affordable homes must be indistinguishable from market housing in terms of quality and design.

In Kirklees Rural West there is a significant need for affordable one- and two-bedroom properties. Five affordable dwellings are required from this development (three social or affordable rent and two intermediate units), and at this site the affordable housing provision can comprise one- and two-bedroom homes.

KC Trees – The revised layout and levels information is an improvement and through there is still likely to be some impact on roots the changes are sufficient to make these acceptable. Arboricultural Method Statement and Tree Protection Plan still required, preferably upfront but could be conditioned as pre-commencement.

West Yorkshire Police Crime Prevention Design Advisor – No objection in principle. Applicants are encouraged to apply for Secured by Design accreditation. Overall, the proposed site layout is well designed with plenty of natural surveillance across the properties. The proposed footpath will require good lighting to discourage anti-social behaviour. Further advice provided regarding public footpaths, boundary treatments, lockable gates, publicly-accessible areas, lighting, trees and vegetation, doors and windows, garages, cycle storage, parking, bin stores, alarms and CCTV.

Yorkshire Wildlife Trust – Insufficient information to properly assess the proposed development's impacts. Errors and confusing statements in applicant's submission, and reports fall short of industry standards. Bat survey inadequate. No assessment made of impacts upon nearby bat roosts. Ecological Impact Assessment (EclA) should be submitted, including all survey information, methodologies and assessments, with corrections and clarifications. EclA should show how a biodiversity net gain would be achieved, and should include statements enabling the conditioning of a Construction Ecological Management Plan, Biodiversity Enhancement and Management Plan and a sensitive lighting scheme.

9.0 MAIN ISSUES

- Land use, sustainability and principle of development
- Design and conservation
- Residential amenity and quality
- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Trees and ecological considerations
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Land use, sustainability and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The site forms part of a wider site allocation (ref: HS148), to which full weight can be given. The rest of the allocated site has full planning permission for residential development, and is being developed – the proposed development would complete the development of site HS148.
- 10.4 The site is not designed as Urban Green Space or Local Green Space in the Local Plan, but is greenfield land, and was previously in agricultural use and designed as Provisional Open Land in the superseded Unitary Development Plan. Allocation of this and other greenfield sites by the council was based on a rigorous borough-wide assessment of housing and other need, as well as analysis of available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some development on greenfield land was also demonstrated to be necessary in order to meet development needs.
- 10.5 The 27 dwellings proposed would contribute towards meeting housing delivery targets of the Local Plan.
- 10.6 The applicant's Planning Statement only refers to climate change when quoting relevant planning policies, and does not explain how the proposed development would help to address or combat climate change effects. Officers note, however, that measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage for residents), electric vehicle charging points, and a Travel Plan would be secured by condition or via a Section 106 agreement, should planning permission be granted. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures will need to account for climate change.
- 10.7 The application site is a sustainable location for residential development, as it is relatively accessible and is within an existing, established settlement that is served by public transport and other facilities.
- 10.8 Golcar and Longwood currently have a number of pubs, churches, eating establishments and other facilities, such that at least some of the daily, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

- 10.9 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Design and conservation

- 10.10 Chapters 11, 12 and 16 of the NPPF, and Local Plan policies LP2, LP7, LP24 and LP35 are relevant to the proposed development in relation to design and conservation, as is the National Design Guide.
- 10.11 The site is subject to constraints relevant to design and conservation, namely the ten nearby listed buildings and the Longwood Edge Conservation Area to the east and northeast. The site is visible from higher ground (including from Longwood Edge Road and Bull Green Road) to the east, and in these views the effect of any adjacent development upon the setting of the listed buildings and conservation area will be particularly evident.
- 10.12 Permissions relating to the adjacent Weavers Chase were issued prior to the adoption of the council's masterplanning policy (Local Plan policy LP5), and the design and access statements submitted with applications 2013/91987, 2014/92021 and 2017/92093 did not include a masterplan for the wider site, or indicative proposals for the land that is now the subject of the current planning application. However, the approved layouts allowed for future development of the current application site, by way of an east-west estate road (from Thorpe Green Drive) that is to extend to the site boundary.
- 10.13 The proposed 27 dwellings would be arranged around a new estate road. Some rear gardens of the new dwellings would back onto the rear gardens of existing or yet-to-be-completed dwellings, completing perimeter blocks. This approach to layout has not been possible for all dwellings, however, due to the site's topography and width, and the location of open space in the adjacent Weavers Chase development. Several proposed dwellings would have their rear and side gardens exposed to public access, and although this is considered unavoidable, this is a shortcoming of the proposed development that would need addressing (as far as is possible) with careful design of boundary treatments and defensive planting between garden curtilages and publicly-accessible open spaces. A condition related to crime and anti-social behaviour prevention measures is recommended.
- 10.14 The proposed development's main open space is appropriately proposed at the south end of the site, and would be reasonably well overlooked from the front habitable room windows of units 16 to 21. The sloped open space and footpath proposed along the site's northeastern edge would need to be carefully landscaped so that sufficient natural surveillance can be maintained, and smaller outdoor spaces around the site will also need to be defined, landscaped and managed to ensure they do not become ambiguous, leftover spaces at risk of anti-social behaviour such as fly-tipping.
- 10.15 Off-street car parking is proposed in front or side driveways, or in integral or attached garages, in similar arrangements to those of the adjacent Weaves Chase development. With appropriate landscaping, the proposed car parking would not have an overdominant or otherwise harmful visual or streetscape impact.

- 10.16 The applicant has been asked to address flood risk matters, which should in turn clarify how flood risk (and flood routing) has informed the proposed layout, although it is noted that the development's main estate road would have a gradient and orientation that should help prevent surface water running into or pooling within residential curtilages, and section 7 of the submitted Flood Risk Assessment and Drainage Strategy states that external ground levels will be designed to direct any surface water flow away from building thresholds.
- 10.17 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
- 10.18 With 27 units proposed in a site of 1.24 hectares, a density of approximately 22 units per hectare would be achieved. This density figure, however, is based on the gross (red line boundary) site area figure, which includes some of the land identified in site allocation HS148 as being deductible from the gross site area, and also includes sloped land along the site's northeast boundary and land close to nearby heritage assets. It is accepted that these constraints reduce the site's developable area, and in an email dated 27/09/2019 the applicant suggested that, of the site's 1.24 hectare gross area, only 0.95 hectares are in fact developable. With 27 units proposed in these 0.95 hectares, a density of approximately 28 units per hectare would be achieved. This still falls short of the 35 units per hectare density specified (and applicable "where appropriate") in Local Plan policy LP7, however it is noted that with 96 units under construction at the adjacent site and 27 units proposed at the application site, there would be a shortfall of only two units against the indicative site capacity (125 units) for site allocation HS148. Furthermore, adjacent densities to the west must also be noted – with 96 units being developed in 3.5 hectares, the Weavers Chase development will achieve a density of approximately 27 units per hectare. Finally, it is noted that greater density at the current application site would be at odds with the patterns of development commonly found in urban areas (where there is normally a crescendo of density towards centres and street frontages), and that an increase in dwelling numbers would result in more massing and hard surfaces (and less opportunity for greenery) within the context of the nearby listed buildings when they are viewed from higher land to the east. Given all these considerations, it is recommended that the proposed quantum of development, and its density, be accepted.
- 10.19 Five house types are proposed, all of which would be two storeys in height with conventional massing, roof forms and elevational treatments similar to those used at the adjacent Weavers Chase site and other sites nearby. Pitched roofs, front gables and windows with vertical emphases within window openings with horizontal emphases are proposed.

- 10.20 Artificial stone elevations (with natural stone jambs, lintels and cills), slate effect concrete roof tiles, UPVC windows, UPVC downpipes and GRP doors are proposed. While artificial stone would normally be of concern at such a site adjacent to heritage assets, it is noted that such a material (Forticrete Black Old Weathered artificial stone walling material with a pitched finish) was approved for the adjacent Weavers Chase development (ref: 2017/93592) and the proposed use of artificial stone at the current application site has not attracted an objection from the council's Conservation and Design team. A condition requiring the submission of details and samples of all external materials is recommended.
- 10.21 Notwithstanding the applicant's proposal to erect 1.8m high close boarded timber fences around all rear gardens (which would be unacceptable in several locations around the site, including along the site's northeastern edge and along the new estate road), a condition requiring details of boundary treatments is recommended.
- 10.22 Subject to recommended conditions, given the proposed layout, scale of development, spacing of buildings away from the site's northeastern boundary, and opportunities for soft landscaping, it is considered that the proposed development would not cause unacceptable harm to the significance of heritage assets. The applicant's Heritage Statement arrives at a similar conclusion, and additionally notes that the footpath proposed along the site's northeastern edge would open up views of the rear of the adjacent listed mill, while the proposed layout (and the east-west estate road through the Weavers Chase site) would frame and maintain a longer view of the mill's chimney. Regarding the Grade II listed buildings at 1, 3 and 5 Parkwood Road, the applicant's Heritage Statement asserts that there would be less than substantial harm to their setting, but that – having regard to NPPF paragraph 196 – this harm is outweighed by the proposed development's public benefits. This is accepted.
- 10.23 In light of the above assessment, it is considered that the relevant requirements of chapters 11, 12 and 16 of the NPPF, and Local Plan policies LP2, LP7, LP24 and LP35, would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

Residential amenity and quality

- 10.24 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.25 Acceptable separation distances are proposed between the proposed dwellings and existing and yet-to-be-constructed neighbouring properties. The proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook.

- 10.26 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed relative to that already being delivered at the adjacent Weavers Chase site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.
- 10.27 A condition requiring the submission and approval of a Construction Management Plan (CMP) is recommended. The necessary conditions-stage submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of temporary drainage arrangements would need to be included in the CMP.
- 10.28 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.29 Although the Government's Nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. Most of the proposed dwellings would meet the minimum unit size figures set out in this guidance (revised plans for some of the house types were received on 27/09/2019), however the two one-bedroom affordable dwellings would be 47.9sqm in size, whereas the Government's standard is for 58sqm to be provided for two-storey one-bedroom/two-person dwellings. The applicant has been asked to review the sizes of these units.
- 10.30 All of the proposed dwellings would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. Adequate distances would be provided within the proposed development between new dwellings.
- 10.31 All dwellings would have WCs at ground level, providing convenience for visitors with certain disabilities. No dwellings would have ground floor bedrooms, although the largest units would have habitable rooms at ground floor level that could be converted to bedrooms.
- 10.32 All of the proposed dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents.
- 10.33 The proposed open spaces would go some way towards meeting the relevant requirements of a 27-unit residential development in Golcar ward, which is deficient in all six open space typologies in terms of quantity. The size of the proposed development triggers the need for a Local Area of Play (LAP), and contributions towards parks and recreation, and natural and semi-natural open space, are required. With no LAP indicated on the applicant's drawings, an off-site contribution of £12,273 would be required, however there may be an opportunity for the applicant to reduce this requirement if a LAP was provided on-site as a series of well-designed features and playable elements or equipment within a natural playable space. If no such on-site provision is made, the required off-site contribution could be spent at Spark Street Recreation Ground, which is within the recommend walking distances from the site.

- 10.34 Although some details of landscaping proposals have been shown on the applicant's drawings, a condition is recommended, requiring further details of the development's outdoor spaces and their purpose, design, furnishing, landscaping and management. Details of the proposed footpath through the open space (including details of gradients, any handrails, and construction methods) would also be required.

Affordable housing

- 10.35 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.36 Five of the proposed 27 units would be affordable. In terms of unit numbers, this represents an 18.5% provision, which falls slightly short of the requirements of Local Plan policy LP11 due to rounding down. The 20% policy requirement would be equivalent to 5.4 affordable units, therefore it is recommended that five affordable units be accepted and that this be secured via Section 106 agreement.
- 10.37 Units 9 to 13 would be affordable. The proposed affordable housing would be provided as two one-bedroom and three two-bedroom units. This proposed unit size mix would assist in meeting known need as set out in the 2016 Strategic Housing Market Assessment.
- 10.38 The applicant has not confirmed the tenure the affordable housing units. The council's preferred tenure mix is 55% social or affordable rent / 45% intermediate.
- 10.39 The proposed locations of the affordable housing units are considered acceptable. Although not spread across the development (they are proposed in a pair or semi-detached properties and a short terrace, either side of a shared drive), their locations are considered acceptable given the size of the site and the development. Although the proposed affordable provision would include the development's smallest units (the one- and two-bedroom units), the same materials and detailing is proposed for all dwellings, which would help ensure the affordable units would not be visually distinguishable from the development's market units.

Highway and transportation issues

- 10.40 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport, and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

- 10.41 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.42 The only highway that the application site meets is Parkwood Road, however no vehicular connection is proposed here. Parkwood Road lacks footways, and has narrow widths and poor forward visibility in some locations, such that a new vehicular access from Parkwood Road would not be considered acceptable.
- 10.43 Instead, all 27 units would rely on vehicular access from the adjacent Weavers Chase site, which in turn connects to Thorpe Green Drive and Leymoor Road. 73 units of the Weavers Chase development (units 1 to 71, 95 and 96) are to be accessed from this western side of that development, and the proposed development for 27 units would result in 100 units requiring access from this western side. Although the applicant's anticipated trip generation figures (16 two-way movements in the morning peak, and 15 two-way movements in the afternoon peak) are considered to be low (Highways Development Officers have advised that 21 two-way vehicle movements would be a more robust estimate), given that the applicant's modelling demonstrates that the Leymoor Road / Stoney Lane, Stoney Lane / Grove Street and Thorpe Green Drive / Leymoor Road junctions would operate comfortably within capacity, it is accepted that the impact of the proposed development can be accommodated.
- 10.44 It is recommended that the submission and implementation of a Travel Plan be secured via a Section 106 agreement, to ensure the use of sustainable modes of transport is encouraged and enabled. Travel Plan monitoring fees would also need to be secured.
- 10.45 Pedestrian infrastructure surrounding the site is mixed, with some streets having footways on both sides, and others having none. There is no pavement for users of the bus stop outside 152 Leymoor Road. The proposed footpath around the site's southern and part of its northeastern edges, and the retention of the existing pedestrian access on Parkwood Road, would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e. All residents of the proposed development would be able to walk (without significant detours) from their homes to existing public transport and other facilities available on Leymoor Road, which is served by the 301 and 302 buses. While it is noted that a pedestrian connection between the development's main open space and Stoney Lane or Grove Street would provide easier, more direct access to the existing Spark Street Recreation Ground, this connection would need to cross challenging topography and intervening third party land. As there is no footway along the site's northern edge along Parkwood Road, a new inset refuge (to improve sight lines for pedestrians, and space off the carriageway where pedestrians can wait for traffic to pass and not have to step directly out onto the carriageway) should be provided at the point where the retained pedestrian access meets Parkwood Road. Details of this provision can be secured via the recommended landscaping and boundary treatment conditions.

- 10.46 Regarding the proposed development's internal arrangements, the applicant's amended drawings have addressed most of the concerns of Highways Development Management (HDM) officers, however further minor amendments and clarifications have been received and further comments from HDM officers are expected.
- 10.47 Acceptable off-street parking is proposed for the proposed residential units in accordance with council's Highways Design Guide. Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.
- 10.48 Storage space for three bins is proposed for dwellings, and refuse collection points are proposed throughout the proposed development. Further details of waste collection, including details of management to ensure waste collection points are not used for fly-tipping or permanent bin storage, are required by recommended condition. The same condition would require refuse collection points in locations that would not obstruct access to private driveways.

Flood risk and drainage issues

- 10.49 The site is within Flood Zone 1. The site generally slopes downhill from its southwest edge to the northeast. Part of the site drains to the partly-culverted watercourse (a tributary of Longwood Brook) which runs roughly east-west along a depression close to the south edge of the site, while other parts of the site are in a different catchment falling more to the north towards Clay Wood Brook.
- 10.50 As the application site is larger than 1 hectare in size, and is within Flood Zone 1, a site-specific Flood Risk Assessment and Drainage Strategy (FRADS) was submitted by the applicant. This states that the post-development surface water run-off rate should be restricted to a discharge rate of 3.5 litres per second, provides for extreme rainfall events, and ensures that the quality of any receiving water body would not be adversely affected by the proposed development. Two attenuation tanks are proposed towards the south end of the proposed development's new estate road, and from these water would discharge to an existing surface water pipe at the site's southeast corner. Soakaways are not proposed, nor is discharge of surface water into the existing watercourse that runs along the southern edge of the application site.
- 10.51 The proposed surface water discharge arrangements are considered acceptable in principle. The proposal not to discharge to the existing watercourse is appropriate, given the known condition of the culverted part of this watercourse.
- 10.52 On 27/09/2019 the applicant responded to the comments of the Lead Local Flood Authority (LLFA), and further comments from the LLFA are expected.
- 10.53 Details of temporary surface water drainage arrangements would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.

- 10.54 Foul water from the proposed development would discharge to an existing sewer at the southeast corner of the site. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.

Trees and ecological considerations

- 10.55 The application site is previously undeveloped (greenfield) land, was previously in agricultural use, and is grassed. There are trees and shrubs along the edges of the site. No trees within or near to the site are protected by Tree Preservation Orders, however the conservation area status of part of the site and land to the northeast bestows protection on trees. A Biodiversity Opportunity Zone (Built-up Areas) and an SSSI Impact Risk Zone covers the site.
- 10.56 The applicant has submitted a Preliminary Ecological Appraisal, a Bat Survey and Report, a Biodiversity Enhancement Plan Report, and a draft Method Statement for Amphibians and Great Crested Newt Best Practice Avoidance.
- 10.57 Regarding bats, the applicant's biodiversity consultant, JCA, carried out three activity surveys in August and September. These confirmed that the site is used by common pipistrelle bats and is a noctule bat foraging area. The applicant has also submitted an up-to-date data search, which returned records of common pipistrelle, soprano pipistrelle, brown long-eared, noctule, Leisler's, whiskered and Natterer's bats, all within 1km of the current application site. This is a high number of species for a site in West Yorkshire, however these findings are not surprising, given that – for the adjacent (Weavers Chase) site and application 2013/91987 – that applicant looked at an area 2km from that site, and noted records of whiskered, Leisler's, common pipistrelle, brown long-eared, and pipistrelle bats and several indeterminate species records. The current application site has, or is adjacent to, trees, water bodies, rough grass, dark areas, historic buildings and a former quarry face, all of which have potential for bats. Of particular interest is the sheltered, dark area at the north end of the site, and its rough grassland in close proximity to the Wildlife Habitat Network. This area has conditions suitable for a noctule bat feeding site.
- 10.58 Based on the applicant's surveys, the applicant has asserted that there were no bats roosting at the site or in any of the site's trees, and that further transects would not be necessary, as there are other suitable foraging areas for bats within the site's vicinity.
- 10.59 The proposed development, and the scope and quality of the applicant's ecological information, has attracted a strong objection from the council's Biodiversity Officer. The Yorkshire Wildlife Trust, although not consulted on the application, have also objected to the applicant's submission. Of particular concern is the fact that the applicant has not demonstrated that the proposed development will not result in significant ecological harm, nor that a biodiversity net gain would be achieved.
- 10.60 Regarding the potential for bats being present on site, although some information has been submitted by the applicant, this is the result of survey work that has not been undertaken in line with national good practice guidelines. Bat activity survey methods should include survey visits across spring, summer and autumn, and should be supplemented by periods of automated survey with static recording devices.

- 10.61 Earlier ecological surveys carried out in connection with development proposals for nearby sites cannot be relied on as these are either too old, did not cover the application site, or did not follow present-day good practice guidelines. It would not be appropriate to defer further survey work to conditions stage, as by then the layout of the proposed development (which may be harmful in ecological terms) would have been approved and fixed, and Government guidance in any case clearly states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It adds that the need to ensure that ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.
- 10.62 Furthermore, it must be noted that the possibility of achieving a biodiversity net gain at this site does not override the protection of designated sites, protected or priority species and irreplaceable or priority habitats.
- 10.63 Officers have considered requesting the deletion of units 1 to 10 from the proposed development, as these units are proposed in the area most likely to be of interest in relation to bats. The remaining 17 units could then be approved under the current application, and a subsequent application could then be submitted at a later date when the required surveys have been completed.
- 10.64 Notwithstanding the applicant's inadequate ecological evidence, however, it is noted that some (albeit limited) recent survey information has been provided by the applicant, such that there is at least some knowledge of bat activity at the application site. Furthermore, ecological considerations must be considered in light of the borough's pressing need for housing, having regard to Local Plan delivery targets. Although the applicant's submission is poor in relation to biodiversity, it is not recommended that planning permission be withheld on these grounds, and appropriate conditions (including a condition to secure an Ecological Design Strategy and a biodiversity net gain) are recommended.
- 10.65 The above conclusions should not be taken as an indication that substandard survey work, and limited ecological evidence, will be accepted by the council in relation to other applications.
- 10.66 During the life of the application, the applicant amended the proposed layout, pulling unit 6 away from the edge of the site to reduce likely impacts on adjacent trees. The applicant has also adjusted ground levels and hard surfacing adjacent to tree T13. These are considered to be improvements, and although there is still likely to be some impact on tree roots, the applicant's amendments are sufficient to make these acceptable.
- 10.67 A condition is recommended, requiring the submission of an Arboricultural Method Statement and Tree Protection Plan.

Environmental and public health

- 10.68 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, a Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, should be secured via Section 106 obligations.
- 10.69 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, open space, affordable housing, pedestrian connections (which can help facilitate active travel), measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.
- 10.70 Regarding the social infrastructure currently provided and available in Golcar and Longwood (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

Ground conditions

- 10.71 Regarding neighbouring residents' concerns relating to rock falls from the adjacent former quarry face to the northeast of the application site, Local Plan policy LP53 states that development on land that is unstable will require the submission of an appropriate land instability risk assessment. For developments identified as being at risk of instability, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which protect the wellbeing of residents or protect the environment will not be permitted. Paragraph 179 of the NPPF states that, where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 10.72 There is currently no evidence before the council to suggest that the proposed development would result in increased risk of damage or injury at the adjacent Parkwood Mills site, and maintenance of the former quarry face is the responsibility of the landowner. Damage to vehicles or adjacent property resulting from the implementation of the proposed development is a civil matter to be resolved between the relevant parties (with recourse to the law, if necessary), and is not a reason for withholding planning permission. That said, Local Plan policy LP53 places a responsibility upon the current applicant to demonstrate that the proposed development would not cause harm to people or the environment, and it is noted that significant works and the creation of a new footpath are proposed relatively close to the top of the former quarry face. The applicant has been asked to address these concerns and further commentary will be included in the committee update.

- 10.73 Regarding potential site contamination, the findings of the applicant's contaminated land report and ground gas risk assessment are accepted. Conditions regarding site contamination remediation are recommended.
- 10.74 The site is within a wider mineral safeguarding area relating to sandstone. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.
- 10.75 The 250m buffer zones of landfill sites to the east and west do not prohibit approval of planning permission for residential development at this site.

Representations

- 10.76 A total of three representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report.

Planning obligations

- 10.77 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:
- Affordable housing – Five affordable housing units (three social or affordable rent, two intermediate) to be provided in perpetuity.
 - Open space – Off-site contribution of £12,273 to address shortfalls in specific open space typologies.
 - Sustainable transport – Measures to encourage the use of sustainable modes of transport, including Travel Plan monitoring arrangements and fees.
 - Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 10.78 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet the relevant threshold (housing developments which would deliver 60 dwellings or more), any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

Other planning matters

- 10.79 A condition removing permitted development rights from some of the proposed dwellings is recommended. This is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree. Removal of permitted development rights from dwellings adjacent to the site's northeastern edge is also considered necessary, as extensions and alterations under permitted development allowances here could be harmful to the significance of the adjacent heritage assets.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS148, and the principle of residential development at this site is considered acceptable.
- 11.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), adjacent heritage assets, topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage. Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.3 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Development and Masterplanning)

1. Three years to commence development
2. Approved plans and documents
3. Construction Management Plan
4. Arboricultural Method Statement and Tree Protection Plan
5. Temporary surface water drainage
6. Flood risk and drainage
7. Site contamination
8. Internal adoptable roads
9. Crime prevention
10. External materials
11. Boundary treatments
12. External lighting
13. Landscaping
14. Biodiversity enhancement, net gain and Ecological Design Strategy
15. Removal of permitted development rights
16. Cycle parking
17. Electric vehicle charging points
18. Waste storage and collection

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/92164>

Certificate of Ownership – Certificate B signed

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Report of the Head of Development and Master Planning

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Nov-2019

Subject: Planning Application 2019/92240 Change of use of land to pub garden and play area The Sun, 137, Highgate Lane, Lepton, Huddersfield, HD8 0HJ

APPLICANT

D Brayshaw

DATE VALID

04-Jul-2019

TARGET DATE

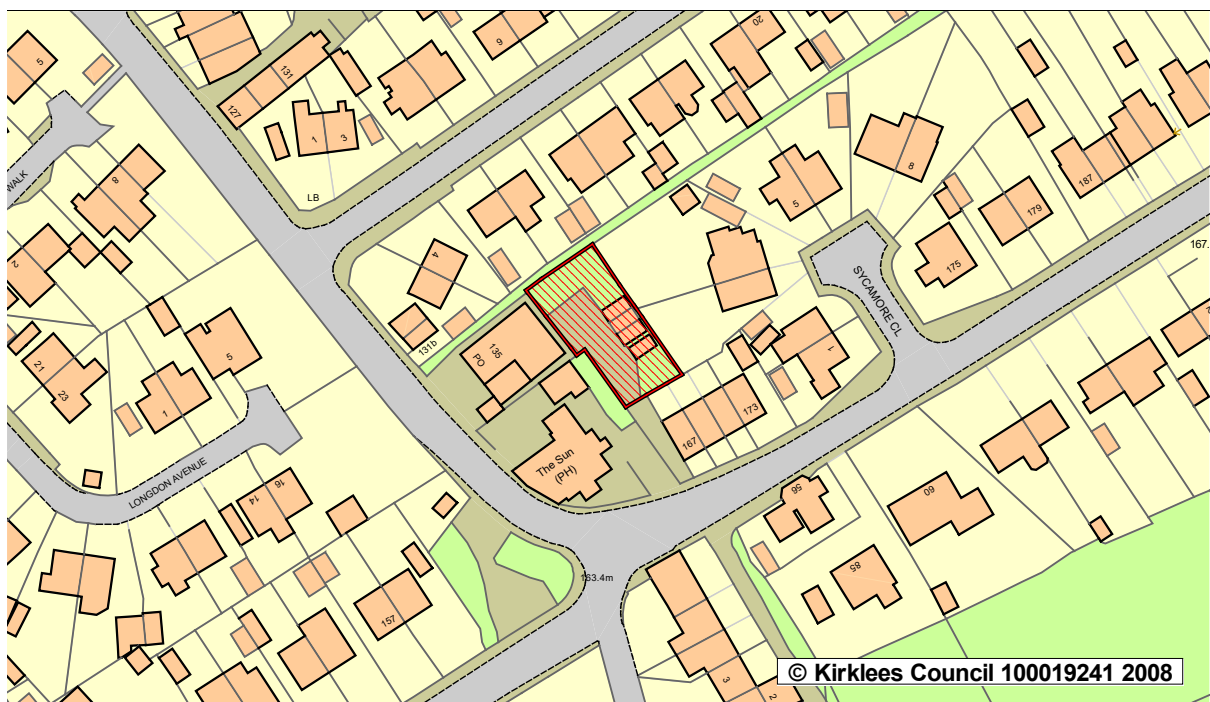
29-Aug-2019

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: Almondbury

No

Ward Members consulted

RECOMMENDATION: Refuse planning permission and authorise the Head of Planning and Master Planning to take enforcement action to cease the use of the land ancillary to the drinking establishment and remove associated garden furniture, tables, golf and play equipment.

Reasons for Refusal:

1. The proposed pub garden and play area by reason of its proximity to surrounding residential dwellings and the nature of the operation of the development would lead to occupiers of these dwellings being subject to unacceptably high levels of noise and disturbance for extended period of times throughout the day, to the detriment of residential amenity. To approve such an application would be contrary to Policy LP52 of the Kirklees Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.

2. The proposed development would conflict with extant planning permission 2017/91862 which granted permission for extensions to the host public house and formation of a car park. To permit such a development would significantly reduce the amount of available parking for the potentially enlarged public house leading to indiscriminate on-street parking to the detriment of highway safety. In light of the above the application is not considered to adhere with Policies LP21 and 22 of the Kirklees Local Plan and guidance contained within the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought to Sub-committee at the request of officers for the following reason:

The previous permission 2018/92785 was determined by the Huddersfield Planning Sub Committee on 13 December 2018 where a temporary permission was granted for 6 months to assess the impact of the development on residential amenity. It was requested at the time that the application was brought back to sub-committee after the 6 months permission had expired to consider the impact.

The temporary permission expired on 17 May 2019 and the current application was submitted on 4th July 2019.

- 1.2 The Chair of Sub-committee has confirmed that for the above reasons for making the request are valid having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to The Sun in Lepton, which is a public house. It forms a traditional two storey stone-built property, with a number of alterations and extensions having taken place. The site as existing has a landscaped and equipped play and seating area to the north to which the current application relates. The Sun also currently hosts two council computer terminals under 'the pub is the hub' initiative and provides a community library.

2.2 The site is surrounded by primarily low-density residential development, of mixed design and character. The site is semi-rural in character with large swathes of Green Belt in close but not immediate proximity to the site. The building itself is adjacent to a convenience store and first floor flat at 135/135a Highgate Lane, and is surrounded on all other sides by residential properties along Rowley Lane, Sycamore Close and Highgate Avenue.

3.0 PROPOSAL:

3.1 The application seeks to retain a seating area and equipped play area associated with The Sun.

3.2 Works to the land subject of this application were completed last year and have been in use since. The land now presents landscaped and sectioned floor areas consisting of wood chip, Astroturf and soft surfacing associated with a children's play area. The area is well provisioned with a timber climbing frame, swings and a mini-golf course. Boundary treatment consisting of a 2m high close boarded timber fence encloses the site while access is offered via a timber swing gate complete with locking mechanism.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

Planning Application History

4.1 89/01687 – Dormer kitchen extension to public house (Granted Conditionally)

89/05573 – Variation of Condition 2 (Granted Conditionally)

86/03984 – First floor extension to dining/kitchen (Granted Conditionally)

2017/91862 – Erection of two storey side extension with balcony and formation of new car park (Conditional Full Permission and extant until March 2021)

2018/92785 - Change of use of land to pub garden and play area (Decision by Sub Committee Full Conditional Permission for temporary trial period of 6 Months [contrary to Planning Officers Recommendation])

Relevant Committee Minute:

Reason for Decision Contrary to Recommendation: The committee considered that the benefit to the community of the development, subject to conditions, outweighed the harm to the residential amenity of occupiers of surrounding dwellings. Therefore in accordance with the resolution of committee, the application is to be give 6 months temporary permission in accordance with the submitted specification and subject to the following conditions:

1. Temporary planning permission for a 6 month period
2. Restriction on hours of use between 9am - 8pm
3. Submission of a management strategy detailing methods of supervision, monitoring, dealing with complaints and mitigation of noise and disturbance from uses of the beer garden and play area
4. Erection of signs reminding customers to be considerate of neighbouring residential properties.

2019/90679 – Details submitted to discharge condition regarding noise management strategy (condition 4) on previous permission 2018/92785 for change of use of land to pub garden and play area - details approved – the following controls were approved

- The applicant will monitor noise level in the garden every hour within the agreed opening times and noise levels will be monitored by a decibel metre.
- Any breaches in noise levels will be addressed by informing patrons to reduce noise levels. Should a breach occur 3 times in an hour then patrons will be asked to leave the area.
- Each noise instance and any times that there are 3 instances within 1 hour will be recorded on a log sheet. The log sheets will be available on request by Environmental Health.
- Should patrons continue to breach noise levels the management will close the garden area for a period of time.
- Signage will request patrons to respect neighbours at all times.
- The management will liaise directly with any complaints and devise a course of action to ensure that noise levels are reduced.
- If a complaint is escalated to the Local Authority the monitoring sheets will be made available with details of the actions taken to reduce noise levels.

Enforcement History

- 4.2 COMP/18/0183 – Complaint received 23 July 2018 for the alleged unauthorised change of use and formation of beer garden/play area. The 2018/92785 planning application was submitted to regularise this matter and was granted a temporary planning permission with additional conditions to assess the impact. The current application seeks to retain the change of use on a permanent basis.

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

- 5.1 No negotiations were undertaken regarding this application.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (KLP):

6.2 The site is unallocated on the Kirklees Local Plan Proposals Map.

6.3 Kirklees Local Plan Policies:

- **LP1** – Achieving Sustainable Development
- **LP24** – Design
- **LP48** – Community facilities and services
- **LP52** – Protection and improvement of environmental quality

6.4 National Planning Policy Framework:

- **Chapter 1** – Achieving Sustainable Development
- **Chapter 4** – Decision-making
- **Chapter 8** – Promoting healthy and Safe Communities
- **Chapter 12** – Achieving well-design places
- **Chapter 15** – Conserving and Enhancing the Natural Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice and letter to the occupants of neighbouring dwellings. The public consultation period expired on 27th August 2019

7.2 A total of 23 public representations were received, 6 object to the proposal and 17 support the proposal. Comments has also been received from ward member Cllr Munro.

7.3 In summary the Objections raise the following concerns:

- The development creates noise which at times of good weather is increased when local residents wish to enjoy their own gardens. The disturbance caused has an adverse impact on the amenity of adjacent residential properties. Additional noise has also been created by the playing of music.
- The site is large and can generate large numbers of visitors to the area. It is used by children who can create additional noise which can be difficult to adequately control in an area which is residential and where residential properties back on to the application site.
- The works were carried out without planning permission and no acoustic barriers have been provided to limit the impact on adjacent properties. The existing fencing has been used which further adds to the concerns in terms of noise pollution.
- The application seeks a later use of the site until 9.30pm from the trial period of 8pm, an increase in use would further adversely impact on residential amenity.
- Limited weight should be attached to letters of support as they do not live adjacent to the site nor have to experience the disturbance caused by the development. A consideration of the number of comments in support should also not be affordable additional weight as only so many people live next to the site.

- The pub is a commercial venture and not a community one, and it is not fair to state that the whole community support it, as not all of the community use the facility or have to live next to it.
- The control pressures approved in the trial period have not provided sufficient mitigation to prevent harm to residential amenity and it is considered no adequate control measures could be provided which sufficiently protect local amenity.
- It is noted that the pub has been in place for a long period of time, it has been stated for 300 years, however the site of the pub garden was never part of the original pub and provided a buffer to most houses for a long time. There is no objection to the pub and its operation. It is the use of the land for a pub garden which has caused the harmful impact to the residential amenity.
- Environmental Health have assessed the merits of the scheme and advised in their professional opinion that the proposal should not be supported. What evidence is there that such an opinion should be discounted?
- The pub garden has been formed on an area which has approval as a car park, parking in the local area is in short supply and the pub garden has increased the need for parking which can no longer be provided. The proposal would therefore be detrimental to highway safety.
- The proposal prevents access to the maintenance of fencing which surrounds the pub garden. Furthermore the fencing which surrounds the site has not been installed by the applicant and should not be used to attach signs or additional paraphernalia too.
- It is not correct to state that there is no other park or recreational facility in Lepton as there is an equipped play area the north west of the site which also provide a skate park.

7.4 In summary the support comments raise the following points:

- There has been a great improvement in community spirit in and around the pub with the addition of the beer garden.
- Children often visit and enjoy the facilities and it is a safe and clean place to visit.
- Staff from the pub enter the pub garden regularly to monitor noise levels and excessive noise has not been witnessed.
- The site of the pub garden was previously waste land and was an eyesore and the development has improved the character of the area.
- The pub garden is well sheltered from adjacent properties by existing boundary treatments.
- Any music played is generally children's music played at a low level.
- The 8pm finishing time is strictly enforced and any extension to this time would be rigorously adhered too. Signage around the area also advises customers to be considerate.
- The pub supports a variety of community activities and includes a library and computer station in the pub. It is therefore considered that the pub represents a community facility which should be supported.

7.5 Cllr Munro has stated:

- I have now read the report from environmental services and wondered if a condition be made that the applicant files a report from an acoustician as recommended by environmental services and the matter be deferred to be dealt with at a later date.

7.6 Kirkburton Parish Council – no comment

8.0 CONSULTATION RESPONSES:

8.1 Non-statutory:

KC Environmental Health – Object to the proposal (formal consultation)

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The application site is unallocated on the Local Plan and therefore Policies LP1 and 2 are relevant which support sustainable development. The proposed development seeks retrospective permission for the formation of a pub garden and play area, following on from a 6-month trial permission (2018/92785) to assess the impact of the development on residential amenity. The temporary permission application was approved subject to the following conditions:

1. *Temporary 6 month permission, expired on 17 May 2019.*
2. *Restriction on hours for its use between 9am to 8pm any day of the week.*
3. *Provision of additional signage within the site instructing customers to be considerate to neighbours.*
4. *Submission of a noise management plan, (details submitted on 4th March 2019 under 2019/90679 approved 8th April 2019)*

10.2 The key consideration now is whether the continuation of the use would retain a good standard of amenity for nearby residents, taking into account the potential for noise and disturbance. Other matters to consider in the balance of planning issues include any community benefits brought about by the development, the design of the works, the impact on highway safety, ecology along with all other material planning considerations and representations received.

Community Benefit

10.3 The Sun is a longstanding Public House in Lepton. As well as this principal function it also hosts two Kirklees Council computer terminals under 'the pub is the hub' initiative and provides a community library. All these facilities are provided in an accessible location in Lepton which minimise the need to travel. The outdoor garden and play area provide further facilities in a sustainable location. The wider community benefit from the development needs to be considered against Policy LP48 of the Local Plan and Chapter 8 of the NPPF.

- 10.4 Chapter 8 of the National Planning Policy Framework (NPPF) advises that planning decisions should aim to achieve healthy, inclusive and safe places which:
- 'a) Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact'.*
- It goes on that to provide the social, recreational and cultural facilities and services the community needs, planning...decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as...public houses...) and other local services to enhance the sustainability of communities and residential environments;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;*
- 10.5 This is also reflected in Policy LP48 of the Local Plan which advises that proposals which protect, retain or enhance existing community facilities will be supported.
- 10.6 It is noted that previous planning permission 2017/91862 for the erection of a two storey side extension with balcony and formation of a new parking area was identified as promoting The Sun as a community facility. This application served to increasing the capacity of the pub in a sustainable way and offering additional parking, making the pub more accessible. This permission, while not implemented, remains extant until March 2021 and could still be developed should the applicant wish to do so.
- 10.7 With regard to the play area and pub garden subject to this application, no information has been submitted to detail any specific need or benefit that the facilities would provide to the public house or wider community. Furthermore the play area is not freely accessible to the wider public and can only be used by patrons to the pub. Notwithstanding this it is acknowledged that it would develop and enhance the offer provided by the Public House and improve its longer term viability. In principle a Public House is a community facility and the development would enhance the facility. The principle of the use is therefore acceptable in accordance with LP48 of the Local Plan and policies in Chapter 8 of the NPPF.
- 10.8 Although the principle of development is accepted, there are specific concerns regarding the impact of the use of the garden/play area on the amenities of nearby residents; hence the 6-month trial period previously granted. The potential impact of this use on highway safety, give the extant permission to extend the pub, and all other material planning considerations including visual amenity are also assessed below.
- Urban Design issues
- 10.9 The application proposes the change of use of land described as being derelict to a seating and equipped play area associated with The Sun. As development has already been completed a full consideration and assessment can be made.

- 10.10 The change of use of the land would not introduce additional built form associated with The Sun but would rather create a landscaped area hosting equipment associated with a beer garden: child's climbing frame, seating area and an area for crazy golf. Landscaping materials, although vibrant in colour (green and blue) are not considered to create an overly prominent feature and in any case much of the floor area is covered in wood chippings creating an overall neutral colour scheme. As such the proposed is believed to offer a refreshed look, creating an attractive play and outdoor recreational area.
- 10.11 Furthermore, it is noted that the play area is well delineated from residential properties by a close boarded timber fence and its position to the rear (north) of The Sun, limiting direct views of the area. As such, the scheme is not considered to create an intrusive development that would harm the visual amenity enjoyed by the residents of surrounding dwellings. In this respect the application is considered to comply with Policy LP24 of the Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework (NPPF).

Residential Amenity

- 10.12 Consideration needs to be given to the impact of the proposed development on the residential amenity enjoyed by neighbouring dwellings. It is noted that the previous temporary permission was granted to allow time to assess the impact of the development on adjacent residents and added further control in the form of a noise management plan and a restriction on the hours of use from 9am to 8pm. The noise management has again been submitted in support of this application, but the hours of use are sought to be extended until 9.30pm. The noise management plan states:
- The applicant will monitor noise level in the garden every hour within the agreed opening times and noise levels will be monitored by a decibel metre.
 - Any breaches in noise levels will be addressed by informing patrons to reduce noise levels. Should a breach occur 3 times in an hour then patrons will be asked to leave the area.
 - Each noise instance and any times that there are 3 instances within 1 hour will be recorded on a log sheet. The log sheets will be available on request by Environmental Health.
 - Should patrons continue to breach noise levels the management will close the garden area for a period of time.
 - Signage will request patrons to respect neighbours at all times.
 - The management will liaise directly with any complaints and devise a course of action to ensure that noise levels are reduced.
 - If a complaint is escalated to the Local Authority the monitoring sheets will be made available with details of the actions taken to reduce noise levels.
- 10.13 Environmental Services have again assessed the application and raised concerns with the proposal. They have confirmed that complaints continue to have been received one in July 2019 and then again on 25th August 2019 and 20th September 2019, although Environmental Services Officers have advised that they did not witness the noise disturbances themselves. Notwithstanding this, given that noise complaints are still being received this highlights that there remains a conflict between the use of the pub garden and amenities of the neighbouring residential property.

- 10.14 The proposed use of land is a considerable intensification of the original low key parking area of a garage court, or indeed the car park approved within the 2017/91862 permission. It has greater potential to create noise nuisance over a sustained period of time. This is particularly pertinent given that the application site is bounded to all sides by residential properties and due to the extended hours now proposed.
- 10.15 Officers consider that while mitigations measures have been put forward, as detailed above, there remains concerns that there would be an ongoing noise problem with the proposed play area and pub garden. Whilst the management plan advised that the pub garden would be monitored hourly, in reality it would be difficult to adequately assess noise levels over the course of an hour by only checking the garden hourly. It is considered that there may often be frequent spikes in noise levels either by children playing or patrons talking that would be missed by the person monitoring the area once an hour. Furthermore given that the garden would be used over an extended period in the day, particularly at weekends these spikes could potentially be frequent and over a prolonged period cumulatively adversely impact on the amenity of adjacent residents. Furthermore allowing 3 instances per hour could account to a high number if it frequently occurred in a day which further adds to this concern. In addition no noise monitoring has been undertaken to disprove this concern. The proposal to extend the hours of operation until 9.30pm is considered to only add to this concern and lead to additional disturbance later in the evening when noise levels generally reduce and increase noise levels can have a greater impact.
- 10.16 The proximity of the use to unconnected residential property, taken together with the equipped nature of the play area and its relative size, could result in use by large groups of people engaging in high intensity activities. This would allow a greater potential of harmful noise generation over and above that which might be generated by a seating area or car park and which could not be adequately controlled by the stated mitigation measures. The trial period, and time which has elapsed during the course of this application, includes the summer months when the intensity of use of the play area etc would have been at its greatest. This resulted in 3 complaints which has highlighted that the approved/submitted noise management plan has not mitigated the impact of the use sufficiently to conclude it can co-exist with nearby residents. The proposal to extend the hours of use to 9:30pm exacerbates this concern.
- 10.17 In conclusion, on balance, whilst noting that the Sun does provide a community benefit when this is weighed against the harm that accrues to neighbouring residents the proposal is considered to be inappropriate development resulting in unacceptable harm to the residential amenity. As such the application fails to improve the existing environment in respect of residential amenity, thereby falling short of the guidance offered in Policy LP52 of the Local Plan and guidance contained within Chapters 12 and 15 of the National Planning Policy Framework (NPPF).

Highway issues

- 10.18 A previously approved planning application (2017/91862) granted permission for the conversion of the site to a car parking area offering a total of 12 spaces inclusive of one disabled parking bay. This was part of a wider application to extend the building.
- 10.19 Within the 2017 officers report it was noted that the increase in available floor space, approximately 121 sq m, would be to a certain extent be offset by the net gain of 7 parking spaces. However, this current permission conflicts with the 2017 permission in that the play area is located on land previously approved for the car park. This permission remains extant until March 2021. As part of this application the applicant has not offered a Unilateral Undertaking to revoke the 2017 permission, nor has this been explored.
- 10.20 Consequently, should planning permission be granted for the play area the applicant could effectively implement elements of the 2017 permission, potentially increasing the size of the business premises and providing a pub garden while omitting parking provision. Such arrangements could result in indiscriminate on-street, informal parking in this area of the highway network. This is particularly concerning given the location of The Sun, adjacent to a mini-roundabout and on a busy road through the village. The above concerns are echoed by KC Highway service officers who object to the development on this basis.
- 10.21 In light of the above the application is considered to be contrary to Policy LP21 of the Local Plan and guidance contained within the National Planning Policy Framework (NPPF).

Other Matters

Biodiversity and Ecology

- 10.22 Although the application site is located within a bat alert area, it is not identified on the maps as having a bat roost. Equally neither the pub or equipped play area is identified as having any significant bat roost potential and indeed all works have been completed. The proposal is therefore considered to have a neutral impact on biodiversity and local ecology.

Enforcement

- 10.23 As detailed above there is an ongoing enforcement complaint (COMP/18/0183) in relation to the unauthorised works which have taken place at the site and which are subject to this application. Given that the proposal is not considered acceptable it is considered appropriate and necessary to take enforcement action to cease the use of the land ancillary to the drinking establishment and remove associated garden furniture, tables, golf and play equipment. This is therefore included in the recommendation to Members.

Representations

- 10.24 In total 23 representations were received 6 in objection and 17 in support. A comment from ward member Cllr Munro has also been received.

10.25 In summary the objections raise the following concerns, with a response to the points raised.

- The development creates noise which at times of good weather is increased when local residents wish to enjoy their own gardens. The disturbance caused has an adverse impact on the amenity of adjacent residential properties. Additional noise has also been created by the playing of music.
- The site is large and can generate large numbers of visitors to the area. It is used by children who can create additional noise which can be difficult to adequately control in an area which is residential and where residential properties back on to the application site.

Response: This is noted and has been assessed in the residential amenity section above.

- The works were carried out without planning permission and no acoustic barriers have been provided to limit the impact on adjacent properties. The existing fencing has been used which further adds to the concerns in terms of noise pollution.

Response: This is noted and no further mitigation measures have been proposed through boundary treatments.

- The application seeks a later use of the site until 9.30pm from the trial period of 8pm, an increase in use would further adversely impact on residential amenity.

Response: This is noted and has been assessed above.

- Limited weight should be attached to letters of support as they do not live adjacent to the site nor have to experience the disturbance caused by the development. A consideration of the number of comments in support should also not be afforded additional weight as only so many people live next to the site.

Response: The number or location of comments does not discount from the fact that all material planning considerations need to be considered as part of the planning application. The weight attributed to the comments made in representation submitted as part of this application is for the decision maker.

- The pub is a commercial venture and not a community one, and it is not fair to state that the whole community support it, as not all of the community use the facility or have to live next to it.

Response: As set out above the Sun is considered to provide a community asset and whilst it may not support all of the community it is considered that weight can be attached to the wider community benefits which the pub provides.

- The control pressures approved in the trial period have not provided sufficient mitigation to prevent harm to residential amenity and it is considered no adequate control measures could be provided which sufficiently protect local amenity.

Response: Noted and these have been assessed in detail in the residential amenity section of the report.

- It is noted that the pub has been in place for a long period of time, it has been stated for 300 years, however the site of the pub garden was never part of the original pub and provided a buffer to most houses for a long time. There is no objection to the pub and its operation. It is the use of the land for a pub garden which has caused the harmful impact to the residential amenity.

Response: Noted, it is acknowledged that the application site did not form part of the public house until the development proposed by this application was formed.

- Environmental Health have assessed the merits of the scheme and advised in their professional opinion that the proposal should not be supported. What evidence is there that such an opinion should be discounted?

Response: The comments of Environmental Health have been considered above.

- The pub garden has been formed on an area which has approval as a car park, parking in the local area is in short supply and the pub garden has increased the need for parking which can no longer be provided. The proposal would therefore be detrimental to highway safety.

Response: The highway impact of the proposal has been assessed above. The provision of the car would have been in conjunction with an extension to the pub, which whilst extant has not been implemented.

- The proposal prevents access to the maintenance of fencing which surrounds the pub garden. Furthermore the fencing which surrounds the site has not been installed by the applicant and should not be used to attach signs or additional paraphernalia too.

Response: The use/maintenance of the fence is a private legal matter between those interested parties

- It is not correct to state that there is no other park or recreational facility in Lepton as there is an equipped play area the north west of the site which also provide a skate park.

Response: It is noted that Lepton Recreation Ground is located to the north west of the site which provides recreational facilities for local residents.

10.26 In summary the support comments raise the following points, with a response to the points raised:

- There has been a great improvement in community spirit in and around the pub with the addition of the beer garden.
- Children often visit and enjoy the facilities and it is a safe and clean place to visit.

Response: Noted

- Staff from the pub enter the pub garden regularly to monitor noise levels and excessive noise has not been witnessed.

Response: Noted, but as set out above complaints have still been received.

- The site of the pub garden was previously waste land and was an eyesore and the development has improved the character of the area.

Response: No weight is afforded to the appearance of the land before the works were carried out. From a review of aerial photographs and available historic imagery the site has not appeared to be overly unkempt over an extended period.

- The pub garden is well sheltered from adjacent properties by existing boundary treatments.

Response: Noted, however the boundary treatments are not considered to provide robust noise mitigation measures to all properties.

- Any music played is generally children's music played at a low level.

Response: Noted, however the playing of music could cause a disturbance to local residents.

- The 8pm finishing time is strictly enforced and any extension to this time would be rigorously adhered to. Signage around the area also advises customers to be considerate.

Response: Noted

- The pub supports a variety of community activities and includes a library and computer station in the pub. It is therefore considered that the pub represents a community facility which should be supported.

Response: Noted, it is acknowledged that the pub provided a wider community benefit.

10.27 Cllr Munro has stated the following which Officers have considered and provided the response below:

- I have now read the report from environmental services and wondered if a condition be made that the applicant files a report from an acoustician as recommended by environmental services and the matter be deferred to be dealt with at a later date.

Response: It is not considered that a report from acoustician would adequately address the issues raised above in the main body of the report. The temporary permission included controls in terms of hours of use and a management plan but these have not sufficiently prevented complaints from occurring and the proposal is still considered to cause a detrimental impact to residential amenity.

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 whole constitute the Government's view of what sustainable development means in practice.

- 11.2 While the proposed change of use to a pub garden and play area provides guests the opportunity to enjoy what is considered to be a well finished area and would support the viability of this community facility, the intensification of use would be harmful to residential amenity. Given the proximity of surrounding residential dwellings, on balance, officers are unable to support the proposed use.
- 11.3 Members are requested to accept the officer recommendation and authorise the Compliance Team to take action to cease the use of the land ancillary to the drinking establishment and remove associated garden furniture, tables, golf and play equipment.

Background Papers:

Website link to be inserted here: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92240>

Certificate of Ownership –Certificate A signed.

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Report of the Head of Development and Master Planning

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Nov-2019

Subject: Planning Application 2019/90984 Erection of two storey rear extension Toss O Coin, Penistone Road, New Mill, Holmfirth, HD9 7JL

APPLICANT

Holme Valley Bars &
Restaurants

DATE VALID

26-Mar-2019

TARGET DATE

21-May-2019

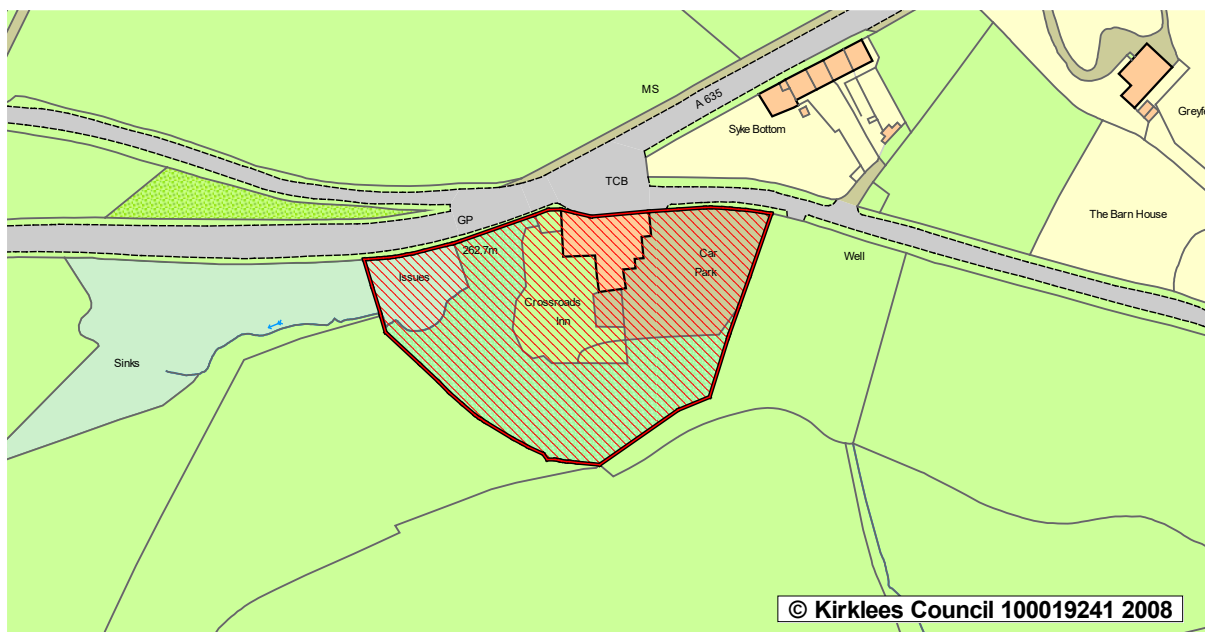
EXTENSION EXPIRY DATE

10-Sep-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: Holme Valley South

N

Ward Members consulted

RECOMMENDATION: Conditional Full Permission

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning 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 Sub Committee at the request of Cllr Nigel Patrick who would:

“like Members to consider the impact of the development on the amenities of adjacent residential properties, in particular road safety and noise nuisance”

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

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to the premises known as Toss O’Coin. The supporting information states the premises are being operated as a commercial, A3 (Restaurants and Cafes) and A4 (drinking establishments) planning use class and has a long history as being a pub/restaurant. The building appears to have been extended to the rear and (side) west of the main building. The application red line includes the existing car park area, east of the building and an area to the rear beyond what can be seen as the formalised amenity area to the premises. This is at a slightly lower level than the car park area.

2.2 The site lies in an area of Green Belt, close to the junction of Penistone Road and Gate Foot Lane. The site is predominately surrounded by open land/fields to all sides. However, a small cluster of residential properties, lie north east of the site, known as Syke Bottom. Vehicular access to these properties is take from Gate Foot Lane.

3.0 PROPOSAL:

- 3.1 The application seeks permission for a two storey extension. As revised, this would be approximately 17.20m in length and 7.75m wide. The height to the ridge is shown to be approximately 7.70m, 650mm lower than the main gable. The extension would be sited beyond the existing two storey rear gable. The floor plans indicate a level entrance hall area from the car park into the proposed extension to serve a wedding suite at ground floor level, also allowing access into the main part of the host building. At first floor level it is proposed to provide five guest bedrooms in association with the wedding suite.

The height has been reduced to ensure the extension would be seen as an addition to the main building to avoid a domineering effect on the host building. It is proposed to externally face the extension in render to both sides and natural stone to the gable. The roof tiles are proposed to be stone slate.

The proposals would also include the provision of an overspill car park for 9 additional spaces to be used primarily by staff

It is stated, the hours of use are to be the same as the existing opening hours of the premises, which are given as

- Closed Monday
- Tuesday 17:00 – 22:30,
- Wednesday to Saturday midday to 23:00
- Sunday midday to 22:30

Waste collection would be as present.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

87/05075 - extension to form 8 bedrooms and function room – granted 1988, not implemented

88/06380 - erection of extension to dining room at existing restaurant – granted 1989

90/02246 - erection of temporary cold store to kitchen – granted 1990

92/04695 – erection of function room & 6 no. bedrooms – refused December 1992

93/00295 - erection of extension to form toilets for restaurant – granted 1993 (implemented)

93/03019 - erection of 5 guest bedrooms and function room extension – granted 1994 (not implemented)

2007/92037 - erection of toilets – granted July 2007 (implemented)

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

- 5.1 Revised site block plan received to alleviate car parking concerns and highway safety- final plan received 22/05/19.

This shows an over spill car park area to the rear beyond the existing car park. In addition the Highway Officer requested a car park management plan. Revision C was received on 16/10/19.

Revised elevations and ground floor plans have also been revised (reduced scale) during the course of the application.

01/10/19 - Information is also received confirming the hours of use and a Phase 1 Desktop study

- 5.2 The above information was posted onto the website and a further round of publicity carried out through issuing neighbour letters.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

- 6.2 LP10 - Supporting the rural economy
LP21 – highway safety
LP22 – Parking
LP24 – Design
LP28 - Drainage
LP52 – protection and improvement of environmental quality
LP57 – extensions, alterations or replacement of existing buildings

- 6.3 National Planning Guidance:

Chapter 6 – Building a strong competitive economy
Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting green Belt land
Chapter 15 – Conserving and Enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Final publicity date expired 10th October 2019. However, due to technical IT issues, this has been extended as there appears to be some ambiguity as to when the additional information was actually made available on the website. At the time of writing, one representation has been received. Whilst, the proposals are supported in principle, the concerns raised by the local resident are summarised below:

- The proposed extension will obscure view of valley
- Highway safety and traffic & parking issues from overspill of parking onto country road which serves farms
- Noise from proposed wedding venue/hours of operation
- People gathering and using car park area
- Existing anti- social behaviour has previously occurred at this site

Any further representations received will be included in the committee update.

Holme Valley Parish Council - support the application.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

DM Highways – support subject to conditions

8.2 Non-statutory:

K.C Environmental Services – support subject to conditions

9.0 MAIN ISSUES

- General principle
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other issues
- Representations
- Conclusion

10.0 APPRAISAL

10.1 General principle:

10.2 The site appears to have a long established use as a public house with restaurant as stated in the accompanying Design and Access statement. The premises were in operation at the time of the case officer's site visit.

10.3 The proposals are to extend the building to provide additional floor space over two floors to enable the existing business to provide and cater for small wedding parties. This would be in addition to its existing offer as a public house and restaurant.

10.4 A number of small additions have been added to the host building. These are primarily to the side (west) and rear of the building. The proposals seek to retain the previous extensions, with the exception of a single storey lean-to to the rear.

10.5 Taking into account the extensions previously constructed, which are largely to be retained, it is considered the cumulative impact of extensions would result in disproportionate additions over and above the size of the original building. As a result the host building would not remain the dominant element, in scale and appearance, particularly when viewed from the sides and rear. In light of this, the proposals would constitute inappropriate development in the Green Belt in principle, contrary to Policy LP57 of the Local Plan and Chapter 13 of the NPPF.

- 10.6 Officers consider that the proposed extension, due to its scale and footprint, would also affect the openness of the Green Belt and conflict with para 134 (c) of NPPF. Openness is an essential characteristic of the Green Belt. As a disproportionate extension to the existing building the proposal would inevitably result in loss of openness and thus some harm to the openness of the Green Belt. The applicant asserts the proposals would, in their entirety with the existing building extensions, have a smaller footprint than the buildings that previously occupied the site. From historic maps there appears to be other outbuildings on the site at some stage, as late as around 1990, but these are no longer on site to consider.
- 10.7 The application has been assessed against the current situation on site and with respect to the five purposes of the Green Belt. One of the purposes of the Green Belt is to prevent encroachment into the countryside. As the extension is confined to land which has been long associated with the building, it is considered it would not lead to encroachment. The extension has been sensitively designed, and to be sited so as to remain confined to the less prominent area of the site, excepting views towards the junction of Gate Foot Lane with Penistone Road. The development would be viewed within the context of the developed area and therefore the visual erosion of openness would be somewhat reduced. The revised plans have sought to further reduce the impact through a reduction in scale. Despite its size, and other existing extensions to the original building, it is somewhat subservient in height to the main building and the original core buildings can still be clearly read. The projection of 17m in length and at two-storeys in height would, nonetheless, result in a visual loss of openness and some spatial loss of openness.
- 10.8 In light of this, the proposals are considered to be inappropriate development which would have an adverse impact on the openness of the Green Belt. Such development should not be approved unless it can be demonstrated there are very special circumstances to clearly outweigh the harm caused by reason of inappropriateness and any other harm as set out in paragraph no. 143 of the NPPF.
- 10.9 The applicant's justification statement states:
"market research indicates a lack of small venues providing a unique service. Local venues are busy and have to turn away bookings due to already being booked up....and that the pub has recently been taken over by a new landlord, who is driving the business forward successfully following a flurry of short-lived tenants, 6 in the past 4 years, who have all failed to make the business a success. A vast number of tenants have since run the pub/restaurant over the years. All have unfortunately had limited success. The smoking ban in July 2007 no doubt had an impact upon trade (a regularly reported contributor to the downturn of Pubs). Other impacts such as tax on alcohol, low supermarket beer prices, large chain pubs offering reduced price alcohol and food, a shift in human socialising patterns are all other contributing factors to many pub closures. A pattern emerged indicating that this business could not succeed as a tied pub/restaurant where such restrictions were in place with regards to the purchase of stock, food and drinks.

The building was recently purchased from the brewery by the applicant. The sale price indicates the breweries loss on the business and premises since the purchase back in 1994 when comparing to market prices. The figures suggest that the brewery were keen to dispose of the premises. In reflection of this the rent arrangement of the premises, for the previous and the current tenants is well below market value to give the tenants the best chance to re-establish the business following its previous closure prior to being sold.

The pub has a remote and rural location. Despite a large volume of passing trade (motor vehicles) there isn't a vast number of local residential properties, within walking distance, that could support or sustain the business. The business doesn't currently attract sufficient customers to ensure its continued existence. People need to be attracted to the premises therefore the proposed diversification and provision of additional services is required to help support and run alongside the current business which should help sustain this whilst using part of the existing premises (kitchen for food provision)".

10.10 The additional information received sets out when the applicant took on the existing business and the measures taken to build the business since that time. It is stated the food side of the business is now fully operational and events are being put on such as discos, karaoke nights, inclusion with the Shepley Spring festival, band nights, etc. There is no baseline scenario of the business with a forecast of its likely performance following the completion of the proposed works. However, it would clearly amount to a significant investment and it is considered highly unlikely that it would be undertaken within being able to provide a robust return.

10.11 Whilst the function room would have its own toilet and bar facilities, it would use the large kitchen facilities of the existing premises for the provision of food.

10.12 The information continues to states:

"The existing pub and restaurant would remain unaffected by this expansion/diversification plan. Our current premises have the benefit of a substantial and spacious car park along with attractive /enclosed grounds.

Such a venue as proposed would enable the business to provide for small wedding parties, birthdays, funeral wakes etc, all without negatively impacting on the current pub and restaurant business.

The nearby Farmers Boys pub and restaurant in Shepley is again currently closed. This similarly was once a former thriving pub/restaurant that has seen a massive downturn in fortunes. We are attempting to put plans in place to ensure the Toss O Coin doesn't become another statistic as a failed business, closed for good.

We contend this proposal will assist with the current business and provide a boost with additional business created resulting in local employment"

- 10.13 Paragraph 83 of the NPPF supports and encourages a rural economy as well as Local Plan Policy LP10 (1) of the Kirklees Local Plan. This refers specifically to economic performance of the rural economy and states amongst other things, supporting the needs of small and medium sized enterprises. The rural economy plays an important role in the wider economy of Kirklees. However, in all cases proposals in the green belt must have regards to relevant policies in the Local Plan and National Planning Policy.
- 10.14 In addition Policy LP10 (4) makes reference to proposals for main town centres uses that are above 150sqm in non-urban areas, as in the case of this site, will only be permitted where the identified needs of the business cannot be met within existing centres or in edge of centre locations.
- 10.15 Policy Officers have advised through informal discussions, in this instance the development is locational specific to this site and existing business. Therefore It cannot be expected to be relocated to a town centre. In addition, the proposal to diversify would support and continue an existing business and, in the long term, potentially avoid the closure of another public house facility through becoming unviable. With respect of the proposed extension whilst this would result in harm it is considered to be sensibly and sensitively designed (size, shape and siting) to meet the functional requirements of a small venue. Conversely, without further investment it is reasonable to envisage a situation where the public house continues to struggle and may need to close. The application scheme would improve the overall attractiveness of the public house to customers with the economic benefits this could accrue, thereby improving its viability and sustainability as a business. In reaching this view the proposals would provide a comprehensive solution to many of the current and previous problems that have been experienced and potentially prevent and aid the continuation of an existing business.
- 10.16 In light of the supporting information and given this is an existing rural business which is locational specific to this site, the proposals on balance would support and enhance the economic benefits of an existing rural enterprise and retention of local employment with a view to increase employment levels. Not only will the business/ proposals provide local/rural employment it would also contribute to the local and wider economy within Kirklees which is encouraged and would accord with Policy LP10 1(b, c & d) and guidance in the NPPF. Furthermore, the proposals may well increase tourism in this well-known area of Holme Valley.
- 10.17 In respect of the works proposed to create an over spill parking area, this will be on an area beyond the formal car park. Given the slight variation in ground levels between the existing car park area and proposed overspill area, this would require minimal regrading works. The over spill parking area is proposed to be surfaced with "grasscrete or similar". Whilst this encroaches beyond the confines of the existing formal car park area and further into the green belt, the proposed surfacing treatment and little change in levels would ensure the openness of the green belt is preserved.

10.18 To summarise, the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. The proposal would have a limited harmful impact on the openness and permanence of the Green Belt. Paragraph 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt. Weighed against this the proposal would be of benefit to the rural and tourism economy, securing the future of a longstanding public house. The moderate to significant weight these issues have been afforded, are considered to clearly outweigh the totality of the harm to the Green Belt. This amounts to the very special circumstances necessary to justify the proposal.

Impact on visual amenity:

10.19 With regards to the proposed design, scale and external facing materials, the revised proposals indicate the extension set down further from the roof ridge of the host building. The design is simplistic in its form, continuing the linear form to the rear and the 'L'-shaped formation of the main buildings on site. Whilst the extension would have an overall projection of 17.50m, on balance with the reduced height it would be seen as an addition and appear subservient to the host building.

10.20 Turning to the external facing materials, Officers are unable to support the east elevation in render as the expanse of the extension when viewed against the natural stone east elevation of the host building would unduly detract from the characteristics of the host building and fail to enhance or preserve the green belt setting, contrary to LP57 (d) and LP24(c) of the KLP and guidance in the NPPF. Notwithstanding the submitted plans, it is necessary to condition the south and east elevation to be externally faced in natural stone to match the host building.

10.21 Rendering of the west elevation is largely shown to incorporate openings as such, on balance, there are no concerns with the use of render on this elevation. There are elements of render elsewhere on site. Stone roof slates as proposed are appropriate as it would be in keeping in the area and with the host building. To conclude, on the visual amenity matters, the development can be conditioned to be completed using appropriate external facing materials to accord with Policies LP24 and LP57 of the KLP.

10.22 Impact on residential amenity:

10.23 The existing public house/restaurant is in operation. As set out above, the nearest properties lie north-east of the site. The siting of the proposed extension, together with the window arrangement is appropriately designed to minimise the impact of activities on site. Ground floor windows, to serve the wedding suite, open onto what is currently a formal landscaped area, south-west of the proposed extension and away from residential properties. This would encourage customers to migrate towards the landscaped garden areas rather than the car park area.

10.24 Whilst the aforementioned properties at Syke Bottom are located in excess of 40m from the position of the proposed extension, and would not have a direct relationship with the extension, further information regarding the operation of the suite has been requested. Environmental Services initially requested a noise management scheme to be conditioned. The wording of such a condition would have included proposed hours of use and mitigation measures to be taken to protect the occupants of nearby noise sensitive premises and those staying in the new proposed bedrooms, from noise in association with the proposed development.

10.25 To avoid such a condition, detail of hours of use were subsequently provided during the course of the application. These are set out above. These are considered to be particularly restrictive and would likely require future variations of these hours to be formally applied for through a variation of condition relating to the hours of use (should planning permission be granted). As such Environmental Services have been asked to comment on whether it would be reasonable to restrict the hours of use to midday to 2300 Monday to Saturday and midday to 2230 on Sundays. It would then be the choice of the business operators to decide what specific hours they choose to operate within those set out in any planning permission. To summarise, should Members be minded to approve, it would be necessary to condition the use not be carried on outside the hours proposed by officers.

10.26 It is also considered necessary to impose a pre-commencement condition for a noise report to be submitted, as recommended by Environmental Services. This should specify mitigation measures, if necessary to be taken to protect the occupants of nearby noise sensitive premises - and future occupants of the proposed bedrooms from potential noise from the proposed development. This would accord with Policy LP52 of the KLP and guidance in the NPPF.

10.27 **Highway issues:**

10.28 Local Plan policy LP21 states new development will not normally be permitted where the cumulative impacts of development are severe and where safe and suitable access to the site cannot be achieved. As previously set out, the proposal is to erect an extension to the existing community facility. As such, a number of customers already visit the site.

10.29 The following assessment is made by DM Highway Officers:

10.30 This application is for the erection of a two storey rear extension to an existing public house to house a function room/wedding venue with 5 guest bedrooms. Parking and access will be through the existing access on to Gate Foot Lane. This is a 50mph (at the access) two way single carriageway rural road of approximately 6.5m width with no footways or street lighting present. The road becomes national Speed Limit just after the application site.

- 10.31 Approximately 25m to the west of the site access Gate Foot Lane has a junction with A635 Penistone Road, this is a 50 mph, two way single carriageway main distributor road with a continuous footway opposite the site and a broken footway serving a bus stop and residential properties on the side of the development site. There are double white centre lines due to a sharp bend to the west of the junction. There were two collisions in the immediate area in the last 5 years, neither of which were caused by the junction or would be exacerbated by any increase in traffic at the site.
- 10.32 Trip generation for the proposals have not been submitted and there is only limited data available within the national TRICS trip rate database for wedding venues/function rooms. However the proposals are not expected to cause an increase in vehicular trips sufficient to have a severe impact on the operation of the local highway network. The vehicular access to the site is as existing and is acceptable.
- 10.33 The main concern with the application was the provision of adequate parking spaces for events/ weddings. The highway network surrounding the development site is not suitable for on street parking and so the applicant should show that there is sufficient off street parking provided within the development to avoid this. The applicant has stated that they could increase the number of car parking spaces if required. The old Kirklees maximum parking standards based on the total size of the site would be for the provision of 61 parking spaces (including 2 staff spaces), however these have been superseded with a requirement for the applicant to show the spaces are fit for purpose. A total of 46 parking spaces are shown on the proposed block/parking plan (drawing No 18/463/07c).
- 10.34 In light of the above, the applicant has also proposed to use an area of land to the south of the car park as a temporary additional staff parking area. The area identified would be surfaced with grassblock or similar to preserve the green/partly natural appearance of the land and would provide an additional 9 parking spaces.
- 10.35 As these parking spaces would have reduced manoeuvring and tandem parking it would not be suitable for general guests and so isn't an overflow car park, but should free up a number of parking spaces for guests that would otherwise be occupied by staff. The use of the additional parking area would be determined by the parking requirements of an event and would remain unused during normal operation of the pub/restaurant. The use of the additional staff parking would be included in a parking management plan.
- 10.36 An interim Parking Management Plan was submitted by the applicant which contained suitable layout and conceptual management information. Highway Officers advised this to be submitted as a formal detailed document setting out exact methodologies for the management process by the venue management.
- 10.37 A revised management plan has now been received which forms part of the submission documents. This sets out details to promote sustainable travel incentives for both staff and customers/guests using the premises. In addition it states advertising material will be posted on their website which will include details of local taxi services and parking instructions to parties booking the premises, thus promoting car sharing, which is considered to limit the use of the car park.

10.38 Subject to the development being carried out in accordance with the details set out in the revised parking management plan, which can be conditioned, Officers are of the opinion the proposals can be adequately served on this site without causing detriment to nor materially adding to any highway safety implications on the surrounding highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and guidance as set out in the NPPF.

10.39 Other issues:

Contaminated land

10.40 A Phase 1 Desk Top Study was received following confirmation from Environmental Services advice, that the siting of the proposed extension is associated to an area with a history of industrial landfill waste. This has been assessed by Environmental Services who agree with its findings and agree with the work required to deal with the contaminated land. In light of this, it is necessary to include a whole suite of contaminated land conditions to deal with contamination in accordance with Policy LP53 of the KLP and guidance in the NPPF.

Non-Mains Drainage

10.41 Existing foul drainage for the site is via a septic tank. The application form states that this will be used to serve the extended premise but no further details have been provided. In order to understand and ameliorate the potential implications for this form of foul drainage on the water environment, it is necessary to impose a condition to require details of the tank and arrangements for removal of sludge and other drainage arrangements. This would be in accordance with Policy LP28 of the Local Plan.

10.42 Air Quality Electric Vehicle Charging Points

10.43 Along with reduction of air pollution, the NPPF also encourages the promotion of sustainable transport. The West Yorkshire Low Emission Strategy Planning Guidance has been drafted to take a holistic approach to Air Quality and Planning. In this particular instance taking into account the NPPF and the WYESPG it is considered that promoting green sustainable transport could be achieved on this site by the provision of electric vehicle charging points (EVCP) which can be conditioned to secure the charging points for the proposal to comply with the aims of Chapters 9 and 15 of the NPPF and Policies LP24 and LP51 of the Local Plan.

10.44 The development has been assessed in accordance with the WYESPG and regarded as minor development. On this basis, it would be reasonable to condition for the installation of EVCPs within the car parking area.

Climate Change Emergency

10.45 Chapter 12 of the Local Plan relates to climate change and states that: 'Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development'. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development.

10.46 The inclusion of a condition requiring EVCP, the addition of an extension built to current Building Regulations standards (so helping to improve the insulation of the external envelope), solar gain from the inclusion of large windows in the west elevation and the use of reclaimed or locally sourced materials in the construction of the extension could assist in contributing to climate adaptation and resilience in accordance with chapter 12 of the Local Plan and Policy LP24 of the KLP.

10.47 **Representations:**

10.48 Many of the concerns raised have been addressed in the preceding paragraphs. With regards to the references that people would gather and use the car park area and anti- social behaviour has previously occurred at this site, this is noted but unfortunately these matters cannot be controlled and do not warrant a reason for refusal.

11.0 CONCLUSION

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

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered, taking into account all factors 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 Development and Master Planning)

1. Development within 3 years from the date of permission.
2. Development to be carried out in complete accordance with the approved plans and specifications
3. Materials - the south gable and east elevation external walls of the extension to be externally faced in natural stone
4. The car park and additional overspill area as shown on drawing no. 18/463/07c to be fully completed and made operational before use
5. The use of the hereby approved extension shall at all times be operated in accordance with the car park management plan
6. Noise report to be submitted
7. Restriction on hours of use
8. Submission of a Phase 2 intrusive site investigation report
9. Other related contaminated land conditions
10. Details of septic tank
11. Electric Vehicle Charging Points

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90984>

Certificate of Ownership – Certificate A signed 25th March 2019

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Report of the Head of Development and Master Planning

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 07-Nov-2019

Subject: Planning Application 2019/91537 Demolition of existing bungalow and erection of one pair of semi-detached dwellings Mayfield, 125, Huddersfield Road, Meltham, Holmfirth, HD9 4AJ

APPLICANT

D Bamforth

DATE VALID

08-May-2019

TARGET DATE

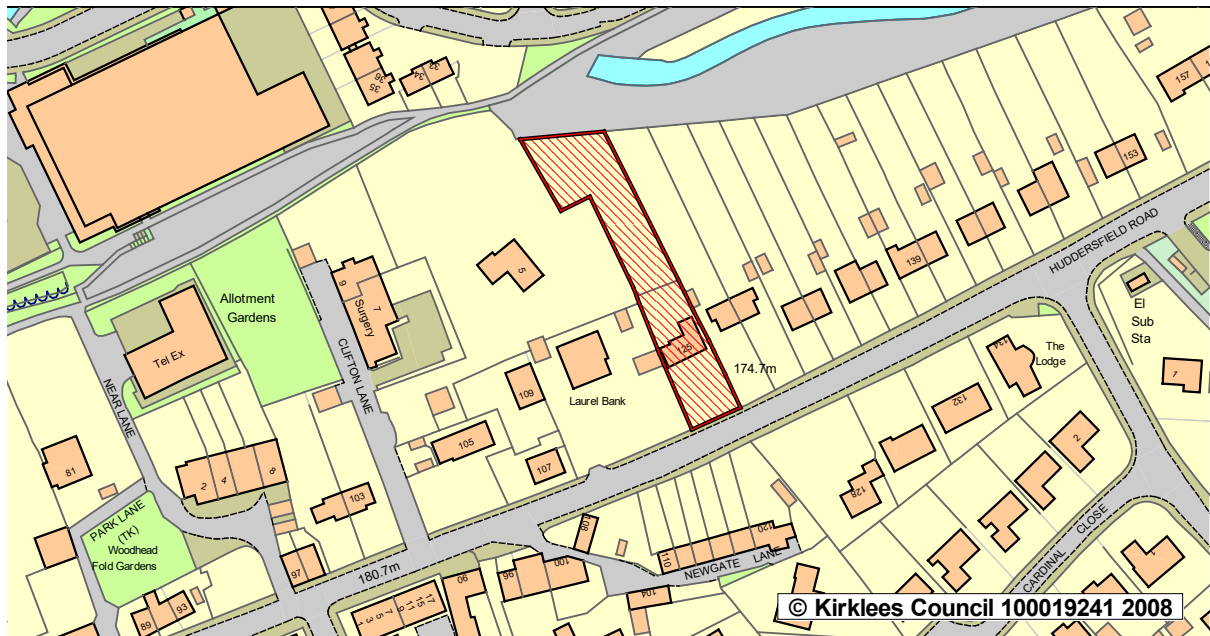
03-Jul-2019

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: Holme Valley North

N

Ward Members consulted

RECOMMENDATION: Conditional Full Permission

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning 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 Sub Committee at the request of Cllr Charles Greaves who states:

“Neighbouring residents are concerned that the impact of the proposed development on their properties has not been identified in full and would like the opportunity to present their concerns direct to the committee. I would request that the committee undertake a site visit to determine for themselves the impact of the development on the amenities of adjacent residential properties.”

As noted, Cllr Greaves has requested a site visit.

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

2.0 SITE AND SURROUNDINGS:

- 2.1 125 Huddersfield Road, Meltham is a brick constructed bungalow with tile pitched roof. The bungalow is set back into the site with an area of hard standing to the front which is bound by a dry stone wall along the road frontage and privet hedges to party boundaries within the site. The bungalow sits on a moderate sized plot, with land levels to the rear of the bungalow being lower than the front of the site.
- 2.2 The site lies along one of the main roads into Meltham, surrounded by residential development consisting of mainly pairs of semi-detached dwellings to the east and more dispersed detached buildings to the west. The application plot is at a lower level than the adjacent site to the west known as Laurel Bank which accommodates a detached double garage and out building along the party boundary with the application site.

3.0 PROPOSAL:

- 3.1 The application seeks to demolish the existing bungalow and replace it with a pair of semi-detached dwellings. Each dwelling would provide accommodation over two floors and in the roof space. One of the dwellings would incorporate a pairs of dormers in the rear roof slope. The dwellings are to be sited further back into the site than the existing bungalow with the front of the dwellings shown to be flush with the neighbouring pair of dwellings, to the east. To the rear, both dwellings are shown to have a single storey element to provide family rooms.
- 3.2 The plans have been revised omitting the dormers to the front and to include obscure glazing to the side openings in the western elevation. The dwellings would be constructed in artificial stone with artificial stone slates.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 None

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

- 5.1 Plans have been revised to :
- Set back dwellings into site, to sit flush with neighbouring pair of dwellings to the east
 - Omit dormers to the front,
 - to include obscure glazing to the side openings in the western elevation,
 - lowering of the roof pitch of one of the dwellings to provide a stepped effect in the roof,
 - driveway to be widened to 4.5m and
 - refuse bin collection included

The above revisions were requested by Officers and revised plans advertised allowing a further round of publicity.

- 5.2 Subsequently one further revision to include a fence along part of the western boundary and obscure glazing to openings in the side elevation facing Laurel Bank was received. These revisions are publicised on the website and the occupiers of Laurel Bank (adjacent to the western boundary) were informed of the revisions.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2 The site is unallocated on the Kirklees Local Plan and adjacent to Meltham Conservation Area with listed buildings (110 to 120 Newgate Lane) on the opposite side of the road

Kirklees Local Plan (2019):

- 6.2 LP 1 – Presumption in favour of sustainable development
LP 21 – Highway safety and access
LP 22 – Parking
LP 24 – Design
LP33 - Trees
LP35 – Historic Environment
LP30 - Biodiversity
LP51 – Protection and improvement of local air quality

Supplementary Planning Guidance / Documents:

- 6.3 National Design Guide September 2019

National Planning Guidance:

- 6.4 Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by site notices and neighbour letters with the publicity period being extended on receipt of the revised plans. As a result of the publicity a total of 6 representations have been received. The concerns and issues raised are summarised below:

- Cramped and overdevelopment of the site
- Design, step/break in roof not in keeping with neighbouring semis and street scene
- Scale, height and openings would result in overbearing, cause overlooking, overshadowing and loss of privacy of outdoor private area and into neighbouring properties and overshadowing
- Front & rear dormers out of character and would cause over looking into neighbouring sites, compromising their privacy
- Loss of privacy from openings in side elevation
- Loss of light to neighbours from proposed single storey element
- Tree line not shown on plans
- Trees should not be removed
- Highway safety parking issues
- Bin storage area to front not in keeping
- Strain on drainage system with addition of dwelling

- 7.2 Meltham Town Council – support the application.

8.0 CONSULTATION RESPONSES:

- 8.1 **Statutory:**
K.C DM Highways – support the revised plans subject to conditions

8.2 **Non-statutory:**

K.C Conservation & design – support revised scheme

K.C Arboricultural Officer – no objections as trees not likely to be affected

K.C Ecology Officer (verbal comments) no objections and no requirement for a bat survey

9.0 **MAIN ISSUES**

- Principle of development
- Impact on visual amenity including heritage assets
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of development

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Chapter 2 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations) which are interdependent and need to be pursued in mutually supportive ways.
- 10.2 Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Amongst other things, residential or visual amenity, highway safety or the character of the area are all considerations are addressed later in this assessment.
- 10.3 Turning to housing land supply, in the recently adopted Kirklees Local Plan the council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).
- 10.4 Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 68 of the NPPF recognises that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes". The development site forms a small plot within a residential area. Although the Local Planning Authority can demonstrate a five year land supply, the development of this windfall site, which has an existing dwelling would contribute to the housing delivery by providing an additional dwelling, likely to be built fairly quickly.

Impact on visual amenity including heritage assets

- 10.5 Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.6 This is a prominent site being situated along a road frontage and adjacent to Meltham Conservation Area. The site is closely associated with the conservation area and there are listed buildings on the opposite side of the road.
- 10.7 The statutory duty within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, requires local planning authorities to pay special to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the Act adds that special regard is to be had to the desirability of preserving the setting of a listed building.
- 10.8 Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.
- 10.9 Policy LP24 requires that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape and are in keeping with the existing buildings in terms of scale, materials and details.
- 10.10 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.
- 10.11 The proposed dwellings would appear and two storey in scale when viewed from Huddersfield Road. Furthermore they would sit flush with the existing pair of semi-detached dwellings to the east, although at a higher level, as demonstrated on the submitted street scene elevation. The proposed gabled roof design would be at a contrast to the hip roof styles of the adjacent dwellings to the east. However, they would be more comparable to the listed building on the opposite side of the road and other properties in close proximity to the application site.
- 10.12 Officers are of the opinion that the replacement of the existing brick bungalow, which provides little architectural merit, with the proposed revised scheme of two dwellings faced in artificial stone would broadly reflect the style of buildings around the site. The proposed scheme is considered to be more aesthetically pleasing than the existing bungalow and would be seen to integrate well with the surrounding development and the character and setting of the Meltham

Conservation Area, including the listed building on the opposite side of the road. The site would retain and continue to provide an open aspect to the front which to some extent defines the entrance to the Conservation Area. This, together with the removal of dormers on the front elevation, would respect the visual amenity of this street scene. Taking this into account the development is not perceived to be cramped or to result in an overdevelopment of the site. The overall density and visual scale would be similar to the dwellings to the east of the site. Both plots would have substantial areas of amenity space

- 10.13 In conclusion the scheme would not have a harmful impact on the character and appearance of the adjacent Conservation Area, would respect the character of the townscape, heritage assets and landscape in general. As such, the proposal would accord with Sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 (a) and LP35 of the Kirklees Local Plan and Chapters 12, 15 and 16 of the NPPF insofar as these expect development to be of good design, to respect the site and its surroundings, and to retain and enhance features that contribute to a place's heritage, character and local distinctiveness which also forms key principles of the National Design Guide.

Residential Amenity

- 10.14 Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future users and neighbouring occupiers, including maintaining appropriate distances between buildings.
- 10.15 The application site lies between two neighbouring residential plots. As such the impact of the proposals and redevelopment of this site take into account the impact on the amenities of both these neighbours as well as the future occupants of the proposed dwellings.
- 10.16 Firstly, in considering the impact on no. 127 Huddersfield Road, this is a two storey semi-detached dwelling which sits further back in its site and a lower ground level, than the application bungalow. On the side elevation, facing the application site, this property has two openings at first floor level, both of which appear to be serving non habitable rooms and one which benefits from obscure glazing. At ground floor this dwelling has a small single storey structure with a wooden door. There is a dense hedge on the side boundary (rear of the dwelling) with this site and within the rear garden of no. 127 there is a further single storey structure. The principal windows for this dwelling are contained within the front and rear elevations.
- 10.17 The submitted plans shows the retention of most of the existing dense hedge. A distance of approximately 950mm will be achieved from the side elevation of the proposed dwelling to the party boundary with no. 127. The distance will be increased to approximately 2 metres between the proposed side elevation of the single storey part of the dwelling to the shared rear boundary with no. 127. The proposed dwelling, particularly the single storey element with a projection of 4.60m, is considered to retain a good standard of amenity for the existing occupiers of this adjacent property. This is because the impact of the element, to be set in 2m from the party boundary with a blank elevation, would largely be mitigated by the existing dense hedge and the existing single storey structure within the rear garden of no. 127. Even in the event both the hedge and

structure are removed it is unlikely the proposals would detract from the amenities currently enjoyed by the occupants of no. 127. It presents a blank elevation which can be retained by removal of permitted development rights. Windows in the main part of the dwelling (on the side elevation) looking towards no. 127 are limited to non-habitable space/rooms. In the siting, scale and position of openings proposed, officers are satisfied there would not be an undue impact through loss of light or privacy currently enjoyed by the occupants of no. 127.

- 10.18 Turning to the existing property, west of the application site, known as Laurel Bank, this property is on an elevated plot and has its principal elevation facing east towards the application site. The difference in levels between the two sites is approximately 1.50m. Laurel Bank has two detached structures (double garage and other ancillary building) sited along the party boundary with the application site. The area between the two structures is largely a yard serving their garage and access to the other ancillary building. Their primary garden area is south of their property, along the road frontage which is reasonably private due to the existing planting and screening along the boundaries.
- 10.19 The distance (over 14m) between the proposed dwellings and Laurel Bank is largely to remain as existing. However, it is acknowledged the replacement of the bungalow with two storey dwellings, set further back into the site would unquestionably increase the bulk, mass and height and thus the outlook from Laurel Bank would be facing towards the side elevation of the westernmost dwelling. The mass is two-storey but this property also includes rear dormers to light the accommodation in the roof space. The existing relationship between Laurel Bank and no. 125 provides an outlook through the gap between outbuildings within the curtilage of Laurel Bank over the application site. This would, in part, be foreshortened by the siting and scale of the development proposed. In particular this relates to the rear half of the main dwelling, as the single storey section to the rear would be largely obscured due to the difference in land levels and the existing landscape/proposed close boarded fence. Whilst acknowledging the impact of the new dwellings, it is considered that the impact on outlook, and ensuing impact on light to affected windows, would not be undue. A separation of a minimum of 14m would be retained, the dwellings are sited on a lower ground level with the ridge of the closest dwelling reaching to around the eaves level of Laurel Bank. The orientation of the properties to one another means that loss of sunlight to the affected windows would only occur in the early to mid-morning, and only to those windows not already shaded by outbuildings in the curtilage of Laurel Bank. Officers are of the opinion in the siting proposed, the increased scale and mass of the proposals would not cause a detrimental impact on the light, nor create an undue overbearing or shadowing impact to the property Laurel Bank or its private external amenity areas. Furthermore, it is recognised the outlook from Laurel Bank, particularly from the ground floor openings is already to some extent obstructed by their own detached outbuildings which are situated adjacent to the application site western boundary.
- 10.20 With respect to overlooking, new windows including the proposed rear dormers, would be at an oblique angle to the openings of neighbouring properties and their external amenity areas. In light of this, officers are satisfied there would be no adverse impact on the privacy of both neighbouring sites nor would the proposals result in any unreasonable overlooking to the external private amenity areas to warrant a refusal on such grounds.

- 10.21 The final revised site block plan includes the provision of a close boarded timber fence along part of the western boundary. This would be necessary to protect the amenities of the future residents from car lights from the use of the yard within the neighbouring site, only if the existing landscaping is removed. A condition will be imposed for the fence to be erected in the event this occurs and for its retention thereafter.
- 10.22 It is considered appropriate to condition obscure glazing to all the openings on both side elevations and the withdraw permitted development rights (to roof and rear garden) to ensure the site does not result in over development of the site and to protect the amenities of neighbouring sites from potential overlooking / loss of privacy.
- 10.23 In summary, the siting, footprint, scale and mass of the dwellings proposed would ensure an adequate level of open space, and amenity area for the future occupants without adversely comprising the amenities of neighbouring dwellings, in accordance with Policy LP24 of the Local Plan and guidance in the NPPF

Highway issues

- 10.24 The impact of the development on highway safety has been assessed against Policies LP21 and LP22 of the Local Plan and on assessment of the revised plans. The Highways DM Officer initially raised concerns in relation to the width of the access which was advised to be widened to 4.5m, and the lack of bin storage/collection areas. In addition it was advised a note should be included on the site block plan to ensure that visibility when exiting the site is not obstructed.
- 10.25 The revised site block plan now addresses the concerns raised. To conclude the highway assessment, the proposals would provide adequate on site turning area to allow vehicles to leave in forward gear, parking, bin storage areas to accommodate both dwellings and the access has shown to be widened to 4.5m. Subject to the development being carried out to provide the above, the proposals would accord with Policies LP21 and LP22 of the Kirklees Local Plan and unlikely to result in any undue highway safety implications.
- 10.26 Given the areas for parking and drive would remain hard surfaced as existing, it would not be necessary to impose the suggested condition by Highways for the parking areas to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's ' Guidance on the permeable surfacing.

Representations

- 10.27 Other than the concerns in relation to additional strain on the drainage system and trees all other representations have been addressed in the proceeding paragraphs.
- 10.28 According to the Council's records, there are no known drainage issues in close proximity of the application site. Furthermore, in line with the Council's standard advice for minor applications it is not normally necessary to impose any drainage conditions for such development. This is because drainage details would be appropriately assessed through a Building Regulations application/approval.

10.29 With respect to trees the Council's Arboricultural Officer confirms the proposals would not affect the trees and as such raises no objections

Other Matters (Electric Vehicle Charging Points, Trees & Bat layer, Climate Change)

10.30 The site does not lie in an area known to have air quality issues, nonetheless in line with local and national policy any approval for new dwellings will include a condition for electric vehicle charging points, to accord with guidance set out in the NPPF (paragraph nos. 105, 110 & 170) and Policy LP24 of the Local Plan. It would be reasonable to condition one charging point for each new dwelling.

10.31 With respect to trees, the site benefits from a number of mature trees largely concentrated to the northern part of the site. The redevelopment would be within the southern (front) part of the site. The Council's Arboricultural Officer confirms the proposals would not affect the trees and as such raises no objections subject to a protective fencing to be provided to prevent accidental damage during demolition/construction. This can be conditioned to accord with Policies LP24 and LP33 of the Kirklees Local Plan.

10.32 The site lies in an area identified as a Bat Alert area on the Council's geographical information system. Given the site comprises of a well maintained domestic curtilage, it is unlikely to currently hold any biodiversity interests. Nevertheless, to accord with guidance in the NPPF, Policy LP30 of the Local Plan it would be reasonable to condition enhancement measures in the form of a bat box to each dwelling, integral to the dwellings to be installed during the construction phase and an advisory note for the removal of hedgerow/trees or shrubs to be carried out between a certain period of the year.

10.33 Climate Change: Chapter 12 of the Local Plan relates to climate change and states that: "Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. It would redevelop a brownfield site in a sustainable location in a more efficient manner (higher density) and would include the provision of electric vehicle charging points.

11.0 CONCLUSION

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

1. Development within 3 years
2. In accordance with approved plans and specifications
3. Material samples
4. Obscure glazing to all windows in the east and west (side) elevations of the dwellings
5. Remove permitted development rights for alterations/extensions to the roof and outbuildings
6. Remove permitted development rights for side facing windows in the ground floor east elevation
7. Widen access and retain sight lines thereafter
8. Bat boxes
9. Electric Vehicle Charging Points
10. If landscape removed along western boundary, to replace with 2m close boarded fence
11. Protective fencing to trees before development and during construction.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91537>

Certificate of Ownership – Certificate A completed.

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