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

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Monday 9 December 2019

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Tuesday 17 December 2019**.

(A coach will depart the Town Hall, at 11.20 am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber Huddersfield Town Hall.)

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

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

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

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Planning Sub-Committee (Huddersfield Area) members are:-

Member

Councillor Terry Lyons (Chair)
Councillor Paul Davies
Councillor Donald Firth
Councillor James Homewood
Councillor Andrew Marchington
Councillor Bernard McGuin
Councillor Nigel Patrick
Councillor Mohammad Sarwar
Councillor Anthony Smith
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Harpreet Uppal
Vacancy – Labour Group

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

Substitutes Panel

Conservative

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

Green

K Allison
S Lee-Richards

Independent

C Greaves

Labour

M Akhtar
S Hall
M Kaushik
W Simpson

Liberal Democrat

J Lawson
A Munro
A Pinnock

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of previous meeting

1 - 4

To approve the Minutes of the meeting of the Committee held on 7 November 2019.

3: Interests and Lobbying

5 - 6

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

4: Admission of the Public

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

5: Deputations/Petitions

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

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

6: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application No: 2019/91083

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

(Estimated time of arrival at site 11:35 am)

Contact Officer: Sam Jackman, Planning Services

Wards Affected: Ashbrow

8: Local Planning Authority Appeals

7 - 20

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

Contact: Teresa Harlow, Planning Services

Wards Affected : Colne Valley; Holme Valley North; Holme Valley South.

Planning Applications

21 - 22

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

Please note that any members of the public who wish to speak at the meeting must register no later than 4:30 pm (for phone requests) or 11:59pm (for email requests) on Friday 13 December 2019.

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

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

- 9: Planning Application - Application No: 2019/90085** 23 - 40
- Erection of 8 dwellings Land at, Lancaster Lane, Brockholes, Holmfirth.
- Contact Officer: Adam Walker, Planning Services
- Wards Affected :** Holme Valley North
-
- 10: Planning Application - Application No: 2019/92646** 41 - 48
- Outline application for erection of residential development Spurn Point, Manchester Road, Linthwaite, Huddersfield.
- Contact Officer: Adam Walker, Planning Services
- Wards Affected:** Golcar
-
- 11: Planning Application - Application No: 2019/91083** 49 - 58
- Demolition of existing dwelling and erection of detached dwelling with detached garage/gym/store 345, Bradley Road, Bradley, Huddersfield.
- Contact Officer: Sam Jackman, Planning Services
- Wards Affected:** Ashbrow
-

Planning Update

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

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 7th November 2019

Present: Councillor Terry Lyons (Chair)
Councillor Mohan Sokhal
Councillor Sheikh Ullah
Councillor Donald Firth
Councillor Paul Davies
Councillor Anthony Smith
Councillor Bernard McGuin
Councillor Steve Hall
Councillor Alison Munro

Apologies: Councillor James Homewood
Councillor Mohammad Sarwar
Councillor Harpreet Uppal
Councillor Andrew Marchington
Councillor Nigel Patrick

The Sub-Committee held a one minute silence in memory of Councillor Paul Kane

1 Membership of the Committee

Councillor Steve Hall substituted for Councillor James Homewood
Councillor Alison Munro substituted for Councillor Andrew Marchington

2 Minutes of previous meeting

The minutes of the meeting held on 3 October 2019 were approved as a correct record.

3 Interests and Lobbying

Councillors McGuin and Munro declared that they had been lobbied on application 2019/92240.

Councillor Alison Munro declared an 'other interest' in application 2019/92240 on the grounds that she knew the applicant.

Councillors McGuin, Ullah, Davies and Lyons declared that they had been lobbied on application 2019/91537.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

Planning Sub-Committee (Huddersfield Area) - 7 November 2019

7 Site Visit - Application 2019/92240

Site visit undertaken.

8 Site Visit - Application 2019/90984

Site visit undertaken.

9 Site Visit - Application 2019/91537

Site visit undertaken.

10 Site Visit - Application 2019/92164

Site visit undertaken.

11 Local Planning Authority Appeals

That the report be noted.

12 Planning Application - Application No 2019/92164

The Sub Committee gave consideration to Planning Application 2019/92164
Erection of 27 dwellings Land off Parkwood Road, Golcar, Huddersfield.

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

RESOLVED – That consideration of the application be deferred to allow an opportunity for the applicant to consider the option of omitting from the proposed development the 10 units located at the North end of the site in order to undertake a further comprehensive bat activity survey that meets national good practice guidance.

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

For: Councillors Firth, S Hall, Lyons, McGuin, Munro, Sokhal, A Smith and Ullah
(8 votes)

Against: Councillor P Davies (1 vote)

13 Planning Application - Application No: 2019/92240

The Sub Committee gave consideration to Planning Application 2019/92240 change of use of land to pub garden and play area The Sun, 137, Highgate Lane, Lepton, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from Melvyn Morrell (objector) and Donna Brayshaw (applicant).

RESOLVED – That consideration of the application be deferred to allow an opportunity for officers to work with the applicant to explore further mitigation measures including hours of use to reduce noise within the proposed play area and pub garden.

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

Planning Sub-Committee (Huddersfield Area) - 7 November 2019

For: Councillors P Davies, Firth, S Hall, Lyons, McGuin, Sokhal, A Smith and Ullah (8 votes)

Against: (0 votes)

Abstained: Councillor Munro.

14 Planning Application - Application No: 2019/90984

The Sub Committee gave consideration to Planning Application 2019/90984 Erection of two storey rear extension Toss O Coin, Penistone Road, New Mill, Holmfirth.

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

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

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

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

For: Councillors P Davies, Firth, S Hall, Lyons, McGuin, Munro, Sokhal, A Smith and Ullah (9 votes)

Against: (0 votes)

15 Planning Application - Application No: 2019/91537

The Sub Committee gave consideration to Planning Application 2019/91537 Demolition of existing bungalow and erection of one pair of semi-detached dwellings Mayfield, 125, Huddersfield Road, Meltham, Holmfirth.

Planning Sub-Committee (Huddersfield Area) - 7 November 2019

Under the provisions of Council Procedure Rule 37 the Committee received representations from Lucy Robertshaw and Barry Bennett (objectors) and Nick Willock (on behalf of the applicant)

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

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

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

For: Councillors P Davies, Firth, S Hall, Lyons, McGuin, Sokhal, A Smith and Ullah (8 votes)

Against: Councillor Munro (1 vote)

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

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

LOBBYING

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

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

Lobbying

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

Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD)

Date: 17 DECEMBER 2019

Title of report: LOCAL PLANNING AUTHORITY APPEALS

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

Electoral wards affected: Colne Valley; Holme Valley North; Holme Valley South;

Ward councillors consulted: No

Public or private: Public

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

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 2018/62/93970/W - Erection of side and rear extension and internal alterations (Listed Building within a Conservation Area) at 6, Carrs Road, Marsden, Huddersfield, HD7 6JE. (Officer) (Allowed)
- 2.2 2018/65/93971/W - Listed Building Consent for erection of side and rear extension and internal alterations (within a Conservation Area) at 6, Carrs Road, Marsden, Huddersfield, HD7 6JE. (Officer) (Allowed)
- 2.3 2018/62/93717/W - Erection of extensions and alterations to dwelling, erection of detached garage with office/store above and related landscape works (within a Conservation Area) at Eastwood House, 14, Green Cliff, Honley, Holmfirth, HD9 6JN. (Sub-Committee contrary to Officer recommendation) (Allowed)
- 2.4 2019/62/90030/W - Demolition of stables and erection of detached games room at Hogley Farm, Hogley Lane, Holmfirth, HD9 2QA. (Sub-Committee contrary to Officer recommendation) (Appeal Allowed and application for Award of Costs refused)

3. Implications for the Council

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

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

4. Consultees and their opinions

Not applicable, the report is for information only

5. Next steps

Not applicable, the report is for information only

6. Officer recommendations and reasons

To note

7. Cabinet portfolio holder recommendation

Not applicable

8. Contact officer

Mathias Franklin – Head of Planning and Development (01484 221000)
mathias.franklin@kirklees.gov.uk

9. Background Papers and History of Decisions

Not applicable



Appeal Decisions

Site visit made on 29 October 2019

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2019

Appeal Ref: APP/Z4718/W/19/3226182

6 Carrs Road, Marsden, Huddersfield HD7 6JE

- 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 Ian and Mrs Sinead Battarbee against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/93970/W, dated 1 December 2018, was refused by notice dated 28 March 2019.
 - The development proposed is side/rear extension with associated internal alterations.
-

Appeal Ref: APP/Z4718/Y/19/3226189

6 Carrs Road, Marsden, Huddersfield HD7 6JE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Ian and Mrs Sinead Battarbee against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/65/93971/W, dated 1 December 2018, was refused by notice dated 28 March 2019.
 - The works proposed are side/rear extension with associated internal alterations.
-

Decisions

Appeal Ref: APP/Z4718/W/19/3226182

1. The appeal is allowed and planning permission is granted for side/rear extension with associated internal alterations at 6 Carrs Road, Marsden, Huddersfield in accordance with the terms of the application Ref 2018/62/93970/W, dated 1 December 2018, subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with approved plan nos. 18-D06/9002 Rev. P2, 18-D06/2002 Rev. P3 and 18-D06/2003 Rev. P3.

Appeal Ref: APP/Z4718/Y/19/3226189

2. The appeal is allowed and listed building consent is granted for side/rear extension with associated internal alterations at 6 Carrs Road, Marsden, Huddersfield in accordance with the terms of the application Ref 2018/65/93971/W, dated 1 December 2018, subject to the following conditions:

1. The works authorised by this consent shall begin not later than three years from the date of this consent.
2. The works hereby authorised shall be carried out in accordance with approved plan nos. 18-D06/9002 Rev. P2, 18-D06/2002 Rev. P3 and 18-D06/2003 Rev. P3.
3. No relevant works shall begin until detailed drawings (at an appropriate scale and showing plans, sections and materials) of doors, windows (including details of heads, cills, jambs and mullions), rainwater goods, and external steps and balustrading, have been submitted to and agreed in writing by the local planning authority. The works shall be carried out in accordance with the approved detailed drawings.

Reasons

3. 6 Carrs Road is an end-terraced dwelling that is a Grade II listed building situated in the Marsden Conservation Area. The main issue is the effect of the proposed side/rear extension on the architectural and historic interest of the listed building and on the character and appearance of the Marsden Conservation Area.
4. The dwelling was built in the early 19th century in narrow coursed hammer dressed stone with quoins under a pitched stone slate roof. It is on sloping ground and has two storeys at the front and three at the rear. At lower ground floor level at the rear is a full width lean-to extension that is a modern addition to the listed building, though it is constructed in matching materials. The extension has a low pitched roof. The principal features of the listed building are its stone mullioned windows. At the front there is a four light window at ground floor level and a five light window at first floor level. At the rear there is a three light window at each of the upper two floors, that at ground floor level being directly above the low pitched roof of the lower ground floor extension.
5. The proposed rear extension would be directly above the existing extension; the low pitched stone slate roof would be raised by one storey. The rear extension would extend beyond the end gable wall of the dwelling and alongside the gable to create a side extension. Steps would lead up to a door in the front elevation of the side extension and steps would lead down from a rear door down to a garden area.
6. The side/rear extension would be appropriately constructed in matching materials. The extension would extend across the window opening in the middle floor level at the rear but the stone mullions of this feature of the building would not be lost but would be reinstalled in the rear elevation of the rear extension. The non-alignment of the two principal windows at the rear is an inconsequential matter. The roof of the extension would have the same relationship with the window at the upper floor level as the roof of the existing rear extension has with the window at the middle floor level. Extensions to traditional buildings often have low pitched roofs and the roof over the side/rear extension, in this regard, would not be unusual or incongruous. Proposed 'glazed railings' to the steps at the rear would be unduly modern and unacceptable, but a condition of the listed building consent requires details of balustrading to be approved by the local planning authority, so an appropriate solution to this element of the works can be achieved.
7. The form of the original weaver's dwelling would still be apparent and its modest scale would not be undermined or dominated by the proposed extension. The Council does not object to the proposed internal alterations. The proposed works would not harm the architectural and historic interest of the listed building.

8. The side extension would obscure only a small rear part of the gable end of the dwelling and the extension is predominantly at the rear of the dwelling, which is not visible from the road. In this regard the dwelling would retain its presence in the street scene. The proposed works to the listed building would not result in any harm to the character and appearance of the Marsden Conservation Area.

Conditions

9. Apart from standard time limit and approved drawings conditions the Council has suggested a condition, to be imposed on the listed building consent only, that would require the prior approval of detailed drawings of various works, such as doors and windows. There is no need for the drawings to be approved before any works take place, rather that they be approved before relevant works take place. The suggested condition has therefore been amended and included in the condition is the requirement to submit detailed drawings of balustrading.

Conclusion

10. The proposed side/rear extension would not harm the architectural and historic interest of the listed building or the character and appearance of the Marsden Conservation Area. The proposed works do not conflict with policies PLP24 and PLP35 of the Kirklees Local Plan and paragraphs 195 and 196 of the National Planning Policy Framework are not engaged. Planning permission and listed building consent have therefore been granted, subject to conditions, for side/rear extension with associated internal alterations at 6 Carrs Road, Marsden, Huddersfield.

John Braithwaite

Inspector



Appeal Decision

Site visit made on 3 September 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 1 October 2019

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Bedford against the decision of Kirklees Council.
 - The application Ref 2018/62/93717/W, dated 6 November 2018, was refused by notice dated 7 June 2019.
 - The development proposed is extension and alterations to existing dwelling and new detached double garage and related landscape works.
-

Decision

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

Procedural Matter

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

Main Issue

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

Reasons

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

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

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

Other Matters

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

Conditions

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

Conclusion

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

F Cullen

INSPECTOR



Appeal Decision

Site visit made on 23 September 2019

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

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

Hogley Farm, Hogley Lane, Holmfirth HD9 2QA

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

Decision

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

Application for costs

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

Main Issues

3. The main issues are:

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

Reasons

Inappropriate Development

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

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

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

Openness

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

Other Matters

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

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

Conditions

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

Conclusion

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

K Ford

INSPECTOR

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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 Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 17-Dec-2019

Subject: Planning Application 2019/90085 Erection of 8 dwellings Land at, Lancaster Lane, Brockholes, Holmfirth, HD9 7TL

APPLICANT

Eliston Homes Ltd

DATE VALID

14-Jan-2019

TARGET DATE

15-Apr-2019

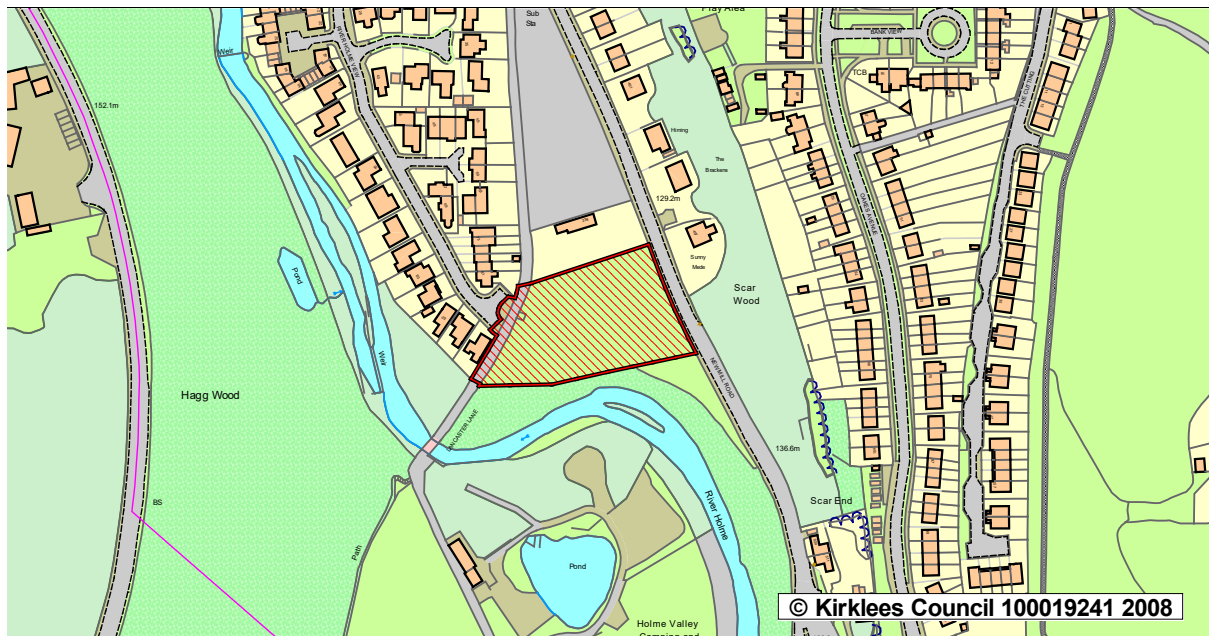
EXTENSION EXPIRY DATE

31-Jul-2019

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley North

Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Sustainable Travel Fund (£4,000)
2. Arrangements for the future maintenance and management of surface water drainage infrastructure within the site.

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

1.0 INTRODUCTION:

- 1.1 The application is brought forward to the planning sub-committee for determination in accordance with the delegation agreement because the site area exceeds 0.5 hectares.
- 1.2 The application was deferred at the sub-committee meeting on the 22nd August 2019 because matters of flood risk and biodiversity had not been satisfactorily resolved.
- 1.3 Since the application was deferred the applicant has sought to address the flood risk issue. This has resulted in a revised site layout being submitted which has removed two plots which appeared to be located within flood zones 2 and 3 on the Environment Agency's Flood Risk Map. The proposed development is now for 8 dwellings instead of 10.
- 1.4 The removal of two plots means that more of the site can be given over to undeveloped land which provides space for biodiversity mitigation and enhancement. As a consequence the biodiversity issues have been addressed.
- 1.5 Members carried out a site visit on 22nd August 2019.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an area of land that lies at the end of River Holme View. The land slopes up steeply towards the east where it meets New Mill Road. Immediately to the west of the site is Lancaster Lane – an unmade track which forms a public right of way.
- 2.2 The site is flanked to the north by 238 New Mill Road which forms a large detached dwelling. To the south of the site lies Holme Valley Camping and Caravan Park and the southern boundary of the application site forms a boundary with the adjacent Green Belt land.
- 2.3 In the recent past the site has been used for keeping pigs but the land is currently unused and vegetation has re-established itself on the site.
- 2.4 The site comprises housing allocation HS173.

3.0 PROPOSAL:

- 3.1 The application seeks full planning permission for the erection of 8 dwellings.
- 3.2 There are 5 detached dwellings and 3 terraced dwellings. All of the properties have 3 storey frontages and are 2 storeys at the rear. Facing materials are natural stone and artificial slate.
- 3.3 There is an access drive off Lancaster Lane serving 5 properties towards the back of the site and the remaining 3 properties at the front of the site take their access directly off Lancaster Lane.

4.0 RELEVANT PLANNING HISTORY:

- 2019/93464 Reserved matters application for erection of 10 dwellings pursuant to outline permission 2016/90146 – Undetermined
- 2016/90146 Outline application for the erection of residential development – Allowed on appeal following an appeal against non-determination
- 2014/93579 Outline application for erection of 14 dwellings – Refused on Urban Greenspace and Ecology grounds
- 2003/94593 Variation of condition 2 on previous outline planning permission for residential development, granted on appeal on 19 January 1999 (ref. 98/60/91665/W3) to allow application for approval of the reserved matters to be made to the Local Planning Authority before the expiration of six years from the date of this permission – Refused (and subsequent appeal invalid)
- 2002/93722 Erection of 2 detached dwellings with integral garages (plots 4 & 5) – Refused
- 2001/91485 Erection of 3 detached dwellings with integral garage and associated road (Plots 1 -3) – Refused

1998/91665 Outline application for residential development – Refused & Appeal Upheld

Also relevant to this application are the following applications. These relate to a separate parcel of land just to the north of the application site that would also take access off Lancaster Lane via River Holme View.

2016/90138 Outline application for the erection of residential development – Approved

2018/92589 Reserved matters application pursuant to outline application 2016/90138 for residential development – The Strategic Committee resolved to approve the application but the application is now subject to an appeal against non-determination

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

- 5.1 The scheme has been amended to remove development from the higher risk flood areas on the site. This has involved a reduction in the number of dwellings from 10 to 8.
- 5.2 The type of dwellings has also been amended to improve the mix of properties on the site. A row of 3 terraced dwellings has been incorporated instead of the scheme being entirely detached houses.
- 5.3 A landscape buffer has been provided to the southern boundary to mitigate the impact on ecology.
- 5.4 Drainage information has been provided and the scheme amended to address Highways Development Management comments.

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 Kirklees Local Plan (2019):

LP1 - Presumption in favour of sustainable development
LP3 - Location of new development
LP7 - Efficient and effective use of land and buildings
LP11 – Affordable housing and housing mix
LP21 – Highway safety and access
LP22 – Parking standards
LP24 – Design
LP27 – Flood risk
LP28 – Drainage
LP30 - Biodiversity and geodiversity
LP51 - Protection and improvement of air quality
LP52 - Protection and improvement of environmental quality
LP53 - Contaminated and unstable land

6.3 Supplementary Planning Guidance / Documents:

Highway Design Guide SPD
Interim Affordable Housing Policy

6.4 National Planning Guidance:

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Two rounds of publicity have been undertaken on this application, both in respect of a 10 dwelling scheme. The revised scheme for 8 dwellings was not re-publicised as this reduced the quantum of development. Nevertheless the representations made in respect of the application are all considered in the assessment.

7.2 The application was originally publicised by site notices, neighbour letters and press advert. 11 objections and 2 letters in support were received in response to this publicity. A summary of the comments received is provided as follows:

Objections:

- Access to the site crosses Holmfirth Footpath 32. This is not mentioned in the application. There is no information as to how public access and the integrity of the path will be maintained during construction or how the path will be accommodated and kept safe and walkable after development.
- The layout does not conform with the identified constraints of the housing allocation
- Housing density is too high
- Impact of vehicle movements on users of the public footpath
- Impact on the sewer crossing the site
- Where will visitors park? Impact of on-street parking on access
- Larger homes have a greater impact than smaller homes
- Impact on local infrastructure
- Long history of refused applications on the site
- The ecology of the land will have recovered since the pigs were removed

- Multiple accesses off Lancaster Lane (as proposed) is not the same access arrangements that was approved at outline stage
- The local school is already oversubscribed
- Plots 1-4 at risk from surface water run-off
- Development within the south-west corner of the site (Flood zone 3) likely to result in increased flood risk to 66 River Holme View
- Impact on access to adjacent caravan and camping site
- Plot 1 infringes onto Lancaster Lane
- Query ownership of Lancaster Lane
- House type (100% detached) and scale of properties not in keeping with character of the area
- Impact of scale of houses on residential and visual amenity
- Overlooking/loss of privacy
- Detrimental impact on public footpath users
- Impact on stability of Lancaster Lane
- Impact on drains
- Development will increase surface water run-off and flood risk
- Increased risk of flooding from the River Holme
- Additional traffic – impact on highway network
- The houses are not suitable for affordable housing
- Impact on adjacent woodland and ecology
- Light pollution from new street lighting and noise pollution from use of Lancaster Lane
- Impact on a protected species
- Loss of biodiversity
- Use of soakaways inappropriate and will increase flood risk
- Overshadowing from 4 storey houses
- Limited facilities within Brockholes village

- Some existing dwellings on River Holme View affected by subsidence. Additional development could make this worse.
- Loss of open green space
- Infill development – village ‘creep’

In support:

- New houses are welcomed and needed in this area
- There is a lack of housing in this area
- Objectors are adopting a NIMBY attitude
- Development will have little impact on existing houses and infrastructure
- The houses will improve the look of the site which is a lousy old field with no positive attributes

7.2 Following some changes to the site layout the amended plans were advertised by neighbour notification letters. Two objections were received. These are summarised as follows:

Principle

- Pigs have been removed from the field and the land has recovered, including its ecological value. It was wrong for this site to be designated as housing
- Latest proposal still hasn't addressed concerns with the safety of users of Lancaster Lane. There is not a 2m wide footway.
- 4 storey houses not in keeping with current housing and will be very imposing and affect privacy.
- Drainage scheme ties into existing infrastructure. Increased risk of flooding.
- The ecology of the site has recovered and is a valuable resource for ecology.
- The strip of land designated as lowland dry acidic grassland adjacent to the southern boundary is a poor and ineffectual attempt at mitigation Flood Risk
- Development will add to flood and pollution risks
- Increased water run-off
- Run-off often freezes on the footpath making it a hazard to users Highway Safety/Public Right of Way
- Ownership of the existing turning head where the visitor parking spaces are proposed needs to be properly established
- The turning head is already used by existing residents for parking

- New turning head is a danger to pedestrians
- The latest plan does not address the PROW officer's concerns and the proposal is contrary to NPPF para. 110.
- Plan does not provide a 2.0m wide footway in line with Highways' comments
- The developable area is only 0.31ha, as set out in the allocation. The proposal covers the entire 0.47ha site.
- Density not in keeping with River Holme View
- Height of dwellings is inappropriate and will harm vistas
- Balconies to plots 3-5 will result in overlooking
- 10 imposing large house will not complement the area and does not provide affordable housing
- Local primary school is oversubscribed. Residents will have to travel by car to other schools.

Ward Councillor Charles Greaves –

“Has the applicant submitted any new reports?”

Has the presence of, and impact on, Protected Species been reviewed? The submitted flood report from 2016 clearly contradicts the application as building above the flood line does not address all of the identified issues (surface run off and need for river over-flow zone) - a new expert report is essential.”

Councillor Greaves has subsequently provided comments on the amended plans as follows:

“I remain concerned about how much of Plots 1 and 2 will remain in the flood zone, and how the residents will safely leave their properties in bad weather.

It is unclear but there seems to be a high risk to any vehicles parked to the front of the properties. Will Kirklees and the developer be flagging up the flood risk to potential buyers and residents so they are aware of the risk to life and property? Will they be marking off on the ground the extent of the flood risk zone?

Building right up the banking will invade the privacy of the homeowners below, and I am concerned that the sloped banking will be difficult to drive and will result in drivers parking away from their property.

This proposal will generate a lot of traffic and no effective provision has been made for vehicles meeting vehicles, horses, cyclists and pedestrians.

Where is the large vehicle turning head for the existing estate and the new houses? How will refuse and other large vehicles access the higher properties?"

Home Valley Parish Council - Object to the application on the grounds of the impact it would have on access to the campsite and concerns of overlooking on neighbouring properties. Plot 1 is the main cause for concern.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objections subject to a Stage 1 Road Safety Audit and subject to conditions.

KC Lead Local Flood Authority – No objections to the proposed drainage scheme.

Environment Agency – No objection subject to conditions.

8.2 Non-statutory:

KC Ecology Unit – No objection. The amendment from 10 dwellings to 8 dwellings provides much more space for ecological compensation and enhancement. Conditions required for detailed landscaping plan for the undeveloped south western corner of the site, a Construction Environment Management Plan, Landscape and Ecological Management Plan, lighting scheme and invasive species management protocol.

KC Environmental Services – No objection subject to a condition regarding the reporting of any unexpected contamination and the provision of electric vehicle charging points.

Yorkshire Water – No objection subject to conditions.

Police Architectural Liaison Officer – Limited natural surveillance of the frontage of plot 9 due to it being set back from plot 10 (original scheme).

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- Flood risk and drainage issues
- Ecology
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is allocated for housing in the Local Plan (HS173) and therefore the principle of the development is accepted in accordance with the allocation.
- 10.2 Additionally, there is an extant outline consent for residential development on the site (2016/90146) which has previously established the principle of housing on the site.

Urban Design issues

- 10.3 The proposal would effectively form an extension of the River Holme View estate by infilling a wedge of land between River Holme View and New Mill Road, albeit the proposed development would be set higher up than the existing residential estate which occupies the flatter valley floor.
- 10.4 The layout of the site has been influenced by its topography, the south west corner of the site falling within a high risk flood zone and the presence of important ecological habitats.
- 10.5 The allocation comprises an area of 0.47ha but the developable area is identified as being 0.31ha as a result of the identified flood risk and ecological constraints. The amended site layout plan involves development on an area of approximately 0.31 hectares and so is consistent with the allocation in this respect.
- 10.6 The indicative capacity of the allocation is 14 dwellings which directly reflects the quantum of development as shown for indicative purposes under the extant outline permission (2016/90146). However, based on the net site area the capacity of the allocation would be 11 dwellings when applying the council's minimum target density of 35 dwellings per hectare as set out under Policy LP7 of the Local Plan.
- 10.7 The proposal is for 8 dwellings which equates to a density of 25.8 dwellings per hectare on the developable area. Officers have calculated that the existing density of River Holme View is approximately 26 dwellings per hectare and therefore the density is in keeping with the established urban grain.
- 10.8 Taking into account the site's constraints, which has resulted in development being removed from a significant area within the south west corner and taking into account the topography of the site and the character of River Holme View, it is considered that the proposed density of development is acceptable.
- 10.9 The layout provides a row of 3 terraced houses and 5 detached houses. The surrounding area has a mixture of house types including detached, semi-detached and terraced properties and in this context the proposals would be in keeping with the surrounding area.
- 10.12 The dwellings are all split level, being three storeys to the front and two at the rear, which reflects the topography of the site. Additional accommodation is provided in the roof space of each dwelling.

- 10.13 Adjacent development on River Holme View consists of traditional two storey dwellings and bungalows.
- 10.14 The new dwellings are largely set back within the site and from River Holme View where they would be viewed against the backdrop of the valley side. From New Mill Road views of the development would principally be down onto the roofs of the new dwellings. As such officers are satisfied that the scale of the proposals would not be incongruous. Furthermore, it is worth noting that late last year the Strategic Planning Committee resolved to approve a similar scale of development for 9 dwellings on a separate piece of land off Lancaster Lane that lies a short distance to the north of the application site (2018/92589).
- 10.15 The general design approach is considered to be acceptable and is comparable to the appearance of the 9 dwellings as proposed on the separate piece of land to the north. The 3 terraced houses include a front balcony above the garage and, whilst such balconies are not characteristic of the area, their presence would not result in any significant harm to the visual amenity of the area in officers' opinion.
- 10.16 Facing materials are natural stone and artificial slate. These materials are considered acceptable subject to approval of samples.
- 10.17 In summary the development is considered to comply with Policy LP24 of the Local Plan and guidance in the National Planning Policy Framework with respect to design and appearance.

Residential Amenity

- 10.18 The proposed dwellings are generally well separated from the nearest residential properties and are off-set from them. The nearest existing dwellings are 66 River Holme View, 81 River Holme View and 238 New Mill Road.
- 10.19 Plot 1 is approximately 24m from 66 River Holme View and situated at an oblique angle to the front elevation of this neighbouring dwelling.
- 10.20 The balcony to plot 5, which projects forward from the main dwelling, is approximately 26m from the conservatory at the rear of 81 River Holme View. The balcony is off-set from the rear elevation of no.81. There is a distance of 15m from the balcony to the boundary of this neighbour's main private amenity space. The relationship is considered to be acceptable.
- 10.21 The side wall of plot 6 is 21m from the front of 238 New Mill Road and is around 2.5m from the boundary of this adjacent dwelling, which has an extensive curtilage. The separation distances are considered acceptable.
- 10.22 The separation distances involved combined with the orientation of the new dwellings are such that there would not be any significant harm caused to existing occupiers and a good standard of amenity would be provided for future occupiers of the proposed houses.
- 10.23 The application is considered to comply with LP24 of the Local Plan and guidance in the NPPF.

Landscape issues

- 10.24 A large undeveloped area is provided within the south western corner of the site along with some landscaped buffers to the eastern boundary with New Mill Road and to the southern boundary behind Plots 7 and 8. The presence of these areas helps to soften the visual impact of the development and provides scope for biodiversity mitigation and enhancement.
- 10.25 Details of the internal and external boundary treatment, including the gabion wall to the east of the site, can be secured by condition.

Highway issues

- 10.26 Access to the site is via River Holme View - a residential cul-de-sac with a 5.5m carriageway and footways and street lighting to both sides. There is a turning head at its southern end which abuts Lancaster Lane which provides access to a single dwelling to the north and leads on to the A616 New Mill Road and a camping / caravan park to the south before joining the A6024 Woodhead Road to the west.
- 10.27 At its northern end River Holme View forms a priority junction with Rockmill Road. The latter is about 7m wide with footways and lighting to both sides. Rockmill Road provides the main access to a small commercial estate known as Brockholes Business Park. Rockmill Road forms a priority junction with the A616 New Mill Road.
- 10.28 The site falls steeply from New Mill Road down to Lancaster Lane and structural engineering measures will be required to ensure that the public highway above is not compromised.
- 10.29 Eight large 4/5 bedroomed houses are proposed. The plots have substantial integral garages with additional parking on private driveways to their frontage.
- 10.30 The proposals include the extension of River Holme View with the provision of a new larger turning head to replace the existing turning head.
- 10.31 Plots 1-3 have individual driveways off Lancaster Lane. Plots 4-8 have access via a steep shared private driveway with a maximum gradient of 1 in 8.
- 10.32 A bin collection point together with a dry riser inlet cabinet are shown adjacent to plot 3. Internal turning for a refuse or emergency vehicle is not therefore considered necessary for the proposed shared private driveway serving plots 4-8.
- 10.33 The applicant has shown 3 no. visitor parking spaces within the existing adopted turning head. This is considered acceptable because a replacement turning head will effectively be formed on Lancaster Lane.
- 10.34 Highways Development Management consider the revised site layout to be acceptable.
- 10.35 The PROW officer has raised concerns that pedestrian provision on the public footpath (Lancaster Lane) is secondary to the requirements of vehicles where there is to be a new turning head and various points of access for the new dwellings.

10.36 It is acknowledged that there will be an intensification of vehicular activity on the public footpath. However, on balance, the amount of vehicular activity generated by this development is unlikely to significantly prejudice the safety and amenity of footpath users. This remains the case when taking into account any development on the separate parcel of land to the north of the application site that will share the same point of access from River Holme View. It is considered that the proposals provide an acceptable shared surface arrangement and it is noted that the layout plan shows a footway to much of the site frontage that would provide some refuge for footpath users if necessary. It is also to be noted that outline permission for 14 dwellings has previously been approved on the site and so the proposal is for a less intensive quantum of development.

Flood risk and drainage issues

- 10.37 The western part of the site contains land that falls within higher risk flood areas on the Environment Agency's Flood Risk Map. The south west corner of the site is at the highest risk of flooding (Flood Zone 3) and there is an area of land surrounding this that is at a lower risk of flooding (Flood Zone 2). The remainder of the site is in Flood Zone 1.
- 10.38 The applicant has amended the scheme to remove development within the part of the site that is at the greatest risk of flooding.
- 10.39 The Environment Agency has been consulted on the amended site layout and raises no objections to the development subject to conditions regarding finished floor levels and no ground level raising within flood zone 3. The Environment Agency has also recommended a condition that stipulates that no development takes place in flood zone 3.
- 10.40 The Environment Agency has commented that their flood map for this area may change when it is published in spring 2020 and this may increase the extent of flood zone 3 within the site. This is something for the developer to be cognisant of.
- 10.41 It is proposed to discharge surface water to public combined sewer. A connection will be made to the sewer that crosses the south-west corner of the site. Attenuation is to be provided within the site to restrict the rate of discharge (to 3 litres per second). Surface water run-off from the adoptable turning head will be directed to road gullies in River Holme View.
- 10.42 Kirklees Lead Local Flood Authority has assessed the drainage proposals and consider them to be acceptable. A condition relating to detailed drainage design is recommended. It has been indicated that the new drainage infrastructure will be in private ownership and arrangements for the future maintenance and management of the system are to be secured under a s106 Agreement.
- 10.43 Yorkshire Water have not raised any objections to the application. They have commented that there are two public sewers crossing the site, these are in the south west corner. The dwellings provide acceptable stand-off distances to the sewers although the detailed soft landscaping scheme (to be required by condition) will need to take the sewers into account to ensure no trees are located over or adjacent to the sewers.

Ecology

- 10.45 The site forms part of a designated Wildlife Habitat Network.
- 10.46 Initial ecology concerns mainly related to the loss of lowland acid grassland which is a habitat of principal importance and requires mitigation to avoid significant ecological harm. The reduction in the quantum of development and the consequential provision of a substantial undeveloped area within the south western part of the site now provides adequate scope for compensation and addresses the principal concern. This undeveloped area is further supplemented by a landscape buffer behind plots 7 and 8 and a vegetated buffer adjacent to New Mill Road.
- 10.47 The layout provides acceptable separation between new development and the southern boundary, which is particularly sensitive because it is adjacent to an area of trees which will act as a foraging network and a connective feature for the movement of wildlife.
- 10.48 Conditions are recommended for detailed landscaping proposals, a lighting design strategy and a Construction Environmental Management Plan.
- 10.49 Japanese knotweed and Himalayan balsam have been recorded on site. A protocol to ensure eradication within the site and prevent the spread outside of the site can be secured through condition.
- 10.50 A condition is also recommended to ensure vegetation clearance takes place outside of the bird breeding season.
- 10.51 The impact on a protected species has been assessed and is accepted by the Ecology Unit.
- 10.52 Subject to the aforementioned conditions provision of the compensatory grassland habitat as described and the aforementioned conditions the application is considered to comply with LP30 of the Local Plan and guidance in the NPPF.

Representations

- 10.53 A response to the objections is provided below:
- Access to the site crosses Holmfirth Footpath 32. This is not mentioned in the application. There is no information as to how public access and the integrity of the path will be maintained during construction or how the path will be accommodated and kept safe and walkable after development.
 - Detrimental impact on public footpath users
Officer response: A condition regarding the construction of the access/turning head is recommended. The impact on users of the footpath has been assessed within this report.
 - The layout does not conform with the identified constraints of the housing allocation
Officer response: The scheme has been amended to remove development in Flood Zone 3 and to provide ecological mitigation. The layout is now considered to comply with the constraints identified in the allocation, subject to comments from the Environment Agency in relation to development in Flood Zone 2.

- Housing density is too high

Officer response: Housing density has been discussed earlier in this report.

- Impact of vehicle movements on users of the public footpath

Officer response: Discussed earlier in this report.

- Impact on the sewer crossing the site

Officer response: Discussed earlier in this report.

- Where will visitors park? Impact of on-street parking on access

Officer response: Discussed earlier in this report. Scheme amended to provide visitor parking within the existing turning head.

- Larger homes have a greater impact than smaller homes

Officer response: The size of the houses is considered acceptable.

- Impact on local infrastructure

- The local school is already oversubscribed

Officer response: The scale of the development does not warrant contributions towards local services.

- Long history of refused applications on the site

Officer response: There is an outline permission on the site and the land is allocated for housing.

- The ecology of the land will have recovered since the pigs were removed

Officer response: Agreed. Ecology issues discussed within this report.

- Multiple accesses off Lancaster Lane (as proposed) is not the same access arrangements that was approved at outline stage

Officer response: This is a stand-alone application for full planning permission. The access arrangements are considered acceptable to officers as discussed in this report.

- Plots 1-4 at risk from surface water run-off

- Development within the south-west corner of the site (Flood zone 3) likely to result in increased flood risk to 66 River Holme View

Officer response: The dwelling in this part of the site has been removed. Advice sought from the Environment Agency on re-grading of the land in relation to increased flood risk off-site.

- Impact on drains

- Development will increase surface water run-off and flood risk

- Increased risk of flooding from the River Holme

- **Officer response:** Discussed earlier in this report.

- Impact on access to adjacent caravan and camping site

- Plot 1 infringes onto Lancaster Lane

Officer response: Plot 1 was encroaching onto Lancaster Lane but this has been removed. The development would not obstruct access.

- Query ownership of Lancaster Lane

Officer response: There is nothing to indicate that the incorrect ownership certificates have been supplied.

- House type (100% detached) and scale of properties not in keeping with character of the area

Officer response: Scheme amended to include some terraced houses. Scale discussed within this report.

- Impact of scale of houses on residential and visual amenity
- Overlooking/loss of privacy
- Overshadowing from 4 storey houses

Officer response: Residential amenity issues discussed earlier in this report.

- Additional traffic – impact on highway network

Officer response: 14 dwellings has previously been found to be acceptable on the site and the land is now allocated for housing. The traffic impacts have therefore been assessed as acceptable.

- The houses are not suitable for affordable housing

Officer response: The development does not trigger a contribution towards affordable housing.

- Impact on stability of Lancaster Lane
- Light pollution from new street lighting and noise pollution from use of Lancaster Lane

Officer response: As the site is accessed directly from the existing turning head at River Holme View the impact on the stability of Lancaster Lane and the impact of new street lighting and vehicle movements is not considered to be significant. These impacts have previously found to be acceptable (subject to conditions) under the application for housing slightly further to the north that involves vehicles driving up Lancaster Lane behind existing houses.

- Impact on adjacent woodland and ecology
- Impact on a protected species
- Loss of biodiversity

Officer response: Ecology issues addressed within this report.

- Use of soakaways inappropriate and will increase flood risk

Officer response: Accepted that soakaways inappropriate. Drainage to connect to main sewer.

- Limited facilities within Brockholes village

Officer response: The site is considered to be a sustainable location.

- Some existing dwellings on River Holme View affected by subsidence. Additional development could make this worse.

Officer response: The dwellings are well separated from existing development and subsidence is not considered likely.

- Loss of open green space
- Infill development – village ‘creep’

Officer response: The site is allocated for housing.

Planning obligations

- 10.54 The development does not meet the trigger for affordable housing, open space or education contributions. It is noted however that the site does incorporate an area of open space within it.
- 10.55 A contribution is sought for Metro Cards to promote sustainable travel (£4,000).

Other Matters

- 10.56 The application is supported by an intrusive site investigation report that has been reviewed by Environmental Services. The report is satisfactory and no objections are raised subject to a condition regarding the reporting of unexpected contamination.
- 10.57 To mitigate the impact on air quality it is recommended that an electric vehicle recharging point is installed within the garage of each dwelling. This is to accord with LP24 of the Local Plan, guidance in the NPPF and the West Yorkshire Low Emissions Strategy.

11.0 CONCLUSION

- 11.1 The principle of development is established in accordance with the land's allocation.
- 11.2 The development is considered to be in keeping with the character of the area and the residential amenity and highway safety impacts have been assessed as being acceptable. The scheme has been amended to address flood risk and ecological matters.

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

1. Time limit (3 years)
2. Development in accordance with approved plans
3. Approval of samples of facing materials
4. Reporting of unexpected contamination
5. Detailed design of the access/turning head
6. Surfacing of parking spaces
7. Details of the internal and external boundary treatment, including the gabion wall to the east of the site
8. Detailed soft landscaping scheme (to take account ecology matters and presence of sewers within the site)
9. Detailed drainage design
10. Construction Environment Management Plan
11. Landscape and Ecological Management Plan
12. Lighting design strategy
13. Invasive species management protocol
14. Electric vehicle charging points
15. Vegetation clearance outside of bird breeding season
16. Construction management plan (for highways and amenity)
17. Finished floor levels set as per Environment Agency's advice
18. No development in flood zone 3
19. No ground level raising in flood zone 3
20. Scheme to ensure stability of New Mill Road

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90085>

Certificate of Ownership – Certificate A signed.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 17-Dec-2019

Subject: Planning Application 2019/92646 Outline application for erection of residential development Spurn Point, Manchester Road, Linthwaite, Huddersfield, HD7 5RF

APPLICANT

DM Textile Machinery Ltd

DATE VALID

12-Aug-2019

TARGET DATE

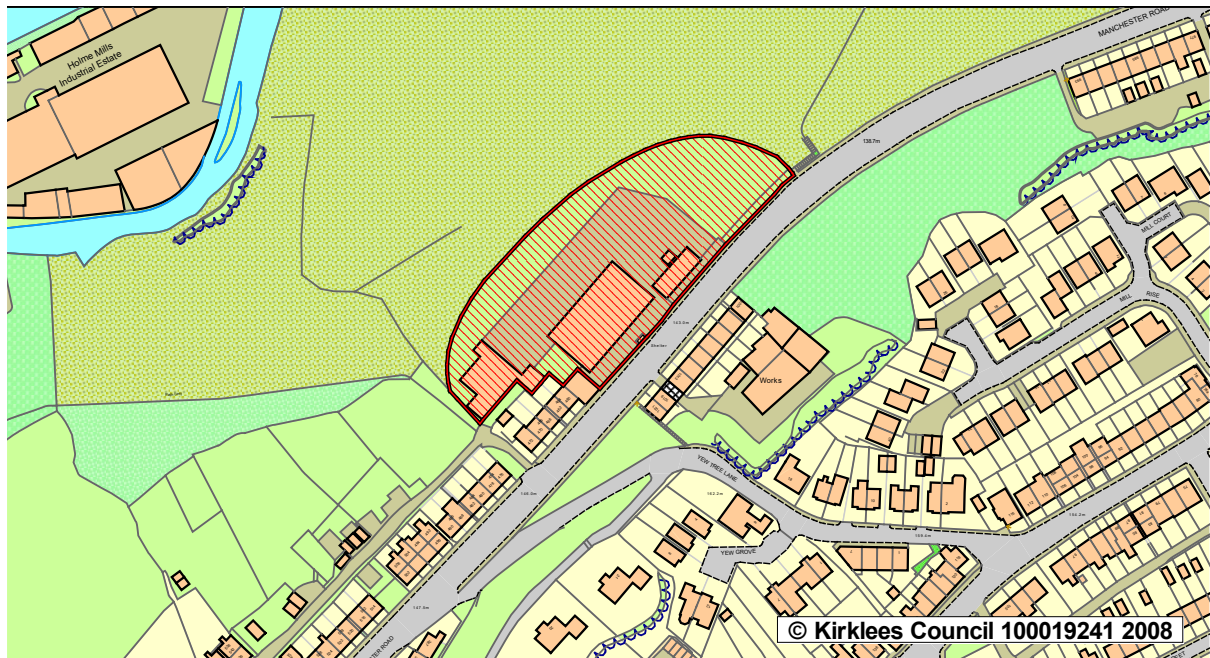
11-Nov-2019

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Golcar

Yes

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application is brought forward to the Huddersfield Sub-Committee because the site area is over 0.5 hectares. This is in accordance with the delegation agreement.
- 1.2 An extension of time has been requested until 24th December 2019.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is a commercial site that is currently occupied by a textile machinery company. The land comprises of some industrial units, offices and a storage yard.
- 2.2 On the opposite side of Manchester Road and to the south west of the site are residential properties. There is woodland to the remaining boundaries which falls within Green Belt land.

3.0 PROPOSAL:

- 3.1 This is an outline application for residential development. Access is the only matter that has been applied for. The layout, scale, appearance and landscaping of the site are all reserved for future approval.
- 3.2 The proposed access is a single priority junction off Manchester Road.
- 3.3 An indicative layout plan has been submitted which shows a total of 35 units on the site. These comprise twenty semi-detached dwellings, a block of three terraced houses and twelve flats.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None

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

- 5.1 Additional information was submitted to address Highways comments.
- 5.2 A pre-application enquiry has been submitted. Advice was provided in respect of layout, highways, ecology and drainage.

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 Kirklees Local Plan (2019):

- LP3 – Location of New Development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Travel
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP32 – Landscape
- LP48 – Community facilities and services
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New Open Space
- LP65 – Housing allocations

6.3 Supplementary Planning Guidance / Documents:

Highways Design Guide SPD

6.4 National Planning Guidance:

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notices, neighbour letters and press advert. No representations have been received in response to the publicity.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Highways Development Management – No objection subject to conditions

Lead Local Flood Authority – Object on the basis that a flood risk assessment and surface water drainage proposals have not been provided.

8.2 Non-statutory:

KC Environmental Health – No objection subject to conditions relating to land contamination, noise, electric vehicle charging provision and a construction management plan.

Arboricultural Officer – No objection

Yorkshire Water – No objection

Police Architectural Liaison Officer provided – Advice provided in respect of a future reserved matters submission seeking approval of 'layout'

9.0 MAIN ISSUES

- Principle of development
- Highway issues
- Urban design issues
- Residential amenity
- Housing issues
- Flood risk and drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

10.1 The application has been submitted in outline form and is seeking approval of the principle of residential development on the site and the proposed point of access to the site. All other matters are reserved for future approval.

Principle of development

10.2 The site is allocated for housing in the Local Plan (HS149). The proposed development is in accordance with the land's allocation and the principle of development is therefore accepted.

Highway issues

- 10.3 The proposed access to the site is via a single priority junction arrangement directly off A62 Manchester Road.
- 10.4 The applicant has demonstrated acceptable swept paths for the proposed access and Highways Development Management have no objections subject to conditions, including the provision of adequate visibility splays. The application is therefore considered to comply with Policy LP21.

Urban Design issues

- 10.5 The layout, scale, appearance and landscaping of the site are reserved for future approval but officers are satisfied that acceptable details can be agreed.
- 10.6 An indicative layout plan has been provided and it is worth mentioning that officers have some concerns with the layout shown. For example, the development does not relate particularly well with the street scene in so much as dwellings are either backing onto or have a side elevation onto Manchester Road. Also, the internal layout is overly dominated by parking. Such issues would need to be addressed when layout is considered at reserved matters stage.

Residential Amenity

- 10.7 The nearest residential properties are immediately to the south western boundary and on the opposite side of Manchester Road. Officers are satisfied that an acceptable layout can be agreed on this site that would ensure an acceptable standard of amenity for existing and future occupiers.
- 10.8 Environmental Services have recommended a condition requiring a noise report and noise mitigation to be incorporated into the development to protect future occupiers from noise from Manchester Road.

Housing issues

- 10.9 The indicative layout shows 35 dwellings which equates to a density of 55 dwellings per hectare. This is well above the minimum target density of 35 dwellings per hectare under Policy LP7. The high density is achieved through the inclusion of flats and the absence of detached dwellings.
- 10.10 The indicative layout shows a reasonable mix of property types with semi-detached houses (20 no.), flats (12 no.) and a small number of terraced houses (3 no.).

Flood risk and drainage issues

- 10.11 The site is in flood zone 1 and is therefore at low risk of flooding.
- 10.12 The Lead Local Flood Authority has raised an objection on the basis that the application involves a change of use whereby the site would be going from a less vulnerable classification (commercial) to a more vulnerable classification (residential) and a flood risk assessment has not been submitted to assess the risk posed by flooding. The objection has also been raised on the basis that no surface water drainage proposals have been supplied.

- 10.13 This site is allocated for housing in the Local Plan and therefore the principle of changing the use of the land to residential has already been accepted. Furthermore, the site is in flood zone 1 which is land with the lowest risk of flooding. In the circumstances it is not considered that a flood risk assessment is necessary and the grounds of objection are unfounded.
- 10.14 As layout is reserved it is considered that surface water proposals can be secured by condition, to be submitted with any reserved matters application seeking approval of the 'layout'. This will ensure that sufficient space is provided within the site for drainage infrastructure.

Planning obligations

- 10.15 Policy LP11 of the Local Plan requires 20% of units on the site to be affordable. As this is an outline application with the number of dwellings unknown at this stage it is considered that the provision of affordable housing can be secured via planning condition.
- 10.16 Policy LP63 of the Local Plan relates to open space provision. It is considered that the arrangements for open space provision can be secured by condition. It is noted that no open space is shown on the indicative layout although given the size of the site it is likely that an off-site commuted sum would be acceptable.
- 10.17 For developments of 25 dwellings and above an education contribution would be sought, in line with Policy LP48. This can be conditioned.
- 10.18 To mitigate the impact of the development on climate change a contribution for a sustainable travel fund is sought. The West Yorkshire Combined Authority have recommended that Metro Cards are provided and two nearby bus stops are upgraded. This can be conditioned through the requirement for a Travel Plan.

Other Matters

- 10.19 To mitigate the impact of the development on air quality and climate change a condition requiring the provision of electric vehicle charging points for the development is recommended.
- 10.20 Environmental Services have recommended that a suite of conditions are imposed in relation to potential land contamination.
- 10.21 The site is over 100m from the Huddersfield Narrow Canal and separated by woodland. It is not considered that the development is likely to affect the canal in any way.

Climate Change

- 10.22 Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin decision-taking. In this case mitigation is sought through the provision of electric vehicle charging points and a sustainable travel fund which will help to mitigate the impact on climate change. Furthermore the site is considered to be a sustainable location given that it lies on the edge of an established built-up settlement and is within 500m of a local centre (Mount Street). The site is also previously developed land.

11.0 CONCLUSION

- 11.1 The principle of development is accepted in accordance with the site's allocation in the Local Plan and the proposed point of access to the site is acceptable. All other issues can be addressed through conditions and the reserved matters.

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

1. Standard conditions for outline applications
2. Provision of visibility splays
3. Detailed design of junction of new estate road
4. Detailed design of internal adoptable roads
5. Details of highway retaining walls
6. Surfacing of parking areas
7. Bin store and collection arrangements
8. Construction management plans (for highways and amenity)
9. Pre and post development defects survey of a section of Manchester Road adjacent to the site with repairs/remedial works as necessary
10. Temporary drainage during construction
11. Detailed drainage design with 'layout' under reserved matters
12. Investigation, remediation and validation in relation to potential contaminated land
13. Electric vehicle charging points
14. Detailed tree information for the trees along the site's north/western boundary to be provided with 'layout' details
15. Noise report and mitigation
16. Affordable housing provision
17. Open space provision
18. Education provision
19. Sustainable Travel Fund/Travel Plan (to include provision for the upgrade of bus stop numbers 21716 and 19120).

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92646>

Certificate of Ownership – Certificate A signed.

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Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 17-Dec-2019

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

APPLICANT

S Yousaf

DATE VALID

01-Apr-2019

TARGET DATE

27-May-2019

EXTENSION EXPIRY DATE

30-Jun-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: Ashbrow

No

Ward Members consulted

RECOMMENDATION: Refuse

1 The proposed replacement dwelling, by reason of its siting, scale and design, would result in an overbearing impact to the detriment of neighbouring occupants in addition to forming an overly prominent and incongruous feature within the street scene to the detriment of the visual amenity of the area. As such the proposed development would be contrary to Policy LP24 (a) and (b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application has been brought to Committee at the request of Cllr Harpreet Uppal for the following reason:

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

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

1.2 The Chair of Committee has confirmed that Cllr Harpreet Uppal reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees. The Chair agreed to a site visit taking place at the request of Officers.

2.0 SITE AND SURROUNDINGS:

2.1 345 Bradley Road, is a detached bungalow constructed with a small stone plinth and render above with a dual pitched gabled red pantile roof. The gabled roof of the property runs from east west, between both the side boundaries with neighbouring dwellings to the east and west of the site.

2.2 The property has a small front round bay with gable above towards the east side of the front elevation and a detached single flat roofed garage at the rear with existing access taken from Bradley Road and running along the east boundary to the side of the dwelling.

2.3 The front garden is bounded by a stone wall with coping stones along the road frontage with a rockery and small lawn area.

- 2.4 The property is situated on a relatively level site, however is slightly elevated above Bradley Road. Furthermore there is a very gradual incline from East to West with the property to the east at a slightly lower level.
- 2.5 The existing rear garden is flat, predominantly lawn with a small patio to the rear of the property with the boundary treatment being mature conifers along both side boundaries.
- 2.6 The property is located within a residential area of varied properties both in terms of scale and design. The properties either side of the application site are bungalows with hipped roofs

3.0 PROPOSAL:

- 3.1 Permission is sought for the demolition of the existing bungalow and the erection of a 2-storey detached property.
- 3.2 The current bungalow comprises of 2 bedrooms with a bathroom, kitchen, lounge and dining room. The width of the bungalow is 11m at its widest due to it being narrow at the front by 8m deep.
- 3.3 The proposal is to create a new larger 2-storey dwelling that is 11m wide by 16m deep along the east facing elevation adjacent to the drive and No. 343 Bradley Road reducing to 13m along the boundary with No. 347 Bradley Road. The application also includes the erection of a large detached garage measuring 9m by 5m which is set towards the bottom of the garden adjacent to the eastern boundary.
- 3.4 The accommodation would provide a kitchen breakfast, utility, summer room, ground floor bathroom, lounge/snug and cinema room with 4 large double bedrooms, 2 with en-suites, a family bathroom and a first floor balcony to the master bedroom projecting 1.75m by 4.65m
- 3.5 The proposed construction materials would be a combination of stone and white render with grey upvc framed windows and concrete tiled roof.

4.0 RELEVANT PLANNING HISTORY:

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

5.0 HISTORY OF NEGOTIATIONS:

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

2019/91083 – Demolition of existing dwelling and erection of detached dwelling with detached garage: Officers raised concerns as to the previous application in relation to scale, massing and impact on the street scene in addition to being overbearing for neighbouring occupants. The detached garage proposed was also large occupying almost half of the rear garden. Following concerns raised with the applicant/agent/planning consultant at a meeting, Officers advised that the scale of the previous approved scheme be used as guidance to assist in informing the scale of the dwelling now proposed. Amended plans have been received. The plans address matters relating to the garage which has been reduced in size however the amendments to the main dwelling do not overcome concerns.

The amendments have been highlighted by the agent as follows:

- We've pulled the whole plot slightly forward and away from the boundary by 350mm
- The overall ground height has been further lowered by a total 480mm from the original application (to reduce the bulk and mass)
- Lowered the eaves. These are now in line with the previously approved scheme.
- Reduced the roof angle (to reduce bulk and mass)
- Removed the balcony roof. This reduces the mass at first floor level to the rear of the proposal
- Re-designed the garage and outbuilding this is now a traditional rectangle to the rear of the site
- The kitchen window has been relocated and now adjacent to the neighbours blank wall
- Privacy screen added to the side balcony

6.0 PLANNING POLICY:

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

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

6.3 Kirklees Local Plan

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

6.4 Supplementary Planning Guidance / Documents:

Kirklees Highways Design Guide SPD 2019

6.5 National Planning Guidance:

National Planning Policy Framework

- **Chapter 12** – Achieving well-designed places

National Design Guide 2019

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was publicised by site notice and neighbour notification letters, following amended plans neighbours have been re-notified. Fifteen letters of representations have been received in total to the initial plans and revised scheme.

These include three letters in support from the applicant, with the remaining objections from 5 households, with three households commenting again to the revised plans

Comments of support:

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

Comments of objection:

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

8.0 CONSULTATION RESPONSES:

- 8.1 None required

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 10.2 The scheme will be assessed taking into account local policy guidance within Policies LP1, LP2 and LP24 of the Kirklees Local Plan which supports the guidance contained within the NPPF. Policy LP24 is particularly relevant in this instance in relation to design and states that proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;

Urban Design issues

- 10.3 The proposal is to replace an existing bungalow with a two story dwelling. The existing dwelling currently sits between two bungalows which have pyramid/hipped style roofs. It is recognised that the area as a whole provides mixed style accommodation in the form of both bungalows and 2-storey properties, either detached or semi-detached. Therefore in principle a replacement dwelling could be provided over two floors.
- 10.4 There is an extant planning permission to extend the existing bungalow to provide additional accommodation in the roof space by raising the eaves, in part, to provide 4 first floor bedrooms, two with en-suites and a family bathroom.
- 10.5 The previous application was to use the existing footprint of the bungalow and extend to the rear by a further 5.3m at ground floor and 3.8m at first floor. The roof orientation was changed so the ridge ran from front to back of the plot in order to reduce the impact on the neighbours either side.
- 10.6 The new application to replace the bungalow would increase the width of the bungalow to 11m from 10m, increase the depth from 8m to 15.7m at ground floor and 14m at first floor to accommodate the rear balcony. This would result in a total increase of 7.7m at ground floor and 6m at first floor from the rear elevation of the existing building as well as increasing the width by 1m.
- 10.7 The height of the existing bungalow is 5.63m and the eaves at 2.6m raising to eaves at 4.55m and height to 7.2m. It is accepted that the overall height is less than the approved extensions, however the eaves have increased from 3.7 (extension) to 4.55 (new dwelling), in order to reduce the height in relationship to its neighbours, the levels of the site will be lowered by 0.5m.
- 10.8 In terms of design, the property has been designed with a shallow pitched roof with two small front gables either side of a fully glazed entrance to a 2-storey atrium. The detached garage is of simple form, rectangular with pitched roof.
- 10.9 The materials proposed are a combination of stone for the ground floor and white render at first floor similar to that in the construction of the existing bungalow and at No 341. These materials are proposed in the construction of the detached garage.

- 10.10 The scale, massing and design of the new dwelling, would result in a structure that would be out of scale with its neighbours and of a form, scale and layout that would not respect or enhance the character of the street scene. As such this part of the development proposals would be contrary to Policy LP24 a. of the Kirklees Local Plan and the National Planning Policy Framework.
- 10.11 With regards to the detached garage this has been reduced in size and is located within the rear garden, measuring 5m wide by 9m in depth to include a rear store. Given its location it would have no impact on the street scene nor is it considered give rise to any concerns regarding visual amenity or general character of the area. This part of the development is considered to be acceptable.

Residential Amenity

- 10.12 With regards to residential amenity, overbearing and /or overshadowing, the proposals to replace the existing bungalow with a larger two storey dwelling would introduce a building much greater in mass than existing. The proposed dwelling would be in close proximity to adjoining neighbouring land and buildings. The relationship of the proposed dwelling with these existing neighbours would be significant, particularly when considering the current building is a true bungalow.
- 10.13 The side elevation to the east of the replacement dwelling would be increased in terms of depth and mass, the appearance would be of a much larger expanse of wall to that of the neighbour along their west facing boundary (no. 343). This neighbour is at a lower level. As a result of the increase, in addition to the changes to land levels, it is considered that there would be a material impact on the neighbouring occupants by virtue of overshadowing and from being overbearing.
- 10.14 The development would introduce three first floor windows at upper floor level in the east side elevation which could result in overlooking the neighbouring dwelling at no. 343, however, these are non-habitable accommodation and as such could be conditioned to be obscurely glazed. The proposed ground floor kitchen window faces onto the neighbour's extension which is a blank wall and as such will not result in any loss of amenity to the occupants. A first floor balcony is shown within the rear elevation. It is proposed to incorporate side privacy screening but would remain to be open to the rear thereby overlooking the rear garden and that adjoining. The screening could be conditioned to be higher to mitigate any potential loss of privacy to adjoining amenity space.
- 10.15 The redevelopment of the bungalow increases the scale and mass when viewed from the west. Although the footprint appears to be generally in line with that of the existing neighbouring dwelling at no. 347 it is considered that the increase in height and depth will result in a material impact to the detriment of the adjoining occupants as a result of overshadowing and being overbearing.
- 10.16 There are no concerns regarding the impact of the development to properties located to the front (opposite) and there are no dwellings located to the rear beyond the boundary that would be affected by the development.

- 10.17 Taking into account the concerns outlined above, in terms of the significant increase in scale and mass in close proximity to neighbouring properties, it is considered that the development cannot be supported. The development will result in the loss of residential amenity particularly with regards to being overbearing and thereby contrary to Policy LP24 (b) of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Highway safety

- 10.18 In terms of highway safety, the development would increase the amount of liveable space in the property, however there are no highway issues as the access is unaltered and the drive can still accommodate 3 car plus further space in the garage. The application therefore accords with LP21 and LP22 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Other matters: Electric Vehicle Charging Points, Biodiversity, Climate Change

- 10.19 The site does not lie in an area known to have air quality issues, nonetheless in line with local and national policy any approval for a new dwelling would include a condition for an electric vehicle charging point, to accord with guidance set out in the NPPF (paragraph nos. 105, 110 & 170) and Policy LP24 of the Local Plan. Should the application have been recommended for approval this would have been imposed as a condition.
- 10.20 At the present time given the site comprises of a well maintained domestic curtilage, it is unlikely to currently hold any biodiversity interests. Nevertheless, to accord with guidance in the NPPF, Policy LP30 of the Local Plan it would be reasonable to condition enhancement measures in the form of a bird nesting opportunities, integral to the dwelling to be installed during the construction phase should the application have been recommended for approval. This would have been in accordance with Policy LP30 of the Local Plan.
- 10.21 Climate Change: Chapter 12 of the Local Plan relates to climate change and states that: "Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised. It would redevelop a brownfield site in a sustainable location with the new dwelling built with far higher levels of insulation than that existing. Despite this benefit this would not outweigh the harm caused to the residential and visual amenity of the area.

Representations

- 10.22 The application was publicised by site notice and neighbour notification letters, following amended plans neighbours have been notified again. Fifteen letters of representations have been received in total to the initial plans and revised scheme.

These include three letters in support from the applicant, with the remaining objections from 5 households, with three households commenting again to the revised plans

Objections:

- Height of new dwelling disproportionate to the bungalows either side
Response: Officers agree that the increase in scale and mass would not enhance the character of the area.
- Overshadowing
Response: Officers consider that the development would result in a significant increase in mass that would potentially overshadow neighbouring occupants.
- Loss of light/ privacy from side windows and first floor balcony
Response: The matter is referred to in the report but for clarity it is considered the side windows could be conditioned to be obscurely glazed.
- Rear garage would be converted into another home.
Response: The garage has been reduced in size and shows a garage and store and has been assessed on that basis.
- De-value ad properties
Response: This is not considered to be a material planning issue
- No measurements on submitted drawings.
Response: The plans have been drawn to scale
- Damage due to construction work
Response: This is a private matter
- Loss of a bungalow
Response: This point is noted, the application is assessed on its planning merit.
- Disruption through construction vehicles
Response: Given the proposed scale of development it would not have been appropriate to impose a construction management plan had the application been recommended for approval. Nevertheless if environmental harm is caused during the construction of buildings this can be controlled under the Environmental Protection Act.

Support:

- No 341, built higher than approved set a precedent
Response: The application site has been considered on its own merit. Whilst it is recognised there are larger buildings located on Bradley Road these relate differently to the area and the development around them and as such can be afforded very limited weight to the consideration of this application.
- In balance within the street scene
Response: The scale and mass is not considered to improve the local character.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable means in practice.
- 11.2 The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development does not accord with the development plan and that the adverse impacts of the development would significantly and demonstrably outweigh its benefits with assessed policies within the NPPF taken as a whole. It is therefore recommended that the application be refused.

Background Papers:

Application web page:

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

Certificate of Ownership: Certificate A completed.