

# Public Document Pack



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

**Julie Muscroft**

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Wednesday 17 July 2019

## Notice of Meeting

Dear Member

### **Planning Sub-Committee (Heavy Woollen Area)**

The **Planning Sub-Committee (Heavy Woollen Area)** will meet in the **Reception Room - Town Hall, Dewsbury** at **1.00 pm** on **Thursday 25 July 2019**.

(A coach will depart the Town Hall, at 10.30am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Dewsbury 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 (Heavy Woollen Area) members are:-**

### **Member**

Councillor Paul Kane (Chair)  
Councillor Mahmood Akhtar  
Councillor Michelle Grainger-Mead  
Councillor John Lawson  
Councillor Fazila Loonat  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Nosheen Dad  
Councillor Cathy Scott  
Councillor Charlotte Goodwin  
Councillor Kath Taylor  
Councillor Graham Turner  
Councillor Steve Hall

When a Planning Sub-Committee (Heavy Woollen Area) member cannot be at the meeting another member can attend in their place from the list below:-

### **Substitutes Panel**

#### **Conservative**

M Thompson  
B Armer  
V Lees-Hamilton  
N Patrick  
R Smith  
J Taylor

#### **Green**

K Allison  
S Lee-Richards

#### **Independent**

C Greaves  
T Lyons

#### **Labour**

E Hill  
M Sokhal  
M Kaushik  
W Simpson  
A Butt

#### **Liberal Democrat**

A Munro  
A Marchington

# 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.

Councillor Armer will substitute for Councillor Goodwin.

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**2: Interests and Lobbying**

1 - 2

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 also 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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**3: 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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**4: 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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**5: Public Question Time**

The Committee will hear any questions from the general public.

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**6: Site Visit - Application No: 2019/91621**

Erection of side extension and single storey rear extension 19, Staincliffe Road, Dewsbury.

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

**Contact Officer:** Julia Steadman, Planning Services

**Wards**

**Affected:** Dewsbury West

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**7: Site Visit - Application No: 2019/91888**

Erection of single storey extensions and enlargement of dormer window to front at 3, Byron Grove, Dewsbury Moor, Dewsbury.

(Estimated time of arrival at site - 10:55 am)

**Contact Officer:** Julia Steadman, Planning Services

**Wards**

**Affected:** Heckmondwike

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**8: Site Visit - Application No: 2019/90264**

Erection of 22 dwellings at land west of, Oxford Road, Gomersal, Cleckheaton.

(Estimated time of arrival at site - 11:20 am)

**Contact Officer:** Nick Hirst, Planning Services

**Wards**

**Affected:** Birstall and Birkenshaw

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**9: Local Planning Authority Appeals** 3 - 12

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: Julia Steadman, Planning Services

**Wards**

**Affected:** Birstall and Birkenshaw

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**Planning Applications** 13 - 14

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 have registered no later than 5.00 pm (via telephone), or 11.59 pm (via email) on Monday 22 July 2019.

To pre-register, please contact [andrea.woodside@kirklees.gov.uk](mailto:andrea.woodside@kirklees.gov.uk) or phone Andrea Woodside on 01484 221000 (Extension 74993)

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

**10: Planning Application - Application No: 2019/90264** 15 - 34

Erection of 22 dwellings at land west of, Oxford Road, Gomersal, Cleckheaton.

**Contact Officer:** Nick Hirst, Planning Services

**Wards**

**Affected:** Birstall and Birkenshaw

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**11: Planning Application - Application No: 2019/91621** 35 - 42

Erection of side extension and single storey rear extension at 19, Staincliffe Road, Dewsbury.

**Contact Officer:** Jennifer Booth, Planning Services

**Wards**

**Affected:** Dewsbury West

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**12: Planning Application - Application No: 2019/91888** 43 - 50

Erection of single storey extensions and enlargement of dormer window to front at 3, Byron Grove, Dewsbury Moor, Dewsbury.

**Contact Officer:** Jennifer Booth, Planning Services

**Wards**

**Affected:** Heckmondwike

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**13: Planning Application - Application No: 2019/91068** 51 - 62

Demolition of existing storage unit and erection of replacement storage unit (Class B8) Land at, William Street, Ravensthorpe, Dewsbury.

**Contact Officer:** Julia Steadman, Planning Services

**Wards**

**Affected:** Dewsbury West

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### **Planning Update**

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

**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 (HEAVY WOOLLEN AREA)**

**Date: 25 JULY 2019**

**Title of report: LOCAL PLANNING AUTHORITY APPEALS**

**The purpose of the report is to inform Members of planning appeal decisions received in the Heavy Woollen area since the last Sub-Committee meeting.**

**Electoral wards affected: Birstall and Birkenshaw**

**Ward councillors consulted: No**

**Public or private: Public**

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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 2018/62/93215/E - Conversion of stables to two storey dwelling and associated alterations at stables at, Cliff Hollins Lane, East Bierley, BD4 6RQ. (Officer Decision) (Dismissed)
- 2.2 2018/62/90886/E - Erection of 2 dwellings at 203, Raikes Lane, Birstall, Batley, WF17 9QF. (Officer Decision) (Dismissed)

**3. Implications for the Council**

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

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

**4. Consultees and their opinions**

Not applicable, the report is for information only

**5. Next steps**

Not applicable, the report is for information only

**6. Officer recommendations and reasons**

That the report be noted

7. **Cabinet portfolio holder recommendation**  
Not applicable
8. **Contact officer**  
Mathias Franklin –Development Management Group Leader (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 29 May 2019

**by Kate Mansell BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1<sup>st</sup> July 2019

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**Appeal Ref: APP/Z4718/W/19/3224737**

**Stables, Cliff Hollins Lane, East Bierley BD4 6RQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Taylor against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2018/62/93215/E, dated 1 October 2018, was refused by notice dated 22 February 2019.
  - The development proposed is conversion of equestrian stables building to form 1 number residential dwelling.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The address given on the application form only refers to the site's location within Bradford. For clarity, I have therefore taken the address from the appeal form and decision notice as this is more precise.
3. The Kirklees Local Plan Strategy and Policies Document (Kirklees LP) was adopted on 27 February 2019 and now comprises the local development plan. The wording of Policy LP60 within this adopted Kirklees LP is consistent with Policy PLP60 of the Draft LP cited in the Council's reason for refusal. The appellants have also had the opportunity to comment on the effect of the adopted Local Plan and accordingly, no parties are prejudiced by my having regard to it.

### Main Issue

4. The main issue is the effect of the proposal on the Green Belt as follows:
  - Whether the proposal is inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy and its effect on the openness of the Green Belt and purposes of including land within it;
  - The effect of the development on 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

5. The appeal site lies to the south of Cliff Hollins Lane, approximately 230m to the west of East Bierley and within the Green Belt. It is a broadly rectangular plot that is part of a larger field. The site is occupied by a portal frame building that is presently utilised as an equestrian stable and has been used as such since at least 2009. The building is set back from the road by approximately 17m, accessed via a pair of metal gates. Between the building and the road, material has been laid down to create a rough hard surface for parking.
6. The proposal would introduce windows and doors into the external elevations as well as a first-floor level internally to create a three-bedroom dwelling. A boundary is shown around the building to delineate a private amenity space, as well as a parking and turning area for two vehicles and bin storage provision. Part of the existing hedgerow and vegetation to the front boundary on Cliff Hollins Lane is shown for removal.

### *Whether inappropriate development, including its effect upon openness*

7. The Framework confirms that the essential characteristics of Green Belts are their openness and their permanence. In this context, Paragraph 145 of the Framework states that other than for limited exceptions, the construction of new buildings in the Green Belt is inappropriate. However, Paragraph 146 advises that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it. This includes, at paragraph 146(d), the re-use of buildings, provided that they are of permanent and substantial construction.
8. This approach is reflected in Policy LP60 of the Kirklees LP. The policy also advises that such resultant schemes should not introduce incongruous domestic or urban characteristics into the landscape. The supporting text clarifies that proposals that compromise openness will not normally be permitted. As it broadly accords with the Framework, Policy LP60 can be afforded significant weight.
9. The stable building is constructed in block work with metal cladding to the upper level and roof with an open door fronting the road. Following advice from the Council's Building Control Officer, it accepts that the building is of a permanent and substantial construction and from my observations on site, I have no reason to disagree. Therefore, its re-use for a residential purpose would not be inappropriate provided that it would preserve the openness of the Green Belt and not conflict with the purpose of including land within it.
10. Openness is, in effect, the absence of development. It has both a spatial and visual aspect to it. In relation to the building, given that it is already there, I would accept that changing its use to a residential dwelling would not, in relation to this element of the scheme, result in the loss of openness to the Green Belt, or conflict with the purposes of including land within it.
11. However, the proposal would also involve the creation of a parking area and private amenity space around the building, to be delineated from the field by a post and wire fence with native hedging. Details of the surfacing for the parking area have not been specified but it would not be unreasonable to assume a hard surface. Furthermore, the consultation response from the Council's Highways Officer, which the appellants have had the opportunity to

- consider, indicates that the vehicle parking areas would need to be surfaced in a permeable material to achieve a satisfactory layout.
12. I recognise that there is already hard-surfacing around part of the building, which I observed on my site visit. There is also some parking associated with the existing equestrian use, including both vehicles and horse boxes. However, a parking area associated with a residential dwelling would, in my view, be more formalised and more frequently used than that associated with stables.
  13. The proposal would also be visible in long views from the rear of houses within the settlement of East Bierley. Furthermore, the removal of the existing hedge and vegetation along the front boundary would open up the site and result in the proposal being more apparent from the road than the current building and use. As a consequence, even if the boundary treatment to the garden were deemed to be appropriate to a rural setting, the segregation of the field to create private amenity space would be visible from the surrounding area.
  14. I note that the amenity space was reduced in size in the course of the application. Nevertheless, the proposal would be likely to result in domestic paraphernalia that typically accompanies a domestic use, including the bin stores cited by the Council in its reference to case law<sup>1</sup>, as well as typical objects such as washing lines and garden furniture. Such items would not be mitigated by the removal of permitted development rights in relation to extensions and outbuildings.
  15. These elements, in addition to the enclosures and the intensification of use associated with a residential dwelling, would, in my view, result in a permanent change to the character of the landscape. It would consequently be visually harmful to the openness of the Green Belt.
  16. Given the modest size of the amenity space and parking and turning area, the harm caused to the openness of the Green Belt would be limited but, for the reasons stated above, it would be harmful nonetheless as it would fail to preserve openness. The proposal would not, therefore, meet the exemptions set out above and it would constitute inappropriate development.
  17. It would also introduce domestic characteristics into the countryside such that it would further conflict with the purposes of including land within the Green Belt, with particular regard to safeguarding the countryside from encroachment. It would therefore be contrary to both local policy with specific regard to Policy LP60 cited above and guidance within the Framework, which seeks to protect the Green Belt. This is a matter to which I attach substantial weight.

*Effect on the character and appearance of the area*

18. The proposal would occupy an isolated position to the extent that it would result in a building with a residential appearance that would be sited within one corner of a large grazing field. It would, however, be positioned relatively close to the road. Furthermore, the Council do not object to the design of the proposed dwelling and acknowledge that details of materials could reasonably be secured by condition.

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<sup>1</sup> Smith v Secretary of State for Communities and Local Government (2017) EWHC 2562 (Admin)

19. I consider that the hedge and vegetation that would be removed along the front of the site on Cliff Hollins Lane would cause some harm to the character of this rural road. However, given the length of the lane in relation to the site frontage, its effect could reasonably be described as limited.
20. A similar building has also been approved on the same stretch of Cliff Hollins Lane. I have not been provided with full details of this case, but I acknowledge the Council's assessment that it would not have a greater impact upon the open appearance of the area. In any event, it would result in a similar barn type building within the locality. There are also other dwellings set well apart from one another along Cliff Hollins Lane.
21. For these reasons, I am therefore not persuaded that the conversion of the building, in itself, would harm the character and appearance of the area. I therefore find no conflict with Policy LP60(c) in particular in terms of its design and the materials to be used, being appropriate to the setting. But the absence of harm is not a positive factor in the scheme's favour.

### **Other considerations**

22. I note the appellants' contention that the removal of the equestrian use would be beneficial to the appearance and openness of the area by containing outdoor activity associated with a residential use within a well-defined boundary. However, stables/equestrian uses are not uncommon within the countryside. The lack of harm arising from the existing use is therefore a neutral factor that weighs neither for nor against the development.
23. The government's desire to boost housing supply is also not a reason to set aside policy requirements elsewhere in the Framework. The site's location in the Green Belt means that footnote 6 of Paragraph 11(d)(i) applies. It is therefore a neutral factor, as there are likely to be other more suitable, non-Green Belt sites, where housing could be provided.
24. Furthermore, I recognise that the appellants sought to work proactively with the Council in providing additional information and working collaboratively with them. However, this is not a matter that affects my assessment, which is confined to a consideration of the case on its individual planning merits.

### **Green Belt Balance**

25. I have concluded that the proposal is inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst I have found no harm to the character and appearance of the area, there are no other considerations in favour of the development that clearly outweigh the harm arising from inappropriateness, a matter that attracts substantial weight. The very special circumstances necessary to justify the proposal do not, therefore, exist.

### **Conclusion**

26. For this reason, I therefore conclude that the appeal should be dismissed.

*Kate Mansell*

INSPECTOR



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## Appeal Decision

Site visit made on 5 June 2019

**by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI**

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

**Decision date: 11 July 2019**

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**Appeal Ref: APP/Z4718/W/19/3225265**

**203 Raikes Lane, Birstall, Batley WF17 9QF**

- 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 D Moyser against the decision of the Kirklees Council.
  - The application 2018/62/90886/E dated 13 March 2018, was refused by notice dated 30 January 2019.
  - The development proposed is described as 2 No. detached house.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the submission of the appeal the Council have adopted the Kirklees Local Plan (2019) (the Local Plan), which replaces the Kirklees Unitary Development Plan (1999 as revised 2007). Both parties were given the opportunity to provide additional comments, therefore no party has been prejudiced or caused any injustice by me proceeding with the appeal in light of the changes in policy.
3. An amended plan was considered by the Council with details of off street parking provision. I have therefore considered this appeal on the basis of the plans submitted including the amended plan Drawing No. 18/25/2 Rev A as this is what the Council based its assessment on.

### Main Issues

The main issues in this appeal are the effect of the development on (i) highway safety; and (ii) the protected trees on the site.

### Reasons

#### *Highway Safety*

4. The site is part of a rear/side garden of 203 Raikes Lane, the host property, which is within a predominantly residential area. The site slopes from Raikes Lane down towards the rear of the garden. The proposed development includes the improvement of a vehicular access from Raikes Lane to serve the host property and 2 detached dwellings.
5. Raikes Lane is a narrow road with usable footpath along one side. The road is blocked at one end which ensures that it is not used as a through road and whilst off-street parking in the form of driveways is a prevalent feature for

properties on-street car parking does occur. I noted that 2 cars used the road during my site visit, and both appeared to be moving at a lower speed than the 30mph speed limit.

6. The proposed development includes visibility splays which are below the standard required by the Council for the speed of the road. The Council has acknowledged that there may be opportunity to decrease the visibility splays however this would be predicated on the submission of evidence to support the reduction. The appellant has not provided substantive evidence.
7. The appellant contends that the site has been used to store various forms of plant, materials and equipment associated with a construction business ran from the host property. The existing use is described in Section 14 of the Planning Application form by the appellant as a garden. Whilst I noted some building rubble onsite during my site visit, there is no indication as to the levels of activity associated with the use of the site over and above that of a domestic use.
8. Policy LP21 requires proposals to demonstrate that they can be accessed effectively and safely by all users. Whilst the features of the road reduce the likelihood of rapid vehicle movements, I have no substantive evidence before me to confirm the reduced visibility splay would be appropriate for the existing conditions of the road. I therefore conclude that the effect of the proposed development would harm highway safety.
9. There is conflict with Policy LP21 of the Local Plan, which amongst other things seeks to ensure safe and efficient access and free flow of traffic within a development and on the surrounding highway network.

#### *Protected Trees*

10. The site contains 4 mature trees (2 x Horse Chestnut and 2 x Sycamore) protected by a Tree Preservation Order (TPO).
11. The proposed development would not require the removal of the protected trees, although development would occur within the Root Protection Area (RPA) as defined in the Arboricultural Report which accompanies the proposal. Advice contained in BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations advocates that structures should be located outside of RPAs, however technical solutions may be available which would prevent damage to the trees.
12. The Arboricultural Report recommends that the next stage for the proposed development would be the preparation of an Arboricultural Impact Assessment (AIA) which would illustrate and discuss the impact of the proposal on the trees and vice versa to help inform good design. The proposed development is a detailed planning application with a defined layout and design. I cannot be certain that there are technical solutions such as the proposed specialist pile and ground beam foundations which would not harm the protected trees.
13. The protected tree canopies would cover the majority of the rear garden space for each of the proposed dwellings. The design and layout of the proposed development would have main living areas on the ground and first floor facing out onto the rear gardens. Due to the close proximity of the proposed development to the trees I am not persuaded that there would not be pressure



to prune or fell the trees in the future due to unduly gloomy rooms and gardens which would be heavily shaded.

14. I conclude that the proposed development would threaten the protected trees on the site. There is conflict with Policies LP24 and LP33 of the Local Plan, which amongst other things seek to protect valuable or important trees.

### **Other Matters**

15. The appellant has drawn my attention to the previous approval of a planning application at the site; however, no substantive details have been provided to demonstrate that the approved scheme was directly comparable. Notwithstanding this the planning policies for the area have now changed and in any event each development needs to be considered on its individual merits and circumstances against the relevant policies and taking account of other material considerations. I have reached my conclusion based on the individual merits of the appeal proposal.

### **Conclusion**

16. The proposed development would be a modest addition to the local housing supply within an accessible location. The proposed development would also benefit the area by removing an overgrown and unkempt site, however this does not outweigh the harm I have identified in relation to effect on highway safety and protected trees.
17. For the above reasons I conclude that this appeal should be dismissed.

*C Pipe*

INSPECTOR

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

## **PLANNING POLICY**

The statutory development plan 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 Development and Master Planning

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Jul-2019

Subject: Planning Application 2019/90264 Erection of 22 dwellings land west of, Oxford Road, Gomersal, Cleckheaton, BD19 4LA

#### APPLICANT

Riva Homes

#### DATE VALID

28-Feb-2019

#### TARGET DATE

30-May-2019

#### EXTENSION EXPIRY DATE

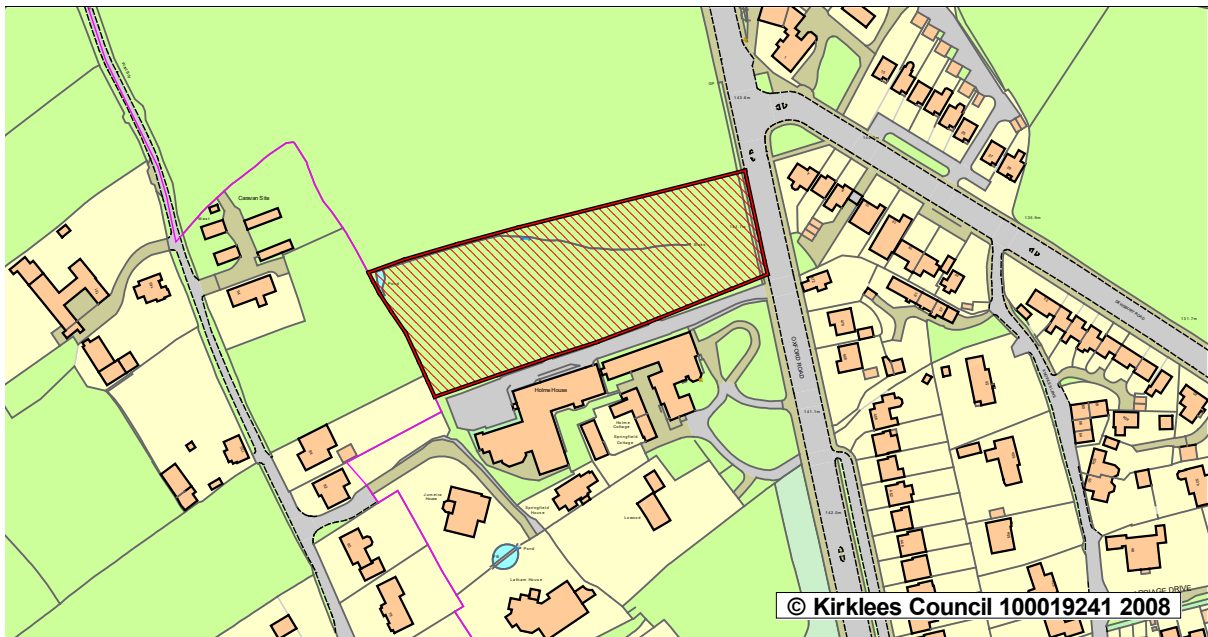
01-Aug-2019

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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: Birstall and Birkenshaw**

Yes

Ward Members consulted  
(referred to in report)

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## **RECOMMENDATION**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to:

1. Finalise negotiations on outstanding technical matters relating to drainage.
2. To secure a S106 agreement to cover the following matters:
  - a. Public open space provisions including off site commuted sum (£102,291) and future maintenance and management responsibilities of open space within the site
  - b. 20% of total number of dwellings (4) to be affordable, with all to be Discounted Market Sales Housing.
  - c. Secure the provision and maintenance of surface water drainage/attenuation features.
  - d. Secure the provision of off-site commuted sum for West Yorkshire Combined Authority Metro improvements.
3. Complete the list of conditions including those contained within this report and release the planning permission.

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

### **1.0 INTRODUCTION**

- 1.1 This application seeks the erection of 22 dwellings, with associated works on a Greenfield site allocated (H193) for Housing within the Kirklees Local Plan.
- 1.2 The application is brought to the Heavy Woollen Planning Sub-Committee because the site area exceeds 0.5ha (but less than 61 units), in accordance with the requirements of the Scheme of Delegation to Officers.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site has an area of 0.84ha and is comprised of an open agricultural field, split into two parcels. There is a small agricultural compound to the north-west corner, with a stream crossing the site from west to east. Various young trees follow the course of the stream through the site, with large mature protected trees along the west boundary. The topography of the site, and wider area, slopes downwards from west to east.
- 2.2 Low timber fencing separates the site from neighbouring land. To the east is Oxford Road (A651), with dwellings sited across the road. Running along the south boundary is an access drive serving Holme House Care Home. Part of Holme House has recently been demolished, following the grant of planning permission 2018/91490 (demolition and the erection of 8 dwellings). To the north are open agricultural fields, until the M62 motorway is reached circa 150m away. The west boundary is thick vegetation, separating the site from a field/paddock followed by intermittent dwellings and open land.
- 2.3 The site is on the edge of Gomersal village, to the south and east of the site. To the north, across the M62, is Birkenshaw.

## **3.0 PROPOSAL**

- 3.1 Full permission is sought for the erection of 22 dwellings, comprising a mixture of detached, semi-detached and terraced properties, with a mixture of no garage, detached single / double or integral garages. Accommodation ranges from two-bed to five-bed units, with the following mix;
- Two bed: 3
  - Three bed: 7
  - Four bed: 8
  - Five bed: 4
- 3.2 Eight house types are proposed. The dwellings are predominantly two storeys; however, some units have habitable rooms within their roof spaces. It is proposed to face the units in artificial stone with a mixture of concrete roof tiles.
- 3.3 Physical boundaries within the site include 0.9m high ball top railing by the entrance, with 1.8m closed boarded timber fencing to the east and south site boundaries and between gardens. To the north boundary is to remain as the existing low timber fence, followed by a 2.8m gap (where the culvert runs) to the proposed dwelling's rear fences. These rear fences are to be 1.3m closed timber with 0.3m trellis tops.
- 3.4 A single access for the site is to be formed, from Oxford Road (with a protected right turn for vehicles travelling south along Oxford Road). Internally the road would follow a straight line, onto a turning head at the end and one branch to serve plots 17 – 20. Dwellings would take their private drives from this road. The first 25m is to be standard road, with 2m wide pavement on each side. Following this the road is to convert into a shared surface. Some regrading and levelling is proposed, with retaining walls proposed in some locations.

- 3.5 A section of dry stone wall would be removed to enable the provision of vehicular access from Oxford Road. Two mature trees along the frontage are to be removed to permit the new access. The other mature trees along the frontage are to remain, with a green buffer zone approx. 13m deep on each side of the access before the first units. The existing watercourse is to be re-routed, to follow the north boundary more so than the existing which cuts through the site. This results in various open green spaces through the site (which are not considered formal Open Space).

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

##### **4.1 Application Site**

The site has no planning history.

##### **4.2 Surrounding Area**

*Holme House Care Home*

91/02276/: Erection of 54 bed nursing home – Conditional Full Permission

2003/95346: Outline application for erection of 31 retirement apartments – Refused

2005/90405: Outline application for erection of 31 retirement homes – Refused

2009/91089: Erection of extension and alterations to create further accommodation – Conditional Full Permission

2018/91490: Demolition of nursing home and erection of 8 detached dwellings with associated landscaping, boundary treatment and vehicular access – S106 Full Permission

##### **4.3 Planning Enforcement**

*Application Site*

COMP/07/0400/E1: Alleged material change of use of agricultural for the storage of van/truck bodies – No Action Taken

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

- 5.1 The site was subject to a pre-application enquiry. Officer feedback included seeking amendments to the positions of the dwellings, minimising the 'hard' boundary to the Green Belt, advice on highway matters as well as indicating the required contributions and information to support a subsequent full application. Officers are satisfied that the applicant has adequately taken into account the issues raised at pre-application stage.



- 5.2 During the course of the application, discussions have taken place regarding the layout of the units due to design and amenity concerns. This included repositioning several plots along the south and east boundaries and introducing a stepped pattern to the development. Other discussions resolved around the boundaries, with a particular focus on the north boundary to the Green Belt. These discussions led to various amendments that were supported by officers. Negotiations took place on the facing materials, including on the use of artificial stone. The applicant provided further details on artificial stone which was, on balance, accepted by officers, while the proposed use of terracotta roof tiles was removed.
- 5.3 Highways, Trees, Ecology and Drainage consultees required either amendments or further information be provided. The Trees, Ecology and Highways matters have been resolved. Overall the drainage is appropriate in principle, however final detailed information is required.
- 5.4 Throughout the processing of the application the applicant has also requested that several amendments be made, principally around house types and internal layouts for units. These were minor changes that did not materially impact upon the assessment process.

## **6.0 PLANNING POLICY**

### Kirklees Local Plan (2019):

- 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 allocated as Housing on the LP Policies Map (Allocation H193).
- **LP1** – Presumption in favour of sustainable development
  - **LP2** – Place sharpening
  - **LP3** – Location of new development
  - **LP7** – Efficient and effective use of land and buildings
  - **LP11** – Housing mix and affordable housing
  - **LP20** – Sustainable travel
  - **LP21** – Highway safety and access
  - **LP24** – Design
  - **LP27** – Flood risk
  - **LP28** – Drainage
  - **LP29** – Management of water bodies
  - **LP30** – Biodiversity and geodiversity
  - **LP33** – Trees
  - **LP35** – Historic environment
  - **LP51** – Protection and improvement of local air quality
  - **LP52** – Protection and improvement of environmental quality
  - **LP53** – Contaminated and unstable land

## National Planning Guidance

6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and 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 4** – Decision making
- **Chapter 5** – Delivering a sufficient supply of houses
- **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

## Supplementary Planning Guidance / Documents

- DCLG: Technical housing standards – Nationally Described Space Standard
- Kirklees Local Plan Supplementary Planning Document Consultation Draft: Highway Design Guide

## **7.0 PUBLIC/LOCAL RESPONSE**

7.1 The application is supported by a Statement of Community Involvement. Their process included sending letters to the closest neighbouring dwellings (circa 36 premises) as well as forwarding the letter onto local ward members. It outlined development project team's desire to engage with the local community in order to hear their views on the proposed development by inviting local comments. Five responses were received, raising issues of highway safety, loss of trees, impact on residential amenity and the character of the village. The applicant notes these concerns, however considers that their final submission address the points raised.

7.2 The application has been advertised via site notice and through neighbour letters to addresses bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.

7.3 The public representation period for the application expired on Friday the 5<sup>th</sup> of April, 2019. Two public representations have been received in response to the public representation period. The following is a summary of the comments made;

- *Objection to the removal of the last remaining Green Belt land within the village and its use for residential. The village is being eroded away and becoming a part of Leeds/Bradford.*
- *22 units is an overdevelopment of the site and is harmful to the local environment.*

- *The proposed units, in addition to the eight approved on the adjacent site (2018/91490), will cause issues for the local Highway which is already over busy.*
- *The houses on the western edge will cause harm to neighbouring residents, particularly through a loss of privacy.*
- *Concerns over the loss of trees to the front of the site.*

7.4 Amended plans have been received during the course of the application. This includes slight changes to the layout and dwelling types. Given the limited level of public represent received to the initial proposal and the nature of the changes not impacting upon the issues raised via representation, the overall minor variations undertaken by the amendments and that no neighbouring residents are considered to be prejudiced by the new plans, it was determined not to re-advertise the proposal.

#### *Local Ward Member Interest*

7.5 Due to the scale of the development, representing a major proposal, the local ward members were notified of the proposed development. Birstall and Birkenshaw Ward. The Local Members are Councillor Elizabeth Smaje, Councillor Charlotte Goodwin and Councillor Mark Thompson.

7.6 Councillor Smaje responded, raising concerns with the development. These are summarised as;

- The density of the development is too great and does not fit in with existing properties in the area.
- Insufficient consideration has been given to the site's gradient.
- There is no recognition that the site is close to an Air Quality Management Zone.
- The access to the site is close to a very busy junction, adding to existing traffic problems within Birkenshaw. The assessment has not given appropriate assessment to peaks in traffic from the nearby school. The 253 bus no longer operates.

7.7 The site's west boundary forms the shared boundary between Birstall and Birkenshaw Ward and Cleckheaton Ward, with Liversedge and Gomersal's ward boundary being circa 300m to the south along Oxford Road. Because of the proximity to these Wards, the respective Councillors were also informed however no comments have been received.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

**K.C. Highways Development Management:** No objection subject to condition and S106.

**The Coal Authority:** No objection subject to condition.

**Yorkshire Water:** No objection subject to condition.

## 8.2 Non-statutory

**K.C. Crime Prevention:** Provided advice and feedback through the assessment process.

**K.C. Ecology:** Sought further details and clarification during assessment process. On receipt, confirmed no objection subject to condition.

**K.C. Education:** Confirmed that no education contribution is required.

**K.C. Environmental Health:** No objection subject to condition.

**K.C. Landscape:** No objection subject to condition and S106 for contribution towards off-site POS and LAP.

**K.C. Lead Local Flood Authority:** On-going. No objection in principle, however final technical detailed design information required following initial concerns.

**K.C. Strategic Housing:** Confirmed that the offered affordable houses comply with the desired affordable housing size, tenure

**K.C. Trees:** No objection subject to condition.

## 9.0 MAIN ISSUES

1. Principle of development
2. Urban design
3. Residential amenity
4. Highway issues
5. Planning obligations
6. Other matters
7. Representations

## 10.0 APPRAISAL

### Principle of development

#### *Sustainable Development*

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

### *Land allocation (Housing)*

- 10.2 The site is allocated as Housing on the Local Plan proposal's map, allocation H193. Accordingly, the proposed residential use is acceptable. This is supported by LP1 of the Local Plan and Chapters 1 and 5 of the NPPF which establish a general principle in favour of residential development.
- 10.3 Nonetheless local and national policy require additional tests to ensure the proposed residential development is appropriate. LP7 of the LP and Chapter 11 of the NPPF establish a need to provide appropriate densities of dwellings. LP11 of the Local Plan and Chapter 5 of the NPPF seek to ensure an appropriate mixture of dwelling types and sizes.
- 10.4 First considering density, LP7 establishes a minimum target density of 35 dwellings per ha, where appropriate. Allocation H193, considering the developable area of the allocation (giving reasonable reductions due to the presence of a culvert, protected trees and sloping topography), has an indicative housing capacity of 21 units. 22 units are sought, which is considered appropriate and in compliance with LP7 and Chapter 11.
- 10.5 Turning to housing mixture, the proposal seeks the following;
- 3 two beds
  - 7 three beds
  - 8 four beds
  - 4 five beds

The site includes a mixture of detached, semi-detached and terraced properties, of varied sizes. Officers consider this to represent an appropriate housing mixture, in accordance with the aims and objectives of LP11 and Chapter 5.

- 10.6 Accordingly, officers consider the principle of development to be acceptable. Consideration must be given to the proposal's local impact, assessed below.

### Urban Design

- 10.7 Relevant design Policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; *'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'*.
- 10.8 The proposal would represent the urban extension of Gomersal, an established settlement. The application seeks to enlarge the settlement with 22 dwellings and the proposal would form a new boundary between Gomersal and the Green Belt. However, the proposal would not extend higher than the dwellings on Oxford Road and Dewsbury Road to the east and Latham Lane to the west, while being confined by Holme House to the south and Oxford Road to the east. Thus the proposal would not 'protrude' outside of Gomersal's existing built layout into open countryside. Development on a currently green field will reduce and push back the green framing around the settlement, however, fields beyond the application site, further to the north, would continue

to provide green framing around the extended settlement. A sizeable separation of open Green Belt land would be retained between the proposed village edge and the M62, retaining the spacious characteristic.

- 10.9 Considering layout, the development is to have a straight spine road with turning at the end and a single off branch. This initially resulted in a regimented layout for the dwellings, which appeared monotonous. For these reasons, the layout did not respect that of adjacent streets. Following discussions between officers and the applicant the dwellings were re-positioned and angled to allow for a more natural and engaging layout. The amended layout suitably harmonises and reflects the pattern of development of surrounding streets and is considered acceptable. This includes the density of development, which is deemed to be appropriately comparative.
- 10.10 Regarding levels, while some excavation is to be undertaken to form level building plots, overall the proposed development follows the natural rising land level of the site (raising from east to west). Minor retaining works are required around the site, notably between plots 4 – 10, with a maximum wall height of 1.2m. The heights of units likewise follow the natural land level. Officers consider the site levels and building heights to be acceptable.
- 10.11 The elevations of the proposed dwellings are considered visually attractive and engaging, while respecting the vernacular of dwellings in the wider area. With 8 different unit types proposed over 22 units, there would be sufficient variety in massing, building sizes and elevations across the development, so that it would not appear repetitive. Architectural details, such as fenestration, are to be consistent within the site to ensure harmonious appearances within the site. The overall effect would be of a contemporary development that respects and complements both the historic and modern elements of Gomersal.
- 10.12 Turning to materials, the dwellings are to be faced in artificial stone. The site is neither within a Conservation Area nor immediately adjacent to a Listed Building. Materials in the area are varied, with artificial stone, natural stone, render and brick being evident, although none being predominant. The adjacent Holme House is faced in a good quality artificial stone. Although it is acknowledged that the proposal represents an urban extension into the Green Belt and also would be an entrance way into Gomersal, on balance and subject to a suitably high quality samples being provided by condition, officers are accepting of artificial stone. Roofing is to be concrete tiles. While stone slates are evident on historic buildings, concrete tiles are common in the area and are not opposed in this development.
- 10.13 The boundary treatment of the site includes the area TPO along the frontage being retained, with some thinning, and the erection of a 1.2m high estate railing along the frontage with Oxford Road. This is considered a high quality boundary that will retain openness and allow good visibility of the open land and trees to the front of the site. The northern boundary is to the Green Belt and officers were keen to avoid a substantial or 'hard' boundary. This must be balanced against the need for reasonable privacy and security. It is proposed that, for the majority of the site, the existing circa 1.5m high post and rail timber fence would be retained on the north boundary. This would be followed by a 2.5m gap, under which the culvert would run, and then the rear boundaries of the plots. These are to be 1.5m high closed board fencing, with 0.3m high

trellis topping. It is considered that this combination would provide privacy and security, while also ensuring a relatively open boundary to the Green Belt. This is further aided by the proposed planting, considered further below. Boundaries between units is to be 1.8m timber feathered fencing, which is acceptable. Along the south boundary, to Holme House's access drive, it is to be a mixture of 1.8m timber feathered fencing broken by shorter 1.0m fencing with 0.3m trellis. This is likewise considered to secure a balance between privacy, security and openness.

- 10.14 The applicant's landscaping proposals are considered acceptable, subject to the ecological considerations discussed later in this report. Buffer planting in appropriate locations and native species are proposed, including along the north boundary to the Green Belt. A condition requiring further details of these aspects of the proposed development, and their implementation and maintenance, is recommended. No Public Open Space or a Local Area of Play are to be provided on site. This will be considered in greater detail below. Nonetheless, the development would have open green spaces, including to the frontage with the protected trees and along the culvert's route. These are not considered 'public', as they would not serve the intended purpose of Public Open Space. They would however add greenery and openness to the site.

#### *Historic environment*

- 10.15 The site is to the north of West House, a Grade 2 Listed Building, and Gomersal Conservation Area. The site is 135m from the listed dwelling, 85m from West House's listed boundary wall and 315m from the Conservation Area. Giving due regard to S66 and S72 of the Planning (Listed Buildings and Conservation Areas) Act, officers are satisfied that the site is sufficient distance away from each of these heritage assets, with intervening development, so as not to harm their heritage significance. The proposal is deemed to comply with LP35 of the LP and Chapter 16 of the NPPF.

#### Residential Amenity

- 10.16 LP24 seeks to protect the amenity of residents, stating proposals should *'provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings'*. This reflects the guidance of Chapter 12 of the NPPF.
- 10.17 To the north of the site is open fields. To the east, across Oxford Road are nos. 4 – 6 Dewsbury Road, in excess of 40m from the closest proposed unit (plot 1) and with mature trees, to be retained, between. To the west is nos. 84 and 94 Latham Lane. These units are in excess of 45m to the closest units (plots 11 and 14). Officers are satisfied that these separation distances are sufficient to prevent concerns of overbearing, overshadowing or overlooking upon the named residences.
- 10.18 To the south is Holme House, a nursing home. The building's north elevation has numerous bedroom windows facing towards the site. Given the layout of the proposal, many of these overlook either open landscaped areas or driveways. Several windows are directly aligned to plots 15, 16 and 17's side elevations, however the separation distance of 12.65m is considered sufficient to prevent concerns of overbearing. As the new development is due north of Holme House, overshadowing would not occur. Plot 15 does have windows

on its side elevation facing Holme House, with plots 22, 20, and 14 all having side windows close to the access driveway for Holme House. These side windows serve non-habitable rooms; it is proposed to condition these be obscure glazed, in the interest of preventing harmful overlooking and to secure the privacy of future occupiers. Subject to this condition, officers are satisfied that the development would not harm the amenity of Holme House's occupiers.

- 10.19 To the south-east application 2018/91490 approved the demolition of part of Holme House nursing home and the erection of eight residential units. The demolition has taken place, but construction of the houses has not started. While not built, consideration must be given to the relationship between each of these proposed developments. Nonetheless, there is considered to be good separation between the developments, with Holme House's access driveway between the sites. The distance between dwellings with facing habitable room windows is in excess of 27m, with the closest dwellings being 17.5m apart with facing side elevations. Therefore, officers are satisfied that the amenity of future occupiers of 2018/91490 would not be harmed by the proposal.
- 10.20 Consideration must also be given to the amenity of future occupiers. First considering the internal relationship between units, officers are satisfied that the proposed plots are suitably spaced to one another to prevent concerns of overbearing, overshadowing or overlooking between units.
- 10.21 Internally, the units exceed the advisory minimum standards of the Technical Housing Standards document, with the exception of the Stafford House type (3 units) which is 3sqm below. Given this minor shortfall and the otherwise high standard of amenity residents can expect, on balance officers do not object to this shortfall. Externally garden sizes are considered appropriate and commensurate in scale to their host dwellings. All habitable rooms are to be served by sizeable windows which would provide a good standard of outlook and natural light.
- 10.22 Records indicated that the site is adjacent to a poultry farm. This raised initial concerns over odour pollution, however subsequent site visits and investigations identified that the farm no longer operates. There are no other odour pollutants in the wider area.
- 10.23 At its closest point the site is 190m south of the M62 motorway. The applicant has submitted a Noise Report that has been reviewed by K.C Environmental Health. Environmental Health agree with the general findings of the report, that the site is suitable for residential development, provided a further extensive report is carried out to determine mitigation measures to achieve the desired internal noise levels. A condition for the submission of the required information has been proposed, which officers considered acceptable to secure appropriate noise mitigation and amenity, in accordance with the aims and objectives of LP52 of the LP and Chapter 15 of the NPPF.
- 10.24 Subject to the listed conditions, officers are satisfied that the proposed development would not harm the amenity of neighbouring residents. Likewise, future occupiers can be expected to have an acceptable standard of amenity. Therefore the proposal is deemed to comply with Policies LP24 and LP52 of the LP and Chapters 12 and 15 of the NPPF.



## Highway issues

- 10.25 An access is to be formed from Oxford Road which will serve the 22 dwellings via a new road. Appropriate sightlines for this access have been demonstrated and can be secured/retained via condition. As part of the proposals, the existing geometry of Oxford Road will allow a right turn pocket approximately 2.6m in width to be formed within the existing central hatching. This is to be secured via condition. The proposed access will be 5.5m wide with 6m junction radii on to Oxford Road. Access for large vehicles has been demonstrated via swept path plans.
- 10.26 The internal spine road serving the development will have a longitudinal gradient of 1:25. Within the site a turning head is to be provided which is an appropriate size for service vehicles. Full technical details of the road, to an adoptable standard, are to be sought via condition. Considering parking, larger properties have either integral, attached or detached single or double garages. Each of the two and three bed dwellings are shown to have a minimum of 2 off street parking spaces. Four bed+ units are to have three parking spaces. This is considered acceptable. Four visitor parking spaces are shown, and while five would be desirable given the scale of the development, as the unit-specific parking standards have been achieved and exceeded in places, on balance a shortfall of one visitor parking space is not opposed. A condition is to be imposed requiring the parking spaces shown to be provided (and appropriately surfaced/drained).
- 10.27 Assessing traffic generation, the applicants have provided a Transport Assessment prepared by Via Solutions Ltd. This is summarised as follows:

*The potential traffic impact of the proposals has been assessed by interrogating the TRICS database to derive the peak hour generation. A development of 22 properties would typically be expected to generate in the region of 17-19 trips during the AM and PM peak periods.*

*The access to the site is within 400m of several bus stops along Oxford Road. A flag and pole stop is located to the western side of the carriageway adjacent to the south eastern corner of the application site with a further stop approximately 60m south on the eastern side of the carriageway. Timetable information is provided at both stops.*

*Injury collision data has been obtained from 1 January 2013 to 31 December 2017. The collision data shows that two incidents have occurred within the vicinity of the site or along Oxford Road. After analysing the accident reports both incidents were as a consequence of driver error.*

More up to date injury collision data was requested, provided and deemed acceptable. The Transport Assessment concludes that the proposed development can be accommodated on the adjacent highway network without any significant negative impact and there are therefore no highway capacity or safety reasons why this development should not be granted planning approval. Officers and Highways DM concur with this assessment.

- 10.28 Given the scale and nature of the development officers would seek a Construction Management Plan via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works.
- 10.29 The West Yorkshire Combined Authority have requested the developer provide a contribution to enhance a local bus stop, through the provision of a shelter and a Real Time Information Display, along with seeking Residential MetroCards. The purpose of these incentives is to promote sustainable travel measures, as sought by Policy LP20 of the Kirklees Local Plan and Chapter 9 of the NPPF. Discussions are ongoing between officers and the applicant on these desired contributions, with further information to be provided to members within the Committee Update.
- 10.30 In summary, officers are satisfied that, subject to the referenced conditions, the development would not cause harm to the safe and efficient operation of the Highway, in accordance with the aims and objectives of Policies PL21 and PL22 of the Kirklees Local Plan and the aims and objectives of Chapter 9 of the National Planning Policy Framework.

#### Planning obligations

##### *Affordable housing*

- 10.31 In accordance with Policy LP11 of the LP, the proposal requires a contribution of affordable housing; 20% of total units. This would amount to four units, which the applicant is offering. The dwellings being offered consist of three two-bed and one three-bed units. The Council's Strategic Housing department has reviewed this offer and consider it to be acceptable, citing that there is an identified need for 1-3+ bed houses within the Batley and Spen area.
- 10.32 Policy LP11(a) of the LP requires tenure to cater for the type of affordable need identified in the latest housing evidence (SMHA) to meet the needs of specific groups. The applicant has proposed providing all four dwellings as Discounted Market Value. Different forms of lower cost home ownership are included in the definition of affordable housing in the Planning Policy Framework, alongside other forms of affordable housing such as Social Rent and Affordable Rent. While policy LP11 of the LP typically seeks a mixture of tenure types, considering the rate of owner occupiers is lower in this area compared to other areas in Kirklees, for this particular site both Planning and Strategic Housing officers consider it to be acceptable for the applicant to provide 4 Discounted Market Value units.
- 10.33 Policy LP11(c) of the LP requires that affordable housing provision should be indistinguishable from market housing in terms of achieving the same high quality of design. In terms of location, ideally affordable housing would be 'pepper-potted' through the site. This is not the case, with the units (plots 15 – 17 and 19) being together. Conversely, the scale of the development is not large enough to allow for easy pepper-potting. Nonetheless, the proposed units are central within the site and not hidden away. In terms of design, officers are satisfied these are high quality, to the same standard of the proposed market housing.

- 10.34 In conclusion, officers consider the proposed affordable housing offer to be acceptable and in compliance with policy LP11 of the Local Plan. A S106 Agreement is to be secured to control this provision.

#### *Education*

- 10.35 The scale of the development does not trigger a requirement for an education contribution.

#### *Public Open Space*

- 10.36 New housing developments are required by policy LP63 of the KLP to provide or contribute towards new open space or the improvement of existing provision in the area. While there are open areas on the site, to be retained as grassed land, these are not considered 'open spaces' that are practical and usable for the purposes of LP63. Therefore an offsite contribution is required by the development.

- 10.37 The development also passes the threshold for providing a Local Area of Play. This is likewise not to be provided on site, and requires an offsite contribution.

- 10.38 The cumulative total of the offsite contribution for Open Space and Local Area of Play is £102,291. The offsite contributions would be spent on enhancing an existing nearby amenity greenspace with equipped facility within the recommended walking distance from the proposed developments (on Richmond Grove). This is to be secured via a S106 Agreement, to comply with the aims and objectives of policy LP63 of the Local Plan and Chapters 8 and 12 of the National Planning Policy Framework.

#### *Sustainable Travel*

- 10.39 As outlined within paragraph 10.29, discussions are ongoing between officers and the applicant in regards to a contribution for promoting sustainable travel measures, specifically through the provision of enhanced bus stop facilities and MetroCards. Further information shall be provided to members within the Committee Update.

#### Other Matters

##### *Air quality*

- 10.40 In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapters 9 and 15 of the NPPF, local policy contained within policies LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm.

- 10.41 Given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling. The purpose of this is to promote modes of transport with low impact on air quality, in accordance with the aforementioned conditions.

### *Coal legacy and contaminated land*

- 10.42 The site is within a High Coal Risk Area. A Coal Mining Risk Assessment (CMRA) was submitted with the application and sent onto the Coal Authority (CA) for assessment.
- 10.43 The CA concur with the CMRA's findings and recommendations. Therefore, they advise that a set of intrusive site investigations be undertaken, reported and appropriate remediation details be provided via a condition. Subject to these conditions the CA does not object to the proposal.
- 10.44 Turning to contaminated land, the application is supported by Phase 1 and Phase 2 ground investigation reports. On review, Environmental Health confirm that conditions relating to ground contamination investigation, remediation and validation are required. This includes additional Phase 2 work, as Gas Monitoring has not been provided to date.
- 10.45 Both the Coal Legacy and Contaminated land conditions would have to be pre-commencement. This is necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out at the appropriate stage of the development process. Officers support the implementation of these conditions, to comply with policy LP53 of the LP and Chapter 15 of the NPPF.

### *Ecology*

- 10.46 The site is adjacent to a bat alert layer and circa 120m south of a habitat network. A preliminary Ecological Appraisal Report has been submitted to support the proposal which has been reviewed by K.C. Ecology.
- 10.47 The site is considered to be of limited ecological value, being predominantly grazed field although there are wooded sections of the site. Two mature trees are to be lost will need to be suitability mitigated. This can be secured through a condition requiring an Ecological Design Strategy be undertaken and implemented.
- 10.48 Five (5) ponds were identified within 500m of the site that have the potential to host Great Crested Newts, with several of the ponds being accessible to the site. However the ponds are all private land which, despite their efforts, were not acceptable for survey by the applicant. A Great Crested Newts Method Statement has been provided to address how the site will be managed to avoid harm upon local Great Crested Newts. Subject to this being implemented, securable via condition, Officers and K.C. Ecology do not consider the proposal detrimental to local species.
- 10.49 Himalayan Balsam, an invasive non-native species has been identified on site. A condition is to be imposed requiring a protocol be submitted and implemented, detailing the containment, control and removal of the plant, in the interest of preventing further propagation and harm to local ecology.
- 10.50 Subject to the proposed conditions, officers are satisfied that the proposal would preserve and enhance local ecology, in accordance with the aims and objectives of policy LP30 of the Local Plan and Chapter 15 of the NPPF.

## *Trees*

- 10.51 The trees along the site frontage, predominantly Sycamores, with Ash and Cherry, benefit from a group Tree Preservation Order (TPO). Four are proposed to be removed as part of the application, with pruning and maintenance works to others. Several young trees (Hawthorne / Crab Apple) within the site, which do not benefit from a TPO, are also to be removed. The proposal is supported by an Arboricultural Survey, Impact Assessment and Method Statement.
- 10.52 There is no concern to the removal of the young trees within the site. Regarding the protected trees, two (Cherry) are to be removed due to their poor condition and are to be replaced within the planting strategy. Officers and K.C. Trees concur that their state justifies their removal. The remaining two (a Sycamore and an Oak) are to be removed to enable the access works to the development. Given that the whole area TPO is between the site and Oxford Road, to take access from Oxford Road would inevitably require tree removal. The applicant has, to the satisfaction of officers, discounted access from the access to Holme House. Following discussions and amendments to their protection plan, K.C. Trees are satisfied that the access can be formed with the minimal tree loss and while limiting the impact on adjacent trees to remain.
- 10.53 The pruning and maintenance works proposed to other trees are reasonable and have been adequately justified.
- 10.54 K.C. Trees support the proposal, subject to the development being undertaken in accordance with the details contained within the Arboricultural Method Statement and the supplementary Protection Plan. Subject to this, officers are satisfied that the development complies with the aims and objectives of policy LP33 of the LP and Chapter 15 of the NPPF.

## *Drainage and flood risk*

- 10.55 The site is within flood zone 1 and less than 1ha; the watercourse/culvert crossing the site is not deemed substantial enough to be classed as a 'flood risk', subject to appropriate management. Therefore a site specific Flood Risk Assessment is not required.
- 10.56 Foul drainage is to be via main sewer, which is acceptable. Turning to surface water, sustainable drainage systems of infiltration techniques are considered to be unsuitable on this site, which the LLFA concur with. A culvert crosses the site, where surface water outfall will be taken to. A suitably sized attenuation feature has been proposed. Notwithstanding this, the Lead Local Flood Authority are awaiting further details relating to the management of the culvert and surface water drainage. The principle of these matters has been established and discussions have taken place on the final design matters. While these are outstanding, officers are satisfied that they will be resolved imminently and positively. The ongoing management of the culvert and attenuation features is to be secured via S106.

- 10.57 Considering the above, it is recommendation by officers that the application be approved, subject to delegation back to officers to resolve these outstanding matters, to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

### Representations

- *Objection to the removal of the last remaining Green Belt land within the village and its use for residential. The village is being eroded away and becoming a part of Leeds/Bradford.*  
**Response:** The Local Plan, adopted February 2019, removed the site from the Green Belt. The site is now a housing allocation as part of the Kirklees Local Plan.
- *22 units is an overdevelopment of the site and is harmful to the local environment.*  
**Response:** 22 units is considered to comply with the Local Plan's target density for the site. In terms of the impact of this density, this has been considered within this report. In summary, officers are satisfied there would be no undue harm to visual amenity, residential amenity or other planning considerations by virtue of the proposed density.
- *The proposed units, in addition to the eight approved on the adjacent site (2018/91490), will cause issues for the local Highway which is already over busy.*  
**Response:** The impact of the proposed development on the local highway network has been considered within paragraphs 10.25 – 10.29 of this report. While the proposed development and application 2018/91490 are noted to be adjacent to one another, officers are satisfied that, both individually and cumulatively, there would be no undue harm caused to the safe and efficient operation of the highway.
- *The houses on the western edge will cause harm to neighbouring residents, particularly through a loss of privacy.*  
**Response:** The houses in question and the proposal's impact upon them is considered within paragraph 10.17 of this report. In summary, the separation distance between the existing and proposed houses is considered sufficient to prevent concerns of harm to residential amenity.
- *Concerns over the loss of trees to the front of the site.*  
**Response:** The loss of trees, which do benefit from Tree Preservation Orders, is noted. However, on the planning balance, officers consider the loss of two trees to be offset by the other benefits of the proposal, which include providing housing at a time of general shortage. It is noted that the majority of the protected trees along the site frontage onto Oxford Road will be retained.

### Local councillor comments

- *The density of the development is too great and does not fit in with existing properties in the area.*  
**Response:** Officers note these comments, however, it is considered that the proposal does appropriately respect and reflect the layout and character of the surrounding area. This is outlined in paragraph 10.9 of this report.

- Insufficient consideration has been given to the site's gradient and how it causes the development to impact on the area.*

**Response:** The applicant has submitted further cross-section plans which show, in full detail, the proposed levels of the site and the subsequent visual impact. Officers consider these to be acceptable.
- There is no recognition that the site is close to an Air Quality Management Zone (AQMZ).*

**Response:** This is noted, with the AQMZ being circa 250m to the north of the site (across the M62, covering part of the roads serving Milford Grove and Manor Park Gardens). Nonetheless, the site is not within the AQMZ. The development's impact on air quality has been considered by Environmental Health, who consider the inclusion of one electric vehicle charging point per dwelling reasonable to offset the proposal's impact on Air Quality. This is considered reasonable, given the scale of the development and is recommended to be conditioned accordingly.
- The access to the site is close to a very busy junction, adding to existing traffic problems within Birkenshaw. The assessment has not given appropriate assessment to peaks in traffic from the nearby school. The '253' bus no longer operates.*

**Response:** Officers and Highways DM are satisfied that the proposal is a sufficient distance from the junction in question, while the protected right-hand turn to be provided will ensure no queuing back past the lights. Furthermore, the traffic generation of the proposal is not considered sufficient to harm the safe and efficient operation of the highway, giving due consideration to nearby schools and existing highway circumstances.

## 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 The proposal seeks residential development on a housing allocated, with the development achieving an acceptable density of dwellings. Therefore the principle of development is considered to be acceptable.
- 11.3 In terms of the local impact, the design and appearance of the proposal is considered acceptable. There would be no harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology and protected trees, have been assessed and identified not to be materially impacted upon. The proposal would provide an enhancement to local affordable housing and open space in line with policy.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development and Master Planning)**

1. Standard time limit for commencement of development.
2. In accordance with plans.
3. Sightlines provided / retained.
4. Appropriate Coal Legacy and Contamination Investigation.
5. Relevant drainage conditions.
6. Landscaping implemented and retained in accordance with plans.
7. Development to be carried out in accordance with Arboricultural Method Statement.
8. Submission of an Ecological Design Strategy.
9. Great Crested Newt Method Statement to be undertaken.
10. Protocol for removal of Himalayan Balsam.
11. Adoptable road details.
12. Protected right turn details to be submitted and implemented.
13. Parking areas provided, surfaced and drained.
14. Submission of a Construction Management Plan.
15. Submission of a Noise Mitigation Strategy.
16. Non-habitable room side windows to be obscure glazed.

### **Background Papers**

#### Application and history files

Web link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90264>

#### Certificate of Ownership

Certificate B signed. Notice served on;

- Kirklees Council (Highway works)



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## Report of the Head of Development and Master Planning

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Jul-2019

Subject: Planning Application 2019/91621 Erection of side extension and single storey rear extension 19, Staincliffe Road, Dewsbury, WF13 4ET

#### APPLICANT

A Scargill

#### DATE VALID

23-May-2019

#### TARGET DATE

18-Jul-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: Dewsbury West**

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**DELEGATE approval of the application to the Head of Development and Master Planning in order to complete the list of conditions including those contained within this report and issue the decision.**

**1.0 INTRODUCTION:**

1.1 This application is brought to the Heavy Woollen Planning Sub-Committee for determination at the request of Cllr Mussarat Pervaiz for the following reason:

*“Please can I ask that this is referred to planning committee as it is over intensification of the site, and will change the streetscape. I believe that whilst there are grounds for permitted development we should also ensure the surrounding neighbour’s views are heard and all development is in keeping with the area”.*

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

**2.0 SITE AND SURROUNDINGS:**

2.1 19 Staincliffe Road, Dewsbury is a semi-detached brick built bungalow with a porch to the rear. The property has a garden to the front, drive to the side and a long garden to the rear.

2.2 The property is adjoining a similar bungalow with open land to the rear, a wooded area opposite and two storey dwellings adjacent to the north, which are separated from the application by a field access (this area forms a housing allocation on the Kirklees Local Plan).

**3.0 PROPOSAL:**

3.1 The proposal is for the erection of a side extension and a single storey rear extension.

- 3.2 The walls of the side extension would lie flush with the front and rear walls of the host bungalow and tie in with the existing roof plane with roof lights with a projection of 3.3m from the original side wall of the dwelling.
- 3.3 The single storey rear extension is proposed to project 3m from the original rear wall of the dwelling and would extend across the full width of the original house with a flat roof form including a parapet and lantern.
- 3.4 The walls of the extensions would be constructed using brick for the walls and tiles for the roof covering (of the side extension).

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

- 4.1 2019/90536 - erection of side extension, single storey rear extension and formation of rear dormer - refused

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

- 5.1 Negotiations have been ongoing throughout the course of the application to reduce the rear extension in terms of its projection, alter the roof form so as to reduce its height and to remove the initially proposed rear dormer to form a more appropriate relationship with the host property and minimise the impact with the neighbouring property.

#### **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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (2019):

#### **6.2 Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 24** - Design
- **LP 30** – Biodiversity

#### **6.3 National Planning Policy Framework:**

- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment

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

- 7.1 The initially submitted plans were advertised by neighbour letters and a site notice. No comments were received from any neighbouring occupants.

7.2 The amended plans did alter the scheme significantly and as such the plans and amended description were advertised by neighbour letter. Once again, no comments from members of the public were received.

7.3 Ward Councillor Mussarat Pervaiz has commented on the scheme; her comments are included in paragraph 1.1 above.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

None considered necessary

### **8.2 Non-statutory:**

None considered necessary

## **9.0 MAIN ISSUES**

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Conditions
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

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

### Visual Amenity

10.3 The property is located on a residential street with a mix of house types on the same side of the road. There are open areas to the front and rear of the property. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.

10.4 The proposal under consideration consists of two distinct elements which shall be addressed below.

- 10.5 *Side extension:* The host property does have reasonable sized gardens to the front, side and rear which could, in the opinion of officers, host the proposed side extension without amounting to overdevelopment. The extension is proposed to be constructed using brick which would form an acceptable relationship with the host property. Furthermore, the appearance of the extension to the front would form an appropriate relationship with the host property and the other bungalows in the row. The appearance and scale of the side extension can therefore be considered to be acceptable in terms of visual amenity.
- 10.6 *Rear extension:* The rear extension would cover only a modest proportion of the rear garden leaving a sufficient amenity space to serve the property. The material proposed would be to match the main house. It is appreciated that given the very open aspect to the rear, there is a degree of prominence for the rear extension and that whilst flat roofed designs are not generally considered to represent good design, in this instance, the style of rear extension would form a contemporary addition to the dwelling given the use of a parapet roof and lantern. This is considered to represent an acceptable addition to the dwelling in terms of its visual appearance. The rear extension is therefore considered to be acceptable given the appropriate scale and use of materials in terms of visual amenity.
- 10.7 Having taken the above into account, the proposed extensions to the side and rear of the property would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

#### Residential Amenity

- 10.8 There are no properties to the front or rear of the dwelling which would be affected by the works proposed.
- 10.9 *Impact on 17 Staincliffe Road:* The single storey rear extension would be constructed along the shared boundary to the north of the adjoining property. Given the orientation, there would be no overshadowing however there would be the potential for the formation of an overbearing and oppressive impact. However, the extension proposed would have a projection of 3.0m which is generally considered to be acceptable. Further, the height has been limited by the use of a flat roof form. It is considered therefore that there would be no significant impact on the amenities of the occupiers of the adjoining 17 Staincliffe Road as a result of the proposed extensions.
- 10.10 *Impact on 35 Staincliffe Road:* The neighbour adjacent, 35 Staincliffe Road, occupies a position some 24m to the north-east of the host property. The neighbouring property is a two storey dwelling at a higher level given the sloping topography of Staincliffe Road. Given the substantial separation together with the land level difference, the proposed works to 19 Staincliffe Road would cause no significant harm to the amenities of the occupiers of the neighbouring 35 Staincliffe Road.

- 10.11 Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

#### Highway issues

- 10.12 The proposals will result in some intensification of the domestic use. The parking area to the side of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. The scheme would not result in any additional harm in terms of highway safety and as such complies with Policy LP21 of the Kirklees Local Plan.

#### Representations

- 10.13 None
- 10.14 The comments received from Cllr Mussarat Pervaiz are noted and have been addressed in the assessment above.

#### Other Matters

- 10.15 *Ecology:* The development is for single storey extensions to the dwelling. Whilst the property is sited in an area which is known to include bat habitats, in this instance, as the works proposed are single storey and include no work to the main roof, then it is considered unlikely to have an impact on the bat population. The proposal is considered to comply with the aims of chapter 15 of the NPPF.
- 10.16 *Housing land allocation:* As set out in paragraph 2.2 above, the land immediately to the north provides access to a wider field, all of which is allocated for housing on the Kirklees Local Plan (Housing allocation reference H1660). In this instance, due to the design of the extensions and their position, officers are satisfied that there would be no adverse impact upon the potential future development of this land. It is acknowledged that there are windows in the proposed northern elevation of both the side and rear extensions however, the window in the rear extension would be at ground floor level and therefore mitigated by boundary treatment; the window at ground floor level in the side extension would once again be mitigated by boundary treatment and finally, the window proposed at first floor level in the side extension, which would serve a bedroom, is a second bedroom which would also be served by roof lights and therefore, on balance, the proposal is considered satisfactory.

## **11.0 CONCLUSION**

- 11.1 This application to erect a side extension and single storey extension to the rear of 19 Staincliffe Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. As set out above, 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. Standard 3 year timeframe for commencement of development.
2. Development to be carried out in accordance with the approved plans.
3. The external walls and roofing materials of the extensions (excluding the roofing material of the rear extension) to match the host building.

### **Background Papers:**

2019/91621 – erection of site extension and single storey rear extension – undecided

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/91621>

Certificate of Ownership –Certificate A signed and dated 15/05/2019

### **Application History:**

2019/90536 – erection of two storey side extension, single storey rear extension and rear dormer refused

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/90536>

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## Report of the Head of Development and Master Planning

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Jul-2019

**Subject: Planning Application 2019/91888 Erection of single storey extensions and enlargement of dormer window to front 3, Byron Grove, Dewsbury Moor, Dewsbury, WF13 4QZ**

#### APPLICANT

Mr & Mrs S Hussain

#### DATE VALID

05-Jun-2019

#### TARGET DATE

31-Jul-2019

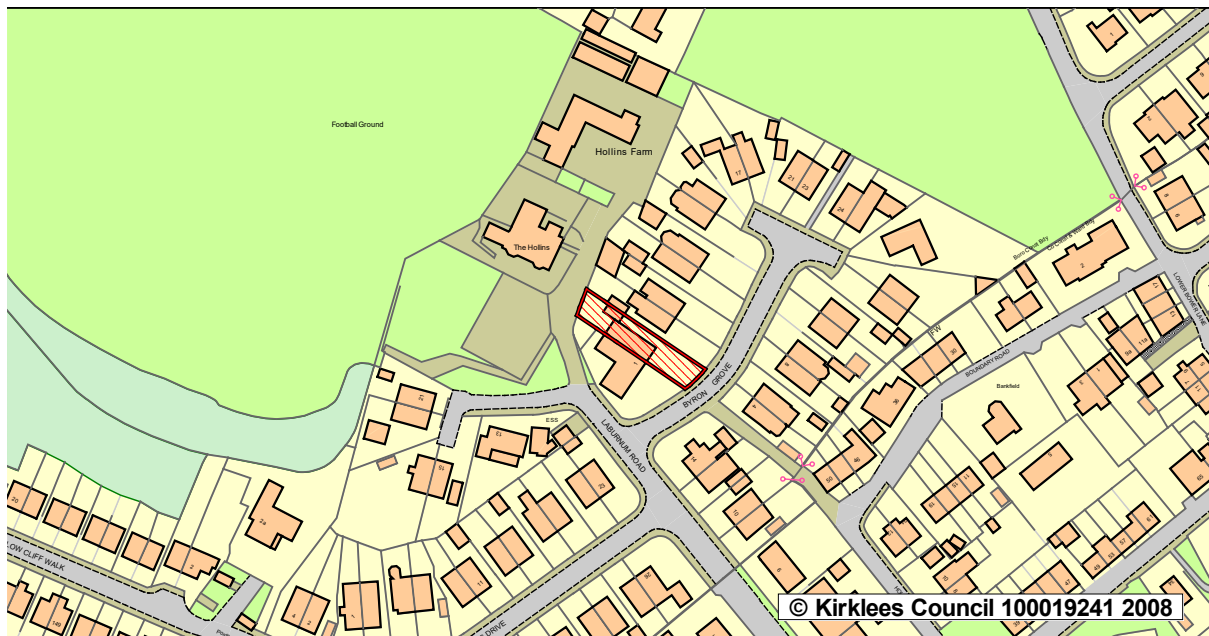
#### EXTENSION EXPIRY DATE

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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: Heckmondwike**

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**REFUSE**

**1. The proposed side and rear extension, by reason of its projection, scale, bulk and massing would result in the formation of an incongruous feature which would be harmful to the character of the host property and the wider area. To permit such an extension, which would be harmful to visual amenity, would be contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.**

**1.0 INTRODUCTION:**

1.1 This application is brought to the Heavy Woollen Planning Sub-Committee for determination at the request of Cllr Steve Hall for the following reason:

*“Due to the size of other extensions in the area, I don’t think this extension would be out of place. I would therefore ask members of the Heavy Woollen Planning Committee to determine this application. I also think a site visit would be beneficial”.*

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

**2.0 SITE AND SURROUNDINGS:**

2.1 3 Byron Grove, Dewsbury Moor, Dewsbury is a semi-detached brick built dormer bungalow with stone detailing on the front elevation. The property has an existing single storey rear extension and a garage. The property has gardens to the front and rear with a drive to the front and rear of the dwelling too.

2.2 There are similar properties to the front and sides of the dwelling with an older stone dwelling to the rear of the property.

**3.0 PROPOSAL:**

3.1 The applicant is seeking permission for a single storey side extension, a single storey side/rear extension and an extension to the front dormer.

- 3.2 The single storey side extension would be set back 3.25m from the front elevation of the property with a projection 1.25m with a depth of 4.5m. The roof is proposed to be lean to.
- 3.3 The side/rear extension would align with the existing rear extension with a width of between 2.8m and 3.6m and with a depth of 15.2m along the common boundary with 5 Byron Grove. The roof form is proposed to be pitched.
- 3.4 The walls of the extensions would be constructed using brick with tiles for the roof covering.
- 3.5 The front dormer would be increased by 1.5m in terms of its width continuing at the same height and position.

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

- 4.1 2019/90547 - erection of side extension, side/rear extension, extension to front dormer and erection of outbuilding to rear - granted
- 4.2 2007/93268 – single storey rear extension – approved

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

- 5.1 The initial submission of the previous application (2019/90547) raised concerns with respect to the projection of the side/rear extension which would have resulted in significant bulk and massing. As such, amended plans were negotiated to separate the store element into an outbuilding with a clear separation between the extension and the outbuilding which would give a visual break between the two structures, thus reducing the overall appearance of bulk and massing. These plans were approved. The applicant is now seeking consent for the original, larger scheme and is aware that the recommendation of officers for this application is for refusal on the grounds of visual amenity.

#### **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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan (2019):

#### **6.2 Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 24** - Design
- **LP 30** – Biodiversity

### 6.3 National Planning Policy Framework:

- **Chapter 12** – Achieving well-designed places
- **Chapter 15** – Conserving and enhancing the natural environment

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

7.1 The plans have been advertised by site notice and neighbour letter.

7.2 One representation has been received and is summarised below:

- The extension is very large in proportion to the house.
- Concern regarding drainage from the roof of the extension onto the neighbours land.
- The larger extension goes right up to the neighbour's boundary.

### 8.0 **CONSULTATION RESPONSES:**

#### 8.1 **Statutory:**

None considered necessary

#### 8.2 **Non-statutory:**

None considered necessary

### 9.0 **MAIN ISSUES**

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Conditions
- Representations
- Other matters

### 10.0 **APPRAISAL**

#### Principle of development

10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

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

### Visual Amenity

- 10.3 The property is sited within a residential street with similar neighbouring properties in terms of age, style, size and materials. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.4 The proposal under consideration consists of three distinct elements which shall be addressed below.
- 10.5 *Single storey side extension:* The side extension is modest in terms of its proportions and would be constructed using materials to match the main house. Given the position and size of this element, there would be minimal impact in terms of visual impact. As such, this element of the scheme can be considered to be acceptable in terms of visual amenity and was previously approved under application 2019/90547.
- 10.6 *Single storey side/rear extension:* The projection of the side/rear extension is substantial with an overall projection of over 15 metres. Such a large structure would, by reason of its bulk and massing, result in an incongruous feature. It is appreciated that the site currently hosts a detached garage which would be removed and that the host property would retain the front and rear gardens. It is also noted that the materials proposed would match the main house. However, the projection of the side/rear extension would be very large in comparison to the host building and there are insufficient mitigating factors on site to justify the proposal at this scale. As part of the previously approved scheme, 2019/90547, concern was raised by officers regarding the overall bulk and massing and as such, an amended scheme was secured during the course of that application and approved accordingly. However, this proposal is the same as the originally submitted scheme and is not considered to be acceptable in terms of visual amenity and fails to comply with policy LP24 of the Kirklees Local Plan as well as chapter 12 of the NPPF.
- 10.7 *Front dormer extension:* The dormers within the front roof plane of the dwellings are a feature of the Byron Grove. The modest extension proposed to this dormer would follow the same form and can be considered to be an appropriate addition to the property in terms of visual amenity and was previously approved under application 2019/90547.
- 10.8 Taking into account the above, although there are acceptable elements of the scheme, as established via the previous approval, the bulk and massing as a result of the projection of the proposed side/rear extension would form an incongruous feature to the host dwelling and wider area which would be unduly harmful to visual amenity. The proposal therefore fails to comply with policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

### Residential Amenity

- 10.9 There are no properties directly to the rear which would be affected by the proposed works as there is an access lane.

#### *Impact on 1 Byron Grove*

- 10.10 The front dormer and the side extension would, because of their positions, have no impact on the adjoining property and, as set out above, have previously been established as acceptable via the granting of planning permission under application reference 2019/90547.
- 10.11 The rear most sections of the side/rear extension would be set back from the shared boundary by the width of the original house and as such would have no significant impact upon the amenities of the occupiers of this adjoining property.

#### *Impact on 5 Byron Grove*

- 10.12 The scale of the front dormer extension would be limited and set up within the existing roof plane. As such, there would be no significant impact on the amenities of the occupiers of the adjacent property.
- 10.13 The side extension is a modest structure with limited proportions and the host property does occupy a lower position than the neighbouring dwelling. As such, the proposed side extension would not cause any significant impact on the amenities of the occupiers of the adjacent property, as previously established following the granting of planning approval 2019/90547.
- 10.14 The side/rear extension would, in part, replace the existing garage and this section would have minimal impact on the amenities of the neighbouring property given they have their own garage adjacent. The section to the side of the existing single storey rear would be close to the shared boundary and it is appreciated that there are windows in the side elevation of the neighbouring property. However, the extension is single storey and the host property does occupy a lower position relative to the adjacent 5 Byron Grove. As such, the impact of the side/rear extension would not be so significant in terms of the amenities of the occupiers of the adjacent property. The additional projection beyond the level of the existing garage would also be constructed along the shared boundary to the rear of the neighbour's garage. Although this would affect the garden area, given the position of the neighbour's garage, there would be no impact on the main amenity space to the rear of the neighbouring property or the dwelling itself.

#### *Impact on 4 Byron Grove*

- 10.15 Given the limited scale of both the dormer extension and the single storey side extension, there would be no impact on the amenities of the occupiers of the property on the opposite side of the road, 4 Byron Grove.
- 10.16 Having considered the above factors, the proposals are not considered to result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan and Paragraph 127 (f) of the National Planning Policy Framework.

### Highway issues

- 10.17 The proposals will result in some intensification of the domestic use. The parking area to the front of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. The scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP21 of the Kirklees Local Plan.

### Representations

- 10.18 One representation has been received which expressed the following concerns which are addressed by officers as follows:-

- The extension is very large in proportion to the house.  
**Officer Response:** *This is a material consideration and the size of the extension has been addressed within the visual amenity section under paragraph 10.6; officers do have significant concern regarding the scale of the proposed side/rear extension and have recommended refusal of the application on this basis.*
- Concern regarding drainage from the roof of the extension onto the neighbours land. **Officer Response:** *The plans submitted do appear to show gutters and the front elevation of the larger extension does show a rainwater pipe. These are no however, onto third party land.*
- The larger extension goes right up to the neighbour's boundary.  
**Officer Response:** *There are no restrictive policies which can control how close a development goes to the boundary. However, officers can confirm that all of the development would be within the red line boundary of the application site.*

### Other Matters

- 10.10 *Biodiversity:* After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, should planning permission be granted, a cautionary note should be added that if bats are found during the development then work must cease immediately and the advice of a licensed bat worker sought. This is considered sufficient to comply with the aims of chapter 15 of the NPPF.
- 10.11 *Justification of scale contended by the applicant:* The applicant has expressed concern regarding the gap that would be formed between the extension and outbuilding as previously approved. They feel it could potentially result in crime and anti-social behaviour and have asked for the Police Architectural Liaison Officer (PALO) to comment. Whilst Policy LP24 of the KLP and Chapter 8 of the NPPF do require the Local Planning Authority (LPA) to consider proposals in terms of crime prevention, in this instance, the proposal is a householder planning application for which the PALO would not be consulted with.

- 10.12 Whilst the applicant feels that a larger extension would remove their concerns in terms of the potential for the previously approved gap to be utilised in an anti-social way, there are alternative methods which would discourage such activity aside from the applicants preferred method, for appropriate alarm systems, security lighting and/or CCTV.
- 10.13 When weighing up all relevant material considerations, the case put forward by the applicant, in regard to crime prevention, is not considered to outweigh the concern that officers have in relation to the impact on visual amenity.
- 10.14 There are no other matters considered relevant to the determination of this application.

## **11.0 CONCLUSION**

- 11.1 This application to erect a single storey side extension, a single storey side/rear extension and an extension to the front dormer of 3 Byron Grove has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.
- 11.2 The proposed side/rear extension, given its significant projection, would result in the formation of an incongruous feature in the wider area given the resultant bulk and massing which is considered to be harmful in terms of visual amenity and fails to comply with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.
- 11.4 It is recommended that the application be refused for the reasons set out at the beginning of this report.

### **Background Papers:**

2019/91888 – current application under consideration

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91888>

*Certificate of Ownership* – Notice served on the adjoining 1 Byron Grove and the adjacent 5 Byron Grove

### **Planning History:**

2019/90547 – approved scheme for front dormer extension, side extension, side/rear extension and detached outbuilding

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90547>



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## Report of the Head of Development and Master Planning

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Jul-2019

**Subject: Planning Application 2019/91068 Demolition of existing storage unit and erection of replacement storage unit (Class B8) Land at, William Street, Ravensthorpe, Dewsbury, WF13 3LW**

#### APPLICANT

A Hussain

#### DATE VALID

01-Apr-2019

#### TARGET DATE

27-May-2019

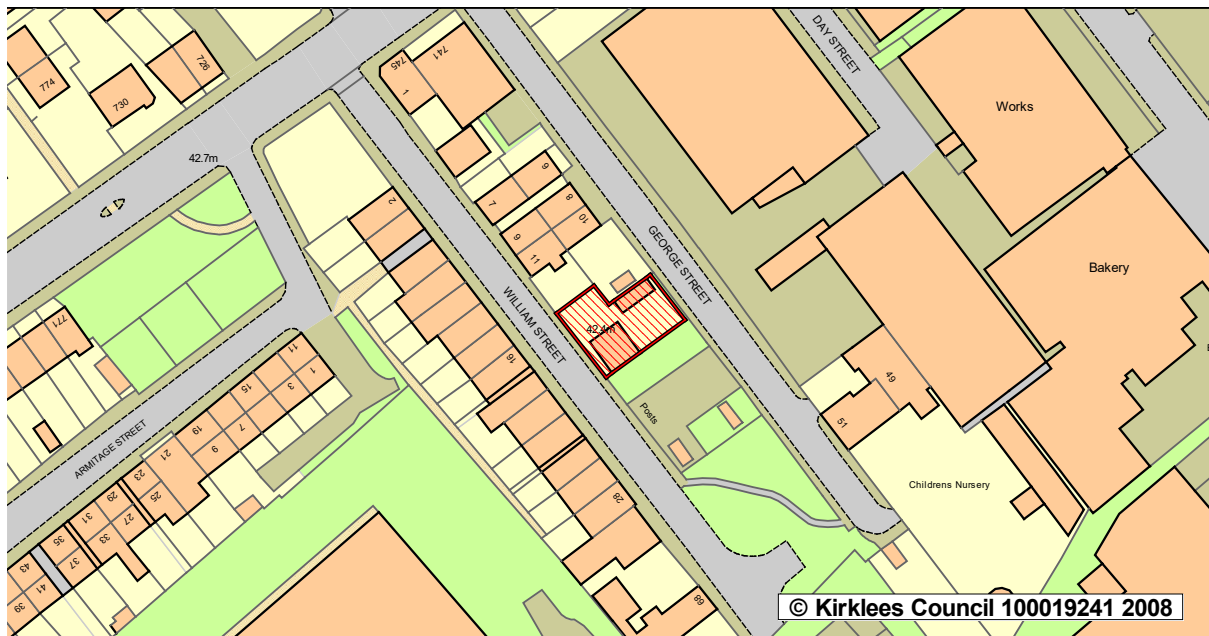
#### EXTENSION EXPIRY DATE

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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: Dewsbury West**

No
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Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

- 1.1 The application is brought to the Heavy Woollen Sub-Committee due to the previous committee involvement at the site. This is in accordance with the Council's Scheme of Delegation and has been confirmed by the Chair of the Heavy Woollen Planning Sub Committee.
- 1.2 Since the previous refusal (2018/93195), amendments have been made to the position of the access. Access to the building will be taken from William Street, rather than George Street and there will be a loading area to the front of the building (in close proximity to the amenity space of no. 11 William Street) for one transit vehicle to be accommodated on site whilst goods are being loaded and unloaded.
- 1.3 As a result of changes to the access, there are also changes to the position of the openings within the building, with the roller shutter being moved to the front elevation facing no. 11 William Street and no. 10 George Street.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site, which is located at William Street in Ravensthorpe, comprises of a piece of land to the rear of two residential properties and currently accommodates a small metal clad storage building, as well as domestic paraphernalia. The site is bounded by fencing and hedging and is on a similar level to the nearby residential properties.
- 2.2 Surrounding the site are industrial buildings to the north-east and south-east of the application site, with a row of terraced residential properties to the south-west and a pair of semi-detached dwellings to the north-west.
- 2.3 The site is unallocated on the Kirklees Local Plan.

### **3.0 PROPOSAL:**

- 3.1 Planning permission is sought for the erection of a replacement storage building to the rear of no. 10 George Street and no. 11 William Street. The building would be 5 metres in overall height (3.4 metres to the eaves), it would be 14 metres in width and would be 8 metres in length.
- 3.2 The building would be constructed from dark green metal cladding for the external walls with some pebble dash render for the external walls. The roof would be constructed from metal sheeting and there would be a shutter in the front elevation.
- 3.3 The building would be used for the storage of mattresses and furniture and there would be a loading area for transit vans to the front of the building.
- 3.4 There would be one doorway access point to the building and one roller shutter access point as shown on the submitted plans. The storage building would be accessed from William Street. The Design and Access Statement confirms that the main access to the building would be from William Street.
- 3.5 The existing storage unit on the site is proposed to be demolished.

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

- 4.1 2018/93195 – Demolition of existing storage building and erection of replacement storage building (Class B8) REFUSED by Heavy Woollen Planning Committee on 14<sup>th</sup> March 2019

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

- 5.1 The case officer has been in discussions with the applicant's agent who was requested to provide additional justification in relation to the proposed access coming from William Street. Additional justification has been provided in the Design and Access Statement, with amended plans also showing off road parking for the associated transit vehicles. Officers consider this information to be, on balance, acceptable.

### **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 unallocated on the Kirklees Local Plan.

- 6.2 Kirklees Local Plan (KLP):

**LP1** – Presumption in favour of sustainable development

**LP2**– Place shaping

**LP21**– Highway Safety

**LP22**– Parking Provision

**LP24**– Design

**LP27**– Flood Risk  
**LP28**– Drainage  
**LP52**– Protection and improvement of environmental quality  
**LP53** – Contaminated and unstable land

### 6.3 National Planning Policy Framework:

**Chapter 6** - Building a strong, competitive economy

**Chapter 9** – Promoting sustainable transport

**Chapter 12** – Achieving well designed places

**Chapter 14** – Meeting the need for climate change, coastal change and flooding

**Chapter 15** – Conserving and enhancing the natural environment

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

7.1 Two representations have been received as a result of the original publicity period (one of which contains six signatures). The comments raised are summarised as follows:

- Noise associated with unloading and loading furniture and mattresses – will disturb residents
- Existing garage was used for residential purposes, not commercial/industrial so should not become one
- Residential plot of land close to site – this may also be used for industrial purposes in the future
- Whole area will become industrial area – cause noise and disturbance problems
- Could be used for something other than the storage of furniture/ mattresses
- Plenty of vacant units in Dewsbury – council should be encouraging businesses to use these, rather than building new units.
- Old Keelings factory has been closed for years – council could invest and sublet.
- Parking will be a problem
- Congestion – existing overcrowding will be made worse
- Loss of privacy
- Noise pollution
- Unknown strangers will be entering the street – this is not healthy
- Hazards from vehicles coming and going

7.2 No further representations have been received as a result of the amended plan publicity period.

7.3 Officer comments in response to the representations will be made in the report below.

## 8.0 **CONSULTATION RESPONSES:**

### 8.1 **Statutory:**

**K.C. Highways Development Management** – No objection subject to conditions.

**Local Lead Flood Authority** – No objection

**The Environment Agency** – No comments have been received.

8.2 **Non-statutory:**

**K.C Environmental Health** – No objection subject to conditions

**9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

**10.0 APPRAISAL**

Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”. Residential amenity, highway safety and flood risk will also be assessed in this report below.
- 10.2 Chapter 6 of the NPPF discusses how planning decisions should assist businesses to expand. This is considered to be relevant in this instance as the Design and Access Statement submitted with the application states that the storage building would be available to support local businesses, thus generating sustainable economic development.
- 10.3 The principle of development was not a reason for refusal of the previous permission 2018/93195 and there has been no change in National Policy since that refusal. It is acknowledged that the previous application was considered in relation to the Kirklees Unitary Development Plan which has now been replaced by the adopted Kirklees Local Plan; this does not however impact upon the principle of development as the site remains unallocated.

Urban Design issues

- 10.4 The proposed building is larger in scale than the existing structure and would be constructed from metal cladding and pebble dash render to give an industrial appearance. Within close proximity to the application site, there is an industrial area that accommodates buildings of a similar appearance to that which is proposed, albeit on a much larger scale. Given there is a varied character in this mixed use area, which also includes residential dwellings, Officers consider that the proposed storage building would not appear out of place within this context, especially considering the existing building on the site.

- 10.5 In terms of the impact on the streetscene, the building would be visible and would project above the existing hedge and fence boundary treatments around the site. However, given that the eaves height has been reduced to 3.4 metres as part of the previous application, a large amount of the bulk and massing would be screened, thus reducing its visible impact.
- 10.6 The building would be functional in its design and materials and would be similar to the surrounding industrial buildings, albeit of a smaller scale. The scale and siting of the building would mean that, on balance, the proposed storage building would not be overly dominant. The section drawing submitted shows the building within the context of the nearby properties, with the height being sympathetic to the scale of these dwellings, and with the materials and openings also being acceptable for the use of the building. The proposed palette of materials is varied which would help to break up its bulk and create an acceptable visual appearance. The form, scale and details of the development are considered by Officers to respect the character and landscape of the area, thus complying with Policy LP24 (a) of the KLP and Paragraph 127(c) of the National Planning Policy Framework.
- 10.7 The height and length of the building means that its scale, in the opinion of officers, would be acceptable. It would not overly dominate the surroundings and would not appear out of place. The building would not result in overdevelopment of the site – there would be an area to the front of the building which would be hardstanding which is appropriate in this context. The building would not harm the character of the area where there is no predominant urban form.
- 10.8 Taking into account the above, Officers consider that the proposed development would, on balance, be acceptable from a visual amenity perspective, complying with Policy LP24 of the KLP and Chapter 12 of the National Planning Policy Framework. It should also be noted that, as part of the consideration of the application by the Heavy Woollen Planning Sub-Committee previously, the application was *not* refused on visual amenity grounds.

#### Residential Amenity

- 10.9 The impact on residential amenity is considered by officers to be, on balance, acceptable.
- 10.10 It is acknowledged that the building would be located in close proximity to the row of terraced properties and the pair of semi-detached dwellings, all of which have habitable room windows in the elevations facing the application site. For this reason, careful consideration needs to be given to the impact on residential amenity. The access to the site is also now proposed to be located close to neighbouring properties and therefore consideration has also been given to associated commercial vehicle movements associated with the unloading and loading of furniture and mattresses. This will be assessed below.
- 10.11 During the course of the previous planning application, consideration was given to the scale of the building. This was considered by Members to be, on balance, acceptable and therefore did not form a reason for refusal of the previous scheme. The scale of the building remains as previously considered by Members, with a distance of 15.2 metres between the front elevation of the building and the dwellings at no. 10 George Street and no. 11 William Street.

- 10.12 Officers are satisfied that the physical structure of the proposed building would not cause undue detrimental harm to the amenity of the occupiers of surrounding properties and that the proposal complies with Policy PLP24 (as modified) of the KLP which states “proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings”.
- 10.13 There would be a distance of 15.2 metres between the front elevation of the storage building and the neighbouring semi-detached dwellings at no. 10 George Street and no. 11 William Street as proposed. Whilst the overall height of the building would increase, this would only be by 0.75 metres, with the eaves height also increasing by 1.4 metres. The section drawing submitted during the course of the application demonstrates the relationship that would result between the proposed replacement building and the dwellings; this is considered satisfactory by officers, especially given the changes to the roof form from a gable roof to hipped roof form which was secured during the course of the previous application. This results in a reduction in the overall bulk and massing of the building, with the bulk being significantly reduced (from the originally proposed scheme), with the roof also sloping away from the boundary. The distance to the boundary of the gardens has been increased from the original proposal too. Considering the above factors, the impact on these habitable room windows and the private amenity space of these neighbouring properties in relation to dominance and overshadowing is considered, by Officers, to be acceptable. The proposed situation would not be significantly detrimental to residential amenity.
- 10.14 As well as the structure itself, the loading area for the ford transit vehicles will be located close to the private amenity space of this neighbouring dwelling and therefore noise and disturbance has to be considered as a result of vehicular movements associated with the use. The case officer has considered the extent to which this will have a detrimental impact on the enjoyment of the private amenity space of these dwellings to the northwest. The case officer has requested that the agent provides additional justification for the use of this space for vehicle turning.
- 10.15 The agent’s justification statement contends that the vehicular access to the storage building is utilising an existing access and that one vehicle visiting the site at any one time would not give rise to a detrimental impact on amenity. The agent has also confirmed that the storage building would not be visited more than once or twice a day.
- 10.16 Whilst it is acknowledged that the proposed storage building is now larger than the existing building and will be for an industrial/commercial purpose, considering the above justification, along with the recommended conditions which will limit the opening hours and the number of trips to the site, it is considered by officers that, on balance, the impact on residential amenity is acceptable. The resultant vehicular movements are not considered to, on balance, result in a significantly harmful effect on neighbouring occupiers. K.C Environmental Health have not raised an objection subject to a condition restricting hours of operation.

- 10.17 The proposal would not result in additional noise over and above the existing situation given the use of the existing building as storage for mattresses and furniture (as confirmed by the applicant's agent). As discussed above, it is not likely that more than one vehicle would visit the site at any one time, thus noise levels are not considered to rise significantly above the existing situation, complying with Policy LP52 of the KLP and Paragraph 170 (e) of the NPPF which states that planning decisions should prevent new development from contributing to noise pollution.
- 10.18 In terms of the relationship with the row of terraced houses to the south-east of the site, given that the existing building is a relatively large structure, consideration needs to be given to the additional harm that would arise as a result of an increased height. There would be a distance of 11.4 metres between the proposed storage building and the row of terraced dwellings. The eaves height of 3.4 metres means that the bulk and massing of the storage building would not have a direct relationship with the first floor windows of the nearby domestic properties. Considering this relationship and the distance between the buildings means that, in the opinion of officers, the proposed development would not have a significant overbearing impact over and above the existing situation.
- 10.19 To the north-east side, there would be no impact on residential amenity. There are no habitable spaces within the industrial areas and the use of the proposed building is compatible with these industrial processes.
- 10.20 To the rear of the site, there is an outline planning permission for residential development that is currently pending consideration (application reference 2016/94290). There would be a distance of over 20 metres between the rear elevation of the proposed dwellings and the application site boundary (with approximately 11 metres from the rear boundary of the George Street site). Given this distance and the scale of the proposed building, as well as the fact that the proposed layout of the residential development is only indicative at this stage, officers consider that the storage building would not prejudice the use of the land to the rear for residential purposes.
- 10.21 Given the use of the building for storage purposes and the fact that the openings are doorways to provide access to the building would mean that there would be no detrimental overlooking impact from the building into the amenity space or habitable room of nearby residential units. Furthermore, a condition has been recommended to ensure that the building is used for storage only.
- 10.22 Overall, the proposal is considered to be, on balance, acceptable from a residential amenity perspective, compliant with Policies LP24 and LP52 of the KLP and guidance with the National Planning Policy Framework, in particular, Paragraph 127 (f) of Chapter 12 and Paragraph 170 (e) of Chapter 15.



## Highway issues

- 10.23 The previous planning application ref. 2018/93195 was refused by Members for the following reason:

*“The proposed replacement storage building, by virtue of the inadequate access from George Street and lack of parking and turning facilities within the site, would result in a considerable level of traffic movements which would cause over intensification of the site leading to significant highway safety issues. To approve the application, which is not considered to be able to be accessed effectively and safely by all users, would be contrary to Policies PLP21 (as modified) and PLP22 (as modified) of the Kirklees Local Plan”.*

- 10.24 Consideration was therefore given to the previous reason for refusal when assessing the proposed development on highway safety grounds. Extensive site visits have been undertaken to further understand the typical access arrangements on William Street and George Street.
- 10.25 William Street is a residential street with dwellings fronting the highway. There is no off street parking spaces for these dwellings, with vehicles being parked on the highway. At the time of the site visits, the streets and hardstanding area to the south east of the site were up to full capacity. Concern was therefore raised about the capacity of the street to accommodate further parking for a transit type vehicle associated with the proposed storage building.
- 10.26 The amended plans show access to the proposed storage building being taken from William Street, with associated hardstanding for parking to the rear of no. 11 William Street. The plans also show an off-street loading area for a delivery van and the proposed development would utilise an existing access from William Street.
- 10.27 Given that the building is for storage which is the same as the existing use, and the building is of a relatively modest size, Highways Development Management do not consider there to be a significant level of vehicular movements to and from the site, thus ensuring that the proposal would not represent a significant intensification of the use of the site. A condition has been recommended to ensure that the development is carried out in accordance with the submitted Design and Access Statement, meaning that the number of trips to the site will be limited.
- 10.28 The agent has confirmed that due to the bulky nature of the items for storage, they would likely be dropped off one at a time, with delivery vehicles using the dedicated area for parking and unloading as shown on the block plan. Given that the building would be used for storage purposes only, there would be no need for staff parking. The parking is off the public highway and therefore is unlikely to cause significant highway safety issues
- 10.29 Considering the above, it is considered that there would be no undue highway safety issues and the parking and access at the site is, on balance, acceptable. The proposal would not result in the displacement of additional vehicles onto the highway and is considered, by officers, with the inclusion of appropriate conditions to have addressed the previous concerns raised by members in relation to the previously refused application.

- 10.30 Taking the above into account, the proposal is considered, on balance, acceptable from a highway safety and efficiency perspective, complying with Policies LP21 and LP22 of the KLP and Chapter 9 of the NPPF.

#### Drainage issues

- 10.31 The Local Lead Flood Authority (LLFA) was consulted on the previous application as the site and its surroundings lie within Flood Zone 2. The LLFA commented on the previous application to advise that the Flood Risk Assessment (FRA) was not comprehensive enough and that there was no surface water drainage strategy provided.
- 10.32 Following correspondence between the case officer, agent and the LLFA during the course of the previous application, an amended FRA was submitted. The amended FRA was reviewed by the LLFA and is considered to be acceptable. A condition has been recommended to ensure that the development is carried out in accordance with this document submitted under 2018/93195.
- 10.33 It is noted that a surface water drainage strategy has not been provided and therefore the LLFA previously upheld their initial objection on this basis. The case officer has been advised that a drainage strategy can be secured by condition and therefore Officers are satisfied that the development is acceptable in terms of flood risk, with the inclusion of conditions.
- 10.34 As such, subject to the inclusion of the above suggested conditions, the proposal complies with Policy LP28 of the KLP and Chapter 14 of the NPPF.

#### Representations

- 10.35 Two representations were made as a result of the original planning application (one representation contained six signatures), raising the points below which are addressed by officers as follows:
- Noise associated with unloading and loading furniture and mattresses – will disturb residents  
**Officer comment:** *See residential amenity section of this report. Officers recommend a condition restricting the number of trips to the site and the hours of use.*
  - Existing garage was used for residential purposes, not commercial/industrial so should not become one  
**Officer comment:** *this is noted.*
  - Residential plot of land close to site – this may also be used for industrial purposes in the future  
**Officer comment:** *there is no planning application for this site for industrial purposes.*
  - Whole area will become industrial area – cause noise and disturbance problems  
**Officer comment:** *this application has been assessed on its own merits. If future applications are submitted, these will be assessed in relation to noise and disturbance.*

- Could be used for something other than the storage of furniture/ mattresses  
**Officer comment:** *a condition has been recommended that the use of the building is tied down to the storage of furniture and mattresses.*
- Plenty of vacant units in Dewsbury – council should be encouraging businesses to use these, rather than building new units.  
**Officer comment:** *the proposed development as submitted has to be considered.*
- Old Keelings factory has been closed for years – council could invest and sublet.  
**Officer comment:** *see above comment.*
- Parking will be a problem/ congestion – existing overcrowding will be made worse  
**Officer comment:** *see highway safety section of this report.*
- Loss of privacy  
**Officer comment:** *see residential amenity section of this report.*
- Noise pollution  
**Officer comment:** *see residential amenity section of this report.*
- Unknown strangers will be entering the street – this is not healthy for residents  
**Officer comment:** *this is not a material planning consideration.*
- Hazards from vehicles coming and going  
**Officer comment:** *see highway safety section of this report.*

No representations were made as a result of the amended publicity period.

#### Other Matters

10.36 No other matters are considered relevant to the determination of this application.

### **11.0 CONCLUSION**

11.1 To conclude, there is an existing building located on the site which is used for storage purposes (and is unrestricted in terms of hours of use / vehicular movements etc). This proposal is to erect a larger building on the site for the same purposes. It is therefore considered that, with the inclusion of the suggested conditions set out in section 12.0 below, the proposal would have, on balance, an acceptable impact with regards to visual amenity, residential amenity, highway safety and flood risk as discussed in the above report.

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

11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development and Mater Planning)**

1. Standard timeframe for implementation (3 years).
2. Development in accordance with plans.
3. Facing and roofing materials.
4. Vehicle parking areas to be of permeable surfacing.
5. Electric charging points.
6. Hours of use (deliveries to or dispatches from the premises should not take place outside the times of 08:00 to 18:00 Monday to Saturday. No activities to take place on Sundays or Bank Holidays).
7. Building shall only be used for storage purposes.
8. Reporting of unexpected land contamination.
9. Submission of a drainage strategy.
10. Development to be carried out in accordance with the Flood Risk Assessment (prepared by Innervision Design Ltd, updated December 2018) submitted under 2018/93195.
11. Development to be carried out in accordance with the revised Design and Access Statement.

**Background Papers:**

Application documents can be viewed using the link below:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/>

Certificate of ownership – Certificate A signed and dated: 30/03/2019

**Previously refused application can be viewed using the link below:-**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93195+>