

# Public Document Pack



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

**Julie Muscroft**

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Wednesday 11 March 2020

## 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 19 March 2020**.

(A coach will depart the Town Hall, at 9:50 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 Paul Davies  
Councillor Donna Bellamy  
Councillor Donald Firth  
Councillor James Homewood  
Councillor Andrew Marchington  
Councillor Bernard McGuin  
Councillor Mohammad Sarwar  
Councillor Anthony Smith  
Councillor Mohan Sokhal  
Councillor Sheikh Ullah  
Councillor Harpreet Uppal

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  
R Smith  
J Taylor  
N Patrick  
M Thompson

#### **Green**

K Allison  
S Lee-Richards

#### **Independent**

C Greaves

#### **Labour**

M Akhtar  
S Hall  
M Kaushik  
W Simpson

#### **Liberal Democrat**

J Lawson  
A Munro  
A Pinnock

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

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

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**2: Minutes of previous meeting**

1 - 8

To approve the Minutes of the meeting of the Committee held on 30 January 2020.

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**3: Interests and Lobbying**

9 - 10

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

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**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.

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**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.

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**6: Public Question Time**

The Committee will hear any questions from the general public.

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**7: Site Visit - Application No: 2019/93045**

Erection of two storey front extension, rear dormer and exterior alterations 84A, Crosland Road, Oakes, Huddersfield.

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

Contact Planning Officer: Emma Thompson, Planning Services

**Ward(s) Affected:** Lindley

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**8: Site Visit - Application No: 2019/93579**

Outline application for erection of detached dwelling with integral garage adj, 7, Drummer Lane, Bolster Moor, Huddersfield.

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

Contact Planning Officer: Ellie Worth, Planning Services.

**Ward(s) Affected:** Colne Valley

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**9: Site Visit - Application No: 2019/90925**

Erection of 13 dwellings land south of, 5-25, Clay Well, Golcar, Huddersfield.

(Estimated time of arrival at site 10:40 am)

Contact Planning Officer: Victor Grayson, Planning Services.

**Ward(s) Affected :** Golcar

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**10: Site visit - Application No: 2019/94149**

Reinstating of garden wall and erection of mesh fencing to form cat cage (within a Conservation Area) 22, Ottiwells Terrace, Marsden, Huddersfield.

(Estimated time of arrival at site 11:05 am)

Contact Planning Officer: Emma Thompson, Planning Services.

**Ward(s) Affected:** Colne Valley

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**11: Site Visit - Application No: 2019/93069**

Change of use of land and buildings from A1 Garden Centre to hand car wash, partial re-surfacing of hardstanding areas, formation of parking bays and erection of 1.8m acoustic fence Former Beaumont Park Garden Centre, 84A, Meltham Road, Lockwood, Huddersfield.

(Estimate time of arrival at site – 11:40 am)

Contact Planning Officer: Emma Thompson, Planning Services.

**Ward(s) Affected:** Crosland Moor and Netherton.

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**12: Local Planning Authority Appeals**

11 - 38

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: Teresa Harlow, Planning Services

**Ward(s) Affected:** Greenhead; Lindley; Newsome; Colne Valley; Holme Valley North.

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**Planning Applications**

39 - 40

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

Please note that any members of the public who wish to speak at the meeting must register no later than Monday 16 March 2020 5.00pm (for phone requests) or 11:59pm (for email requests)

To pre-register, please contact [governance.planning@kirklees.gov.uk](mailto:governance.planning@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.

**13: Planning Application - Application No: 2019/91083** 41 - 50

Demolition of existing dwelling and erection of detached dwelling with detached garage/store 345, Bradley Road, Bradley, Huddersfield.

Contact Planning Officer: Sam Jackman, Planning Services.

**Ward(s) Affected:** Ashbrow

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**14: Planning Application - Application No: 2019/93045** 51 - 58

Erection of two storey front extension, rear dormer and exterior alterations 84A, Crosland Road, Oakes, Huddersfield.

Contact Planning Officer: Emma Thompson, Planning Services

**Ward(s) Affected:** Lindley

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**15: Planning Application - Application No: 2019/93579** 59 - 68

Outline application for erection of detached dwelling with integral garage adj, 7, Drummer Lane, Bolster Moor, Huddersfield.

Contact Planning Officer: Ellie Worth, Planning Services.

**Ward(s) Affected:** Colne Valley

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**16: Planning Application - Application No: 2019/90925** 69 - 94

Erection of 13 dwellings land south of, 5-25, Clay Well, Golcar, Huddersfield.

Contact Planning Officer: Victor Grayson, Planning Services.

**Ward(s) Affected :** Golcar

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**17: Planning Application - Application No: 2019/94149** 95 - 102

Reinstating of garden wall and erection of mesh fencing to form cat cage (within a Conservation Area) 22, Ottiwells Terrace, Marsden, Huddersfield.

Contact Planning Officer: Emma Thompson, Planning Services.

**Ward(s) Affected:** Colne Valley

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**18: Planning Application - Application No: 2019/93069** 103 - 116

Change of use of land and buildings from A1 Garden Centre to hand car wash, partial re-surfacing of hardstanding areas, formation of parking bays and erection of 1.8m acoustic fence Former Beaumont Park Garden Centre, 84A, Meltham Road, Lockwood, Huddersfield.

Contact Planning Officer: Emma Thompson, Planning Services.

**Ward(s) Affected:** Crosland Moor and Netherton.

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**19: Planning Application - Application No: 2018/90208** 117 - 146

Erection of 18 dwellings (within a Conservation Area). Land at 172 Gillroyd Lane, Linthwaite, Huddersfield.

Contact Planning Officer: Victor Grayson, Planning Services.

**Ward(s) Affected:** Colne Valley

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**20: Exclusion of the Public**

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

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**21: Planning Application - Application No: 2018/9028** 147 - 154

(to receive exempt information in respect of agenda item 19)

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### **Planning Update**

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

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Contact Officer: Richard Dunne

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 30th January 2020

Present: Councillor Terry Lyons (Chair)  
Councillor Paul Davies  
Councillor Donna Bellamy  
Councillor Donald Firth  
Councillor James Homewood  
Councillor Andrew Marchington  
Councillor Bernard McGuin  
Councillor Mohan Sokhal  
Councillor Sheikh Ullah  
Councillor Harpreet Uppal  
Councillor John Lawson  
Council Mahmood Akhtar

Apologies: Councillor Mohammad Sarwar  
Counillor Anthony Smith

#### 1 **Membership of the Committee**

Councillor Mahmood Akhtar substituted for Councillor Mohammad Sarwar.

Councillor John Lawson substituted for Councillor Anthony Smith.

#### 2 **Minutes of previous meeting**

The minutes of the meeting held on 17 December 2019 were approved as a correct record.

#### 3 **Interests and Lobbying**

Councillor McGuin declared that he had been lobbied on application 2019/92240.

Councillor Bellamy declared that she had been lobbied on application 2018/90208.

Councillors D Firth and Lyons declared that they had been lobbied on application 2019/93445.

#### 4 **Admission of the Public**

It was noted that exempt information had been submitted in respect of agenda item 15.

#### 5 **Deputations/Petitions**

No deputations or petitions were received.

**6 Public Question Time**

No questions were asked.

**7 Site Visit - Application No: 2019/92457**

Site visit undertaken.

**8 Site Visit - Application No: 2019/93445**

Site visit undertaken.

**9 Site Visit - Application to divert part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upper**

Site visit undertaken.

**10 Site Visit - Application No: 2018/90208**

Site visit undertaken.

**11 Local Planning Authority Appeals**

The report was noted.

**12 Application to divert part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong**

The committee considered a report that outlined details of an application to divert part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong.

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 Christine Senior, Andy Leader, John Ingham, Helen Leitch, Tim Cock and Malcolm Sizer (objectors) and Greg Cropper and Noel Scanlon (in support).

**RESOLVED –**

That the application to divert part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong be refused.

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

For: Councillors Akhtar, Bellamy, P Davies, D Firth, Homewood, Lawson, Lyons, Marchington, Sokhal, Ullah and Uppal (11 Votes)

Against: Councillor McGuin (1 vote)

**13 Planning Application - Application No: 2019/92164**

The Sub Committee gave consideration to planning application 2019/92164 Erection of 17 dwellings Land off Parkwood Road, Golcar, Huddersfield.

**RESOLVED –**

Delegate to the Head of Planning and Development to approve the application and the issuing of the decision notice in order to:

- i. Complete the list of conditions, including those contained within the considered report and the update report including:
  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. Refuse vehicle swept paths.
  10. Crime prevention.
  11. External materials.
  12. Boundary treatments.
  13. External lighting.
  14. Landscaping.
  15. Biodiversity enhancement, net gain and Ecological Design Strategy.
  16. Removal of permitted development rights.
  17. Cycle parking.
  18. Electric vehicle charging points.
  19. Waste storage and collection.
- ii. Secure the signing of a Section 106 Agreement to cover the following matters:
  - 1) Affordable housing – Three affordable housing units (social or affordable rent) to be provided in perpetuity.
  - 2) Open space – Off-site contribution of £7,727 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).
  - 5) Biodiversity – Off-site provision of compensatory habitat, or a financial contribution towards off-site provision, to ensure a net biodiversity gain is achieved.
- iii. In circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of

## **Planning Sub-Committee (Huddersfield Area) - 30 January 2020**

Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured and, if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

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

For: Councillors Akhtar, Bellamy, P Davies, D Firth, Homewood, Lyons, McGuin, Sokhal and Ullah (9 Votes)

Against: Councillors Lawson, Marchington and Uppal (3 votes).

### **14 Planning Application - Application No: 2019/92240**

The sub committee gave consideration to application 2019/92240 Change of use of land to pub garden and play area The Sun, 137, Highgate Lane, Lepton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Melvyn Morrell, Amanda Elward (objectors), Gareth Davies (in support) and Donna Brayshaw (applicant)

#### **RESOLVED –**

1. That the application be refused in line with the following reasons outlined in the considered report:

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 subjected 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 Policies LP24 and LP52 of the Kirklees Local Plan and guidance contained within Chapters 12 and 15 of the National Planning Policy Framework.

2. That the Head of Planning and Development be authorised 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.

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

For: Councillors P Davies, D Firth, Homewood, Lyons, Ullah and Uppal (6 Votes)

Against: Councillors Akhtar, Bellamy, Sokhal and (3 votes).

Abstained: Councillors Lawson, Marchington and McGuin.

**15 Planning Application - Application No: 2018/90208**

The sub committee gave consideration to planning application 2018/90208 Erection of 18 dwellings (within a Conservation Area). Land at 172 Gillroyd Lane, Linthwaite, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Caroline Chapman, Robert Bamforth, Sonia Zoref (objectors) and Steve Byram (applicant).

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

**RESOLVED-**

That consideration of the application be deferred for the following reasons:

1. To allow for officers and the applicant to look at different option(s) for utilising the allocated funds in the S106 agreement for the delivery of affordable housing ;
2. To assess the suitability of the sites access point onto Gillroyd Lane taking into account the potential for further housing development within the site; and
3. To investigate further the implication for off-site drainage.

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

For: Councillors Akhtar, Bellamy, P Davies, D Firth, Homewood, Lawson, Lyons, Marchington, McGuin, Sokhal, Ullah and Uppal (12 Votes)

Against: (0 votes)

**16 Planning Application - Application No: 2019/92457**

The sub committee gave consideration to planning application 2019/92457 Erection of agricultural building (modified proposal) and cladding of existing building 20, Wellhouse Lane, Kirkheaton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Mike Greetham, David Kerford (in support) and Gugsy Ahmed (applicant).

**RESOLVED –**

1. That the application be refused in line with the following reasons outlined in the considered report:
  - i. The proposed development is located within the designated Green Belt whereby, as set out in the National Planning Policy Framework, the construction of new buildings, save for certain exceptions, is inappropriate development. The construction of buildings for agriculture is one such exception. Policy LP54 of the Kirklees Local Plan qualifies this in requiring such buildings to be genuinely

## Planning Sub-Committee (Huddersfield Area) - 30 January 2020

required for the purposes of agriculture. Information submitted with the application has failed to demonstrate that the building is genuinely required for the purpose of agriculture and therefore the proposal is contrary to policy LP54 a. of the Kirklees Local Plan.

- ii. The overall siting, design and scale of the proposed agricultural building would cause harm to the essentially open and rural character of the area introducing an urban form which would fail to enhance the character of the surrounding landscape. It would introduce a large and imposing building positioned on the edge of the cluster of existing buildings on the site which would have the effect of expanding the built form into the otherwise open and rural landscape. In this regard, the development does not accord with the aims of Policies LP24a and LP54d of the Kirklees Local Plan
2. That the Head of Planning and Development be authorised to proceed with enforcement action to wholly remove the unauthorised building.

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

For: Councillors P Davies, D Firth, Homewood, Lyons, Marchington, McGuin and Ullah (7 Votes)

Against: Councillors Akhtar, Bellamy, Sokhal and (3 votes).

Abstained: Councillors Lawson and Uppal

### 17 **Planning Application - Application No: 2019/93445**

The sub committee gave consideration to planning application 2019/93445 Demolition of existing bungalow and erection of 3 dwellings with gardens and parking 3, Marsh Gardens, Honley, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Jane Woodage, Alexander Woodage, John James (objectors), Jonathan Legge (in support) and Nicola Booth (applicant).

#### **RESOLVED –**

1. Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:
  1. Commencement of development within 3 years.
  2. Development to be in full accordance with plans and specifications.
  3. Samples of facing and roofing materials.
  4. Stone boundary wall along highway boundary elevations.
  5. Ecological enhancement (bird boxes).
  6. Parking spaces provided and surfaced.
  7. Visibility across site frontages maintained.

## **Planning Sub-Committee (Huddersfield Area) - 30 January 2020**

8. Footways to be restored after development and not interrupted by kerbs.
  9. Refuse storage and collection.
  10. Side-facing windows ground floor north elevation obscure glazing.
  11. No additional windows on north-western elevation.
  12. Electric vehicle charge points.
  13. Removal of permitted development rights (Classes A, B, E of Part 1, Schedule 2 of the GPDO).
  14. Cycle storage.
  15. Installation of solar panel array.
2. An additional pre-commencement condition for a construction management plan.

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

For: Councillors P Davies, Homewood, Lawson, Marchington, Ullah and Uppal (6 Votes)

Against: Councillors Bellamy, D Firth, McGuin and Sokhal (4 votes).

Abstained: Councillor Lyons.

**18 Exclusion of the Public**  
Determined.

**19 Planning Application - Application No: 2018/90208**  
The Committee received exempt information in respect of Application 2018/90208.

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## KIRKLEES COUNCIL

### DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

**Name of Councillor**

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

**LOBBYING**

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

**Signed:** .....

**Dated:** .....

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

### Lobbying

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

**Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD)**

**Date: 19 MARCH 2020**

**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: Greenhead; Lindley; Newsome; Colne Valley; Holme Valley North;**

**Ward councillors consulted: No**

**Public or private: Public**

**Has GDPR been considered? Yes. There no GDPR implications.**

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**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 2019/62/92861/W - Erection of two storey side extension (modified proposal) at 53, Cobcroft Road, Fartown, Huddersfield, HD1 6EX. (Officer) (Allowed)
- 2.2 2018/62/93326/W - Demolition of existing dwelling and erection of 5 detached dwellings with garages at Corby, Birkby Road, Birkby, Huddersfield, HD2 2DR. (Sub-Committee in accordance with Officer recommendation) (Dismissed)
- 2.3 2019/53/91613/W - Telecommunications notification for installation of communications hub at 27, King Street, Huddersfield, HD1 2PZ. (Officer) (Dismissed)
- 2.4 2019/62/90664/W - Erection of two storey side extension (Listed Building) at 4, Jim Hill, Chain Road, Slaithwaite, Huddersfield, HD7 5TY. (Officer) (Dismissed)
- 2.5 2019/65/90665/W - Listed Building Consent for erection of two storey side extension at 4, Jim Hill, Chain Road, Slaithwaite, Huddersfield, HD7 5TY. (Officer) (Dismissed)

- 2.6 2019/62/90931/W - Erection of first floor side and single storey rear extension at Upper Edge Farm, Sledgate Lane, Slaithwaite, Huddersfield, HD7 5TZ. (Officer) (Dismissed)
- 2.7 2019/62/92016/W - Erection of detached dwelling at adj, 7, Manor Houses, Mill Bank Road, Meltham, Holmfirth, HD9 4AU. (Officer) (Dismissed)

### **3. Implications for the Council**

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

- 3.1 Working with People
- 3.2 Working with Partners
- 3.3 Place Based Working
- 3.4 Climate Change and Air Quality
- 3.5 Improving outcomes for children
- 3.6 Other (eg Legal/Financial or Human Resources)

### **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 – Head of Planning and Development (01484 221000)  
[mathias.franklin@kirklees.gov.uk](mailto:mathias.franklin@kirklees.gov.uk)

### **9. Background Papers and History of Decisions**

Not applicable



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## Appeal Decision

Site visit made on 28 January 2020

**by R E Walker BA Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 February 2020**

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**Appeal Ref: APP/Z4718/D/19/3240995**

**53 Cobcroft Road, Fartown, Huddersfield HD1 6EX**

- 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 Zulfiqar Ahmed against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2019/62/92861/W, received by the Council on 30 August 2019, was refused by notice dated 23 October 2019.
  - The development proposed is a two storey side extension (modified proposal).
- 

### Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension (modified proposal) at 53 Cobcroft Road, Fartown, Huddersfield HD1 6EX in accordance with the terms of the application Ref 2019/62/92861/W, received by the Council on 30 August 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 approved plans: Drg Nos. 1903.1; 1903.2; 1903.3; 1903.4; 1903.5; 1903.6; 1903.7; 1903.8; and 1903.9B.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which accurately describes the proposal.

### Main Issue

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

## Reasons

4. The appeal property is a 2-storey terrace house at the end of a short row of houses along Cobcroft Road. The terrace extends around the corner onto Bradford Road, a busy road comprising of both residential and commercial properties. Within this terrace group, there is variation in the frontage appearance of the properties. The terrace group are separated from other properties on that side of Cobcroft Road by an area of open space containing a cycleway.
5. Policy LP24 of the Kirklees Local Plan Strategy and Policies (LP) document adopted 2019 requires, amongst other things, that extensions are subservient to the original building and are in keeping with the existing buildings in terms of scale, materials and details.
6. The Council is critical of the proposal because it considers that the side extension would not be subservient to the property in light of the requirements of Policy LP24. However, it seems to me that development proposals should each be assessed in the light of their own particular circumstances, which can vary from site to site.
7. In this instance the extension would be viewed in the street scene as part of the terrace group and not in isolation with the appeal property. The proposed external materials would match those of the existing dwelling and the style of fenestration would be consistent with the rest of the property. In my view, due to the variety in the frontage of this short section of terrace properties in Cobcroft Road, there would not be harm in having a suitably designed large extension at the end of this terrace.
8. The garden space at the end of the terrace is of no particular benefit to the street scene as the presence of the open space along the cycleway gives this part of the street an open spacious character. Moreover, the remaining garden space, would ensure that the proposal would not appear over developed within the street.
9. Accordingly, although the proposal may not appear subservient to the host property, it would be in keeping with the intrinsic character and general appearance of the existing dwelling and others in the terrace group. As such, I do not share the Council's concerns that it would be detrimental to the visual amenity, street scene and character of the area.
10. Overall, I conclude that the proposed development would be in keeping with the character and appearance of the area. Accordingly, it would comply with the objectives of Policy LP24 of the LP in seeking to promote good design. Policy LP24 is consistent with the provisions of the National Planning Policy Framework (the Framework). I therefore conclude that the proposal would comply with paragraphs 127 and 130 of the Framework which broadly seek to secure high quality design.

## Conditions

11. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development is carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, a condition is attached to require that the external materials match those of the existing building, as proposed.

**Conclusion**

12. For the reasons set out above and having regard to all matters raised, I conclude that the appeal should be allowed.

*Robert Walker*

INSPECTOR



## Appeal Decision

Site visit made on 3 December 2019

**by F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 February 2020**

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### **Appeal Ref: APP/Z4718/W/19/3233349 Corby, Birkby Road, Huddersfield HD2 2DR**

- 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 Armitage Developments UK Ltd. against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2018/62/93326/W, dated 8 October 2018, was refused by notice dated 7 June 2019.
  - The development proposed is demolition of existing dwelling and erection of 6 detached dwellings with integral garages.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The name of the applicant as stated on the application for planning permission is Armitage Developments UK Ltd, whereas the name of the appellant as stated on the appeal form is Mr S Armitage. It has been confirmed by Mr Armitage that, as Director of Armitage Developments UK Ltd, he consents for the appeal to be in his company's name. I have therefore determined the appeal on this basis.
3. During the determination of the application the proposed development was revised and the description changed to 'demolition of existing dwelling and erection of 5 detached dwellings with garages.' I have therefore determined the appeal on this basis.

### **Main Issues**

4. The main issues are:
  - The effect of the proposed development on the character and appearance of the surrounding area; and
  - The effect of the proposed development on the living conditions of the occupants of adjacent properties on Inglewood Avenue, with regard to outlook, and whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook.



## Reasons

### *Character and appearance*

5. The appeal site comprises a substantial, two storey, detached dwelling, set back from Birkby Road and situated within a large landscaped garden containing mature trees, some of which are protected by a Tree Preservation Order (TPO). The appeal site is bounded to the front by a high stone wall and a wrought iron gate, and to the sides and rear by a variety of wooden fences. Access into the site is direct from Birkby Road.
6. The immediately surrounding area is predominantly characterised by low to medium density, relatively modern, residential development of large, two storey, detached properties set back from the highways within large plots, many with mature landscaping. Although there are variations in the size, scale, form and design of the dwellings, they possess some unifying features, such as projecting gables to the front, and use a similar palette of materials of stone with tile or slate roofs, which give a degree of visual harmony to the street scene. These elements combine to give the area a relatively formal character, but with a pleasing spacious and verdant appearance.
7. The proposed development comprises the demolition of the existing building on the site and the erection of five, two storey, five-bedroom, detached dwellings with garages. Plot 1 would be accessed direct from Birkby Road, whilst the other plots would be accessed via a private drive within the site. The dwellings would be faced in coursed natural stone with blue slate roofs.
8. Policy LP24(a) of the Kirklees Local Plan adopted February 2019 (KLP) promotes good design by seeking to ensure that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
9. The Council has raised no issues regarding the proposed demolition of the existing building and the principle of housing development on the appeal site. Given that the existing building is not identified as being of national or local special architectural or historic interest, and that the site is, as described by the Council, unallocated land and partly brownfield land, I have no reason to disagree.
10. In addition, it is not disputed between the main parties that, in general, the detached form, design and materials of the proposed dwellings are in keeping with properties in the surrounding area. Taking into account the characteristics of development within the area, as identified above, I agree with this assessment.
11. The proposed development would introduce five substantial dwellings into the appeal site. The appellant asserts that the density of the proposed development would be 14.16 units per hectare<sup>1</sup> and the average built footprint to curtilage ratio of the proposed dwellings would be approximately 27%.
12. I acknowledge that the density of the proposed development would be similar to, or below that of, other developments in the surrounding area, such as plots 30-40 Inglewood Avenue (Inglewood Ave) and properties on the eastern side of

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<sup>1</sup> Drawing Ref: 18D44-FBA-ZZ-XX-DR-A-9901-P02, Density Comparison Plan.

Prince Wood Lane, and that some of the adjacent properties on Inglewood Ave have similar built footprint to curtilage ratios.

13. However, it is noticeable that there are other developments nearby, such as Birchwood Close and on the western side of Prince Wood Lane that are of lower density per hectare and appear to be of a lower built footprint to curtilage ratio. In these respects the proposed development would not be fully in keeping with the spatial characteristics and pattern of development of the surrounding area, particularly the large curtilages to properties.
14. Moreover, even though it is contended by the appellant, that the proposed development would cover only 23% of the developable area of the site and that the bulk, scale, and massing of the proposed dwellings would be in keeping with the scale of buildings elsewhere in the area, I consider that, on balance, the number of proposed dwellings combined with their substantial size, scale and massing in relation to both the site and the plot sizes would cause them to appear cramped and inharmonious in relation to the nature and form of development within the surrounding area as a whole. The result would be dwellings which would not fully relate to, or integrate with, their context and, as such, would harm the character and appearance of the surrounding area.
15. I have had regard to the fact that Policy LP7 of the KLP includes a desired target density of 35 dwellings per hectare and that, in this respect, the proposed development would constitute a shortfall of this target. Furthermore, I am aware that Paragraph 122 of the National Planning Policy Framework (Framework) states that planning policies and decisions should support development that makes efficient use of land. However, these provisions within the KLP and the Framework both need to have regard to, amongst other factors, the surrounding area's prevailing character and appearance.
16. I am aware that the original scheme was revised in an attempt to address comments made by the Council regarding concerns about the impact of the proposed development on the character and appearance of the area. This included reducing the number of proposed plots from six to five, ensuring a minimum of 3 metres (m) between each plot, changes to plot layout and elevational treatment and amendments to the boundary wall treatments. However, these amendments are not sufficient to overcome the fundamental objections to the proposed development in relation to this main issue.
17. Accordingly, I conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area. As such, it would conflict with Policy LP24(a) of the KLP referred to above. It would also not be consistent with the objectives of Paragraph 127 of the Framework, which require development to be sympathetic to local character.
18. Although not referred to in its reasons for refusal relating to this main issue, the Council also considers that the proposed development would not comply with the National Design Guide<sup>2</sup> (NDG) which forms part of the Government's collection of planning practice guidance. Taking into account the guidance in the NDG regarding the characteristics of context, identity and built form, I concur with this conclusion.

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<sup>2</sup> National Design Guide, Ministry of Housing, Communities & Local Government, October 2019.

*Living conditions*

19. Policy LP24(b) of the KLP seeks to ensure that developments provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.
20. No concerns have been raised by the Council in relation to any impact on the living conditions of the occupants of residential properties to the north, east or west of the appeal site, and given the separation distances, level differences and/or treatment of any facing windows, I have no reason to disagree.
21. The proposed dwellings in plots 3, 4 and 5 would be adjacent to the rear elevations of Nos 18, 36, 42, 44 and 46 Inglewood Ave (Nos 18, 36, 42, 44 and 46). From my observations on site, Nos 42, 44 and 46 sit in a slightly elevated position above the appeal site with their outdoor amenity space sloping down towards the south western boundary of the appeal site. At present there is a low post and rail picket fence allowing clear views from the rear elevations and outdoor amenity spaces of these properties into the appeal site. Nos 36 and 18 appear to sit level with and slightly below the appeal site respectively, and vegetation currently provides some screening between these properties and the appeal site.
22. I acknowledge that the total separation distances, as stated by the Council, between the proposed dwellings and the adjacent properties on Inglewood Ave would be reasonable, and that the variation in levels and the fact that the properties would not be directly facing each other, would lessen the impact on the living conditions of the occupants of these properties, with regard to outlook, to some degree.
23. However, I consider that the separation distances between the proposed dwellings in plots 3, 4 and 5 and the adjacent properties on Inglewood Ave and from the proposed dwellings to the shared boundary, would not, with reference to Policy LP24(b), be appropriate given the context of the appeal site. This, combined with the substantial size, scale and massing of the proposed dwellings, would cause them to appear dominant and overbearing, principally when viewed from the rear outdoor amenity space, but also to some extent, when viewed from the rear habitable rooms of the adjacent properties on Inglewood Ave. This would diminish the outlook of the occupants of the adjacent properties on Inglewood Ave.
24. Furthermore, this relatively close proximity of the proposed dwellings in plots 3, 4 and 5 to the adjacent properties on Inglewood Ave, would conversely cause the adjacent properties on Inglewood Ave, particularly those in elevated positions, to appear dominant and overbearing, principally when viewed from the rear outdoor amenity space but also to some extent, when viewed from the rear habitable rooms of the proposed dwellings. This would feel oppressive and lessen the outlook of the future occupants of the proposed dwellings.
25. I am aware that the proposed development includes the erection of a 3m high, close boarded, timber fence along with mature vegetation to the south western boundary of the appeal site, which the appellant states, can be the subject of a condition not allowing its removal. However, given the height and form of the proposed fence I consider that it would add to the sense of enclosure felt by the future occupants of the proposed dwellings and reduce their outlook even further.

26. I have had regard to the fact that the appellant amended the original scheme in an attempt to alleviate the impact of the proposed development on the living conditions of the occupants of adjacent properties on Inglewood Ave and future occupants of the proposed dwellings. However, these amendments are not sufficient to overcome the overriding concerns regarding the proposed development in relation to this main issue.
27. Taking the above into account, I conclude that the proposed development would have a harmful effect on the living conditions of the occupants of adjacent properties on Inglewood Ave, with regard to outlook and that it would not provide acceptable living conditions for future occupants, with regard to outlook. As such, it would conflict with Policy LP24(b) of the KLP referred to above. It would also not comply with the objective of Paragraph 127 of the Framework, which requires development to have a high standard of amenity for existing and future users.
28. Although not referred to in its reasons for refusal relating to this main issue, the Council also considers that the proposed development fails to accord with the NDG. Having regard to the guidance within the NDG relating to the characteristic of homes and buildings, I agree with this assertion.

### **Planning Balance**

29. I have concluded that the proposed development would have a harmful effect on the character and appearance of the surrounding area. I have also concluded that it would have a harmful effect on the living conditions of the occupants of adjacent properties on Inglewood Ave, with regard to outlook, and that it would not provide acceptable living conditions for future occupants, with regard to outlook. In this regard, it would conflict with Policies LP24(a) and LP24(b) of the KLP. I give this conflict with the development plan, and the harm that arises from it, substantial weight.
30. The proposed development would provide five new family dwellings in an accessible location within an established residential area. There would be some economic and social benefits derived from their construction and occupation. Therefore, these carry moderate weight in its favour. However, in my view, the adverse effect of the proposed development on the character and appearance of the surrounding area and in relation to the living conditions of the occupants of adjacent properties on Inglewood Ave and future occupants of the proposed dwellings, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

### **Other Matters**

31. I have had regard to the fact that the appeal property is located just outside the boundary of the Edgerton Conservation Area (ECA) and given consideration to any impact of the proposed development on the setting and significance of this designated heritage asset. The ECA is mainly characterised by large, detached, Victorian properties, set in generous grounds with mature landscaping and strong boundary treatment in the form of stone walls, which separate the buildings from the public highways. At the outer edges and within the immediate setting of the ECA the pattern and character of development changes to mainly that of early twentieth century developments.

32. Taking into account the form, design and materials of the proposed development, I consider that it would not have a detrimental impact on the setting of, or key views into or out of, the ECA and, therefore, would not harm the setting or significance of this designated heritage asset. As such, it would not conflict with provisions within the Framework which seek to protect the significance of designated heritage assets. However, the lack of harm in this regard weighs neutrally and does not amount to a consideration in support of the appeal.
33. I am aware that, subject to the imposition of appropriate conditions, no technical objections were raised by, the Lead Local Flood Authority, Highways, the Tree Officer and the Bio-diversity Officer, and that the Council's Conservation and Design Officer raised no concerns about the proposal. Nevertheless, these are neutral considerations in the planning balance and they do not alter or outweigh my conclusion on the main issues.
34. I note that the appellant has no objection to the imposition of any conditions deemed necessary. However, this would not overcome the identified harm to the character and appearance of the area or the living conditions of adjacent neighbours or future occupants, with regard to outlook.
35. The appellant has referred to other developments in the surrounding area, and highlighted their comparative densities and built footprint to curtilage ratios. However, I am not aware of the detailed circumstances of these developments, and in any event, I have determined the appeal before me on its own planning merits.
36. I have noted that there are inconsistencies on the drawings that were submitted with the application between the Site Layout and the Plans and Elevations for the proposed dwellings of plots 1 and 3<sup>3</sup>. It is imperative that plans are accurate to avoid uncertainty about what is proposed. However, I have been able to reach a judgement on the proposed development and, as I am dismissing the appeal, it has not been necessary for me to consider the accuracy of the plans any further.
37. I note that the details of the TPO<sup>4</sup> submitted by the Council as part of the appeal relates to 400 Birkby Road and not the appeal site. However, I have been able to reach a judgement on the proposed development and, as I am dismissing the appeal, it has not been necessary for me to consider this matter any further.
38. None of the other matters raised, individually or collectively, outweigh or overcome my conclusions on the main issues.

## **Conclusion**

39. For the reasons given above, I conclude that the appeal should be dismissed.

*F Cullen*

INSPECTOR

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<sup>3</sup> Drawings Site Layout Ref: 18D44-FBA-ZZ-XX-DR-A-0701-P06, Plot 1 Plans and Elevations Ref: 18D44-FBA-ZZ-XX-DR-A-0708-P01 and Plot 3 Plans and Elevations Ref: 18D44-FBA-ZZ-XX-DR-A-0710-P02.  
<sup>4</sup> Tree Preservation Order No 14 1982- 400 Birkby Road, Huddersfield.



## Appeal Decision

Site visit made on 7 January 2020

by **E Maund BA (Hons) MSc Dip UP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12<sup>th</sup> February 2020

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**Appeal Ref: APP/Z4718/W/19/3235299**

**27 King Street, Huddersfield, HD1 2PZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015.
  - The appeal is made by Infocus Public Networks Limited against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2019/91613, dated 15 May 2019, was refused by notice dated 8 July 2019.
  - The development proposed is the installation of a Communication Hub.
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### Decision

1. The appeal is dismissed.

### Background and Preliminary Matters

2. In the interests of clarity and precision I have amended the description of development from that presented on the appeal form to that described by the Council in its report.
3. As an electronic communications code operator, the appellant benefits from deemed planning permission for development for the purpose 'of the operator's electronic communication network' under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), subject to prior approval by the local planning authority of siting and appearance. The provisions of the GPDO require the local planning authority to assess the proposed development solely upon the basis of its siting and appearance, taking into account any representations received. The appellant applied to the Council on that basis.
4. As the principle of development is established, considerations such as need for the hub are not a relevant matter. The Council determined that prior approval was required and refused. Accordingly, the main issue is set out below.

### Main Issue

5. The main issue in this case is the effect of the siting and appearance of the development on the character and appearance of the surrounding area, including the effect of the proposal on the setting of the adjacent Huddersfield Town Centre Conservation Area (HTCA).

## Reasons

6. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have taken account of the policies of the development plan and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance. Those relevant are policies LP21, LP24(a), LP35 of the Kirklees Local Plan February 2019, which taken together are concerned with the effect of development on the appearance, highway safety and environment of Kirklees.
7. Paragraphs 91 and 92 of the Framework seek street layouts that allow for easy pedestrian and cycle connections, are safe and accessible, have the use of clear and legible pedestrian routes with layouts that encourage walking, and which plan positively for the shared use of public space. Paragraph 112 supports the development of communications infrastructure noting "*it is essential for economic growth and social well-being.*" However, the Framework also refers to appropriate design, character and appearance and pedestrian movement in paragraph 127 seeking to ensure amongst other things that developments add to the quality of the area, are visually attractive, are sympathetic to the local character, establish a strong sense of place and create accessible places.
8. The hub is designed as a free-standing structure 2.6m high and 1.3m wide, with a total depth of 0.9m including the glass canopy. It would comprise of a mild steel casing, powder coated in metal chain grey with a glass canopy with solar panel on the roof. This would incorporate both a telephone, LCD touch screen and other means of electronic communications.
9. The site of the proposed hub is on part of the pedestrianised street outside of no. 27 King Street close to the meeting point of the access to the Piazza covered shopping area. I note from the appeal questionnaire and supporting documentation that the site is outside of the HTCA. The HTCA is immediately to the north east of the site and I have a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
10. The hub would be sited just to the south of a street lighting column. During my visit I noted that in this section of the street there is a mixture of other street furniture including benches, lamp standards, pedestrian and traffic signs, telephone kiosks, an ATM machine as well as small utility service boxes, consequently I share the concern identified by the Council that the addition of the kiosk would add to the cluttered appearance of this part of the street adversely affecting its character and appearance.
11. Despite the simple design and glass canopy reducing the visual appearance of the proposed hub the proposal would be readily viewable along the street when approaching from both directions along King Street. Whilst the effect would be confined to the immediate surroundings of the site and consequently would not harm the setting of the HTCA as a whole, the proposal would harm the character and appearance of the street by adding to the proliferation of the street furniture in the area.
12. Therefore, I consider that the siting and appearance of the development would harm the character and appearance of the surrounding area.

*Other Matters*

13. The proposed hub would utilise a solar panel and has been designed to limit the potential for crime and allow easy wheelchair access.
14. However, these benefits would not outweigh or prevent the harm identified in relation to the main issue.

**Conclusion**

15. For the reasons given above and having taken all matters raised into account, I conclude that the appeal should be dismissed.

*Edwin Maund*

INSPECTOR





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## Appeal Decisions

Site visit made on 10 January 2020

**by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

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

**Decision date: 24<sup>th</sup> January 2020**

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### **Appeal A: APP/Z4718/D/19/3236461**

#### **4 Jim Hill, Chain Road, Slaithwaite, Huddersfield HD7 5TY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (TCPA) against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs J Housley against the decision of Kirklees Council.
  - The application Ref 2019/62/90664/W, dated 2 March 2019, was refused by notice dated 17 June 2019.
  - The development proposed is the removal of existing catslide roof, raising of eaves level and construction of pitched roof to allow the lifting of internal floor levels, construction of green oak timber framed extension with dormer window in roof.
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### **Appeal B: APP/Z4718/Y/19/3236478**

#### **4 Jim Hill, Chain Road, Slaithwaite, Huddersfield HD7 5TY**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
  - The appeal is made by Mr and Mrs J Housley against the decision of Kirklees Council.
  - The application Ref 2019/62/90665/W, dated 2 March 2019, was refused by notice dated 17 June 2019.
  - The works proposed is the removal of existing catslide roof, raising of eaves level and construction of pitched roof to allow the lifting of internal floor levels, construction of green oak timber framed extension with dormer window in roof.
- 

## **Decisions**

### **Appeal A:**

1. The appeal is dismissed.

### **Appeal B:**

2. The appeal is dismissed.

## **Preliminary Matters**

3. This decision deals with a planning appeal under s78 of the TCPA (Appeal A) and a listed building consent appeal under s20 of the PLBCA (Appeal B). Whilst both appeals are to be considered under these separate processes, to avoid repetition and for the avoidance of doubt, I have dealt with both decisions within this single letter.
4. The applications were made on a single application form and the description of the proposals is thus the same for both. Planning permission is not required for internal alterations such as the lifting of the floor levels so 'internal alterations' has been omitted from the decision on Appeal A.

5. During the course of the appeal, the appellant in their Statement of Case (SoC) submitted Appendix B which has a further option that changes the design of the proposed dormer to the rear from a pitched and gabled roof to a catslide roof. Whilst the appellant does not specifically request that I consider this plan shown in Appendix B as an amendment to the scheme which would supersede previously refused plans, the SoC implies that I consider this additional option as part of the appeals.
6. In general the appeal process is not the appropriate place to evolve the scheme; and the scheme that is considered at appeal ought to be the same one that was considered by the Council. There is no evidence that this further option formed part of the scheme that the Council made its decision on, or that this option was subject to any form of consultation. In accordance with the 'Wheatcroft Principles,<sup>1</sup>' it would not be appropriate to consider this additional option in Appendix B within my decision as the acceptance of such would deprive those who should have been consulted on the changed development or the opportunity of such consultation. I will therefore base my decision solely upon the plans that were assessed by the Council during the original planning determination.

### **Main Issue – Both Appeals**

7. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - The effect of the proposed development on the openness of the Green Belt;
  - Whether the proposed development and works preserve the architectural and historic interest of the Grade II listed building known as 'Nos 3-4 Jim Hill,' and whether the proposals preserve the setting or any features of special architectural or historic interest which the building possesses; and
  - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### **Reasons – Both Appeals**

#### *Site Description*

8. The appeal site appears to have once been a barn/farmhouse which has been subdivided to form two dwellings. The building is positioned alongside another agricultural building, all of which are situated in a relatively remote location within the countryside as part of a group of four dwellings. All of the buildings are grade II listed and now are utilised as residential dwellings. The buildings date from the late eighteenth to early nineteenth century with the original components of the building having a historic catslide roofed extension to the rear. The appeal site contains a late twentieth century two storey side extension along with a small detached outbuilding to the rear. The topography of the area is steep with the land falling from the neighbouring buildings to the appeal site. Beyond the appeal site there are long ranging views across the

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<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

open countryside with the side façade of the appeal dwelling being elevated and prominent within the surrounding landscape.

*Whether the proposal is inappropriate*

9. Paragraph 145 of the Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate, unless the development falls within certain listed exceptions. The relevant exception which is sought to be applied to the appeal site under paragraph 145 of the Framework is (c) *'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.'*
10. I note Policy LP57 of the Kirklees Local Plan Strategy and Policies, February 2019 (LP) gives further guidance and criteria on the extension, alteration or replacement of existing buildings in the Green Belt. The policy states that extensions would be generally appropriate where the original building's scale and character is taken into account and remains the dominant element; the cumulative impact of previous extensions is taken into account; and that the proposal does not result in greater impact towards the openness; and that it does not materially detract from its green belt setting.
11. According to the Council's calculations, the proposed extension when combined with the recently constructed two storey extension would represent an increase of volume by approximately 48%. Whilst I appreciate that there is a small outbuilding in the location of the proposed extension, the combined height, design and massing of the resultant extension would present as a discordant addition with a dormer window and massing which would be over-complicated when compared with the simple and functional nature of the historic building. When combined with the existing recently constructed extension the proposal would be significant in size, massing and visual bulk and would represent a disproportionate addition.
12. In considering the proposal against LP Policy LP57, the development of the appeal site would not constitute a proportionate extension or alteration of a building. As such, there is a significant conflict between the proposal and the exceptions specified by LP Policy LP57, and the Framework.
13. Consequently, in accordance with Paragraph 145 of the Framework, I find that the proposal would be 'inappropriate development' in the Green Belt. I therefore attach substantial weight to the harm arising due to the inappropriate nature of the appeal development.

*Openness*

14. Whilst there is no definition of 'openness' in the Framework, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. Openness has also been shown to have both spatial and visual dimensions. In this particular case the appeal site is experienced as a traditional and functional building within the greater landscape, with an elevated position when seen within the surrounding countryside. The harm caused to the openness is related more towards the visual dimension in that the scheme would increase the visual bulk and overcomplicate the functional design with the addition of the proposed dormer window. This type of extension

is uncharacteristic for this particular group of buildings and would accentuate the massing and scale of the building to an unacceptable degree.

15. Paragraph 133 of the Framework states that 'the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.' As a result, the scheme would further erode the open aspect currently experienced and introduce alterations in the form of built form which would further erode the aims of the Green Belt. The proposed extension, when combined with the previous extension, would be a material addition to the amount of built development on the site, which would have a detrimental effect upon the openness of the Green Belt in this location. This additional effect of the development on the openness of the site, and on the Green Belt, adds to the harm already caused by reason of its inappropriateness.

*Listed Building considerations*

16. Sections 16 (2) and 66 of the PLCBA prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building and any features of architectural or historic interest it possesses, including its setting.
17. The appeal property is a Grade II listed building along with Nos 1, 2 and 3 Jim Hill located adjacent to and adjoining the dwelling. The appeal site is two storeys tall and is constructed of stone with a pitched stone roof. The significance of the appeal building predominantly concerns the remaining historic fabric, the simple and functional construction, the quality of the materials and craftsmanship and how they relate to the former form and function of a group of largely unaltered agricultural buildings. These buildings are experienced together as a historic farmstead and are valuable in allowing an understanding of the various agricultural operations, functions and relationships between the land and associated buildings. Additionally, the setting of the appeal site is quite large given its elevated and prominent position and appearance within the wider landscape.
18. The proposed extensions would remove the existing outbuilding and infill the space with an extension which would carry on the pitch of the roof from the existing extension in a catslide style and include a pitched and gabled dormer window that would project from just beneath the ridge of the roof to the eaves of the roof. Other alterations would include the raising of the existing catslide roof to the rear of the historic building and changing floor levels and windows to allow an even floor across the existing and new floor levels. Materials stated in the original application form comprise matching materials for the roof, and re-use of uPVC windows, whereby the Council state these existing windows do not have consent.
19. The Council agree that the changing of floors internally would be appropriate, with the main concern arising from the raising of the existing catslide roof and the proposed new extension with dormer window. The appellant has submitted an example of precedent in Appendix A within the SoC where two brick dormer windows were installed and considered acceptable as part of a nearby barn conversion. The SoC does not make it clear how comparable the decisions are, such as whether this barn is also a listed building or whether its dormer roof extension has similar effects towards Green Belt considerations. As such I am not convinced that the considerations of this nearby scheme are analogous to the appeal site and afford this example limited weight.

20. The proposed extension when combined with the existing two storey extension adds considerable massing and visual bulk, and would not be subservient to the historic building. The dormer window in particular would add unnecessary complication to the roof form which would increase its status when considered against the more traditional and functional form of the historic building. The design when taken as a whole would compete with and detract from the significance of the historic building and their surroundings, given the prominent appearance within the greater landscape. Whilst I appreciate materials can be approved via condition, and the willingness to alter materials to timber as stated within the appellant's SoC, the current proposal to utilise uPVC windows would be inauthentic and uncharacteristic of this historic building.
21. It is clear to me that the proposed extension and alterations in their current form would unacceptably harm the significance of the listed building. It would fail to preserve the building and its setting and some of the features of special architectural or historic interest which it possesses, contrary to the requirements of s16 and s66 of the PLBCA. Paragraph 193 of the Framework states 'that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'
22. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
23. Supporting information accompanying the appeals suggest that benefits of the scheme are an improved roof form which would prevent further water ingress into the ground floor of the property; the extension enabling the optimum viable use of the property; and that the extension sustains the current residential use of the property to be retained. I note comments from the Council that changes to the ground level could also reduce flooding to the ground floor. However, I am not convinced that the proposed extension is the only way of achieving appropriate accommodation for a family, and that the overall proposed design is sympathetic to the historic building.
24. Overall, I therefore find that there would be insufficient public benefit to offset the identified harm and the development does not accord with the PLBCA or the Framework. I therefore conclude that the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building, which I am required to have special regard and pay special attention by the PLBCA. The development would also conflict with LP Policy LP24 (where criterion (a) and (c) seek proposals to promote good design by being subservient and reflect the form, scale and details of heritage assets); and LP Policy LP35 (which seeks that proposals preserve or enhance the significance of heritage assets).

### *Other Considerations*

25. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. There are benefits of the scheme which are detailed in paragraph 23 of this letter. These are matters that weigh slightly in favour of the proposed scheme. However, these benefits are to be weighed against the great weight attributed to the harm caused to heritage assets, and the great weight to the harm caused to the Green Belt.
27. These other considerations do not, in my view, either separately or cumulatively, clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and the harm to the openness of the Green Belt. As a result, the very special circumstances that are required to permit the development do not exist. The appeal development would therefore contain a lack of consistency with the provisions of the Development Plan and with the Framework, as referred to above.

### **Conclusion – Both Appeals**

28. In conclusion, the appeal proposal would be inappropriate development in the terms set out in the Framework and, in addition, it would lead to a loss of openness to the Green Belt. The proposal would also have a detrimental effect upon the architectural and historic interest of the listed building. These issues are not outweighed by the considerations advanced by the appellant and I find that the other considerations in this case do not clearly outweigh the harm that I have identified.
29. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, for the reasons given above I conclude that the appeal is dismissed.

*J Somers*

INSPECTOR



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## Appeal Decision

Site visit made on 7 January 2020

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 January 2020

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**Appeal Ref: APP/Z4718/D/19/3237344**

**Upper Edge Farm, Sledgate Lane, Slaithwaite, Huddersfield HD7 5TZ**

- 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 & Mrs N & L Dooley against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2019/62/90931/W, dated 14 March 2019, was refused by notice dated 18 July 2019.
  - The development proposed is erection of first floor side and single storey rear extension
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The address of the appeal site on the application form relies on a grid reference and a description of the site location. The appeal form identifies the site with an address and a postcode and confirms that this is the appeal site. I have used this address in the banner heading above.
3. Although the appeal form indicates that the description of the development has not changed the description on the planning application form is not the same as the appeal form. The description on the planning application decision notice concisely expresses the development proposals and is consistent with the detail shown on the appeal plans. I have therefore used this description in the banner heading above and determined the development accordingly.

### Main Issues

4. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
  - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and
  - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Whether the proposal would be inappropriate development in the Green Belt*

5. The appeal site is in an open countryside location where development is sporadic and generally reflects the local vernacular of the area. The appeal property is a substantial detached house constructed of stone with stone slate roof. It has an attached single storey stone-built garage and outbuilding with metal sheeted roof. The property is accessed via Sledgate Lane, a narrow country lane which carries a public right of way. There are also public rights of way to the east and west of the appeal site.
6. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt with certain exceptions. These exceptions include extension or alteration of a building provided that the development does not result in disproportionate additions over and above the size of the original building. The original building is defined in the Framework as a building as it existed on the 1 July 1948, or if constructed after 1 July 1948, as it was built originally.
7. Policy LP57 of the Kirklees Local Plan Strategy and Policies adopted February 2019 (Local Plan) supports the extension, alteration or replacement of existing buildings in the Green Belt provided, among other things, the building remains the dominant element in terms of size and overall appearance and the design and materials have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt Setting.
8. The appellant states that the first-floor extension would result in a 12.5% volume increase when measured against the existing structure. The Council consider that the proposed development would result in an approximately 32% volume increase. The appellant's calculation is unlikely to be accurate as the rear extension is not included in it. However, neither party has provided figures as to how they have established the volume increase nor have the Council as part of Policy LP57 indicated what volume of extension would be likely to be disproportionate.
9. The text to Policy LP57 states that if building extensions are to be acceptable in the Green Belt it is essential that they should neither prejudice the open character of the Green Belt nor be disproportionate in relation to the host building. Further, it states that disproportionate additions will be deemed to be those where the original building is no longer the dominant element. I do not have any firm identification of what the original building was or precise measurements for the calculation of the volume of the original building. Nor is there agreement over the volume increase that is proposed (over the original building size) or a threshold over which the volume increase would be deemed disproportionate.
10. However, to my mind, whether the extension would be a disproportionate addition is also influenced by other factors such as the relationship of the extensions to the existing structure in terms of scale, form and mass.
11. The existing house has a long front elevation with relatively large window openings which accentuate the length of the building. The attached outbuilding is of a lower height and its fenestration detail reflects its use as a garage and workshop.



12. The side extension, as amended during the application process, proposes that the outbuilding be extended upwards. It would be designed in two sections. The area closest to the house would be extended upwards to a height just below the main house roof and roofed in stone slate. The garage door openings would be retained at ground level and new first-floor windows to the front elevation would reflect the size and design of the main house. The end section of the building would be treated in a different manner. The roof and walls would be clad in larch cladding. It would be extended upwards to a marginally lower height than the adjacent extended section with various window openings and roof lights giving a lighter more contemporary appearance. Both sections of the side extension would be flush with the front elevation of the main house.
13. The design of the scheme relies on the stepping down of the roof line and the change in the materials along the buildings length to create a subservient mass of development relative to the main house. However, I find that the treatment of the extension's elevations, the limited height difference between the extension and the existing house, and its siting flush with the front of the house, would result in an extension that would appear substantial. As designed, I consider the side extension would appear as a disproportionate addition over and above the size of the original building.
14. The extension of the conservatory to the rear of the building is designed in keeping with the existing conservatory. The simple lean-to form and use of glass and oak framing allows the extension to sit comfortably in the less prominent rear area and does not of itself result in a disproportionate addition to the building.
15. Nevertheless, the appeal scheme, as a whole, for the reasons set out above would be a disproportionate addition. It would therefore be inappropriate development for the purposes of the Framework which is, by definition, harmful to the Green Belt.

*Openness and character and appearance of the Green Belt*

16. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
17. Spatially the scheme has a limited additional footprint restricted to the extension to the conservatory at the rear of the property. Nevertheless, the upward extension would occupy open space above the height of the existing building which would result in some loss of the open view from Sledgate Lane over the existing roof of the outbuilding. Therefore, there would be a small but discernible impact on the openness of the Green Belt.
18. Policy LP24 of the Local Plan requires good design. It says that proposals should ensure the form, scale, layout and details of all development respects and enhances the character of the landscape, extensions should be subservient to the original building and should be in keeping with the existing building in terms of scale and materials. The Framework in chapter 12 similarly seeks to achieve well designed places.
19. The appeal property is in a prominent location. Its front, side and rear elevations are all readily visible from surrounding public viewpoints, including the road and from the adjacent public footpaths. The limited height difference

between the main house and the side extension would result in a more prominent and conspicuous mass. In addition, the distinctive larch cladding, roof lights and gable window would not be characteristic of the main building or the surrounding vernacular. Overall the side extension would appear as a prominent and incongruous feature which would detract from the rural setting of the property and the area's character and appearance.

20. Consequently, the development would have a harmful effect on the openness of the Green Belt and the character and appearance of the area in conflict with Policy LP24 of the Local Plan and the Framework.

#### *Other Considerations*

21. I accept that planning permission has been granted for a side first floor extension and a rear conservatory extension. I have been provided with the details of this scheme. The approved scheme would result in less built development and its details are simple and unobtrusive. The existence of this planning permission does not negate the harm I have identified. The existence of the extant consent is a matter which carries very limited weight in my assessment.
22. The proposal would not result in harm to the living conditions of the occupiers of neighbouring properties. However, this is a requirement of the development plan and is not a benefit that weighs in favour of the scheme.
23. The scheme does not fall within the parameters of 'permitted development'. The fact that in alternative circumstances a similar scheme may be permitted development does not provide a justification for the harm I have identified based on the site circumstances or weigh in favour of the appeal scheme.
24. I accept the appellant's assertion that there were no objections or adverse comments to the scheme during the consultation period however the lack of objections does not ameliorate the conflict I have found with the development plan and the Framework or weigh in favour of the proposed development.

#### *Green Belt Balance*

25. I have concluded that the proposal would be inappropriate development in the Green Belt. It would result in a small loss of openness of the Green Belt and would result in harm to the character and appearance of the area. These matters attract substantial weight.
26. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

#### **Conclusion**

27. For the reasons set out above, the appeal is dismissed.

*Diane Cragg*

INSPECTOR



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## Appeal Decision

Site visit made on 28 January 2020

**by R E Walker BA Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 February 2020**

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**Appeal Ref: APP/Z4718/W/19/3240944**

**7 Manor Houses, Mill Bank Road, Meltham, Holmfirth HD9 4AU**

- 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 David Barnes against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2019/62/92016/W, dated 13 June 2019, was refused by notice dated 8 October 2019.
  - The development proposed is the erection of detached dwelling.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the appeal site visit, the Government has published its 2019 Housing Delivery Test (HDT) results. This confirms that the Council's delivery has, as it was in the 2018 HDT results, been below the requirement over the last 3 years. As such, there is no change to the housing position and a 20% buffer still applies. Therefore, no party has been prejudiced by the 2019 HDT results.

### Main Issues

3. The main issues are the effect of the proposal on:
  - The setting of Meltham Hall, a grade II listed building and its curtilage listed building (Bank Lodge Cottage); and
  - The character and appearance of the surrounding area.

### Reasons

#### *Listed buildings*

4. The appeal site is a narrow parcel of land adjacent to Mill Bank Road and a driveway leading to the Robert Ashton Memorial Park (the park) at Meltham Hall (the Hall) which was previously a large country house built in 1841. The Hall is a grade II listed building and appears to retain its architectural significance. Its historical significance stems from the connection with the industrialist William Leigh Brook whose family owned mills nearby.
5. The appeal site is located at the margins of the historical grounds of the Hall and is positioned to the south of Bank Lodge Cottage (the lodge) which is a

curtilage listed building. Although there is no substantive evidence before me regarding the historical curtilage of the Hall, historical maps do show boundary distinctions between the appeal site and the Hall. Moreover, the 1893 map shows the lodge and a boundary severing the remaining part of the driveway and the appeal site. I recognise that a gated boundary could have existed adjacent to the lodge to mark an entrance point into the grounds of the Hall, however there is no substantive evidence either way.

6. Based on the evidence before me and given the scale, form and alignment of the wall on the northern side of the driveway, which is consistently shown on historic maps, I consider that on the balance of probability the appeal site did not form part of the original curtilage of the Hall. It nonetheless forms part of its setting.
7. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard must be had to the desirability of preserving the setting of listed buildings. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral.
8. I recognise that the setting of the Hall has been altered significantly over the years with the addition of modern houses which are seen, to varying degrees, in combination with the Hall, appeal site and the lodge. Although not entirely, these do detract from and reduce the value of the setting of the Hall.
9. Alterations to the lodge have detracted from its architectural interest, however due to its elevated position and location along the driveway, it is recognisable as an integral part of the approach to the Hall. Along the driveway, the built environment, stone walling and mature trees, create an attractive route into the park. Moreover, there are open views from the driveway over the appeal site providing visual links to, amongst other things, workers housing. As such, whilst I recognise that the park makes a greater contribution, the lodge and driveway and to a lesser extent the appeal site, nonetheless, contribute positively to the Hall's significance.
10. The Hall and the proposed development would not be seen in combination due to the change in topography, distance and intervening landscape features. However, the proposal would introduce built form, an access and hardstanding into a historically open parcel of land. It would be seen immediately adjacent to the driveway and in close proximity to the Lodge, eroding the historical context of this part of the driveway leading to the Hall. This would, in my view, result in harm to the setting of the Hall and the lodge.
11. The harmful effect these changes would have to the heritage significance of the listed buildings would be small, due to the scale of development, its position on the lower ground level and orientation in relation to the driveway. However, there would still be harm. The proposal would thus, conflict with the requirements of Policy LP35 of the Kirklees Local Plan Strategy and Policies Document (LP) adopted 2019 which, amongst other things, says that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

12. Paragraph 196 of the Framework advises that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I shall address any other matters and suggested public benefits later in my decision and conduct the balance required by paragraph 196 of the Framework as part of my overall conclusion.

*Character and appearance*

13. The appeal site is located within an area characterised by stone houses and commercial units. Although there are a number of other residential properties nearby, the proposal would be closely viewed with the detached houses at Mill Stables and the lodge. Mill Stables are accessed from a single driveway bordering the appeal site and the properties are arranged to create a tightly knit grouping. Although the appeal site has a somewhat unkempt and overgrown appearance, the rising bank and vegetation contributes to a soft entrance to Mill Stables and an attractive open approach into the park.
14. The proposed dwelling would sit toward the end of the narrow plot near the gable end of No 3 Mill Stables (No 3). I recognise that its long narrow plan form, height and design is a response to the constraints of the site. Moreover, the general appearance of the proposed building would be in keeping with the appearance of the properties in Mill Stables.
15. The appellant suggests that there is scope for additional landscaping, however I have no substantive evidence before me as to what this may entail. Moreover, the proposal would result in the plot being almost covered with built form and hardstanding and there would appear to me, to be little space for additional meaningful soft landscaping.
16. Due to its position and its orientation the proposed dwelling would have an awkward juxtaposition with the gable end of No 3. The layout, boundary wall and topography would mean that the proposed dwelling would not be integrated into or viewed as part of the courtyard setting of Mill Stables but, instead, would appear as an independent plot. When combined with the extent of built form in relation to the width of the site, the extent of hardstanding and the plot shape the proposal would, in my view, appear somewhat cramped and contrived in its plot.
17. I recognise that the proposal would not be dominant from the wider area due to the topography, other built form and vegetation. Moreover, from distant views the proposal would likely appear integrated into its surrounding built environment. However, the proposal would be seen in close views from Mill Bank Road and, in my view, detract from the soft open approach to Mill Stables and the driveway to the park.
18. I therefore conclude that the proposal would harm the character and appearance of the area. Such harm weighs against the proposal. The proposal would thus, conflict with the requirements of Policy LP24 of the LP which, amongst other things, seeks that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
19. Policy LP24 of the LP is broadly consistent with paragraphs 127 and 130 of the Framework, and therefore any conflict with it is a matter of significant weight.

## Other Matters

20. I recognise that the appeal site previously benefitted from planning permission for a dwelling in 2003<sup>1</sup>. Moreover, the appellant purchased the plot with the belief that permission would be granted for an identical scheme due to the Council's record in granting renewal of permissions. I note that the Council's officer report for the 2003 approval considered the design to be innovative. Moreover, it did not assess the potential impact on the setting of any listed building despite the Act being in place at the time. I also note that the appellant has made changes to their scheme with the view to finding a solution.
21. However, both national and local planning policy has changed since the permission in 2003. As such, I do not give significant weight to this historical consent and I have determined the appeal on its own merits including having regard to the duty imposed by section 66 of the Act and national policy as set out in paragraph 196 of the Framework.
22. The Council did not make findings of harm with respect to, amongst other things, highway safety, construction constraints, utilities and living conditions, subject in certain cases to recommended conditions. I have considered the concerns raised in relation to these matters by interested parties. However, taking all the evidence into account, I do not reach different conclusions to the Council in respect of these matters. The absence of harm in these respects is, however, a neutral matter weighing neither for nor against the proposal.

## Planning Balance

23. The appeal site is in a sustainable location and would make an effective use of an unused parcel of land. I recognise that the HDT results show that the Council's housing delivery has been below the requirement over the last 3 years. This results in a 20% buffer being applied in calculating its 5-year housing land supply. However, the appellant does not dispute the Council's position that including the required 20% buffer, the Council has more than a 5-year housing land supply. Nonetheless, the Government's policy objective of significantly boosting the supply of housing would be assisted by the proposal, but by only 1 house and so the matter attracts limited weight.
24. The provision of a single additional dwelling is of limited public benefit that does not outweigh the harm I have identified to the setting of Meltham Hall and the lodge or the harm to the character and appearance of the area.

## Conclusion

25. For the reasons outlined above, and having had regard to all matters raised, the appeal is dismissed.

*Robert Walker*

INSPECTOR

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<sup>1</sup> Application Reference: 2003/92740

**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 27<sup>th</sup> 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 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

## **REPRESENTATIONS**

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

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

## **EQUALITY ISSUES**

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

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

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

## **HUMAN RIGHTS**

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

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

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

## **PLANNING CONDITIONS AND OBLIGATIONS**

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

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

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

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

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

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



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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Mar-2020

**Subject: Planning Application 2019/91083 Demolition of existing dwelling and erection of detached dwelling with detached garage//store 345, Bradley Road, Bradley, Huddersfield, HD2 1PR**

#### APPLICANT

S Yousaf

#### DATE VALID

01-Apr-2019

#### TARGET DATE

27-May-2019

#### EXTENSION EXPIRY DATE

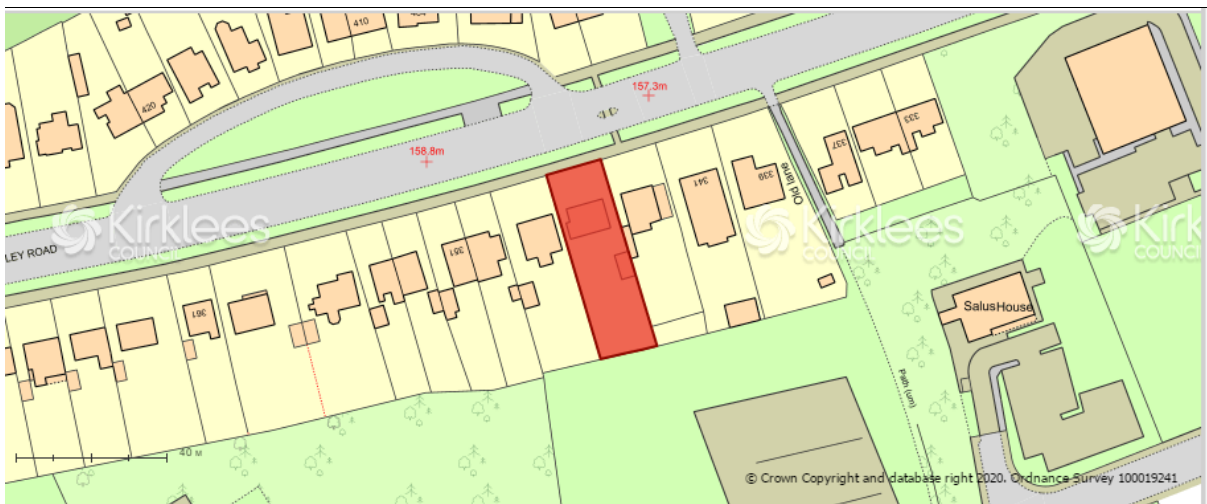
23-Mar-2020

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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**

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**Electoral wards affected: Ashbrow**

**Ward Councillors consulted: No**

**Public or private: Public**

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## **RECOMMENDATION:**

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

### **1.0 INTRODUCTION:**

- 1.1 The application for a replacement dwelling was originally brought to Committee on the 17<sup>th</sup> December 2019 at the request of Cllr Harpreet Uppal for the following reason:

*“To consider the scale and impact of the development on visual and residential amenity given the planning history of the site.*

*I don't consider this requires a member's visit to the site but would like it to be heard by members.”*

- 1.2 The Chair of Committee confirmed that Cllr Harpreet Uppal reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.
- 1.3 Members undertook a site visit on 17<sup>th</sup> December. The resolution was to defer the application to allow an opportunity for a discrepancy in the submitted plans to be rectified. The applicants have also aimed to address outstanding concerns.
- 1.4 Amended plans have been received which aim to address concerns regarding the impact of the replacement dwelling in respect of the street scene and on the amenity of neighbouring occupants.

### **2.0 SITE AND SURROUNDINGS:**

- 2.1 345 Bradley Road, is a detached bungalow constructed with a small stone plinth and render above with a dual pitched gabled red pantile roof. The gabled roof of the property runs from east west, between both the side boundaries with neighbouring dwellings to the east and west of the site.
- 2.2 The property has a small front round bay with gable above towards the east side of the front elevation and a detached single flat roofed garage at the rear with existing access taken from Bradley Road and running along the east boundary to the side of the dwelling.
- 2.3 The front garden is bounded by a stone wall with coping stones along the road frontage with a rockery and small lawn area.
- 2.4 The property is situated on a relatively level site, however is slightly elevated above Bradley Road. Furthermore, there is a very gradual incline from East to West with the property to the east at a slightly lower level.

- 2.5 The existing rear garden is flat, predominantly lawn with a small patio to the rear of the property with the boundary treatment being mature conifers along both side boundaries.
- 2.6 The property is located within a residential area of varied properties both in terms of scale and design. The properties either side of the application site are bungalows with hipped roofs

### **3.0 PROPOSAL:**

- 3.1 Permission is sought for the demolition of the existing bungalow and the erection of a 2-storey detached property and detached garage.
- 3.2 The current bungalow comprises of 2 bedrooms with a bathroom, kitchen, lounge and dining room. The width of the bungalow is 11m at its widest due to it being narrow at the front by 8m deep.
- 3.3 The proposal, as now amended, is to create a new larger 2-storey dwelling that is 11m wide at the front of the property which reduces to 10.5m at the rear. The depth of the property would be 13.4m, which has been reduced by just over 2 metres when compared to the original details submitted. The plans show a two-storey projecting gable located central to the proposed building with single storey elements retained at ground floor level.
- 3.4 The accommodation would provide a kitchen breakfast, utility, family room, ground floor bathroom, living room & snug with 4 large double bedrooms, 2 with en-suites, a family bathroom.
- 3.5 The application also includes the erection of a large detached garage measuring 9m by 5m which is set towards the bottom of the garden adjacent to the eastern boundary, this is unchanged by the amended plans. Access is maintained to the side of the dwelling proposed.
- 3.6 The proposed construction materials would be a combination of stone and white render with grey upvc framed windows and concrete tiled roof.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2018/90937 – extensions and alterations to create a 2-storey dwelling - Approved

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 2018/90937 – Extensions and alterations: This application was approved following receipt of amended plans showing significant revisions to the proposals. This was due to concerns regarding scale and massing and impact on the street scene and neighbouring occupants.

2019/91083 – Demolition of existing dwelling and erection of detached dwelling with detached garage: Officers raised concerns similar to the previous application in relation to scale, massing and impact on the street scene in addition to being overbearing for neighbouring occupants. The detached garage proposed was also large occupying almost half of the rear garden.

Following concerns raised with the applicant/agent/planning consultant at a meeting, Officers advised that the scale of the previous approved scheme be used as guidance to assist in informing the scale of the dwelling now proposed.

Amended plans have been received. The plans address matters relating to the garage which has been reduced in size however concerns remained regarding the scale and mass of the dwelling. Further amendments have been received showing the balcony projection being removed in addition to a reduction in the scale of the dwelling and location of two storey rear projection being set in from both neighbouring boundaries. The agent has confirmed that land levels will remain as they are.

## **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.

6.2 The site is without notation within the Kirklees Local Plan.

### 6.3 Kirklees Local Plan

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways
- **LP22** - Parking
- **LP24** – Design
- **LP30** - Biodiversity

### 6.4 Supplementary Planning Guidance / Documents:

Kirklees Highways Design Guide SPD 2019

### 6.5 National Planning Guidance:

#### National Planning Policy Framework

- **Chapter 12** – Achieving well-designed places
- **Chapter 14** - Meeting the challenge of climate change, flooding and coastal change

#### National Design Guide 2019

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The amended plans received on the 6<sup>th</sup> March 2020 have been publicised and the period for comment extended until the 16<sup>th</sup> March. Any comments received pursuant to the publication of the report will be published in the update to Members.

In response to the original details submitted, fifteen letters of representation were received. These included three letters of support from the applicant and remaining objections from 5 households. Comments to these are summarised below for completeness.

Comments of support:

- In balance within the street scene
- No 341. built higher than approved sets a precedent

Comments of objection:

- Height of new dwelling disproportionate to the bungalows either side
- Overshadowing
- Loss of light/ privacy from side windows and first floor balcony
- Rear garage would be converted into another home.
- De-value adjacent properties
- No measurements on submitted drawings.
- Damage due to construction work
- Loss of a bungalow
- Disruption through construction vehicles

## **8.0 CONSULTATION RESPONSES:**

8.1 None required

## **9.0 MAIN ISSUES**

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

## **10.0 APPRAISAL**

### Principle of development

10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

10.2 The scheme will be assessed taking into account local policy guidance within Policies LP1, LP2 and LP24 of the Kirklees Local Plan which supports the guidance contained within the NPPF. Policy LP24 is particularly relevant in this instance in relation to design and states that proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;

## Urban Design issues

- 10.3 The proposal is to replace an existing bungalow with a two-storey dwelling. The existing dwelling currently sits between two bungalows which have pyramid/hipped style roofs. It is recognised that within the wider area there is varied accommodation in the form of both bungalows and 2-storey properties, either detached or semi-detached. Therefore, in principle a replacement dwelling could be provided over two floors.
- 10.4 There is an extant planning permission to extend the existing bungalow to provide additional accommodation in the roof space by raising the eaves, in part, to provide 4 first floor bedrooms, two with en-suites and a family bathroom.
- 10.5 The previously approved application was to use the existing footprint of the bungalow and extend to the rear by a further 5.3m at ground floor and 3.8m at first floor. The roof orientation was changed so the ridge ran from front to back of the plot to reduce the impact on the neighbours either side.
- 10.6 The new application to replace the bungalow shows a similar width of dwelling but shows an increase in the depth from 8m to 13.4m. This depth is a reduction to the original plans submitted under this application and shows the first floor rear balcony removed. The two-storey projecting element to the rear has been centralised with single storey elements retained either side at ground floor level. These are set in from the boundaries with the neighbouring properties by around 0.8m to no. 347 and 3.5m to no. 343 to the side elevation of the single storey part of the dwelling, and 3m and 5.6 metres respectively to the two storey part. The total increase of the depth of dwelling, when compared to the existing bungalow is around by 5m.
- 10.7 The height of the existing bungalow is 5.63m and the eaves at 2.6m raising to varied eaves heights the minimum being 4.05m, the maximum overall height is 7.1m. The overall height is less than the approved application to extend (8 metres), however it is noted that the eaves have increased when compared to the approved plans for extension to the new dwelling.
- 10.8 In terms of design, the property has a shallow pitched roof with two small front gables either side of a fully glazed entrance to a 2-storey atrium. The detached garage is of simple form, rectangular with pitched roof.
- 10.9 The materials proposed are a combination of stone for the ground floor and white render at first floor, similar to that in the construction of the existing bungalow and at No 341. These materials are also proposed in respect of the construction of the detached garage.
- 10.10 The scale, massing and design of the new dwelling, as amended, would result in a structure that would relate satisfactorily, with its neighbours and of a form, scale and layout that would respect the character of the street scene. As such the development proposals would comply with Policy LP24 a) of the Kirklees Local Plan and chapter 12 of the National Planning Policy Framework.

- 10.11 With regards to the detached garage this has been reduced in size and is located within the rear garden, measuring 5m wide by 9m in depth to include a rear store. Given its location it would have no impact on the street scene, nor is it considered give rise to any concerns regarding visual amenity or general character of the area. The outbuilding is shown as incidental to the dwelling. This part of the development is considered to be acceptable and would also comply with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

#### Residential Amenity

- 10.12 With regards to residential amenity, overbearing and / or overshadowing, the proposals to replace the existing bungalow with a larger two storey dwelling would introduce a building significantly larger than existing. The proposed dwelling would be near adjoining neighbouring land and buildings. The relationship of the proposed dwelling with these existing neighbours would be significant, particularly when considering the current building is a true bungalow. Any increase should be assessed considering the increase of scale and mass and how this impacts on any adjoining occupant.
- 10.13 The east side elevation of the replacement dwelling would be marginally increased, in terms of depth and mass, compared to the previous permission to extend the property. To reduce the impact on occupiers of the neighbouring no. 343, the building has been designed with elements of single storey accommodation at the rear, where this projects beyond the rear elevations of the adjacent nos 343 and 347. Whilst there is a two-storey projecting wing to the rear this is located centrally, and away from shared boundaries with adjacent dwellings This is particularly important when considering the neighbouring dwelling (no. 343) is set down in comparison to the application site. The two-storey rear projecting part of the proposed building is concentrated centrally to the site allowing space to the neighbouring boundaries and thereby minimising any impact. As a consequence of the design changes, it is considered that the development would avoid any undue material impact on the neighbouring occupants at no. 343 by virtue of overshadowing and from being overbearing.
- 10.14 The development would introduce one first floor window at upper floor level in both the east and west side elevations which could result in overlooking of the neighbouring dwellings at nos. 343 & no 347, however, these relate to non-habitable accommodation and as such could be conditioned to be obscurely glazed. The proposed ground floor kitchen window faces onto the neighbour's extension which is a blank wall and as such will not result in any loss of amenity to the occupants. Additional ground floor windows to the east elevation are again to non-habitable accommodation and as such could be conditioned again to be obscurely glazed. It is therefore considered that there will be no material loss of privacy to the adjoining occupants.
- 10.15 The redevelopment of the bungalow increases the scale and mass when viewed from the west. The footprint appears to be generally in line with that of the existing neighbouring dwelling at no. 347 and the main mass of the proposal is concentrated to the centre of the site including the projecting part of the rear elevation. The amended design reduces the scale and mass when compared to this neighbouring property; which is set at a higher level than the application site and taking account of the separation between the two dwellings. It is considered the revised scheme would avoid undue material impact to the occupants of no. 347 as a result of overshadowing or being overbearing.

- 10.16 There are no concerns regarding the impact of the development to properties located to the front (opposite) and there are no dwellings located to the rear beyond the boundary that would be affected by the development. The window proposed at first floor level serves the staircase with those at ground floor being secondary to a family room. Subject to screen fencing at ground floor level, the positioning of windows will not result in any loss of privacy to the adjoining occupants.
- 10.17 To conclude, the amended plans have overcome concerns previously raised and, it is considered, on balance, that the development is recommended to be supported. As the scale and mass is significant and being in close proximity to neighbour land and buildings, it is considered that any further development of the site would likely result in harm. As such it is recommended that permitted development rights for extensions, outbuildings and further windows within the side elevations should be removed. Subject to the imposition of conditions, the development would comply with Policy LP24 (b) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

#### Highway safety

- 10.18 In terms of highway safety, the development would utilise the existing access point to Bradley Road. There is ample space within the application site to provide 3 car -parking spaces, plus further space in the proposed garage. The application therefore accords with Policies LP21 and LP22 of the Kirklees Local Plan.

#### Other matters:

- 10.19 *Electric Vehicle Charging Points* - In line with local and national policy any approval for a new dwelling should include a condition for an electric vehicle charging point. This is to support low-emission vehicles and in the interests of air quality. This would accord with guidance set out in the NPPF (paragraph nos. 105, 110 & 170) and Policy LP24 of the Local Plan.
- 10.20 *Biodiversity* - At the present time, given the site comprises of a well maintained domestic curtilage, it is unlikely to hold any biodiversity interests. Nevertheless, to accord with guidance in the NPPF and Policy LP30 of the Kirklees Local Plan it would be reasonable to condition enhancement measures in the form of bird nesting opportunities, integral to the dwelling to be installed during the construction phase.
- 10.21 *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 emphasis 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.



- 10.22 The proposal would redevelop a brownfield site in a sustainable location with the new dwelling built with far higher levels of insulation than that existing property. The dwelling includes large glazed openings to the southern elevation serving habitable rooms. This would provide good levels of natural light so reducing the use of artificial lighting. In addition, the glazing would provide passive solar gain which would reduce the energy requirements of the property.

### Representations

- 10.23 The amended plans received on the 6<sup>th</sup> March 2020 have been re-publicised and period for comment extended to the 16<sup>th</sup> March. Any comments will be included in the update.

Comments received to this point for the original plans and amendments to this point are summarised below.

### Objections:

- Height of new dwelling disproportionate to the bungalows either side  
**Response:** Officers agree that the increase in scale and mass originally shown would not enhance the character of the area. The amended plans have overcome these concerns.
- Overshadowing  
**Response:** Officers consider that the development originally proposed would result in a significant increase in mass that would potentially overshadow neighbouring occupants. The amended plans have overcome these concerns.
- Loss of light/ privacy from side windows and first floor balcony  
**Response:** The matter is referred to in the report but for clarity it is considered the side windows could be conditioned to be obscurely glazed. The balcony has been removed from the amended plans
- Rear garage would be converted into another home.  
**Response:** The garage has been reduced in size and shows a garage and store and has been assessed on that basis.
- De-value ad properties  
**Response:** This is not considered to be a material planning issue
- No measurements on submitted drawings.  
**Response:** The plans have been drawn to scale
- Damage due to construction work  
**Response:** This is a private matter.
- Loss of a bungalow  
**Response:** This point is noted, the application is assessed on its planning merit.

- Disruption through construction vehicles  
**Response:** Given the proposed scale of development it is not considered appropriate to impose a construction management plan. Nevertheless, if environmental harm is caused during the construction of buildings this can be controlled under the Environmental Protection Act.

Support:

- No 341, built higher than approved set a precedent  
**Response:** The application site has been considered on its own merit. Whilst it is recognised there are larger buildings located on Bradley Road these relate differently to the area and the development around them and as such can be afforded very limited weight to the consideration of this application.
- In balance within the street scene  
**Response:** The scale and mass, as amended, is considered to relate acceptably to the wider street scene.

## 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 constitutes 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:

1. Development to commence within 3 years
2. Development to be undertaken in accordance with the approved plans and specifications
3. Details of screen fencing to side boundaries to be submitted for approval
4. Windows in the side elevations of the dwelling to be obscurely glazed
5. Removal of permitted development rights for extensions, including within the roof, and outbuildings
6. Biodiversity enhancement during construction phase: bird nesting opportunities
7. Provision of electric vehicle charging point within the site
8. Details of walling and roofing materials to be submitted for approval
9. Removal of permitted development rights for additional windows/openings in the side elevations of the dwelling

## Background Papers:

Application web page:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91083>

Certificate of Ownership: Certificate A completed.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Mar-2020

**Subject: Planning Application 2019/93045 Erection of two storey front extension, rear dormer and exterior alterations 84A, Crosland Road, Oakes, Huddersfield, HD3 3PL**

#### APPLICANT

B Singh

#### DATE VALID

19-Sep-2019

#### TARGET DATE

14-Nov-2019

#### EXTENSION EXPIRY DATE

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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**

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**Electoral wards affected: Lindley**

**Ward Councillors consulted: No**

**Public or private: Public**

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## **RECOMMENDATION: Refuse**

1. The proposed extensions, by reason of their siting, scale and design would fail to respect the character and appearance of the host building or the surrounding area. The combined extensions would result in a disproportionate and overly prominent addition to the original dwelling. The front extension would form an incongruous feature in the wider street scene. To approve the development would be contrary to Policy LP24 (a and c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The proposed extensions, by reason of their siting and scale, would result in an unacceptable overbearing and overshadowing impact to a habitable room window within the gable of no. 84 Crosland Road. This would not retain a good standard of amenity for the occupiers of this property contrary to Policy LP24(b) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

### **1.0 INTRODUCTION**

1.1 This application has been brought to Committee as the applicant is related to an elected member. This is in accordance with the Council's Scheme of Delegation set out in the Constitution.

### **2.0 SITE AND SURROUNDINGS**

2.1 84a Crosland Road, Oakes is a detached stone constructed dormer bungalow with a concrete pantile roof. It is located within a predominantly residential area. The properties within the immediate vicinity are mainly semi-detached or detached properties constructed from brick, with those along the north of Crosland Road predominantly being bungalows. Crosland Road slopes gently upwards from south-east to the north-west.

2.2 84a Crosland Road has two small front gables, where the right-hand side comes forward of the property to provide an integral garage. The property also benefits from two small roof lights in the front roof slope and three small rear dormers with no other extensions to the property.

2.3 There is a small garden area to the front and rear of the property where the rear garden slopes down towards the rear boundary, resulting in a raised patio along the rear elevation of the property. Boundary screening consists of fencing down the NW side boundary and mature hedge along the rear and the SE side boundary.

### **3.0 PROPOSAL:**

3.1 Planning Permission is sought to extend the property at first floor to create two additional bedrooms and internal alterations. This would be by extending the front gable to create a first floor and two-storey extension and a rear first floor extension.

- 3.2 The proposal includes a ground floor extension on the front elevation which would extend the existing garage to the side by a further 2.8 metres in width and would project 2.5 metres of the main dwelling, in line with the front wall of the existing garage. The ground floor extension would create a new entrance and WC.
- 3.3 Above the existing garage and newly created entrance a first floor front extension would be built to create two additional bedrooms with a dual pitched roof. This part of the front extension would have a shallower pitch than the existing main roof, the eaves would be 1.5 metres higher than that of the main at 4.2 metres, the ridge over the extension being at the same height as the main roof. The resultant form would be a two-storey gable extension.
- 3.4 A further first floor extension within the roof space is proposed on the rear elevation of the property, located on the north-west corner which would replace one of the existing small dormers. The new rear extension would be built off the existing rear elevation and gable of the property. The extension would extend across the rear elevation by 5.3 metres to create a larger bedroom with en-suite.
- 3.5 The proposal also includes internal alterations to allow the existing staircase to be relocated from the lounge into the new hallway.
- 3.6 The proposed construction materials would be stone for the walls as indicated on the plans, albeit the application form states brick with matching tiles for the roof.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 96/93601 – detached dormer bungalow – Conditional Full Permission
- Condition 4 removes permitted development rights for the erection of any buildings or extension to protect nearby residents.
  - Condition 9 restricts the conversion of the garage to provide adequate parking within the site.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Following concerns raised, with regards to the extensions, in a meeting with the agent, the applicant requested the application to be decided on the original submitted scheme.

#### **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.
- 6.2 The site is without notation within the Kirklees Local Plan.

### 6.3 Kirklees Local Plan

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highways and access
- **LP22** - Parking
- **LP24** – Design

### 6.4 Supplementary Planning Guidance / Documents:

- None relevant

### 6.5 National Planning Guidance:

- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding & coastal change.

## 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was publicised by site notice and neighbour notification letters, where no response was received.

## 8.0 **CONSULTATION RESPONSES:**

8.1 None required

## 9.0 **MAIN ISSUES**

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

## 10.0 **APPRAISAL**

### Principle of development

10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

10.2 The scheme is taking into account local policy guidance within Policies LP1, LP2 and LP24 of the Kirklees Local Plan which supports the guidance contained within the NPPF. Policy LP24 is particularly relevant in this instance in relation to design and states that extensions should be subservient to the original building in terms of scale, materials and details and minimise the impact on residential amenity of future and neighbouring occupiers.

### Urban Design issues

- 10.3 In terms of design, there are few examples of first floor gable extensions to the front of the building in the area with none in Crosland Road of this size and design on a bungalow.
- 10.4 The front extension would result in a particularly prominent two-storey element projecting 2.5m forward of the principal front wall of the bungalow. In order to achieve the accommodation shown in the first floor, the eaves on the new gable would be 1.5 metres above the existing eaves resulting in the roof slope having a shallow pitch with a significant mass of walling below. This would introduce an incongruous feature to this traditional style dormer bungalow
- 10.5 Given that the eaves level would be significantly higher than the existing eaves on the bungalow, resulting in a shallow pitched roof, it would appear at odds with the current roof profile. The side elevation of this extension would appear to be two storeys in height, reinforcing the massing of the extension, appearing as an incongruous addition and subsequently, failing to respect the proportions and form of the original bungalow.
- 10.6 The siting, scale and design of the front extension would visually dominate the existing building and be particularly prominent in the street scene. It would not be subservient to the original building and would result in a structure that would be disproportionate to the original bungalow. This is contrary to policy LP24 of the KLP which requires that .... *“extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*
- 10.7 The proposed second extension to the property would be to the rear, where there would be limited view of the extension from the street. Notwithstanding this, the eaves would be significantly above that of the existing bungalow resulting in a shallow pitched roof, following the design of the front extension. Once again this would appear at odds with the current roof profile, introducing an incongruous feature to this traditional style dormer bungalow
- 10.8 It is therefore considered that both the front and rear extensions would be harmful to the character and appearance of the host dwelling and the surrounding area. The resultant visual impact would appear that the bungalow has a true two-storey addition which would not be subservient or in keeping with the host dwelling and would not accord with Policy LP24 (a and c) of the Kirklees Local Plan or Chapter 12 of the NPPF.

### Residential Amenity

- 10.9 With regards to the impact that the proposal would have on neighbouring property, by creating two large first floor extensions which would be built on the existing gable, consideration has to be given to the impact this would have on the amenity of the neighbouring properties.
- 10.10 It is accepted that no. 84 Crosland Road is at a slightly higher ground level than the application site with a drive width separating the two properties. However, no. 84 has an existing first floor window in the gable, presumably to a bedroom, looking directly onto the existing gable of No 84a. It is considered that the

combined extensions which would enlarge the existing gable creating a new first floor would have an overbearing and overshadowing effect to this window given that the extension is to the south west of the neighbour property and have a total length of 9.8m.

- 10.11 With regards to the neighbour at No.82a, the separation distance between the extension and boundary of No. 82a, and the orientation of the properties to one another, is sufficient to avoid adverse impact through overshadowing or overbearing impact.
- 10.12 With regards overlooking the first-floor front windows are over 30m separation distance with the properties on the opposite side of Crosland Road. With regards the rear extension the property at the rear, no 3 Low Hills Lane, is at an angle with no direct overlooking, again with a separation distance of 25m. It is considered that the properties to the front and rear are at an adequate distance from the extensions to maintain a good level of amenity. Furthermore, there are no windows in the side elevations creating overlooking of the direct neighbours either side.
- 10.13 It is therefore considered that, although there would be no overlooking from the extensions, the proposal is not acceptable in terms of impact on residential amenity with regards to being overbearing and overshadowing of the adjacent neighbour at No 84 and would be contrary to the aims of Policy LP24(b) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

#### Highway safety

- 10.14 As the development would be contained within the roof slope of the dwelling, there would be no alterations to current parking provision albeit it would appear that the existing garage has been converted to provide a store and utility at some point in time, contrary to condition 9 of the original planning permission.
- 10.15 The development would increase the amount of liveable space in the property, but as the property does benefit from 2 off-street parking spaces, it is considered unnecessary to require additional off-street parking to be provided as part of this development. The application therefore accords with Policies LP21 and LP22 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

#### Other matters

- 10.16 *Climate Change* - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.



- 10.17 Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change. The extensions would be built to modern Building Regulations and may help to improve the insulation of the existing building.
- 10.18 *Applicants supporting information* - The applicant has submitted information in support of the application, to show that other properties within the area have had front extensions. The examples provided are assessed below:
- No 3 Low Hills Lane, Oakes – received approval for a room to be built over the existing single storey flat roofed garage. However, in this case the eaves have remained the same and the roof pitch also reflects the host property. Furthermore, in this case the existing garage had a flat roof and the application was to replace this with a pitched roof.
  - No 42 Crosland Road, Oakes - the gable at the front of this property is to a detached garage. It is accepted that to the rear of the property has been extended with two extensions which have been built off the rear elevation, however these are smaller in scale.
  - No 84 Crosland Road - received approval which includes a single storey front extension to the bungalow and not a first floor extension, where the eaves are indicated to follow through. With regards the rear dormer at No 84, it is proposed to be set in from the gable rather than being flush as the application being considered, furthermore rear dormers don't always require planning permission if set back from the gutter. Albeit in this case it has a slight set back allowing access onto the existing flat roof. The property still reads as a bungalow in this case.

#### Representations

10.19 No letters have been received as a result of the publicity.

### **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 means in practice.
- 11.2 The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development does not accord with the development plan and that the adverse impacts of the development would significantly and demonstrably outweigh its benefits with assessed policies within the NPPF taken as a whole. It is therefore recommended that the application be refused.

#### **Background Papers:**

Application web page:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2F93045>

Certificate A signed.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Mar-2020

**Subject: Planning Application 2019/93579 Outline application for erection of detached dwelling with integral garage adj, 7, Drummer Lane, Bolster Moor, Huddersfield, HD7 4JT**

#### APPLICANT

Mr & Mrs Hepworth

#### DATE VALID

01-Nov-2019

#### TARGET DATE

27-Dec-2019

#### EXTENSION EXPIRY DATE

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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**

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**Electoral wards affected: Colne Valley**

**Ward Councillors consulted: No**

**Public or private: Public**

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## **RECOMMENDATION: REFUSE**

1. The application site is within designated Green Belt, whereby as set out in the National Planning Policy Framework (NPPF), the construction of new buildings, subject to certain exceptions are regarding as inappropriate development. Paragraph 145 of the NPPF and paragraph 19.31 of the Kirklees Local Plan sets out when 'infill' development in the Green Belt may be acceptable. The application site is not considered to be located within a village, nor is it within an otherwise continuously built up frontage or largely surrounded by development. As such the proposal is not considered to constitute infill development. Furthermore, the development would harm the openness of the Green Belt by introducing additional built form within an open field that would diminish the open space between the existing buildings and would lead to an encroachment into the countryside. As such the erection of a dwelling on this site would constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt. No very special circumstances exist that clearly outweigh the harm this development would cause to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal. The proposed development would be contrary to the aims of Chapter 13 of the National Planning Policy Framework.

### **1.0 INTRODUCTION:**

1.1 The application is brought to Planning Sub Committee at the request of Ward Councillor Bellamy who has provided the following reason:

*"The site could potentially be seen as infill with regards to there being properties adjacent and also new properties being built on the site on Slades Road, also after reading the report with regards to Bolster Moor being a village, due to it not having a GP surgery or pharmacy there are many other villages that also do not contain these amenities"*

### **2.0 SITE AND SURROUNDINGS:**

2.1 The site relates to land adjacent to 7 Drummer Lane, a self-contained field, surrounded by dry stone walls and a tall evergreen hedge to the South West. To the North of the site is Drummer Lane where in the far northern corner is a field accessed by a 5-bar gate. To the north east is 1 Drummer Lane which is constructed right up to the shared boundary, with habitable room openings looking over the field.

2.2 Surrounding the site is a mix of buildings and uses with residential and farming uses and buildings present. The common construction material is stone.

### **3.0 PROPOSAL:**

3.1 The applicant is seeking outline permission for the erection of one detached dwelling with integral garage. Permission is also sought for access with all other matters reserved.

3.2 As part of this application an indicative site plan has been provided, alongside supporting statements.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

##### 4.1 Application site:

2004/91521 Outline application for residential development – Refused, including reason related to inappropriate development in the Green Belt.

##### 4.2 Wider vicinity:

2002/91106 Change of abattoir and butchers shop to one dwelling – Granted (1 Drummer Lane)

2015/93066 Outline application for demolition of existing buildings and erection of residential development (8 dwellings) – Condition Permission (HI Pylon Works)

2016/91881 Erection of 14 dwellings – Refused and dismissed at appeal (HI Pylon Works)

2017/90989 Erection of 5 dwellings – Granted (HI Pylon Works)

93/04630 Outline application for 16 earth sheltered dwellings and dedicated woodland and nature area – Refused (Bolster Moor Road/Slades Lane)

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

5.1 The officer contacted the applicant to advise that the proposal represented inappropriate development within the Green Belt in principle. This provided an opportunity to set out what ‘very special circumstances’ the applicant considered may exist to clearly outweigh the harm to the Green Belt that would accrue. The applicant put forward that the proposal represents infill within an existing settlement and provided a supporting statement to justify this position; this argument being that the development was not inappropriate in the Green Belt. The application has therefore been assessed on the basis of the submitted plans and additional statement.

#### **6.0 PLANNING POLICY:**

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

The site is located within the Green Belt on the Kirklees Local Plan.

##### 6.2 Kirklees Local Plan

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP21 – Highway safety and access

LP24 – Design

LP30 – Ecology and geodiversity

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

Paragraph 19.31 Limited infilling in villages.

### 6.3 National Planning Guidance:

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.

Chapter 2 – Achieving sustainable development

Chapter 5 – Delivering a sufficient supply of homes

Chapter 12 – Achieving well design places

Chapter 13 – Protecting Green Belt land

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

Chapter 15 – Protecting and enhancing the natural environment

### 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised by site notice and neighbour notification letters. Final publicity expires on 11<sup>th</sup> December 2019. As a result of the above, no representations have been received.

### 8.0 **CONSULTATION RESPONSES:**

8.1 **KC Policy:** Object in principle and consider the additional information does not constitute ‘very special circumstances’.

**KC Environmental Health:** No objection subject to a condition regarding an electric vehicle charging point.

**KC Highway Development Management:** No objection to the proposal, but the only concern would be that the proposed sight lines are potentially over third party land which is outside the red line boundary.

### 9.0 **MAIN ISSUES**

- Principle of development: Green Belt
- Housing Supply
- Residential amenity
- Highway Safety
- Other matters
- Representations

### 10.0 **APPRAISAL**

#### 10.1 **Principle of development: Green Belt**

10.2 The site’s location within the Green Belt requires chapter 13 of the NPPF to be considered in detail. It identifies the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The construction of new buildings within the Green Belt are regarded as inappropriate unless they fall within one of the categories set out within paragraphs 145 and 146 of the NPPF.

- 10.3 The applicant contends that the proposal represents limited infilling within a village, and therefore accords with paragraph 145 (e) of the NPPF. There is no infill policy contained within the Local Plan, however paragraph 19.31 details the LPAs position, setting out:

*19.31 National planning guidance states that new dwellings may not be inappropriate in the Green Belt where they constitute limited infilling within villages. There are a number of smaller settlements in Kirklees which are either overwashed by the Green Belt or inset within it and the level of services contained within these settlements varies considerably. Any application for infill development within the Green Belt will therefore be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. If it is established that the site is within a village the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built up frontage.*

- 10.4 Given that the framework does not provide a definition to what constitutes to a village/settlement, this would be a matter of planning judgement.
- 10.5 The applicant has set out that they consider Bolster Moor to form an existing village because it contains several service uses that would normally be associated with a village. There is a public house, primary school, children's nursery and after school club and also Bolster Moor farm shop and cafe, which now caters for day to day needs because it sells the sort of provisions normally associated with a convenience shop.
- 10.6 It is acknowledged that there are a number of services at Bolster Moor that support the people who live in the area, including the junior and infant school, playgroup and pub as well as the farm shop and cafe. However, Bolster Moor is characterised as an area of sporadic older development dispersed over a wide area, without a core or village centre. The school stands in a somewhat isolated location and serves a large rural catchment. The former chapel is now a nursery and there is a play area. However, there are no other day to day services such as GP, pharmacy, hairdressers or other service or facility normally associated with a village. There is an hourly bus service and a school bus service too but there is little doubt that the residents of the new property would use a private car for most day to day needs. As such Bolster Moor is not considered to be a village for the purpose of Green Belt policy.
- 10.7 Whilst Bolster Moor is not considered to form a village, paragraph 19.31 of the Local Plan sets out other factors to be considered, and for completeness these other matters will be considered. Paragraph 19.31 states that to be considered an infill plot a site should be within an otherwise continuously built up frontage and small, normally sufficient for not more than 2 houses.
- 10.8 The character of Bolster Moor is of sporadic and dispersed settlement in an upland rural landscape, with isolated or small groups of buildings with open space between them, contributing to the strong rural character. The open spaces between the buildings are therefore very important to the openness of the Green Belt. The site fronts Drummer Lane which is one of three roads (Drummer Lane, Bolster Moor Road and Slades Road) forming a 'triangle' of roads with frontage development along them, although Drummer Lane is characterised in the location of the application site by widely spaced properties.

- 10.9 The application site is a green field that creates a sizeable and significant gap between nos. 1 and 7 Drummer Lane. The agricultural land, dry stone wall and lack of footway all contribute to a strong rural character on this road which is not therefore considered to be continuously built up. Opposite the site is a small cluster of older cottages with associated agricultural buildings/stables, which add to the rural character. At approximately 0.13ha in size this plot could accommodate between 4 and 5 houses at a standard density of 35 dwellings per hectare so is not small for the purposes of paragraph 19.31 of the Local Plan. The site cannot therefore be considered to be an infill plot for the purposes of Green Belt policy and would represent inappropriate development.
- 10.10 As set out in paragraph 143 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 details that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.11 The information outlined within the planning statement and email dated the 10th January 2020 are not considered to amount to very special circumstances, as they primarily consider the reasons why Bolster Moor is a village given the surrounding amenities and why the site should be considered as infill given the existing surrounding residential development.
- 10.12 The harm to the Green Belt would come from the introduction of built form, hard surfacing and garden areas on an area which is currently an open agricultural field. Whilst the application seeks outline consent with all matters bar access reserved, an indicative layout has been provided which details a single large detached dwelling with access. Such development would be significantly detrimental to the open and rural character of the area. As one of the purposes of the Green Belt is to safeguard the countryside from encroachment, and the proposal would result in the loss of a small field that adds materially and significantly to the rural character of Drummer Lane, it is considered that the proposal would introduce a significant incongruous urban development to the detriment of the openness of the Green Belt and contrary to the purposes of including the land within the Green Belt.
- 10.13 With regard to the design, given that all matters bar access are reserved, limited indicative detail has been provided, however as set out above there are concerns that in principle the development of the site would be detrimental to the rural character of the local area.
- 10.14 The proposal is therefore considered to represent inappropriate development within the Green Belt and very special circumstances that clearly outweigh this harm and other harm have not been demonstrated. The proposal therefore fails to accord with the requirements of Chapter 13 of the NPPF.



## **Housing Supply**

- 10.15 Turning to matters of housing supply, the council can demonstrate 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).
- 10.16 Recent amendments to National Planning Practice Guidance have revised the Housing Delivery Test measurement for local planning authorities and a technical note on the process used in its calculation. Results for 2018 (published 19th February 2019) show that housing delivery in Kirklees over the period 2015-2018 was 75% of the number of homes required by the test. This means that the council must produce an Action Plan within six months of the test results being published and continue to apply a 20% buffer to the five year housing land supply requirements. In summary the council can currently demonstrate a 5-year supply of deliverable housing sites, with appropriate buffer. Notwithstanding this, windfall sites also help contribute to housing delivery.
- 10.17 Whilst acknowledging that the site would provide for new housing at a time of general shortage, this provision has to be balanced against other material planning considerations. As set out above, the harm to the Green Belt is considered to be significant and the provision of housing is considered not to outweigh this harm. Furthermore, policy LP7 of the KLP establishes a desired target density of 35 dwellings per hectare. If this density level is used for the application site, it could accommodate between 4 and 5 units which would intensify the harm to the openness of the Green Belt.

## **Residential Amenity**

- 10.18 The application is at outline stage with the matters of scale, appearance and layout reserved, therefore the impacts of the proposed development would have on the amenities of the occupants of the neighbouring properties cannot fully be assessed at this stage.
- 10.19 Nonetheless, Policy LP24 of the Kirklees Local Plan states that "good design should be at the core of all proposals by ensure that development provides a high standard of amenity for future and neighbouring properties". This is also reiterated in Chapter 12 of the National Planning Policy Framework. The impact of the development on each property will be assessed in turn.
- 10.20 7 Drummer Lane is the neighbouring property to the South West of the application site. The scheme is likely to have some impact on these neighbour's amenity, as the site is currently vacant from any built form. Whilst the overall scale and massing cannot be established as part of this application, there is existing substantial boundary treatment between the sites which would alleviate some of the impact.
- 10.21 In terms of habitable windows, it appears that the main outlook at no.7 is to the North West and South East which would provide the opportunity for a dwelling to be designed to retain an acceptable level of amenity for this property. Control over window openings and scale could also ensure that the impact is acceptable.

- 10.22 1 Drummer Lane is the neighbouring property to the North East of the application. It is likely that there would be some impact on these neighbour's amenity given the fact that the property is situated on the shared boundary with the application site. Alongside this, the dwelling benefits from various openings within its South Western facing elevation which look directly across the application site. For these reasons, concern is raised in terms of a potential loss of privacy for these neighbours and the future occupants of the new dwelling. Nevertheless, it has been considered that any undue impact could be overcome by appropriate landscaping and control over layout and appearance, to be assessed in a reserved matters application.
- 10.23 2 and 6 Drummer Lane are the neighbouring properties to the North West of the application site. Given that there would be an acceptable separation distance of at least 23m retained, a proposed dwelling is unlikely to have any significant impact on these neighbour's amenity.
- 10.24 Based on the details held, officers are satisfied that an acceptable level of amenity could be retained at the neighbouring sites. This would be in accordance with Policy LP24 of the Kirklees Local Plan.

### **Highway safety**

- 10.25 The application seeks approval for details of access. The site is around 7m from the junction with Slades Lane and the proposed access is shown to be at the furthest point from the junction; taken directly from Drummer Lane via a private driveway formed in the drystone wall. The submitted plans show 2.4 x 43 sight lines from the access from Drummer Lane, alongside off-street parking and internal turning arrangements.
- 10.26 The site is considered to be a sufficient size to accommodate parking and internal vehicle turning. The proposed gates are shown to be set back into the site at a distance of 5.5m from the carriageway edge which should allow a vehicle to pull off the highway in front of the gates.
- 10.27 The impact of the development on highway safety has been assessed against Policies LP21 and LP22 of the Local Plan which seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Based on the submitted details the proposed would accord with the aforementioned policies.

### **Other matters**

#### *Air quality*

- 10.28 In accordance with government guidance on air quality mitigation outlined within Policies LP24 and LP51 of the Kirklees Local Plan, it is considered reasonable and necessary to seek air quality enhancement as part of this application. Therefore, if minded to approve, a condition could be imposed requiring the provision of an electric charging vehicle point within the site.

### *Climate change*

10.29 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.30 In this case, it has been considered that the proposed development would have a negative impact on climate change as it would result in the development of a greenfield site in an unsustainable location where future residents would be reliant on the private car. Although any new dwelling would be constructed to modern building standards and could be designed to be thermally efficient and include an orientation which supports solar gain, this does not outweigh the concerns regarding the principle of development.

### *Foul sewerage*

10.31 The submitted information outlines that the foul sewage will be disposed of through a Mains Sewer at no. 7 Drummer Lane. This has been considered satisfactory for the scale of development and it considered to comply with the aims of Policy LP53 of the Kirklees Local Plan.

### *Ecology*

10.32 The site is an open agricultural field which is considered to be of low ecological value. The development whilst having all matters reserved could secure appropriate ecological enhancement measures which could be secured by condition.

### **Representations**

10.33 No representations have been received as a result of the above publicity.

## **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. In this instance, the development proposed does not accord with paragraph 19.31 of the Local Plan or Policies within Chapter 13 of the NPPF. The application of policies in the NPPF that protect areas of particular importance, in this case Green Belt, provides a clear reason for refusing the development proposed.

### **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/93579>.

Certificate A signed.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Mar-2020

Subject: Planning Application 2019/90925 Erection of 13 dwellings land south of, 5-25, Clay Well, Golcar, Huddersfield

#### APPLICANT

Dax Bradley, Brierstone  
Ltd

#### DATE VALID

22-Mar-2019

#### TARGET DATE

21-Jun-2019

#### EXTENSION EXPIRY DATE

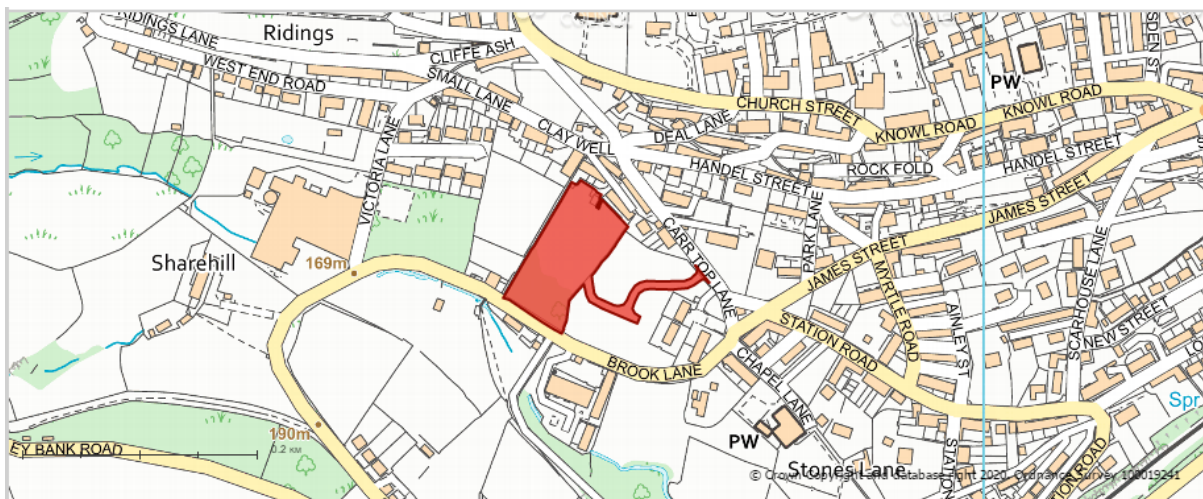
24-Jul-2019

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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

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Electoral wards affected: Golcar

Ward Councillors consulted: Yes

Public or private: Public

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## **RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development 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 – Three affordable housing units (two affordable/social rent, one intermediate) to be provided in perpetuity.
- 2) Open space – £78,486 off-site contribution, and an additional contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153) and the cumulative impacts of both developments require mitigation.
- 3) Education – Contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153), the education contribution threshold (by both developments considered together) is met, and the cumulative impacts of both developments require mitigation.
- 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport.
- 5) 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).
- 6) Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent site (site allocation ref: HS153) without unreasonable hindrance.

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 Planning and Development 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 Planning and Development 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 13 dwellings.
- 1.2 The application is presented to the Huddersfield Sub-Committee as it relates to a site larger than 0.5 hectares in size and has attracted a significant volume of representations.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is 0.74 hectares in size and comprises site allocation HS158 (allocated for housing) and the estate road that is under construction through the adjacent site to the east.
- 2.2 The site is within the Golcar Conservation Area. To the north of the site is a terrace of five Grade II listed cottages at 17-25 Clay Well, and the Grade II listed former factory/warehouse and dwellings at 27-29 Clay Well. To the southwest is a Grade II listed group of back-to-back buildings at 54, 54A, 56 and 58 Brook Lane. Undesignated heritage assets within and close to the site include footpaths, dry stone walls and field patterns.

2.3 The site slopes downhill from north (approximately 190m AOD) to south (approximately 170m AOD). No buildings exist within the site's boundaries, the site has previously been in agricultural use, and is previously undeveloped (greenfield) land. Parts of the site are overgrown with self-seeded trees and shrubs, giving the site a ruderal character, although some clearance and movement of earth has recently occurred in connection with the development of the adjacent site. Tree Preservation Order 06/15/w1 protects the woodland within the southern part of the site, and the conservation area status of the site bestows protection on other trees. A Biodiversity Opportunity Zone (Valley Slopes), an SSSI Impact Risk Zone, and a Twite buffer zone cover the site.

2.4 A public footpath (COL/56/40) runs along the site's west boundary.

2.5 Land immediately to the west and east is also allocated for housing (site allocations HS153 and HS157).

### **3.0 PROPOSAL:**

3.1 The applicant seeks full planning permission for the erection of 13 dwellings.

3.2 A new estate road is proposed as an extension to the estate road of the adjacent development (Hillcrest View, currently under construction), continuing north-westwards across the site and meeting the public footpath that runs along the site's western edge.

3.3 Dwellings would be arranged along this new estate road, provided as five detached houses, a pair of semi-detached houses, and in two short terraces. Nine 3-bedroom and four 4-bedroom dwellings are proposed. 12 of the proposed dwellings would have 3-storey elevations to one side, 2-storey elevations to the other. Natural stone walls and natural slate roofs are proposed.

3.4 No publicly-accessible open space is annotated on the applicant's drawings.

3.5 All dwellings would have off-street parking. Nine of the proposed dwellings would have integral garages.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2017/93719 – Outline planning permission granted 14/03/2018 for residential development with details of point of access only.

4.2 95/90501 – Outline planning permission refused 31/03/1995 for approximately 23 residential dwellings.

4.3 94/93595 – Outline planning permission refused 10/01/1995 for approximately 23 residential dwellings.

4.4 The adjacent site to the west was granted outline planning permission for residential development (with details of access) on 14/03/2018 (ref: 2017/93638).

4.5 The adjacent site to the east was granted outline planning permission for residential development on 09/09/2015 (ref: 2015/90507), and reserved matters approval for a 19-unit scheme was subsequently granted at appeal on 14/11/2019 (refs: 2018/92848 and APP/Z4718/W/19/3229696). That scheme is currently under construction.

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

5.1 During the life of the current application, the applicant submitted amended site layout plans, floor plans and elevations, vehicle tracking diagrams, and additional information related to drainage and flood risk.

## **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 Site allocation HS158 relates to 0.64 hectares (gross) / 0.43 hectares (net, excluding the mixed deciduous woodland), sets out an indicative housing capacity of 14 dwellings, and identifies the following constraints:

- Part of the site contains Habitats of Principal Importance.
- Public right of way runs along the western boundary of the site.
- The site is within a Conservation Area.

6.3 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:

6.4 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 Interim Affordable Housing Policy (2020)
- 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)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Golcar Conservation Area (character appraisal) (undated)

Climate change

- 6.4 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

National Planning Policy and Guidance:

- 6.5 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.

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

6.7 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – national described space standard (2015, updated 2016)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

## **7.0 PUBLIC/LOCAL RESPONSE:**

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

7.2 The application has been advertised via three site notices posted on 29/03/2019, an advertisement in the local press dated 12/04/2019, 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 07/05/2019.

7.3 35 representations were received from occupants of neighbouring properties. The following is a summary of the points raised:

- Objection to principle of development at this site. Development here was previously rejected. Houses already being built elsewhere. Affordable homes should be built in more suitable locations instead. Brownfield sites should be used instead.
- Proposed development would bring no public benefit and is speculative.
- Overcrowding of Golcar.
- Site is green belt land and should not be built on.
- Golcar's green spaces are being eroded.
- Harm to character of Golcar. Charm and atmosphere of Golcar has already been harmed by development. Golcar becoming a commuter village.
- Harm to conservation area.
- Harm to setting of adjacent listed buildings.

- Landscape harm. Site forms foreground to views of Golcar from Wellhouse and the Colne Valley. These views (which also take in listed buildings, the Colne Valley Museum, St John's Church and many weavers cottages) would be ruined.
- Proposed dwellings not in keeping with local vernacular. Crudely-designed detached and semi-detached houses wouldn't respect early 20<sup>th</sup> century terraced housing. Grey materials inappropriate. Wrong, cheap and artificial materials being used on adjacent site. Houses on adjacent site are too big, obtrusive, overstated and ostentatious. South boundary wall of adjacent development is a monstrosity.
- Protected washhouse exists on the site.
- Proposed dwellings would not be eco-friendly or carbon neutral. Increased carbon emissions.
- Loss of trees and shrubs. Trees already felled. In light of the climate crisis, trees should be planted and not cut down. Loss of trees contrary to conservation area appraisal. Trees needed to maintain oxygen levels.
- Loss of wildlife habitat. Impact on bats. Query if bat survey carried out. Deer seen in February 2019. Other species are present. Development is contrary to statutory duty to conserve and enhance biodiversity.
- Site's geology should be conserved.
- Pesticides should not be used to clear site's vegetation, as this has already damaged adjacent fruit trees.
- Site is needed for drainage. Loss of vegetation and covering land with hard surfaces would adversely affect drainage. Increased flood risk to James Street. Natural springs would be compromised.
- Loss of amenity to existing residents.
- Increased noise and disturbance.
- Increased air pollution.
- Loss of privacy at 1 to 25 Clay Well.
- Loss of natural light.
- Loss of views from neighbouring properties.
- Proposed dwellings would not be affordable. Housing problems would not be solved.
- Highways concerns. Increased traffic and congestion. Conflicts between road users, and increased risk of collisions. Lanes lack footways, and are heavily parked. Danger to pedestrians, including schoolchildren. Near misses have occurred on local narrow lanes. Carr Top Lane is steep, is a rat run, and is in poor condition. Existing problems would be exacerbated. Local roads were not designed for this amount of development. Emergency services already struggle to access properties. If approved, Section 106 funding should be used to resolve existing problems, with traffic and speed control measures to Carr Top Lane. Carr Top Lane is already at capacity. Carr Top Lane should be made one-way. Parking inadequate in nearby streets. Independence of road traffic survey questioned.
- Adverse impact on ginnels and snickets of old Golcar.
- Local residents' bins are not emptied.
- Disturbance, dust and road closures during construction.
- Infrastructure of Golcar cannot cope. School and doctor services inadequate.
- Cumulative impacts of Swallow Lane and Leymoor Road developments will cause adverse impacts.
- Adjacent development had to be stopped due to structural concerns.

- Impact on property values.
- Consultation event has been arranged at an inconvenient time during weekday working hours.
- Approval of development is already a done deal.
- Developer should pay compensation to residents.
- Support for application. No fatalities have occurred on Carr Top Lane. Parking has been an issue for decades, residents park where they see fit, and create the problems themselves. Potholes can be found on most streets. Site is overgrown and has nothing of worth. Deer never seen in Golcar. No problems getting doctor appointment. Local school is not oversubscribed. Residents of new development may already be Golcar residents, and not all will have children or require medical attention. Dwellings would add to local beauty and local economy.

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

7.5 Amendments made, and additional information submitted, during the life of the application did not necessitate public re-consultation. The amendments to the typologies and orientation of the proposed residential units do not have significant implications for neighbour amenity. Local re-consultation is not normally considered necessary when technical supporting information is submitted by applicants.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

KC Highways Development Management – Proposed development is acceptable in highways terms, subject to conditions. Proposed layout is of a similar design to the adjacent scheme. Proposed development, including forward visibility and gradients, must be in accordance with the Highway Design Guide SPD – this will be addressed at conditions stage. Adequate tracking for an 11.85m refuse collection vehicle has been demonstrated. Adequate off-street parking would be provided for a development of this scale. Conditions recommended regarding surfacing and drainage of parking areas, details of internal adoptable roads, and details of waste storage and collection.

KC Lead Local Flood Authority – Recommend approval. Applicant has provided further information regarding the proposed flow route in the event of drainage failure. These details are considered satisfactory. No conditions necessary.

### 8.2 Non-statutory:

Yorkshire Water – (comments dated 16<sup>th</sup> April 2019) In accordance with the water disposal hierarchy, applicant must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to the public sewer. Only as a last resort (and subject to providing satisfactory evidence as to why other methods have been discounted) curtilage surface water may discharge to the public sewer network. This must be restricted to 3.5 litres per second. A watercourse exists to the south of the site and appears to be the obvious option for sustainable surface water disposal. Recommend condition requiring separate systems of foul and surface water drainage.

KC Biodiversity Officer – Cannot support proposals, as it has not been demonstrated that the proposals are in accordance with Local Plan policy LP30. Applicant has only submitted a Preliminary Ecological Appraisal (PEA), which includes recommendations for further survey. PEA does not include the results of an ecological records search. Based on the applicant's information, it is not possible to assess the application against biodiversity policy. It is not clear if significant ecological harm will occur, or whether a biodiversity net gain would be achieved. Ecological Impact Assessment (EclA) required.

KC Environmental Health – Five conditions recommended regarding site contamination. Condition recommended to secure provision of electric vehicle charging points. Condition recommended regarding dust suppression. Advice provided regarding site contamination and construction noise.

KC Landscape – £78,486 off-site open space contribution required. Golcar ward is deficient in all open space typologies.

KC Strategic Housing – 20% affordable housing provision required. On-site provision is preferred. In the Kirklees Rural West area there is a significant need for affordable 1- and 2-bedroom homes, as well as 1- and 2-bedroom affordable homes specifically for older people. Kirklees works on a 55% social/affordable rent / 45% intermediate split, although this can be flexible. If the applicant could not consider including some affordable 1- and 2-bedroom dwellings, a financial contribution in lieu of three affordable dwellings would be appropriate.

KC Trees – Golcar Conservation Area provides protection to all trees over 75mm diameter, and some trees are protected by Tree Preservation Order 06/15/w1. Proposed development would impact upon many trees, including all the trees north of the site's woodland. Applicant's tree information provides a useful baseline assessment, however it is not clear to what extent the tree stock would be affected by the proposals. Concern regarding the proposed levels, and how these would be achieved in close proximity to retained trees. Concern regarding driveways in relation to trees. These matters would need to be addressed in an Arboricultural Method Statement, to enable the full impact of the proposals to be assessed.

West Yorkshire Police Crime Prevention Design Advisor – no objection in principle. Public footpath between Clay Well and Brook Lane provides an easy point of access and an ideal escape route for offenders. Units 1 to 6 would have a rear boundary to the woodland which leads to the footpath. Rear gardens should be overlooked by neighbouring properties. 1.8m high rear boundary treatments and plot dividers recommended. Trellis recommended to top of fencing. 1.8m high lockable gates recommended. Detailed guidance provided regarding lighting, doors and windows, car parking, garages and cycle storage, and alarms.

## **9.0 MAIN ISSUES**

- Land use and principle of development
- Sustainability and climate change
- 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 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 comprises site allocation HS158 (allocated for housing), to which full weight can be given. It is also noted that outline planning permission for residential development has already been granted at this site (ref: 2017/93719, granted 14/03/2018).
- 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 13 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan.
- 10.6 An Ordnance Survey map dated 1955 annotated part of the site as "Allotment Gardens", however that use has ceased, and aerial photographs do not show any cultivation in recent years (unlike at the land to the west, where some cultivation was evident in 2012). At the time the previous application for this site was considered, limited weight was attached to this previous use of part of the site. Officers noted that the site was privately owned, and that refusal of planning permission would not have resulted in local demand for allotments being met, as the council has no authority to allocate private allotments to people on the council's waiting list.

## Sustainability and climate change

- 10.7 The applicant's submission documents do 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) and electric vehicle charging 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.
- 10.8 The application site is a sustainable location for residential development, as it is relatively accessible and is at the edge of an existing, established settlement relatively close to sustainable transport options and other facilities. The site is not isolated and inaccessible.
- 10.9 Golcar has pubs, convenience shops, a post office, a pharmacy, churches, schools, a library, eating establishments, the excellent Colne Valley Museum, and other facilities, such that many 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.
- 10.10 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

- 10.11 Chapters 11, 12 and 16 of the NPPF, and Local Plan policies LP2, LP5, LP7, LP24 and LP35 are relevant to the proposed development in relation to design and conservation, as is the National Design Guide.
- 10.12 Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the council to pay special attention to the desirability of preserving or enhancing the character and appearance of the Golcar Conservation Area when determining this application.
- 10.13 The site and its context have a relatively high degree of townscape, landscape and heritage sensitivity, due to the site being located within the Golcar Conservation Area, its hillside location, and its visibility from the other side of the subsidiary valley that runs northwest-southeast between Golcar and Wellhouse.
- 10.14 The relevant conservation area character appraisal defines Golcar as a large, closely-knit hillside village of picturesque quality and special architectural and historic interest. The appraisal notes that the settlement's location on the steep hillside above the valley of the River Colne (and the subsidiary valley) gives it a highly dramatic setting, reminiscent of an Italian hill village. The subsidiary valley is identified as a defining influence on the character of the village, as is the village's organic form and limited formal planning. Important vistas north-eastwards from the bottom of the subsidiary valley and Albion

Mill are also noted, and the appraisal suggests that when Golcar is viewed from here the natural landscape appears to frame the village. The hillside's green space is identified as a buffer that prevents the settlements of Golcar and Wellhouse from merging, thus protecting the character and setting of both areas. Tree coverage is identified as quintessential to Golcar's character, and panoramic views of the settlement reiterate the importance of trees to Golcar, creating extra interest, depth and character in the area. The surrounding landscape makes a vital contribution to the character and setting of Golcar, the topography creating a panorama not apparent in other areas. Steep slopes and footpaths, stone steps and narrow lanes with homogeneous vernacular stone architecture characterise the settlement. Golcar has several dry stone walls defining fields, open spaces and earlier boundaries, all of which impart character. Golcar's early settlement pattern is still visible, the urban grain of the conservation area is characterised by small linear plots, and there are few detached properties.

- 10.15 Another notable aspect of the Golcar Conservation Area is the orientation of many of its buildings. Within the conservation area, many streets including Ridings Lane, West End Road, Small Lane, Handel Street and Church Street follow the contours of the hillside, so that where the slope runs north-south, these streets run east-west, and the buildings on these streets are similarly aligned in accordance with the topography. This pattern of development is particularly noticeable from public vantage points including along Copley Bank Road on the other side of the subsidiary valley between Golcar and Wellhouse. Although some buildings within the conservation area do not follow this pattern of development, and have massing that stands perpendicular to the contours of the hillside, these are exceptions, and the predominant pattern (which influences the character of the conservation area) is of buildings that are aligned with the east-west streets.
- 10.16 Of note, although three dwellings set perpendicular to the site's slope were recently granted planning permission at the adjacent site (refs: 2018/92848 and APP/Z4718/W/19/3229696), the majority of dwellings in that 19-unit scheme would be more respectful of the hillside's predominant pattern of development.
- 10.17 For the current application, the applicant's Design and Access Statement only briefly refers to the relevant conservation area character appraisal, and does not refer to the orientation of existing buildings on this hillside. The applicant appears not to have referred to the officer assessments set out in the committee reports for applications refs: 2017/93719 and 2017/93638, both of which called for "An improved design, with a layout that responded positively to the buildings to the north (including the predominant east-west orientation of buildings along the village's hillside lanes...).". The current applicant, as a result, initially proposed built elements that would have been set perpendicular to the site's slope and to the massing of the majority of existing buildings within the Golcar Conservation Area, which would not have reflected the adjacent predominant patterns of massing and orientation, and would have caused harm to the conservation area's character and appearance.



- 10.18 In response to officer advice, the applicant submitted amended proposals during the life of the current application. Unit 4 and 5 (previously proposed as two detached dwellings) are now proposed as a semi-detached pair. Unit 6 to 11 (previously proposed as three pairs of semi-detached dwellings) are now proposed as two short terraces (each of three dwellings), which is more reflective of the terraces of dwellings further up the hillside. Elevations and roof forms have been reoriented to respond to the adjacent predominant patterns of massing and orientation. The applicant also rotated and nudged units to give the development's layout a less regimented appearance.
- 10.19 The proposed three-storey elevations are considered acceptable. Southwest-facing three-storey elevations already exist nearby at 41 and 43 Carr Top Lane and elsewhere on this hillside, and three-storey elevations have been approved for dwellings at the adjacent site to the east (refs: 2018/92848 and APP/Z4718/W/19/3229696).
- 10.20 As a result of the changes made by the applicant during the life of the current application, the proposed development is now sufficiently reflective of the predominant patterns of development on this hillside. The proposed massing and grain would be an acceptable response to the site's context. Although the relevant character appraisal notes that there are few detached properties within the conservation area, the proposed five detached dwellings are considered acceptable, given their location, the surrounding trees to be retained, and the terraced and semi-detached dwellings proposed as part of the same development.
- 10.21 Although the application site's challenging topography will necessitate some levelling to enable the creation of development platforms and the provision of acceptable gradients along the proposed estate road, this would be relatively limited, and changes in levels would be largely accommodated through the use of differing front and rear elevation heights (most south-facing elevations would have three storeys, while most north-facing would have two), reducing the need for excavation and retaining walls. This is considered to be an appropriate response to the site's challenges, as developers are normally expected to work with a site's existing topography, rather than radically reshape it.
- 10.22 Local Plan policy LP5 (regarding masterplanning) is relevant to this application, not least because land immediately to the east and west is also allocated for housing. Local Plan policy LP7 is also relevant, and states that, to ensure the best use of land and buildings, proposals must allow for access to adjoining undeveloped land so it may subsequently be developed. Paragraph 6.41 of the Local Plan states that the council will continue to positively support measures to ensure the best use of land and buildings, including through the application of relevant policies to ensure land is not sterilised for development.
- 10.23 Although the adjacent allocated site to the west (ref: HS153) can be accessed from Fullwood Drive (as was approved by the council under outline permission ref: 2017/93638), access from the east (via Hillcrest View and Carr Top Lane) would be preferable in highways terms, as traffic would not have to negotiate the gradients and other challenges of Victoria Lane. Highways Development Management officers have confirmed that the recently-constructed Hillcrest View / Carr Top Lane junction can indeed accommodate the expected traffic of allocated sites HS153, HS158 and HS157.

- 10.24 To address these concerns, and to help avoid creating a ransom strip scenario, the applicant has agreed to extend the proposed estate road to the site's western edge (where it would meet the adjacent public footpath), and to build this road to an adoptable standard. In addition, an appropriate obligation (to be secured via a Section 106 agreement) is recommended, requiring to applicant to allow vehicular, cycle, pedestrian and construction access to site ref: HS153 without unreasonable hindrance.
- 10.25 With regard to crime prevention, it is noted that units 6 to 12 would partly complete a perimeter block with 5 to 25 Clay Well. Limiting exposure of rear gardens to public access in this way would reduce opportunities for unauthorised access and burglary. There would, however, be parts of the proposed development where garden fences abut the adjacent public footpath (COL/56/40) – here, careful design of boundary treatments and defensive planting will be necessary. Units 5 and 6 would present several windows (including windows of habitable rooms) to the adjacent footpath, which would provide welcomed natural surveillance of this north-south route. Other than the woodland area that forms the southern part of the site, no outdoor areas would be outside garden curtilages, so that there would be no ambiguous, leftover spaces at risk of anti-social behaviour such as fly-tipping. A condition related to crime and anti-social behaviour prevention measures is recommended. The recommended condition relating to boundary treatments will require security measures to be designed into the proposals, along with measures to limit the visual impact of boundary treatments at this highly-visible hillside site within the Golcar Conservation Area.
- 10.26 Off-street car parking is proposed in front or side driveways, and/or in integral garages. With appropriate landscaping, the proposed car parking would not have an overdominant or otherwise harmful visual or streetscape impact.
- 10.27 Regarding materials, section 7 of the applicant's application forms indicates that natural stone with grey mortar would be used for the walls of the dwellings, that natural blue slate roofs are proposed, and that grey UPVC windows and grey GRP door would be used. Subject to details (and samples, if necessary) being submitted at conditions stage, and having regard to the materials approved at the adjacent site to the east, this palette of materials is considered acceptable for this site within the Golcar Conservation Area.
- 10.28 The route and gradients of the proposed development's estate road would help prevent surface water running into or pooling within residential curtilages, and ground levels and kerbs will need to be designed to direct any surface water flow away from building thresholds.
- 10.29 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.

- 10.30 With 13 units proposed in a site of 0.74 hectares, a density of only 18 units per hectare would be achieved. It is noted, however, that the site area (0.74 hectares) includes the estate road through the adjacent development, and the protected woodland in the southern part of the site. Subtracting these areas, the applicant has asserted that the developable area is only 0.49 hectares (which, with 13 units proposed, results in a density of approximately 27 units per hectare), however it is reasonable to also note the site's other constraints and exclude other areas from this calculation – the site's challenging topography limits the site's developable space, and adequate spacing needs to be maintained between the new dwellings and the existing properties to the north on Clay Well. The proposed development must also take its cue (at least partly, in terms of quantum, density and layout) from existing adjacent development and the character and appearance of the Golcar Conservation Area, and it must again be noted that tree coverage is quintessential to Golcar's character. Furthermore, the proposed number of units (13) is close to the indicative site capacity figure (14) for site allocation HS158, and the number of units (14) indicatively shown on drawings submitted under the previous application for outline planning permission (ref: 2017/93719).
- 10.31 With all these matters taken into account, although the proposed density falls short of the 35 units per hectare density specified (and applicable "where appropriate") in Local Plan policy LP7, it is recommended that the proposed quantum of development, and its density, be accepted.
- 10.32 The applicant's Design and Access Statement asserts that the proposed development would not cause harm to local heritage and character due to its design and materiality. This was not accepted, given the harm that the initial proposals would have caused due to the inappropriate orientation of dwellings and other concerns. However, with the amendments made during the life of the current application, it is considered that the proposed development would not cause harm to the Golcar Conservation Area, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant sections of Local Plan policy LP35 would be complied with.
- 10.33 Similarly, given the amendments made to the proposals, and the acceptable design (including scale, grain, orientation and materials) of the proposed dwellings, it is considered that the proposed development would not harm the significance (including the setting) of the nearby listed buildings at 17-29 Clay Well and 54, 54A, 56 and 58 Brook Lane. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (which requires the council to have special regard to the desirability of preserving the setting of adjacent listed buildings) and the relevant sections of Local Plan policy LP35 would therefore be complied with.
- 10.34 Additionally, and in light of the above assessments, it is considered that the relevant requirements of chapters 11, 12 and 16 of the NPPF, and Local Plan policies LP2, LP5, LP7, LP35 and LP24, 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

- 10.35 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.
- 10.36 Acceptable separation distances are proposed between the proposed dwellings and existing neighbouring properties. Having regard to the site's topography, the proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook. Although distances of less than 21m would be maintained between the rear elevations of unit 9 to 12 and 5-15 Clay Well, this is considered acceptable due to the significant difference in levels – the eaves of the proposed units would be lower than the ground floor level of the existing dwellings to the north.
- 10.37 In terms of noise, although residential development would increase activity and movements to and from the site (and passing the already-occupied units at Hillcrest View, as well as existing dwellings on Brook Lane and James Street), given the quantum of development proposed, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently incompatible with existing surrounding uses.
- 10.38 A condition requiring the submission and approval of a Construction Management Plan (CMP) is recommended. The necessary discharge of conditions 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 dust suppression measures and temporary drainage arrangements would need to be included in the CMP. An informative regarding hours of noisy construction work is recommended.
- 10.39 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.40 The applicant proposes:
- Unit 1 – detached, 4-bedroom, integral garage – 166sqm
  - Unit 2 – detached, 4-bedroom, integral garage – 166sqm
  - Unit 3 – detached, 4-bedroom, integral garage – 166sqm
  - Unit 4 – semi-detached, 3-bedroom – 123sqm
  - Unit 5 – semi-detached, 3-bedroom – 123sqm
  - Unit 6 – terraced, 3-bedroom – 130sqm
  - Unit 7 – terraced, 3-bedroom, integral garage – 111sqm
  - Unit 8 – terraced, 3-bedroom, integral garage – 111sqm
  - Unit 9 – terraced, 3-bedroom, integral garage – 111sqm
  - Unit 10 – terraced, 3-bedroom – 130sqm
  - Unit 11 – terraced, 3-bedroom, integral garage – 111sqm
  - Unit 12 – detached, 3-bedroom, integral garage – 161sqm
  - Unit 13 – detached, 4-bedroom, integral garage – 143sqm

- 10.41 All units would have three or four bedrooms. This is unfortunate, as a more varied unit size mix would have catered for a wider range of household sizes, would have helped create a mixed and balanced community, and would have helped to avoid visual monotony across the site. Furthermore, it is noted that Local Plan policy LP5e requires masterplanned developments to provide for a mix of housing that addresses the range of local housing needs and encourages community cohesion (although specific proportions of units sizes are not set out in the policy). While this aspect of the proposed development is a shortcoming that attracts negative weight in the balance of planning considerations, it is not recommended that planning permission be withheld on these grounds.
- 10.42 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. All 13 units would comply with this guidance, which is welcomed.
- 10.43 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.
- 10.44 All dwellings would have WCs at their entrance level, providing convenience for visitors with certain disabilities. All units would have ground floor bedrooms, ground floor habitable rooms that could be converted to bedrooms, or garages that could potentially be converted to bedrooms (involving external alterations), which could help enable members of households with certain disabilities to remain resident.
- 10.45 All of the proposed dwellings would be provided with adequate private outdoor amenity space.
- 10.46 Regarding open space, it is accepted that on-site provision of most types of open space would not be suitable for this sloped site. A financial contribution would instead be required. This would be based on the 13 units currently proposed (having regard to local provision, and any on-site provision that could be offered by the applicant – it is noted that, in some cases, woodland can provide some of the attributes of open space), with an additional contribution required in the event that development comes forward at the adjacent site (site allocation ref: HS153) and the cumulative impacts of both developments require mitigation. Based on the 13 units proposed, and with no details of publicly-accessible open space annotated on the applicant's drawings, a contribution of £78,486 would be required.
- 10.47 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, boundary treatment and management. Details of improvements (and the proposed pedestrian connection) to the adjacent public footpath would also be required.

### Affordable housing

- 10.48 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.
- 10.49 To comply with policy LP11, three of the proposed 13 units would need to be affordable, as 20% of 13 units is equivalent to 2.6 units. Three affordable units represents a policy-compliant 23% provision. In accordance with the 55%/45% tenure split detailed above, two of these units would need to be for social or affordable rent, and the other would need to be intermediate. Notwithstanding the advice of the council's Strategic Housing officers, given on-site provision is preferred, it is recommended that three of the proposed development's units be secured as affordable housing via a Section 106 agreement.
- 10.50 Given the size of the proposed development (and given that only three affordable units are required), it is accepted that opportunities for pepper-potting affordable housing around the site are limited. All units would be of an appropriate design, all would have three or four bedrooms, and the same materials and similar 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

- 10.51 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.
- 10.52 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.
- 10.53 Vehicular access would be provided via the adjacent site to the east. The estate road of that development (Hillcrest View, currently under construction) would be extended into the current application site, continuing north westwards across the site and meeting the public footpath that runs along the site's western edge. This is considered appropriate, and the applicant has demonstrated adequate tracking and turning space for an 11.85m refuse vehicle along this extended estate road.

- 10.54 The applicant's Transport Statement predicts trip generation of approximately seven two-way vehicle movements in the morning peak hour and approximately eight two-way movements in the evening peak hour. This is not considered significant in the context of local highway capacity. The concerns of residents regarding existing congestion are noted, however the local highway network nonetheless would not be severely impacted by the anticipated number of additional vehicle movement.
- 10.55 Although not assessed in the applicant's Transport Assessment, it is considered that pedestrian, cyclist and public transport trips are also likely to low and can be accommodated by the existing pedestrian and public transport infrastructure. Pedestrian infrastructure surrounding the site is mixed, with several local streets lacking footways, however a footway exists on the south side of Carr Top Lane and the southeast side of James Street, and residents of the proposed development would be able to make use of public footpath COL/56/40, to which a pedestrian connection is proposed. This connection would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e, and is welcomed. Appropriate adjacent boundary treatments, landscaping, and details of the pedestrian connection can be secured to ensure the usability and attraction of the footpath is not significantly reduced.
- 10.56 A development of this size would not normally trigger a need for the submission and implementation of a Travel Plan, however measures to encourage residents of the proposed development to use more sustainable modes of transport (including public transport, walking and cycling) should be secured via Section 106 obligations.
- 10.57 Regarding the proposed development's internal arrangements, compliance with the council's Highway Design Guide SPD would need to be demonstrated at conditions stage.
- 10.58 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.
- 10.59 Storage space for three bins will be required for all dwellings. Further details of waste collection, including details of management and measures to ensure any 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. This would also consider the visual impact of waste storage arrangements within the development.

#### Flood risk and drainage issues

- 10.60 The site is within Flood Zone 1. The site slopes downhill from north to south. The nearest watercourse is located to the south of the application site, on the other side of Brook Lane. A combined public sewer runs north-south beneath the adjacent site to the east.

- 10.61 A site-specific Flood Risk Assessment (FRA) was submitted by the applicant during the life of the current application. This notes that site investigation is yet to be undertaken but suggests that infiltration is unlikely to be appropriate as a means of disposal of surface water, due to the nature of the underlying bedroom strata. The FRA also notes that connection to the nearest watercourse would require construction through third party land, and the FRA concludes that this rules out watercourse connection as a means of disposal of surface water. The FRA goes on to recommend that surface water flows from the site (post-development) be disposed of via the existing combined public sewer at an attenuated rate of 5 litres per second. Attenuation would be provided in the form of oversized pipes and two Hydrobrakes.
- 10.62 It is accepted that infiltration is not appropriate for this site. It is also noted that there is no known existing watercourse close to the site to which surface water could be discharged without having to negotiate Brook Lane and pass through third party land. The principle of disposing surface water to the combined sewers, therefore, is considered acceptable.
- 10.63 The comments of Yorkshire Water in relation to this application preceded a letter (dated 23/09/2019 and provided as Appendix F of the FRA) which states:
- “Curtilage surface water may discharge to the public combined sewer as proposed to the southwest of the site. The surface water discharge from the site to be restricted to not greater than 5 litres/second”.*
- 10.64 The Lead Local Flood Authority (LLFA) initially objected to the proposed development, but (following the submission of further information by the applicant) have more recently recommended that planning permission be approved. The LLFA have advised that no conditions relevant to flood risk and drainage are necessary, and it is noted that the development would need to be implemented in accordance with the applicant’s FRA, should planning permission be granted. This includes restricting surface water discharge from the site to no greater than 5 litres/second.
- 10.65 Details of flow routing are provided in the applicant’s FRA. These demonstrate that surface water can be directed away from the proposed dwellings, and the LLFA are satisfied with the information provided.
- 10.66 Details of temporary surface water drainage arrangements would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.67 Foul water from the proposed development would discharge to the existing combined public sewer to the east of the application site at an unrestricted rate. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.



## Trees and ecological considerations

- 10.68 The application site is previously-undeveloped (greenfield) land and was previously in agricultural use. Parts of the site are overgrown with self-seeded trees and shrubs, giving the site a ruderal character, although some clearance and movement of earth has recently occurred in connection with the development of the adjacent site. Tree Preservation Order 06/15/w1 protects the woodland within the southern part of the site, and the conservation area status of the site bestows protection on other trees. Outside the site to the east, a Tree Preservation Order (06/15/t1) protects a single tree. A Biodiversity Opportunity Zone (Valley Slopes), an SSSI Impact Risk Zone, and a Twite buffer zone cover the site. Great crested newts may also be present in the surrounding area.
- 10.69 When considering the previous application for outline planning permission in relation to this site (ref: 2017/93719), officers noted that trees and shrubs, and the relative lack of human activity on the site, may mean the site provides, or had the potential to provide, habitats for wildlife. It was also noted that some neighbouring residents had stated that bats, deer and many species of bird had been seen at this site, that two ponds existed within 500m of the site, and that to the south of the site, on the other side of Brook Lane, was land forming part of the then-proposed Wildlife Habitat Network. This network connects designated sites of biodiversity and geological importance and notable habitat links, and any development within or close to the network will need to support and enhance these links.
- 10.70 The applicant has submitted a Preliminary Ecological Appraisal (PEA). This is dated 2017, and PEAs are not normally considered adequate in any case at full application stage (an Ecological Impact Assessment is normally required). However, given that the application site shares many characteristics with the immediately adjacent site to the east, given the commentary and conditions of the appeal Inspector in relation to biodiversity at that site (as set out in the appeal decision dated 14/11/2019 (refs: 2018/92848 and APP/Z4718/W/19/3229696), and given that a single, comprehensive scheme for biodiversity enhancement for the two sites could be brought forward (not least because the current applicant is also the developer of the adjacent site), it is not considered necessary to require the submission of an EclA at application stage in this instance. The appeal Inspector accepted that biodiversity enhancement matters at the adjacent site could largely be dealt with at conditions stage.
- 10.71 The applicant's PEA sets out the findings of a field survey carried out on 20/09/2017 and found the site to be of low ecological value. Nevertheless, further assessment of the proposed development's biodiversity impacts will be necessary, and an appropriate condition is therefore recommended. This will need to be a pre-commencement condition, given the potential for protected species (including bats, badgers and great crested newts) to be present in the area.
- 10.72 Regarding trees, the requirements of Local Plan policy LP33 are noted, as is the importance of trees to the significance of the Golcar Conservation Area, especially when viewed from public vantagepoints to the south. The site's existing trees certainly make a contribution towards public amenity, and to the distinctiveness of this specific location.

- 10.73 The applicant's Arboricultural Report includes a detailed tree survey, which identified group G14 (the protected woodland in the southern part of the site), tree T12 (a mature sessile oak to the north of the woodland) and tree T24 (the protected mature sycamore within the adjacent site to the east) as Category B trees of moderate quality whose retention is desirable. Most other trees were identified as Category C trees of low quality which could be retained, and two trees were identified as Category U trees which are unsuitable for retention.
- 10.74 The applicant proposes the retention of group G14 and trees T12 and T24. All other trees would be felled. This represents a significant loss of trees from the site and is regrettable, however almost all of these have diameters of less than 75mm, and are therefore not protected by the site's conservation area status. Given the size and quality of these trees, and the fact that efficient use of this allocated site would not be possible with these trees retained, the proposed losses are considered acceptable, subject to adequate replacement being secured by a recommended condition, to ensure compliance with Local Plan policy LP33. Conditions are also recommended requiring the submission of an Arboricultural Method Statement (to address the concerns of the council's Arboricultural Officer regarding levels and impacts upon trees) and a Tree Protection Plan.
- 10.75 Of note, the applicant submitted an Arboricultural Report, Arboricultural Method Statement and Arboricultural Implications Assessment on 28/02/2020. These late submissions are currently being reviewed by the council's Arboricultural Officers, and any further comments (and any resultant revisions to the recommended conditions) will be reported in the committee update.

#### Environmental and public health

- 10.76 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, measures to encourage residents of the proposed development to use more sustainable modes of transport (including public transport, walking and cycling) and the uptake of low emission fuels and technologies, should be secured via Section 106 obligations.
- 10.77 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, 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.
- 10.78 Regarding the social infrastructure currently provided and available in Golcar (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

- 10.79 Conditions regarding site contamination remediation are recommended in accordance with advice from the council's Environmental Health officers.
- 10.80 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.

### Representations

- 10.81 A total of 35 representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report.

### Planning obligations

- 10.82 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:
- 1) Affordable housing – Three affordable housing units (two affordable/social rent, one intermediate) to be provided in perpetuity.
  - 2) Open space – £78,486 off-site contribution, and an additional contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153) and the cumulative impacts of both developments require mitigation.
  - 3) Education – Contribution payable in the event that development comes forward at the adjacent site (site allocation ref: HS153), the education contribution threshold (by both developments considered together) is met, and the cumulative impacts of both developments require mitigation.
  - 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport.
  - 5) 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).
  - 6) Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent site (site allocation ref: HS153) without unreasonable hindrance.
- 10.83 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

- 10.84 A condition removing permitted development rights from the proposed dwellings is recommended. This is considered necessary due to the site's location within Golcar Conservation Area, and its visibility in views from public vantagepoints to the south. Extensions and alterations under permitted development allowances here could be harmful to the significance of this heritage asset and could cause visual harm in longer views across the subsidiary valley.
- 10.85 The impact of the proposed development upon the values of adjacent dwellings is not a material planning consideration.
- 10.86 Loss of views across private land (not under the control of the viewer) is not a material planning consideration.

### **11.0 CONCLUSION**

- 11.1 The application site is allocated for residential development under site allocation HS158, and the principle of residential development at this site is considered acceptable.
- 11.2 The site has constraints in the form of the Golcar Conservation Area, the site's topography, adjacent residential development (and the amenities of these properties), drainage and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage. Some aspects of the proposed development attract negative weight in the balance of planning considerations, however 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 Planning and Development)**

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Submission of a Construction Management Plan (including temporary surface water drainage arrangements).
4. Drainage and surfacing of parking spaces.
5. Submission of details relating to internal adoptable roads.
6. Cycle parking provision prior to occupation.
7. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).

8. Provision of waste storage and collection.
9. Submission of an Arboricultural Method Statement.
10. Submission of a Tree Protection Plan.
11. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
12. Submission of a preliminary risk assessment (phase I report).
13. Submission of an intrusive site investigation report (phase II report).
14. Submission of a remediation strategy.
15. Implementation of remediation strategy.
16. Submission of a validation report.
17. Crime prevention measures.
18. External materials (details and samples to be submitted).
19. Boundary treatments.
20. External lighting.
21. Full landscaping scheme, to include replacement trees.
22. Biodiversity assessment, enhancement and net gain (pre-commencement)
23. Removal of permitted development rights for extensions and outbuildings.

**Background Papers:**

**Application and history files:**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90925>

Certificate of Ownership – Certificate A signed

**Link to outline permission ref. 2017/93719:**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93719>

**Link to adjacent planning approval ref. 2017/91173:**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91173>

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**Report of the Head of Planning and Development**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 19-Mar-2020**

**Subject: Planning Application 2019/94149 Reinstating of garden wall and erection of mesh fencing to form cat cage (within a Conservation Area) 22, Ottiwells Terrace, Marsden, Huddersfield, HD7 6HB**

**APPLICANT**

R Haworth

**DATE VALID**

24-Dec-2019

**TARGET DATE**

18-Feb-2020

**EXTENSION EXPIRY DATE**

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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**

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**Electoral wards affected: Colne Valley**

**Ward Councillors consulted: No**

**Public or private: Public**

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## **RECOMMENDATION: REFUSE**

1. The proposed enclosure by reason of its scale, form, siting and materials would fail to preserve the character and appearance of the host building, the terraced row of dwellings of which it forms part and the wider Marsden Conservation Area causing harm to its significance and to the visual amenity of the area in general. The harm is considered to be less than substantial harm, however, as required by paragraph 193 of the National Planning Policy Framework, great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated to outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 (a and c) and LP35 of the Kirklees Local Plan and paragraphs 127, 130, 190, 193 and 196 of the National Planning Policy Framework.

### **1.0 INTRODUCTION:**

- 1.1 The original application for the erection of a cat cage was determined by the Sub-Committee at the meeting on 18<sup>th</sup> July 2019. Following this, officers consider that this new proposal should also be determined by the Sub-Committee.
- 1.2 The Chair of Sub-Committee has agreed with this procedure.

### **2.0 SITE AND SURROUNDINGS:**

- 2.1 22 Ottiwells Terrace is an end terraced property within the Marsden Conservation Area and Ottiwells Terrace is one of the three streets of terraces consisting of five long rows of cottages. The houses on this street date back to the early 20<sup>th</sup> Century and they are typical of mill worker's housing of the late 19<sup>th</sup> and early 20<sup>th</sup> Centuries with hammer dressed stone external walls, ashlar stone window and door surrounds and the repetitive design of windows and doors along the terrace.
- 2.2 The dwellings within the terraced row are typified by low stone boundary walls with gate posts around small front gardens, some of which have hedges, short railings or low dividing boundary fences. The boundary treatments are, in the main, at low level and in keeping with the character of the terrace by the use of traditional materials.
- 2.3 The site is located in a mainly residential area with the vicinity comprising of mainly terraced properties. The rear elevations of the properties facing the application site are relatively modern detached properties.

### **3.0 PROPOSAL:**

- 3.1 The application seeks planning permission for the reinstatement of part of the garden wall and erection of mesh fencing to form an enclosure. At the time of the officer's site visit, an alternative form of cat cage and shed were in situ at the property.



- 3.2 The proposed enclosure, called a 'cat containment area' would encompass the front garden area projecting forward of the front elevation of the property by just over 4 metres at a width of 3.9 metres. The enclosure would be erected around existing decking which is 0.3m in height. The mesh fencing proposed would be supported by 6no. cranked posts (black powder coated of 30mmx30mm in width) that measure 2 metres to the highest point. At 1.8m in height the posts would be angled inwards to form a partial enclosure of 750mm wide around the garden area. The proposed mesh would be coloured black and is described by the applicant as 'lightweight, none permanent and almost invisible'.
- 3.3 The proposal also includes the partial reinstatement of the garden wall. A shed has been erected on part of the wall and the coping stones removed. The shed would be removed and the wall repaired.
- 3.4 Whilst there is limited information to accompany the application it is understood that the enclosure is required to provide safe outdoor space for young cats/kittens at the property and protect them from loss or harm and prevents them causing motor accidents.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 2019/90623 – Erection of cat cage and garden shed – Refused 18<sup>th</sup> July 2019
- 4.2 Enforcement history: COMP/18/0297  
Enforcement Notice served requiring the removal of the metal cage and timber shed/structure erected to the front of the dwelling and removal of all resultant debris from the land. An appeal has been lodged and this is pending determination by the Planning Inspectorate.

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

- 5.1 The applicants were invited to submit justification for the development including any benefit to the community, so that this could be considered in an assessment of the impact of the development on the conservation area. This information has not been forthcoming.
- 5.2 The applicant agreed to submit samples of the supporting posts and mesh but these have not been received.

#### **6.0 PLANNING POLICY:**

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

### 6.3 Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety and access
- **LP24** – Design
- **LP35** – Historic environment

#### Supplementary Planning Guidance / Documents:

### 6.4 Marsden Conservation Area Appraisal

### 6.5 National Planning Guidance:

- **Chapter 12** – Achieving well-designed places
- **Chapter 14** -
- **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 proposals were advertised by neighbour notification letter, site notice and press notice. It has not attracted any representations.

## **8.0 CONSULTATION RESPONSES:**

### 8.1 **Statutory:**

**KC Conservation & Design:** Object due to the impact on the host property and wider Conservation Area.

## **9.0 MAIN ISSUES**

- Principle of development
- Impact on the Conservation Area/visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Conclusion

### Principle of development

10.1 The site is within the Marsden Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and to 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.

## Impact on the Conservation Area/visual amenity

### *Information submitted with regards to significance*

- 10.2 Paragraph 189 of the National Planning Policy Framework requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. The applicant has provided a Design and Access Statement which falls short of the tests set out in paragraph 189. Paragraph 190 requires that the particular significance of any heritage asset that may be affected by a proposal is assessed by the Local Planning Authority and this includes setting.
- 10.3 Whilst recognising that the revised proposals are an improvement on what has been previously considered: the shed would be removed, the wall reinstated and a more lightweight enclosure proposed; concerns remain regarding the impact of the development on the significance of the Conservation Area. The applicants were invited to submit further justification in respect of any community benefit as well as samples of the materials proposed in support of the submission however, no further details have been received at the time of writing. As such the development shows limited regard to the significance of the Conservation Area by introducing an incongruous feature to the front garden area where the significance lies in the visibility of the line of facades and low boundary features. The scale of the posts and mesh fencing, notwithstanding that this is a more lightweight proposal than the unauthorised structure on site, is out of keeping with the host property, terrace and wider Conservation Area.

### *Impact of the proposal on the significance on the Conservation Area*

- 10.4 Policy LP24 of the Local Plan requires that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape and minimise impact on residential amenity of future and neighbouring occupiers.
- 10.5 Policy LP35 of the Local Plan states that development proposals affecting a designated heritage asset, in this case the conservation area, should conserve those elements which contribute to its significance. It also states that proposals should retain those elements of the historic environment which contribute to the distinctive identity of the Kirklees area and ensure that they are properly conserved.
- 10.6 Chapter 16 of the NPPF, paragraphs 193 and 196 state that great weight should be given to the heritage asset's (the conservation area's) conservation and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposal.
- 10.7 The proposed mesh fencing, although lightweight and with simple slimline posts and lower in height than the existing cage (extending to around the transom level of the ground floor window and top of the front door) it is significantly higher than other boundary features along this terrace. Officers consider that the structure proposed causes less than substantial harm to the character and significance of the conservation area by introducing a high

mesh enclosure, more appropriate in a commercial setting, to the front garden area of the property. The introduction of this structure would interrupt the open vista along the facades of the terrace resulting in harm to its distinct character.

#### Justification for the harm to significance

- 10.8 Having established that the development will result in less than substantial harm, Paragraph 194 of the NNPF requires that the Local Planning Authority should require clear and convincing justification for any harm.
- 10.9 The applicant's Design and Access Statement does not include any assessment in respect of the development's impact on the heritage asset. The supporting information does not include any justification or public benefit. The applicant was invited to submit further information in this respect, but no further justification has been provided. The application refers to the enclosure as a cat containment area and it has been designed as such. This is considered to provide private, rather than public, benefits. It has not been demonstrated that there is a public benefit that outweighs the harm to the character and significance of the Conservation Area. As set out above, in the absence of any convincing justification the proposals fall short of the requirements of the National Planning Policy Framework.
- 10.10 It is considered that the development results in an unacceptable form of development in terms of its impact on visual amenity and the heritage asset that is not outweighed by clear and convincing public benefits. It would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan as well as the aims of Chapters 12 and 16 of the National Planning Policy Framework.

#### Impact on residential amenity

- 10.11 The slimline posts and mesh enclosure is a maximum of 2m in height and set in from the boundary with the adjoining property, No. 21 Ottiwells Terrace. Taking into account the distance the enclosure is set away from this adjoining property and the materials of construction, it is considered it would not cause significant harm to the amenities of the adjoining property. The rear elevation of the properties on Deer Hill Drive would face the application site but are separated from the structure by a boundary wall and Ottiwells Terrace and as such there will be no material impact on any occupant of these properties.

#### Impact on highway safety

- 10.12 The proposed scheme is considered acceptable from a highways perspective as the wire mesh design would not compromise inter-visibility at the top of Ottiwells Terrace. The reinstatement of the wall to its original height would, similarly, not result in a detrimental impact on highway safety. The proposal accords with Policy LP21 of the Local Plan.

#### Other matters

- 10.13 The site is located within the Council's GIS bat alert layer however, it is not identified on the map as having bat roosts and the proposal does not interfere with the existing roof of the property. As such, it is not considered that a Bat Survey is required in this instance.

#### 10.14 *Climate Change*

On 12<sup>th</sup> November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.15 It is not considered necessary or proportionate to request specific measures in respect of the climate change agenda given the scale and nature of the development proposed.

### **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 means in practice.

11.2 The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposal does not accord with the development plan and that the application of policies within the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

#### **Background Papers:**

Application web page:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f94149>

Certificate of Ownership – Certificate A signed and dated 23<sup>rd</sup> December 2019

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**Report of the Head of Planning and Development**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 19-Mar-2020**

**Subject: Planning Application 2019/93069 Change of use of land and buildings from A1 Garden Centre to hand car wash, partial re-surfacing of hardstanding areas, formation of parking bays and erection of 1.8m acoustic fence Former Beaumont Park Garden Centre, 84A, Meltham Road, Lockwood, Huddersfield, HD4 7BQ**

**APPLICANT**

N Sadiq

**DATE VALID**

20-Sep-2019

**TARGET DATE**

15-Nov-2019

**EXTENSION EXPIRY DATE**

23-Mar-2020

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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**

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**Electoral wards affected: Crosland Moor and Netherton**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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## **RECOMMENDATION: REFUSE**

1. The proposed use of the site as a hand car wash would cause harm to the openness and character of the Green Belt as a result of the erection of a 1.8 high close boarded acoustic screen, in addition to the regular presence of vehicles passing through the site and other paraphernalia associated with the site operations. It would result in the introduction of incongruous urban characteristics where the land is currently open. As such the proposal would constitute inappropriate development in the Green Belt and there are no very special circumstances which clearly outweigh the harm caused by reason of inappropriateness and other harm. As such the development is contrary to Paragraph 146 e) of the National Planning Policy Framework and Policy LP60 b) and c) of the Kirklees Local Plan.

2. The erection of a solid acoustic screen along the site frontage would result in an obtrusive feature that is considered harmful to the character and appearance of the area and contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The proposed use, including the queuing of vehicles through the site and the operation of powered machinery, would result in harm to the visual and aural experience of users of the public right of way that runs to the north west of the site. In making this pedestrian route less attractive to users, the development would be contrary to the general ethos of Policy LP24 d) ii) of the Kirklees Local Plan.

## **1.0 INTRODUCTION:**

1.1 The application is brought to Huddersfield Planning Sub-Committee for determination in accordance with the Council's Scheme of Delegation at the request of Councillor Kaushik, for the reason outlined below:

"This brownfield site has fallen into disrepair and has been vandalised - bringing the site back into beneficial business use, would be an improvement to the area, rather than the dilapidated vacant site it is at present.

The impact on the Green Belt would be negligible as the site would not have any new buildings. Any impact of temporary equipment associated with this business would be much less than that of the previous businesses that were situated on this site."

1.2 The Chair of the Sub-Committee has accepted that the reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub-Committees.

## **2.0 SITE AND SURROUNDINGS:**

2.1 84a Meltham Road is a vacant site that served the former Beaumont Park Garden Centre. The site includes a part two storey and single storey detached building which remains on the southern part of the site and flat roof part of a building at the northern end, both of which are faced in white render. The site is unkempt in appearance with limited evidence of its former operations. Much of the site is hardstanding with some areas of planting.



2.2 The site is currently bound by a low stone wall with mesh fencing above which fronts Meltham Road. To the rear, north western, boundary there is a close boarded timber fence. Beyond the boundary to the north and north-west are areas of woodland. There are residential properties on the opposite side of Meltham Road to the south east.

### **3.0 PROPOSAL:**

3.1 The proposal relates to the change of use of land and buildings from Class A1 garden centre to a hand car wash, partial resurfacing of hardstanding areas, formation of parking bays and erection of 1.8 metre acoustic screen. The building located to the southern end of the site is to be used as office and customer waiting area at ground floor and staff area above. Storage is shown to be housed within the single storey part of the building. The flat roofed part of the building to the northern end of the site is to accommodate plant.

3.2 Site access would use the existing entrance to the south of the site and vehicles would then egress to the north utilising the existing opening. The areas internal to the site are shown as “pre-wash”, “wash” and “dry”. The remaining areas are shown to be hardstanding. A 1.8 metre high acoustic screen is proposed along the site frontage. This is to be constructed of brickwork plinth and pillars with timber acoustic fence panels of marine ply inner face and decorative vertical boarded outer face. In front of this would be a landscape strip.

3.3 The hours of opening are specified as 09:00 to 17:00 Monday to Sunday and including Bank Holidays. The application form submitted states that 5 full time employees will be required.

3.4 The submission is supported by a comprehensive Planning Statement which contends that the existing use of the site is Class A1 retail, although recognising that no Lawful Development Certificate has been submitted. The statement sets out why the applicant considers the proposal would accord with national Green Belt Policy, including why it would not have a materially greater impact on the openness of the Green Belt when judged against the last use of the site, what might take place on site, and against the development proposed. It goes on that as the site would be brought back into economic use it would be ‘tidied up thus preventing further degradation’ improving the visual amenity of the area and site. It draws attention to the accompanying Noise Survey and Impact Assessment which demonstrates that mitigation, in the form of a 1.8m acoustic screen along the site frontage, would overcome the reason to refuse a previous application on the grounds of loss of residential amenity.

3.5 The application is also accompanied a Noise Survey and Impact Assessment. This sets out that a baseline noise assessment has been completed. The primary pre-existing noise climate for the area is assessed as traffic along Meltham Road, with additional industrial noise associated with Park Valley industrial estate opposite. Impact noise assessments were carried out for the noise associated with the proposed plant for the site, including pressure washers and vacuum cleaners. It indicates that additional mitigation measures are necessary to achieve the recommended target noise limits for the site. This is the proposed 1.8m screen on the boundary of the site between the entry and exit to eliminate direct line of sight of residential premises on the opposite side of the road.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2019/90481 – Change of use of land to hand car wash – refused due to impact on the openness of the Green Belt and due to noise disturbance to those living close by.

2009/90528 – Erection of polytunnel – refused

99/93522 – Outline application for erection of two industrial units – refused

96/91683 – Outline application for erection of 7 no. town houses – refused

95/93328 – Outline application for erection of 10 no. town houses - refused

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

5.1 Following concerns raised with regards to highway movements, visibility and in respect of noise nuisance further information has been received aiming to address concerns. Matters are referred to in the report.

#### **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<sup>th</sup> February 2019).

##### Kirklees Local Plan (2019):

6.2 LP1 – Achieving sustainable development  
LP2 – Place shaping  
LP21 – Highway safety and access  
LP24 – Design  
LP28 - Drainage  
LP30 – Biodiversity and geodiversity  
LP33 – Trees  
LP34 – Conserving and enhancing the water environment  
LP52 – Protection and improvement of environmental quality  
LP59 – Brownfield sites in the Green Belt  
LP60 – The re-use and conversion of buildings in the Green Belt.

##### National Planning Guidance:

6.3 Chapter 6 – Building a strong, competitive economy  
Chapter 12 – Achieving well-designed places  
Chapter 13 – Protecting Green Belt land  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 23 representations of objection have been received summarised as follows:

- Green belt
- Adverse impact on residential amenity
- Increase in noise
- Increase in traffic (turnover of short visits and queuing)
- Visibility to other road users
- Signage (visual and highway safety)
- Detrimental impact on the character of the area
- Visitors to the Beaumont Park will be affected
- Impact on trees/threat to those overhanging the site
- Pressure on drainage system
- Flooding in the area
- Pollutants from the operations
- Contrary to Air Quality strategy
- Queuing traffic/Congestion
- Intensification of traffic movements
- Accident black spot
- Jet washers will wet passing pedestrians
- Pedestrian safety
- There are other facilities in the area
- Potential for criminal activity
- Impact on local wildlife
- Inappropriate in the context of the Beaumont Park
- Acoustic fence would be an eyesore

Non-Material Issue

- Labour exploitation

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

**KC Highways DM: No objections**

8.2 **Non-statutory:**

**KC Environmental Health: No objections**

**Yorkshire Water: No objections**

**Lead Local Flood Authority – No objections**

## **9.0 MAIN ISSUES**

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

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is located within the Green Belt within the Kirklees Local Plan. Chapter 13 of the NPPF states that the government considers the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the core characteristics of the Green Belt being its openness and permanence. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight needs to be given to any harm to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 145 or 146 of the NPPF.
- 10.2 There is a history of planning applications that appear to have considered the site to be greenfield, however, the agent has challenged this view. The agent makes reference to the Design & Access Statement that accompanies the 2009 application which refers to the site as a “garden centre” and states that plants were imported. That application also highlights that the purpose of the erection of the polytunnel was to enable stock to be grown on site. The agent also argues that there is a fundamental difference between the definition of a garden centre and a nursery that grows plants. Site observations conclude that there are areas of plant beds with surrounding hardstanding in addition to a two storey building. In the absence of further evidence or a Lawful Development Certificate, Officers are not able to conclude whether the site is considered as greenfield or brownfield. The proposed development will therefore be considered accordingly.
- 10.3 The application does not include the erection of any new building and re-uses those that exist within the site. Paragraph 145 (g) is only relevant to the redevelopment of previously developed land where this proposes ‘new buildings’, this proposal does not. This paragraph specifies that in such circumstances ‘new buildings’ need not be inappropriate providing there is no greater impact on the openness of the Green Belt than the existing development.
- 10.4 Paragraph 146 of the NPPF is specifically relevant to this application, whether the site be considered greenfield or brownfield. This paragraph states that certain forms of development, other than new buildings, are also appropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. These include paragraph 146 part (d) ‘the re-use of buildings provided that the buildings are of permanent and substantial construction’ and (e) ‘material changes in the use of land’. The application submitted would constitute a material change of use of land from its former use as a garden centre to a hand carwash and re-use the buildings on site. Thus, provided the scheme preserves the openness of the Green Belt and does not conflict with the purposes of the Green Belt (as defined in Paragraph 134), it need not be inappropriate development in principle.

- 10.5 As the proposal involves the re-use of existing buildings, Policy LP60 of the Kirklees Local Plan is relevant. This states that *'proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where; a) the building to be re-used or converted is of permanent and substantial construction; b) the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary curtilage buildings; c) the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.'*
- 10.6 In terms of preserving the openness of the Green Belt, much of the existing areas within the site are hardstanding and will be maintained as such. This would preserve openness but the ensuing parking and processing of cars through the site, utilising the hard surfaced areas, would not. The development includes the erection of an acoustic screen, with a brickwork plinth and pillars, which is essential to mitigate the potential noise generated from the operations. The acoustic screen replaces an open wire mesh structure and dwarf stone wall and would form a solid enclosure set back around 1.3m from the footway, with landscape strip. It would be approximately 36m in length and would form a significant intrusion into the streetscape. In addition to concerns regarding the erection of acoustic screen, the use of the site may also require signage and such paraphernalia would also be harmful. However, this would be assessed separately under the Advertisement Regulations.
- 10.7 As the development is considered not to preserve the openness of the Green Belt it would constitute inappropriate development when considered against paragraph 146 of the NPPF. Furthermore, the resultant scheme would introduce urban characteristics into the landscape including the acoustic screen. Furthermore, "the activity" cannot be accommodated without detriment as required by Policy LP60 of the Kirklees Local Plan as the operation of a car wash would have greater impact on the Green Belt when taking into account vehicle movements and associated equipment required. The more constant turnover would result in a regular presence of vehicles which would result in a more urbanising characteristic being harmful to the character of the area contrary to Policy LP60 of the Kirklees Local Plan. Although the site may assist in one of the key purposes of Green Belt by 'encouraging the recycling of derelict land' in doing so in this application, this would harm the openness of the Green Belt for the reasons set out above.

#### Urban Design issues

- 10.8 The proposed development would re-use existing buildings within the site for office, storage and plant. No specific alterations are proposed to these buildings. Other than the erection of a close boarded timber acoustic screen along the site frontage, assessed in more detail below, there are no other significant alterations within the site. However, the use of the site would introduce urban elements from the frequency of vehicles passing through it, in addition to the operation of machinery associated with car washing activities. The additional paraphernalia in and around the site would intensify the urban character, which would be out of keeping with the local area and harmful to the Green Belt for reasons already set out above.

- 10.9 The existing site includes a wire fence to the site frontage which is situated behind an existing stone wall. It is not of solid construction and as such does not dominate or segregate the site from wider areas. The replacement of this with a 1.8 metre brick and timber fence, or alternative form of acoustic screen, would be incongruous within the existing street scene which is more open in terms of boundary treatment and general character. Although the submitted plans show a landscape strip of around 1.3m forward of the fence, this would not mitigate the impact of this incongruous structure when viewed from Meltham Road.
- 10.10 The development proposals, through the introduction of urban characteristics and the proposed acoustic barrier, would result in significant harm to the visual amenity of the area and the character and openness of the Green Belt contrary to Policies LP24 (a) and LP 60 of the Kirklees Local Plan in addition to Chapter 12 of the National Planning Policy Framework.
- 10.11 It should also be noted that there is a public right of way to the north west of the site on elevated land linking Meltham Road with Beaumont Park Road. This passes the boundary of Beaumont Park itself enroute. Due to the site's close proximity to this route it is considered that there will be harm to the visual experience for users of the PROW. In addition, those using the route would be subjected to general noise and disturbance arising from the use of the site making it less attractive which would not be in accordance with the general ethos of Policy LP24 d) ii) of the Kirklees Local Plan.

#### Residential Amenity

- 10.12 The site shares its boundary with Meltham Road to the south east with residential properties opposite. A public right of way (HUD/211/50) runs to the north west of the site. The development proposals could impact on the occupants of neighbouring properties as well as pedestrians using the footpath.
- 10.13 The use of the site as a hand car wash has the potential to result in nuisance through disturbance as a result of the site operations that includes jet spray equipment. To demonstrate adequate protection to the occupants of dwellings located opposite, a noise report has been submitted. The acoustic report relies on general guidance and assessment methods used for community noise sources. The noise report uses library operational levels to assess the contribution of the specific sources of noise associated with the operations of the site. As the operations run parallel to the residential premises, a linear distance for sound arriving at each property is assumed. It is noted that in reality sound from each plant or operation would diminish as the distance increases. As such, the result of the calculations are 'worst case scenario' and likely to produce a higher contribution impact than would be the case on site. The site operations have been assessed based on 'worse case scenario' and all operations working simultaneously. As the plant and activities will not achieve the required value when operated mitigation measures will be necessary. A physical barrier is required to be erected at a height of 1.8 metres and is to run along the full length of the site between site entry and exits.

- 10.14 KC Environmental Health have assessed the report and recommendations accepting the measurements put forward in terms of data. Subject to conditions restricting the use and noise ratings at the site, in addition to the erection of an acoustic fence, it is considered that the proposed development can be adequately controlled so as to prevent any nuisance to nearby occupants opposite the site. As such, the development is considered in accordance with Policy LP 52 of the Kirklees Local Plan and Chapter 15, in particular Paragraphs 170 (e) and 180 (a), of the National Planning Policy Framework (2019).

#### Highway issues

- 10.15 This application seeks approval for the change of use of land and buildings from A1 Garden Centre to hand car wash, partial re-surfacing of hardstanding areas, formation of parking bays and erection of 1.8m acoustic fence at 84A Meltham Road, Lockwood.
- 10.16 The proposed development would use the two access points retained from the site's historic use as a garden centre. Vehicles would therefore be able to enter at the south western access point and exit at the north eastern access with no need for internal turning space.
- 10.17 Following representations from both objectors and the agent, extensive surveys of the site have been carried out in the morning peak hours. As suggested, the queues regularly extend well beyond the site entrance and exit all the way back to the cemetery; however, these queues have subsided before 9am, with the busiest period seeming to be from just after 8:00am to around 8:40am. Furthermore, evening site assessment has been carried out and there are no concerns regarding the flow of traffic at this time that would result in any detriment to manoeuvres or highway safety at this time.
- 10.18 Given the above, provided the car wash opens after 9:00am, as stated in the application form, then the proposal should not have a detrimental effect on the existing highway network. There is an on-street bay able to accommodate around six vehicles to the front of the site, presumably historically associated with the garden centre, plus the scheme offers another five off-street bays in the layout, some of which are designated for staff. Taking into account the previous use, and the evidence gathered regarding traffic levels on Meltham Road, the proposed use is not considered to result in any detriment to highway safety. The proposal would accord with Policy LP21 of the Local Plan.

#### Drainage issues

- 10.19 The application site does not lie in an area at known risk of flooding but concerns have been raised from residents in the area regarding the impact of the development on drainage and flooding.
- 10.20 The application has been referred to Yorkshire Water and the Lead Local Flood Authority (LLFA) for comment. The proposals have been assessed and no objections have been raised in respect of matters of flood risk and drainage. As such the development is in accordance with Policy LP28 of the Local Plan. Comments have been received regarding pollution addressed below.

## Pollution/contamination

- 10.21 The application has been assessed in respect of the potential for contamination as a consequence of the site operations. In accordance with comments received from Yorkshire Water and the LLFA it is considered that a condition would be required to avoid pollution of the aquatic environment. Should Members recommend approval of the application a condition would be required to ensure an interceptor is incorporated into any development scheme. Subject to this the development can be carried out in accordance with Policy LP53 of the Local Plan.

## Representations

- 10.22 The application has attracted 23 objections which raise the following concerns:

- Green Belt  
**Response:** The impact on the character and openness of the Green Belt has been assessed and is considered unacceptable for the reasons outlined.
- Adverse impact on residential amenity  
**Response:** The operations of the site have been assessed and noise report submitted. It is considered that whilst adequate mitigation can be put in place this would in turn detrimentally impact on the openness and character of the green belt.
- Increase in noise  
**Response:** The operations of the site have been assessed and noise report submitted. It is considered that adequate mitigation could be put in place to avoid a detrimental impact on residential amenity arising from noise.
- Increase in traffic (turnover of short visits and queuing)  
**Response:** The application has been assessed in terms of impact on the highway network and other road users and is acceptable for the reasons set out, subject to a restriction to the hours of use
- Visibility to other road users  
**Response:** The application has been assessed in terms of impact on the highway network and other road users and is acceptable for the reasons set out.
- Signage (visual and highway safety)  
**Response:** The erection of signage associated with the proposed development could give rise for concerns due to its contributing impact on visual amenity and character of the area. However, this would fall to be assessed under a different application for advertisement consent and is not under consideration as part of this application
- Detrimental impact on the character of the area  
**Response:** The development proposals would result in detriment to the openness and character of the area as outlined in the report.



- Visitors to the park will be affected  
**Response:** The change of use is not considered to result in detriment to any visitors to Beaumont Park due to the separation distance and existing tree screening between the two uses
- Impact on trees/threat to those overhanging  
**Response:** The works proposed and site operations are not considered to result in any detrimental impact on the nearby trees, or pressure to impact on the longevity of trees.
- Pressure on drainage system  
**Response:** The site is not situated within a Flood zone nor critical drainage area. If approved, the operator would need to obtain a licence from Yorkshire Water for the disposal of trade effluent.
- Flooding in the area  
**Response:** The site is not situated within a Flood zone nor critical drainage area. There are no objections from the LLFA with regards to drainage or flood risk.
- Pollutants from the operations  
**Response:** There are no objections from Environmental Health in respect of the proposals. A condition requiring an interceptor for surface water from the site would be imposed should the application be supported.
- Contrary to Air Quality strategy  
**Response:** The development proposed is not so significant so as to justify the submission of any assessment in respect of air quality. There are no objections in this respect from Environmental Health.
- Queuing traffic/Congestion  
**Response:** The application has been assessed by highways who have carried out surveys as a result of concerns. There are no concerns providing the development operates after 9am.
- Intensification of traffic movements  
**Response:** The development will result in an increase in traffic movements however these are not considered significant to result in harm to the highway network, subject to controlling the hours of use.
- Accident black spot  
**Response:** This matter has been considered by KC Highways DM, incidents within the last five years are taken into account by the council's Highway Safety team or the police when considering measures to reduce accidents on any given stretch of road. There has only been one reported slight injury accident within 100m of either access of the site, and this occurred in March 2016. As such, this section of road is considered to have a relatively good safety record, particularly in the last three years where no injury accidents at all feature on the police records. It is not considered that the proposed development will significantly increase risk in terms of highway safety.

- Jet washers will wet passing pedestrians  
**Response:** The scheme includes the erection of a 1.8m screen that would assist in containing jet spray within the site.
- Pedestrian safety  
**Response:** The application has been assessed by highways who have carried out surveys as a result of concerns raised. The traffic movements associated with the use are considered not to be materially harmful to pedestrians.
- There are other facilities in the area  
**Response:** This is not a material consideration as each application is treated on its own merits.
- Potential for criminal activity  
**Response:** The application proposals would not result in matters of concerns in respect of potential criminal activity. Other matters cannot be controlled through planning.
- Impact on local wildlife  
**Response:** It is not considered that the development would result in any material harm to matters of ecology. The site is adjacent to the well-lit Meltham Road and as such the use of artificial light, in principle, is unlikely to result in significant harm to biodiversity.
- Inappropriate in the context of Beaumont Park  
**Response:** The change of use to a hand car wash would be sufficient distance from Beaumont Park, including a significant change in levels, so as to avoid any detrimental impact to this listed park.
- Acoustic fence would be an eyesore:  
**Response:** The erection of a fence is considered unacceptable for the reasons outlined in the report in terms of its impact on openness in addition to visual amenity.
- Labour exploitation  
**Response:** The concerns raised are not considered material planning reasons.

### Other Matters

- 10.23 *Ecology* – The north of the site is a designated woodland, part of a Wildlife Habitat Network. There are no objections to the proposed change of use as it is unlikely to result in significant ecological harm with no effect on the network or Beaumont Park. Any surface water run-off would be through an interceptor to avoid pollution. The site is adjacent to the well-lit Meltham Road and it would not introduce light into a previously dark landscape. Therefore, the proposal would be of no material harm to the ecological setting of the site.
- 10.24 *Trees* – The north of the site is a Tree Protection Order (TPO) area and as such the development would need to ensure no impact on these protected trees. No detailed information has been provided for the treatment of pollutants and jet spray, although run off would occur to the south away from the trees ensuring no harm. In addition, K.C. Ecology have no concerns on the potential ecological harm of the proposal.

- 10.25 *Setting of Beaumont Park* – This Grade II listed park and garden is set on rising land to the north west of the site. Given the difference in levels between the two sites and the separation of the use it is considered that the proposals would not impact on the setting of this designated heritage asset.
- 10.26 *Economy* – The application states that 5 full time jobs would be created as a result of the development. Paragraph 80 of the NPPF states that weight should be placed on the need to support economic growth. Whilst the use would contribute to the aims of the NPPF and Local Plan in respect of the creation of jobs, this should not be at the consequence of other harm which weighs significantly against any benefit in this instance.
- 10.27 *Climate Change* - On 12<sup>th</sup> November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.28 The proposed development would bring a vacant site back into use and be of economic benefit in this respect. Although sustainably located, it is not considered that the site operations, and in particular the queuing of vehicles through the site, would be in the interest of promoting carbon reduction and resilience to climate change.

## **11.0 CONCLUSION**

- 11.1 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.
- 11.2 This application has been assessed against relevant policies in the adopted Kirklees Local Plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the application of policies in the NPPF that protect areas or assets of particular importance provide clear reasons for refusing the development proposed.

## 12.0 REFUSE

### Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93069>

Certificate of Ownership – Certificate B completed, notice served 10<sup>th</sup> September 2019:

*Previously refused application: 2019/90481:*

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90481>

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

**Date: 19-Mar-2020**

**Subject: Planning Application 2018/90208 Erection of 18 dwellings (within a Conservation Area). Land at 172 Gillroyd Lane, Linthwaite, Huddersfield, HD7 5SR**

#### APPLICANT

Steve Byram, SB Homes  
Ltd

#### DATE VALID

16-Jan-2018

#### TARGET DATE

17-Apr-2018

#### EXTENSION EXPIRY DATE

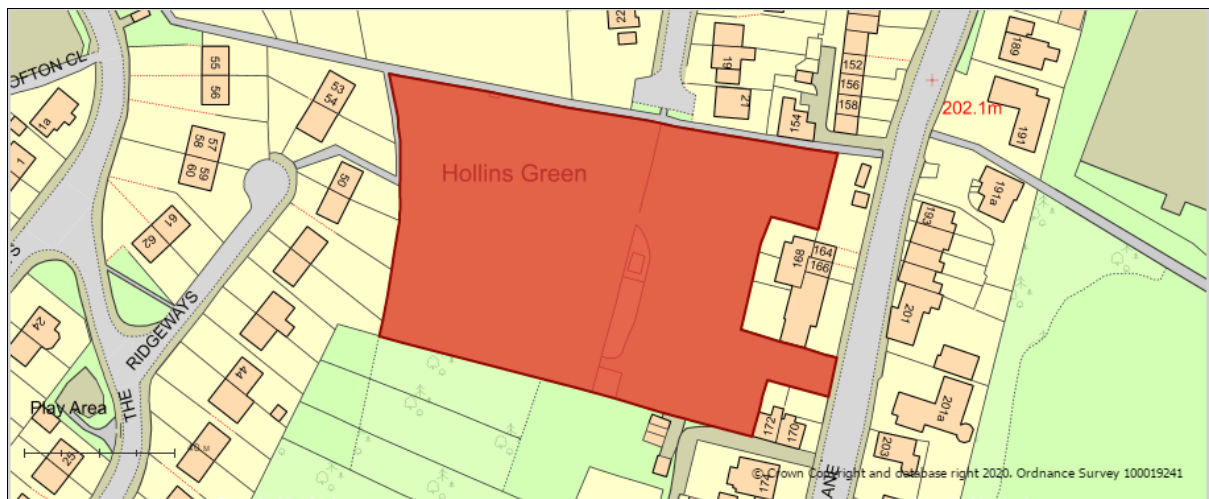
28-Jun-2018

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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**

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**Electoral wards affected: Colne Valley**

**Ward Councillors consulted: Yes**

**Public or Private: Public with Private appendix**

The appendix to this report is recommended for consideration in private in accordance with schedule 12A of the Local Government Act 1972 as it contains commercially-sensitive information. The public interest in maintaining the exemption, which would protect the interests of the council and the company involved, outweighs the public interest in disclosing the information and providing greater openness in the council's decision making.

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development 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 – Four affordable housing units (Discount Market Sale) to be provided in perpetuity.
- 2) Sustainable transport – Measures to encourage the use of sustainable modes of transport.
- 3) 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).
- 4) Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent allocated land to the south without unreasonable hindrance.

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 Planning and Development 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 Planning and Development 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 18 dwellings.
- 1.2 The application is presented to the Huddersfield Sub-Committee as the site is larger than 0.5 hectares in size.

The application was previously considered by the Huddersfield Sub-Committee on 30/01/2020. The Sub-Committee deferred determination to:

- 1) Allow for officers and the applicant to look at different options for utilising the allocated funds in the Section 106 agreement for the delivery of affordable housing;
- 2) Assess the suitability of the site's access point onto Gillroyd Lane, taking into account the potential for further housing development within the site allocation; and
- 3) Investigate further the implications for off-site drainage.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is 0.77 hectares in size, has previously been in agricultural use, and is located south of Hillside View, east of The Ridgeways, and behind (to the west of) 164 to 172 Gillroyd Lane. Surrounding uses are residential, however there is previously-undeveloped (greenfield) land to the south.
- 2.2 The application site generally slopes downhill from its site entrance on Gillroyd Lane (approximately 202m AOD) to its westernmost point (approximately 180m AOD). The slope is not uniform from east to west – gradients vary across the site.
- 2.3 The site is within the Linthwaite Conservation Area.
- 2.4 There are trees and shrubs along the edges of the application site, and at its centre. No trees within or near to the site are protected by Tree Preservation Orders, however the conservation area status of the site northeast bestows protection on trees. Trees outside the application site, to the northwest, are protected by Tree Preservation Orders 53/91/g1 and 53/91/g2. A dry stone wall runs north-south across the middle of the application site.
- 2.5 No public rights of way cross the application site, however public footpath COL/69/30 runs along the site's north edge, providing an east-west pedestrian connection between Gillroyd Lane and Causeway Side.
- 2.6 The application site is part of a wider site allocated for residential development in the Local Plan (site allocation HS126). A Biodiversity Opportunity Zone (Valley Slopes), an SSSI Impact Risk Zone, and a twice buffer zone covers the site.

## **3.0 PROPOSAL:**

- 3.1 The applicant seeks full planning permission for the erection of 18 dwellings.
- 3.2 A serpentine estate road is proposed from the site's Gillroyd Lane entrance. This would sweep downhill (coming close to the point where Hillside View meets the public footpath) and would continue towards the site's southwest corner, terminating with a private drive. Dwellings would be arranged along this new estate road and private drive. A pedestrian connection is proposed between the estate road and the adjacent public footpath.

- 3.3 Four semi-detached and 14 detached dwellings are proposed. Dwellings would have 2- and 3-storey elevations, and pitched roofs. Six house types are proposed. All 18 dwellings would have three bedrooms.
- 3.4 In relation to affordable housing, the applicant has agreed to the provision of four Discount Market Sale units on-site, or a financial contribution (equivalent to the value of a single social rent unit) towards off-site provision.
- 3.5 No publicly-accessible open space is proposed. An attenuation tank is proposed beneath the private drive.
- 3.6 All dwellings would have off-street parking, with the detached dwellings having attached or integral garages.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 2014/93289 – Outline planning permission granted 26/01/2016 for a residential development of up to 20 dwellings.

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

- 5.1 During the life of the current application, the applicant added one residential unit close to the site's northwest corner (increasing the number of units from 17 to 18), proposed various options for affordable housing provision, amended the proposed layout to include an extension (or spur) of the estate road to meet adjacent allocated land to the south (and moved units 1 and 2 westwards to accommodate this spur), and amended the elevations of the proposed dwellings. Additional information related to highways, drainage and flood risk has also been submitted.
- 5.2 Since the Sub-Committee meeting of 30/01/2020, the applicant has submitted further drawings, as well as information regarding financial viability and affordable housing.

#### **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 HS126 (formerly H712). HS126 relates to 2.07 hectares (gross and net), sets out an indicative housing capacity of 65 dwellings, and identifies the following constraints:
- Site is partly within a Conservation Area



### 6.3 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:

### 6.4 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 Interim Affordable Housing Policy (2020)
- 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)

## Climate change

- 6.4 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

### National Planning Policy and Guidance:

- 6.5 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.

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

- 6.7 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – national described space standard (2015, updated 2016)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been advertised as a major development, a development within a conservation area, and a development that would affect a public right of way.

7.2 The application has been advertised via three site notices posted on 07/02/2018, an advertisement in the local press dated 02/02/2018, 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 28/02/2018.

7.3 22 representations were initially received from occupants of neighbouring properties. The following is a summary of the points raised:

- Previous outline permission does not dictate that current application should be approved.
- Loss of green belt land.
- Brownfield sites should be developed instead. Other sites with permission should be developed first.
- Lack of affordable housing.
- Highway concerns. Unsafe to provide site entrance on busy road where speeds exceed 40mph. Visibility at site entrance would be limited by parked vehicles. Entrance would not be wide enough for a refuse vehicle. Thorough traffic audit of Gillroyd Lane has not been carried out. Impact on pedestrian safety. Danger to children attending nearby schools. Accidents have already occurred. Causeway Side is already dangerous. Damage to roads. Inadequate visitor parking. Lack of electric vehicle charging points. No vehicular access should be allowed onto Hillside View. Parking spaces adjacent to footpath should be relocated.
- Drainage concerns. Natural springs at bottom of site should not be built on. Increased flood risk. Site regularly floods. Adjacent properties have flooded. Drainage system shouldn't be provided in the middle of the site. Query as to how discharge can be limited to 5 litres per second. Query as to what happens in excessive rain. Attenuation tank will fill and overflow.
- Loss of light to neighbouring properties. Proposed trees would block light. Winter heating bills will increase.
- Loss of privacy. Trees and bushes could be removed from west end of site, resulting in loss of privacy.
- Loss of outlook. Adjacent residential property is single-aspect, with all windows facing the application site. Landscaping at east end of site will need to be managed, and boundary treatments should be designed, to avoid amenity impacts.
- Loss of views.
- Headlights will shine into neighbouring windows.
- Noise and disturbance. Disruption during construction work.
- Air quality impacts.
- Lack of open space. Loss of children's play space. Loss of dog walking area.
- Development does not cater for needs of disabled or elderly residents.
- Loss of wildlife. Habitats of endangered species would be destroyed. Site has significant ecological value. Query if applicant's recommendations regarding bird and bat boxes would be implemented. Bat survey not carried out at the right time of year.
- Loss of mature trees from middle of the site.
- Damage to planet. Increased carbon emissions due to children travelling to school. Development is contrary to Kirklees climate plan.

- Design concerns. Proposed dwellings are not in keeping with surroundings. Concern regarding urban layout. Special attention needs to be paid to height, massing, scale, design and materials. Objection to timber cladding, metal cladding and balconies. Concern regarding greater spread of development across the site. Objection to 3-storey dwellings.
- Harm to Linthwaite Conservation Area. Public benefit balance must be revisited. Viability concerns do not justify this harm. Conservation area would be hidden, not enhanced. Less development at east end of site would allow views of the conservation area from Gillroyd Lane.
- Harm to character of Linthwaite.
- Harm to surrounding area.
- Loss of existing dry stone walls. Wall on south side of public footpath should be rebuilt.
- Objection to quantum of development. Less development would be appropriate. Overcrowding and overpopulation. Cramming of site. Overdevelopment.
- Impact of Black Rock Mills development would be added to.
- Local infrastructure and amenities inadequate. Schools are full. Residents already experience long waits for doctor appointments. Area will experience more power cuts.
- Adjacent property will be damaged.

7.4 Amendments made to the proposals during the life of the current application necessitated reconsultation. Three further site notices were posted on 30/12/2019, a further press notice was published on 03/01/2020, and letters were again delivered to addresses adjacent to the application site and to those who had previously commented. The end date for publicity was 24/01/2020 (additional time was allowed as reconsultation letters were sent out shortly before Christmas).

7.5 24 further representations were received. These have been posted online. The following is a summary of the additional points raised:

- Reconsultation was badly timed over Christmas.
- Council should defer determination of the application.
- Previous concerns have not been taken into account.
- Applicant's verbal assurances do not match the proposals on plan regarding locations and sizes of buildings.
- Accept that houses will be built on the site.
- Outline proposal was more fair in terms of sharing amenities and outlook.
- Colne Valley has deteriorated and is now dirty, littered and polluted, with higher crime rates, violent attacks, car crime and burglaries. Cramming more people into developments exacerbates these problems.
- Unique and attractive villages are merging into each other.
- Character and appearance of conservation area would not be preserved or enhanced.
- Amended designs of dwellings are still not appropriate to Linthwaite. Quickly-built houses look cheap and nasty.

- Proposed dwellings would be higher than previously proposed, resulting in greater loss of natural light and warmth, views and outlook.
- Proposed dwellings would dominate the skyline. Cottage style of adjacent properties would not be reflected. Objection to metal cladding.
- Loss of public views from Gillroyd Lane and footpath.
- Proposed dwellings are too close to existing neighbouring properties. Query if this complies with the Building Regulations.
- Highways concerns have not been addressed. Speed limit on Gillroyd Lane could be reduced. Farm lanes are now rat runs. Colne Valley roadworks recently demonstrated that the valley can't handle any more congestion.
- Highways officers should reconsider comments.
- No residents of Linthwaite use bicycles.
- Several accidents have occurred on Gillroyd Lane near to Colne Valley High School and Ardron Junior School. Gillroyd Lane is already difficult for pedestrians to cross.
- At outline stage, Highways Development Management (HDM) officers admitted access to site was "borderline" due to poor visibility.
- Proposed site entrance inadequate for a further 42 houses to be built in the future (and a car population of 120).
- Noise caused by vehicles struggling up/down slope in low gears.
- Condition requested, preventing commercial vehicles, large vans and trucks from parking in visitor parking spaces.
- Residents would not be able to use the steep proposed estate road when iced over in winter.
- Drainage concerns have not been addressed. Applicant hasn't provided for exceedance events, blockage scenarios or flood risks associated with overland flows. Increased flood risk at The Ridgeways.
- Removal of trees and shrubs would increase inevitability of flooding.
- Natural springs exist at the site.
- Query as to how increasing rainfall (due to climate change) would be provided for.
- Photographs of waterlogged land and congestion on Gillroyd Lane submitted.
- There will soon be no green spaces left.
- Bats that roost locally would be disturbed. Site is home to foxes, Great Crested Newts, owls, jays and deer.
- Empty, abandoned and derelict properties should be converted instead.
- Affordable homes would be more appropriate in another part of the village.
- Local living conditions would be adversely affected for three years during works.
- Area lacks places for teenagers and young people to hang out.
- Developer has not proven that the site is sustainable in relation to highways, drainage, site layout, house design, utilities and services.
- Unclear how the remainder of the allocated site could be developed. Adjacent landowner unwilling to sell, therefore proposals for 19 units are unsustainable.

- Concern regarding 1,700 additional dwellings proposed in and around Linthwaite.
- Previous outline permission is no longer valid. Conditions of outline permission have not been discharged.
- Concern regarding how the land was purchased, and where that money has been spent.
- Financial gain of council tax should not outweigh concerns.
- Development will result in repair costs to the council.

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

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

KC Highways – Revised proposals are acceptable. Applicant had previously demonstrated acceptable gradients (shown in longitudinal sections), dimensions of internal garages, forward visibility splays at bends in the proposed estate road, swept paths (showing a refuse vehicle can enter and exit onto Gillroyd Lane and turn within the site), 2m wide footways, and widened driveways. In the revised proposals, sufficient off-street parking is shown for the proposed additional unit. Regarding the access spur to the adjacent land to the south, 2.4m x 25m sight lines to the right (for vehicles exiting the spur) are shown – 20m is the stopping sight distance for a vehicle travelling at 20mph, which is considered acceptable at this location given the road alignment, traffic calming, and the close proximity of the junction with Gillroyd Lane. Gradients along the spur would be an acceptable 1 in 40. The horizontal alignment of the spur can be provided with acceptable forward visibility. The parking spaces proposed for unit 1 have been relocated to the opposite side of the spur, to provide improve visibility along the spur. The driveway to unit 2 has been redesigned to reduce potential conflict with vehicles at the junction of the spur and the estate road. Footways are proposed to both sides of the spur. Bin collection points are not shown, however this can be dealt with by condition. Conditions also recommended regarding visibility splays, internal adoptable roads, and retaining walls. Advice provided regarding highway works.

KC Lead Local Flood Authority – The applicant's proposed flow routing is acceptable, and a detailed flow routing plan can be secured by condition. This condition should be discharged after remediation works are carried out. Regarding the culvert, a watching brief is acceptable, subject to responsibilities being specified. Residents of the development would need to be made aware of the attenuation proposed beneath a private drive. Management and maintenance of the proposed drainage and attenuation would need to be secured.

### 8.2 Non-statutory:

KC Biodiversity Officer – No objection subject to conditions. The applicant's Preliminary Ecological Appraisal (PEA) indicates that the site supports predominantly habitats of site-level importance only. PEA's recommendations for ecological enhancement and mitigation are reasonable.

KC Conservation and Design – No objection. Land remodelling will in some respects alter the character of the Linthwaite Conservation Area. Proposed dwellings are 3-storey to allow for gradients, and would be of stone and slate – these aspects would not harm the setting or significance of the conservation area. Development of open land would cause less than substantial harm to the setting of the conservation area. This impact should have been assessed during Local Plan preparation and at outline stage. Proposed layout is a fair response to topographical constraints and would reduce harm. Use of traditional materials and landscaping would assist assimilation within the conservation area. NPPF paragraph 196 requires the harm to be balanced against the development's public benefits (in this case, provision of housing and the opportunity to deliver well-designed dwellings with appropriate landscaping). NPPF has been successfully addressed, as has Local Plan policy LP35, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is complied with.

KC Education – No education contribution required.

KC Environmental Health – Accept applicant's contaminated land findings. Recommend conditions regarding site contamination and electric vehicle charging. Advice provided regarding construction noise.

KC Landscape – For a 17-unit scheme, on-site open space including a Local Area of Play required. With no on-site provision proposed, a £89,066 contribution towards off-site provision (amenity greenspace and children and young people's space) would be required. Money could be spent at Causeway Crescent, or at Fieldhead Recreation Ground. Larger contribution, including for a Locally Equipped Area of Play, would be required if the entire site allocation was assessed. Colne Valley ward is deficient in parks and recreation, natural and semi-natural greenspace and amenity greenspace. Further advice provided regarding bin storage, landscaping, lighting and treeplanting.

KC Strategic Housing – 20% affordable housing provision required. On-site provision is preferred. In the Kirklees Rural West area there is a significant need for affordable 1- and 2-bedroom homes, as well as 1- and 2-bedroom affordable homes specifically for older people. Four of the 18 units should be affordable. Although there is significant need for 1- and 2-bedroom affordable homes in the area, 3-bedroom dwellings are welcomed. Affordable dwellings should be distributed evenly throughout the development (and not in clusters), and must be indistinguishable from market housing in terms of both quality and design. Kirklees works on a 55% social/affordable rent / 45% intermediate split – two social/affordable rent and two intermediate units would therefore be appropriate.

KC Street Lighting – The proposed access would affect the position of an existing street lighting column.

KC Trees – No objection. General principle of development is acceptable. Existing trees on site do not meet criteria for a new TPO to be served. Retention of trees along the western boundary is welcomed. Conditions recommended regarding landscaping and an Arboricultural Method Statement.

Peak and Northern Footpaths Society – Objection. Proposed development would adversely affect the amenity and public enjoyment of a public footpath. The footpath currently overlooks a green field with views of the Colne Valley below – this would be lost, and the path would be further urbanised and squeezed between two built-up areas.

West Yorkshire Police Crime Prevention Design Advisor – Details of boundary treatments required. These should provide privacy and security for dwellings abutting existing footpaths, and should maintain some surveillance of them. Detailed guidance provided regarding fencing, lighting, doors and windows.

Yorkshire Water – Recommend conditions requiring provision of separate systems of drainage for foul and surface water, and prohibiting location of buildings and other obstructions (including landscape features) over or within 3m either side of the public sewer. No objection to proposed sewer diversion, if agreed in accordance with Yorkshire Water. No objection to discharge of surface water to sewer at a maximum rate of 5l/s.

## **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: HS126), to which full weight can be given.



- 10.4 The site is not designated 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 18 dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan.
- 10.6 The applicant's Supporting Planning Statement 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) and electric vehicle charging points would be secured by condition, 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 adjacent to an existing, established settlement that is served by public transport and other facilities.
- 10.8 This part of Linthwaite currently has pubs, a convenience store, churches, a cricket ground and Colne Valley High School, in addition to the many facilities available on Manchester Road, such that many 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, LP5, 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 application site is subject to constraints relevant to design and conservation, namely the Linthwaite Conservation Area which includes the site and much of the rest of Linthwaite. The site is visible from the opposite side of the Colne Valley (from, for example, Radcliffe Road and Sunny Bank Road). The nearest listed buildings are at 126 to 132 Gillroyd Lane and 257 and 259 Gillroyd Lane.

- 10.12 The council's character appraisal of the Linthwaite Conservation Area identifies the application site as land that traditionally would have enhanced the setting of the formal house (Rock House) to the north, and also notes the prevalence of natural stone and slate, and the common weavers' cottages and mill workers' cottages.
- 10.13 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Linthwaite Conservation Area.
- 10.14 Other constraints and considerations that affect site layout include topography and flood routing. The site's significant westwards downhill slope is particularly relevant and has resulted in the applicant's proposal for a serpentine estate road layout. The applicant has also advised that providing vehicular access to the site from Hillside View would not be possible, due to third party land at the terminus of that street, and Hillside View being unsuitable for additional traffic due to its gradients, width (the carriageway lacks central white line markings), bends, and on-street (and on-footway) parking.
- 10.15 Due to the application site's topography, some levelling will be necessary to enable the creation of development platforms and to the provision of acceptable gradients along the estate road. While developers would normally be expected to work with a site's existing topography, it is accepted that some reshaping of this site would be necessary to accommodate development. It is noted that the applicant does not intend to import material to the site, and proposes dwellings that respond to the site's slope (with two storeys on one elevation, three on the opposite elevation) to help reduce the need for levelling and retaining walls.
- 10.16 Combined public sewers run beneath the application site. These were identified as a significant constraint on layout at outline application stage – the indicative layout submitted with application ref: 2014/93289 showed dwellings arranged to avoid the sewers. Under the current proposals, however, these sewers would be diverted, enabling a more appropriate layout and more efficient use of land.
- 10.17 Local Plan policy LP5 (regarding masterplanning) is relevant to this application, not least given that land immediately to the south of the application site is within the same site allocation. Local Plan policy LP7 is also relevant, and states that, to ensure the best use of land and buildings, proposals must allow for access to adjoining undeveloped land so it may subsequently be developed. Paragraph 6.41 of the Local Plan states that the council will continue to positively support measures to ensure the best use of land and buildings, including through the application of relevant policies to ensure land is not sterilised for development.
- 10.18 Paragraph 4.1.4 of the applicant's Supporting Planning Statement stated that "The road alignment ensures that access to the remaining POL/Housing allocation is not prejudiced". Officers were concerned, however, that the proposed development would prevent vehicular access to the adjacent, allocated land to the south, as an unadoptable private drive (above an attenuation tank) is proposed at the end of the new estate road, and the only

other options for accessing this land would have relied on the purchase and demolition of a house or houses on Gillroyd Lane, intrusion into the green belt, and/or access points where acceptable gradients could not be achieved.

- 10.19 To address these concerns, the applicant added an extension (or spur) to the proposed estate road (in front of units 1 and 2), to ensure land to the south can be accessed and developed in the future. The applicant has also agreed to not create a ransom strip scenario in the event that the adjacent land is brought forward for development, and an appropriate obligation (to be secured via a Section 106 agreement) is recommended. The council's Highway Development Management team have advised that the geometry and gradients of this spur are acceptable, and that the spur and the proposed site entrance on Gillroyd Lane can indeed accommodate the traffic of as many as 65 residential units.
- 10.20 An unadopted pedestrian access to the adjacent land can be provided over the private drive at the end of the new estate road.
- 10.21 The proposed 18 dwellings would be arranged around the new serpentine estate road. Most rear gardens of the new dwellings would back onto existing or proposed rear gardens, completing (or partly completing) perimeter blocks. Careful design of boundary treatments and defensive planting will be necessary where existing or proposed side and rear garden boundaries would be exposed to public access. Outdoor areas that are not proposed within garden curtilages would 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. A condition related to crime and anti-social behaviour prevention measures is recommended.
- 10.22 Off-street car parking is proposed in front driveways, or in integral or attached garages. With appropriate landscaping, the proposed car parking would not have an over-dominant or otherwise harmful visual or streetscape impact.
- 10.23 The proposed development's serpentine estate road would help prevent surface water running into or pooling within residential curtilages, and ground levels and kerbs will need to be designed to direct any surface water flow away from building thresholds. These details would also need to address the LLFA's comments regarding flood routing around plots 12 to 15.
- 10.24 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.
- 10.25 With 18 units proposed in a site of 0.77 hectares, a density of only 23 units per hectare would be achieved. It is noted, however, that the proposed number of units (18) is close to the number ("up to 20") for which outline planning permission has previously been granted. Furthermore, the site's constraints limit its developable area – space needs to be left undeveloped at the east end of the site where existing neighbouring properties are located close to the site boundary, and the amenities of existing dwellings to the west

of the site must similarly be protected. The proposed development must also take its cue (at least partly, in terms of quantum, density and layout) from existing adjacent development and the character and appearance of the Linthwaite Conservation Area, and it is noted that surrounding densities to the north are not high, with many residential properties having large gardens which provide space for soft landscaping that helps to enhance the conservation area. With all these matters taken into account, although the proposed density falls well short of the 35 units per hectare density specified (and applicable “where appropriate”) in Local Plan policy LP7, it is recommended that the proposed quantum of development, and its density, be accepted.

- 10.26 Six house types are proposed, all of which would present two or three storeys to the new estate road. Although 2-storey elevations predominate in this part of Linthwaite, the proposed 3-storey elevations are considered acceptable in the context of the 3-storey elevations that already exist nearby at Hillside View and elsewhere on the east slope of the Colne Valley. Conventional massing, roof forms and elevational treatments are proposed. The proposed elevations have been improved during the life of the application, and variations to house types have added interest to the proposed street scenes. Some of the proposed details, such as the small catslide roofs and areas of timber cladding, are not typically found in this part of Linthwaite, but are considered acceptable. Pitched roofs, front gables and windows with vertical emphases within window openings with horizontal emphases are proposed, and these details are considered acceptable
- 10.27 Regarding materials, section 9 of the applicant’s application forms indicates that slate roofs are proposed, while stone and timber is proposed for the walls. Natural stone and slate would be required for this site within the Linthwaite Conservation Area, and a condition requiring details and samples of these and other materials is recommended. No metal cladding is proposed.
- 10.28 The proposed perimeter block layout would reduce the prominence of rear garden fencing, which is welcomed, however in other locations careful design of boundary treatments would be necessary, given the site’s location in a conservation area, and its visibility. A condition requiring details of boundary treatments is recommended.
- 10.29 The applicant’s supporting Heritage Statement concludes that the proposed development (in its pre-amendment iteration) enhances the setting of listed buildings, the conservation area and views to and from the green belt. This is not accepted – elevational amendments to the proposed dwellings were considered necessary to ensure the development was more reflective of its context. Furthermore, development of this greenfield site in itself would be harmful to the setting of the conservation area, as it would occupy the land that traditionally would have enhanced the setting of the formal house (Rock House) to the north and would expand the settlement beyond its historic edges into the rural surroundings that help define the conservation area. These impacts, however, are limited by the fact that 20<sup>th</sup> century development already exists to the north and southwest, and the proposed layout and materials would further limit the proposed development’s impacts. Therefore, the harm caused would be less than substantial, and paragraph 196 of the NPPF requires this harm to be weighed against the proposed development’s public benefits. In this case, the provision of housing carries significant

weight, and outweighs the less than substantial harm caused by the development. It is further noted that assessments of the impact of development upon the conservation area were carried out during the preparation of the Local Plan (and its allocation of the site for residential development) and the consideration of the previous application for outline planning permission (ref: 2014/93289).

- 10.30 It is considered that the proposed development would not cause unacceptable harm to the significance of listed buildings.
- 10.31 In light of the above assessments, it is considered that the relevant requirements of chapters 11, 12 and 16 of the NPPF, and Local Plan policies LP2, LP5, LP7, LP24 and LP35, would be sufficiently complied with. Paragraph 196 in particular would be appropriately addressed, and the proposed development is considered compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

#### Residential amenity and quality

- 10.32 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.
- 10.33 Acceptable separation distances are proposed between the proposed dwellings and existing neighbouring properties. The proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook.
- 10.34 Regarding the heights and positions of the proposed dwellings, the proposed development is considered acceptable in aesthetic and amenity terms. Residents correctly note that some of the proposed dwellings would be approximately 1m and 1.5m taller than in their previous iteration under the current application (these changes are a result of amendments to the gradients of the proposed estate road, and improvements to elevations of dwellings), however assessments of the proposed dwellings should be based on what is currently proposed, rather than a comparison with what was previously proposed under the same application. Crucially, the proposed dwellings nearest to 164 to 172 Gillroyd Lane would still have 2-storey elevations facing those existing properties. 28.5m would be maintained between the front elevation of unit 1 and the west-facing elevation of 172 Gillroyd Lane (this distance has increased from 26.5m with the pushing of the spur and units 1 and 2 westwards in the most recent layout amendments), and 25.5m would be maintained between the front elevation of unit 5 and the nearest elevation of 168 Gillroyd Lane – it is considered that these distances would ensure adequate levels of amenity are maintained for residents of these neighbouring properties.

- 10.35 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the site's location on Gillroyd Lane (which is already used by through-traffic) it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently incompatible with existing surrounding uses.
- 10.36 A condition requiring the submission and approval of a Construction Management Plan (CMP) is recommended. The necessary discharge of conditions 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 dust suppression measures and temporary drainage arrangements would need to be included in the CMP. An informative regarding hours of noisy construction work is recommended.
- 10.37 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.38 The applicant proposes:
- 2x A1 house types (units 4 and 14) – 134.43sqm
  - 3x A2 house types (units 3, 5 and 13) – 134.43sqm
  - 1x B3 house type (unit 7) – 125.42sqm
  - 2x B4 house types (units 8 and 10) – 137.5sqm
  - 2x D house types (units 9 and 11) – 155.43sqm
  - 3x E house types (units 6, 12 and 15) – 158.59sqm
  - 1x F house type (unit 18) – 119.94sqm
  - 3x S1A house type (units 1, 16 and 17) – 117.8sqm
  - 1x S1B house type (unit 2) – 144.74sqm
- 10.39 All units would have three bedrooms. This is unfortunate, as a more varied unit size mix would have catered for a wider range of household sizes, would have helped create a mixed and balanced community, and would have helped to avoid visual monotony across the site. Furthermore, it is noted that Local Plan policy LP5e requires masterplanned developments to provide for a mix of housing that addresses the range of local housing needs and encourages community cohesion (although specific proportions of unit sizes are not set out in the policy). While this aspect of the proposed development is a shortcoming that attracts negative weight in the balance of planning considerations, it is not recommended that planning permission be withheld on these grounds.
- 10.40 Although the Government's Nationally Described Space Standards (2015, updated 2016) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. These standards set out a range of floorspace figures for 3-bedroom dwellings, from 84sqm (for a 3-bedroom, 4-person, 2-storey dwelling) to 108sqm (for a 3-bedroom, 6-person, 3-storey dwelling). The proposed dwellings would exceed these standards, which is welcomed.
- 10.41 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.

- 10.42 Most dwellings would have WCs at their entrance level, providing convenience for visitors with certain disabilities. No dwellings would have bedrooms on their entrance level, although several units would have habitable rooms at ground floor level that could be converted to bedrooms.
- 10.43 All of the proposed dwellings would be provided with adequate private outdoor amenity space.
- 10.44 Regarding open space, it is accepted that on-site provision would not be suitable for this sloped site. A financial contribution would instead be required, based on what would be required for the entire allocated site, with the proposed 18-unit development's requirement apportioned accordingly.
- 10.45 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, boundary treatment and management. Details of the proposed pedestrian connection to the adjacent public footpath (including details of gradients, any handrails, and construction methods) would also be required.

#### Affordable housing

- 10.46 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.
- 10.47 The 20% policy requirement would be equivalent to 3.6 affordable units, therefore this 18-unit development would normally necessitate the provision of four affordable units.
- 10.48 Earlier in the life of the current application, when 17 units were proposed, the applicant submitted financial viability evidence which stated that the proposed development could not provide any affordable housing or financial contributions related to Section 106 planning obligations. This evidence was reviewed by the council's viability consultant, Avison Young, who advised that the 17-unit scheme could, in fact provide one social rent dwelling (but no other contributions) and remain viable. The applicant then considered alternative affordable housing provision options, including the provision of additional affordable flats at the applicant's Marsden Fire Station site, however officers advised that the affordable housing required of the proposed development should be provided on-site.
- 10.49 With the increase in unit numbers from 17 to 18, the applicant agreed to provide three of the units as affordable homes. These would have been 3-bedroom semi-detached properties (Units 1, 16 and 17) located close to the northwest and southeast corners of the site, and would have been Discounted Market Sale (DMS) units, with freeholds sold at 80% of market value.

- 10.50 It was noted in the previous committee report that this proposal was not in accordance with the council's preferred tenure mix of 55% social or affordable rent / 45% intermediate, however officers noted that there was some merit in the argument that DMS units enable already-local people to get on the property ladder in locations where options may be limited – it was accepted that providing housing of specific tenures can foster social sustainability by enabling existing residents to stay local and maintain community. Officers also note that DMS is indeed a form of affordable housing, and that the glossary of the National Planning Policy Framework confirms that DMS can be secured in perpetuity, so that it remains at a discount for future eligible households. Officers advised, therefore, that the applicant's proposed deviation from the council's preferred tenure mix therefore only attracted limited negative weight.
- 10.51 Within the Kirklees Rural West area there is a significant need for affordable 1- and 2-bedroom homes, as well as 1- and 2-bedroom homes specifically for older people. Notwithstanding these needs, KC Strategic Housing welcomed the provision of 3-bedroom affordable dwellings
- 10.52 The proposed locations of the three affordable housing units were considered acceptable, given the size of the site and the proposed development, and the proposal to provide the affordable units in two locations (rather than grouping them together). Although the proposed affordable provision included three of the development's four semi-detached units (while all other units would be detached), all units in the proposed development would have three bedrooms, and the same materials and similar detailing is proposed for all dwellings, which would have helped ensure that the three affordable units would not be visually distinguishable from the development's market units.
- 10.53 At the Huddersfield Sub-Committee meeting of 30/01/2020, Members deferred determination of the application, partly to allow for officers and the applicant to look at different options for utilising the allocated funds (in the Section 106 agreement) for the delivery of affordable housing. The applicant has provided further information regarding the values of the three DMS units, and of one social rent unit. This and other information is set out in an updated confidential paper relating to the viability of residential development at this site, prepared for Members to consider alongside this committee report.
- 10.54 Most recently, the applicant has agreed to the provision of four DMS units on-site, or a financial contribution (equivalent to the value of a single social rent unit) towards off-site provision.
- 10.55 Officers agree that a Registered Provider is unlikely to take on a single social rent unit at this site.
- 10.56 Given the council's preference for on-site provision of affordable housing, it is recommended that the four DMS units be accepted and secured via a Section 106 agreement. As noted above, DMS is recognised as a form of affordable housing, and a development of this size would normally be required to provide four affordable housing units, therefore the applicant's current (revised) offer of four DMS units renders the development policy-compliant in terms of numbers of affordable housing units.



## Highway and transportation issues

- 10.57 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.
- 10.58 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.
- 10.59 A single vehicular access point is proposed off Gillroyd Lane. In order to gain improved visibility at the proposed access and to comply with the relevant recommended standards for the recorded approach speed, it is proposed to realign the near kerb line of Gillroyd Lane and to widen the footway. This would reduce the carriageway width of Gillroyd Lane from approximately 8.5m to 7.75m. These works would enable the provision of 2.4m x 50m (to the south) and 2.4m x 41m (to the north) visibility splays at the site's entrance, which is considered acceptable.
- 10.60 As explained above, land to the south of the application site is within the same site allocation (HS126), and consideration of the adequacy of the proposed site entrance (which may, in the future, need to accommodate the traffic of as many as 65 residential units) is appropriate at this stage. This matter has been put to HDM officers, who have advised that the proposed junction (to be created by the new access point on Gillroyd Lane) would be adequate for the proposed 18 dwellings or the possible 65 dwellings. No objections on highways safety or capacity grounds have been raised by HDM officers, however a further, full assessment of these matters would be considered in light of whatever highway conditions applied at the time, as and when further planning applications (relating to the rest of site HS126) are submitted.
- 10.61 As regards residents' comments that access arrangements for the site were previously considered "borderline" at outline application stage, officers have been unable to find any such assessment in the previous committee report or HDM comments relating to this site.
- 10.62 The applicant's Transport Technical Note predicts trip generation of nine additional vehicle movements in the a.m. peak period (08:00 to 09:00) and nine additional vehicle movements in the p.m. peak period (17:00 to 18:00). This is not considered significant in the context of local highway capacity. The concerns of residents regarding existing congestion are noted, however the local highway network nonetheless would not be severely impacted by the anticipated number of additional vehicle movement.

- 10.63 The applicant additionally predicts five pedestrian and two bus trips in the a.m. peak period, and three pedestrian and two bus trips in the p.m. peak period. This trip generation is considered low, and can be accommodated by the existing pedestrian and public transport infrastructure. Pedestrian infrastructure surrounding the site is generally good, with Gillroyd Lane having footways on both sides of the carriageway, and public footpath COL/69/30 providing an east-west pedestrian connection between Gillroyd Lane and Causeway Side. The proposed pedestrian connection between the development's estate road and this public footpath (and Hillside View) would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e, and is welcomed. Concerns expressed by residents and the Peak and Northern Footpaths Society regarding impacts upon the public footpath are noted, and it is accepted that the setting of this footpath would change as a result of the proposed development, however this impact is not considered so great as to warrant refusal of planning permission. Appropriate adjacent boundary treatments, landscaping, and details of the pedestrian connection can be secured to ensure the usability of the footpath is maintained, and the amenity and attraction of the footpath is not significantly reduced.
- 10.64 In the previous committee report it was recommended that the submission and implementation of a Travel Plan be secured via a Section 106 agreement, and that Travel Plan monitoring fees would also need to be secured. However, having regard to paragraph 5.19 of the council's Highway Design Guide SPD, the proposed development is not of the size that would normally necessitate the submission of a Travel Plan, and it is therefore no longer recommended that this be secured via a Section 106 agreement. It is, however, still recommended that other measures to encourage the use of sustainable modes of transport be secured.
- 10.65 Regarding the proposed development's internal arrangements, the applicant's amended drawings have addressed the concerns of HDM officers, including those relating to the spur. Adequate 2.4m x 25m sight lines to the right (for vehicles exiting the spur) are now proposed (20m being the stopping sight distance for a vehicle travelling at 20mph, which is considered acceptable at this location given the road alignment, traffic calming (namely, the ramp proposed at the site entrance), and the close proximity of the junction with Gillroyd Lane). Gradients along the spur would be an acceptable 1 in 40. HDM officers have also advised that the horizontal alignment of the spur can be provided with acceptable forward visibility.
- 10.66 An existing lighting column directly outside the application site on Gillroyd Lane would need to be relocated.
- 10.67 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. It is not considered necessary to restrict the use of the proposed visitor parking spaces as suggested by residents, and such a condition is unlikely to be enforceable in any case.

- 10.68 The two parking spaces proposed for unit 1 would be located on the opposite side of the spur. Parking spaces should normally be provided within the curtilages of the units they serve, however the proposed arrangement (and residents of unit 1 having to cross the spur to access the spaces) is considered acceptable while allocated land to the south remains undeveloped. When proposals for that land come forward, the council would need to consider whether these two parking spaces would need to be provided within the adjoining land (directly to the south of unit 1, for example) to avoid residents of that dwelling having to cross the spur when it is trafficked.
- 10.69 A condition, requiring details of the surfacing and drainage of parking spaces, is recommended.
- 10.70 Storage space for three bins will be required for all dwellings. Further details of waste collection, including details of management to ensure any 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. This would also consider the visual impact of waste storage arrangements within the development.

#### Flood risk and drainage issues

- 10.71 The site is within Flood Zone 1. The site slopes downhill from east to west. Just outside the southwest corner of the application site, within the rear gardens of residential properties in The Ridgeways, is a short stretch of culverted watercourse. Combined public sewers run beneath the application site.
- 10.72 A site-specific Flood Risk Assessment (FRA) was submitted by the applicant. This recommends against infiltration as a means of disposal of surface water, and instead recommends that surface water flows from the site (post-development) be disposed of via the existing combined public sewer at an attenuated rate of 5 litres per second. Attenuation would be provided in the form of a hydraulic flow device (such as a Hydrobrake), meaning that stormwater storage would need to be provided on-site. An attenuation tank is shown on the applicant's drawings beneath the private drive at the terminus of the proposed estate road.
- 10.73 It is accepted that infiltration is not appropriate for this site. It is also noted that there is no known existing (and suitable) watercourse close to the site to which surface water could be discharged. The principle of disposing surface water to the combined sewers, therefore, is considered acceptable, however this will need to be attenuated to a rate agreed with Yorkshire Water, and the proposed attenuation tank, measuring 24m x 3.6m x 2.4m, is considered necessary. The earlier concerns expressed by the LLFA regarding the size of the tank are noted, however options for alternative on-site attenuation are limited due to the site's topography and the need to make effective use of land.

- 10.74 Further information was submitted by the applicant on 23/01/2020 regarding flood risk and drainage, in response to the comments of the LLFA of 14/01/2020. Those previous concerns of the LLFA have been adequately addressed, however a condition requiring further detail of flood routing is recommended.
- 10.75 Yorkshire Water (YW) initially objected to the lack of a 3m stand-off either side of the existing combined public sewers that run beneath the site, and to the proposed construction of dwellings above the sewers. The applicant, however, proposes the diversion of the sewers to a new alignment beneath the proposed estate road, enabling an appropriate stand-off. YW were reconsulted regarding the proposed increase in the number of units (to 18) and the applicant's additional information regarding sewer diversion. Council officers specifically asked YW whether 1) YW were agreeable to the applicant's proposed diversion of the existing combined public sewer that runs beneath the site, and 2) whether the applicant's proposed discharge rate (5 litres per second) to the combined public sewer was acceptable to YW. In response, YW advised on 28/01/2020 that, if planning permission is approved, conditions should be attached requiring surface water discharge to be limited to 5 litres per second, and no buildings or obstructions being located over the public sewer. With regard to the proposed diversion, YW advised:

*The submitted drawing E16/6781/001M, dated 22/01/2020 (prepared by Haigh Huddleston Associates) indicates a proposed diversion of the sewer crossing the site. Provided that this is agreed in accordance (with the provisions under Section 185, Water Industry Act 1991) with Yorkshire Water, we have no objections to the proposals.*

- 10.76 The applicant has referred to "an old plan" showing the line of a possible culverted watercourse that crosses the site, however trial holes dug on the site have not ascertained its location (or, indeed, whether it exists). As the applicant has not confirmed the depth of the trial holes, and as no transect has been dug, it is possible that further site investigation may reveal this culverted watercourse. The LLFA, however, has accepted that, instead of further investigation at application stage, a watching brief can be adopted. Should a culvert be found during excavations, a suitable management plan would then need to be developed and agreed with the LLFA. Although the preference would be to retain culverts in their current positions/alignments (which may necessitate a revision to the proposed development's layout, depending on where the culvert is found), diversion can be considered. A relevant condition is recommended.
- 10.77 At the Huddersfield Sub-Committee meeting of 30/01/2020, Members deferred determination of the application, partly to allow for further investigation of the proposed development's implications for off-site drainage. Further comments on this matter have not yet been provided by the LLFA (any further comments will be included in the committee update), however it is noted that surface water currently leaves the site via infiltration (and possibly overland flows at times when the land is saturated), whereas following completion of the proposed development surface water would be collected, attenuated, and directed to the combined sewers, such that there is likely to be a reduction in surface water reaching surrounding land from the application site. Effectively, the proposed development would result in currently-uncontrolled discharge being brought under control.

- 10.78 Details of temporary surface water drainage arrangements would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.79 Foul water from the proposed development would discharge to the existing combined public sewer beneath the application site. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.

#### Trees and ecological considerations

- 10.80 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, and at its centre. No trees within or near to the site are protected by Tree Preservation Orders, however the conservation area status of the site bestows protection on trees, and trees outside the application site, to the northwest, are protected by Tree Preservation Orders 53/91/g1 and 53/91/g2. A Biodiversity Opportunity Zone (Valley Slopes), an SSSI Impact Risk Zone, and a twice buffer zone covers the site.
- 10.81 The applicant has submitted a Preliminary Ecological Appraisal (PEA). This includes the details of a desktop study and the findings of a site survey carried out on 14/11/2017 (which included a survey of the site's use and potential use by bats). The PEA indicates that the site predominantly supports habitats of site-level importance only. The majority of the site's existing trees would be retained in the proposed layout, and there is scope for the planting of additional trees. The council's Biodiversity Officer has raised no objection to the proposed development, subject to conditions.
- 10.82 Regarding trees, it has already been established (at outline application stage) that the site's existing trees do not meet the criteria for a new TPO to be served. In general, the principle of development at this site is considered acceptable in relation to trees. The proposed retention of trees, where possible, along the site's western boundary is welcomed. These trees provide useful screening. The council's Arboricultural Officer has raised no objection to the proposed development, subject to conditions requiring the submission of an Arboricultural Method Statement and landscaping details. In addition, a condition requiring a Tree Protection Plan is recommended.

#### Environmental and public health

- 10.83 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, measures to discourage high emission vehicle use and encourage modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, should be secured via Section 106 obligations.
- 10.84 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, 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.

10.85 Regarding the social infrastructure currently provided and available in Linthwaite (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

10.86 Regarding potential site contamination, the findings and recommendations of the applicant's contaminated land report are accepted. Conditions regarding site contamination remediation are recommended.

10.87 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.

#### Representations

10.88 A total of 46 representations were received from occupants of neighbouring properties. The material planning considerations raised in the comments have been addressed in this report.

#### Planning obligations

10.89 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:

- Affordable housing – Four affordable housing units (Discount Market Sale) to be provided in perpetuity.
- Sustainable transport – Measures to encourage the use of sustainable modes of transport.
- 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).
- Adjacent land – Agreement to allow vehicular, cycle, pedestrian and construction access to adjacent allocated land to the south without unreasonable hindrance.

10.90 Of note, the applicant has provided evidence demonstrating that site constraints and related costs would adversely affect the financial viability of residential development at this site. Despite this evidence, the applicant now proposes the provision of four affordable housing (DMS) units. It is recommended that a financial contribution towards open space cannot reasonably be required in light of the applicant's affordable housing offer and viability evidence.

10.91 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

10.92 A condition removing permitted development rights from the proposed dwellings is recommended. This is considered necessary due to the site's location within Linthwaite Conservation Area, and its visibility from the opposite side of the Colne Valley. Extensions, outbuildings and other alterations under permitted development allowances here could be harmful to the significance of this heritage asset, and could cause visual harm in longer views across the valley.

10.93 Loss of views across private land (not under the control of the viewer) is not a material planning consideration.

10.94 There is no evidence to suggest the proposed development would result in more frequent power cuts.

10.95 The risk of construction-stage damage to adjacent properties is not a material planning consideration.

10.96 The proposed development's compliance (or otherwise) with the Building Regulations is not a material planning consideration.

10.97 Residents' concerns regarding how the application site was purchased, and where the proceeds were spent, are not material planning considerations.

10.98 A resident has expressed concern regarding headlights (of vehicles moving around the proposed development) shining into their properties. This is acknowledged as a potential impact (and, therefore, attracts some negative weight), however the impact would be momentary, it would only happen when vehicles are moved during dark hours, and it is therefore not considered so problematic as to warrant refusal of permission. Headlights momentarily shining on a property opposite a street entrance in this way is not an uncommon occurrence.

10.99 The applicant has applied for full planning permission, and has not submitted a Reserved Matters application pursuant to the previous outline planning permission. The validity of the outline permission, and the fact that outline conditions have not been discharged, is therefore not relevant to the consideration of the current application.

## **11.0 CONCLUSION**

- 11.1 The application site is allocated for residential development under site allocation HS126, 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), the Linthwaite Conservation Area, topography, drainage and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage, although some aspects of the proposed development attract negative weight in the balance of planning considerations. 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 Planning and Development)**

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Submission of a Construction Management Plan (including temporary surface water drainage arrangements).
4. Provision of visibility splays.
5. Submission of details relating to internal adoptable roads.
6. Submission of details of surfacing and drainage of parking spaces.
7. Cycle parking provision prior to occupation.
8. Provision of electric vehicle charging points (one charging point per dwelling with dedicated parking).
9. Provision of waste storage and collection.
10. Provision of details of retaining walls.
11. Submission of an Arboricultural Method Statement and Tree Protection Plan.
12. Culverted watercourse watching brief.
13. Submission of flood risk and drainage details, including details of flow routing.



14. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
15. Submission of an intrusive site investigation report (phase II report).
16. Submission of a remediation strategy.
17. Submission of a validation report.
18. Crime prevention measures.
19. External materials (details and samples to be submitted).
20. Boundary treatments.
21. External lighting.
22. Full landscaping scheme.
23. Biodiversity enhancement and net gain.
24. Removal of permitted development rights for extensions and outbuildings.

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90208>

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