

Public Document Pack



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

Julie Muscroft

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Wednesday 9 October 2019

Notice of Meeting

Dear Member

Planning Sub-Committee (Heavy Woollen Area)

The **Planning Sub-Committee (Heavy Woollen Area)** will meet in the **Council Chamber , Town Hall, Dewsbury** at **1.00 pm** on **Thursday 17 October 2019**.

(A coach will depart the Town Hall, at 10.40am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber at 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

Pages

1: Membership of the Committee

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

2: Minutes of Previous Meeting

1 - 4

To receive the Minutes of the previous meeting of the Sub-Committee held on 5 September 2019.

3: Interests and Lobbying

5 - 6

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

4: Admission of the Public

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

5: Deputations/Petitions

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

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

6: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application No: 2019/91766

Raising of roof to form third floor extension at 1-3 Park Street, Heckmondwike.

(Estimated time of arrival at site – 11.00am)

Contact Officer: Anthony Monaghan, Planning Services

Wards Affected: Heckmondwike

8: Site Visit - Application No: 2019/91346

Erection of detached dwelling with integral garage adjacent to The Hall, Liversedge Hall Lane, Liversedge.

(Estimated time of arrival at site – 11.20am)

Contact Officer: Katie Wilson, Planning Services

Wards Affected: Heckmondwike

9: Site Visit - Application No: 2019/90155

Change of use and alterations to convert trade counter retail unit to function room at former Harrisons Electrical Warehouse, Huddersfield, Dewsbury.

(Estimated time of arrival at site – 11.40am)

Contact Officer: Anthony Monaghan, Planning Services

Wards Affected: Dewsbury East

10: Local Planning Authority Appeals

7 - 12

The Sub Committee will received a report detailing the outcome of appeals against decisions of the Local Planning Authority, as submitted to the Secretary of State.

Contact Officer: Julia Steadman, Planning Services

Wards Affected: Batley West

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 5.00pm (via telephone), or 11.59pm (via email) on Monday 14th October 2019.

To pre-register, please contact 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.

11: Planning Application - Application No: 2019/91529 15 - 30

Outline application for erection of one detached dwelling at 99 Knowl Road, Mirfield.

Contact Officer: Jennie Booth, Planning Services

Wards Affected: Mirfield

12: Planning Application - Application No: 2019/90155 31 - 42

Change of use and alterations to convert trade counter retail unit to function room at former Harrisons Electrical Warehouse, Huddersfield, Dewsbury.

Contact Officer: Anthony Monaghan, Planning Services

Wards Affected: Dewsbury East

13: Planning Application - Application No: 2019/91766 43 - 50

Raising of roof to form third floor extension at 1-3 Park Street, Heckmondwike.

Contact Officer: Anthony Monaghan, Planning Services

Wards Affected: Heckmondwike

14: Planning Application - Application No: 2019/91346

51 - 68

Erection of detached dwelling with integral garage adjacent to The Hall, Liversedge Hall Lane, Liversedge.

Contact Officer: Katie Wilson, Planning Services

Wards Affected: Heckmondwike

Planning Update

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

Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 5th September 2019

Present: Councillor Paul Kane (Chair)
Councillor Mahmood Akhtar
Councillor Michelle Grainger-Mead
Councillor John Lawson
Councillor Fazila Loonat
Councillor Andrew Pinnock
Councillor Nosheen Dad
Councillor Cathy Scott
Councillor Kath Taylor
Councillor Graham Turner
Councillor Mohan Sokhal

Apologies: Councillor Mussarat Pervaiz
Councillor Charlotte Goodwin

1 Membership of the Committee

Councillor Sokhal substituted for Councillor S Hall.

Apologies for absence were received on behalf of Councillors Goodwin and Pervaiz.

2 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meetings held on 13 June 2019 and 25 July 2019 were approved as a correct record.

3 Interests and Lobbying

All Members advised that they had been lobbied on Applications 2019/91529 and 2019/90056.

Councillor Grainger-Mead declared an 'other' interest in Application 2019/91994 on the grounds that she is a customer of the premises.

4 Admission of the Public

All agenda items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Site Visit - Application No: 2019/91994

Site visit undertaken.

Planning Sub-Committee (Heavy Woollen Area) - 5 September 2019

8 Site Visit - Application No: 2019/91529

Site visit undertaken.

9 Site Visit - Application No: 2019/90056

Site visit undertaken.

10 Local Planning Authority Appeals

That the report be noted.

11 Planning Application - Application No: 2019/91994

The Committee gave consideration to Application 2019/91994 – Proposed upgrade to existing telecoms site – F&L 25m slimline lattice tower on new concrete base within extended compound and associated works at Firths Garage, 158 Leeds Road, Heckmondwike.

RESOLVED – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- time limit for implementation – 3 years
- in accordance with submitted plans
- noise assessment report be submitted to and approved by the Local Planning Authority in writing before development commences; development to be carried out in accordance with the approved details and therefore retained
- submission of details of colour of mast (to ensure that the colour is in the interest of visual amenity, in accordance with the aims of Chapter 10 of the NPPF.)

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

For: Councillors Akhtar, Dad, Kane, Lawson, Loonat, A Pinnock, Scott, Sokhal, K Taylor and Turner (10 votes)

Against: (no votes)

Abstained: Councillor Grainger-Mead

12 Planning Application - Application No: 2019/91529

The Committee gave consideration to Application 2019/91529 – Outline application for erection of one detached dwelling at 99 Knowl Road, Mirfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Tony Dennis (applicant's agent).

RESOLVED – That the application be deferred in order to allow the submission of further information regarding the impact on the visual amenity of the streetscene resulting from the proposed reduction of the boundary wall on the frontage of Knowl Road.

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

Planning Sub-Committee (Heavy Woollen Area) - 5 September 2019

For: Councillors Akhtar, Dad, Grainger-Mead, Kane, Lawson, Loonat, A Pinnock, Scott, Sokhal, K Taylor and Turner (11 votes)

Against: (no votes)

13 **Planning Application - Application No: 2019/90056**

The Committee gave consideration to Application 2018/90056 – Change of use of A1 (retail) to Snooker Lounge and games room D2 (Assembly and Leisure) (within a conservation area) at Mina House, 47-51 Daisy Hill, Dewsbury.

RESOLVED –

- (1) That the application be refused on the grounds that the change of use to snooker and games room (D2) would result in an increase in the fear of crime and disorder for the local community, particularly due to a lack of continuous management of the premises and its immediate surroundings, and that the increased fear of crime and disorder would outweigh the benefit of the re-use of the unit and fail to create an inclusive and safe place, thereby significantly undermining the quality of life to the local community.
- (2) That to approve the application would be contrary to the aims of Chapter 8 of the National Planning Policy Framework, as well as Policy LP18 of the Kirklees Local Plan, which sets out that proposals in Dewsbury Town Centre should provide a safe welcoming inclusive destination for the district's residents of all ages, and Policy LP24(e) of the Kirklees Local Plan.

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

For: Councillors Akhtar, Dad, Grainger-Mead, Kane, Lawson, Loonat, A Pinnock, Scott, Sokhal, K Taylor and Turner (11 votes)

Against: (no votes)

14 **Planning Application - Application No: 2019/90190**

The Committee gave consideration to Application 2018/90190 – Erection of 3 dwellings at (within a conservation area) adjacent to 1 Lowgate, Kirkburton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from John Perriton and Ruth Holmes (local residents), Dale Hirst (applicant), Ken Philips (highways consultant) and Emma Hanks (applicant's agent).

Under the provisions of Council Procedure Rule 36(1), a representation was received from Councillor Armer (ward member).

RESOLVED – That the application be refused on the grounds that;

- (i) The application site currently forms a prominent and important space within the Kirkburton Conservation Area and that its development for residential purposes would subsequently result in its loss as open space.

Planning Sub-Committee (Heavy Woollen Area) - 5 September 2019

- (ii) The development, by reason of its scale, design and prominence would appear out of keeping with the established character of the street scene and Conservation Area.
- (iii) The development would offer no benefit to the public to outweigh such impact. As such, to permit the erection of 3 no. dwellings in this position would cause undue harm to the visual amenity and character of the Conservation Area, contrary to Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.
- (iv) The development, by reason of its scale, siting and design would result in significant overlooking of the occupants of the adjacent dwellings at nos. 8 to 18 Low Town, which would be unduly detrimental to their living conditions. To permit the proposal, which would not maintain appropriate distances between buildings and provide a high standard of amenity for future and neighbouring occupiers, would be unduly harmful to residential amenity, contrary to Policy LP24 (b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
- (v) The development has failed to demonstrate the safe manoeuvre of vehicles in and out of Plots 1 and 2 from the junction of Low Gate and Low Town. Furthermore, it is not considered that safe and suitable access to each plot can be achieved due to inadequate visibility splays onto Low Town and Low Gate for the future occupants of the proposed dwellings, thereby giving rise to unacceptable harm to highway safety. In addition, a substandard footway has been proposed. To permit the proposal as submitted would severely prejudice highway and pedestrian safety, contrary to Policies LP21 and LP22 of the Kirklees Local Plan.

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

For: Councillors Akhtar, Dad, Grainger-Mead, Kane, Lawson, Loonat, A Pinnock, Sokhal, K Taylor and Turner (10 votes)

Against: (no votes)

Abstained: Councillor Scott

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: 17 OCTOBER 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: Batley West

Ward councillors consulted: No

Public or private: Public

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 2018/62/94136/E - Erection of two storey extension and alterations to garage to form living accommodation at 52, Deighton Lane, Healey, Batley, WF17 7EU. (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
- 9. Background Papers and History of Decisions**
Not applicable



Appeal Decision

Site visit made on 23 July 2019

by **R Morgan MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/Z4718/D/19/3226234 52 Deighton Lane, Batley WF17 7EU

- 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 Mohammed Ashad Bostan against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/94136/E, dated 8 December 2018, was refused by notice dated 18 February 2019.
 - The development proposed is described as '2 storey living accommodation link and conversion of garage to domestic use'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Kirklees Local Plan has been adopted since the planning application was refused by the Council. In its decision notice, the Council referred to saved policies from the Kirklees Unitary Development Plan as well as policies in the emerging Local Plan. Now that the Local Plan is adopted, saved policies from the Unitary Development Plan are superseded and I do not make any further reference to them. As the objectives of both sets of policies are similar with regard to design and protection of amenity, this change in circumstances has not prejudiced either party.

Main Issues

3. The main issues are the effect of the proposal on the:
 - living conditions of the occupiers of No 50 and No 54 Deighton Lane, with particular regard to privacy and outlook
 - the character and appearance of the area

Reasons

Living conditions

4. The proposed two storey extension would be sited along the boundary with No 54 Deighton Lane (No 54) with a length of approximately 5 metres. Although I acknowledge that the properties have long back gardens and the extension would only impact on part of it, the effect would be felt on the area of outside space closest to the house which is likely to be the most well used, and therefore the most sensitive, part of the outdoor space. Given the scale

and bulk of the extension and its proximity to No 54, I consider that it would have an enclosing effect on the neighbouring property which would be dominant and overbearing.

5. The two storey extension would have a bedroom window at first floor level which would directly overlook the outdoor amenity space of the adjoining property, No 50 Deighton Lane (No 50) to an unacceptable degree. The appellant has suggested the use of privacy glass to reduce the impact, but I do not consider this to be an appropriate solution for a bedroom window as it would not provide a satisfactory outlook for the occupiers.
6. The appellant has also suggested additional landscaping along the boundary as a means to reduce the impact. There is an opportunity for planting along the boundary with No 50, however this would take time to become established and would need to be maintained at a reasonable height to overcome the harm. I am not convinced that this could be relied upon to satisfactorily mitigate the harm.
7. Overall, I conclude that the proposed development would cause harm to the living conditions of the neighbours at No 50 and No 54 Deighton Lane with particular regard to privacy and outlook. It fails to comply with Policy LP24 of the Kirklees Local Plan (2019) (LP), which is concerned with minimising the impact of developments on the amenity of future and neighbouring occupiers. In addition it fails to comply with paragraph 127 of the National Planning Policy Framework (the Framework) which has a similar objective.

Character and appearance

8. The appeal property is located on Deighton Lane, a residential street characterised by properties of a variety of ages, styles and materials which are set back from the road behind low stone walls and front gardens. The appeal property is a more recent property than many in the street and has been added to the end of a row of traditional two storey stone terraces. The neighbouring property, No 54, is a large detached stone villa.
9. Whilst the proposed extension would be significant in scale it would be set back by the entire length of the house, approximately 14 metres from the front elevation. Given this significant set back, I do not consider that the extension would dominate the host property when viewed from the street. The Council has expressed concern that the hipped roof would not match that of the main house, however I consider that the effect on the host property would be acceptable given the subservience of the extension. Furthermore, I note that the existing garage already has a hipped roof, as does the rear extension.
10. I conclude that the proposed development would have an acceptable effect on the character and appearance of the area. I find no conflict with Policy LP24 of the LP as it relates to the design of extensions. Likewise there is no conflict with the good design objectives of the Framework.

Conclusion

11. Whilst I have found that the proposal would not cause harm to the character and appearance of the area, this does not overcome the harm to the living conditions of the occupiers of neighbouring properties which I have identified.

12. I have sympathy with the needs of the growing family for private space, but again this does not justify the harm the proposed development would cause.
13. For the reasons given on balance the proposal would not accord with the development plan and the appeal is therefore dismissed.

Rosie Morgan

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 27th February 2019).

National Policy/ Guidelines

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

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

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

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

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

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

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

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

Report of the Head of Development and Master Planning

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Oct-2019

Subject: Planning Application 2019/91529 Outline application for erection of one detached dwelling 99, Knowl Road, Mirfield, WF14 9RQ

APPLICANT

R Tattersfield

DATE VALID

22-May-2019

TARGET DATE

17-Jul-2019

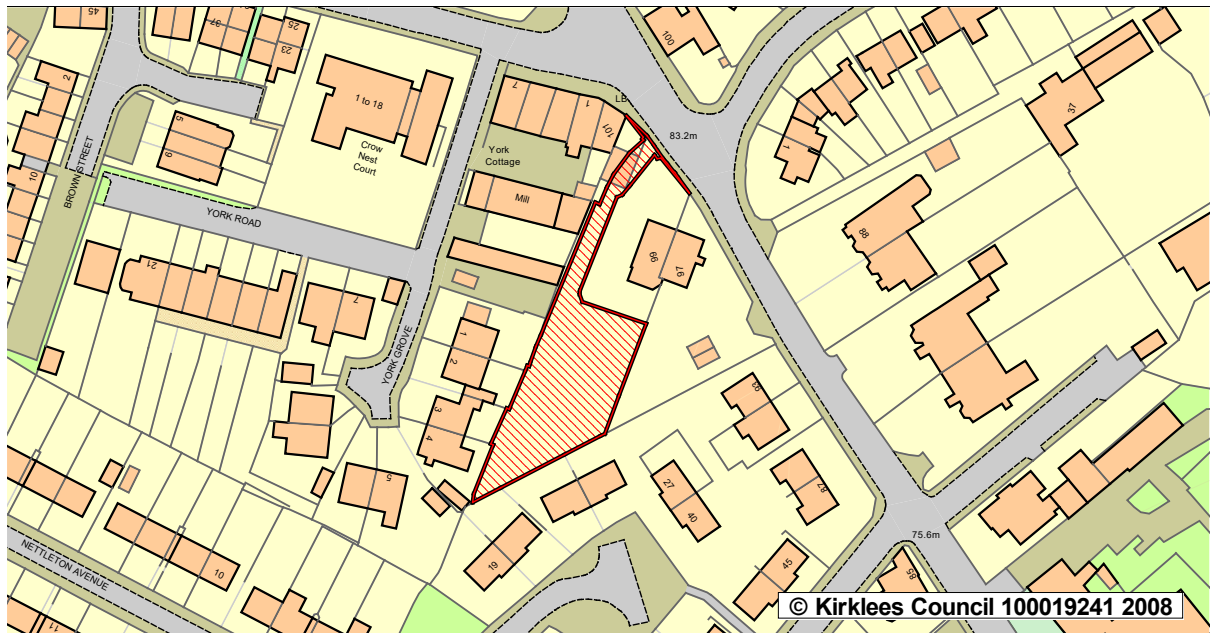
EXTENSION EXPIRY DATE

10-Sep-2019

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Mirfield

Yes

Ward Members consulted
(referred to in report)

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 This application was originally brought to the Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Lees-Hamilton for the reasons set out below:

"I have been contacted by several residents who live near to this proposal, I too share their concerns, the highway network along this section of Knowl Road is very congested due to parking for nearby business, the road is narrow as is the footway, it is also a very busy section of road.

I feel that to build another dwelling here is inappropriate on the grounds of highway safety and over intensification of the site.

If you are minded to approve this planning application I should like the application to be referred to the heavy woollen planning committee for determination, I would also like to request a site visit please".

- 1.2 The Chair of the Sub-Committee has previously confirmed that Cllr Lees-Hamilton's reasons for referral to committee was valid having regard to the Councillor's Protocol for Planning Committees. As such, the application was originally included on the Heavy Woollen Committee agenda dated 5 September 2019 and a site visit was carried out by members on that day.
- 1.3 However, after members visited the site, the item was deferred from that agenda. This was because, since members were being asked to approve the point of access as part of this outline application, they requested further detail in respect of the impact on the streetscene as a result of the initial proposal to reduce the height of the wall along the entire site frontage in order to achieve the proposed sight lines.
- 1.4 The application is now brought to the Heavy Woollen Planning Sub-Committee with the additional information requested.

2.0 SITE AND SURROUNDINGS:

- 2.1 99 Knowl Road, Mirfield is a stone built semi-detached property with a modest garden to the front, a narrow existing access from the road and significant gardens to the side and rear. The application site comprises of the land to the rear of the dwelling including access from Knowl Road along the side of the dwelling. The site is steeply sloping and is currently overgrown.
- 2.2 The surrounding properties are residential and comprise of a variety of ages and style, together with a mix of single and two storey properties.

3.0 PROPOSAL:

- 3.1 The proposal is for outline planning permission for the erection of one dwelling, with matters of access and scale to be considered at this stage.
- 3.2 In regard to access, this would be from Knowl Road and is proposed to be taken to the west side of the existing dwelling. The scheme includes details of alterations to the existing boundary wall to the front of 99 Knowl Road to improve the access and includes increasing the size of the access into the site and reducing the height of a section of the walling (*the proposal is no longer to reduce the entire length of the existing walling along the frontage of the site following comments raised by members at the previous committee meeting*).
- 3.3 In terms of scale of the proposed dwelling, the plans indicate a one and a half storey property which would be positioned approximately 21 metres (m) from the rear elevation of no.99 Knowl Road. The width is proposed to be 12m with a depth of 8.8m, an eaves height of 3m and an overall height of 6.5m.
- 3.4 Details of materials have not been submitted with this application as it is considering the scale only (along with access). Materials would be considered at the reserved matters stage, as part of the 'appearance', should outline planning permission be granted.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 None

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

- 5.1 A formal pre-application enquiry was submitted prior to receipt of the planning application. Officers confirmed that the principle of development was likely to be accepted in this sustainable location.
- 5.2 The plans originally submitted as part of this planning application showed a larger building with an average eaves height of 5m and an overall height of 8.1m. This was considered to be excessive for the site and would have had the potential to harm the amenity of the occupiers of the neighbouring 1 York Grove and 25 Littlemoor Road. As such, the scheme was amended to reduce the overall height of the dwelling.

- 5.3 The initially submitted location plan indicated that the bin store and the parking for 99 Knowl Road would be outside the red line boundary of the application site. It is acknowledged that the whole of the site is currently in the ownership of the applicant however for clarification purposes, the agent has submitted an additional plan indicating, in blue, all land owned by them.
- 5.4 At the previous committee meeting on 5 September 2019, members requested a street scene to show how the front wall was to be reduced in height to better understand how this would look within the street scene and to ensure the visual aspects of this element of the scheme would be acceptable in terms of visual amenity. The proposed street scene elevation has been submitted and demonstrates only a small section of the wall to be reduced in height, taking on board the comments raised by members at the previous meeting. The agent has also submitted an additional statement about the benefits of the proposal for enabling the redevelopment of 99 Knowl Road. A topographical survey outlining the land levels has also been received.

6.0 PLANNING POLICY:

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

6.2 The application site is unallocated on the Kirklees Local Plan.

6.3 Kirklees Local Plan:

- LP 1** – Achieving sustainable development
- LP 2** – Place shaping
- LP3** – Location of new development
- LP7** – Efficient and effective use of land and buildings
- LP11** – Housing mix and affordable housing
- LP21** – Highway safety and access
- LP 22** – Parking
- LP 24** - Design
- LP33** - Trees
- LP 53** - Contaminated land

6.4 National Planning Guidance:

- Chapter 5** – Delivering a sufficient supply of homes
- Chapter 12** – Requiring good design
- Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Three (3) representations have been received. The concerns raised are summarised as follows:-

- The proposed dwelling is an overdevelopment the site that would be out of character and out of scale with the immediate surrounding area and development type which is predominantly bungalows.

- Insufficient detail has been submitted to demonstrate how the proposed dwelling would sit relative to the neighbouring properties given the topography of the site.
- The size, bulk and massing will have an overbearing impact on the surrounding bungalows.
- Loss of privacy.
- Overshadowing to the neighbouring properties.
- Increase in vehicles would impact an already busy, congested and dangerous junction.
- The indicative design is not of a particularly high standard, being of an anonymous character which neither contributes nor responds to local character and distinctiveness.
- The submitted plans indicate the existing single storey extension to the rear of 99 Knowl Road would be removed. Would this require permission to rebuild in the future and would they be allowed to build to the boundary line?
- The plans indicate the existing walling to the front would be reduced in height, will this be done sensitively to the remaining walling to the front of the adjoining property?
- The plans also show gates to the side of 99 for the new dwelling, would this leave the front of 99 Knowl Road open which could allow for issues with local youths hanging around?
- Will there be a caveat to ensure 99 Knowl Road is occupied prior to the new dwelling being built?
- There is no detail on the design of the garage, roof type, how close to the boundary with 97 will it be built.
- Potential loss of privacy from windows in the west elevation.
- Would the new dwelling prevent other properties on Knowl Road from having an extension in the future?

7.2 Officers comments are made in Section 10 of this report in response to the concerns raised above.

7.3 Mirfield Town Council have been consulted although no response has been received.

7.4 Following receipt of amended plans and prior to the September committee, these were advertised. Two objections were received from the same interested party with respect to the amended details. Any new issues raised which have not been summarised above are included below and are based on the amended plans and additional detail:

- The development in its current form would be contrary to Local and National Policy.
- The application should be deferred from the committee agenda as the neighbours were not informed of the officer's recommendation or the inclusion of the application on the agenda for September 5th.
- The amended drawings appear to include additional information rather than changes to the scheme which appears to remain the same as initially proposed.
- The site section is misleading.
- The west elevation of the new dwelling is that which will face the bungalows on York Grove. It is enormous and truly oppressive with its vast, largely unbroken and featureless roof and walls.

- The south elevation is overwhelming with considerable overlooking potential including a potential balcony.
- The existing ground levels will be built up to create a new domestic garden.
- The drawings and scheme remain woefully poor with little detail. The design of the dwelling remains anonymous contributing nothing to the character and distinctiveness of the area.

7.5 Given the additional information requested by members did not fundamentally alter the scheme or its proposed scale, the additional information has not been re-advertised.

8.0 CONSULTATION RESPONSES:

8.1 The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.2 Statutory:

K.C. Highways Development Management – Having reviewed the amended plans there are no objections. The access is shown to be widened to allow two vehicles to pass at the entrance, the gates are shown to be set back and part of the wall frontage is shown to be reduced to improve visibility onto Knowl Road. In addition, sufficient off-street parking is shown to be retained to serve the existing house as well as the proposed house.

K.C. Environmental Health – No objection, subject to condition relating to the reporting of unexpected contamination. The condition is considered necessary because the site has been identified as potentially contaminated land due to its proximity to a mill. In addition, a condition is recommended in relation to the installation of one electric vehicle charging point.

8.3 Non-statutory:

K.C. Ecologist – No objection raised subject to the inclusion of a condition requiring the submission of up-to-date ecological survey information at the reserved matters stage for ‘Landscaping’ and ‘Layout’. The report will need to demonstrate sufficient avoidance, mitigation, and compensation and enhancement measures to provide a biodiversity net gain.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity as a result of scale
- Impact on residential amenity as a result of scale
- Point of access and impact on highway safety
- Biodiversity
- 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. Chapter 5 of the NPPF refers specifically to 'delivering a sufficient supply of homes', with paragraph 59 stating that *"to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed ..."*. In addition, Policy LP11 of the KLP sets out that *"all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating a mixed and balanced communities in line with the latest evidence of housing need"*.
- 10.2 In this case, the application site forms part of the curtilage associated with the host dwelling, no.99 Knowl Road, this is therefore considered to constitute a greenfield site for the purposes of assessing the application when taking into account the definitions set out in the glossary in Annex 2 of the NPPF.
- 10.3 Policy LP7 of the KLP refers to the efficient and effective use of land and buildings. The policy encourages the development of previously developed land provided that it is not of high environmental value however, it also encourages that priority be given to ... derelict ... land that is not of high environmental value (point c).
- 10.4 Having visited the site, officers are of the opinion that the site is predominantly derelict and in a poor state. It holds limited weight in terms of amenity or environmental value (which shall be assessed further below) and as such, the principle of erecting a new dwelling in this sustainable location, is considered acceptable and would comply with the overall aims of the KLP and NPPF.
- 10.5 With the principle of residential development being considered acceptable by officers, the matters specifically applied for as part of this outline application shall now be assessed. In this instance, those matters for consideration are scale and access.

Impact on visual amenity as a result of scale:

- 10.6 Policy LP24 of the KLP sets out that proposals should promote good design by ensuring the form, scale layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. This is consistent with chapter 12 of the NPPF which sets out under paragraph 127 that planning policies and decisions should ensure that developments, amongst other things, are sympathetic to local character and are visually attractive as a result of good architecture, layout etc.

- 10.7 In this instance, the properties within this area are varied in terms of character and style with some diversity in the size of the curtilage associated with each property with various boundary treatments. As there is no defining character to the dwellings in the vicinity, the erection of a new dwelling to the rear of 99 Knowl Road would not appear out of character with its surroundings. Whilst it is acknowledged that 'layout' is a reserved matter, indicative details have been submitted with this application, demonstrating the position of the proposed dwelling. Whilst back-land development can appear incongruous in the majority of instances, in this particular case, due to the position of dwellings along York Grove (to the west/south-west) and Littlemoor Road (to the east/south-east), the erection of a new dwelling to the rear of no.99 Knowl Road would not, in the opinion of officers, appear out of keeping with the layout of the surrounding area.
- 10.8 The submitted details include a proposed site plan which shows the footprint of the proposed new dwelling with the proposed curtilage at a scale which would allow for the new dwelling and the original house to retain a reasonable amount of space. The overall height of the proposed dwelling has been reduced to a one and a half stories with an eaves height of 3m and an overall height no more than 6.5m. Given there are bungalows to the south east and south west of the site, together with the sloping topography of the site, the scale of the proposed dwelling would be considered to be acceptable.

Summary

- 10.9 Overall, in terms of visual amenity, the scale indicated for the proposed dwelling within the rear garden of 99 Knowl Road can be considered to be acceptable without harming the character of the host property and the neighbouring dwellings, in accordance with Policy LP24 of the KLP and Chapter 12 of the NPPF. The detail of the design and materials would be submitted and considered at the reserved matters stage, should outline permission be granted.

Impact on residential amenity as a result of scale:

- 10.10 Policy LP24 of the KLP sets out that proposals should promote good designed by ensuring that, amongst other things, *"the provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings..."*

Impact on 99 & 97 Knowl Road

- 10.11 The site plan submitted indicates that the new dwelling would be sited a minimum of 21m from the original property, 99 Knowl Road and the adjoining 97 Knowl Road. This distance, together with the sloping nature of the site (with the proposed dwelling being at a lower level than nos.99 and 97 Knowl Road) are considered to minimise the potential impacts of the scale of the new dwelling on the amenity of the occupants of these neighbouring properties to the north-east. In terms of protecting privacy and limiting the potential for an overbearing and oppressive impact, officers are satisfied that the dwelling, at the scale proposed, would not have any significant detrimental impact on the occupiers of nos.97 & 99 Knowl Road.

Impact on 1 York Grove

- 10.12 The new dwelling is proposed to be positioned some 12.5m from the rear elevation of the neighbouring 1 York Grove which is a semi-detached bungalow located to the west of the application site. The submitted plans indicate the side elevation of the new dwelling, which is proposed to be blank and with a limited eaves height of 3m, would be positioned parallel to the neighbour's property. It is acknowledged that this would affect the outlook of the rear elevation and impact upon the amenity space of the neighbouring property. However, the height of the dwelling is proposed to be limited and there would be no openings within the side elevation (which would be conditioned as part of any subsequent reserved matters application when assessing the 'appearance', should outline planning permission be granted).

25 Littlemoor Road

- 10.13 The new dwelling is proposed to be built some 16.9m from the rear elevation of the neighbouring 25 Littlemoor Road which occupies a position to the south of the proposed dwelling. This neighbouring property does occupy a lower position than the host property and is also a single storey dwelling. Whilst there would be no potential for overshadowing, there would be potential for an overbearing impact. This is mitigated to a degree by the proposed separation distance between the properties together with the limited scale of the proposed dwelling with its one and a half storey scale proposed. Furthermore, the orientation of the dwelling relative to the neighbouring property is such that the rear most corner of the dwelling would be closest (16.9m) to no.25. Officers are satisfied that, although there would be some impact, this would not be so significant to the amenity of the occupiers of the neighbouring 25 Littlemoor Road so as to warrant refusal of the scheme.

Summary

- 10.14 In all, the proposal is considered to be acceptable in terms of residential amenity given the scale proposed and the indicative layout indicated on the submitted plans. The proposals would comply with the aims of Policy LP24 of the KLP.

Point of access and impact on highway safety

- 10.15 As previously set out, 'access' is a matter for consideration at this time and as such, consultation has been carried out with Highways Development Management (HDM).
- 10.16 The application site is located on the western side of Knowl Road, opposite the junction with West Royd Avenue. It is also in close proximity to the junction with The Knowl where there is a short parade of commercial premises (approx. 30m). The proposal is to provide access for the new dwelling via the existing vehicular access serving no.99 Knowl Road.

- 10.17 The existing access is shown to be widened to 6.0m on the proposed site plan which is sufficient to allow two vehicles to pass at the entrance. The gates are shown to be set back with part of the wall to the frontage being reduced in height to improve visibility onto Knowl Road (*NOTE: an assessment in regard to the reduction in height of part of the wall from a visual amenity / character of the streetscene perspective is set out at paragraph 10.30 of this report*). Furthermore, the vehicular generation associated with one dwelling would not significantly intensify the use of Knowl Road.
- 10.18 Sufficient parking is shown to be retained to serve the existing house and the new dwelling, along with the provision of bin storage points. A bin collection area is shown at the entrance to the site, off Knowl Road, but is outside the red line boundary of the application site – it is however, within the ownership of the applicant (as demonstrated on the updated Location Plan). Given that the existing access is to be widened as indicated in the site plan submitted 02/09/2019. (It is recommended to be widened to 6.0m to allow for improved turning and manoeuvring which shall be secured via recommended condition) and sufficient off-street parking is proposed to serve both the new and existing dwellings, the proposals are considered acceptable.
- 10.19 With the inclusion of appropriate conditions, the proposal is considered to be acceptable in terms of highway safety and efficiency, complying with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

Biodiversity

- 10.20 Although the site is not located within an area identified as being used by bats, the site is currently overgrown which offers potential for local wildlife to use the area. Having consulted with the Council's Biodiversity Officer, this is not considered to prevent the principle of the proposal for residential purposes from being supported provided a condition is imposed requiring the submission of up-to-date ecological survey information at the reserved matters stage for Landscaping and Layout (should this outline planning permission be granted). The report would need to demonstrate sufficient avoidance, mitigation, compensation and enhancement measures to provide a biodiversity net gain. The inclusion of the above condition would ensure compliance with the aims of Chapter 15 of the NPPF.

Representations

- 10.21 Three representations have been received as a result of the statutory publicity period. The concerns raised are summarised and addressed by Officers as follows:-

- The proposed dwelling is an overdevelopment the site that would out of character and out of scale with the immediate surrounding area and development type which is predominantly bungalows.

Officer response: *This concern relates to the impact on the character of the area and how the new dwelling would fit in with the area. The properties in the area are predominantly residential with varying styles and sizes. The proposal would bring a modern dwelling into the area where there are a mix of house types. The scale (height) of the proposed dwelling has been reduced to one and a half storey property which is considered, by officers, to form an appropriate relationship with the neighbouring properties.*

- Insufficient detail has been submitted to demonstrate how the proposed dwelling would sit relative to the neighbouring properties given the topography of the site.

Officer response: *An additional plan has been submitted which provides sections between the new dwelling and 99 Knowl Road and the new dwelling relative to the neighbouring 1 York Grove. On the basis of these plans, the scale of the proposed dwelling is considered satisfactory when taking into account the land levels.*

- The size, bulk and massing will have an overbearing impact on the surrounding bungalows.

Officer response: *Amended plans have been submitted demonstrating the height of the new dwelling being substantially reduced. The impact of the scale of the new dwelling on the occupants of the neighbouring properties has been assessed in the 'residential amenity' section of this report.*

- Loss of privacy.

Officer response: *Overlooking has been considered within the residential amenity section of this report and considered to be acceptable.*

- Overshadowing to the neighbouring properties.

Officer response: *Overshadowing has been considered within the residential amenity section of this report. It is considered, by officers, that the proposed new dwelling, due to its limited scale, would result in no significant overshadowing impact upon the neighbouring occupants.*

- Increase in vehicles would impact an already busy, congested and dangerous junction.

Officer response: *Highway safety including access and parking have been considered by Highways Development Management. Given the proposed improvements in terms of the access and the provision of sufficient off-street parking for both the existing and new dwellings, the proposal is not considered to be harmful to highway safety and efficiency. Furthermore, the vehicular movements associated with one dwelling would not significantly impact upon the local highway network so as to warrant refusal of the scheme.*

- The indicative design is not of a particularly high standard, being of an anonymous character which neither contributes nor responds to local character and distinctiveness.

Officer response: *This application is for outline permission considering access and scale at this time only. As such, full elevational/detailed drawings are not required at this stage and consideration in terms of the 'appearance' of the dwelling would take place at reserved matters, should outline permission be granted.*

- The submitted plans indicate the existing single storey extension to the rear of 99 Knowl Road would be removed. Would this require permission to rebuild in the future and would they be allowed to build to the boundary line?

Officer response: *There is no restriction in terms of planning policy or legislation with respect to building up to the boundary. This would be a civil issue. Furthermore, this application is considering access and scale for the new dwelling, not alterations to the existing dwelling.*

- The plans indicate the existing walling to the front would be reduced in height, will this be done sensitively to the remaining walling to the front of the adjoining property?

Officer response: *This application is assessing the principle of a dwelling to the rear of 99 Knowl Road in terms of the access and scale. More detailed issues of 'layout' and 'appearance' would be considered as part of the subsequent reserved matters application should outline planning permission be*

granted. Furthermore, only the walling within included within the red line boundary of the application site can be conditioned to be reduced in height.

- The plans show gates to the side of 99 for the new dwelling, would this leave the front of 99 Knowl Road open which could allow for issues with local youths hanging around?

Officer response: *This application is assessing the principle of a dwelling to the rear of 99 Knowl Road in terms of the access and scale. More detailed issues of 'layout' would be considered as part of the subsequent reserved matters application should outline planning permission be granted.*

- Will there be a caveat to ensure 99 Knowl Road is occupied prior to the new dwelling being built?

Officer response: *This application is assessing the principle of a dwelling to the rear of 99 Knowl Road in terms of the access and scale. No.99 Knowl Road is not included within the red line boundary of the application site. Furthermore, it would not be considered 'reasonable' to condition that no.99 is occupied prior to the new dwelling being built.*

- There is no detail on the design of the garage, roof type, how close to the boundary with 97 will it be built?

Officer response: *This application is assessing the principle of a dwelling to the rear of 99 Knowl Road in terms of the access and scale. More detailed issues of 'appearance' and 'layout' would be considered as part of the subsequent reserved matters application should outline permission be granted.*

- Would the new dwelling prevent neighbouring properties from having an extension in the future?

Officer response: *Each application is assessed on its own merits against the statutory development plan and national planning policy.*

10.22 Following receipt of amended plans and prior to the September committee, these were re-advertised. The amended plan publicity period ended on 3 September 2019. Officers respond to the matters raised as follows:

- The development in its current form would be contrary to Local and National Policy.

Response: *The application has been fully considered having regards to both the Kirklees Local Plan and the National Planning Policy Framework as outlined in the officer report. The application is considered, by officers, to comply with the relevant policies.*

- The application should be deferred from the committee agenda as the neighbours were not informed of the officer's recommendation or the inclusion of the application on the agenda for September 5th.

Officer Response: *The website and neighbour notification letters notes that the Local Planning Authority do not inform interested parties of relevant committee dates either in writing or by site notice.*

- The amended drawings appear to include additional information rather than changes to the scheme which appears to remain the same as initially proposed.

Officer Response: *The scheme has been reduced substantially in terms of height from the initially proposed with the eaves height being reduced from 5m to 3m and the overall height being reduced from 8.1m to 6.5m.*

- The site section is misleading.

Officer Response: *This application is for outline permission including scale and access. Officers have carried out a site visit and have considered to impact upon occupants along York Grove, particularly 1 York Grove which is the closest property which would be affected (when considering the indicative position of the new dwelling). The topography of the site has been fully appreciated by Officers and the relationship which would be formed with the neighbouring properties. As such, the proposed 'scale', in the opinion of officers, is acceptable.*

- The west elevation of the new dwelling is that which will face the bungalows on York Grove. It is enormous and truly oppressive with its vast, largely unbroken and featureless roof and walls.

Officer Response: *It is acknowledged that there would be some impact on the neighbouring properties. However, the overall height of the scheme has been reduced at the officer's request during the course of the application and this, together with the orientation of the new dwelling relative to the existing properties along York Grove, is considered to allow for a development which would have an acceptable impact on residential amenity.*

- The south elevation is overwhelming with considerable overlooking potential including a potential balcony.

Officer Response: *This application is for outline planning permission assessing scale and access. At this stage, the appearance of the dwelling, as shown on the submitted plans, is for indicative purposes only. However, Officers have still considered the potential impact of a dwelling in this location on the neighbouring occupants. Given the indicative orientation / appearance of the new dwelling relative to the neighbouring properties, the opportunities for overlooking are not considered to be significant.*

- The existing ground levels will be built up to create a new domestic garden.

Officer Response: *This application is for outline planning permission considering scale and access. The section detail indicates only very minor changes to the existing land level. However, as part of the reserved matters (layout, appearance and landscaping) full topographical details, including any changes to land levels, would need to be shown on the submitted plans.*

- The drawings and scheme remain woefully poor with little detail. The design of the dwelling remains anonymous contributing nothing to the character and distinctiveness of the area.

Officer Response: *This application is for outline permission considering access and scale at this time only. As such, full elevational/detailed drawings are not required at this stage and consideration in terms of the 'appearance' of the dwelling would take place at reserved matters, should outline permission be granted.*

- 10.23 The concerns raised in the representations have been carefully considered however, for the reasons set out in the main assessment, the proposals are considered acceptable. Furthermore, this application is an outline application whereby the only matters for consideration relate to the principle of development, along with the matters being applied for at this stage i.e. access and scale. Following a full assessment of these matters, along with relevant consultation responses, the proposals are considered to comply with relevant statutory development plan and national planning policies.

Other Matters

- 10.24 *Land contamination* - Environmental Services have been consulted and have confirmed that the site is identified as potentially contaminated land due to its proximity to a mill. As such, it is considered to be reasonable to include a condition on any subsequent permission regarding the reporting of unexpected contamination. This would ensure compliance with the aims of Policy LP53 of the KLP as well as Chapter 15 of the NPPF.
- 10.25 *Trees* – There are a number of mature trees located within the application site boundary, particularly along the eastern boundary with the attached property, no.97 Knowl Road. There is also at least one mature tree which overhangs the western boundary from York Grove. In addition, there is overgrown shrubbery within the application site.
- 10.26 None of the trees within the site, or immediately adjacent to it, are protected by Tree Preservation Order(s). However, Policy LP33 of the KLP is of relevance. This sets out that *“the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity”*. It continues by stating that *“proposals should normally retain any valuable or important trees where they make a contribution to public amenity...”*
- 10.27 In this instance, following consultation with the Council’s Arboricultural officer, it is not considered that any of the mature trees referred to above would be directly impacted upon by the proposals. It is however acknowledged that the tree which overhangs the site from York Grove could be indirectly impacted upon by the route of the proposed access. However, it is considered that a footnote referring to the submission of a method statement at the reserved matters stage, when assessing ‘layout’, is included, should outline planning permission be granted. In all, the proposal is considered to comply with the aims of Policy LP33 of the KLP.
- 10.28 *Air quality* - In accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and Local Plan Policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of one electric vehicle charging point per dwelling with a dedicated parking space. The purpose of this is to promote modes of transport with low impact on air quality. A condition is recommended in this respect.
- 10.29 *Climate Change* - Chapter 12 of the Local Plan relates to climate change and states that: “Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore the inclusion of electric vehicle charging point(s), which are recommended to be secured via condition, would contribute positively to the aims of climate change.

10.30 *Impact on street scene as a result of the proposed works to form the access –*
As set out above, the application was deferred from the previous Heavy Woollen Planning Sub-Committee due to concerns raised by members in regard to the impact of the proposed access works on the character and visual amenity of the street scene. The original scheme was to reduce the height of the existing stone boundary wall along the full frontage of the site. However, taking on board the concerns raised by members, officers met with the applicant's agent and amended / additional plans have subsequently been submitted. The amended plans demonstrate that only part of the boundary wall would now be reduced in height so as to provide an acceptable access into the site. These amendments, in the opinion of officers, and when taking into account the diverse nature of boundary treatments and heights within the vicinity, are considered acceptable from a visual amenity and highway safety perspective, in accordance with policies LP21 and LP24 of the KLP as well as chapter 12 of the NPPF.

10.31 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

11.1 To conclude, the proposed dwelling, in terms of its access and scale, is considered acceptable by officers in this location. It is considered that a dwelling of the scale proposed would relate satisfactorily to the varied development within the vicinity of the site and, in the view of officers, would not result in any significant residential amenity implications. In addition, with the inclusion of appropriate conditions, the proposal is not considered to result in any undue highway safety implications either.

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 and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Standard timeframe for submission of reserved matters
2. In accordance with plans.
3. Sightline provided/retained.
4. Parking areas provided, surfaced and drained.
5. Entrance widened to 6.0 metres and wall reduced for the extent shown on the submitted plan.
6. Reporting of any unexpected land contamination.

7. Submission of up-to-date ecological survey information at the reserved matters stage for Landscaping and Layout. The report shall demonstrate sufficient avoidance, mitigation, compensation and enhancement measures to provide a biodiversity net gain.
8. Provision of electric vehicle charging point (one charging point per dwelling with a dedicated parking space).
9. Footnote relating to an Arboricultural Method Statement.
10. Footnote relating to suggested construction hours due to the close proximity of unrelated residential properties.

Background Papers:

Application file:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91529>

Certificate of Ownership –Certificate A signed and dated: 07/05/2019

Report of the Head of Development and Master Planning

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Oct-2019

Subject: Planning Application 2019/90155 Change of Use and alterations to convert trade counter retail unit to function room Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury, WF13 2RU

APPLICANT

Messrs Patel, Patel and
Adam, A&P UK Ltd

DATE VALID

22-Jan-2019

TARGET DATE

19-Mar-2019

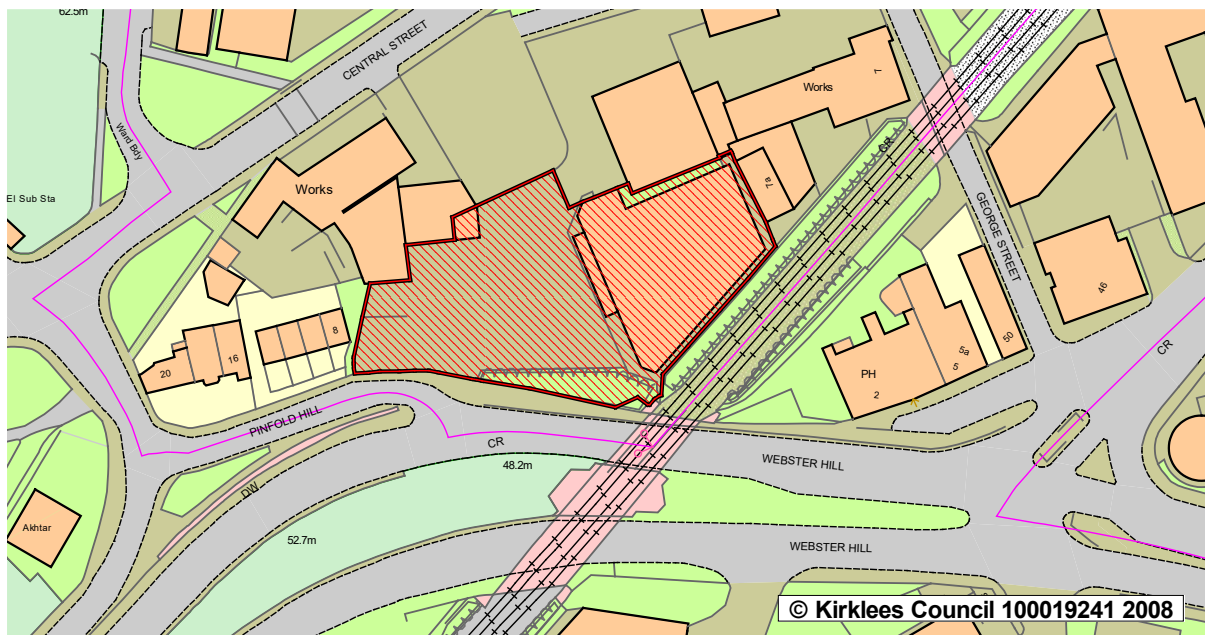
EXTENSION EXPIRY DATE

25-Oct-2019

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury East.

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

REFUSE

1. The applicant has failed to demonstrate within the submitted Impact Assessment that the proposals would not have a significant adverse impact upon the viability of existing businesses within the defined Town Centre of Dewsbury and the wider vitality of the Town Centre. The proposals are therefore considered to be contrary to the aims of Policies LP 13 and LP 18 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.

2. The applicant has failed to demonstrate that the proposals would not have an unacceptable adverse impact on highway safety and the operation of the local highway network. The proposals are therefore considered to be contrary to the requirements of Policies LP 16, LP 21 and LP 22 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application has been brought to Committee at the request of Ward Councillor Lukic as the application has generated significant public interest and concerns over noise and highway issues and potential inaccuracies / omissions in the supporting information.

1.2 The Chair of the Sub-Committee has confirmed that Cllr Lukic's reasons for referral to committee are valid having regard to the Councillor's Protocol for Planning Committees.

1.3 An extension of time to the determination date has been agreed on the application until 25th October 2019.

2.0 SITE AND SURROUNDINGS:

2.1 The building is a large brick building with a grey metal clad pitched roof, located in an elevated position above the adjacent dual carriageway. There is a car park to the front of the building with an access from Pinfold Hill close to the junction with Huddersfield Road/Webster Hill.

- 2.2 The warehouse consists of a large storage area with a showroom and small trade counter; there is a further storage area on a mezzanine level above the showroom.
- 2.3 Immediately adjacent to the south east boundary of the site runs the Trans-Pennine railway on an elevated viaduct close to Dewsbury Railway Station.
- 2.4 To the north and east of the site are other small industrial buildings and workshops, and to the west, adjacent to the car park is a row of terraced dwellings.
- 2.5 The site is unallocated on the Kirklees Local Plan and outside of the defined Dewsbury town centre.

3.0 PROPOSAL:

- 3.1 The proposal is for the change of use and alterations to convert the existing trade counter retail unit to a function room; the supporting information states that this would be used for birthday parties, weddings, parties generally and other celebratory events.
- 3.2 The proposals involve alterations to the external appearance of the building in the form of the application of coloured polymer render to the front elevation. The existing window frames will be painted grey.
- 3.3 A Transport Assessment has been submitted with the application which provides details of parking arrangements and how the premises would be accessed by other modes of transport including walking.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 91/01520 Erection of single storey warehouse and sales outlet - Approved

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

- 5.1 20/02/19 - Sequential Retail Test and Impact Assessment requested and subsequently received.

24/06/19 - Additional information received. Updated Retail Sequential Test and Highways Technical Note 2.

2/08/19 - Highways Technical Note 3 received.

6.0 PLANNING POLICY:

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

The application site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan (2019):

LP 1 - Presumption in favour of sustainable development

LP 13 - Town centre uses

LP 16 - Food and drink uses and the evening economy

LP 18 - Dewsbury Town Centre

LP 21 - Highway safety and access

LP 22 - Parking

LP 24 - Design

LP 51 - Protection and improvement of local air quality

LP 52 - Protection and improvement of environmental quality

6.3 Supplementary Planning Guidance / Documents:

None relevant

6.4 National Planning Guidance:

Chapter 2 – Achieving sustainable development

Chapter 6 – Building a strong, competitive economy

Chapter 7 – Ensuring the vitality of town centres

Chapter 8 – Promoting healthy and safe communities

Chapter 12 – Achieving well designed places

Chapter 15 – Conserving and enhancing the natural environment

Access Considerations

6.5 The proposals are for a change of use and would include alterations to the entrance to the building, as such the applicant would need to consider providing inclusive public access. Paragraph 127 f) of the NPPF suggests that planning decisions should ensure that developments create places that are safe, inclusive and accessible; and Policy LP24 of the KLP states that proposals should promote good design by ensuring that the needs of a range of different users are met, including disabled people.

6.6 The Code of Practice BS 8300 and Part M of the Building regulations are the most appropriate method for this to be delivered and a footnote shall be included with any permission drawing this to the attention of the applicant.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of the statutory publicity for this application, two letters have been received from same person. The issues raised are summarised below:

- Accuracy of the supporting information which does not mention houses on Pinfold Hill regarding the impact of noise.
- The highways Statements fail to address the issues of coach parking and the use of other car parks by 3 other banqueting suites.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – Object on highway operational and safety grounds. Significant concerns regarding the parking problems that are anticipated with the proposals. These have not been addressed by the submitted information.

KC Environmental Health - No significant objection however concerns raised regarding disturbance from noise. If approval were to be granted, conditions recommended regarding submission of a noise report, noise management plan, lighting report and electric vehicle charge point.

Network Rail - No objection in principle. A Method Statement is required regarding the installation of the external stairs.

8.2 Non-statutory:

KC Town Centre Policy Team – The submitted Impact Assessment fails to fully assess the impact on existing businesses with the town centre.

Crime Prevention - General advice received regarding the security of the building, car park and any cycle storage facilities.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The application relates to the change of use of an existing business premises to a function room/wedding venue.

10.2 Policy LP1 of the Kirklees Local Plan (KLP) suggests that the Council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.

- 10.3 Chapter 7 of the National Planning Policy Framework (NPPF) is relevant and suggests that main town centre uses should be located within town centres. In this instance, the proposed use is for a wedding venue / function room; this would be considered a main town centre use.
- 10.4 Consistent with the above, Policy LP13 of the KLP suggests that town centres (as defined in policy LP13), should be the focus for the provision of retail and local services. As this site is not within a defined town centre, a Sequential Test is required to show why town centre premises are not suitable.
- 10.5 In addition, the floorspace of the building, at 826 square metres for the venue, would exceed the threshold of 300 square metres in this case, given in Policy LP13 of the KLP whereby an Impact Assessment on Dewsbury Town Centre is also required.
- 10.6 Policy LP16 of the KLP is also relevant for the above proposals and deals with food and drink uses and the evening economy. Proposals can be acceptable outside of a defined centre subject to the requirements of policy LP13 in terms of the Sequential Test and Impact Assessment and subject to the following criteria:
- The impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;
 - The potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and / or obligations;
 - The availability of public transport, parking and servicing;
 - Highway safety;
 - The provision of refuse storage and collection; and
 - The appearance of any associated extensions, flues and installations.
- 10.7 In terms of the Sequential Test, an initial supporting statement was submitted on 20/02/19; this suggested that the catchment area would be Dewsbury, but failed to clearly define why, in terms of the business model this was the defined area of search. A number of town centre premises were identified and discounted as not fulfilling the requirements of the applicants.
- 10.8 A Town Centre Impact Assessment was also submitted but did not include an assessment of the current health of Dewsbury Town Centre and the likely trade draw that may occur.
- 10.9 Amended supporting information was received on 24/06/19 and provided additional information regarding the scope of the Sequential Test and the size of building required. The Council's Town Centre Policy officer noted that whilst there was no further information regarding the business model, the information stated that the venue was intended to serve the local community within the Dewsbury area. Read in conjunction with the Design and Access Statement which refers to the function room being for the "*local community to be used for birthday parties, weddings, parties generally and other celebratory events*", the Policy Officer is satisfied that this addresses the requirements for the Sequential Test.

- 10.10 With regard to the Impact Assessment on Dewsbury Town Centre, the applicant has not provided any additional information on the health of Dewsbury Town Centre and what existing facilities that the proposal will draw trade from.
- 10.11 Dewsbury Town Centre is in decline, with the latest Council Annual Monitoring Report showing that 94 units were vacant (31.0%) equating to 9,142 sq m of vacant floorspace (23.1%). The applicant has failed to provide any clarification on the impact of existing town centre uses particularly as the Impact Assessment states that:
- “The proposed development can be expected to compete with existing facilities in the town centre although any impact on trade will be distributed and it is considered unlikely that the proposals would impact on any existing facilities to the extent that it would threaten viability”.*
- 10.12 No information has been provided as to what existing facilities the statement refers and as such it is considered that the applicant has failed to fully address the impact of the proposals on the health of Dewsbury Town Centre, and therefore the Impact Assessment cannot be considered to have been passed, contrary to policy LP13 of the KLP and Chapter 7 of the NPPF.

Urban Design issues

- 10.13 The main external alterations to the building would be the changes to the front elevation in the form of a polymer render and the painting of the existing window frames in a grey colour. There would also be the installation of an external staircase to the side elevation which would form a fire escape for the mezzanine level.
- 10.14 These alterations would be minimal and, in the opinion of officers, would help to improve the appearance of the front elevation with a more contemporary design.
- 10.15 Providing the colour of the render is appropriate, details of which can be secured via condition, the proposals, in terms of visual amenity, are considered to be in accordance with the aims of policy LP24 of the KLP and Chapter 12 of the NPPF.

Residential Amenity

- 10.16 The proposed development would be within a mainly business / industrial area, however there are also residential properties close to the site, particularly those on Pinfold Hill which adjoin the car park. There are potential noise concerns therefore from a venue of this type and Environmental Health were consulted.
- 10.17 The initial response was based on the submitted Noise Statement which did not make reference to the residential properties on Pinfold Hill. Further comments were sought with this in mind and a more detailed response received.

- 10.18 The Environmental Health officer has not objected to the proposals however, concerns have been raised based on Environmental Health experience with other similar venues. There is potential for disturbance both from guests celebrating outside of the building and from the significant increase in the volume of traffic using the car park.
- 10.19 A number of standard Environmental Health conditions have therefore been recommended, should approval be granted. These include:
- Entertainment noise inaudibility condition; this would require the submission of a noise report to show that all entertainment noise would be inaudible at properties on Pinfold Hill and Webster Hill.
 - Noise management plan; this would require the submission of a plan which would consider noise from a series of sources which could affect nearby properties and show how this would be managed.
- 10.20 There is also the potential for additional lighting to be installed both for security and for the guests leaving and arriving in the dark; this could also have the potential for disturbance and a condition is suggested requiring the submission of a lighting scheme should planning permission be granted.
- 10.21 The above conditions are considered reasonable in order to address issues of residential amenity and as such the proposals are considered to be in accordance with policies LP16, LP24 and LP52 of the KLP and Chapters 12 and 15 of the NPPF.

Landscape issues

- 10.22 The site has very little in the way of opportunities for any landscaping given that most of the ground is either covered by the building or the tarmac car-park. The only space available is the banking onto Webster Hill which already contains a variety of shrubs. This should be retained as it provides some screening between the highway and the venue and has some amenity value. Should planning permission be granted, a condition can be included to this effect and as such the proposals are considered to be in accordance with the aims of policy LP24 of the KLP.

Highway issues

- 10.23 The application involves a change of use of the premises from an electrical wholesalers to a venue for weddings and other celebratory functions. There are no prescribed figures for parking requirements within the Kirklees Local Plan or the Draft Highways Design Guide; neither does National planning policy give such specific guidance.
- 10.24 With a venue of the scale proposed, having a floor area of 826 square metres and up to 400 guests a Transport Statement was required to assess how issues of parking, access and highway safety would be dealt with.
- 10.25 An initial Transport Assessment was submitted with the application along with layout plans which show 34 parking places and a one-way system for vehicles to access from Central Street and leave by Pinfold Hill to the south.

- 10.26 The report concluded that, because of the location the provision of 34 parking spaces would be acceptable and there would be no significant negative impact on the highway network or highway safety.
- 10.27 The Highways Development Management (HDM) officer was consulted and commented that the number of parking spaces has been under-estimated for this type of venue and that there have been parking problems around the site with drivers blocking Pinfold Hill and double parking on Central Street. According to the Council's Highway Safety team, this has required Police intervention on several occasions.
- 10.28 The report does not provide any trip generation information other than what the Council's Highways DM officer has termed "the fundamentally flawed assumption" that because there are 34 parking spaces provided, this proposal would produce only 68 two way trips. The applicant should identify a similar local banqueting suite and carry out a full multi-modal trip generation survey to TRICs standard if possible.
- 10.29 The Council's Highways DM officer is also concerned that the confusing layout and lack of any markers or signs to promote the one-way system may lead to vehicles exiting through Central Street.
- 10.30 It is the Council's Highways officers' assessment that the nature of the venue means that the number of parking spaces should more closely equate to those for a restaurant and as such the requirement would be around 138 spaces which is unlikely to be deliverable in this location.
- 10.31 A further Technical Note 2 was submitted in response to the Highways DM comments. This provides a map and a list of alternative public car parks nearby and on-road parking opportunities. A Parking Management Plan was also proposed.
- 10.32 The Highways DM officer has responded that these car parks are mostly Pay and Display and no account has been taken of additional use on Saturdays. The report does not satisfactorily demonstrate what the trip generation and this parking demand for this type of development would be or that it can be managed without exacerbating the existing parking and traffic issues in the immediate area.
- 10.33 The Parking Management Plan would be welcomed if it could adequately manage the parking demand however no further details have been submitted.
- 10.34 Technical Note 3 was submitted on 2/08/19 in response to the Highways officer comments on Technical Note 2.
- 10.35 Information has been provided regarding the parking demand for the site which states that on Saturday peak demand is likely to be for 92 spaces leaving the site 58 spaces short. Additional survey information suggests that the current level of parking within the nearby car parks and on Central and Wormald Street is lower than during weekdays. According to the submitted Statement this could therefore provide some of the additional parking required along with uncontrolled on-street parking to the north of the site on Wormald Street and Central Street.

- 10.36 An additional plan was also submitted showing vehicle swept paths for a stretch limousine being able to enter the site from Central Street and leave via Pinfold Hill.
- 10.37 Technical note 3 also suggests that, whilst the capacity of the venue would be 400 people this is only likely to happen on Saturday and Sundays with the maximum on Sundays being around 300.
- 10.38 The Highways DM officer has responded and is concerned that there is no evidence provided in the way of trip generation details to support the suggestion that there would be less visitors on Friday than Saturday and Sunday.
- 10.39 Using the applicants own calculations that the car park would be 58 places short, would cause the displacement of these 58 vehicles back onto the local highway network looking for suitable parking. There is concern that many of these vehicles would arrive at the site to try to use the car park which is already full, causing congestion around the site.
- 10.40 Guests using these vehicles are more likely to try to use the free on street parking to the north of the site rather than the town centre pay and display parking. Kirklees Highways Team has received complaints concerning parking issues on these streets with obstruction issues and vehicles failing to obey the one way system on Pinfold Hill. None of the Technical Notes have suitably addressed this issue and the Highways DM officer would not want to see any development in the area which may exacerbate these concerns.
- 10.41. With regard to the proposal for coach drop-off and pick up point, Tech note 3 suggests that this could be done on a section of Central Street, however this space cannot be guaranteed and may lead to coaches dropping off at unsuitable locations such as Pinfold Hill and Huddersfield Road causing obstruction and safety issues. This has not been addressed in the submitted information.
- 10.42 HDM still has serious concerns regarding the parking problems that are anticipated with the proposed development and would not want see the situation arise where there has been reported problems at similar venues both in Dewsbury and other locations in Kirklees. There is nothing in the submitted information that alleviates these concerns and as such, officers have significant concerns on highway operational and safety grounds. The proposal is therefore considered to be contrary to the aims of policy LP16, LP21 and LP22 of the KLP.

Drainage issues

- 10.43 The application is for a change of use to an existing building with all surface water and foul drainage to be retained as existing.

Representations

10.44 Two letters received from same person. The issues raised are summarised and responded to by officers below:

- Accuracy of the supporting information which does not mention houses on Pinfold Hill regarding the impact of noise.
Officer Response: Environmental Health has considered these properties in a Consultation response and has requested conditions should approval be granted.
- The highways Statements fail to address the issues of coach parking and the use of other car parks by 3 other banqueting suites.
Officer Response: This has been considered by the highways officer in his consultation responses to the application and the subsequent assessment of the proposals.

Planning obligations

10.45 The application is of a scale and type which would not trigger any planning obligations. There are no other agreements into which the applicant and the Council have entered.

Other Matters

Air Quality:

10.46 In accordance with the West Yorkshire Low Emission Strategy Planning Guidance, a condition is suggested requiring the installation of electric vehicle charge points in 10% of parking spaces. This can be phased in if required.

Network Rail:

10.47 The building is immediately adjacent to the Trans Pennine railway; Network Rail has raised concerns with the close proximity of the proposed external staircase to the railway boundary.

10.48 As such they have requested a condition, should approval be granted, that a Method Statement is submitted to the Local Planning Authority before any works commence. They have emphasised that this is particularly important in this case.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. Whilst the proposals would be acceptable in terms of the visual amenity and could, subject to appropriate conditions, be made acceptable in terms of residential amenity, the applicant has failed to fully address the issues of highway safety, the impact on the operation of the local highway network and the impact of the development on the vitality and viability of Dewsbury Town Centre.
- 11.3 It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Background Papers:

Application and history files -

Application web link:-

2019/90155 <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90155>

Certificate of Ownership – Certificate A signed and dated 18/01/2019

History File:-

91/01520 <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=91%2f01520>

Report of the Head of Development and Master Planning

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Oct-2019

Subject: Planning Application 2019/91766 Raising of roof to form third floor extension 1-3, Park Street, Heckmondwike, WF16 9EN

APPLICANT

A Hussain

DATE VALID

28-May-2019

TARGET DATE

23-Jul-2019

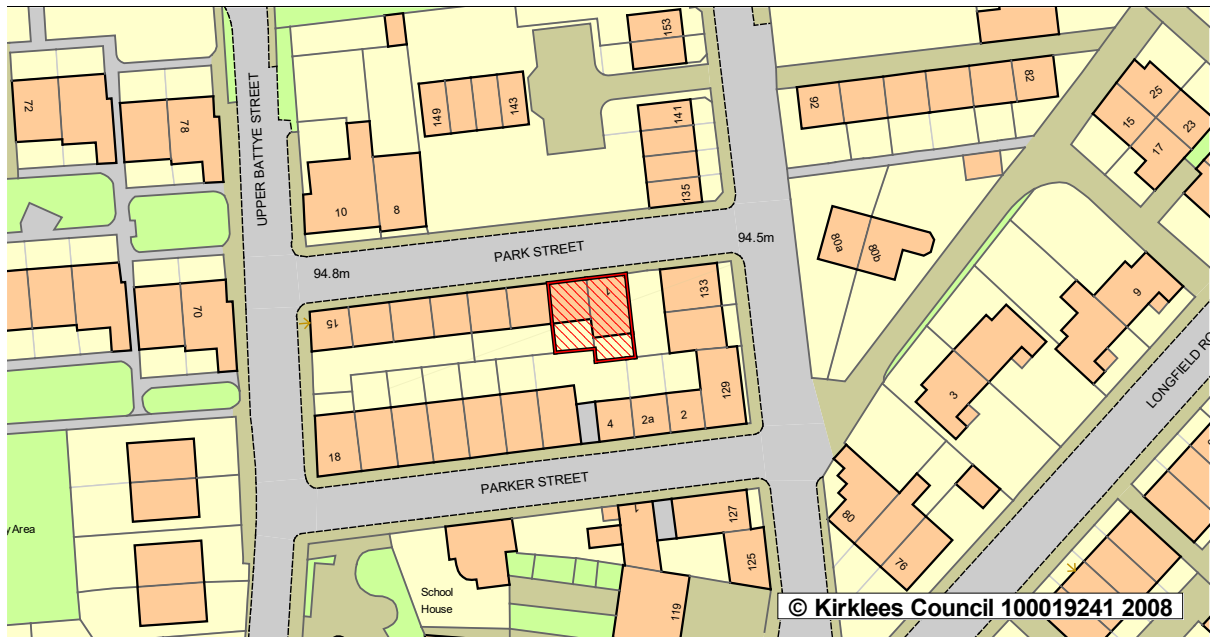
EXTENSION EXPIRY DATE

24-Oct-2019

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Heckmondwike

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

REFUSE

1. The proposed extension by virtue of its scale and prominent location of the dwelling would result in a dominant development which would not appear subservient to the original building, resulting in an incongruous feature within the street scene. The proposal would not promote good design and would be unduly harmful to the visual amenity of the area, contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The erection of an additional storey to nos. 1-3 Park Street would result in a building which would have an overbearing and overshadowing impact on both the outdoor amenity space and the living accommodation of occupants of nearby dwellings. As such, the proposal would fail to provide a high standard of amenity for future and neighbouring occupiers. To permit such a development, which would be unduly harmful to the residential amenity of neighbouring occupiers, would be contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The proposed extension, due to the location of habitable room windows on the south elevation would result in an increase in overlooking due to the elevated nature of the windows above those on the rear elevation of the dwellings on Parker Road. As such, the proposal would fail to provide a high standard of amenity for future and neighbouring occupiers. To permit such a development, which would be unduly harmful to the residential amenity of neighbouring occupiers, 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 at the request of Ward Councillor Butt for the reasons outlined below:-

"I believe that the plans do not disturb the visual amenity of the area and the family's requirements outweigh anything negative in terms of its looks".

- 1.2 The Chair of the Sub-Committee has confirmed that Cllr Butt's reason for referral to committee is valid having regard to the Councillor's Protocol for Planning Committees.
- 1.3 The applicant has agreed to an extension of time to the determination date until 24th October 2019.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site, nos.1-3 Park Street, Heckmondwike is an end terrace forming part of a row of attractive fronted dwellings on Park Street. The site forms part of a residential development on Parker Street and Park Street of closely spaced terraced properties.
- 2.2 To the side of the dwelling is a yard area which appears to be shared with other dwellings on Cemetery Road; No. 1 Park Street appears to be a later addition to this row of properties and extends further to the rear than the other terraces on Park Street.
- 2.3 There is also a small yard and garden area to the rear of the dwelling.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of an extension to form a three storey dwelling. The extension would add an additional floor over the whole of the existing footprint of the dwelling, including the rear extended element. The extension would result in an increase in height to the eaves of approximately 2.3m and 2m to the ridge.
- 3.2 The materials would be stone facing to the front elevation and to the side elevation adjoining no. 5 Park Street, other elevations would be rendered. The roofing material would be Marley concrete tiles to match the existing.
- 3.3 The application is a resubmission of a previously refused application for the same development. There are no changes to the submitted plans.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2019/90907 - Raising of roof to form third floor extension - Refused

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

- 5.1 None. The concerns regarding the scheme were clearly set out in the previously refused planning application referred to in paragraph 4.1 above.

6.0 PLANNING POLICY:

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

The application site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan (2019):

LP 1 - Presumption in favour of sustainable development

LP 21 - Highways safety

LP 22 - Parking

LP 24 - Design

6.3 Supplementary Planning Guidance / Documents:

None

6.4 National Planning Guidance:

Chapter 12 – Achieving well designed places

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Seven (7) letters of representation received. Six (6) letters in support, one (1) in objection. Issues raised are summarised as follows:

- Loss of privacy from third floor windows.
- The extension will block already limited sun light.
- The applicant needs additional space because of family needs.
- Would allow family to continue to live at their home.
- Roof is too low for dormers to be fitted.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

None required.

8.2 **Non-statutory:**

KC Accessible Homes Team – No recent records

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated on the Kirklees Local Plan (KLP), and as such Policy LP 1 is applicable and suggests that proposals that accord with the policies in the KLP (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
- 10.2 Policy LP 24 of the KLP suggests that proposals should promote good design by ensuring (amongst other things) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
- 10.3 Policy in Chapter 12 of the NPPF, suggests that local planning authorities should ensure that the issue of Design and the way a development will function are fully considered during the assessment of an application.

Urban Design issues

- 10.4 Park Street comprises of a row of terraces of traditional construction, with stone corbel detail and stone window surrounds. The roof is shallow pitched and the openings to the front elevation of these properties are well proportioned; from the site visit and a history of the site it would appear that there have been no alterations to the row of these properties in the form of any dormer or roof extensions. To the other side of Park Street is a sheltered housing development with a picket fence and small trees to the boundary. Overall the street scene, particularly the row of terraces, is not unattractive and a contributing factor to this street scene is their relative uniformity.
- 10.5 Policy LP 24 of the KLP sets out that, amongst other things, proposals should promote good design by ensuring that extensions are subservient to the original building and are in keeping with the existing buildings in terms of scale, materials and details (point c).
- 10.6 In this instance, the proposed extension to form a three storey dwelling would increase the height by approximately 2.3m to the eaves and 2m to the ridge over the full footprint of nos. 1-3 Park Street. This would result in a scale of development which would not be in keeping with the surrounding properties which are all two storey dwellings.
- 10.7 It is therefore considered by officers that the proposed extension, by virtue of its scale and prominent location on the dwelling, would result in dominant development which would not appear subservient to the original building, resulting in an incongruous feature within the street scene. The proposal would not promote good design and would be unduly harmful to the visual amenity of the area, contrary to Policy LP24 (c) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.8 In addition to the aims of policy LP 24 of the KLP set out at paragraph 10.5 above, point c) of that policy also sets out that, in order to achieve good design, extensions should minimise impact on residential amenity of future and neighbouring occupiers.

- 10.9 In this instance, the site is bordered on three sides by other residential properties at close proximity. To the west is the adjoining dwelling no. 5 Park Street. Due to the relationship between these two properties and, as the extension would be to the roof of the building, there would be limited impact to this adjoining dwelling.
- 10.10 With regard to the dwellings to the east, nos. 129 to 133 Cemetery Road and those to the south, nos. 2-6 Parker Street the impact on residential amenity would in, some respects, remain similar to the existing situation. These dwellings are very closely spaced being only 5m and 5.5m, at the closest points, from the side and rear elevations of nos. 1-3 respectively.
- 10.11 This means that there is very little outdoor amenity space which, to some extent, is already overshadowed and overlooked by the other dwellings (including 1-3 Park Street) around this rear outdoor area which, as a result has a real sense of enclosure and little in the way of privacy.
- 10.12 However, the erection of an additional storey to nos. 1-3 Park Street would result in an overbearing structure which would exacerbate this enclosed feeling. There is also considered to be an increase in overshadowing of the rear elevation (which includes a number of habitable room windows) and outdoor space of those dwellings on Cemetery Road. Furthermore, as the proposed extension includes habitable room windows on the southern (rear) elevation there would be an increase in overlooking at close quarters due to the elevated nature of the windows above those on the rear elevation of the dwellings on Parker Street.
- 10.13 Given the above it is considered that the proposals would result in significant adverse impact on the residential amenity of neighbouring occupiers both in terms of an overbearing/overshadowing impact as well as a loss of privacy, contrary to policy LP 24 (c) of the KLP and national policy in Chapter 12 of the NPPF.

Circumstances of the applicant

- 10.14 The application would increase the number of bedrooms from 4 to 6. There has been no supporting information provided with the application as to the need for a large dwelling, however it is assumed that this is likely to be a family requirement. Whilst the provision of suitable scale homes for large families is supported this has to be weighed against any impacts on residential and visual amenity.
- 10.15 The Council's Accessible Homes Team has been consulted regarding the application but has confirmed that they hold no record of any contact by the applicants regarding a requirement for any adapted living space for members of the family.

Highway issues

- 10.16 There appears to be no current off street parking provision associated with the dwelling; there is a yard area to the side but this is not within the red line boundary shown on the application. With any new development there should be sufficient parking provision, however this can include a mixture of on and off street parking, as set out in Policy LP 22 of the KLP.

10.17 Given that there are no parking restrictions on and around Park Street it is considered that the additional living accommodation, which would result in a 6 bedroom property, would not adversely affect highway safety and efficiency, in accordance with Policies LP21 and LP22 of the KLP.

Representations

10.18 Seven (7) letters of representation received. Six (6) letters in support, one (1) in objection. Issues raised are summarised and responded to by officers below:

- Loss of privacy from third floor windows.

Officer Response: This has been addressed in the residential amenity section of this report and considered, by officers, to be unacceptable.

- The extension will block already limited sun light.

Officer Response: This has been addressed under the residential amenity section and the proposal is considered unacceptable from a residential amenity perspective.

- The applicant needs additional space because of family needs.

Officer Response: The needs of the applicant have been referred to in paragraphs 10.14-10.15 above and are not considered to outweigh the harmful impact of the development upon visual amenity residential amenity.

- Would allow family to continue to live at their home.

Officer Response: See response to the above point.

- Roof is too low for dormers to be fitted.

Officer Response: The application has been assessed on the submitted plans and information and no assessment has taken place.

Planning obligations

10.19 The application is below any thresholds which would trigger any obligations and there are no other agreements associated with this application.

Other Matters

10.20 *Procedural matter* - The application was described on the application form and the Council's application description as "Raising the roof to form 3rd floor extension" and was publicised as such.

10.21 In terms of accepted terminology, the extension would be to form a 2nd floor with the ground and first being below, however the development would result in a 3 storey dwelling and in this respect the description can be said to reflect the true nature of the development. This approach is also consistent with the previously submitted application, referenced 2019/91766.

10.22 The application has been assessed on the submitted plans which show the creation of an additional floor to the dwelling and these are the plans that are available on the Council's website. It is considered that no party has been disadvantaged by the description used and, as the application is recommended for refusal would not result in a development which may be at odds with any approval.

- 10.23 The application is a resubmission of an identical and previously refused application. There is no additional justification submitted with the current proposals. As with the previous application it is difficult to see how any amendments to the scheme could make it acceptable and as such no discussions with the applicant or agent have been entered in to.
- 10.24 *Climate Change* - Chapter 12 of the Local Plan relates to climate change and states that: "Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised.

11.0 CONCLUSION

- 11.1 To conclude, as set out in the main assessment above, officers have significant concerns regarding the impact of the development on both visual and residential amenity. The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91766>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90907>

Certificate of Ownership – Certificate A signed and dated 07/03/2019.

Report of the Head of Development and Master Planning

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Oct-2019

Subject: Planning Application 2019/91346 Erection of detached dwelling with integral garage adj, The Hall, Liversedge Hall Lane, Liversedge, WF15 7DP

APPLICANT

Mr Franklyn

DATE VALID

18-Apr-2019

TARGET DATE

13-Jun-2019

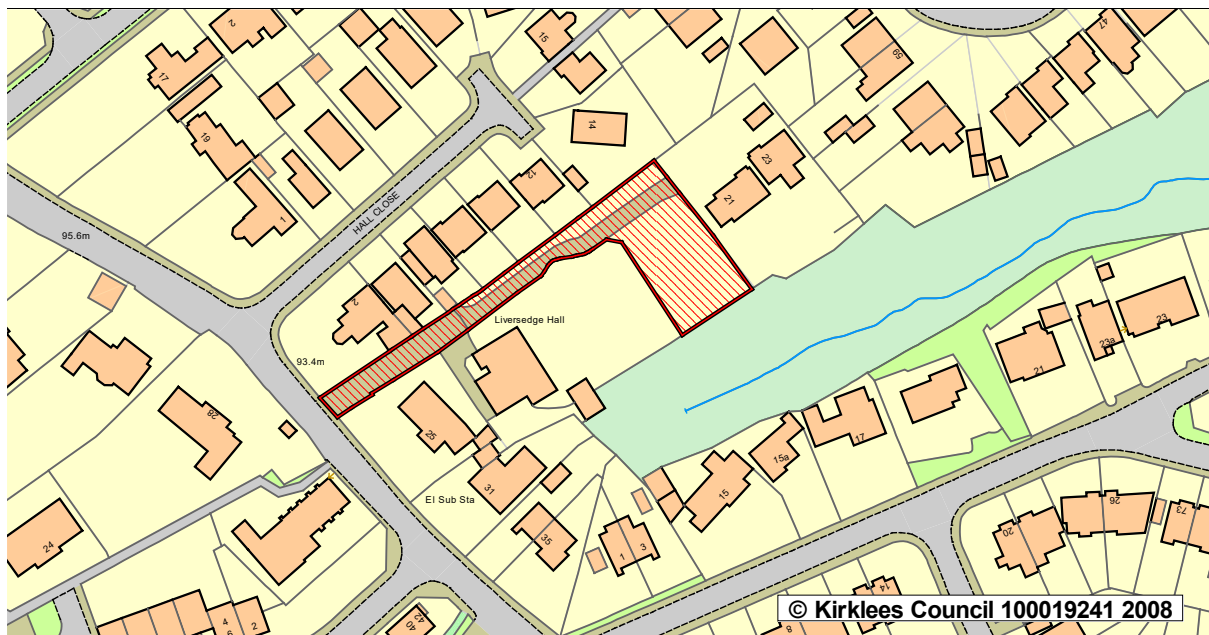
EXTENSION EXPIRY DATE

07-Aug-2019

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Heckmondwike

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

REFUSE

The proposed 4 bedroom detached house within the garden of Liversedge Hall would cause a high level of harm to the significance of the Grade II Listed Building. It would impact upon the aesthetic and historical value of the Hall by reason of its visibility from the Hall, result in the loss of soft landscaping and further reduce land associated with it since the proposed dwelling, together with the existing two dwellings developed in the garden area would leave it with only half of the gardens that it benefitted from when re-modelling took place in the late 19th Century, and a fragment of the land to which it was associated from the medieval period until the early 20th Century. The installation of a blue plaque to raise awareness of the history of the Hall has been proposed by the applicant and would be of a public benefit, albeit limited in nature when weighed against the high level of harm of the proposed house on the setting of the listed building. As such, the public heritage benefits are not outweighed by the high level of harm to the setting of Liversedge Hall and the principle of the proposed house is unacceptable, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan, as well as chapters 12 and 16 (particularly paragraphs 194 and 196) of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is reported to the Heavy Woollen Planning Committee at the request of Councillor Viv Kendrick. The reason for the request is as follows:

"I would like to request that this application is heard at the HW Sub- Committee because of the exceptional circumstances, in that the additional dwelling is required to meet the needs of an elderly family member, because the Hall is not a building that is suited to the needs of an elderly frail person. This is to allow the family to provide care for this family member in close proximity, relieving additional pressures on health & social care services and enables the family to do what they want and need to do.

The exceptional circumstances, in my opinion, outweigh any impacts in relation to the setting of the listed building, visual and residential amenity, highway safety or wildlife or trees."

- 1.2 The Chair of Heavy Woollen Sub Committee has confirmed that Councillor Kendrick's reason for making this request is valid having regard to the Councillor Protocol for Planning Committees.
- 1.3 In addition to Cllr Kendrick's request, the application has received 14 representations following the public consultation period.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is identified as land adjacent to The Hall, Liversedge Hall Lane, Liversedge. The site is roughly rectangular, approximately 18.0m wide x 37m deep, and is currently a relatively level garden lawn associated with Liversedge Hall. It is accessed via a tarmacked driveway serving the Hall and two detached houses at 21 and 23, Liversedge Hall Lane.
- 2.2 To the north is a small residential cul-de-sac of detached dwellings and to the south is a strip of woodland. To the east are detached dwellings at 21 and 23, Liversedge Hall Lane with more housing beyond, and to the west is Liversedge Hall, and further housing.
- 2.3 The site is unallocated on the Kirklees Local Plan, although to the south is woodland protected by a Tree Preservation Order and allocated Urban Greenspace on the Kirklees Local Plan.
- 2.4 The site is within the setting of a listed Building (Liversedge Hall).

3.0 PROPOSAL:

- 3.1 The application is for the erection of one detached dwelling with integral garage.
- 3.2 It is a one and a half storey, 4 bedroom house with 2 bedrooms at ground floor and a further 2 bedrooms in the roof space. The eaves would be around 2.8m high and the ridge height would be approximately 6.8m. There would be dormer windows to habitable rooms in the north western and south eastern elevations, whilst the gable ends to the north eastern and south western elevations would be blank. There is a projecting element from the south eastern elevation providing additional space for living-room 2, and a small porch to the opposite elevation.
- 3.3 The external walls would be coursed natural stonework and the roof would be surfaced in stone slates. The windows would be aluminium framed glazing (coloured dark grey) and the garage door would be coloured dark grey.
- 3.4 The proposed dwelling includes an integral garage and two off drive parking spaces in front of the garage door.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 **2018/92724** – erection of detached dwelling with integral garage. Withdrawn.
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2F92724>

1994/91360 – Outline application for erection of 2no dwellings. Conditional outline permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=94/91360>

1995/91780 – Reserved matters application for erection of 2 no detached, 2-storey houses with garages. Granted approval of reserved matters.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=95/91780>

1995/90226 – relocation of garage. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=95/90226>

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

5.1 During the course of the application, the red line boundary was reduced to omit the wooded area subject to the TPO and Urban Greenspace policy to the south.

5.2 Requested information to support special personal circumstances of the applicant.

6.0 PLANNING POLICY:

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

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (2019):

- 6.2
- LP 1** – Presumption in favour of sustainable development
 - LP 2** – Place shaping
 - LP 11** – Housing mix and affordable housing
 - LP 21** – Highway safety and access
 - LP 22** – Parking
 - LP 24** – Design
 - LP 30** – Biodiversity and geodiversity
 - LP 33** – Trees
 - LP 35** – Historic Environment
 - LP 51** – Protection and improvement of local air quality
 - LP 52** – Protection and improvement of environmental quality
 - LP 53** – Contaminated and unstable land
 - LP 61** – Urban Greenspace

National Planning Policy Framework (NPPF):

- 6.3
- Chapter 5** - Delivering a sufficient supply of homes
 - Chapter 11** - Making effective use of land
 - Chapter 12** - Achieving well-designed places
 - Chapter 15** - Conserving and enhancing the natural environment
 - Chapter 16** - Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by neighbour notification letter, Press notice and site notice.
- 7.2 14 representations were received following the period of public consultation. A summary of the comments received is set out below:

Objections (1)

- Adverse impact upon residential amenities of occupiers of adjacent properties in terms of loss of privacy
- The previously withdrawn proposal was for a 7 bedroom house, the new building appears to have been greatly reduced, however it is still a large and extremely intrusive building.
- The proposed plans state (under the heading Trees & Hedges) that there are no trees adjacent to the development that might be a part of the local landscape character, however, they understand that these trees are subject to tree preservation orders.
- Ideally the garden should remain as it is, the sole remains of the grounds of an historic house, however a possible compromise would be a bungalow.
- The photographs displayed under the heading 'conservation / heritage assessment appear to have been taken from a far corner of the site and as such do not give a true picture of the proximity to neighbouring buildings

Support (13)

- The proposed detached dwelling is in keeping with The Hall and its history
- The plans show that there is ample distance between the proposed building and The Hall, and the neighbouring properties together with enough space for car parking.
- The proposal is very similar to other planning application nearby (Duxbury Hall, Roberttown).
- The need for bungalow type properties are increasing and those having disabled access are particularly sought after.
- The development will allow family to remain close for essential support.

8.0 CONSULTATION RESPONSES:

- 8.1 The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.2 Statutory Consultees:

K C Highways Development Management – No objection subject to a condition relating to areas to be surfaced and drained.

K C Environmental Health – No objections subject to a conditions relating to submission of phase 1, phase 2, contaminated land reports and assessments, and an electric vehicle charge point

The Coal Authority – No objection to current planning application, however direct to comments and recommendations contained with consultation response letter of 24th September 2018 in respect to 2018/92724 which remain valid and acceptable for the current proposal.

8.3 Non-statutory Consultees:

K C Conservation and Design – Object. It would cause a high level of harm to the significance of the listed building. It would also impact upon the historical value of the Hall by further reducing the land associated with it. Any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. There would be a high level of harm, but the harm would be less than substantial harm.

The proposal should be refused unless a special case is made with regards to the applicant's personal circumstances that are considered to be exceptional, justified and outweigh the harm of the proposed development to the significance of the listed building.

K C Ecology – No objections subject to removal of PD rights and / or amending the red line boundary to exclude the TPO'd area.

K C Arboricultural officer – Request that the protected woodland is removed from the red line boundary and a clear demarcation between the garden/woodland areas are clearly annotated on the plans, along with proposed boundary treatment.

West Yorkshire Archaeology Advisory Service – No objection subject to an appropriate level of archaeological observation and recording to be carried out during development (an archaeological watching brief), secured by either of two suggested conditions.

They strongly advise that the developer be advised that a reasonable period of time for the execution of the necessary archaeological work must be allowed for within the overall site timetable.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity / local character issues
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Policy LP1 of the Kirklees local Plan states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan (KLP) will be approved without delay, unless material considerations indicate otherwise.
- 10.2 The footprint of the proposed dwellinghouse and associated garden are on land that is unallocated on the KLP but within the setting of Liversedge Hall, a Grade II Listed Building, a heritage asset of national importance. These are material considerations.

Impact upon setting of heritage asset:

Policy context:

- 10.3 In terms of assessing the impact upon the setting of this grade II listed building heritage asset, the Council have a statutory duty under s.66 of the Planning (Listed Buildings and Conservation Area) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses.
- 10.4 Chapter 16 of the NPPF, reflects and expands upon this. In paragraph 193 it requires that *'when considering the potential impact of a proposed development on the significance of a designated heritage asset, great weight should be given the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance'*.
- 10.5 In paragraphs 194 and 196 of the NPPF, it goes on to say that *'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*
'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 10.6 Policies LP24 (design) and LP35 (historic environment) of the KLP are also relevant. Policy LP24 states that proposals should promote good design by ensuring (amongst other things) that the form, scale, layout and details of all development respects and enhances the character of heritage assets. Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development.

- 10.7 In this instance the application has been accompanied by a heritage statement prepared by a special heritage consultant who provides insight into the significance of Liversedge Hall and its setting. The Council's Conservation and Design experts have assessed the proposal. Both are referred to below.

History and development of Liversedge Hall:

- 10.8 Historical records indicate that there has been a dwelling on the site of Liversedge Hall since at least the 13th Century. Most notable associations have been with the de Liversege family (from which the Hall and township takes its name), and the Neville family which were one of the most powerful in late medieval England.
- 10.9 In the late 15th Century the building was a hall house facing in a southerly direction comprising a central hall and two cross wings to the east and west.
- 10.10 The 1854 OS map shows that Liversedge Hall was the centre of an agricultural estate surrounded by associated yards, agricultural buildings, orchard, woodlands and gardens. Beyond were associated fields.
- 10.11 By the late 19th Century the west wing of the Hall had been demolished and the building remodelled to face north east. But despite these extensive changes, works respected the historical development of the building. What survives to the present day is the east wing, staircase tower and part of the hall range.
- 10.12 Also by this time, the landscaping around the Hall was altering. New buildings were being constructed to the south east and south west, and an area of farmland and orchard was enclosed to form a garden to the north east of the Hall and this is the site of the proposed development.
- 10.13 By the early 20th Century the garden appears to have been extended to the north east, to take in a small field and this was developed with two houses in the late 20th Century. In between time, residential piecemeal development began to surround the Hall, and in 1967, Liversedge Hall was listed.

Significance of heritage assets affected

- 10.14 There is some difference of opinion on this between the author of the heritage impact assessment submitted with the application and that of the Council's Conservation and Design team. The former makes the point that historically the main façade of the building faced south and therefore formal gardens relating to it would have been on that side of the building, not the eastern side where it is currently. They continue that what is now the principal frontage, together with the garden which provides its setting, is probably less than 150 years old, articulating a Victorian residence, not the 17th Century and earlier gentry house that is cited in the List entry. They go on to say that to build a detached house in the garden to the east of the Hall is unlikely to uncover significant archaeological remains for the reasons above, and would in any case presumably be covered by a condition requiring an appropriate level of investigation.

- 10.15 West Yorkshire Archaeology and Advisory Service confirm that an archaeological watching brief is recommended and suggest two alternative conditions. This is on the basis that little is currently known of the Hall's context prior to the mid 19th Century and it is possible that the application site may contain evidence of both the medieval Neville manor and features associated with the gardens of the 16th century and later Liversedge Hall.
- 10.16 In the Council's Conservation and Design officer's opinion, Liversedge Hall has archaeological value for its potential to yield information about the form and layout of the late 15th Century Hall and earlier structures at the site. It also has high historical value for its association with the de Liversedge and Neville families, and as a good example of a high-status gentleman's residence of the 17th Century. It has some historical value as an example of a re-modelled Hall perhaps reflecting concerns in the late 19th Century about the loss of ancient buildings. It has high aesthetic value as a good example of a 17th Century gentleman's residence, which has been re-modelled in the late 19th Century, in keeping with the earlier design of the Hall.

Setting of the heritage assets affected

- 10.17 Here again there is a difference of opinion between the author of the heritage impact assessment and the Council's Conservation and Design team. The former's stance is that the setting of Liversedge Hall is now uncompromisingly suburban as a result of residential developments during the second half of the 20th century. It assesses views to and from the heritage asset and in summary concludes that distant views are to a great extent obscured by surrounding development.
- 10.18 The Conservation and Design team take the view that every Listed building is unique in its setting and that the remaining gardens to the east and woodland to the south east of Liversedge Hall are key components of its setting and make an important contribution to its significance. They point out that the Hall once had an extensive landscape setting as the centre of a working farm and that this has diminished to a critical degree in the 20th Century by piecemeal development, so all that remains is the present garden and woodland, which makes an important contribution to understanding its historical value.
- 10.19 They acknowledge that the current gardens were laid out as part of remodelling the Hall in the late 19th Century, however the Hall was redesigned to overlook the gardens and the gardens provide a space in which to appreciate the Hall.
- 10.20 They go on to say that little is currently known of the Halls context prior to the mid 19th century and it is possible that the application may contain evidence of both the medieval Neville manor and features associated with the gardens of the 16th Century Liversedge Hall. The gardens are therefore important for their evidential value.

Impact of the proposal on significance:

- 10.21 The Heritage Impact Assessment asserts that the proposed dwelling would essentially reduce the viewing distance between the Hall and the nearest house on the eastern side by approximately 15.0m, but this would not prevent viewers looking in a western direction to the Hall, appreciating the full extent and character of its east façade. In addition the impact of the proposed dwelling on the view from the Hall in an eastern direction would be reduced by the new dwelling being at a much lower level than the Hall, and its lower profile in relation to the nearer existing house.
- 10.22 The West Yorkshire Archaeological Advisory Service also comment that the proposed development may disturb and destroy important archaeological evidence of the medieval and later activity adjacent to the listed hall and a pre 16th century manor house.
- 10.23 In the opinion of officers, the proposed 4 bedroom detached house of one and a half storeys within the garden of Liversedge Hall would cause a high level of harm to the significance of the Listed Building. It would also impact upon the historical value of the Hall by further reducing land associated with it. The proposed dwelling, together with the existing two dwellings developed in the garden area would leave it with only half of the gardens that it benefitted from when re-modelling took place in the late 19th Century, and a fragment of the land to which it was associated from the medieval period until the early 20th Century. This impact could not be mitigated, except by the construction of a temporary building and this would not be a reasonable proposition.
- 10.24 The erection of the proposed dwelling would impact upon its aesthetic value by reason of its visibility from the Hall, the loss of soft landscaping and reducing the space in which to appreciate the Hall from the gardens.
- 10.25 The proposal may also disturb and destroy important archaeological evidence of the medieval and later activity adjacent to the Listed Building and a pre 16th Century manor house. This impact could however be mitigated by an appropriate level of archaeological observation and recording.
- 10.26 As stated in paragraph 194 of the NPPF, any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification. In this instance the stated reason for the development is to provide a new home for the Hall's elderly owner, to allow the family to provide care for this family member in close proximity. Whilst this is the case it is the principle of a house at the application site which is unacceptable due to its harm upon the setting of Liversedge Hall, and as such very limited weight is given to this reason for the development
- 10.27 It is also noted that the Heritage Impact Assessment also states that the proposal includes enhancement in the form of interpretation of the heritage asset for the benefit of the public. This is welcomed and would be of some limited public benefit to the historic environment, but would not outweigh the high level of harm to the setting of Liversedge Hall as a result of the proposed dwellings.

Summary:

- 10.28 To conclude, the proposed 4 bedroom detached house within the garden of Liversedge Hall would cause a high level of harm to the significance of the Grade II Listed Building. It would impact upon the aesthetic and historical value of the Hall by reason of its visibility from the Hall, result in the loss of soft landscaping and further reduce land associated with it since the proposed dwelling, together with the existing two dwellings developed in the garden area would leave it with only half of the gardens that it benefitted from when re-modelling took place in the late 19th Century, and a fragment of the land to which it was associated from the medieval period until the early 20th Century. The installation of a blue plaque to raise awareness of the history of the Hall has been proposed by the applicant and would be of a public benefit, albeit limited in nature when weighed against the high level of harm of the proposed house on the setting of the listed building. As such, the public heritage benefits are not outweighed by the high level of harm to the setting of Liversedge Hall and the principle of the proposed house is unacceptable, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan, as well as chapters 12 and 16 (particularly paragraphs 194 and 196) of the NPPF.

Impact on visual amenity

- 10.29 Policy LP24 of the KLP states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. This is supported by the National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local characterwhile not preventing or discouraging appropriate innovation or change (para.127 of the NPPF).
- 10.30 In this instance it is considered that the design and appearance of the proposed house would be in keeping with the architectural style and materials of the existing houses on adjacent land to the east. However, due to its position in close proximity to the listed Liversedge Hall, and that it would reduce the land associated with the setting of Liversedge Hall, it is considered that the principle of the proposed development fails to respect and enhance the character of the heritage asset. As such, the proposal would fail to promote good design, contrary to policy LP24 (a) of the KLP and the aims of chapter 12 of the NPPF.

Residential Amenity

- 10.31 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP24 (b) of the KLP states that proposals should promote good design by ensuring that they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

- 10.32 The closest neighbouring dwelling which could be impacted by the proposed development is 21, Liversedge Hall Road, which is a 2-storey detached house to the east of the application site. Although it is on adjacent land also in the ownership of the applicant consideration should be given to any future occupants of the building should it be sold.
- 10.33 In terms of an overbearing or overshadowing impact, given that the ridge and eaves heights of the proposed house are significantly below that of this neighbouring property and there would be a separation distance of at least around 3.8m between closest facing elevations, it is considered that there would be relatively limited impact of this nature.
- 10.34 In terms of overlooking, both the facing gable elevations would be blank and whilst an element of the proposed building which projects to the rear would be to a living room and have windows in the side elevation, there would be a distance of around 9.0m to the mutual boundary with tall shrubs on the boundary.
- 10.35 In this context, it is considered that there would be very limited adverse impact upon the residential amenities of the occupiers of this neighbouring property.
- 10.36 The next nearest neighbouring property is at 14, Hall Close. It is a detached bungalow located to the north of the proposed house on slightly raised ground. The separation distance between the closest parts of each is approximately 21.5m, with access driveway (to 21 & 23, Liversedge Hall Lane) and border planting in between, together with what appears to be a dry stone wall on the mutual boundary. Given this separation distance, together with an indirect relationship between windows on each property, and that the application site is on lower ground, it is considered that there would be no material overshadowing effect and any overlooking impact would be at a significant distance and at an oblique angle.
- 10.37 In these circumstances it is also considered that there would be very limited adverse impact upon the residential amenities of the occupiers of this neighbouring property.
- 10.38 No. 12, Hall Close is a detached 2-storey house located to the north west of the application site. It is further away from the proposed building than the bungalow at no. 14, Hall Close, and again there would be no direct relationship between windows, with similar features and boundary treatment in between. As such, there would be no significant impact upon the residential amenities of the occupants of this neighbouring property.
- 10.39 No other neighbouring properties would be affected by the proposal.
- 10.40 Overall, it is considered that the proposal would provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings, and is compliant with policy LP24 of the KLP in regard to the amenity of future and neighbouring occupiers.

Highway issues

- 10.41 The proposed dwelling would be accessed from Liversedge Hall Road via a private driveway shared with three other houses. The proposed development consists of a four bedroom dwelling with single integral garage and additional off street parking likely to accommodate three vehicles.
- 10.42 These proposals are considered acceptable from a highways perspective, provided there is a condition attached relating to areas to be surfaced and drained, prior to the development being brought into use. As such, with the inclusion of such a condition should planning permission be granted, the proposal is compliant with policies LP21 and LP22 of the KLP.

Coal Mining legacy:

- 10.43 The application site falls within the defined high risk development area, therefore, within the application site and surrounding area there are coal mining features and hazards which would need to be considered. As required, the applicant submitted a Coal Mining Risk Assessment (dated August 2018) by jnpgroup consulting engineers. The report concludes that recorded coal workings were at sufficient depths to pose no risk of mining subsidence at the ground surface, and given that Liversedge Hall was built circa 1600, it is considered unlikely that coal has been mined at shallow depth beneath the site since that date, however the potential for near surface coal extraction prior to construction of the Hall cannot be discounted. Therefore they advise further site specific investigations to mitigate, or at least enable better estimation of the risks. Accordingly, appropriate recommendations are made that intrusive ground investigation works are considered necessary.
- 10.44 Following consultation with the Coal Authority, they confirm that they have no objection and refer back to a response to previously withdrawn application 2018/92724 which remain valid and applicable to the current proposal. In the previous response they recommended a condition for the results of the site investigations to be submitted to the Local Planning Authority to evidence that the site can be made safe and stable for the proposed development. This is acceptable and in accordance with Chapter 15 of the NPPF and policy LP 53 of the KLP.

Contaminated Land:

- 10.45 Chapter 15 of the NPPF and policy LP53 of the KLP require that proposals be assessed in light of available information relating to contamination of unstable land.
- 10.46 In this instance, the Council's Environmental Health officers have been consulted and commented that they have concerns that the garden levels may have been made up with ash and clinker. They also note the findings of the coal mining risk assessment that identified the potential for historic shallow mining at the site. They therefore recommend pre-commencement condition relating to submission of phase 1 and phase 2 site investigation reports

Air quality:

- 10.47 Chapter 15 of the NPPF and policy LP 51 of the KLP require local planning authorities to promote low carbon forms of transport. As such environmental health officers require that an electric vehicle charging point is installed at the proposed dwelling. Provided that this is applied, should planning permission be granted, the proposal would comply with policies LP21 and LP 51 of the KLP and the aims of chapter 15 of the NPPF.

Climate Change:

- 10.48 Chapter 12 of the Local Plan relates to climate change and states that: "Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and if planning permission were to be granted, the inclusion of electric vehicle charging point(s) would contribute positively to the aims of climate change.

Impact upon protected species (trees):

- 10.49 Chapter 15 of the NPPF and policies LP24 and LP33 of the KLP require the retention of valuable or important trees to maximise visual amenity and environmental benefits.
- 10.50 In this instance, the initially submitted scheme showed the red line boundary encompassing part of a strip of woodland to the south which is subject to Tree Preservation Order 51/93. The Council's Arboricultural officers have been consulted and raised concerns that this could diminish the woodland's value and reduce its long term viability.
- 10.51 Amended plans have been received which reduce the red line boundary by omitting the woodland, and the plans annotated to show boundary treatment including retaining existing 1200mm high stone wall between proposed garden and woodland. The proposal would therefore not threaten woodland of significant amenity and is compliant with policies LP24 and LP33 of the Kirklees Local Plan.

Impacts upon ecology:

- 10.52 Habitats within the woodland are identified as priority habitats on Natural England's deciduous woodland inventory. As such policy LP30 of the KLP is relevant. It states that proposals will be required to protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.

- 10.53 The Council's Ecologist has been consulted and suggests that the existing woodland TPO provides some protection to the priority habitat. However, to ensure protection, they also suggest removing permitted development rights and/or amending the red line boundary to exclude the TPO'd area. Subject to this, there are no objections.
- 10.54 The amended plans have been submitted during the course of the application which reduce the red line boundary by omitting the TPO'ed area. This would overcome the concerns relating to preventing harm to woodland that provides protection for priority habitat, and so complies with policy LP30 of the Kirklees Local Plan.

Representations

- 10.55 14 representations were received following the period of public consultation. In so much as the points have not been addressed above, officers respond as follows:

Objections (1)

Adverse impact upon residential amenities of occupiers of adjacent properties in terms of loss of privacy

Response: The impact of the proposed development on residential amenity of neighbouring dwellings is addressed fully in the above report and considered to be acceptable from officers.

The previously withdrawn proposal was for a 7 bedroom house, the new building appears to have been greatly reduced, however it is still a large and extremely intrusive building.

Response: The impact of the proposed development on visual amenity and the setting of Liversedge Hall listed building has been addressed fully in the above report and is considered, by officers, to be unacceptable.

The proposed plans state (under the heading Trees & Hedges) that there are no trees adjacent to the development that might be a part of the local landscape character, however, they understand that these trees are subject to tree preservation orders.

Response: The status of the woodland in relation to the proposed development has been fully addressed in the report above. The area of TPO trees has been requested to be removed from the red line boundary of the application site.

Ideally the garden should remain as it is, the sole remains of the grounds of an historic house, however a possible compromise would be a bungalow.

Response: Officers agree with this point and it is fully assessed in the above report.

The photographs displayed under the heading 'conservation / heritage assessment appear to have been taken from a far corner of the site and as such do not give a true picture of the proximity to neighbouring buildings.

Response: This is noted. It is recommended that councillors should visit the site prior to discussing the proposal at Planning Committee.

Support (13)

The proposed detached dwelling is in keeping with The Hall and its history

Response: The comment in support is noted and has been considered in the above report.

The plans show that there is ample distance between the proposed building and The Hall, and the neighbouring properties together with enough space for car parking.

Response: The comment in support is noted and has been considered in the above report.

The proposal is very similar to other planning application nearby (Duxbury Hall, Roberttown).

Response: Each application is assessed on its individual merits and have been fully assessed above.

The need for bungalow type properties are increasing and those having disabled access are particularly sought after.

Response: There are a mix of house types within the surrounding area.

The development will allow family to remain close for essential support.

Response: Noted however, the special circumstances put forward by the applicant are not considered to outweigh the harm to the setting of the designated heritage asset.

11.0 CONCLUSION

- 11.1 Taking all material considerations into account, for the reasons outlined above, the proposed 4 bedroom detached house within the garden of Liversedge Hall would cause a high level of harm to the significance of the Grade II Listed Building. It would impact upon the aesthetic and historical value of the Hall by reason of its visibility from the Hall, result in the loss of soft landscaping and further reduce land associated with it since the proposed dwelling, together with the existing two dwellings developed in the garden area would leave it with only half of the gardens that it benefitted from when re-modelling took place in the late 19th Century, and a fragment of the land to which it was associated from the medieval period until the early 20th Century. The installation of a blue plaque to raise awareness of the history of the Hall has been proposed by the applicant and would be of a public benefit, albeit limited in nature when weighed against the high level of harm of the proposed house on the setting of the listed building. As such, the public heritage benefits are not outweighed by the high level of harm to the setting of Liversedge Hall and the principle of the proposed house is unacceptable.

- 11.2 The NPPF has introduced the 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 practise.
- 11.3 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 considerations. The application is therefore recommended for refusal.

Background Papers:

Link to the application and history files: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91346>

Certificate A signed and dated 17.4.2019

