

# Public Document Pack



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

**Julie Muscroft**

The Democracy Service

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Please ask for: Richard Dunne

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Tuesday 1 December 2020

## Notice of Meeting

Dear Member

### **Planning Sub-Committee (Huddersfield Area)**

The **Planning Sub-Committee (Huddersfield Area)** will meet remotely at **1.00 pm on Wednesday 9 December 2020.**

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 Bill Armer  
Councillor Paul Davies  
Councillor Donna Bellamy  
Councillor James Homewood  
Councillor Andrew Marchington  
Councillor Bernard McGuin  
Councillor Mohammad Sarwar  
Councillor Anthony Smith  
Councillor Mohan Sokhal  
Councillor Sheikh Ullah  
Councillor Harpreet Uppal  
Councillor Susan Lee-Richards

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**

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

#### **Green**

K Allison

#### **Independent**

C Greaves

#### **Labour**

M Akhtar  
S Hall  
M Kaushik  
W Simpson

#### **Liberal Democrat**

J Lawson  
A Munro  
A Pinnock

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

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

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**2: Minutes of previous meeting**

1 - 6

To approve the Minutes of the meeting of the Committee held on 7 October 2020.

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**3: Interests and Lobbying**

7 - 8

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

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**4: Admission of the Public**

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

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**5: Deputations/Petitions**

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

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

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## 6: Public Question Time

Due to the current covid-19 restrictions, Members of the Public may submit written questions to the Committee.

Questions should be emailed to:

[governance.planning@kirklees.gov.uk](mailto:governance.planning@kirklees.gov.uk) no later than 10.00 am on 8 December 2020. In accordance with Council Procedure Rule 51(10) any person may submit a maximum of 4 written questions.

In accordance with Council Procedure Rule 11(5), the period allowed for the asking and answering of public questions will not exceed 15 minutes.

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## Planning Applications

9 - 10

The Planning 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 to speak by 5.00pm (for phone requests) or by 11:59pm (for email requests) by no later than Monday 7 December 2020.

To pre-register, please email [governance.planning@kirklees.gov.uk](mailto:governance.planning@kirklees.gov.uk) or phone Sheila Dykes on 01484 221000 (Extension 73896).

As this is a virtual meeting please include in your email the telephone number that you intend to use when addressing the Committee. You will receive details on how to speak at the meeting in your acknowledgement email.

Please note that in accordance with the council's public speaking protocols at planning committee meetings verbal representations will be limited to three minutes.

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.

## 7: Planning Application - Application No: 2019/93124

11 - 30

Change of use from agricultural to storage and processing of timber, formation of access track and hardstanding and siting of 6 containers Land east of, Hillock Farm, Dean Road, Upperthong, Holmfirth.

Contact: Ellie Worth, Planning Services.

Ward(s) affected: Holme Valley South

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- 8: Planning Application - Application No: 2020/91146** 31 - 88
- Outline application for erection of residential development land west of, Wesley Avenue, Netherthong, Holmfirth.
- Contact: Kate Mansell, Planning Services
- Ward(s) affected: Holme Valley South
- 
- 9: Planning Application - Application No -2020/91885** 89 - 104
- Demolition of existing store/stable, erection of detached dwelling with integral garage and modifications to existing access lane (within a Conservation Area) (modified proposal) Reddisher Farm, Reddisher Road, Marsden, Huddersfield.
- Contact: Neil Bearcroft, Planning Services
- Ward(s) affected: Colne Valley
- 
- 10: Planning Application - Application No - 2020/92400** 105 - 116
- Erection of detached garage Brigsteer, 402, Birkby Road, Birkby, Huddersfield.
- Contact: Neil Bearcroft, Planning Services
- Ward(s) affected : Lindley
- 
- 11: Planning Application - Application No - 2020/91881** 117 - 122
- Listed Building Consent for the replacement of windows on the south-west facing side 35, Clough Road, Bolster Moor, Huddersfield
- Contact: Craig McHugh, Planning Services
- Ward(s) affected : Colne Valley
- 
- 12: Planning Application - Application No - 2020/93073** 123 - 132
- Erection of first floor extension 55, Matthew Lane, Meltham, Holmfirth
- Contact: Stuart Howden, Planing Services
- Ward(s) affected : Holme Valley North
-

**13: Planning Application - Application No - 2020/90268**

133 -  
144

Erection of detached dwelling and external alterations adj, 81,  
Wessenden Head Road, Meltham, Holmfirth.

Contact: Rebecca Drake, Planning Services

Ward(s) affected: Holme Valley North

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**Planning Update**

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

Contact Officer: Richard Dunne

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

**Wednesday 7th October 2020**

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

**1 Membership of the Committee**

All members of the Committee were present.

**2 Minutes of previous meeting**

The minutes of the meeting held on 19 March 2020 were approved as a correct record.

**3 Interests and Lobbying**

Councillor Smith declared that he had been lobbied on application 2019/92810.

Councillor D Firth declared that he had been lobbied on application 2020/90691.

**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.

**7 Planning Application - Application No: 2019/92810**

The Committee gave consideration to Planning Application 2019/92810 Change of use from A1 (retail) to mixed use A1 (retail) and A4 (drinking establishment). Hip Hops Beer Shop, 77, Lidget Street, Lindley, Huddersfield.

## **Planning Sub-Committee (Huddersfield Area) - 7 October 2020**

Under the provisions of Council Procedure rule 37, the Committee received representations from Stuart Brown (Objector), Daniel Dennett (applicant) and Hamish Gledhill (agent).

Under the provisions of Council Procedure rule 36(3), the Committee received a representation from Cllr Burke on behalf of the Lindley ward members.

### **RESOLVED –**

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

1. Standard three year timeframe for implementation.
2. Development to be completed in accordance with approved plans and specifications.
3. The following works specified on page 4 of the MZA Acoustics report dated March 2020 be implemented before the use commences and thereafter be retained: installation of a speaker isolator, and replacement of toilet flush mechanism.
4. Submission of details before development commences of any further sound insulation and strengthening works to be carried out on the stairs, and of any additional soundproofing to be installed on the northern wall of the premises, and a timetable for its implementation.
5. No customer service or seating areas on the upper floor of the premises, and no counters or tables for the use of customers, other than those shown on the proposed ground floor layout.
6. The A4 (drinking establishment) element of the use shall not operate outside the hours of 1000 to 2300 on any day, and the last customer shall leave no later than 2300 hours on any day.
7. Other than for access and ventilation, all doors and windows shall be kept closed whilst the premises are in use between the hours of 21:00 and 23:00.

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

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

Against: (0 votes)

Abstained: Councillor Smith

### **8 Planning Application - Application No: 2019/93950**

The Committee gave consideration to Planning Application 2019/93950 Erection of 21 dwellings and associated access works land at, former St Luke's Hospital, Blackmoorfoot Road, Crosland Moor, Huddersfield.



**RESOLVED -**

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

1. Complete the list of conditions including those contained within the considered report including:
  1. Time limit for commencement (3 years)
  2. Development to be done in accordance with plans.
  3. Development to be done in accordance with previously approved material schedule.
  4. Boundary treatment to be provided and retained.
  5. Remediation strategy to be submitted.
  6. Approved remediation strategy to be undertaken.
  7. Validation report to be submitted.
  8. Details of electric vehicle charging points to be submitted.
  9. Acoustic barrier details to be submitted, approved, implemented, and retained.
  10. Ventilation scheme for plots referenced in Noise Impact Assessment.
  11. Separate drainage and foul.
  12. Surface water drainage to be detailed and implemented.
  13. Details of local highway improvement works (Park Road West / Blackmoorfoot / Nabcroft Lane) to be submitted, implemented, and retained.
  14. Submission of access arrangements and plans, to be implemented and retained.
  15. No residential development until scheme detailing construction and layout specification for the Nabcroft Lane/Blackmoorfoot Road junction.
  16. Travel Plan to be submitted.
  17. Construction management plan.
  18. Internal adoptable road details.
  19. Ecological enhancement details to be provided.
  20. Landscape and ecological management plan to be submitted and approved.
2. Secure a S106 Deed of variation to retain all previously agreed planning contributions granted under planning permissions 2018/93200 and 2018/93098 including:
  - 11 starter homes;
  - The provision and future maintenance of on-site POS;
  - Offsite highway works and traffic light signals improvements.
  - Market the commercial area for housing for a period of 3 years, with a stipulation that policy compliant affordable housing be provided.
3. Pursuant to (2) above, 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.

## **Planning Sub-Committee (Huddersfield Area) - 7 October 2020**

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

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

Against: (0 votes)

Abstained: Councillor Bellamy.

### **9 Planning Application - Application No: 2020/90691**

The Committee have consideration to Planning Application 2020/90691 Erection of chicken shed (Listed Building within a Conservation Area) 75, Wooldale Road, Wooldale, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Matthew Weatherburn (applicant).

Under the provisions of Council Procedure Rule 36(3), The Committee received a representation from Cllr Nigel Patrick (ward member).

#### **RESOLVED –**

Delegate approval of the application to the Head of Planning and Development subject to the following conditions:

1. Removal of the chicken shed should the agricultural use cease for a period in excess of 6 months;
2. That officers from Kirklees Planning Service and Environmental Health arrange, following discussions with the applicant, a limit on the number of hens (subject to a minimum of 30) that can be kept on the premises; and
3. The approval of a waste management plan.

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

1. A vote to approve the application.

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

Against: (0 votes)

Abstained: Councillor D Firth

2. A vote to approve the application subject to a further report being presented to the Committee outlining in detail the proposed conditions put forward by officers.

For: Councillors: Davies, Homewood, Marchington and Uppal (4 votes)

## Planning Sub-Committee (Huddersfield Area) - 7 October 2020

Against: Councillors: Bellamy, McGuin, Sarwar, Smith, Sokhal, Ullah and Lyons (7 votes)

Abstained: Councillor D Firth

3. A vote to include a condition for the removal of the chicken shed should the agricultural use cease for a period in excess of 6 months.

For: Councillors: Davies, Homewood, Marchington, Sarwar, Smith, Ullah, Uppal and Lyons (8 votes)

Against: Councillors: (0 votes)

Abstained: Councillors: Bellamy, D Firth, McGuin and Sokhal

4. A vote to delegate the condition covering the numbers of hens allowed to be kept on the premises, subject to a minimum of 30, to officers from Kirklees Planning Service and Environmental Health in discussion with the applicant and in accordance with an approved waste management plan.

For: Councillors: Davies, Homewood, Marchington, Sarwar, Smith, Uppal and Lyons (7 votes)

Against: Councillors: Bellamy and McGuin (2 votes)

Abstained: Councillors: Sokhal and Ullah.

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## KIRKLEES COUNCIL

### DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

**Name of Councillor**

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

**LOBBYING**

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

Signed: .....

Dated: .....

## NOTES

### Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

### Lobbying

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

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

## **PLANNING POLICY**

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

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

### **National Policy/ Guidelines**

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

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

## **REPRESENTATIONS**

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

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

## **EQUALITY ISSUES**

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

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

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

## **HUMAN RIGHTS**

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

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

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

## **PLANNING CONDITIONS AND OBLIGATIONS**

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

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

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

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

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

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



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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Dec-2020

**Subject: Planning Application 2019/93124 Change of use from agricultural to storage and processing of timber, formation of access track and hardstanding and siting of containers Land east of, Hillock Farm, Dean Road, Upperthong, Holmfirth, HD9 3XB**

#### APPLICANT

Mr Batten, Down to Earth

#### DATE VALID

01-Oct-2019

#### TARGET DATE

26-Nov-2019

#### EXTENSION EXPIRY DATE

31-Jul-2020

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

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

#### LOCATION PLAN



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Holme Valley South**

**Ward Councillors consulted: No**

**Public or private: PUBLIC**

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**RECOMMENDATION: Refuse planning permission and delegate authority to the Head of Planning and Development to proceed with enforcement action requiring cessation of the use and removal of the associated operational development.**

1. The application site is within designated Green Belt, whereby as set out in the National Planning Policy Framework (NPPF) new development, subject to certain exceptions, is regarded as inappropriate. Paragraph 146 of the NPPF sets out that the material change of use of land need not be inappropriate, but only where this preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In this case the development would harm the openness of the Green Belt through the siting of containers, storage of timber, the formation of the access track and the activity associated with the processing of timber on open land. This would also lead to the encroachment of development into the countryside. As such the proposal would constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt. There are no very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm and therefore the proposal would be contrary to the aims of Chapter 13 of the National Planning Policy Framework.

## **1.0 INTRODUCTION:**

1.1 The application is brought to Planning Sub Committee at the request of Cllr D Firth who has provided the following reason:

*"The area the applicant is using is ideal for the storage of logs, it is surrounded by trees to the north of the site, and bunding to the east and the west. It is also in a dip, so it can't be seen from any angle, most of the large logs to the south of the site are logs he has picked up over time. Trees that have fallen etc. and most of them cut and collected at the request of Kirklees Council. While I realise the owner has moved his operation about three fields, from his original site to where he is now, the reason for that is he now owns the land it is situated on, and it is more or less hidden from view. He didn't apply for planning permission because Agriculture and Forestry go hand in hand. If this is refused four workers will lose their jobs, and as a Councillor that doesn't sit very well with me"*

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

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site relates to a parcel of land located to the East/North East of Hillock Farm, in which can be accessed from Dean Road. It should be noted that as the application has been submitted retrospectively, the following description details the area as it currently appears. Before works commenced, the site formed an open grassed agricultural field.
- 2.2 Currently the site contains an access track and a sizeable, rectangular area of loose gravel/road planings that appears as a yard. Situated within the area are a number of containers, alongside stacked mounds of timber, described in the application documents as 'cordwood'. The site is bounded by woodland to the North and East.
- 2.2 Surrounding the site is predominantly open fields, however to the South West is Hillock Farm and to the North East is Intake Farm. A belt of trees form the field boundary to the east and north.

## **3.0 PROPOSAL**

- 3.1 The applicant is seeking retrospective permission for the change of use from agricultural to storage and the processing of timber, the formation of an access track and hardstanding and the siting of containers. The originally submitted plan showed the siting of 6 containers.
- 3.2 As part of this application a covering letter, block plan, details of the dimensions of the containers have been provided, alongside further supporting planning statements, in which have been submitted during the course of the application.

## **4. RELEVANT PLANNING HISTORY (including enforcement history)**

### **4.1 Application site:**

COMP/19/0236 Enforcement investigation into a complaint regarding the alleged unauthorised change of use of land for the storage and processing of logs and the formation of an access track and hardstanding. This has resulted in the submission of the current application seeking to regularise a breach of planning control

### **4.2 Wider vicinity:**

2012/92479 Erection of 6W wind turbine on a 15m mast – Refused (Upper Wickens Farm)

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 The officer contacted the applicant and the original agent to advise that the proposal represented inappropriate development within the Green Belt in principle and therefore could not be supported. The agent then changed, and the new agent provided a supporting statement to detail why the proposal is considered to be acceptable within the Green Belt, including what they considered to be 'very special circumstance.

- 5.2 An additional supporting statement was received on Friday 27<sup>th</sup> November 2020 from the agent, which included emails/letters from four local residents in support of the scheme, alongside emails from both KC Environmental Health and KC Forestry, stating that the applicant is on the list of Forestry Contractors. These state that no noise complaints had been submitted to the Environmental Health, a specific update to be provided for members on this matter. It is also confirmed that the applicants company is registered as being a forestry contractor for Kirklees. KC Forestry were asked to confirm if this is for 'forestry' works or wider works to trees for which the Council is currently responsible. It is the latter and would include namely those located on Council-owned land within:
- i. Highway verges
  - ii. Council tenancy housing sites
  - iii. Cemeteries and churchyards
  - iv. Car parks
  - v. Parks and open spaces
  - vi. Woodlands
  - vii. Land vested with the corporate landlord
  - viii. The boundaries of Council owned/managed buildings

## **6.0 PLANNING POLICY:**

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

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

- 6.2 Kirklees Local Plan:

**LP1** – Presumption in favour of sustainable development  
**LP2** – Place shaping  
**LP10** – Supporting the rural economy  
**LP21** – Highway safety and access  
**LP22** - Parking  
**LP24** – Design  
**LP30** – Ecology and geodiversity  
**LP35** – Historic environment  
**LP51** – Protection and improvement of local air quality  
**LP52** – Protection and improvement of environmental quality

## **6.3 Neighbourhood Development Plans**

Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

## 6.4 National Planning Guidance:

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

- **Chapter 2** – Achieving sustainable development
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 12** – Achieving well design places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Protecting and enhancing the natural environment
- **Chapter 16** – Protecting and enhancing the historic environment

National Government's Written Ministerial Statement (WMS) 2015

- Green Belt protection and intentional unauthorised development -

"The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.

For these reasons, we introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received since 31 August 2015.

The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt".

## 7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by site notice, neighbour notification letters and the press. Final publicity expired on the 3<sup>rd</sup> March 2020. As a result of the above, 17 representations have been received. These include 13 objections, 1 general comment and 3 representations in support of the scheme.

A summary of the points raised are as follows:

### Objections

Principle of development

- The principle of development is unacceptable
- The very special circumstances do not justify/overcome the concerns raised
- The site can be relocated outside of the Green Belt

- The activity does not constitute to forestry
- An industrial process needs to be on a brownfield site or to be within an industrial estate
- It's a waste recycling process
- The Green Belt is not suitable for commercial activity
- This land should remain untouched

#### Highway safety

- Concerns regarding the access and highway safety
- The application is misleading as no access improvements have been made, as there was no original access
- The existing road is narrow and in some cases in a despair state, therefore additional traffic will further impact upon this

#### Noise disturbance

- Concerns raised with the findings of the noise report

#### Trees, biodiversity and wildlife

- Impact from transporting diseased trees
- Concern over noise for residents, wildlife and users of the area

#### Visual amenity and heritage

- The design of containers are not in keeping or sensitive to the local area
- The appearance of the track is not an improvement
- Negative impact on Listed Building

#### Residential amenity

- Potential health implications for neighbouring properties due to the smoke

#### General concerns

- The second round of publicity is not long enough
- No details to where the crushed stand stone is from
- Retrospective planning application
- There is a likelihood of expansion if planning is approved
- The planning statement is trying to justify unauthorised works
- There will be additional waste provided
- The site needs returning to the hay meadow
- Larger piles of the materials are visible to the public
- Will there be a welfare cabin for the workers?
- Impact on house prices
- If planning is approved will housing be developed?
- The village is losing its rural feel
- The site notice has not been seen
- Our concerns were initially logged to enforcement
- The description of development does not include the access opening

#### General comments

- No objection in principle, as the works are carried out in accordance with rural commercial activity
- My only concern is noise pollution and this can be controlled by working hours on a trial basis

### Comments in support of the scheme

- No structure is visible
- Owner has planted trees to enhance the landscape
- The small business will positively contribute to the local economy
- The scheme provides an improvement to the area through a thoughtful and practical use
- Bringing industry and vitality to the area is a good thing
- Productivity of the fields concerned will be improved
- No negative impact as the premises are shrouded and almost invisible

Ward Councillor comments:

Cllr N Patrick: The application is retrospective and would have noise implications for nearby residents.

Ward Councillor comments:

Cllr D Firth: Requested the application be referred to planning committee for the reasons set out in the introduction to this report.

Holme Valley Parish Council: In support pending the Environmental Health report regarding noise and that the containers be painted green which would make them blend better with the surroundings.

The additional planning statement was re-advertised via a 14 day neighbour notification letter expiring 3<sup>rd</sup> March 2020.

An additional supporting statement has also been received by the agent on the 27<sup>th</sup> November 2020. Within this, four letters/emails were received from local residents outlining their support for the scheme. A summary of the comments are as follows:

- I have not noticed any more disruption than previous years of agricultural use
- The land is being used and maintained
- The site is concealed
- The newly planted trees and hedges will provide a screen to obscure any views
- The containers are not visible from the surrounding areas
- Noise is not a problem for me
- The works that have been done are a good example of how to take care for the land and rural site in the correct way
- The track is no different to many farm tracks in Holmfirth
- Its good to see a local person running a local business

This supporting statement has not been re-publicised but a redacted version has been uploaded to the Council's website.

## **8.0 CONSULTATION RESPONSES:**

**Statutory:**

None

### **Non-statutory:**

- **KC Policy:** Object in principle and consider the very special circumstances described in the supporting statement, to not clearly outweigh the impact of the development on the Green Belt.
- **KC Environmental Health:** Having assessed the submitted noise report, officers have raised no objections to the impacts in which the proposed use will have on any noise sensitive properties.
- **KC Highways Development Management:** No objections as the revised block plans show the width of the access to be wide enough for a service vehicle to be able to leave the highway, whilst the gate is being opened. Furthermore, the North block plan shows suitable parking for staff and operation vehicles and adequate space for vehicles turning.
- **KC Conservation and Design** (informal comments based a desktop study): No objection

## **9.0 MAIN ISSUES**

- Principle of development: Green Belt
- Impact on heritage
- Residential Amenity
- Highway Safety
- Other matters
- Representations

## **10.0 APPRAISAL**

10.1 The application seeks permission for the change of use of land from agricultural to storage and the processing of timber, the formation of an access track and hardstanding and the siting of 6 containers. The site is located within the Green Belt and therefore, the key consideration for the proposal is the impact of the development on the Green Belt. Other matters in relation to visual and residential amenity, noise, ecology, highway safety and the representations received will all be considered as part of this application.

*Principle of development: Green Belt*

10.2 The site is situated within the Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to NPPF Chapter 13

10.3 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. When considering any planning application paragraph 144 advises that planning authorities should ensure that “substantial weight” is given to any harm to the Green Belt. It also states “very special circumstances will not exist unless the substantial harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

10.4 The application seeks planning permission for a change of use for the storage and processing of timber, formation of access track and hardstanding and the siting of 6 containers. The development can be described as a material change of use of the land and engineering operations to form the access and hardstanding.



- 10.5 Paragraph 146 of the NPPF provides for forms of development that can be considered not to amount to inappropriate development in the Green Belt including, inter alia, engineering operations and a material change in the use of land. Such forms of development are not inappropriate providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The principle of development therefore turns on the point of whether the material change of use and engineering operations preserve openness and do not conflict with the purposes of including land in the Green Belt.
- 10.6 With regard to openness paragraph 133 of the NPPF states the government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to keep land permanently open. The essential characteristics of Green Belt is openness and permanence. Planning Practice Guidance (PPG) sets out matters to take into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to, openness having both spatial and visual aspects, the duration of development and the degree of activity likely to be generated.
- 10.7 Paragraph 134 of the NPPF sets out the purposes for including land in the Green Belt which in particular to this application means safeguarding the countryside from encroachment. Openness and safeguarding land from encroachment are the measures this development is to be assessed. If the development does not preserve openness it follows it will encroach into the Green Belt and therefore will not be supported by national planning policy.

#### Engineering works

- 10.8 The access track extends 190m from the highway, adjoining the yard in which is approximately 1500 square meters in area. It is considered the development has led to a significant amount of works to an otherwise open field, through the laying of road planings to the compound area, alongside loss gravel in which has now been compacted to form the long access track. This level of work has ultimately led to an engineering operation which in turn has a substantial impact upon the openness and permanence of the Green Belt within this location. The hard surface in particular introduces an uncharacteristic and strident feature in the once open field. Despite the hard surface not being readily viewed from the public realm its spatial impact is significant and results in demonstrable harm to the open rural character of the area.
- 10.9 While the access track is not untypical of a farm track it does result in an unnecessary feature in the field thus eroding the open visual appearance of the field.
- 10.10 The engineering operations including hard surface and access therefore unacceptably impacts upon the openness of the Green Belt and purposes for including the land in the Green Belt and are therefore inappropriate development in the Green Belt contrary to chapter 13 of the NPPF.

### Material change of use of the land

- 10.11 The engineering operations have facilitated the use of the land to site a number of containers in connection with the processing of trees and has led to the change of use of an open field to the North of Dean Road. The processing of trees is not considered to amount to a forestry use but rather an industrial process to change one product to another saleable product. While forestry uses are considered to typically involve the harvesting of trees which may involve the storage of logs, forestry uses are not considered to reasonably include the subsequent processing of trees. It is the processing use that has led to the need for containers, works and other activities subject to this application. It is clear the business use being carried out on the land to store logs cannot exist without the need to process the logs to a usable product and it is that use which results in a harmful impact upon the openness of the Green Belt. This activity leads to an impact upon the openness of the Green Belt by reason of the siting of industrial style containers and other processing activities including sawing, splitting and storage of timber produces arising from the industrial activity.
- 10.12 While the applicant has indicated the planting of trees and formation of bund will mask the containers and activities, these measures simply result from an inappropriate use in the Green Belt which, in particular to the bund, in itself also introduces an unnecessary feature in the once open field.
- 10.13 As such, it is considered that the material change of use to storage and processing of timber and siting of containers would have a significant impact on the openness of the Green Belt in this location and would be contrary to the purpose of including land within it.
- 10.14 In conclusion, the proposals are therefore considered to be inappropriate development as defined within the NPPF paragraphs 143 and 144 as harmful to the Green Belt and should not be approved except in very special circumstances.

### Very special Circumstances

- 10.15 As previously acknowledged a planning statement was submitted to the council dated the 17<sup>th</sup> February 2020, whereby the agent considers several very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and other harm. A summary of the points raised alongside officer's assessment are as follows:
1. The proposal represents a forestry operation which is considered to be acceptable within the Green Belt.
  2. The proposal supports the local rural economy, as the location of the business is a rural enterprise, that provides a service to the Holmfirth community.
  3. The site positively contributes to renewable energy by recycling it within a sustainable way.
  4. The location of the yard is vital in terms of emergency call outs, transporting timber from local sites and is in a close proximity to the applications property for security reasons.
  5. The cost of other non-green belt sites are too expensive, as the fees in industrial estates are too high to be viable for the business.

6. The impact on openness would be minimal as the site is within a discreet location with an access track, dry stone walls and evergreen screening.
  7. There are public benefits to the site, as it will be maintained and well looked after.
  8. The business has been running from a farm for the last 14 years. It is unknown if the farmer would agree a continued use and therefore the applicant looked for different premises.
  9. Containers are temporary structures which can be easily reversed.
  10. Additional trees and hedge rows have been planted to reduce noise and pollution etc.
  11. There are other examples where similar businesses are operating within the Green Belt. These include:
    - Beneficial Tree Care Ltd - The Old Stone Yard, Near Bank, Shelley, Huddersfield HD8 8LS
    - DW Tree Services - land off, Wool Row Lane, Shelley, Huddersfield
    - Flockton Hall Logs - Land off Barnsley Road, Flockton, Huddersfield, WF4 4DW
    - Holme Valley Tree Services - Woodside Quarry, Holmfirth Road, Meltham, Holmfirth, HD9 4DD
    - Totties Garden Centre and Nursery, Downshutts Lane, Totties, Holmfirth, HD9 1AU
- 10.16 The applicant therefore believes that the above comments collectively constitute to very special circumstances which clearly outweigh the harm on the openness of the green belt and that the proposal does not conflict with the 5 purposes for including land within it. However, officers are of a different opinion and therefore an assessment of each point has been taken into account below.
- 10.17 With regards to the proposal constituting to a forestry operation, officers have noted there that is no planning definition for this. However, there are examples of following appeal cases that have seen attempts made to define forestry and when forestry rights can be utilised. In East Sussex during an enforcement case (see Wealden 22/09/2004) an Inspector took the view that forestry could only take place in a "forest". This was quoted as "*a large uncultivated tract of land covered with trees and underwood: woody ground and rude pasture*".
- 10.18 More specifically, the Strathkelvin case (08/12/1992) took the stance that a "*tree surgeons use was held not to be forestry, as there was no evidence that the appellants were directly involved with the cultivation of forests or the extraction of timber from plantations...Instead, "there was tree trunks and branches stored on the site but there was no evidence that these were felled for commercial reasons, and there was no direct relationship between the source of the timber and the location of the appeal site"*
- 10.19 It has also been argued that activities involving the processing of timber are ancillary to a forestry operation. However previous cases have been dismissed at appeal against enforcement action by a council concerning alleged timber businesses in the countryside the inspector found the "*harm to the openness of the green belt and encroachment into the countryside was not outweighed by a need for a countryside location for the business, given that the operations were not ancillary to any forestry use of the land or adjoining land, the inspector withheld permission*" (Cheshire East 2/11/2016)

- 10.20 As such, officers are of the understanding that the business operates by visiting various different sites in order to fell/remove dead or dangerous trees, returning the wood to the site for processing and storage when required. The submitted planning statement also outlines that only 6% of the work is carried out at the application site (around 20 days per calendar year, whereby the actual processing of the stored cordwood is circa 5 – 6 days a year). Therefore, the bulk of the yard will be used for the storage of cordwood that is collected from a variety of different sites and therefore, is not directly related to a forestry operation. Under these circumstances it should be noted that the need for the containers and operating areas of the site including the hard surface are unnecessary for large periods during the year and as such the need for these facilities cannot amount to very special circumstances.
- 10.21 Instead, the proposal is considered to be more akin to Arboricultural work, as the majority of the works are done away from the site, with the logs then being transported, processed and stored in the yard. Therefore, it is not considered that such an operation could only take place within the Green Belt, as the use is predominantly one of storage and processing.
- 10.22 With regards to points 2 and 3, it is acknowledged that the applicant provides employment directly and through sub-contractors. In this case, the LPA accepts that the proposal provides jobs for local people and will follow the guidance set out within the NPPF and Policy LP10 of the KLP regarding economic growth within rural areas. However, from reviewing the information set out within the application form, it appears that there will be no additional employees taken on as part of moving the business to this location.
- 10.23 Instead, the business will provide services to the Holmfirth community and will contribute positively to renewable energy. However, there is no desired need for the business to be located on this land, other than the fact that the applicant owns it. For these reasons it has been considered that the proposal is unlikely to increase prosperity of the local area, that would clearly outweigh the harm to the Green Belt.
- 10.24 Consideration has also been given to points 4, 5 and 8 in terms of how the applicant came to choosing this site, due to its good location in terms of emergency call outs, costs, transporting timber from nearby locations, and the fact that the site is within a close proximity to the applicants home.
- 10.25 However, the justification provided in this instance is not considered to provide very special circumstances, as it is believed that an acceptable site could be sought outside of the Green Belt. Turning to the business's previous location, the applicant has set out that they have been running from a farm for the past 14 years, which appears to be appropriate for the company for a somewhat substantial period of time.
- 10.26 Officers remain further unconvinced that the public benefits to the site outweigh the impact. Large open fields contribute to the character of Upperthong. It is appreciated that the applicant has planted various trees and hedgerows, around the site and along the front boundary adjacent to Dean Road. However, this work does not overcome the concern raised, regarding the impact of the change of use and engineering operations which have substantially changed the previous open character of the site. The application in principle is contrary to the aims of Green Belt policy by means of encroachment into the countryside.

The existing containers also exacerbate this concern, as they have been situated on land in which was previously absent of any built form. Whilst it has been noted that these could be easily reversed, these are on site and would require some form of specialise equipment to remove them.

- 10.27 Furthermore, the agent has also drawn a comparison to other local yards in which carry out similar operations, most of which are also sited within the Green Belt. Nonetheless, some of these examples have been established under previous applications, whereby officers have concluded that the works proposed would not create a material change of use. Others appear not to have sought formal permission and will be investigated separately to the consideration of this application. One application was granted permission as the use proposed would support the wider function of an existing garden centre and therefore is considered to be an appropriate use. There were also no additional buildings required as part of this permission.
- 10.28 Having taken into account the above, the proposal is therefore considered to represent inappropriate development within the Green Belt and very special circumstances that clearly outweigh this harm and other harm have not been demonstrated. The proposal therefore fails to accord with the requirements of Chapter 13 of the NPPF.
- 10.29 A written ministerial statement in 2015 introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. The Government stated that it was particularly concerned about harm that is caused by “intentional unauthorised development in the Green Belt”. In this case it is not apparent that the unauthorised development undertaken was ‘intentional,’ as the applicant considered the development to be ‘forestry’ where certain permitted development rights might apply. In this specific case it is considered that the fact the unauthorised development has taken place does not form a material consideration weighing in the assessment of the application.

### **Impact on heritage**

#### *Setting of Grade II Listed Buildings at Hillock Farm*

- 10.30 To the South West of the application site is Hillock Farm, a historic farmstead with a small group of Grade II listed buildings dating back to the mid-18<sup>th</sup> and 19<sup>th</sup> centuries. The farm had historically been in a rural agricultural setting with scattered farmsteads and roads.

#### Significance of the affected heritage assets

- 10.31 Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of an application for planning permission on the setting of a heritage asset.
- 10.32 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 10.33 Policy LP35 of the Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.
- 10.34 KC Conservation and Design Officers have been informally consulted as part of this application, raising no objection to the scheme, as a modern half round corrugated clad agricultural building stands to the north end of Hillock Farm, in which will obscure the historic farm buildings from the view when facing south. Nonetheless, when viewed from the west along Dean Road, it appears that the farm and the application site may be seen in the context of each other, however, any impact upon its setting would be limited, as the site is situated within a dip in the landscape.
- 10.35 Having taken into account the above and the sites historical undeveloped nature, the proposal has the potential to cause slight harm to the setting of the listed farmstead. However, the planning statement identifies the proposed function of the site to recycle felled timber to provide renewable energy. Notwithstanding the principal objection to the formation of this use in the Green Belt, it is considered that the potential harm to the setting of the listed building alone could be outweighed by the public benefits provided. This would accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

### **Residential amenity**

- 10.36 The site is located within an area of sporadic, dispersed development, whereby Hillock Farm, Intake Farm and Upper Wickens are the nearest residential properties.
- 10.37 With regard to amenity, Policy LP24 advises that proposals should ensure that a high standard of amenity is achieved for future and neighbouring occupiers. Given that the proposal is for the change of use of the land from agricultural to storage and processing of timber within the close proximity to a number of noise sensitive residential properties, Policy LP52 of the KLP is also relevant. KC Environmental Health have also been formally consulted as part of this application.

### *Noise Impact*

- 10.38 As part of the application process a noise report has been submitted to the council on the 17<sup>th</sup> February 2020. This has been reviewed by the Environmental Health colleagues, in relation to the noise generated from the proposed new use.
- 10.39 The Noise Report has made an assessment of the existing background noise levels at the nearby residential properties and the noise generated by the machinery associated with wood processing. The report also states that timber processing will not be carried out on the site on a regular basis. However, this process will include the use of high powered petrol chainsaws for the larger trees, alongside electric chainsaws to cut up the cordwood into manageable rings. Once the cords have been ringed up they will be split up into segments

with the hydraulic ram log splitter powered from a Valtra tractor. The logs will then be stacked within the containers to allow them to naturally air dry before being delivered to customers. The specific hours of use for using such machinery have not been provided as part of this application, however evidence suggests that these activities are likely to take place within the hours of 8am – 4pm as set out within Appendix A of the Supporting statement.

- 10.40 Therefore, officers consider that under the normal operation conditions, as set out in the noise report, the processing of timber on this site would not have an adverse impact on the amenity of nearby residential properties. This is in accord with Policies LP24 and LP52 of the KLP.

#### *Adjacent properties*

- 10.41 There will also be no material impact on the amenities of neighbouring properties through the siting of the six containers or the storage of cordwood. This is due to the fact that a significant separation distance of approximately 100m can be retained between the nearest elevation at Hillock Farm. Intake Farm/Lower Wickens Cottage are the neighbouring properties to the North East and South East of the application site. However, it has been noted that there are a row of mature trees to the eastern boundary, in which will help obscure any impact.
- 10.42 Based on the above, officers are satisfied that an acceptable level of amenity would be retained at the neighbouring sites. This would be in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

#### **Highway Safety**

- 10.43 The retrospective application has created a new access and access track from Dean Road, to the South. As such KC Highways DM have been formally consulted. In this case, the officer has noted that Dean Road is a 60 mph, two way single carriageway, that has a width of approximately 6m.
- 10.44 The application suggests that the number of trips likely to be generated in each peak hour would be three (two arrivals and one departure), whereby highways colleagues do not consider this to have a severe impact on the operation of the local highway.
- 10.45 The vehicles to be used for the operation of the proposal site, are of the light/medium goods vehicle type and as such, would have no impact on the local highway network greater than that of a large family car/SUV.
- 10.46 The access claims to be an improvement to an existing field access but there is no evidence that this access existed prior to the development taking place. The required length of visibility splay for a road set at the national speed limit is 2.4m x 125m. The block plan south shows visibility splays of 200m to the right and 50m to the left, this latter splay is below the recommended safe distance and may result in an increased possibility of highway safety issues. However, due to the very low number of movements expected from the access and the fact the site has been operating safely for some time, combined with the number of other agricultural and field accesses in the area, officers on balance, considered the proposed access to be acceptable.

- 10.47 The submitted block plan south, also shows the access to be widened to 7m and extends back 12.5m. This would allow service vehicles to be able to leave the highway while waiting for the gate to be opened in order to avoid any obstruction and to reduce highway safety concerns. Whilst this would improve highway safety, it would cause further harm to the openness of the Green Belt.
- 10.48 The revised block plan north shows suitable parking for staff and operational vehicles and adequate space for turning, so the vehicles can enter/exit the site in forward gear.
- 10.49 Therefore, the impact of the development on highway safety has been assessed against Policies LP21 and LP22 of the Local Plan, which seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Based on the submitted details the proposed would accord with the aforementioned policies.

### **Other matters**

#### *Climate change*

- 10.50 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.51 In this case, it has been considered that the proposed development would have a negative impact on climate change, as it has resulted in the partial re-development of a greenfield site, in order to create an area of hardstanding for the commercial use. The processing and re-use of timber for other purposes is beneficial for climate change, but this could take place on an alternative site that would not require the use of greenfield land.

#### *Biodiversity and trees*

- 10.52 The site was previously an open agricultural land which is considered to be of low ecological value. The development proposed would not include the cutting down of any existing trees to the North and East of the site, and therefore the impact on biodiversity would be neutral.

### **REPRESENTATIONS**

- 10.53 The application has received 17 representations, 13 of which are in objection, 1 general comment and 3 in support. A summary of the concerns alongside officer correspondence can be found below.



## Objections

### Principle of development

- The principle of development is unacceptable
- The very special circumstances do not justify/overcome the concerns raised
- The site can be relocated outside of the Green Belt
- The activity does not constitute forestry
- An industrial process needs to be on a brownfield site or to be within an industrial estate
- It's a waste recycling process
- The Green Belt is not suitable for commercial activity
- This land should remain untouched

*Comment: These concerns have been noted as assessed within the report above.*

### Highway safety

- Concerns regarding the access and highway safety
- The application is misleading as no access improvements have been made, as there was no original access
- The existing road is narrow and in some cases in a despair state, therefore additional traffic will further impact upon this

*Comment: These concerns have been acknowledged by KC Highway DM and assessed in the Highway Safety section above.*

### Noise disturbance

- Concerns raised with the findings of the noise report

*Comment: The noise report has been carefully assessed by KC Environmental Health and assessed in the residential amenity section above*

### Trees, biodiversity and wildlife

- Impact from transporting diseased trees
- Concern over noise for residents, wildlife and users of the area

*Comment: These concerns have been noted and assessed in the report above*

### Visual amenity and heritage

- The design of containers are not in keeping or sensitive to the local area
- The appearance of the track is not an improvement
- Negative impact on Listed Building

*Comment: A full assessment of these concerns have been undertaken in the report above.*

### Residential amenity

Potential health implications for neighbouring properties due to the smoke  
*Comment: The impact upon the amenity of neighbouring dwellings has been assessed thoroughly above. Environmental Health would be responsible for dealing with complaints regarding nuisance smoke under the Environmental Protection Act.*

## General concerns

- The second round of publicity is not long enough  
*Comment: This has been noted, however officers considered 14 days to be an acceptable length of time for neighbours/interested parties to comment on the supporting statement.*
- No details to where the crushed stand stone is from  
*Comment: Such details are not considered necessary in the determination of this application.*
- Retrospective planning application  
*Comment: This has been noted. The application has been considered on its own merit. The fact that this is a retrospective application is not material to the assessment of the proposal in this specific case,*
- There is a likelihood of expansion if planning is approved  
*Comment: The application is considered on its own merits.*
- The planning statement is trying to justify unauthorized works  
*Comment: This has been noted.*
- There will be additional waste provided  
*Comment: Having reviewed the submitted planning statement, it appears that there would be limited waste as the product is recycled.*
- The site needs returning to the hay meadow  
*Comment: This has been noted.*
- Larger piles of the materials are visible to the public  
*Comment: This has been noted.*
- Will there be a welfare cabin for the workers?  
*Comment: The submitted plans do not show additional accommodation for the workers.*
- Impact on house values  
*Comment: This is not a material planning consideration and therefore cannot be assessed as part of this application.*
- If planning is approved will housing be developed?  
*Comment: The application is considered on its own merits. This does not include residential development.*
- The village is losing its rural feel  
*Comment: This has been noted.*
- Unseen planning application notice in area  
*Comment: A site notice has been erected on the lamppost next to the access for the site.*
- Our concerns were initially logged to enforcement  
*Comment: The enforcement history of the site is set out in the report above.*

- Description of development does not include access opening  
*Comment: Officers consider the description of development to incorporate all the works in which the applicant is seeking approval for.*

#### General comments

- No objection in principle, as the works are carried out in accordance with rural commercial activity
- My only concern is noise pollution and this can be controlled by working hours on a trial basis  
*Comment: These comments have been noted.*

#### Comments in support of the scheme

- No structure is visible
- Owner has planted trees to enhance the landscape
- The small business will positively contribute to the local economy
- The scheme provides an improvement to the area through a thoughtful and practical use
- Bringing industry and vitality to the area is a good thing
- Productivity of the fields concerned will be improved
- No negative impact as the premises are shrouded and almost invisible  
*Comment: These comments have been noted.*

#### Comments in support of the scheme submitted via the supporting statement from the agent dated 27<sup>th</sup> November 2020

- I have not noticed any more disruption than previous years of agricultural use
- The land is being used and maintained
- The site is concealed.
- The newly planted trees and hedges will provide a screen to obscure any views
- The containers are not visible from the surrounding areas
- Noise is not a problem for me
- The works that have been done are a good example of how to take care for the land and rural site in the correct way
- The track is no difference to many farm tracks in Holmfirth
- Its good to see a local person running a local business  
*Comment: These comments have been noted.*

#### Ward councillor comments

Cllr Firth: The site is appropriate for this type of use, as it would not be readily visible from public vantage points. The owner did not apply for planning permission because Agriculture and Forestry go hand in hand. If this is refused four workers will lose their jobs, and as a Councillor that doesn't sit very well with me.

*Comment: The application has been treated on its land use merits, whereby officers consider the use to contribute to inappropriate development within the Green Belt. In the case of a refusal, the requirement for the applicant to find new premises would be taken into consideration when determining an appropriate period for compliance with any enforcement notice served.*

Cllr Patrick: The application has come about following complaints from neighbours. It is retrospective and as far as I can tell the applicant has offered nothing different in terms of conditions to change what happens on the site. I am not convinced by the noise report and the suggestion that electric chainsaws are used. I think the neighbours can tell the difference between the noise emitted from a petrol chainsaw and the noise emitted from an electric chainsaw.

*Comment: These concerns have been noted and the impact upon residential amenity has been thoroughly assessed within the report above, including the submission of a noise report.*

## **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. In this instance, the proposal would not accord with the aims of Chapter 13 of the NPPF. The application of policies in the NPPF that protect areas of particular importance, in this case Green Belt, provides a clear reason for refusing the development proposed.
- 11.3 Members are requested to accept the officer recommendation and authorise the Compliance Team to proceed with action to rectify the breach of planning control.

### **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/93124>

Certificate A has been signed.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Dec-2020

Subject: Planning Application 2020/91146 Outline application for erection of residential development land west of, Wesley Avenue, Netherthong, Holmfirth, HD9 3UL

#### APPLICANT

Fairbank Investments Ltd

#### DATE VALID

15-Apr-2020

#### TARGET DATE

15-Jul-2020

#### EXTENSION EXPIRY DATE

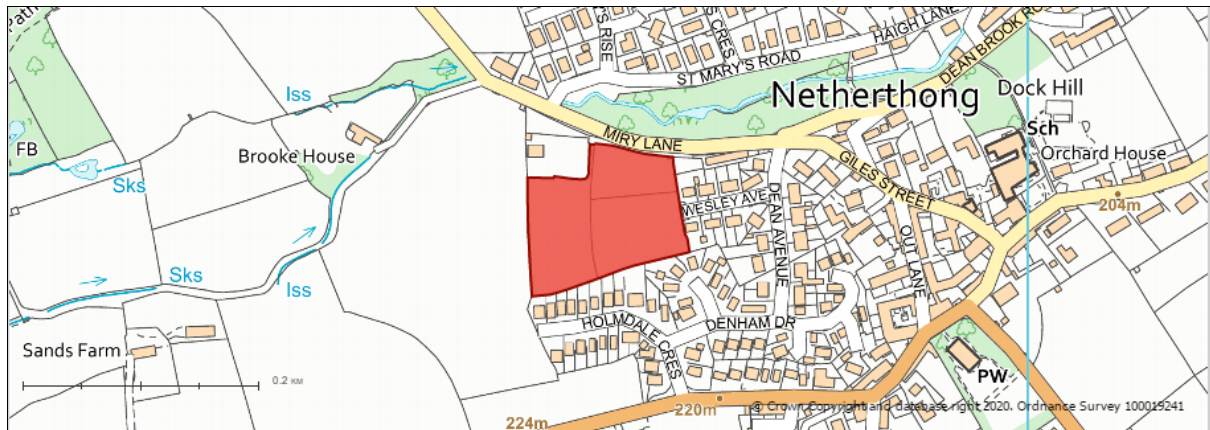
29-Jan-2021

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

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

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral wards affected: Holme Valley South**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

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

- 1) Affordable housing – 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing;
- 2) Open space – contribution to off-site open space to be calculated at Reserved Matters stage based upon the level of on-site provision at that time;
- 3) Education - additional places would be required at Netherthong Primary School and Holmfirth High School with the contribution to be calculated at Reserved Matters stage based upon the projected numbers at that time;
- 4) Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals;
- 5) A contribution to sustainable transport methods to be determined at Reserved Matters stage (Indicative contribution of £14,833.50 based on 36 dwellings).

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

**1.0 INTRODUCTION:**

- 1.1 This application seeks outline planning permission for the residential development of a site allocated for housing within the Kirklees Local Plan. The application is submitted with all matters except access reserved. The supporting statements are based upon a capacity of up to 36 dwellings.
- 1.2 In accordance with the Council's Scheme of Delegation, it is brought to this Sub-Committee due to the significant volume of local opinion on the proposal.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site lies on the western edge of the settlement of Netherthong. It is a Greenfield site that extends to 1.22 hectares. It is broadly 'L' shaped in form and presently constitutes three fields/paddocks used for grazing. Along its northern boundary, the site adjoins Miry Lane and the garden to The Old Parsonage, a detached dwelling set within generous grounds (this property is

noted on the O.S. Map as the Vicarage and referred to as both in this report). Wesley Avenue lies to the east and the site physically adjoins the gardens of 11 and 12 Wesley Avenue and the detached property at 5 Miry Green Terrace. The rear gardens of properties on Arley Close and Holmdale Crescent adjoin it to the south with open fields within the Green Belt to the west.

- 2.2 The character of the site is presently that of an open field with natural stone walls to its perimeter. Topographically, it slopes gradually from the south towards the north before falling more steeply towards Miry Lane. Mature tree planting exists within the garden of The Old Parsonage, which are protected by a Tree Preservation Order (TPO). There is a sycamore and oak along the boundary with Miry Lane within the site and a further group of trees along the southern boundary.
- 2.3 The prevailing context of the residential dwellings that bound the site to the south and east on Wesley Avenue, Holmdale Crescent and Arley Close is circa 1960s modern housing development. The properties comprise a mixture of detached bungalows and detached and semi-detached two storey houses constructed mainly in brick and artificial stone. These dwellings have a clear planned form. They are typically set back from the road along a broadly consistent building line with mature front gardens that are either open or bounded by a low stone wall with generally longer gardens to the rear.
- 2.4 Along Miry Lane and within Netherthong are more traditional stone dwellings. Opposite the site on Miry Lane is an area of protected woodland, which is part of a Wildlife Habitat Network. These areas, along with the Old Parsonage, fall within the Netherthong Conservation Area (CA), which adjoins the site boundary to the north/north-east.
- 2.5 The application site is identified as a Housing Allocation (HS184) within the Kirklees Local Plan Site Allocations and Designations (February 2019). It is referenced as '*land to the West of, Wesley Avenue, Netherthong, Holmfirth*'. The site allocation refers to a gross site area of 1.24 hectares, a net site area of 1.09 hectares and an indicative capacity of 38 dwellings.
- 2.6 The Site Allocation confirms that the developable area is reduced to reflect the steep part of the site and to preserve the setting of the Netherthong Conservation Area, which adjoins its boundary to the north and north-west. As a consequence, it identifies a site specific consideration that the northern part of the site, immediately adjacent to Miry Lane, should remain open to safeguard the setting of the Conservation Area. In terms of constraints, the Site Allocation refers to limited surface water drainage options, third party land required to achieve a drainage solution and that the site is close to a Conservation Area.

### **3.0 PROPOSAL:**

- 3.1 This application seeks outline planning permission for the residential development of the site for up to 36 dwellings. All matters except access are reserved for future consideration. The Town and Country Planning (Development Management Procedure) Order 2015 (Article 2) defines access as the following:

*'Accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.*

This application therefore seeks to consider the principle of residential development and the means of access only. The agent has clarified that access, for the purpose of this application, is the means of access 'to' the site and not 'within' it.

- 3.2 Matters of layout, including the provision of access within the site, the appearance of the dwellings, their scale and landscaping (the Reserved Matters) are therefore reserved for future consideration. Accordingly, such matters do not form part of the assessment of this proposal.
- 3.3 Vehicular access would be taken from Wesley Avenue as an extension to the existing road. Wesley Avenue is currently a cul-de-sac, with a carriageway width of approximately 4.9 metres serving 12 residential properties and a turning head at the end, in front of Nos. 11 and 12 Wesley Avenue. The turning head would become redundant as a result of this development and the vehicular access would continue from Wesley Avenue along a broadly straight alignment.
- 3.4 The application is supported by a Design and Access Statement and an indicative site plan. As originally submitted, this indicated the provision of 36 dwellings. It was subsequently revised in the course of the application to 33 dwellings following initial comments made on the layout and also in response to matters raised by Highways with regard to the access into the site. However, layout is a Reserved Matter so that the number of dwellings remains purely indicative. Furthermore, the supporting documents, including the Transport Statement and the assessment of traffic generation, have been based upon a maximum of 36 properties. Consequently, 36 is the maximum number of dwellings to be assessed as part of this application.
- 3.5 For information, the illustrative layout shows that the initial section of highway would be a traditional residential estate road. Within the site, the road hierarchy would then change to a shared surface. It would incorporate turning head(s) within a cul-de-sac(s) arrangement to serve the properties. In terms of housing type/mix, the illustrative scheme indicates the provision of a range of 2, 3 and 4 bedroom units.
- 3.6 The applicant has also submitted a parameters plan to identify specific site constraints to be taken forward into the layout to be submitted at Reserved Matters stage. This includes the retention of the open land to front of the site to safeguard the setting of the Netherthong Conservation Area, ensuring that no gardens are wholly or substantially within the root protection area of protected trees (to maintain a satisfactory distance between them) and to ensure that appropriate regard is had to the living conditions of existing and future occupiers.

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

- 4.1 There are no recent planning applications on the site of relevance to this proposal.



- 4.2 It is noted, however, that as part of the consultation exercise, local residents have made reference to previous planning appeal decisions on the site, including the following:

APP/5113/A/76/1174 (1976)

An outline application for planning permission was refused by Kirklees on 8<sup>th</sup> August 1975. It is understood that the subsequent appeal was dismissed on the grounds that development on the site would be injurious to the rural character of the area; insufficient access from the existing streets and that the road to the side of the site would be incapable of taking the increased traffic that new development would bring.

APP/5113/A/79/2558 (1980)

This appeal related to an application for outline planning permission refused on 25<sup>th</sup> August 1978 (78/60/04313/CL). It is understood that the refusal related to the fact that the site lay outside an area allocated for residential purposes at that time, that it would represent an undesirable extension of development from the village in a prominent location and that it would increase the concentration of traffic in the vicinity. The residents advise that this appeal was dismissed on the grounds that the roads within Netherthong were deemed too narrow and any increase in the number of vehicles using these roads could result in the risk of greater problems between pedestrians and vehicles.

- 4.3 Whilst a previous appeal decision(s) is capable of being a material consideration, these are over 40 years old. Consequently, there has been a clear material change in circumstances, principally with regard to planning policy, which has altered significantly since their determination. Both decisions obviously pre-date the Local Plan (2019), the National Planning Policy Framework (NPPF) (originally published in 2012) and National Planning Policy Guidance (2014-2020). As a result, it is considered that these previous appeal decisions attract no weight in the current decision-making process.

- 4.4 It is acknowledged that there have been other more recent residential developments within Netherthong. These include the following:

2018/90192 and 2019/92879: Land adjacent to 8 Miry Lane, Netherthong.

This is a development of 22 homes with the initial application approved by the Huddersfield Sub-Committee on 17<sup>th</sup> May 2018. This development is currently under construction.

2013/93271: Land off St Mary's Avenue: Outline application for the erection of residential development)

This outline application was refused by the Huddersfield Sub-Committee on 3<sup>rd</sup> April 2014. It was refused, against a positive Officer recommendation, on the grounds that it would not constitute sustainable development because the site lies in an area of restricted accessibility, resulting in an over-reliance on the use of the private car which was considered undesirable in this location given the restrictive nature of the local highway network. It was also considered to result in an increase in traffic on the local highway network, to the detriment of highway safety, given the roads in the vicinity of this upland settlement have not been designed to modern highway standards.

This decision was appealed (APP/Z4718/A/14/2219016). The Inspector subsequently allowed the appeal in July 2014 and granted outline planning permission. In her decision, which was determined with regard to the National Planning Policy Framework, she concluded, amongst other matters, that the site was adjacent to the built edge of the village and not geographically isolated from other housing. She acknowledged that future occupiers could access some local services by sustainable means but recognised they would also be reliant upon the private car for a proportion of essential trips outside the village. With regard to highway safety, the Inspector noted that Netherthong has a traditional pattern of narrow and steep lanes, which is typical of many villages in the locality. However, taking into account the position of the development and the limited number of additional vehicles the proposal would add to the village overall (25 two way peak hour movements in the morning (0800 to 900) and 27 movements in the evening (17.00 to 18.00)), she concluded that the proposal would not be detrimental to highway safety in the village.

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

5.1 In the course of the planning application, the applicant has been asked to provide some additional information/clarification in response to statutory and non-statutory consultation responses. This led to the applicant revising the indicative site plan from 36 dwellings to 33 dwellings, which also remains illustrative at this stage. Other revisions to the scheme included the following:

- Extinguishment of the hammerhead element of the carriageway relating to the existing turning head on Wesley Avenue to provide a more standard estate road design;
- Provision of a footway into the site;
- Further drainage information about flow routing through the site and the condition of Dean Brook (watercourse);
- Submission of an Arboricultural Method Statement;
- Provision of a parameters plan to identify key constraints to be addressed at Reserved Matters stage.

## **6.0 PLANNING POLICY:**

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

### Kirklees Local Plan (2019)

6.2 The site is allocated for residential development in the Local Plan (Site Reference HS184) with an indicative capacity of 38 dwellings. Identified constraints are cited as limited surface water drainage options, third party land required to achieve drainage solution and that the site is close to a Conservation Area.

6.3 The following policies are most relevant to the consideration of this application:

- LP1** – Presumption in favour of sustainable development
- LP2** – Place shaping
- LP3** – Location of new development
- LP7** – Efficient and effective use of land and buildings
- LP11** – Housing mix and affordable housing
- LP20** – Sustainable travel
- LP21** – Highways and access
- LP22** – Parking
- LP24** – Design
- LP26** – Renewable and low carbon energy
- LP27** – Flood risk
- LP28** – Drainage
- LP30** – Biodiversity and geodiversity
- LP32** – Landscape
- LP33** – Trees
- LP34** – Conserving and enhancing the water environment
- LP49** – Educational and health care needs
- LP51** – Protection and improvement of local air quality
- LP52** – Protection and improvement of environmental quality
- LP63** – New open space
- LP65** – Housing allocations

#### Neighbourhood Development Plans

6.4 Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

#### Supplementary Planning Guidance / Documents:

6.5 The most relevant SPG/SPD document is the following:

- Highways Design Guide SPD (2019)
- Kirklees Interim Affordable Housing Policy (2020)
- Providing for Education Needs Generated by New Housing (2012)

#### National Planning Guidance:

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

- Chapter 7:** Requiring good design
- Chapter 9:** Promoting sustainable transport
- Chapter 11:** Conserving and enhancing the natural environment

6.7 The following national guidance and documents are also relevant:

National Design Guide (2019) - The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. It will be more relevant at Reserved Matters stage having regard to layout, appearance, scale and landscaping.

#### Climate change

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

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

7.1 The application was originally advertised as a major development in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) by means of site notices and a press notice in the Huddersfield Examiner (8 May 2020). It was also advertised by means of direct neighbour notification letters that were sent on 28 April 2020. A total of 180 representations were received objecting to the development.

7.2 There is no statutory requirement under the DMPO to undertake any further consultation on revised proposals. Nonetheless, letters were sent to all interested parties on the revised layout (albeit illustrative), additional drainage details and Arboricultural Method Statement. A further 27 objections were received.

7.3 In total, there have been 207 letters of objection to this proposal. The representations can be viewed in full on the Council's website at <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91146>. A summary of the issues raised in the responses is set out below:

#### Highway and Transport Issues

- There is no access agreed to the site. The two houses that own the boundary land at the end of Wesley Avenue adjacent to proposed access point. Why is this planning application being considered when there is no guarantee that the site can be developed even if planning is granted?
- The roads are not big enough for the extra traffic;

- There is a very steep access road to Oldfield, which is not fit for extra traffic;
- The roads away from the site have no footpaths so children leaving for school in the morning have to walk on the road creating a safety issue;
- Every road that enters and exits the village is currently without a pavement and there is no provision for this to be changed;
- The rural approach to the village is unlikely to benefit from the Meltham road. Buses already struggle to get through the village and public transport is already under strain both in its operation but also on the impact of the village flow;
- Major congestion issues already at the Church St, New Road, Town Gate junctions;
- Roads around Netherthong are in very poor condition;
- Already too many cars through the village;
- Access would put pressure on the road through the Denholm estate and with the added pressure of the Miry Lane development, in addition to the amount of traffic that has grown since the Cricketers development;
- The road networks of Netherthong are not suitable for a further increase in cars. The 30 new houses in Deanhouse (plus a further 22 on at Mary's) have contributed to the situation worsening;
- The approach to this development would be through an existing estate, which lacks sufficient parking as it was built prior to 2 car ownership per house so parked cars would make the approach difficult;
- The school is oversubscribed and cars within the village at both morning and afternoon drop off and pick up can lead to complete gridlock which can cause issues for 20-30 minutes either side of the school day. There is no more capacity for more children and more cars;
- The documents talk about access for walking and cycling - it fails to mention Netherthong is on top of a hill, most people do not cycle or walk from Netherthong, car ownership is a necessity to live in this village;
- The proposal will double or triple the number of people using Wesley Avenue, which is already too narrow;
- Since the field at the end of Saint Mary's Avenue was built ( by Jones homes) the traffic has been horrendous and speed of traffic is an issue;
- The planning for houses was put forward in the late 1970s and was turned down because Wesley Avenue is not wide enough restricting access. Nothing has changed since;

- All the link roads into the village are very narrow and originally used by horse and cart built in the 17 and 1800s. Nothing has been improved on them since and no pavements added;
- The Travel Plan does not reflect people's habits. People use their cars and will continue to do so in such a rural area;
- Buses are limited;
- There will be an unacceptable impact to the residents of Deyne Avenue estate but particularly to the residents of Wesley Avenue. 36 houses will produce at least 60 cars. (journeys in and out likely to be at least 2 per day per car plus other vehicles would mean at least another 100 cars down Deyne Avenue and along Wesley Avenue;
- Wesley Avenue is very narrow. All residents have to park on the roadside due to the steepness of the driveways to their homes. They have to park well onto the footpath to ensure delivery, emergency, refuse and other cars can access houses at the closed end of the Avenue;
- Planning was refused in Aug 1978 on 2 of the 3 fields and refused again on appeal in March 1980 after being referred to the building inspector. The roads have not altered or been improved since then. And to make matters worse, 30 more homes have been built at the Orchards and 22 are in the process of being built on Miry Lane;
- The strip of land at the end of Wesley Ave is understood to be privately owned and unless the owners have sold the land (and we are informed that they have not) then the development cannot be entered by way of Wesley Avenue;
- The TA states that there are a wide range of amenities within walking distance including Holmfirth, Aldi, Lidl and the Co-op Foodstore. Is it realistic to see residents shopping at any these stores and then walking up New Road to an estate on the other side of Netherthong Village with their shopping?
- The number of trips made by public transport is modest and can easily be accommodated within the existing structure. They could well be right as most bus trips are made by empty buses which in turn proves that people don't travel by bus anymore, they travel by car;
- The proposed development does not have immediate access to good, main roads. All its traffic will funnel onto Wesley Avenue, Dean Avenue and Holmdale Crescent, which are only distributor roads lined with houses. They are steep and winding, unsafe and unsuitable for more traffic;
- None of the three roads from Netherthong down to Huddersfield Rd have a pavement for pedestrians or any kind of speed control. This is a serious safety concern and it feels very dangerous as a pedestrian;

- Access to the village as a whole has its challenges, every road except Moor Lane is a single track road or so narrow oncoming traffic is required to pull over at passing points. Winter access is further hampered by regular flooding and snow drifts;
- There are three viable routes to walk out of the village. Two at Dean Bank Rd and Thong Lane have no pedestrian or speed control infrastructure. Thong Lane, the walking route to and from Holmfirth High School, has a blind walled corner half way down that is currently covered in broken glass from accidents. Ironically it has just been resurfaced, increasing the traffic speeds noticeably. The third route is New Road, which has a token white painted line for pedestrians;
- Parking in the village is already a massive problem and I think that extra housing would exasperate this causing even more problems for pedestrians;
- The centre of the village at the church is already a pinch point with a single lane at one point and when cars are parked outside the church, another single lane is created;
- The proposed access to this development is unsuitable due to the narrowness of the road and the lack of off road parking for residents;
- All access roads into the village are small narrow roads and already require vehicles to stop and pull in to pass each other;
- The proposed access road, Wesley Avenue is narrow - it is 1.1 metres narrower than the access roads to the two recently allowed developments and would create major problems for both existing residents and new families;
- It is virtually impossible for cars belonging to residents on the North side of Wesley Avenue to park on or access their "drives" because of the steepness of the gradient forcing them to always park on the road carriageway.
- An increase in traffic from this development and 2 recent developments is going to put added pressure on the B6107 and the A6024;
- There is only one bus per hour to Huddersfield and Holmfirth (308) and 1 mini bus per hour to Holmfirth or Slaithwaite (335). Honley to Holmfirth 2 per day (309). No evening services and No Sunday service. Nearest railway station is 3km. at Brockholes, a good 30 to 40 min walk away;
- Traffic levels are already too high and at school times you cannot travel around the village for people not living in the village coming to pick children up. The Council need to consider yet again to make the village one way on Giles Street and Outlane;
- Wesley Avenue is unsuitable as an access road, measuring approximately 5m. Residents have to park partly on pavements as drives are too steep and narrow for modern day vehicles, thus making

this a single track road, leaving sufficient room for emergency vehicles and refuse collections. On occasions delivery vehicles have to block this road;

- The roads are constantly full of pot holes from the significantly increased traffic over the last few years, It is almost impossible to park within 10 metres of our own house in the centre of the village, which makes carrying heavy loads for my work very difficult, and causes constant friction between neighbours;
- The road through the village should be a 20mph limit already;
- There is heavy traffic coming through the village already, up New Road past the Londis shop as a cut through, and sometimes up Thong Lane when a sat nav has guided an enormous truck up the wrong way. It is a lovely village to live in but it already has its issues with the number of people passing through on a daily basis;
- It is now quite dangerous to be a pedestrian or cyclist in the village at school pick up and drop off times;
- Moor Lane, Dean Brook Road, New Road and Thong Lane have no pavements to offer protection to a pedestrian or cyclist and they are inundated with cars parking making the road impassable on foot.;
- The historic Netherthong 10k route, starting at school and running up Moor Lane and around the village area, is now proving quite dangerous with the amount of cars using the village roads and none of the roads have pavements;
- Object to more houses being built as this will increase traffic and reduce personal active modes of transport and discourage parents from encouraging their children to walk or cycle to and from school, or just simply go out for a nice jog around the village;
- Transport survey inaccurate and biased towards its' financier. Public transport is unreliable and stops at 6pm or before in inclement weather;
- What diversions, tactical slowing down, tactical restriction of vehicle size or easing of congestion can be provided to the lanes in the village centre, Dean Avenue and Denholm Drive to offset the additional local road use as a result of this development?
- The developers Transport Statement states only one incident in the past 5 years; this is no way able to represent the change in traffic volume and the problems this causes in the village on a daily basis. There are many incidents of grid lock around the Church and the shop, which often leads to ill-judged and sudden movements;
- The state of the roads in Netherthong is poor and this development will add to wear and tear. The site traffic and extra volume from the development at St Mary's has left damage for all to see in this area and others;



- Thong Lane is another route into Netherthong, it is narrow fast, has poor forward visibility and no footpath. This is the route that the kids of Netherthong use to walk to Holmfirth High School.
- Moor Lane is not safe to walk along. It “pretends” to be a two way road. It isn't. It just has lines down the middle of it.
- It cannot be assumed that people buying the new houses will walk to all the amenities proposed. No one with a car would walk 1.5k to do a family food shop and be able to carry it 1.5km back up hill;
- As there are no suitable roads for the huge construction vehicles, traffic is regularly at a standstill and even the weight of general traffic means vehicles having to travel on small or no pavements. Emergency vehicles needing access would be regularly blocked as everything comes to a standstill;
- If children going to school from this proposed estate were to walk they would need to walk down Dean Brook Road with no pavement, and then up the steps, or up Giles Street and onto Church Street, both of which have tiny or no pavements;
- The application states that there are bus stops on Wesley Avenue which is not the case, the bus is a hail and ride service on Dean Avenue;
- People do not walk to the doctors or to the supermarket and most people use their vehicles for such journeys so the argument that people will walk and not use their cars is not accepted;
- The width of the carriageway on Wesley Avenue does not appear to support a housing development as it only measures 5 metres wide. To service the number of properties the carriageways are normally 5.5 metres in width at least, which is the standard width for housing estate roads;
- At the bottom of Dean Avenue if you are traveling north at the crossroads with Miry Lane and Deanbrook Road there is very poor visibility and is a grave traffic concern as cars traveling could easily have an accident due to this poor visibility. Due to the steep incline also at the junction at the end of Dean Road when it is poor weather conditions it is also an accident hazard;
- The local school already asks parents to use a one way system around the school at drop off and pick up time. This is not always adhered to and frequently there are traffic blocks on School Street and Giles Street because of this;
- The transport statement (3.31) states a road width on Wesley Avenue of 4.9-5m when, in fact, this is actually 3.2 metres between the parked cars. Furthermore, it narrows the pavements to half the stated 1.8 metre width;

- The transport statement (3.32) states that Wesley Avenue then joins Dean Avenue which shortly forms a minor crossroads with 3 other roads. What it fails to say is that the other roads (Dean Brook Road, Miry Lane and Giles street) all have no pavements, minimal if any street lighting and that the line of sight at the bottom of Dean Avenue is poor encouraging vehicles to pull forward of the junction;
- If you exit Wesley Avenue and go the other way it joins the B6107, only traffic heading to Meltham or Manchester would turn right here, all other traffic for Holmfirth would head through the narrow village streets where pavements are less than 0.5 metres in places;
- The Multimodal computer generated predictions (section 6) claim that only an increase in cars of 26.9% and 33.3% respectively is to be expected between 8am-9am and 5-6pm. This is because 33.3% of new residents would be walking, cycling or taking public transport. This is wholly inaccurate, walking to and from Netherthong from Holmfirth, Thongsbridge or Brockholes/Honley involve walking down New Road, Thong Lane or Dean Brook Road all of which have no pavements, lots of traffic and parked cars, so residents very rarely walk these routes now because of these well-known safety issues;
- Public transport has been cut to the village due to lack of use because it simply is not fit for purpose. If people wanted to use the train they would still have to drive through the village to get to Brockholes station where there is no parking;
- In reality 36 houses, two cars per household - 72 cars likely to be making their way through the village in peak times;
- To reach any of the local cycle routes it would be necessary to go on Moor Lane, which has the problem of stretches where two cars cannot pass and blind corners, or negotiate Holmfirth centre (always congested with HGV's and cars) via New road so that the option of commuting anywhere from Netherthong by bike would be for the very few confident cyclists only;
- The transport report suggests that there will be a car journey to or from the site every 2.4 minutes. That is 25 cars an hour passing down Wesley Avenue at peak times, on what is currently a quiet cul-de-sac;
- The traffic assessment is based on data before the latest developments have even been occupied by new residents and their vehicles, and hence is meaningless;
- The development makes a significant provision for motor cars with parking on many plots for as many as three cars at a time. This will encourage up to 100 extra cars in the local area, making journeys to and from work, school, local supermarkets, shops, services etc. Until local public transport services are vastly improved to take people to Holmfirth, Huddersfield and beyond the village will remain in the grip of the motor car;

- Inaccuracies in the TA e.g. Moor Lane does not have a junction with Dean Avenue and neither does Holmdale Crescent as suggested in TA;
- The phrase "one minor arm" to describe the Dean Avenue element of the junction with Miry Lane, Giles Street and Dean Brook Road is misleading. Dean Avenue is steep at that point and that junction is exceptionally difficult to negotiate when approaching down the hill;
- With five four-bed properties planned, along with 22 three-beds and nine two-beds - plus seven visitor parking spaces - that means the developers are already providing parking for an extra 84 vehicles. That's 84 extra vehicles, with all their noise and pollution, moving in and out of Wesley Avenue;
- This application will severely impact on the road network and should be rejected on that basis alone having regard to guidance within the NPPF;
- The road traffic collision data is for the most recent 5 year period available (2014-2018). However, this is two years old and in no way reflects the highway safety issues that current exist in the village - particularly since the building of The Orchards;
- The TRICS information supplied by Sanderson to back up their Multi-Modal transport data appears to have been collected largely from very flat areas of the country, bearing no resemblance to the situation in Netherthong;
- The developer and Sanderson point to bus services 308, 309 and 335 and, interestingly, the fact they don't make any comment on the limited frequency of the services speaks volumes for how poor the bus service to the village actually is. At best the services run only hourly, while the 309 is scheduled just twice a day;
- The Crashmap data results are only concentrated on a small area and do not include the whole of the section of Dean Brook Road where the 60mph speed limit operates, nor do they include the whole length of Thong Lane down to where it intersects with the main Huddersfield to Holmfirth Road (A6024). These are the two roads leading out of the village that are routinely used, along their entire lengths, by children walking to Holmfirth High School and by commuters in their cars;;
- The traffic report does not include pedestrian deaths and injuries on the roads into and out of the village and so minimises the 'picture' of threat to pedestrian safety;
- The claim in the Sanderson report that Huddersfield lies within a 31 minute cycling radius of the proposed development site requires detailed scrutiny. Whilst the journey (downhill) to Huddersfield, along the A6024 Huddersfield/Holmfirth Road, is just about doable within 31 minutes, it would take well over an hour for a relatively fit cyclist to ride back to the site from Huddersfield;

- There are several narrow residential roads (where it would arguably be unsafe to drive at the limit of 30mph) between Moor Lane and the site, which have been overlooked in the transport statement. While Miry Lane may be national speed limit, it is a single-track lane of the narrowest kind, not a realistic through road for traffic to this development;
- The ratio of 7 visitor spaces to 36 homes is not sufficient. Excess visitors will resort to parking on pavements and other narrow streets, something which is already an issue for access and visibility in the immediate area;
- The idea that we should all walk for short journeys is a fine and noble one, but is not a realistic model of what actually happens and should not be used to support a planning application
- It is disingenuous to suggest that the village is serviced by adequate public transport links or safe and well-serviced pedestrian and cycling options;
- Whatever the planners alter on the site, the fact remains that the entrance along Wesley Avenue is still only 4.9m wide and is invariably parked up with cars because of the steep slope that they are built on and the inability to park in the garage;
- Wesley Avenue cannot be used as a means of access for this housing development as it would contravene Kirklees Council's own rules due to the road being too narrow;
- Kirklees rules state that connector roads (those serving the same development beyond Wesley Avenue) need to be 6.75m in width. All of the roads within Netherthong, beyond Wesley Avenue, which act as connector roads to main roads are narrower than 6.75m in width ranging from 3.52 (Miry Lane) to 4.92 (Dean Brook Road);
- Given the narrow width of Wesley Avenue, it is considered that the free flow of traffic to and from the site would not be possible. The proposed access would therefore be detrimental to highway safety and does not comply with Policy LP21;
- Residents rely on being able to park their cars on the street particularly in winter, due largely to the narrow and steep nature of the driveways (see photograph below). It would therefore not be reasonable to restrict the current parking arrangements for the existing residents and visitors of Wesley Avenue e.g. yellow lines, to overcome the issues surrounding the existing carriageway width;
- One additional vehicle every 2.4 minutes (based on 25 2-way movements in each peak hour) along a presently relatively quiet residential area should not be considered a modest amount of additional traffic;
- The visibility at the junction where Dean Avenue meets Miry Lane is exceptionally poor, particularly the left splay, which is virtually zero;

- The TA fails to provide any indication of the key factors that will either encourage or discourage walking, such as the safety and convenience of such routes, as the Inspector highlighted in the 1980 case when there was far less traffic on the roads;
- The Council's Highway's department have offered no comments on the site's accessibility by non-car modes of transport;
- The existing highway network is unsuitable to accommodate any further increases in the volume of traffic in the area, in particular Wesley Avenue. Any such increase would be of detriment to highway safety in terms of congestion and the free flow of traffic, and the potential increase in the level of accidents due to narrow streets, on street parking, lack of footways, and inadequate visibility at junctions. Accessibility for those without a car is unattractive, inconvenient and potentially dangerous. The proposals are therefore considered to be contrary to Policy LP21.

#### Drainage and Flooding

- There will be an increase in run off which will put an extra burden onto the current waterways. This will only get worse as the land not only has its own run off but also that of surrounding land where the water filters through;
- Heavy rain result in surface water, particularly around the latest site being built in Netherthong;
- Objections to the Miry Lane development stressed that the sewage/drainage system at the bottom of the St Mary's estate could not cope with yet more demand and this is evidenced during recent heavy rains at the St Mary's Road/Miry Lane junction, which was impassable;
- Currently have flooding with heavy rainfalls, especially at the bottom of Miry Lane and down Deanbrook Road. The loss of these fields would increase the flooding and would put extra pressure on the already poor drainage system;
- Kirklees have done nothing in recent years to improve the drainage problem causing St Mary's estate to be virtually cut off during heavy rainfall which appears to be a regular occurrence nowadays;
- New developments have already absorbed a large amount of greenfield soak away land, causing increased flooding to the brook and existing drains which are already over capacity, causing sink holes to regularly appear in the roads;
- The village has numerous underground wells that will cause significant problems, particularly in the area in question. Miry lane in particular becomes impassable when it floods;

- It would cause increased water flow to the Brook which, again, is a flood risk in the area already without further displacement. In addition, the removal of major trees would exacerbate this issue which was a problem on several occasions in 2019;
- Every year, Holmdale Crescent, which runs parallel to Wesley Avenue has sewerage issues with blocked pipes. There has also been flooding issues earlier this year which may become exacerbated by any new development;
- The application states that surface water drainage will be via Dean Brook a small, picturesque stream. Surely this has the potential to add to the flood risk further down the brook in Deanhouse;
- Flood reports said that the development off Miry Lane would not affect flood risk but February this year saw the worst flooding on Miry Lane ever with water rising around onto the St Mary's estate;
- The Flood and Drainage report presents a case that they intend to direct surface water into Dean Brook. The report does not detail what the impact will be in the Dean Brook Valley. Dean Brook flows through ancient woodland that is used and enjoyed by the community. Will it result in extra volumes of water and erosion?
- The report suggests that all surface water will travel to a surface water sewer located near the entrance to the site at Wesley Avenue but does not make clear how the water will be collected and then directed to sewer?
- Yorkshire Water has stated that the foul water system cannot accommodate surface water. The report does not detail how the development will guarantee that no surface water will enter the foul water system?
- To connect the site's foul water system to the main system, one of the options would be to lay the workings down Wesley Avenue. This will impede access to the residents homes and the site while this work is undertaken;
- The report suggests the use of 299m storage unit sunk into the ground to the north of the site to hold surface water. What is the expected lifetime of that unit? What will be the impact if it starts to leak? How will it be maintained?
- This sewer displays its inadequacy in the unpleasant manner of discharging raw sewage over 6 times a year on average. This raw sewage overflow finds its way into Hagg Dyke and is a pollution issue;
- Dean Brook is poorly maintained & there have been 3 once in a 100 year flooding events at Lower Hagg in the last 20 years;
- The Dean Brook does not have the capacity to absorb any more surface water. It was never designed to take the number of additional houses that has already been imposed upon it;

- All the inlets to the brook that the original builders put in - in the 19th century are blocked through repeated surface dressing of the road which has raised the level so that all holes are blocked, and inadequate management of gullies and wall/vegetation maintenance;
- By building on this land, the surface water run-off will be greatly affected along with the water table and there is a potential to cause greater flooding at this point;
- The wooded area surrounding Dean Brook to the north of the proposed development site is privately owned and there is nothing to show that the Developer has served notice on the owner of the woodland of the proposal to pipe water through that woodland into Dean Brook;
- A consequence of all of the mature trees in that woodland being the subject of Tree Preservation Orders, it would not be possible for the Developer, even with permission from the owner of the Woodland (and there is currently no evidence that the Developer has any such permission), to lay an underground pipe through that woodland as this would cause irrecoverable damage to the root systems of those trees.

#### Noise, Air Quality and Pollution

- The impact on the local community (cars, pollution, noise);
- Increase in air pollution;
- Road through Netherthong village traffic has increased since Aldi and Lidl opened (now a rat run ) and now more traffic fumes in village centre;
- The proposed development would put the air at unacceptable risk from air pollution (an estimated 2,880 tonnes CO<sub>2</sub>e). This proposed development does not contribute to protecting and enhancing our natural environment, does not help to improve biodiversity, does not minimise pollution and, most significantly, does not mitigate climate change;
- The Kirklees Council Health (Pollution & Noise Control) response dated 10 July 2020, in common with all of the other Council Departments, has failed to comment at all on climate change and air pollution in relation to this planning application.

#### Density and Design

- Building more houses will ruin the feel of the village;
- The houses will not match up to those already in place on Wesley Avenue and also surrounding houses, as shown by those houses that were built next to St Mary's as they look completely out of place in the village;

- The development is next to green field and will push the boundary of the village out further;
- Infilling could ruin the character of the village while estate development would overwhelm it;
- The protection of Netherthong's visual, historic and archaeological qualities should also be supported and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions;
- Visual impact of a further development;
- The field runs along the edge of a conservation area which should be protected at all costs;
- Areas of the village are a Conservation Area and this residential site would be a major detriment to the character of the village;
- The properties that are built would be new builds; the village has mostly older buildings which is what draws people to the quaint village;
- The proposed dwellings would significantly alter the fabric of the area and amount to serious 'cramming', badly affecting what is a low density road (Town Gate);
- The origins of Netherthong evolved from the Viking era and was always intended to be a small village settlement. The rapid development of new housing estates on 'green spaces' in order to meet government housing targets is destroying the character and beauty of the village and the surrounding landscape.
- The proposal claims that the site will maximise local surveillance. The objector considers that this is because the number of proposed properties are so tightly packed into the space that nobody will have sufficient privacy which may in fact have an adverse effect on the mental health of the residents;
- The proposal is for a typical housing estate which would be best suited to an urban site;
- Despite the level of previous building, Netherthong is still a distinctive Pennine hill village with a historic centre and old buildings. Any more house building will ruin its character and turn it into an ersatz commuter land which could be found anywhere.

### Living Conditions

- All of the bungalows on Holmdale Crescent will be looking directly into the planned housing adjacent to them;
- The plans show two storey houses, which will overlook single storey bungalows on Arley Close and Holmdale Crescent;



## Landscape and Ecology

- The land will be rife with wildlife which will simply vanish;
- Being in close proximity to moorland the fields around Netherthong have become a haven to brown hares and lapwings;
- Continuously seeing destruction of wildlife habitat around the area;
- Increased negative impact on wildlife and the environment is a major concern. It is already changing the ecology just by having the huge number of building vehicles destroying the natural habitats of many wildlife animals over the past two years;
- The unannounced attempt at demolition of the wall at the end of Wesley Avenue wall was started to be demolished in May when most creatures, birds and small mammals have young which they are feeding;
- The Ecological Survey was conducted in January and may not include all fauna and flora that may be present in and around the site. The recommendation contained in the ecology report that the opportunity for a second visit in May/June should be allowed to happen before any decision is taken. It is very import that this happens as there are bluebells that grow in the field and birds that nest in the walls;
- The building work which would be necessary to develop the site and the suggested location of the closest houses would be too close to the branches and roots of adjacent trees and would cause damage;
- Any building that was too close to the wooded gardens of properties within the Conservation Area would seriously detract from the CA itself. The trees are protected by a Tree Preservation Order made in 1975 shortly before the creation of the Conservation area;
- The proposal would prevent the resident from exercising a legal right created by deed enabling them to enter the field to repair and maintain their boundary wall and trim shrubs and trees where permitted (NM This is a Civil Matter between the applicant and any adjoining resident and not a material planning consideration);
- Up until the morning of Sunday 17 May 2020, there were native English Bluebells growing wild in the field, just behind the wall that divides that field from the grassed strip of land at the western end of Wesley Avenue. Due to their rarity, native English Bluebells are protected under the Wildlife and Countryside Act (1981). This means that digging up the plant or bulb in the countryside is prohibited. In addition, there were wrens nesting in that wall. The developer attempted to remove this;
- The Preliminary Ecological Appraisal' dated 29 January 2019 is based on a survey that was undertaken on 27 January 2020 when no bluebell growth would have been visible above ground;

- The third field (the one that is furthest west) was not commented on at all in the 'Preliminary Ecological Appraisal';
- The site comprises three long-standing wildflower meadows; Greenfield spaces which have remained untouched for centuries. Wildlife including Pheasants, blackbirds, crows, jackdaws, wood pigeons, wrens, blue tits, goldfinches, foxes, have all been sighted. Bats and Owls regularly fly overhead and will lose this site as a feeding ground. Newts, Frogs and Toads have all been seen in gardens on Wesley Avenue, this proposal yet again diminishes the areas in which they can migrate.

### Social Infrastructure

- Local infrastructure cannot support another development;
- The school is already over-subscribed and there is a waiting list for the primary school - as a result it has been forced to accept class sizes above the government recognised limit of 30 per class;
- At the moment, local children are being driven to Brockholes and Berry Brow schools as all the local schools are full (including Holmfirth) and when the St Mary's development is finished, there will be even more pressure;
- Looks to be little provision for social housing;
- Limited amenities as Netherthong only has one small village shop;
- The majority of the houses in Netherthong will not be able to get their children into the local school as it is already overloaded. This will also result in more cars therefore more pollution to get their children to schools further away;
- Any attempt to obtain a place at the Doctors' surgery and a NHS dentist is very difficult with the current population. Local medical provision is at a maximum with people struggling to get appointments at local practices;
- The houses proposed are 3-4 bed dwellings which will attract families with young children and the school is already over-subscribed;
- Children are being forced in through appeal and class sizes are swelling to 34+. The structure of the school is not designed for this, and it is not conducive to education to have these numbers;
- No local services in the village- just a small shop and further housing will simply create (as it always does) additional traffic.

### Historic Environment

- The proposed building plot is immediately adjacent the conservation area of Netherthong. A modern building development will detract from

the intrinsic value and appearance of this valued space and should be considered when considering planning permission;

- The proposal states “the only locations from which it is possible to view the allocated site from the conservation area is from Miry Lane to the north”. However, the Vicarage to the north west of the site is also part of the conservation area and will be detrimentally impacted by this development, as the site will be in plain view. The Vicarage has been in existence for more than 150 years and a corner stone to the conservation area. Therefore the open space should be extended into plots 18-22 & 34-36 on the indicative plan so that all parts of the conservation area on the northern boundary benefit from the “aesthetic value” that the proposal is trying to preserve by creating the open space;
- By making a picnic area and footpath through what is now a conservation area would be illegal. The whole point of a conservation area is that it's protected and undisturbed.

### General issues

- Netherthong has already seen a big increase in the number of houses over the last 5 years;
- Netherthong is a village;
- Loss of yet another green field;
- The Committee should ‘turn [its] attention to Huddersfield town centre where residents would value planning permission;
- The site is an area of wildlife and beauty – it is a very visible field;
- The development would be on the edge of an already full to bursting village;
- Not sustainable development in that the land is of the wrong type (agricultural as opposed to brownfield, which is readily available in the area);
- No positive economic impact. Both the location and available evidence indicates that such housing would simply serve as commuter accommodation;
- There has been 52 new houses built in the Netherthong area during the last 3 years; 30 houses recently built on the Jones estate with at least 2 cars for each house. 22 more houses currently being built by the side of Miry Lane. Another 44 vehicles;
- This is the 3rd planning application for new housing in a small village which was already inadequately serviced by utilities and highways;
- The village does not need nor want further housing development destroying further green sites;

- It is quite obvious that the Council did not take account of the Inspectors 1980 decision when they included these fields into the local plan when they should have. What has changed since 1980? The road structure has not been altered or improved so exactly the same network is in place now as existed then;
- There is going to be no fields left everything is going to be concreted over - developments could be on land where light industry has ceased;
- The ambience and feel of the village is being eroded away;
- The last developments going up are not for local people/families trying to move up to their next house or get in the property ladder they are overpriced and therefore attracting people from out the area to move in;
- There are a number of brownfield sites in the neighbouring areas which should be considered first;
- Allowing yet more developments which only are made for profit and wealth is exactly the opposite of what we should be doing to maintain the character, history and atmosphere in Netherthong;
- The Council have a duty to protect residents from increased and dangerous traffic (speeds and volume) but also protect green spaces, which need protecting for future generations, otherwise there won't be any for them to enjoy;
- Have KMC Planners taken into consideration that the Public Utilities in Netherthong are overstretched?
- What safeguards are there in place to ensure that there is compliance with the Building Regulations? It is axiomatic that the grant of planning consent should include that the quality of the workmanship of the development should be or a reasonable standard is that one of the aspect of granting planning is to ensure a good/reasonable quality development?
- This application should not be allowed as it contravenes the principal strategic objectives for West Yorkshire which is to foster economic growth and to revitalise the urban areas while ensuring the conservation of the countryside and the urban heritage;
- Whilst appreciating the need for more housing we already have many new builds in the village which are unsold. Surely the idea is to create homes and places for people to live not just fulfilling required numbers?
- Thought and priority should be given to suitable housing with proper access, carbon neutral awareness, good local services and at prices suitable for first time buyers;

- Netherthong village represents the historic past of the area and progress would be to protect this village as an historic conservation area. Would it not be progress to use brownfield sites as there are many in Kirklees needing to be developed with easier access and location than that of Netherthong;
- Many have an outlook over fields which contain a variety of wildlife and birdlife which will disappear if this development of 36 homes goes ahead;
- This village will lose its village status as the surrounding housing estates are encroaching on other areas e.g. Oldfield, Honley;
- There are other sites currently around the Holme valley that would benefit from development at this time such as the Washpit site already cleared and ready. As it the site at Hepworth and where Rodgers plant hire was on Huddersfield Road at Honley;
- There are some positive aspects of the application - the retention of open land to the north of the land, adjoining Miry Lane, plus the inclusion of affordable housing units. However the negative aspects far outweigh these positives;
- The assessment of the distance to local services being walkable (under 800m) is all based on pre-Covid 19 information. None of us know as yet what the world will be like once the pandemic is over but we know for sure that many pubs and restaurants will not be able to reopen;
- This is not an application simply to be rubber stamped by an uncaring, uninformed officer of the council, there are serious issues to be addressed properly - so a site visit by elected representatives is absolutely essential and crucial;
- The proposal would meet no social need. Another estate would be another dormitory for commuters to Manchester, Leeds and similar cities who have no connection with Kirklees and form no part of the local community;
- Kirklees Council does not have the authority to overrule the earlier decision made by the Department of Environment to refuse planning permission;
- The NPPF refers to the requirement for the planning system to contribute to and enhance the local environment. The planning application does not have the backing of the local community. This is evidenced by the number of comments objecting to the proposed development;
- One estate has been developed and populated already (24 properties at The Orchards, St Mary's Avenue) The second housing estate (Application 2018/44/92755/W – Land adj 8 Miry Lane, Netherthong, Holmfirth, HD9 3UQ) is just being built and not yet populated but will add a further 21 dwellings with associated number of cars and pedestrians on top of that of The Orchards;

- This existing wall at the bottom of the gardens of Holmdale Crescent will be the responsibility of the new properties if this application goes through. The existing gardens could slide when heavy machinery is digging foundations. The proposed houses are right up to this wall at the bottom of these gardens so digging will have to come right up to the wall. Concern about structural implications.

### Climate Change

- Increase in carbon emissions in a nominated Green Belt. There is currently 21 dwellings being built in Netherthong (Planning application 2018/90192) which will bring potentially 42 additional cars to the village. If application 2020/91146 is granted permission then that will be for 36 dwellings, bringing potentially a further 72 cars into the village. In total, this will be a potential of 114 additional vehicles into the village once built. Therefore there will be carbon emissions from 57 additional dwellings and 114 cars once completed impacting the local community;
- Building in a village where vehicular access is poor, bus services limited, and walking hazardous would be against the principle the Council set out in their statement 'Our vision is to make Kirklees completely carbon neutral by 2038.'
- There is no detail in the planning application about how this site will help to reduce the impact on climate change. How will the power will be supplied? Is another substation required? How energy efficient will the site be both in construction and when developed. How will the houses be heated? In 2010 the Guardian Newspaper claimed that a newly built two-bedroom cottage created 80 tonnes of CO<sub>2</sub> through the process of building it. This proposed development is to create 36 properties and will therefore create around 2,880 tonnes of CO<sub>2</sub>;
- This application to build houses on three previously undeveloped wildflower meadow fields, greenfield spaces, which have remained undisturbed for centuries, will have a negative impact on the climate;
- The question of environmental impact and its effect on climate change has not been correctly addressed in this planning application. There has been no requirement placed upon the Developer to produce a 'Climate Change Impact Report t' (see the 'Reports Required' section of the Kirklees Local Plan showing the allocation of the site for Housing HS184);
- Both the buildings proposed and the emissions of machines and other vehicles involved in the construction process as well as the eventual high number of resident vehicles would result in a massive increase of CO<sub>2</sub> emissions which would in part be permanent;

### Procedural

- Unfair to push a planning proposal at this time when people cannot organise a local meeting and have to rely on emails.

## Construction issues

- Residents have had the current development ongoing for the past ten months resulting in persistent noise and a constant stream heavy lorries;
- Denham Drive is the road used by builders for these developments and would be again for this one. The resident is concerned about huge trucks making noise each day when they take soil away and deliver materials. They note that it has been non-stop in the last 3 years;
- Construction traffic would not be able to safely access the site using Wesley Avenue. The feeder roads to the site - Dean Avenue and Denham Drive are not the greatest accesses either. Denham Drive is through an estate with children playing and the steep slope of Dean Avenue, already the scene of more than one accident and several near misses in the last couple of years with the increase in traffic from new construction in the village;
- Given the actions of the developers in trying to knock down a stone wall to get access to the site before they had planning permission it gives the resident no confidence that any development would be carried out in a transparent and inclusive manner;
- Where are heavy construction vehicles and workmen's cars, vans and trucks going to park while waiting to get onto this site?
- The enormous plumes of dust and dirt all over the roads and the noise the residents have already had to put up with every single day from early hours has been incredibly testing;
- Concerns about safety during construction (heavy lorries, plant noise, dirty roads etc.);
- Recent building developments in the village have seen the junction at Dean Brook Road become slippery with soil and rubble from works traffic. This would be an ongoing issue for the duration of building works.

## Ward Members

7.6 Ward Members were consulted on the proposal by email dated 28<sup>th</sup> April 2020. Councillor Patrick has provided the following response:

*'I object to the application. Wesley Avenue was built as a cul-de-sac and not as a through road. The road is far too narrow to be used for access to the proposed site. I understand there is third party interest in the land at the point of proposed access which could well prevent any access taking place. Following the submission of the planning application a hole was made in the wall to make it look like access has been taken, but there never has been access to the land at this location. The wider road network is substandard and is not suitable for additional traffic movements.'*

7.7 Holme Valley Parish Council have provided the following response:

- Object over access to the site from Wesley Avenue and adequacy of local highways and infrastructure (for cars and pedestrians). The historic centre of Netherthong is narrow and constricted and effective traffic flow will be compromised given increased incremental traffic flow;
- Members further raised concerns around drainage;
- Members welcomed the planned provision of affordable housing.

## 8.0 **CONSULTATION RESPONSES:**

The following represent a summary of the consultation responses, which are addressed fully in the relevant section of the assessment below.

### 8.1 **Statutory:**

**KC Highways:** The access is acceptable subject to conditions.

**Lead Local Flood Authority:** Following the receipt of additional information in the course of the application, no objection to the proposal subject to the imposition of appropriate planning conditions.

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

**KC Education:** In response to the original submission for 36 homes providing a projected forecast for 2022/23, Education Services advice that additional places would be required at Netherthong Primary School and Holmfirth High School. This will necessitate a financial contribution (estimated at £70,418 on the basis of 36 homes) to be determined at Reserved Matters stage.

**KC Strategic Housing:** The site lies within the Kirklees Rural West Housing Market Area where there is a significant need for affordable 1 and 2 bedroom homes, along with 1 and 2 bedroom homes for older people specifically. The council seeks to secure 20% of dwellings on sites with 11 or more dwellings, for affordable housing and on-site provision (housing) is preferred. This will be secured through the S106 Legal Agreement.

**KC Conservation and Design:** No objection to the proposed means of access to the site.

**KC Landscape:** Holme Valley South Ward is deficient in all typologies of open space and this scheme would trigger a requirement for amenity green space, parks and recreation, natural and semi-natural green space and children and young people's provision. The indicative scheme provides only natural and semi-natural green space such that an off-site contribution is likely to be required at Reserved Matters stage to be secured through the S106 agreement.



**KC Waste Strategy:** Provided operational comments for waste collection and recommend the imposition of appropriate planning conditions.

**KC Landscape/Trees:** No objection.

**KC Environmental Health:** No objection subject to conditions.

**KC Crime Prevention:** Provided advice in line with Crime Prevention through Environmental Design (CPTED) guidance.

**KC Ecology:** No objection subject to conditions.

**Yorkshire Water:** The response from Yorkshire Water is outstanding. It will be reported to Members in the Committee Update or verbally at the Committee.

## 9.0 MAIN ISSUES

- Principle of development;
- Means of access – highway and transportation issues;
- Reserved Matters – layout, scale, appearance;
- Reserved Matters - landscape and open space’
- Bio-diversity;
- Housing mix;
- Living conditions of existing and future occupiers;
- Flood Risk and drainage;
- Environmental health considerations;
- Heritage;
- Ground conditions;
- Climate change;
- Response to representations;
- Other matters
- Planning obligation.

## 10.0 APPRAISAL

### Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.
- 10.2 The development plan for Kirklees is the Kirklees Local Plan (KLP), adopted on 27 February 2019. Within the KLP, the site is allocated for housing (HS184) with an indicative capacity of 38 dwellings. The site allocation identifies a gross site area of 1.24ha and a net site area of 1.09ha. The developable area is reduced to reflect the steep area of the site and to preserve the setting of the Netherthong Conservation Area (CA).

- 10.3 Policy LP65 of the KLP, within the Site Allocations and Designations document, refers specifically to housing allocations listed within the Local Plan. It confirms that planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.
- 10.4 Policy LP1 of the KLP reinforces guidance within the Framework. It states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. It clarifies that proposals that accord with the policies in the KLP will be approved without delay, unless material considerations indicate otherwise. The supporting text to Policy LP1 confirms that allocations in the Local Plan are made in accordance with the spatial development strategy.
- 10.5 Policy LP2 of the KLP refers to place making and advises that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Furthermore, Policy LP3 advises, amongst other matters, that development proposals will be required to reflect the Spatial Development Strategy and development will be permitted where it supports the delivery of housing in a sustainable way, taking account of matters such as the delivery of the housing requirements set out in the Plan.
- 10.6 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. This application would deliver up to 36 new dwellings. It would therefore make a reasonable contribution to meeting the housing delivery targets of the Local Plan and result in development that accords with the spatial development strategy.
- 10.7 It is recognised that the application site is Greenfield rather than Brownfield. However, the allocation of this land and other Greenfield sites through the Local Plan process was based upon a rigorous borough-wide assessment of housing and other need, as well as an analysis of available land and its suitability for housing. It was found to be an appropriate basis for the planning of the Borough by the Inspector. Whilst the KLP strongly encourages the use of Brownfield land, some development on Greenfield land was demonstrated to be necessary in order to meet development needs. Furthermore, whilst the effective use of land by re-using brownfield land is also encouraged within the Framework, the development of Greenfield land is not precluded with the presumption in favour of sustainable development being the primary determinant.
- 10.8 The application site is in a sustainable location for housing. It is a reasonably contained site that would adjoin existing residential development to the south and east. Further reference to and assessment of the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations. However, the development of this site for residential use is consistent with Policies LP1, LP2 and LP3 of the KLP. It is therefore acceptable in principle subject to an assessment against other relevant policies within the Local Plan set out below.

## Means of access – highway and transportation issues

- 10.9 Policy LP21 of the Kirklees Local Plan advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. To address this policy, the application includes the submission of a Transport Statement (TS).
- 10.10 Policy LP21 reflects guidance within the National Planning Policy Framework (the Framework), which states at Paragraph 108 that in assessing applications for development, it should be ensured that there are appropriate opportunities to promote sustainable transport modes, that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network can be viably and appropriately mitigated. Paragraph 109 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.11 Access into the site would be taken from Wesley Avenue as an extension to the existing road. This is the access that was envisaged throughout the Local Plan process. The KLP Submissions Document Accepted Site Options – Technical Appraisal dated July 2017 for the site noted the following with regard to Transport: *Site access achievable. Access can be achieved via extension to Wesley Avenue.* This was on the basis of a capacity of 43 dwellings. Within the Inspector's Report on the Examination of the Kirklees Publication Draft Local Plan (30 January 2019) there is no reference to transport matters, but only a recommendation that the site area should be reduced and the number of dwellings lowered from 43 to 38.
- 10.12 For the purposes of this application, the existing hammerhead at the end of Wesley Avenue would be 'extinguished' and the new access would then extend directly from this road and widen out to a 5.5m carriageway. This accords with guidance within the Council's Highways Design Guide for new development, which notes that 5.5m is the typical width of an adopted carriageway and allows all vehicles to pass each other with ease given the infrequency of large vehicles on residential streets.
- 10.13 For pedestrians, the footways that currently run along Wesley Avenue would be extended into the site. The site plan indicates that 2m wide footways would be provided on both sides along the initial section of the access road. This would also accord with the Highways Design Guide. The position and treatment of the access into the site is therefore acceptable in this regard.
- 10.14 In terms of how this access would fit into the surrounding access network, the Highways Design Guide makes reference to residential street types and hierarchies. It notes that the needs of motorised traffic must be balanced with those of pedestrians of all ages and abilities, cyclists and users of public transport. It further confirms that streets should also be designed so that they respond to their context. To achieve this, it refers to the need for new residential streets to form part of a hierarchy to form an understandable transition from distributor roads to residential streets. The Design Guide identifies three main residential street types: (i) connector streets, with a recommended width of 6.75m to serve a potential number of dwellings of

between 300-700 (ii) local residential streets of 5.5m width to serve 200-300 dwellings and (iii) 5.5m shared surface streets where the potential number of dwellings would not generate more than 100 vehicles per hour. However, these standards are provided for *new* residential streets within *new* residential developments rather than establishing a required width for existing streets to serve new residential development.

- 10.15 Within this context, it is acknowledged that Wesley Avenue, from which the development would be served, is approximately 4.9m wide. It provides access to 12 properties and these existing houses benefit from off-road parking. However, as a result of the topography across Wesley Avenue, their driveways slope either up or down at a reasonably steep gradient. As a result, some residents choose to park on the road, which, due to its width, typically requires them to park partly on the pavement. Consequently, it is acknowledged that on-street parking further reduces the width of Wesley Avenue. There is, however, no opportunity to improve the existing carriageway layout and no requirement for it to be a minimum width in order to facilitate future development. It is also a relatively short stretch of road and the keeping the driveways clear from parking would ensure that passing places are retained along it.
- 10.16 Furthermore, with regard to traffic generation, using TRICS (a database for development trip rates), the TS calculates that based upon 36 dwellings (the original scheme), the vehicular trip generations would be 6 arrivals and 15 departures in the AM Peak (0800-0900) (21 in total) and 13 arrivals and 6 departures in the PM Peak (1700-1800) (19 in total). A further trip generation analysis was undertaken based upon a two-way trip rate of 0.7 per dwelling with a 60/40 split between arrivals and departures. This is identified in the TS as a 'worst-case' trip generation scenario of 10 arrivals and 15 departures in the AM Peak and 15 arrivals and 10 departures in the PM Peak. This would equate to an average of 1 vehicle movement every 2.4 minutes during the peak hours.
- 10.17 The development would obviously result in a change in circumstances for the residents of Wesley Avenue, with more cars moving up and down the street. However, the test for refusing a development on highway grounds established within the NPPF is that it must not result in an unacceptable impact on highway safety nor must the residual cumulative impacts on the road network be *severe*. Whilst potentially noticeable to residents, a maximum of 1 vehicle movement every 2.4 minutes during the peak hours would still be a modest impact. Traffic speeds along Wesley Avenue would also be slow as a consequence of its width and character (including the parked cars) so the development would not be unduly harmful to highway safety.
- 10.18 Vehicles would then exit onto Dean Avenue, which is approximately 4.8 metres wide. This is a carriageway width that is sufficient for 2 cars to easily pass, particularly in the absence of on-street parking. This would bring cars to the junction with Miry Lane, Dean Brook Road and Giles Street. From this intersection, the roads travel most directly towards Meltham to the west and Brockholes to the east. Again, whilst they are country lanes, they are used by existing residents of Netherthong. Furthermore, the road traffic collision data available via the Crashmap website for the last 5 years (2015-2019) identifies only one incident on Miry Lane. It involved a car driven by a driver in the 16-20 age band and a pedestrian in the 11-15 age band who was crossing from

the driver's nearside with the injury severity identified as slight. This does not suggest a significant safety issue within the vicinity.

- 10.19 Given that the additional traffic generated by this development would be modest based upon the size of the site, it is considered that it could be accommodated on the surrounding highway network. Even taking into account the cumulative impact of other developments in the vicinity, including the site between St Mary's Avenue and the Cricketers Arms PH and land adjacent to 8 Miry Lane, it is not considered that this development would result in the traffic generation impact being 'severe' such that a refusal on these grounds could not be justified.
- 10.20 The applicant's Transport Statement also considers multi-modal traffic generation and accessibility by sustainable travel modes. Using the TRICS database, it suggests that the development could be expected to generate up to 33.3% of trips by walking, cycling and public transport modes in the AM Peak and 28% of PM trips. It is acknowledged that this TRICS data was drawn from a trip rate selection criteria of privately owned housing developments of between 6 and 98 dwellings on suburban sites excluding Greater London and Ireland. Those selected are in locations such as Peterborough, Chester, Northwich, Torquay, Norwich, Lincoln and York. Such areas are, arguably, more built-up than Netherthong, which is a smaller rural settlement and also topographically less challenging than the Holme Valley.
- 10.21 Nevertheless, the application site cannot be considered to be isolated or inaccessible. It is located at the edge of an existing settlement and there are existing services and facilities within the village. These include a small shop, two public houses (one with an Indian take-away) and a café within 520 metres. These would all be within a 10 minute walk (a radius of 800m) of the application site (equivalent to an average walking speed of 3 miles per hour). Netherthong Primary School is also approximately 430m away.
- 10.22 It is acknowledged that many of the roads leading from Netherthong such as Miry Lane and Thong Lane (which would form the main walking route to Holmfirth High School) do not include pedestrian facilities and the narrowness of these roads precludes the opportunity to provide them. This may discourage people choosing to walk to facilities such as the High School albeit that in terms of cycling, the High School would be just over a mile away.
- 10.23 Further afield, Holmfirth is approximately 2km (1.3 miles) via New Road. This is lit with a pedestrian refuge on one side for much of its length rather than a pavement and houses fronting onto it for natural surveillance. Whilst there would be a gradual climb out of Holmfirth to Netherthong of approximately 71 metres, it would be reasonably accessible by bicycle and a circa 30 minute walk. Whilst acknowledging that future residents would be unlikely to carry a significant level of shopping back from Holmfirth, it demonstrates the proximity of the application site to available services.
- 10.24 Additionally, the site is accessible by public transport. The closest bus stops would be on Dean Avenue (45026652 and 45026653). This is served by routes 309 and 335 (Slaithwaite to Holmfirth) with a circa hourly service between 9am and 4pm Monday to Saturday. The 309 Honley to Holmfirth provides 1 daily bus in each direction Monday to Saturday.

- 10.25 Just over 300m from the site entrance, there is another bus stop (45019157) close to the junction of Moor Lane/Holmedale Crescent, which is also served by routes 309 and 335 as well as 308 (Huddersfield to Holmfirth). The 308 would provide a 7.30am connection to Huddersfield Bus Station (arriving 08.13). The 335 at 07.43 would provide a bus to Holmfirth to connect with the 310 to Huddersfield Town Centre (arriving 8.19). In the evening, the 308 would provide a return journey from Huddersfield at 17.21 (arriving 18.08). The 308 is broadly hourly between 0730 and 1800 Monday to Saturday. Whilst options are limited on evenings and Sundays, it does demonstrate that the site is accessible to public transport at least during peak travel hours. The 308 would also provide a connection towards Brockholes Station (Penistone Line - Huddersfield, Sheffield and Barnsley), which would equally be a 1.8 mile cycle ride from the site. It is therefore neither a remote nor inaccessible site.
- 10.26 In addition, the applicant has submitted a draft Travel Plan to support the application. This identifies possible measures to influence the behaviour towards more sustainable methods of travel. These include providing up to date information on measures such as bus timetables, where to access up-to-date real time bus times, local car share schemes, the potential impact of working from home opportunities and the impact of online shopping in reducing travel. Additionally, West Yorkshire Combined Authority have requested a contribution to sustainable transport methods of £14,833.50 based on 36 dwellings. The actual contribution would be calculated at Reserved Matters stage, at which point the purpose of this funding would also be clarified.
- 10.27 KC Highways Development Management (HDM) have considered the application and note the amendments that were made to the existing site entrance, off the present cul-de-sac of Wesley Avenue, to provide a 2.0m wide into the site at the expense of the redundant turning head. They also note that the narrower existing carriageway opens out to a 5.5m wide carriageway within the site as requested. A swept-path analysis of a fire appliance and refuse vehicle accessing and exiting the site in a forward gear has been provided. The manoeuvre for the refuse vehicle would need to be resolved when layout is considered at the reserved matters stage to ensure that forward visibility around the bends could be achieved.
- 10.28 Whilst KC HDM also noted that visitor spaces on the layout would be less than the proportion sought by the Highways Design Guide (one space per four dwellings), the layout is indicative and not for consideration at this stage. Visitor parking, as well as the parking provision per dwelling, would therefore be considered as part of the layout at Reserved Matters stage. Overall, KC HDM conclude that in terms of the matter of access, the application is acceptable from a highways perspective subject to the imposition of relevant conditions to include details of the proposed internal adoptable estate roads, schedule of the means of access to the site for construction traffic, a scheme to provide the construction details for all new retaining walls/ building retaining walls adjacent to the proposed adoptable highways and cross sectional information, together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway.

10.29 Subject to the above, the proposed access into the site is acceptable. Furthermore, the site is suitably located for residential development and subject to the imposition of appropriate planning conditions, it is considered to sufficiently accommodate sustainable modes of transport and be accessed effectively and safely by all users. It is therefore in accordance with Policy LP21 of the KLP and guidance within the Framework.

Reserved Matters – layout, scale, appearance

10.30 Policy LP7 of the KLP relates to the efficient and effective use of land and buildings. It states that housing density should ensure the efficient use of land, in keeping with the character of the area and the design of the scheme. It advises that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.

10.31 With regard to layout, scale and appearance, Policy LP24 of the KLP advises that good design should be at the core of all proposals in the district. It sets out a number of key principles necessary in order to promote good design, including ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape, the risk of crime is minimised by enhanced security and the promotion of well-defined routes, overlooked streets and places, It also advises that the needs of overlooked and strategically different users should be met and any new open space is accessible, safe, located within the site and well integrated into wider green infrastructure networks.

10.32 Matters of layout, scale and appearance are not for consideration as part of this application. They are reserved for future consideration as part of a Reserved Matters application should outline planning permission be approved. It is acknowledged that the applicant provided an indicative layout plan, revised to indicate the provision of 33 dwellings. However, this is purely illustrative and would not form an approved drawing.

10.33 Subsequently, the applicant was asked to prepare a parameters plan to inform any future RM application. This identifies certain opportunities and constraints to be taken forward through the Reserved Matters process. These include an area of open space to the northern boundary of the site, fronting Miry Lane, to remain undeveloped. This is required in order to safeguard the setting of the Conservation Area as determined by the Site Allocation.

10.34 The parameters plan also identifies the need to provide an appropriate off-set from the planting to be retained around The Old Parsonage and along the southern boundary with a clarification that no gardens will be wholly within the canopy or RPA of these trees. It also acknowledges the existing scale of the bungalows adjoining the site to the south in particular and the need for any future housing to be designed to incorporate appropriate separation distances to ensure that the living conditions of existing and future occupiers are preserved. This will again be fully considered at RM stage, along with the density of development.

- 10.35 Taking all these factors into account, it is concluded that matters of layout, scale and appearance, including density, will be considered within a future Reserved Matters application. However, there is sufficient information within this application to ensure that a scheme can be delivered that will meet the Council's design aspirations in accordance with KLP Policies LP7 and LP24.

Reserved Matters - landscape and open space

- 10.36 Policy LP47 of the KLP refers to healthy, active and safe lifestyles and recognises that these will be enabled by a number of criteria including (a) access to a range of high quality, well maintained and accessible open spaces and (b) increasing access to green spaces and green infrastructure to promote health and mental well-being. Policy LP63 advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, to be provided in accordance with the Council's local open space standards or national standards where relevant. Finally, Policy LP33 of the KLP advises, amongst other matters, that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.
- 10.37 The landscaping of the site is not for consideration as part of this application. It is reserved for consideration as part of a future Reserved Matters application should outline planning permission be approved. The detailed landscaping proposals for the site will therefore be provided at that time.
- 10.38 It is noted, however, that the application includes the submission of a Tree Survey. Within the Tree Survey, a mature Sycamore is identified for removal. This is positioned in the north-east corner of the site adjoining Miry Lane. Its removal would not be predicated by the layout because it lies within an area identified for retention as open space. However, the Tree Survey notes that its structural condition is poor. No other existing trees or planting would be removed.
- 10.39 The Council's Tree Officer raised no objection to the Tree Survey but requested that an Arboricultural Method Statement (AMS) be provided to ensure control over the construction process and work, given the adjacent protected trees, which could easily be damaged by the passage of vehicles, soil stripping etc. This was subsequently submitted by the applicant to provide details for matters such as necessary tree work, protective fencing and how to deal with construction around Root Protection Areas.
- 10.40 The Tree Officer has confirmed that the AMS does provide reassurance that the indicative layout is achievable and could be constructed without causing adverse harm to the adjacent trees. The proposals will not impact upon any protected trees or trees of significant value and the Tree Officer has no objection to the proposal as a result. Furthermore, the Parameters Plan indicates a 'constraints' line around the trees to 'The Old Parsonage' and those on the southern boundary noting that no gardens shall be wholly within the canopy of the RPA of these trees to ensure a sufficient off-set between the future development and existing planting. This will be assessed in detail at Reserved Matters stage.



- 10.41 With regard to the provision of open space, this will also be a matter to be assessed at Reserved Matters stage having regard to the fact that Holme Valley South Ward is deficient in all typologies of open space and any future scheme would trigger a requirement for amenity green space, parks and recreation, natural and semi-natural green space and children and young people's provision.
- 10.42 In summary, details of the landscaping of the site will form part of a future Reserved Matters application. Conditions are therefore recommended as part of this application to secure these details. It is considered that a successful landscape scheme and the provision of open space can be established to ensure compliance with Policies LP33, LP47 and LP63 of the KLP.

#### Bio-diversity

- 10.43 With regard to bio-diversity, Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it confirms that development proposals will be required to (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement and (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist as well as (iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.
- 10.44 The applicant originally submitted a Preliminary Ecological Appraisal (PEA) with the application. The PEA concluded that the site is not presently considered to be of greater than 'site level' importance to any habitat or species group. However, it advised that a re-visit to the site be undertaken in late May or June in order to confidently categorise the grassland on site.
- 10.45 A re-survey was subsequently undertaken and an updated PEA was provided. This included an assessment of the grassland and dry stone walls around the site. It confirmed that the site was largely semi improved grassland together with some semi-improved neutral grassland and scattered scrub. It again concluded that the site did not have greater than 'site level' importance to any habitat or species group.
- 10.46 The applicant also provided an Ecological Impact Assessment and an initial Biodiversity Metric Net Gain Calculation. The former considers the site habitats and its potential to support protected and notable species. In terms of plant species, it notes in the fields adjacent to Miry Lane, local enrichment of the soil by grazing animals (most recently horses) has resulted in the loss of key indicator species although some species, including white clover, ribwort, broad leaved dock and foxgloves were evident. There was no indication of protected species on the site although it does have relevance for foraging for a range of species including bats and birds, such as House Sparrow, Starlings and Thrush. All three comprise red listed species within the Birds of Conservation Concern.

- 10.47 The EIA recommends a series of mitigation and enhancement measures. These include the retention of all trees where possible, new tree and shrub plantings as an integral component of the soft landscaping proposals for the site, to include locally native species of trees and shrubs and integrated bat or bird (house sparrow) boxes on each house. It also recommends that dwelling boundaries and fences should not impede the free movement of hedgehogs. These measures can be secured by condition to form part of any future Reserved Matters layout.
- 10.48 The Council's Ecologist has considered the application and supporting documents. It is advised that the EclA provides sufficient information to enable the development to be designed in accordance with the mitigation hierarchy. It concludes that the proposals will not result in significant ecological harm, subject to the inclusion of appropriate ecological measures. The EclA also includes an assessment utilising the DEFRA Biodiversity Metric 2.0, which indicates that the ecological baseline of the site consists of 5.51 Habitat Units. In accordance with Section 15 of the National Planning Policy Framework, to encourage Biodiversity Net Gain, and in line with Policy LP30 and the proposed new Environment Bill 2019/2021, a measurable increase in biodiversity (in addition to 5.51 habitat units) should be demonstrated by the development. As approval of this application would not establish a principle beyond that inferred by the housing allocation, with the exception of access arrangements, based on the submitted EclA, the Council's Ecologist is nonetheless satisfied that a scheme can be designed to provide a measurable net gain for biodiversity on the site. This would be secured via condition.
- 10.49 It is also noted that the submitted EclA makes several recommendations to achieve the above, which should be used to inform the design of the detailed layout and landscaping of the scheme at reserved matters stage. Recommendations include the retention and enhancement of the higher quality semi-improved grassland to the north, species rich hedgerows and wildlife ponds (which could be utilised to provide sustainable drainage for the scheme). For these reasons, and subject to relevant conditions outlined above, the proposal is considered to be acceptable with regard to bio-diversity in accordance with KLP Policy LP30.

#### Housing mix

- 10.50 Taking into account the annual overall shortfall in affordable homes in the district, KLP Policy LP11 states that the council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes. It advises that the proportion of affordable homes should be 20% of the total units on market housing sites. This requirement will be secured by means of a Section 106 agreement with details of the location of these units provided at that time.
- 10.51 The indicative layout suggests a mixture of 2, 3 and 4 bedroom units. This would provide an appropriate housing mix. It also indicates the inclusion of 2 bedroom bungalows to the southern end of the site, in proximity to the bungalows on Holmdale Crescent. Whilst purely indicative at this stage, these would contribute to the specific need in the area for 1 and 2 bedroom homes for older people identified in by KC Strategic Housing. The actual housing mix and house type, however, will be determined at Reserved Matters stage.

- 10.52 Overall, the proposal would have the capacity to contribute to housing mix within the Kirklees Rural West Housing Market Area and 20% of the units would be affordable. This would comply fully with the requirements of Policy LP11.

#### Living conditions of existing and future occupiers

- 10.53 Policy LP24 of the Kirklees Local Plan advises at (b) that proposals should provide a high standard of amenity for future and neighbouring occupiers. This reflects guidance at Paragraph 127 of the Framework which advises at (f) that create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 10.54 Layout is a reserved matter at this stage such that the impact of the proposal on the living conditions of existing and future occupiers will be determined in due course as part of any Reserved Matters application. Nonetheless, the Parameters Plan does acknowledge the need to have regard to the living conditions of existing occupiers and there is sufficient capacity within the site to ensure that acceptable distances can be provided between the existing and proposed properties.

#### Flood Risk and drainage

- 10.55 Guidance with the NPPF advises at Paragraph 163 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in Policy LP27 of the KLP, which confirms, amongst other matters, that proposals must be supported by an appropriate site specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the KLP relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.
- 10.56 The site falls within Flood Zone 1, which means that it is at a low risk of flooding. However, because the site area exceeds 1 hectare, a Flood Risk Assessment was required with the application. Consequently, the original submission included a Combined Flood Risk Assessment and Drainage Strategy. Because of its location entirely within Flood Zone 1, consultation with the Environment Agency is not required. However, the Lead Local Flood Authority (LLFA) have been consulted in relation to surface water drainage.
- 10.57 With regard to flood risk, the FRA confirms that The Environment Agency surface water map shows a very low likelihood of surface water flooding. The map shows the site to be within a very low risk, with a less than 0.1% chance in any given year. In terms of flooding from rivers/watercourses, the FRA states there are no areas of Flood Zones 2 & 3 associated with local watercourses that encroach within the boundary of the site. The closest area of higher probability within Flood Zones (2 and 3) is located 1.15km to the southeast of the site and relates to the River Holme. The flood zones associated with this watercourse are confined to the immediate vicinity of the rivers channel. Due to the elevation difference between the watercourse and the site, it is determined to be unlikely that the projected effects of climate change would bring the site into a higher probability flood zone.

- 10.58 There is also no evidence of flooding from sewers. Finally, due to the impermeable nature of the sites immediate underlying superficial strata, which is predominantly made up of clay-like deposits. It is determined to be unlikely that groundwater would be an issue at this location.
- 10.59 Nevertheless, measures can be introduced as part of the detailed design to mitigate against flood risk, such as the footways constructed to fall naturally towards green areas to allow informal percolation and properties designed with a higher finished floor level than the development carriageway levels to prevent surface water flooding of future dwellings. These measures will be secured by condition and addressed at Reserved Matters stage.
- 10.60 With regard to drainage, the Drainage Strategy states that Yorkshire Water have confirmed that the foul water domestic waste can discharge to the 150 mm diameter public combined sewer recorded in Miry Lane, at a point to the north of site or the 225 mm diameter public foul sewer in Dean Avenue.
- 10.61 With regard to surface water discharge, an infiltration method of drainage, such as soakaways, which mimic the natural process of drainage, is deemed to be an unviable method of surface water disposal at this location due to the geology and topography. Discharge to a public sewer is also identified as unachievable. Surface water would therefore need to discharge to a watercourse, the closest being Dean Brook, which is approximately 35m north of the site, across Miry Lane. This would be undertaken via an adopted piped surface water sewer. The rate of surface water discharged would be restricted to 8.0l/s, which would represent a betterment on the existing Green field run off rate of 12.25 l/s. The strategy would also include on-site storage in the form of a sealed water feature to be located to the north of the site, within the proposed open space.
- 10.62 In response to the initial Drainage Strategy, the LLFA had have no objection in principle to the proposed discharge rate nor to the proposed discharge point being Dean Brook. Nor did the LLFA object to the principle of a storage feature in the open space to the north of the site, albeit noting that the LLFA's preference is to give priority to SuDS solutions. Therefore, an attenuation pond would be preferred over an underground storage tank. However, they objected on the grounds that further information was required on flow routing through the site and also, on the condition of the watercourse (Dean Brook).
- 10.63 The applicant subsequently submitted a Technical Note on the capacity and condition of Dean Brook. This document concludes that Dean Brook in the vicinity of the site is a large, deep channel that has been deepened over time through natural incision. It states that although natural flows are generally confined to the base of the channel, the feature could convey much higher flows at this location without flooding occurring. It considers that the calculated capacity of the engineered features downstream of the site are sufficient to convey the calculated storm flows in the brook, up the 1 in 100 year storm event and beyond. The proposed discharge rate of 8 l/s could easily be accommodated by the channel and the culverts, particularly given that this represents a reduction in inputs to the brook, relative to the Greenfield rates. The reduction of storm flows from the site would result in a slight reduction in the maximum water level and velocity during storm events.

- 10.64 The report considers that the discharge into the brook at a maximum rate of 8l/s from the site is unlikely to make a difference to the hydro-morphology of the watercourse. This is partly due to the fact that runoff from the site currently discharges into the brook and would do so at a greater rate under 'undeveloped' conditions during a high magnitude storm event and partly because of the stable and largely artificial nature of the watercourse in this area. Some further consideration of the outfall velocity is recommended at the detailed design stage to ensure high velocity is not an issue or is mitigated. In response, the LLFA have confirmed that they have no objection to the proposal subject to the imposition of relevant and necessary planning conditions with regard to a detailed design foul, surface water and land drainage, and details of the operation, management and maintenance of surface water drainage infrastructure.
- 10.65 For the reasons set out above, and subject to the imposition of appropriate planning conditions, the proposal is considered to be acceptable with regard to flood risk and drainage in accordance with KLP Policies LP27 and LP28.

#### Environmental health considerations

- 10.66 Policy LP51 relates to the protection and improvement of local air quality and confirms that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. Policy LP52 relates to the protection and improvement of environmental quality and states, amongst other matters, that proposals which have the potential to increase pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.
- 10.67 The application site does not lie within or adjacent to an Air Quality Management Area and is below the threshold for an Air Quality Impact Assessment to be required. Nevertheless, the application confirms that with regard to noise and air quality, construction impacts will be minimised based on measures to be included in a Construction Management Plan, which would be a requirement of a pre-commencement condition.
- 10.68 Facilities for charging electric vehicles and other ultra-low emission vehicles would also be required by condition in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. The scheme would therefore have due regard to the objectives of Policies LP51 and LP52.

#### Heritage

- 10.69 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This approach is reflected in Policy LP35 of the KLP, which confirms that development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the

asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.

- 10.70 The application site lies outside but adjacent to the boundary of Netherthong Conservation Area (CA), which runs along the edge of the northern boundary (Miry Lane) and includes The Vicarage and its curtilage. The application site would therefore be within the setting of the CA. The setting itself is not designated but it is the surroundings in which the heritage asset (the CA) is experienced.
- 10.71 In this case, the essence of the Netherthong Conservation Area is considered to derive from the central core of the village with traditional stone buildings in a variety of forms, either positioned close to the back edge of the pavement and tightly packed or set within more generous grounds and set back behind stone boundary walls. The CA also includes the mature wooded area to either side of Dean Brook.
- 10.72 In terms of the effect of the proposal on the setting of the CA, on the grounds that layout, scale and appearance are not for consideration at this time, it cannot be fully assessed and will be re-appraised at Reserved Matters stage with regard to the entirety of the Conservation Area, including The Vicarage and its curtilage.
- 10.73 The Council's Conservation and Design Team have noted, however, that the allocated site was assessed for the contribution it makes to the significance and setting of the Netherthong and Deanhouse Conservation Area as part of the Local Plan process. This concluded that the northern most section of the allocation adjacent to Miry Lane makes a moderate contribution to the significance of the conservation area. The landscaping to the site boundary provides aesthetic value to the Conservation Area by contributing to the rural setting. The indicative layout and parameters plan include provision for the northern part of the site, immediately adjacent to Miry Lane, to remain open to safeguard the setting of the Conservation Area, as required by the Local Plan. It is therefore acceptable in this regard.
- 10.74 With regard to the means of access, for which consent is sought, the more modern development in Netherthong that lies immediately to the south and east of the application site is not within the CA and provides an appropriate buffer to it. It would therefore cause no harm to the setting of the CA.
- 10.75 To the extent that permission is sought as part of this outline application, the proposal is considered to sufficiently preserve the setting of the Netherthong CA having regard to S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LP35 of the KLP.

#### Ground conditions

- 10.76 The application is supported by a Phase 1 Site Investigation Report. This advises that the site is currently agricultural fields underlain by Huddersfield White Rock. There is believed to be coal mining and mineral mining on site and in the vicinity so there is a possible source-pathway-receptor linkage from contaminated land associated with this historical mining legacy.

10.77 The Council's Environmental Health Officer confirms that the reports are considered to be satisfactory and concur with the conclusions and recommendations. As a result of the mining legacy, however, contaminated land conditions are required in terms of seeking a Phase 2 Site Investigation Report, a Remediation Strategy (as required) and a Validation Report following completion of any necessary remediation measures. Subject to the imposition of these conditions, the proposal is acceptable with regard to ground conditions.

#### Climate change

10.78 An assessment of the proposal's impact on climate change is limited at this stage, given that it is an outline application with all matters except access reserved for future consideration. It is appreciated that the construction of new buildings has a footprint in terms of CO<sub>2</sub> emissions. However, at this stage, no information in respect of the form of construction has been provided as these are detailed matters that will be assessed as part of any future Reserved Matters submission. At that stage, consideration could be given to the life cycle of building materials and whether it could be specified through the development contract that materials have a low embodied impact.

10.79 Energy efficiency would also be considered at the Reserved Matters stage. It is likely that as a minimum, a fabric-first approach would be adopted for the development. This would mean ensuring minimal heat loss through fabric, thermal bridging and air infiltration. Other measures might include low energy lighting, water efficient fittings such as flow restrictors and water efficient appliances to minimise water consumption. Furthermore, measures to encourage future residents of the proposed development to use sustainable modes of transport could be secured. This would include adequate provision for cyclists (cycle storage for residents) and electric vehicle charging points.

10.80 In order to clarify these measures, a condition is therefore recommended to require details of measures to promote carbon reduction and enhance resilience to climate change.

#### Response to representations

10.81 The majority of issues raised through the public consultation exercise have been considered in the report above. However, the following matters have not been specifically addressed in the assessment and are therefore considered below:

-There is no access agreed to the site. The two houses that own the boundary land at the end of Wesley Avenue adjacent to proposed access point. Why is this planning application being considered when there is no guarantee that the site can be developed even if planning is granted?

**Response:** Land ownership is a matter of civil law rather than planning law. Consequently, it is not a material consideration in the determination of a planning application and ownership disputes do not preclude a planning application being determined. In this case, the Council is aware of the claim by the owners of 11 and 12 Wesley Avenue that the strip of grassed land between the highway and the boundary wall of the application site is owned by them rather than being highway. However, Land Registry ownership register does not support this claim and it is the Council's position at this time that it is highway verge. Consequently, this is not a matter to preclude the determination of this application.

-Roads around Netherthong are in very poor condition.

**Response:** The condition of the roads cannot be attributed to a single development and road maintenance is a separate matter to the determination of a planning application under planning legislation.

- Access would put pressure on the road through the Denholm estate and with the added pressure of the Miry Lane development, in addition to the amount of traffic that has grown since the Cricketers development. The road networks of Netherthong are not suitable for a further increase in cars. The 30 new houses in Deanhouse (plus a further 22 on at Mary's) have contributed to the situation worsening.

**Response:** It is appreciated that there have been other recent developments within Netherthong, which residents feel to have a negative cumulative impact in terms of the amount of traffic. It is also acknowledged that this development would result in additional car use within the village but, as set out within the report, it is modest and the Council's Highways Development Management Team consider that it can be accommodated on the road network and would not result in a residual cumulative impact on the road network that could be deemed severe. A refusal on these grounds could not, therefore, be justified.

- The school is oversubscribed and cars within the village at both morning and afternoon drop off and pick up can lead to complete gridlock which can cause issues for 20-30 minutes either side of the school day. There is no more capacity for more children and more cars.

**Response:** The issue with congestion arising from pick up and drop off at the school is an existing situation that is not attributable to the proposed development. Whilst the proposal would result in more people living in Netherthong, the site would be within walking distance from the school should there be spaces available. The Transport Statement has demonstrated that on the highway network generally, there would be capacity for this development.

- Since the field at the end of Saint Mary's Avenue was built (by Jones homes) the traffic has been horrendous and speed of traffic is an issue.

**Response:** It is appreciated that there has been an increase in traffic over the years arising from new development within the locality. The local concern about speed of vehicles is also acknowledged although the level of accidents that have been recorded do not indicate a specific issue with traffic speeds, particularly as most of the roads into the village are narrow, which could be considered to have a natural effect on speeds generally.

- The Travel Plan does not reflect people's habits. People use their cars and will continue to do so in such a rural area.

**Response:** A Travel Plan is intended to introduce a change to people's habits. Whilst future residents may use their cars for some journeys, it seeks to encourage use of other means of travel where feasible or reducing the need to travel at all e.g. home working/online shopping.

- Buses are limited

**Response:** Bus frequency is addressed in the report. However, it is the case that patronage of bus services can influence the level of service that is provided.



- Parking in the village is already a massive problem and extra housing would exasperate this causing even more problems for pedestrians.

**Response:** The level of visitor car parking will be determined at Reserved Matters stage.

- Object to more houses being built as this will increase traffic and reduce personal active modes of transport and discourage parents from encouraging their children to walk or cycle to and from school, or just simply go out for a nice jog around the village.

**Response:** The application does include a Travel Plan to encourage more sustainable patterns of travel as set out in the report. Netherthong Primary School would be within walking distance if places were available and Holmfirth High School is also within walking/cycling distance albeit acknowledging the narrowness of local roads. There are also footpaths in and around Netherthong to encourage walking and recreation.

- The developers Transport Statement states only one incident in the past 5 years; this is no way able to represent the change in traffic volume and the problems this causes in the village on a daily basis. There are many incidents of grid lock around the Church and the shop, which often leads to ill-judged and sudden movements.

**Response:** The Transport Statement reports recorded accidents.

- As there are no suitable roads for the huge construction vehicles, traffic is regularly at a standstill and even the weight of general traffic means vehicles having to travel on small or no pavements. Emergency vehicles needing access would be regularly blocked as everything comes to a standstill.

**Response:** Construction would be temporary and no evidence of emergency vehicles physically being blocked has been provided.

- The application states that there are bus stops on Wesley Avenue which is not the case, the bus is a hail and ride service on Dean Avenue.

**Response:** A hail and ride service still provides the capacity to access a bus service.

- People do not walk to the doctors or to the supermarket and most people use their vehicles for such journeys so the argument that people will walk and not use their cars is not accepted.

**Response:** It is appreciated that future occupiers would use their cars for some journeys but this does not preclude them walking or cycling for others or adopting measures to remove the need to travel e.g. shopping deliveries, working from home.

- At the bottom of Dean Avenue if you are traveling north at the crossroads with Miry Lane and Deanbrook Road there is very poor visibility and is a grave traffic concern as cars traveling could easily have an accident due to this poor visibility. Due to the steep incline also at the junction at the end of Dean Road when it is poor weather conditions it is also an accident hazard.

**Response:** This is an existing junction and future users will need to have regard to junction visibility and the incline as existing drivers do. This is not considered to justify the refusal of the application on highway safety grounds.

- The local school already asks parents to use a one way system around the school at drop off and pick up time. This is not always adhered to and frequently there are traffic blocks on School Street and Giles Street because of this.

**Response:** This is an existing scenario rather than a matter that could be attributed to the proposed development. Furthermore, it is noted that the application for 21 dwellings on Miry Lane (2018/90192) gave £10K towards road safety and sustainable travel initiatives, and measures that may encourage parents and guardians to bring fewer cars to School Street. The Committee Report for that site refers to a project including accreditation under the Modeshift STARS scheme, commencing in 2019 and involving Council road safety trainers. These measures have yet to be implemented but could improve the situation locally in the long-term.

- In reality 36 houses, two cars per household - 72 cars likely to be making their way through the village in peak times.

**Response:** As set out in the report, the construction of 36 dwellings does not, based on evidence from other residential schemes, result in every future occupier leaving the development or returning to it at the same time. The predicted traffic generation is set out in the report and is accepted by the Council's Highways Development Management Team.

- To reach any of the local cycle routes it would be necessary to go on Moor Lane, which has the problem of stretches where two cars cannot pass and blind corners, or negotiate Holmfirth centre (always congested with HGV's and cars) via New road so that the option of commuting anywhere from Netherthong by bike would be for the very few confident cyclists only.

**Response:** It is appreciated that roads are narrow in the locality. However, this is not untypical of a rural area.

- The traffic assessment is based on data before the latest developments have even been occupied by new residents and their vehicles, and hence is meaningless;

**Response:** The traffic assessment is based upon an established database of trip rates for development. It is a standardised way to calculate future trips.

- The development makes a significant provision for motor cars with parking on many plots for as many as three cars at a time. This will encourage up to 100 extra cars in the local area, making journeys to and from work, school, local supermarkets, shops, services etc. Until local public transport services are vastly improved to take people to Holmfirth, Huddersfield and beyond the village will remain in the grip of the motor car.

**Response:** Bus services are partly determined by patronage. It could be argued that more people within the village that utilise the bus services may encourage public transport services to improve.

- Inaccuracies in the TA e.g. Moor Lane does not have a junction with Dean Avenue and neither does Holmdale Crescent as suggested in TA

**Response:** The report states that to the south, Dean Avenue becomes Denham Drive then Holmdale Crescent before joining the B6107 Moor Lane.

- The phrase "one minor arm" to describe the Dean Avenue element of the junction with Miry Lane, Giles Street and Dean Brook Road is misleading. Dean Avenue is steep at that point and that junction is exceptionally difficult to negotiate when approaching down the hill.

**Response:** The latter is a judgement – it is not incorrect to describe the Dean Avenue element of the junction as 'one minor arm'.

- The road traffic collision data is for the most recent 5 year period available (2014-2018). However, this is two years old and in no way reflects the highway safety issues that current exist in the village - particularly since the building of The Orchards.

**Response:** The applicant has used the available data. CrashMap now extends to 2019 but still only identifies one recorded accident in the last 5 year period.

- The Crashmap data results are only concentrated on a small area and do not include the whole of the section of Dean Brook Road where the 60mph speed limit operates, nor do they include the whole length of Thong Lane down to where it intersects with the main Huddersfield to Holmfirth Road (A6024). These are the two roads leading out of the village that are routinely used, along their entire lengths, by children walking to Holmfirth High School and by commuters in their cars.

**Response:** The Crashmap site shows no accidents on Thong Lane in the last 5 years. The closest accidents to Thong Lane recorded in the last 5 years, of which there were 2, occurred on Huddersfield Road in June 2015 and August 2016. These were identified as serious in terms of severity. Given the time since these accidents occurred, it would not suggest that this is an accident hotspot. There has been 1 accident on Dean Brook Road in the last 5 years in November 2018 involving 2 vehicles. The severity of this accident was recorded as slight.

- The traffic report does not include pedestrian deaths and injuries on the roads into and out of the village and so minimises the 'picture' of threat to pedestrian safety.

**Response:** Crashmap uses data published by the Department for Transport, which is based on records submitted to them by police forces. The records relate to personal injury accidents on public roads that are reported to the police. The website states that very few, if any, fatal accidents do not become known to the police although it does acknowledge that information on damage-only accidents, with no human casualties or accidents on private roads or car parks are not included in this data. The Crashmap data records no pedestrian deaths on roads into and out of the village in the last 5 year period.

- The claim in the Sanderson report that Huddersfield lies within a 31 minute cycling radius of the proposed development site requires detailed scrutiny. Whilst the journey (downhill) to Huddersfield, along the A6024 Huddersfield/Holmfirth Road, is just about doable within 31 minutes, it would take well over an hour for a relatively fit cyclist to ride back to the site from Huddersfield.

**Response:** It is just under 6 miles from Huddersfield to Netherthong on a direct route with an elevation change of approximately 168 metres (550 feet). 31 minutes would be an average speed of 11.6mph. At an average speed of

9mph it would take 40 minutes whilst 1 hour would represent a speed of 6mph. It is considered that none of these times are insurmountable for a commuting time.

- There will be an increase in run off which will put an extra burden onto the current waterways. This will only get worse as the land not only has its own run off but also that of surrounding land where the water filters through.

**Response:** Runoff from the site currently discharges into the brook and would do so at a greater rate under undeveloped conditions during a high magnitude storm event. The development will result in the management of surface water from the site. A reduction of storm flows from the site will result in a slight reduction in the maximum water level and velocity during storm events.

- It would cause increased water flow to the Brook which, again, is a flood risk in the area already without further displacement. In addition, the removal of major trees would exacerbate this issue which was a problem on several occasions in 2019.

**Response:** This is addressed in the report above.

- Every year, Holmdale Crescent, which runs parallel to Wesley Avenue has sewerage issues with blocked pipes. There has also been flooding issues earlier this year which may become exacerbated by any new development.

**Response:** Existing blocked pipes cannot be attributed to this development.

- The Flood and Drainage report presents a case that they intend to direct surface water into Dean Brook. The report does not detail what the impact will be in the Dean Brook Valley. Dean Brook flows through ancient woodland that is used and enjoyed by the community. Will it result in extra volumes of water and erosion?

**Response:** This is addressed within the report and by the applicant within the Dean Brook Capacity and Condition report.

- To connect the site's foul water system to the main system, one of the options would be to lay the workings down Wesley Avenue. This will impede access to the resident's homes and the site while this work is undertaken;

**Response:** The installation of pipe work is not a matter to be considered under planning legislation. It is not material to the determination of a planning application.

- The report suggests the use of 299m storage unit sunk into the ground to the north of the site to hold surface water. What is the expected lifetime of that unit? What will be the impact if it starts to leak? How will it be maintained?

**Response:** Arrangements to secure the long-term maintenance and management of the applicant's surface water drainage proposals would form part of the Section 106 Legal Agreement to ensure that appropriate management and maintenance responsibilities are in place.

- This sewer displays its inadequacy in the unpleasant manner of discharging raw sewage over 6 times a year on average. This raw sewage overflow finds its way into Hagg Dyke and is a pollution issue.

**Response:** It is unclear which sewer is being referred to. Nonetheless, the applicant has confirmed that the sewers for this development will be sized to accommodate the proposed flows in accordance with current standards.

- The wooded area surrounding Dean Brook to the north of the proposed development site is privately owned and there is nothing to show that the Developer has served notice on the owner of the woodland of the proposal to pipe water through that woodland into Dean Brook.

**Response:** The applicant has advised that a number of deliverable drainage options are being considered. These will form part of the detailed drainage proposal to be assessed at reserved matters stage and subject to conditions.

- A consequence of all of the mature trees in that woodland being the subject of Tree Preservation Orders, it would not be possible for the Developer, even with permission from the owner of the Woodland (and there is currently no evidence that the Developer has any such permission), to lay an underground pipe through that woodland as this would cause irrecoverable damage to the root systems of those trees.

**Response:** The applicant has confirmed that initial investigations have determined that there are options that would deliver a route through the woodland area without affecting the existing trees. They have also been in discussions with Yorkshire Water who have confirmed that the Beck is suitable to accommodate the surface water from the site and that they could requisite a deliverable route if necessary depending on which option is pursued. In any event, this is a detailed drainage matter that is subject to conditions.

- The houses will not match up to those already in place on Wesley Avenue and also surrounding houses, as shown by those houses that were built next to St Mary's as they look completely out of place in the village.

**Response:** Appearance is not for consideration at this time. It is a Reserved Matter to be assessed in due course.

- The development is next to green field and will push the boundary of the village out further.

**Response:** Whilst it is appreciated that local residents value the field as it is, the site is allocated for housing within the local plan and the site is considered to 'round' off the village as it would project no further into the countryside than the houses on Holmdale Crescent.

- The protection of Netherthong's visual, historic and archaeological qualities should also be supported and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

**Response:** Appearance is not for consideration at this time. It is a Reserved Matter to be determined in due course.

- The properties that are built would be new builds; the village has mostly older buildings which is what draws people to the quaint village.

**Response:** The development would sit within the context of dwellings on Wesley Avenue and Holmdale Crescent, which are circa 1960/70s construction rather than traditional buildings within the centre of the village.

- The proposal claims that the site will maximise local surveillance. The objector considers that this is because the number of proposed properties are so tightly packed into the space that nobody will have sufficient privacy which may in fact have an adverse effect on the mental health of the residents.

**Response:** Layout is a Reserved Matter for future consideration. The development would be required to provide suitable separation distances to protect the living conditions of both existing and future occupiers.

- The proposal is for a typical housing estate which would be best suited to an urban site.

**Response:** The development immediately adjacent to the application site is of a suburban character comprising regularly spaced dwellings with both a front and rear garden. The layout and appearance of the proposed dwellings will be determined at Reserved Matters stage having regard to the site context.

- All of the bungalows on Holmdale Crescent will be looking directly into the planned housing adjacent to them.

**Response:** Layout is a Reserved Matter for future consideration. The development would be required to provide suitable separation distances to protect the living conditions of both existing and future occupiers.

- The plans show two storey houses, which will overlook single storey bungalows on Arley Close and Holmdale Crescent.

**Response:** The indicative layout plan actually shows bungalows closest to Holmdale Crescent but it is indicative at this stage. In any event, both layout and scale are reserved matters for future consideration but as above, the development would be required to provide suitable separation distances to protect the living conditions of both existing and future occupiers.

- The land will be rife with wildlife which will simply vanish.

**Response:** The site has been subject to an Ecological Appraisal, as set out in the report above.

- Being in close proximity to moorland the fields around Netherthong have become a haven to brown hares and lapwings

**Response:** There will still be fields around Netherthong.

- Increased negative impact on wildlife and the environment is a major concern. It is already changing the ecology just by having the huge number of building vehicles destroying the natural habitats of many wildlife animals over the past two years;

**Response:** The site has been subject to an Ecological Appraisal, as set out in the report above.

- The unannounced attempt at demolition of the wall at the end of Wesley Avenue wall was started to be demolished in May when most creatures, birds and small mammals have young which they are feeding.

**Response:** The site has been subject to an Ecological Appraisal, as set out in the report above.

- The Ecological Survey was conducted in January and may not include all fauna and flora that may be present in and around the site. The recommendation contained in the ecology report that the opportunity for a second visit in May/June should be allowed to happen before any decision is taken. It is very important that this happens as there are bluebells that grow in the field and birds that nest in the walls

**Response:** Further surveys were undertaken on 3 July 2020 as set out in the report above.

- Up until the morning of Sunday 17 May 2020, there were native English Bluebells growing wild in the field, just behind the wall that divides that field from the grassed strip of land at the western end of Wesley Avenue. Due to their rarity, native English Bluebells are protected under the Wildlife and Countryside Act (1981). This means that digging up the plant or bulb in the countryside is prohibited. In addition, there were wrens nesting in that wall. The developer attempted to remove this.

**Response:** Contraventions of the Wildlife and Countryside Act are a criminal matter and cannot be enforced by the Local Authority.

The third field (the one that is furthest west) was not commented on at all in the 'Preliminary Ecological Appraisal'.

**Response:** The Ecological Impact Assessment has been undertaken on the basis of the red line boundary – extending to 3 fields.

- The site comprises three long-standing wildflower meadows; Greenfield spaces which have remained untouched for centuries. Wildlife including Pheasants, blackbirds, crows, jackdaws, wood pigeons, wrens, blue tits, goldfinches, foxes, have all been sighted. Bats and Owls regularly fly overhead and will lose this site as a feeding ground. Newts, Frogs and Toads have all been seen in gardens on Wesley Avenue, this proposal yet again diminishes the areas in which they can migrate.

**Response:** The site would be developed for residential use, which would include gardens and the provision of a landscape scheme to include native species. As such, it could still constitute a feeding ground. Measures to enhance bio-diversity, including bird and bat boxes would also be introduced.

- The school is already over-subscribed and there is a waiting list for the primary school - as a result it has been forced to accept class sizes above the government recognised limit of 30 per class.

**Response:** As set out in the report, additional places would be required at Netherthong Primary School and Holmfirth High School. The application would therefore be subject to a contribution to be calculated at Reserved Matters stage and to be secured through the S106 Legal Agreement. The provision and allocation of school places is not a matter to be addressed through the planning system. However, the contribution can be used for a variety of matters, including sites and construction costs for new schools, contributions towards the provision of additional classrooms and related facilities at existing schools (e.g. toilets/cloaks and ancillary facilities), contributions towards extending related external provisions including hard play, grassed areas and sports pitches or a contribution towards highway needs arising as a result of development including the provision of additional car parking in schools.

- Looks to be little provision for social housing

**Response:** 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing would be secured through the S106 agreement.

The majority of the houses in Netherthong will not be able to get their children into the local school as it is already overloaded. This will also result in more cars therefore more pollution to get their children to schools further away.

**Response:** That may be the current situation but school capacity is ever-changing and the education contribution can be spent on a variety of measures as set out above.

- Any attempt to obtain a place at the Doctors' surgery and a NHS dentist is very difficult with the current population. Local medical provision is at a maximum with people struggling to get appointments at local practices.

**Response:** The provision of health facilities falls within the remit of NHS England. The Local Plan through site allocations cannot allocate land specifically for health facilities because providers plan for their own operating needs and local demand. Existing practices determine for themselves (as independent businesses) whether to recruit additional clinicians in the event of their registered list growing. Practices can also consider other means to deal with increased patient numbers, including increasing surgery hours. Whilst the concern is understood, it is not a matter that can be addressed by the planning system.

- The proposed building plot is immediately adjacent the conservation area of Netherthong. A modern building development will detract from the intrinsic value and appearance of this valued space and should be considered when considering planning permission.

**Response:** This is addressed in the report above.

- The proposal states "the only locations from which it is possible to view the allocated site from the conservation area is from Miry Lane to the north". However, the Vicarage to the north west of the site is also part of the conservation area and will be detrimentally impacted by this development, as the site will be in plain view. The Vicarage has been in existence for more than 150 years and a corner stone to the conservation area. Therefore the open space should be extended into plots 18-22 & 34-36 on the indicative plan so that all parts of the conservation area on the northern boundary benefit from the "aesthetic value" that the proposal is trying to preserve by creating the open space.

**Response:** The impact of the proposal on the setting of the Conservation Area will be fully assessed at Reserved Matters stage as detailed in the report.

- By making a picnic area and footpath through what is now a conservation area would be illegal. The whole point of a conservation area is that it's protected and undisturbed.

**Response:** It would not be illegal to create an area of public open space or a footpath within the Conservation Area. Conservation Areas exist to manage and protect the special architectural and historic interest of a place – it is not a requirement that they are undisturbed. This proposal has been assessed with regard to its impact on the setting of the Conservation Area as will the Reserved Matters submission in due course.



- Netherthong has already seen a big increase in the number of houses over the last 5 years.

**Response:** It is appreciated that other developments have been approved in Netherthong. However, each application must be considered on its merits. Moreover, the application site effectively results in a 'rounding off' of the village. The development of this site would not project any further west into the countryside than the properties at the western end of Holmdale Crescent and it would be within with the western edge of the village created as a result of the development adjacent to 8 Miry Lane to the north.

- Have KMC Planners taken into consideration that the Public Utilities in Netherthong are overstretched?

**Response:** The applicant will be responsible for utilities provision. It is not a requirement of the planning system for the applicant to demonstrate that they have sufficient utilities in place.

- What safeguards are there in place to ensure that there is compliance with the Building Regulations? It is axiomatic that the grant of planning consent should include that the quality of the workmanship of the development should be or a reasonable standard is that one of the aspect of granting planning is to ensure a good/reasonable quality development?

**Response:** Building Regulations constitute an entirely separate set of regulations to the planning process. The applicant is required to comply with relevant Building Regulations but it cannot be controlled through the planning process.

- This application should not be allowed as it contravenes the principal strategic objectives for West Yorkshire which is to foster economic growth and to revitalise the urban areas while ensuring the conservation of the countryside and the urban heritage.

**Response:** Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The site has been allocated for housing through the local plan process and its assessment against the development plan, having regard to material considerations, is set out in the report.

- Whilst appreciating the need for more housing we already have many new builds in the village which are unsold. Surely the idea is to create homes and places for people to live not just fulfilling required numbers?

**Response:** The site has been allocated for housing through the local plan process as set out in the report. It is considered that Netherthong would be a desirable place to live, and market churn is not an indicator of a lack of demand or need.

- Many have an outlook over fields which contain a variety of wildlife and birdlife which will disappear if this development of 36 homes goes ahead.

**Response:** It is established in case law that there is no right to a view within the planning system.

- This village will lose its village status as the surrounding housing estates are encroaching on other areas e.g. Oldfield, Honley.

**Response:** No information has been provided as to what defines a 'village' status albeit that this development would result in a modest number of up to 36 dwellings.

- The assessment of the distance to local services being walkable (under 800m) is all based on pre-Covid 19 information. None of us know as yet what the world will be like once the pandemic is over but we know for sure that many pubs and restaurants will not be able to reopen.

**Response:** The application can only be based upon the services and facilities that exist at present.

- This is not an application simply to be rubber stamped by an uncaring, uninformed officer of the council, there are serious issues to be addressed properly - so a site visit by elected representatives is absolutely essential and crucial.

**Response:** The case officer has visited the site and whilst there are no formal site visits as part of the Committee process due to Covid restrictions, Members have the opportunity to visit the site independently.

- This existing wall at the bottom of the gardens of Holmdale Crescent will be the responsibility of the new properties if this application goes through. The existing gardens could slide when heavy machinery is digging foundations. The proposed houses are right up to this wall at the bottom of these gardens so digging will have to come right up to the wall. Concern about structural implications.

**Response:** This is a civil matter to be resolved between the interested parties.

- Unfair to push a planning proposal at this time when people cannot organise a local meeting and have to rely on emails.

**Response:** The Council have no control over the timing for the submission of an application. The application was submitted in May and residents have been given two opportunities to consider and comment on the proposals.

- Residents have had the current development ongoing for the past ten months resulting in persistent noise and a constant stream heavy lorries.

**Response:** It is appreciated that residents have experienced on-going development projects within the village. However, this would not constitute a reason to refuse planning permission. Case law has established that construction noise/disturbance issues are not material considerations in the determination of a planning application, because the impacts are temporary. The Council would, however, require a Construction Management Plan to ensure that matters such as dust prevention, parking for construction works, HGV routing etc. could be managed.

## **11.0 PLANNING OBLIGATIONS.**

- 11.1 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) Necessary to make the development acceptable in planning terms, (ii) Directly related to the development and (iii) Fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that it should be subject to a Section 106 agreement to cover the following:
- a. Affordable housing – 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing;
  - b. Open space – contribution to off-site open space to be calculated at Reserved Matters stage based upon the level of on-site provision at that time;
  - c. Education - additional places would be required at Netherthong Primary School and Holmfirth High School with the contribution to be calculated at Reserved Matters stage based upon the projected numbers at that time;
  - d. Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals.
  - e. A contribution to sustainable transport methods to be determined at Reserved Matters stage (Indicative contribution of £14,833.50 based on 36 dwellings).
- 11.2 The requirement for an obligation to retain the 20% affordable housing in perpetuity is set out in the report above. It will also be a requirement in due course that a management scheme is in place for any open space.
- 11.3 With regard to education, the contribution is determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. Contributions will only be sought where the new housing will generate a need which cannot be met by existing local facilities. This will be determined through examination of current and forecast school rolls of relevant primary and secondary schools, their accommodation capacities and consideration of the type of housing to be provided. The number of additional pupils generated from new housing developments is estimated on the basis of an additional 3 children per 100 family houses per year group for primary and pre-school numbers, (7 year groups) and an additional 2 children per 100 family houses per year group for secondary (5 year groups). This provides a consistent approach to securing the education contribution within the planning application process.
- 11.4 The heads of terms in relation to drainage will ensure that arrangements are in place to secure long-term maintenance and management of the surface water drainage proposal. Similarly, the contribution to sustainable transport methods is reasonable and necessary to ensure that travel needs can be met by forms of sustainable transport other than the private car and are encourage as a consequence of new development.

11.5 For these reasons, these contributions are 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 requirement for these obligations therefore conforms to guidance within the Framework.

## **12.0 CONCLUSION**

12.1 This application seeks outline planning permission for the construction of up to 36 dwellings on a site allocated for housing within the Local Plan.

12.2 The site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or will be addressed at Reserved Matters stage or via conditions and the S106 Legal Agreement.

12.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and it is therefore recommended for approval.

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

1. Details of the Reserved Matters.
2. Time limit for submission of Reserved Matters.
3. Time limit for commencement of development.
4. Submission of Reserved Matters (layout) broadly in accordance with the Parameters Plan to a maximum of 36 dwellings.
5. Submission of a Construction Management Plan to include means of access to the site for construction traffic.
6. Access construction in accordance with approved plan.
7. A scheme detailing the proposed internal adoptable estate roads.
8. A scheme for the design and construction details for all new retaining walls.
9. Details for all new surface water attenuation tanks/pipes/manholes located in the highway.
10. Updated Ecological Impact Assessment at Reserved Matters stage and development in accordance with the EIA recommendations.
11. Biodiversity Net Gain Plan at Reserved Matters stage.
12. Submission of Phase 2 Intrusive Site Investigation Report.
13. Submission of Remediation Strategy.
14. Implementation of Remediation Strategy.
15. Submission of Validation Report.
16. Development in accordance with Flood Risk Assessment mitigation measures.
17. Details of final scheme detailing foul, surface water and land drainage.
18. Details of the operation, maintenance and management of the surface water drainage infrastructure.

19. Site to be developed by separate systems of drainage for foul and surface water on and off site.
20. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
21. Procedures for dealing with unexpected contamination.
22. Biodiversity enhancement, net gain and Ecological Design Strategy.
23. Provision of Electric Vehicle Charging Points
24. Measures to promote carbon reduction and enhance resilience to climate change.

**Background Papers:**

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91146>

Certificate of Ownership – Certificate B signed – notice served on site owner(s) 25 May 2020.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

**Date: 09-Dec-2020**

**Subject: Planning Application 2020/91885 Demolition of existing store/stable, erection of detached dwelling with integral garage and modifications to existing access lane (within a Conservation Area) (modified proposal) Reddisher Farm, Reddisher Road, Marsden, Huddersfield, HD7 6NF**

#### APPLICANT

M Latham

#### DATE VALID

23-Jun-2020

#### TARGET DATE

18-Aug-2020

#### EXTENSION EXPIRY DATE

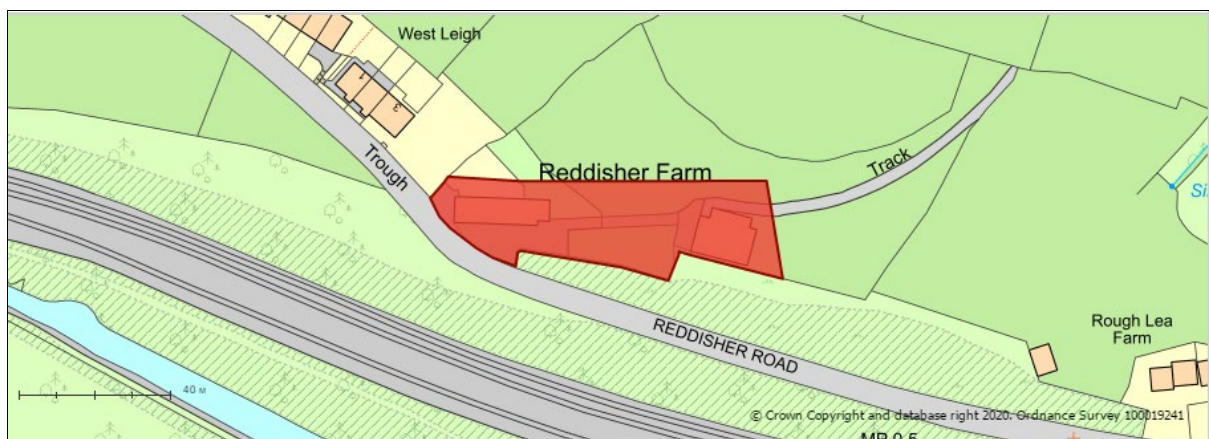
14-Dec-2020

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

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

#### LOCATION PLAN



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Colne Valley**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

- 1.1 The application is brought to committee at the request of Cllr Robert Walker, who has stated the reason for the request is:

*I have grave concerns regarding this planning application especially in relation to the work that has already taken place on site.*

*It is clear that the developers have not held to their original permissions in the works that has been carried out. The result is that the development has had an extremely negative visual impact in a Green Belt rural setting on the edge of Marsden village. The height and mass of the building is beyond the initial plan. The earth works to lower the site for the larger building have produced a highly visible scar on the landscape that is particularly visible from the A62 side of the valley. This has been compounded by inappropriate tipping of materials from the excavation in the fields above the construction site. This in itself has had a significantly negative impact on the landscape. In conclusion, this is an inappropriate development that has been carried out in a manner showing a lack of understanding of a sensitive environment and the local community.*

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

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site forms a piece of land where the dwelling subject to this application is currently under construction.
- 2.2 The site is located in an elevated position above Reddisher Road which is accessed via a steep drive which is surfaced in concrete. Land to the rear (north) rises further upwards with grazing land present. To the south west of the site is Reddisher Farm, a residential dwelling constructed from natural stone with a converted barn element. Access to the application site is off Reddisher Road via a steep drive which is shared with Reddisher Farm. In the surrounding area are dwellings located off Reddisher Road, with the main



Huddersfield to Manchester railway line and the Huddersfield narrow canal located to the south. The centre of Marsden is located approximately 500 metres away to the south east.

- 2.3 The site was formally occupied by a large rectangular stable building constructed from block work with a shallowed pitched roof covered in cement fibre roof sheeting. This structure has now been removed and the land levels reduced.

### **3.0 PROPOSAL:**

- 3.1 The application seeks planning permission for the erection of a detached dwelling with integral garage and modifications to existing access lane. The dwelling would be split across three floors with a garage and storage area on the lower ground floor, the main living space and two bedrooms at the upper ground floor and a third bedroom and storage room within the roof space. The dwelling would be constructed from coursed natural stone with the roof covered in grey concrete tiles, windows would be oak framed.
- 3.2 Access to the proposed dwelling would be via an existing drive which serves Reddisher Farm but would be extended and realigned at a lower level to access the subterranean garage. Retaining walls would be faced in course stone. Surrounding the building a patio area, which would form the private amenity space to the dwelling, would be enclosed with a glass balustrade installed on the southern and western elevations.
- 3.3 Landscaping restoration would take place around the dwelling to return the land to similar levels to that previously existing and reseed the areas of bare soil. This would aid in softening the appearance of the site from longer distance views.

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

- 4.1 2018/93555 - Demolition of existing store/stable, erection of detached dwelling with garage and modifications to existing access lane (within a Conservation Area) – Approved
- 4.2 85/05865 – erection of barn for agricultural purposes – Approved
- 4.3 COMP/20/0191 – enforcement investigation following complaint that the development taking place was not in accordance with the approved permission no 2018/93555. This has resulted in the submission of the current planning application.

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

- 5.1 It was brought to the attention of the Case Officer by local residents that the dwelling approved by application 2018/93555 did not appear to be constructed in accordance with the approved plans. The Case Officer contacted the agent regarding this matter and the agent chose to submit a new application in order to regularise the development.

5.2 The Case Officer raised concerns with the agent regarding the submitted scheme proposed in relation to its impact on the Green Belt, due to the dwelling being materially larger than that previously approved and the stable building that this in turn replaced. Concerns were also raised regarding the extent of engineering operations undertaken at the site and the adverse impact this has had on the local landscape. Extensive discussion took place, which concluded with the agent submitting the amended scheme as now proposed which is smaller than that part constructed on site and includes detail on how the land around the site will be restored.

## **6.0 PLANNING POLICY:**

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

### 6.2 Kirklees Local Plan (2019):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway safety and access
- **LP22** - Parking
- **LP 24** – Design
- **LP30** – Biodiversity & Geodiversity
- **LP35** – Historic Environment
- **LP52** – Protection and improvement of environmental quality
- **LP53** - Contamination
- **LP59** – Infilling and redevelopment of brownfield sites

### 6.3 National Planning Guidance:

- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

### 6.4 National Government's Written Ministerial Statement (WMS) 2015

- Green Belt protection and intentional unauthorised development -

“The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.

For these reasons, we introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received since 31 August 2015.

The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt”.

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

7.1 In total 22 representations have been received which include 20 in objection and 2 in support over 2 period of consultation.

The 20 comments in objection are summarised as follows:

- The proposal is inappropriate in the Green Belt and is overly prominent in the local landscape and detrimental to the character of the local area including the conservation area.
- The proposal has been damaging to the openness of the Green Belt.
- There are concerns that there was no need for the stated requirement to reduce land levels to form the dwelling, given that the site housed a large blockwork building for many years.
- The scheme as applied for is the same or similar to a scheme which Planning Officers could not originally support and was withdrawn prior to the 2018 approval. How can such arrangements be supported.
- Works which have taken place do not accord with the planning permission and this was reported to the Planning Enforcement Team. This application has been submitted retrospectively.
- The proposed building is significantly taller than the approved scheme and the building that previously occupied the site.
- The proposed development has had an adverse impact on the character and appearance of the local area including local landscape and conservation area and can be readily seen from various local vantage points including the conservation area, canal and surrounding local footpaths.
- Any use of gabion walls would be inappropriate in the local area as any retaining walls are faced in natural stone.
- The construction work and the tipping of spoil on adjacent fields has been especially damaging to the local landscape and local ecology. Such damage needs to be rectified and mitigated against.
- Due to the scale of the dwelling it has the potential to have a detrimental impact on highway safety. The access is to a poor standard and would be intensified by the proposal.

The 2 comments in support are summarised as follows:

- The dwelling is tastefully designed and has been constructed into the hill side to reduce its prominence.
- The dwelling has replaced a depilated and improved the appearance of the site.

7.2 Cllr Rob Walker has also raised concerns with the development throughout as set out in section 1 of this report including raising concerns before the current application was submitted in relation to what was being constructed on the site.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

- Network Rail – no objection subject to note
- Canal and Rivers Trust – no objection

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

- None required.

## **9.0 MAIN ISSUES**

- Principle of development
- Background
- Green Belt
- Design
- Residential Amenity
- Highway Safety
- Ecology
- Other Matters
- Representations

## **10.0 APPRAISAL**

### **Principle of development**

- 10.1 The site is located within an area of defined Green Belt on the Kirklees Local Plan. The application for the erection of a new dwelling therefore needs to be considered against appropriate Policies in relation to new development in the Green Belt, as set out in the Local Plan and NPPF. In addition, all other material planning considerations need to be assessed such as the impact of the development on highway safety, heritage, amenity, ecology and all other material planning considerations.

### **Background**

- 10.2 The site subject to this application has previously benefited from planning permission for the erection of a detached dwelling approved via application 2018/93555. Work commenced on the site via application 2018/93555 by the demolition of the former stable building and ground levels were reduced to provide a base to form the dwelling and to create the space for the under-build element. Construction of the dwelling then commenced with the dwelling being erected to roof level with roof trusses installed. It is noted that a condition for the submission of materials was not discharged before work commenced on the super structure.
- 10.3 The dwelling constructed on site is higher than that approved with a higher overall ridge height at 7 metres and eaves level of 3.5 metres, with a larger subterranean element formed at basement level. After discussions with the Case Officer the applicant has acknowledged the discrepancies between the development approved and that erected on site. The applicant has put forward revised plans to reduce the scale of the building as currently built on site to have an overall height of 5.8 metres and be 2.8 metres to the eaves. However, the requested building is slightly larger than that previously approved to allow for a room to be formed in the roof space. The approval had

an overall height of 5.2 metres and an eaves height of 2.6 metres. This application is therefore based on the amended plans for a building which is larger than that previously approved; but smaller than the unauthorised building currently on site.

- 10.4 With regard to the land surrounding the site, the domestic curtilage is proposed to be tight around the site with only a walkway and relatively small terraced area to the front. All other land around the building other than for access would be regraded and seeded in grass. These arrangements for the current application are the same as that previously approved by application 2018/93555 and are in discussed in more detail below.

### **Green Belt**

- 10.5 The site is located within the Green Belt and was originally occupied by a stable building, with the proposal seeking to erect a new dwelling in its place. The erection of new buildings in the Green Belt is inappropriate and by definition harmful to the Green Belt as set out in paragraphs 144 and 145 of the NPPF. However, paragraph 145 does set out exceptions to inappropriate development, which can include the redevelopment of a previously developed site, provided it does not have a greater impact on the openness of the Green Belt than the existing development. This exception is also detailed in Policy LP59 which sets out additional criteria to consider.
- 10.6 Whilst the stable building which previously occupied the site has now been demolished, it was established in application 2018/93555 that the site represented a previously developed site and it was appropriate to consider the application against paragraph 145 (g) of the NPPF and Policy LP59 of the Local Plan.
- 10.7 The key assessment for the application therefore is whether the current proposal would has a greater impact on the openness of the Green Belt than the stable building which previously occupied the site, and whether the other listed criteria in Policy LP59 can be met. Policy LP59 requires that the existing footprint of a previously developed site is not exceeded and that any development does not result in the loss of land of high environmental value. It also requires that the design of any development does not materially detract from the site's Green Belt setting. Planning Practice Guidance advises that when assessing a development's impact on the openness of the Green Belt, that openness has both a visual and spatial element, and both must be considered with a scheme.
- 10.8 To assess the development's impact on openness, consideration of the overall scale of the proposed building compared to the existing building is a useful stating point. The former stable building had a total cubic volume of 552 cubic metres with the proposed building being 616 cubic metres in scale, a difference of 64 cubic metres or 11.5%. When compared to the previously approved scheme it is 24 cubic metres larger or an additional 4%.
- 10.9 Whilst larger than the previously approved scheme and the former stable building, the increase in scale is, on balance, considered to be relatively limited. The main increase has come about by the increase in the overall height, now being 0.6 metres higher than previously proposed, creating a larger roof structure. The eaves would be 0.2 metres higher. These relatively

minor increases are on balance not considered to be significantly detrimental to the openness of the Green Belt due to the main additional space coming in the roof space and being less imposing due to the pitch of the roof. Furthermore it is noted that whilst larger than previously approved, the dwelling is set further down in the site and the landscape than the approved dwelling and previous building. This set down has come about by excavations undertaken at the site to find a solid base for the foundations. The set down aids in reducing the impact of the increase in overall height of the dwelling. Therefore in terms of the dwelling itself it is considered on balance that the proposal would have no greater detrimental impact on openness than the scheme which was previously proposed. It is also noted that the dwelling whilst lower in the landscape is within the same footprint of the stable building which formally occupied the site, a requirement of Policy LP59. With regard to curtilage this would be tight around the site and can be secured by condition, and would represent the same arrangements as previously approved which is considered to be acceptable.

- 10.10 Turning to the landscape impact. Whilst it is noted that the building does currently appear prominent in the local landscape this issue is exacerbated by the ground works necessary to form the dwelling. The regrading works that have been undertaken particularly to the north and east of the dwelling have resulted in a prominent visual 'scar' ensuing.
- 10.11 Some landscaping details have been set out on the site layout plan to detail that the land will be regraded and reseeded, though additional planting has not been detailed. Given the landscaping impact of the proposal it is considered appropriate and necessary to secure a detailed site specific landscape plan by condition which will also aid in providing some biodiversity net gain at the site as considered in more detail in the ecology section.
- 10.12 The proposal also includes a subterranean garage, utility space and storage room. It is noted that whilst a garage was previously approved, the scheme now shown is larger than that previously approved. However the subterranean element would not be visual from outside the site and it is considered that this element would not have a greater impact on openness than the existing development at the site.
- 10.13 It is noted that engineering operations would be required to form the new access road to the building. Engineering operations can form appropriate uses within the Green Belt provided they preserve openness, and do not conflict with the purposes of including land within it. The new access road would broadly be in the same location as the existing steep concrete drive but would be at a lower level to access the subterranean garage. It is noted that the drive is detached from the adjacent residential dwelling, but equally the drive exists and could have been used on a frequent basis to access the former stable building. Retaining works would be necessary to form the lowered drive which would be faced in natural stone. The engineering works necessary to form the drive are considered to be limited in overall size to only that which is necessary to access and egress the garage and would be large read with the rising land to the rear. It is also noted that the drive would be in the broad position of the existing drive. Given these circumstances it is not considered that the drive or associated retaining works would adversely impact on openness or any of the purposes of including land within the Green

Belt, of which the most relevant to this development is encroachment into the countryside.

- 10.14 In conclusion and on balance the proposed dwelling is considered to have a similar impact on the openness of the Green Belt than the stable building which previously occupied the site. It is noted that the proposal includes a subterranean element which is directly below the building, however this would not be visible within the Green Belt and would therefore not impact on openness. Furthermore, the engineering operations necessary to access the dwelling are limited and would be the same as previously approved. However, it is noted that damage has been caused to the local landscape by the works and this needs to be remediated by implementing a detailed landscaping plan.
- 10.15 Given all of these factors it is considered that, on balance, the proposed development as a whole would not have a greater impact on the openness of the Green Belt than original stable building which occupied the site or conflict with the purposes of including land within it. This includes consideration of the normal paraphernalia associated with domestic use. To prevent any further additions to the property harming the openness of the Green Belt it is considered appropriate and necessary withdraw permitted development rights for further extensions and outbuildings and to define the curtilage to the area immediately around the building and the access drive.
- 10.16 A written ministerial statement in 2015 introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. The Government stated that it was particularly concerned about harm that is caused by “intentional unauthorised development in the Green Belt”. In this specific case it is acknowledged that the development currently on site does not accord with the approved scheme. During the course of this application negotiations have been undertaken which have overcome the objections to the ‘as built’ structure on site. Although unauthorised development has taken place, the harm caused by this is considered, on balance, to be overcome by the amended plans before members.

### **Design and Heritage**

- 10.17 General design considerations are set out in Policy LP24, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. This is reiterated in Chapter 12 of the NPPF. The key design considerations relate to the design of the dwelling itself and its impact on the character and appearance of the local area and street scene.
- 10.18 The application site is also part located within the Marsden Tunnel End Conservation Area and is located adjacent to the Marsden Conservation Area, though it is noted that the specific building subject of this application falls outside of the conservation area with only a small section of the drive and Reddisher Farm falling within the Conservation area. The impact of development on the setting of the Conservation Area however needs to be considered in detail and with respect to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets down a statutory duty for the preservation or enhancement of the conservation area Policy LP35 of Local Plan also need to be considered along with Chapter 16 of the NPPF.

- 10.19 The proposed dwelling has a simple design which is limited in height to mimic the scale of the previous stable building and follows the same principles as the scheme previously approved at the site. The building would be constructed from natural stone with contemporary elements such a centrally glazed section on the front elevation and a set of corner bifold doors. Windows and doors are stated to be oak. The design of the building is considered to be acceptable and the use of natural stone and artificial stone slates would aid in ensuing that the building sits comfortably within its rural setting. Its limited height would also aid in ensuing that it does not appear overly prominent. A post and rail fence would also be erected in front of the outside space which is considered appropriate and would match that previously approved.
- 10.20 With respect to the impact on the conservation area of which there are two in close proximity to the site. Whilst it is noted that the works taken place which have made it currently more prominent than before, the impact is considered to be limited to construction period and the areas which have been impacted on would be restored with reseeded and additional planting secured by a detailed landscaping plan which would be conditioned.
- 10.21 With landscape measures in place the proposal is considered to have a neutral impact on the character, appearance and to setting of the conservation areas. The area of the site which falls within the conservation area is only the access and no alterations are proposed for this part of the site. The dwelling replaces a poor quality stable building which did not make a positive contribution to the conservation areas.
- 10.22 Subject to the conditions set out above, the proposal is considered to be of an acceptable design and would have an acceptable impact on local heritage.

### **Residential Amenity**

- 10.23 With regard to residential amenity, Policy LP24 advises that proposals should ensure that a high standard of amenity is achieved for future and neighbouring occupiers.
- 10.24 The proposed dwelling is located away from adjacent properties with the closest nearby dwelling being Reddisher Farm over 35 metres away to the west. The separation distances to adjacent properties would prevent any undue overlooking, overbearing or overshadowing impact. With regard to the scale of the building for future occupiers the dwelling is considered to be of a sufficient overall scale at 125 square metres which would accord with the DCLGs technical space standards. It is noted that the domestic curtilage to the dwelling would be limited to a small area around the building and the access drive. Whilst small it is considered sufficient given the site's location within the countryside, where the applicants would benefit from long distance and open views of the countryside, and protecting the Green Belt from further additions is considered to be particular important.



- 10.25 Turning to the site's proximity to the main Transpennine railway line. Environmental Services have previously assessed the erection of a dwelling at the site. They raised no objection but sought a condition to ensure that noise levels in the property are at an acceptable level. Given that the arrangements for the provision of a single dwelling remain, a condition is therefore attached to the recommendation to ensure that future occupiers are not subjected to unacceptable levels of noise. This would be in accordance with Policy LP52 of the Local Plan.
- 10.26 Subject to the conditions set out above the proposal is considered to have an acceptable impact on residential amenity.

### **Highway Safety**

- 10.27 Policies LP21 and 22 of the Local Plan are relevant in terms of highway safety which seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking.
- 10.28 The new dwelling will use the existing vehicular access point onto Reddisher Road that will also continue to be used by the existing Reddisher Farm. Parking improvements will be made for the existing dwelling, with two off-street parking spaces and a turning head being created along with a subterranean garage to serve the new dwelling. It is noted that the existing access point has substandard sightlines well below the 2.4m by 43m for a 30mph road. It is noted that the applicant has carried out works to improve viability by reducing vegetation and resurfacing sections of the access; nevertheless sightlines at the access are still considered to be substandard.
- 10.29 It is noted that the site originally housed a stable building which has now been demolished. The stable had an existing point of access and drive leading to the front of the building. Previously it was considered that the stable building which occupied the site would not have had significantly frequent vehicle movements and nor would the proposed dwelling under application 2018/93555. These arrangements are considered to be the same for this application and therefore on balance it is considered that the proposed dwelling would have an acceptable impact on highway safety. Subject to a condition requiring the surfacing of the areas to be used by vehicles the proposal is considered to have an acceptable on highway safety.

### **Ecology**

- 10.30 The site is located within an ecologically sensitive area, being within 500 m of European protected sites (South Pennine Moors SPA/SAC), nearby local wildlife sites, immediately adjacent to heathland Priority Habitat. Immediately adjacent to habitats included within the Kirklees Wildlife Habitat Network and the building has potential for roosting bats. The site is also located within the SSSI Impact Zone and Natural England where consulted on. The applicant also provided a Preliminary Ecological Appraisal (PEA) which has been resubmitted under this application. The PEA considered the ecological constraints at the site which were also assessed by the Council's Ecologist at the time of the last application as well as consulting with Natural England.

- 10.31 Natural England previously advised that they had no objection to the proposal based on the submitted information and made general comments in relation to the developments impact on nearby ecological constraints which were considered by the Council's Ecologist. The Ecologist did not raise any objections to the proposed development but did advise that the mitigation and enhancement measures detailed in the submitted Preliminary Ecological Appraisal be adhered to.
- 10.32 It is noted that construction work at the site has impacted on the local landscape and has led to the moving of a substantial amount material to facilitate the dwelling. The impact of these on local ecology also needs to be considered. Whilst the works have led to the loss of a substantial amount of vegetation from reviewing the PEA these areas were mainly bare ground, poor or semi-improved grass, nettles or heavily grazed improved acid grassland. These areas are therefore considered to be generally of a low ecological value, and whilst the loss of such a large area is far from ideal, it is considered that appropriate replanting and reseeding can help to mitigate this harm. A landscaping plan has been provided however specific details of where the proposed species are to be planted and how many there are is relatively limited. It is therefore considered appropriate to condition a more detailed plan be submitted before occupation of the dwelling and for works to be implemented for the dwelling is brought into use. Subject to these conditions the proposal is on balance considered to have an acceptable impact on local ecology.

### **Other Matters**

- 10.33 *Electric Charge Points* - Given that the proposal seeks the erection of a new dwelling and in line with the West Yorkshire Low Emissions Strategy (WYLES) and Policy LP24 of the Local Plan a condition is attached to the decision notice requiring the provision of an electric charging point at the property.
- 10.34 *Canal and Rivers Trust* - The application is within proximity to the Huddersfield narrow canal and the Canal and Rivers Trust have been consulted as part of the application. They have considered the application but offered no comment.
- 10.35 *Network Rail* - The site is located within proximity to the main Leeds to Manchester Train line and the application has been assessed by Network Rail who raise no objection to the proposal but do request that a note is attached to the decision notice to advising that dust and debris is limited during demolition and construction to prevent any adverse impact on the adjacent railway line. This will be added as a note.
- 10.36 *Drainage* - The application seeks the use of a package treatment system for foul water and would replace an existing septic tank which serves Reddisher Farm. The use of the package treatment system represents a more appropriate system and details have been provided by the applicant. Given the circumstances of the site where there is challenging topography the use of a package treatment system is considered to be acceptable, specific details will be addressed through building regulations.

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

10.38 The proposed dwelling would be built to modern construction practices from natural materials with significant amounts of glazing and predominately faces south. The property would be subject to solar gain and the materials could be recycled if necessary. In accordance with Policy LP24 of the Local Plan, in order to support the use of ultra low forms of transport it is recommended that an electric vehicle charging point be conditioned. This would also comply with the West Yorkshire Low Emissions Strategy.

### **Representations**

10.39 In total 22 representations have been received which include 20 in objection and 2 in support over 2 periods of consultation. A summary of the comments is set out below along with a response to the points raised.

10.40 The 20 comments in objection are summarised as follows:

- The proposal is inappropriate in the Green Belt and is overly prominent in the local landscape and detrimental to the character of the local area including the conservation area.
- The proposal has been damaging to the openness of the Green Belt.

**Response:** As set out above the impact of the development on the Green Belt has been considered in detail and the scheme has been amended from that initially proposed and that built on site. The assessment has concluded that on balance the proposal is considered to have an acceptable impact on the Green Belt, including openness and the local landscape.

- Works which have taken place do not accord with the planning permission and this was reported to the Planning Enforcement Team. This application has been submitted retrospectively.

**Response:** This is noted and these complaints have brought about the submission of this planning application. The application does not seek permission for the building on site but a reduced scale of development which has been negotiated during the course of the application.

- The proposed development has had an adverse impact on the character and appearance of the local area including local landscape and conservation area.

**Response:** As detailed above the proposal as amended and subject to a detailed landscaping plan is on balance considered to have an acceptable impact on the local landscape and conservation area.

- There are concerns that there was no need for the stated requirement to reduce land levels to form the dwelling, given that the site housed a large blockwork building for many years.

**Response:** These works have taken place and the whilst the dwelling sits 0.75 metres lower than previously approved scheme the reduced height in the landscape is not considered to be detrimental to the Green Belt or local landscape.

- The scheme as applied for is the same or similar to a scheme which Planning Officers could not originally support and was withdrawn prior to the 2018 approval. How can such arrangements be supported?
- The proposed building is significantly taller than the approved scheme and the building that previously occupied the site.

**Response:** The scheme now proposed is smaller than that built and as set out above is only marginally larger than the approved scheme.

- The proposed development has had an adverse impact on the character and appearance of the local area including local landscape and conservation area and can be readily seen from various local vantage points including the conservation area, canal and surrounding local footpaths.
- The construction work and the tipping of spoil on adjacent fields has been especially damaging to the local landscape and local ecology. Such damage needs to be rectified and mitigated against.

**Response:** As assessed in detail above the impact on the local landscape and ecology subject to mitigation measures such as compensatory planting is on balance considered to be acceptable.

- Any use of gabion walls would be inappropriate in the local area as any retaining walls are faced in natural stone.

**Response:** The stated gabion walls would be filled with natural stone and such an approach is considered to be acceptable.

- Due to the scale of the dwelling it has the potential to have a detrimental impact on highway safety. The access is to a poor standard and would be intensified by the proposal.

**Response:** As set out above the proposal is not considered to have a detrimental impact on highway safety.

10.41 The 2 comments in support are summarised as follows:

- The dwelling is tastefully designed and has been constructed into the hill side to reduce its prominence.
- The dwelling has replaced a depilated and improved the appearance of the site.

**Response:** These comments are noted.

## 11.0 CONCLUSION

11.1 In conclusion the proposed dwelling is, on balance, considered to accord with Green Belt Policy and on balance would have an acceptable impact on the local landscape and ecology. The dwelling is of an acceptable design and scale and would not adversely impact highway safety.

- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals accord with the development plan and it is recommended that planning permission be granted.

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

1. Development to be undertaken in accordance with the submitted plans and specifications
2. Roof material to be artificial stone slates.
3. Fence to the front of the building to be a timber post and rail fence to be erected before the external patio area first brought into use.
4. Submission of a noise report into the impact of the railway on future occupiers
5. Withdraw permitted for extensions and outbuildings.
6. Defined domestic curtilage.
7. Provision of an electric charging point.
8. Accordance with Ecological Appraisal.
9. Surfacing of drive and parking.
10. Submission of a detailed landscaping scheme to be implemented before occupation of the dwelling and for maintenance and retention of the landscaping works over a minimum of a 5 year period.

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91885>

Certificate of Ownership –Certificate A signed

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Dec-2020

Subject: Planning Application 2020/92400 Erection of detached garage  
Brigsteer, 402, Birkby Road, Birkby, Huddersfield, HD2 2DN

### APPLICANT

S Akhtar

### DATE VALID

27-Jul-2020

### TARGET DATE

21-Sep-2020

### EXTENSION EXPIRY DATE

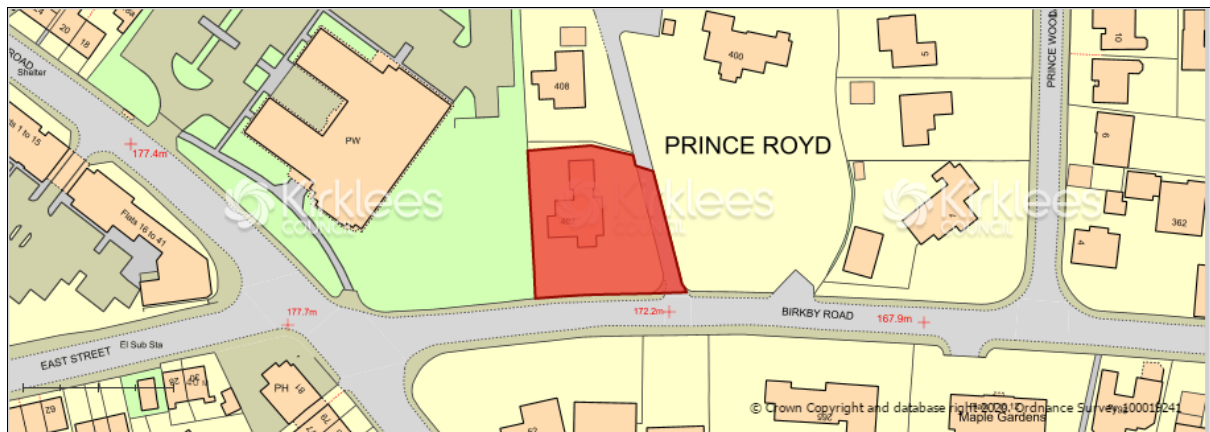
14-Dec-2020

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

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

### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral wards affected: Lindley**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

1.1 The application is brought to committee at the request of Cllr Cahal Burke, who has stated the reason for the request is:

*Over-development of the site - particularly as the proposal is out of character in the area.*

*We are concerned about the proposal for a building sited in the corner of the property adjacent to the private lane and Birkby Road. Not only would it represent an over development of the plot, but It would be visually assertive and dominate the street scene. A fence large enough to conceal such a building along Birkby Road would be even more dominant and visually assertive. Any proposal that a hedge could conceal the building is unworkable since 'to grow a hedge 3.2 metres high' is not an enforceable condition.*

1.2 It is also noted that the two other Ward Councillors Cllr Richard Eastwood and Cllr Anthony Smith were also included in correspondence to this request.

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

**2.0 SITE AND SURROUNDINGS:**

2.1 402 Birkby Road, known as Brigsteer, is a large detached dwelling situated on the north side of Birkby Road approximately 45m east of the junction with Halifax Road. Vehicular access is provided by an unadopted road adjacent to the eastern boundary of the plot which continues to serve 5 other dwellings. The plot, which measures approximately 39m from north to south and 30m west to east (on average), is somewhat elevated above the level of Birkby Road. Vehicular access to the unadopted road is taken at the north-east corner of the site. The dwelling itself is of an asymmetrical design and layout, with an attached double garage at the northern end. Most of the amenity space is to the south and west, and there are several mature trees on the southern and eastern boundaries.



2.2 To the west, the site is bounded by the Church of Jesus Christ of Latter Day Saints grounds, and to the north by no. 408 Birkby Road. To the east, on the other side of the access road, is no. 400 Birkby Road, a detached dwelling on a large plot, while to the south, on the opposite side of Birkby Road, are some modern detached dwellings on smaller plots. The wider area is characterised by detached dwellings which are mostly either individually designed or form part of small modern developments.

### **3.0 PROPOSAL:**

3.1 The application seeks the erection of a detached double garage. The garage would be located to the front of the dwelling in the south eastern corner of the site proximate to Birkby Road. The garage would measure 6.8 metres wide by 6.6 metres deep with a maximum overall height of 2.6 metres. The garage would be constructed from natural stone with a flat roof covered in rubber membrane. The garage would be set down in the site by approximately 0.6 metres with a ramped access leading from the existing drive/parking area to the front of the dwelling.

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

- 2020/93467 - Erection of gates and gate posts – Pending Consideration
- 2019/91842 - Erection of detached garage – Refused. Appeal dismissed.
- 2018/93226 - Erection of two storey extension – Approved by Huddersfield Planning Sub-Committee. The development authorised by this permission was not implemented due to application 2018/90978 being allowed at appeal.
- 2018/90978 – Erection of single-storey and two-storey extensions. Refused by Huddersfield Planning Sub-Committee and subsequently allowed at Planning Appeal, ref APP/Z4718/D/18/3218457. Permission Implemented.
- 2004/91771 – Reserved matters for the erection of a detached dwelling. Approved and implemented.
- 2003/94421 – Outline application for the erection of a detached dwelling (within the curtilage of the dwelling now known as 408 Birkby Road). Approved and implemented.

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

5.1 The Case Officer raised concerns with the scale of the originally proposed garage which had a pitched roof with a maximum height of 4 metres and would have been built at the existing ground level. There were concerns that this proposal would have a detrimental impact on the local street scene. The applicant submitted a number of amended plans, finally reducing the height of the garage to 2.6 metres with a flat roof and setting it down in the site by 0.6 metres to make it less prominent.

## **6.0 PLANNING POLICY:**

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

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

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place Shaping
- **LP 21:** Highway safety and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 33:** Trees.

### **6.3 National Planning Guidance:**

- **Chapter 11** - Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 15** - Conserving and enhancing the natural environment

## **7.0 PUBLIC/LOCALRESPONSE:**

7.1 The application has been advertised via neighbour notification letters to addresses bordering the site in accordance with Table 1 of the Kirklees Development Management Charter.

7.2 The final public representation period for the application expired 16<sup>th</sup> October 2020.

7.3 In total 35 representations have been received on the proposals. 2 comments were received following the applicant serving notice of owners of land within the application site under Article 13 of the Town and Country Planning (Development Management Procedure) Order 2015. A total of 29 in objection and 4 comments in support of the proposal have been received, over 2 periods of formal public consultation. Comments have been summarised below:

- The 2 comments received following the applicant serving notice on land owners were received from local residents who had been served notice on due to the shared ownership of the access to the site. These comments focus on requesting the ability to comment on the planning application once validated.

7.4 The 29 comments received in objection, include multiple comments by individual local residents, these are summarised below:

- The scheme is similar to that refused and dismissed at appeal and there is no material change in circumstance to warrant supporting the proposal. The development has not addressed the concerns in the previous report or Inspectorate's decision.

- The submitted information including the street scene elevations are misleading and include elements which are not directly proposed by this scheme such as the boundary treatment and illustrated trees.
- Brigsteer was only allowed to be constructed with enhanced sightlines off a private drive, there is concern that insufficient sightlines would be delivered by this proposal.
- The proposal would represent an overdevelopment of the site and is located in a prominent position forward of the dwelling. If the highway works go ahead (highway scheme along Birkby Road) this would further reduce the available land at the site, further increasing over development concerns. There are no other garages forward of the front elevation of dwellings in the local area.
- Concerns are raised regarding the intensification of use of the access and the impact of construction works on highway safety. The other works undertaken at the site led to on street parking and disturbance.
- The proposal should include an electric car charging point and have solar panels.
- The flat roof is not in keeping with the local area.
- There are already existing garage facilities at the site which should be utilised.
- The proposed fence shown after the highway works would be visually dominant to the detriment of the street scene and was not included in any of the consultations on the highway improvements, how can this be given any weight in the decision on the application?
- The proposal would increase water run off at the site.
- The amended plans do not address the objections previously set out.
- If the garage approval is based on screen fencing then there are concerns that this could not be achieved under permitted development due to its location adjacent to a highway and no screen fencing is proposed in the application. If screening isn't proposed the garage even with a flat roof would remain prominent.

7.5 5 comments in support,

- The scheme is smaller than that refused and would not be visible in the street scene, would be constructed from matching materials and therefore accord with Policy requirements.
- There is no impact on trees nor to a conservation area and highways have no objection to the impact highway safety. The rule of 5 cars of a private drive is not relevant as the access was widened when no. 402 was built.
- The proposal does not impact on any surrounding residents.
- Some of the comments against the proposal include inaccurate calculations and were made before the application was validated.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

No consultation necessary.

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

No consultation necessary.

## 9.0 MAIN ISSUES

- Principle of development
- Background
- Design
- Residential Amenity
- Highway Safety
- Other Matters
- Representations

## 10.0 APPRAISAL

### Principle of development

- 10.1 The application site is unallocated on the Local Plan and therefore Policies LP1 and 2 are relevant which support sustainable development. The key assessment for this application will be the design of the development and its impact on the character and appearance of the local area. The impact of the development on residential amenity, highway safety and all other material planning considerations will also be assessed.

### Background

- 10.2 The application represents an amended submission to the scheme refused under application no. 2019/91842, which was also dismissed at appeal. The 2019 application proposed a larger garage which would have had a maximum overall height of 4.3 metres be 8.5 metres wide by 6.8 metres long and would be set at the original ground levels in the site. The reason for refusal is set out below:

*1. The proposed detached garage, by reason of its scale and position forward of the host property and adjacent to Birkby Road, and when combined with other extensions undertaken at the application site would represent an overdevelopment of the site, that would be visually assertive and out of character with, and harmful to, the visual amenity of the local area. The proposal would therefore be contrary to the aims Policy LP24 (a) of the Kirklees Local Plan and paragraph 127 of the National Planning Policy Framework.*

- 10.3 The Planning Inspectorate, whilst dismissing the appeal, did not agree with the stated 'overdevelopment reason', considering that the garage "would not be disproportionate to the size of the plot". The submitted plans also included the land that would potentially be taken to implement the highway improvement scheme on Birkby Road.
- 10.4 The currently proposed garage is significantly smaller than that proposed by the 2019 application being 25% smaller in terms of volume and 22% in terms of footprint.

## Design

- 10.5 General design considerations are set out in Policy LP24, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. This is reiterated in Chapter 12 of the NPPF. The key design considerations relate to the design of the garage itself and its impact on the character and appearance of the local area and street scene.
- 10.6 The application site has previously received permission, allowed at appeal, to be extended under application 2018/90978 and works in relation to this permission have now been completed. The key consideration for the proposal is whether the development would be in keeping with the character and appearance of the local area. The previously held concerns in relation to over development at the site were not supported by the Planning Inspectorate in considering the previous garage scheme, where it was concluded that the garage would not be disproportionate in size to the plot. This appeal decision is a material consideration afforded considerable weight in the assessment of this proposal. Taking this into account, together with the reduced footprint and volume of the garage, Officers consider that the proposal would not amount to over development of the site.
- 10.7 Turning to the impact on the character of the local area, concerns were previously raised with regard to scale of the garage and its prominence in the street scene, due to its position to the front of the property in the south eastern corner and in proximity to Birkby Road.
- 10.8 However the garage would at its very closest point be 3.8 metres from Birkby Road, and the site is currently screened by a number of conifer trees. The ground level of Brigsteer is set up above the ground level of Birkby Road, however the proposed garage would be set down within the site, being approximately 0.6 metres lower than the existing ground level which would aid in reducing its visibility in the street. The building's overall height at 2.6 metres means that with the set down of 0.6 metres that only 2 metres would be visible above the existing ground level. This limited height, combined with the garage's position away from the site boundary, is considered to ensure that the garage would not appear overly prominent from Birkby Road or in the wider local area. Furthermore the applicant proposes to retain the existing conifer edge at the site boundary which would ensure also aid in ensuring that views of the structure would be limited from Birkby Road. The impact of the development on the street scene and local area is therefore considered to be acceptable.
- 10.9 With regards to the appearance of the garage, it would appear as a simple detached outbuilding constructed from natural stone to match the host property. Two garage doors would be located in front elevation and a personnel door in the side elevation. The building would appear as a subservient outbuilding and the use of matching materials would help it to harmonise with the principal dwelling on the site. The proposed flat roof, whilst not matching the main dwelling, is on balance considered to be acceptable as it aids in reducing the prominence of the garage, and flat roofs are not an uncommon design approach for detached garage structures.

- 10.10 It is also noted that the Council are proposing to bring forward highway improvement works at the junction of Birkby Road and Halifax Road which would impact on the site. The proposals have been through a formal consultation stage, but as yet no planning application for the works has been submitted. The proposed works would lead to the loss of part of the garden area of Brigsteer and the extent of garden lost is indicated on the submitted plans. If the works go ahead they would lead to the proposed garage being closer to the potential new footway along Birkby Road, being 1.7 metres away at its very closest point. Whilst there is potential the garage would be brought closer to Birkby Road if the highway improvement works take place, given its low height and set down, and position off the site boundary it is considered that the garage would still have an acceptable impact on the street scene. This takes into account that the existing soft landscaping along the boundary would be removed and replaced with some form of boundary treatment.
- 10.11 It is noted that the submitted plans have provided a street scene elevation setting out how the applicant considers the site would appear after the highway works have been completed, showing the garage behind timber fence on top of a new retaining wall. The plans suggest the retaining wall and fence would have an overall height of between 3.5 to 4 metres when measured from the footway along Birkby Road. Whilst noting that the proposed garage would be screened behind some form of boundary treatment if the highway works take place, planning permission would be required for these works in their own right and they are not included in this application. There is also no other planning permission in place for the works; this would require an application to be submitted at some point in the future. Given this situation, no weight is afforded to the details set out on the street scene plan and a future application would have to assess the potential impact of any such boundary treatment. A note regarding this matter would be included on any decision notice for clarification.
- 10.12 It is noted that that the site is within close proximity to the Edgerton Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 needs to be considered which requires that special attention is paid to the desirability of preserving or enhancing the character and appearance of the conservation area. Whilst within proximity of the Conservation Area it would be set away from the boundary and within a separate residential garden. The highway provides a clear separation between the site and Conservation Area. Taking this into account it is considered that the proposal would preserve the setting of the Conservation Area.
- 10.13 In conclusion, given the limited scale of the garage and its low overall height the proposal is considered to be of an acceptable design in its own right and when considered as an outbuilding to the principal dwelling. Taking these factors into account furthermore, it would not have a detrimental impact on the character, appearance or visual amenity of the street scene along Birkby Road. The proposal would therefore accord with Policy LP24 of the Local Plan and Chapter 12 of the NPPF.

## **Residential Amenity**

- 10.14 With regard to residential amenity, Policy LP24 advises that proposals should ensure that a high standard of amenity is achieved for future and neighbouring occupiers.
- 10.15 The proposed garage is separated from unrelated properties with the closest being those on the opposite side of Birkby Road to the south which are over 30 metres away. The closest properties to the east of the site are over 40 metres away. Given the separation distances achieved it is considered that the proposed garage would not adversely impact on residential amenity and would accord with Policy LP24 in terms of residential amenity.

## **Highway Safety**

- 10.16 Policies LP21 and 22 of the Local Plan are relevant in terms of highway safety which seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking to serve development. The proposed garage would be accessed by an enlargement to the existing internal drive of Brigsteer which would also be sloped down into the garage. Access to the site itself via the existing private drive which leads from Birkby Road.
- 10.17 Given that the point of access already exists and it is not proposed to enlarge the property under this application with additional living space, it is considered that the erection of the detached garage would not intensify vehicular movements to and from the site. The proposed garage is of a suitable size to accommodate vehicles and access arrangements to the garage are considered to be acceptable.
- 10.18 The highway improvements works along Birkby Road referred to earlier in this report, which would lead to the loss of part of the garden, have also been considered on the submitted plans. The applicant has detailed the extent of where such improvements would extend to on the site and shown how achievable sight lines would be retained with the proposed garage in place. Such details are considered to be acceptable and demonstrate that the proposed garage would not adversely impact on the sightlines to and from the private drive that leads from Birkby Road if the highway works were undertaken. If the highway works are not undertaken the position of the garage would not impact on the existing arrangements which is considered also to be acceptable
- 10.19 In conclusion the highway arrangements for the application are considered to be acceptable and would accord with Policies LP21 and 22 of the Local Plan.

## **Other Matters**

- 10.20 *Ecology* – As noted on the previous applications the mature trees which would be lost by the development are not worthy of a preservation order and their loss is considered to be acceptable. The site is an area of garden with no other ecological value.

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

10.22 The proposed garage is a small scale addition to the site and would enhance the existing occupiers' use of the property. The use of natural stone is a durable material which could if necessary be reused at some point in the future.

### **Representations**

10.23 In total 35 representations have been received on the proposals. 2 comments pre-consultation, 28 in objection and 4 comments in support, over 2 periods of formal public consultation. Comments have been summarised below, along with a response to the points raised.

- The 2 comments received before consultation were received from local residents who had been served notice on due to the shared ownership of the access to the site. These comments focus on requesting the ability to comment on the planning application once validated.

**Response:** These comment are noted, and the application was advertised by letter sent to residents in accordance with Table 1 of the Kirklees Development Management Charter.

10.24 The 29 comments received in objection, include multiple comments by individual local residents, these are summarised below:

- The scheme is similar to that refused and dismissed at appeal and there is no material change in circumstance to warrant supporting the proposal. The development has not addressed the concerns in the previous report or Inspectorates decision.

**Response:** The proposal is now substantially smaller than that previous refused scheme and as set out above is considered to have overcome the previous reason for refusal/reason the application was dismissed at appeal.

- The submitted information including the street scene elevations are misleading and include elements which are not directly proposed by this scheme such as the boundary treatment and illustrated trees.
- The proposed fence shown after the highway works would be visually dominant to the detriment of the street scene and was not included in any of the consultations on the highway improvements, how can this be given any weight in the decision on the application?

**Response:** It is noted that the street scene elevation includes elements such as the boundary treatment which do not form part of the proposal and as set out above have been given no weight in the determination of the application. A separate planning application would be required for this.



- Brigsteer was only allowed to be constructed with enhanced sightlines off a private drive, there is concern that insufficient sightlines would be delivered by this proposal.

**Response:** These sight lines would be retained by the development.

- The proposal would represent an overdevelopment of the site and is located in a prominent position forward of the dwelling to the. If the highway works go ahead this would further reduce the available land at the site, further increasing over development concerns. There are no other garages forward of the front elevation of dwelling in the local area.

**Response:** As set out in the design section of the report, the Planning Inspector's decision letter regarding the previously refused application did not consider that the last scheme represented an over development of the site. The scheme is now smaller than that previously proposed. Significant weight is afforded to the recent appeal decision in the assessment of this application.

- Concerns are raised regarding the intensification of use of the access and the impact of construction works on highway safety. The other works undertaken at the site led to on street parking and disturbance.

**Response:** The proposed garage would be used incidentally by the existing occupiers of the host dwelling. It is considered that it would not lead to an intensification of use of the access. There is sufficient parking on site to allow for contractor or visitor parking.

- The proposal should include an electric car charging point and have solar panels.

**Response:** Given that the proposal represents an outbuilding to an existing dwelling neither of these requirements are considered to be necessary.

- The flat roof is not in keeping with the local area.

**Response:** It is noted that flat roofs are not evident in the immediate local area, however as set out above, the inclusion of the flat roof aids in ensuring the garage is less prominent and is on balance considered to be acceptable.

- There are already existing garage facilities at the site which should be utilised.

**Response:** It is noted that there is an existing attached garage, however as set out above the site is considered to be of a sufficient size to accommodate an additional structure.

- The proposal would increase water run off at the site.

**Response:** There may be marginally increase run off from the proposal but this could drain within the site.

- The amended plans do not address the objections previously set out.

**Response:** Noted the previous objections have been assessed above.

- If the garage approval is based on screen fencing then there are concerns that this could not be achieved under permitted development due to its location adjacent to a highway and no screen fencing is proposed in the application. If screening isn't proposed the garage even with a flat roof would remain prominent.

**Response:** As set out above the assessment of the development is not reliant on the provision of a boundary fence and the impact of the proposal on the street scene is considered to be acceptable.

10.24 5 comments in support:

- The scheme is smaller than that refused and would not be visible in the street scene, would be constructed from matching materials and therefore accord with Policy requirements.
- There is no impact on Trees nor to a conservation area and highways have no objection to the impact highway safety. The rule of 5 cars of a private drive is not relevant as the access was widened when 402 was built.
- The proposal does not impact on any surrounding residents.
- Some of the comments against the proposal include inaccurate calculations and were made before the application was validated.

**Response:** These comments are noted.

## 11.0 CONCLUSION

11.1 In conclusion, the proposed detached double garage is considered to be of an acceptable visual design and scale and which would not have an unacceptable impact on the local street scene. The proposal would not adversely impact on residential amenity or highway safety.

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

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

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

1. Implement within 3 years.
2. In accordance with the plans.
3. External facing material to be natural stone.

**Note** – regarding the illustrative boundary treatment shown on the street scene elevation relating to the potential highway improvements which does not form any part of the planning decision.

### Background Papers:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92400>

Certificate of Ownership – Notice served on 406 and 410 Birkby Road in relation to the access to the site.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

**Date: 09-Dec-2020**

**Subject: Planning Application 2020/91881 Listed Building Consent for the replacement of windows on the south-west facing side 35, Clough Road, Bolster Moor, Huddersfield, HD7 4JX**

#### APPLICANT

J Kipling

#### DATE VALID

22-Jun-2020

#### TARGET DATE

17-Aug-2020

#### EXTENSION EXPIRY DATE

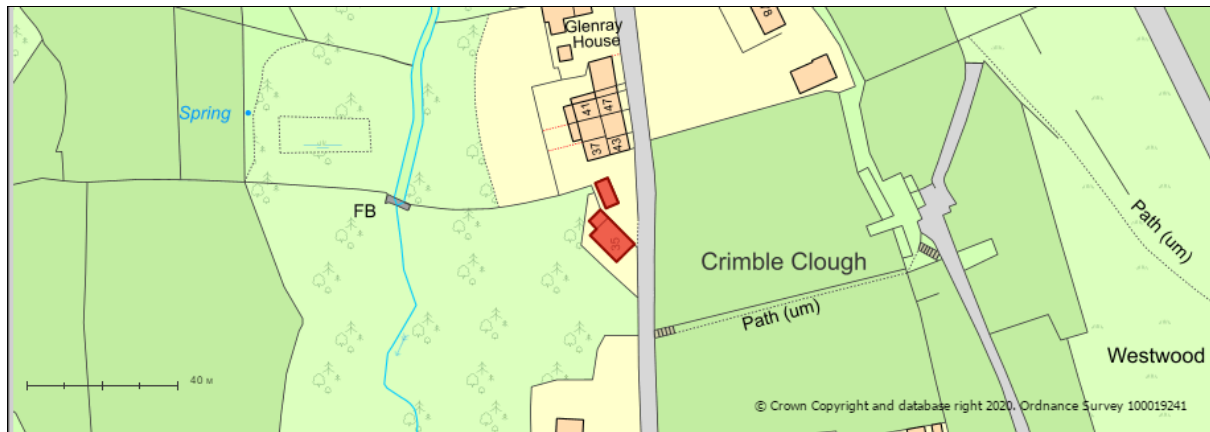
16-Dec-2020

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

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

#### LOCATION PLAN



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Colne Valley Ward**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notices 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 This report relates to replacement of windows to the front elevation of 35, Clough Road, Bolster Moor, Huddersfield, HD7 4JX which is listed grade II. It has been referred to Huddersfield Planning Sub-Committee as the applicant is a council employee within the Growth and Regeneration Directorate.

**2.0 SITE AND SURROUNDINGS:**

2.1 35 Clough Road is a house dating from the early or mid-19<sup>th</sup> century. It is two-storeys in height and constructed of local hammer dressed stone with a stone slate roof. The south-west front elevation has a centrally placed door flanked by 4-light mullioned windows. To the first floor is a continuous 14-light window with mullions on a projecting cill band. Some of the lights are blocked leaving 3 windows each of 3 lights. Each window to the front has four double-glazed units separated by thick glazing bars.

2.2 The north west side elevation has a ground floor lean-to extension with a two-light window above. The north east (rear) elevation has just a single light window at ground floor and a blocked doorway at first floor. The south east (side) gable elevation has a two-light window to the first floor and a single light window to the ground floor.

2.3 35 Clough Road is set at 45 degrees to the street and faces south west across steeply falling ground to the Crimble Clough. A public right of way (COL/101a/10) runs along the northern boundary of the property. There is a garage and driveway to the rear of the property. The garden is approximately an acre and is bounded by a dry stone wall along Clough Road.

**3.0 PROPOSALS:**

3.1 Listed Building Consent for the replacement of windows on the south-west facing side (front elevation).

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

4.1 91/02269 - listed building consent for demolition of lean to and rebuilding using existing materials - consent granted

4.2 91/02385 - rebuilding of lean-to extension (listed building) - conditional full permission

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

5.1 None

## **6.0 PLANNING POLICY:**

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

### Kirklees Local Plan (2019):

6.2 LP 35 – Historic Environment

### Supplementary Planning Guidance / Documents:

6.3 None

### National Planning Guidance:

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

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

- Chapter 16 – Conserving and Enhancing the Historic Environment

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

7.1 Final publicity date expired: 03/08/2020

The application has been publicised with a site notice and press notice. No representations have been received.

7.2 Local Ward Members: no response received.

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:** None required

Officer report has been compiled by the Conservation and Design Officer.

## 9.0 MAIN ISSUES

- Significance of the affected heritage assets
- Impact of the proposed alterations
- Justification
- Weighing of harm against public benefits
- Representations
- Other matters

## 10.0 APPRAISAL

### 10.1 Significance of the affected heritage assets

10.1.1 Paragraph 189 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

10.1.2 The applicant has provided a heritage statement, fulfilling the requirements of paragraph 189. The West Yorkshire Historic Environment Record was consulted by the applicant, other than the listed building description, no further information was held. There are no archaeological impacts arising from the alterations.

10.1.3 Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset.

10.1.4 The proposed works affect 35 Clough Road, which is a grade II listed building. It is vernacular dwelling constructed of local stone with a stone slate roof with features such as mullioned windows, gutter brackets on a table and copings to the gable ends of the roof with inturned kneelers. The courses of the blocking to the first-floor windows are aligned with those of the walls, suggesting that the house was built with the windows partially blocked. This was common practice in the later phase of the domestic textile industry (in this area c1840s) when there was less of a demand for first-floor workshop accommodation but provision made so that when (and if) demand increased again good lighting for workshop space could be supplied readily.

### 10.2 Impact of the proposed alterations

10.2.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.2.2 LP 35 of the Local Plan requires that proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

10.2.3 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.2.3 The works are limited to the replacement of the windows to the south west front elevation. The applicant's family has owned the property since 1964, the applicant states the windows were replaced in 1975. The timber window frames are clearly modern with routed corners and double-glazed units. The opening lights are stormproof casements. They are therefore not of any architectural or historical interest.

10.2.4 The replacement timber window frames would be of a similar appearance with slimmer glazing bars but thicker double-glazed units. The slimmer glazing bars will have a positive impact and be more in keeping with traditional windows. The thicker double-glazed units will increase the double-reflection effect. However, the windows are not easily visible from any public vantage point. On balance, they will have a neutral impact.

### 10.3 Justification

10.3.1 Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm.

10.3.2 No justification is required as the works will cause no harm.

### 10.4 Weighing of harm against public benefits

10.4.1 Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.4.2 As the works would cause no harm, public benefits need not be considered.

### Representations

10.5 None

### Other Matters

10.6 None

## **11.0 CONCLUSION**

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

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

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

1. Standard 3-year timeframe for commencement of development
2. Development to be completed in accordance with the submitted plans and specifications

### **Background Papers:**

Application and history files.

Listed Building Consent for the replacement of windows on the south-west facing side. <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F91881>

Certificate of Ownership – Certificate A signed 14/06/2020



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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Dec-2020

Subject: Planning Application 2020/93073 Erection of first floor extension 55, Matthew Lane, Meltham, Holmfirth, HD9 5JS

### APPLICANT

N Lyons

### DATE VALID

15-Sep-2020

### TARGET DATE

10-Nov-2020

### EXTENSION EXPIRY DATE

11-Dec-2020

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

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

### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral wards affected: Holme Valley North**

**Ward Councillors consulted: No**

**Public or private: PUBLIC**

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

1.1 This application is brought before the Huddersfield Sub-Planning Committee for determination in accordance with the Council's Scheme of Delegation as the applicant is closely related to a Councillor.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application relates to a two storey detached dwelling in Meltham that is constructed from stone and designed with a hipped roof that is finished in grey concrete tiles. The dwelling fronts both Matthew Lane and Matthew Grove and is close to the highway boundary, but the property benefits from a small forecourt area to the front of the dwelling. The dwelling features a timber clad flat roof two storey extension to the rear elevation and a single storey single garage to the side (south) elevation that is designed with a mono-pitched roof. The property also benefits from a single storey end of terrace building to the rear of the plot that is adjoined to neighbouring terraced properties to the west of the site and is in use as a utility/workspace. Vehicle access to the property is taken off Matthew Grove. Land levels on site slope down towards the north.

2.2. To the south of the site is No.2 Matthew Grove, which is a semi-detached dwelling. Mathew Lane separates the site from other residential properties to the east. Immediately to the north of the site, is an access and amenity space (both within the applicant's ownership) serving the terraced dwellings to the north and west of the site.

2.3. The application site is within a predominantly residential area with dwellings of various characters, designs and styles.

2.4. The site is not within a conservation area, but is within relatively close proximity to the Grade II listed building of 41, 43, 45, 47 Matthew Lane to the south east of the site.

### **3.0 PROPOSAL:**

3.1 Planning permission is sought for the erection of a first floor extension to the side of the dwelling. The extension is proposed above the existing single storey garage to the south of the dwelling and the side wall of the proposed extension would be flush with the side wall of this existing garage element. The front and rear walls of the proposed extension would be flush with the front and rear walls main body of the dwelling, and the roof line would also be flush with that on the main body of the dwelling. The extension would continue the hipped roof of the dwelling. The extension is proposed to be constructed from materials to match the existing dwelling.

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

4.1 2004/91204 – Extension to cellar room and associated external walls – Permitted Development.

4.2 2016/91730 – Erection of two storey rear extension – Approved and implemented.

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

5.1 No amendments to the proposal have been sought.

### **6.0 PLANNING POLICY:**

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

#### Kirklees Local Plan (2019):

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

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highway Safety
- **LP22** – Parking
- **LP24** – Design
- **LP35** – Historic Environment
- **LP51** – Protection and Improvement of Local Air Quality

#### Supplementary Planning Guidance / Documents:

6.3 Highway Design Guide SPD (2019)

#### National Planning Guidance:

6.4 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.

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 16** – Conserving and Enhancing the Historic Environment

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 Final publicity date expired: 4<sup>th</sup> November 2020. Publicity was by site notice, press notice and neighbour notification letter.

1 representation has been received commenting on the application. The representation noted that the garage is not currently used for parking and asked whether the proposal would allow for a vehicle to be kept in the garage.

7.2 **Meltham Town Council:** Support the application.

## 8.0 CONSULTATION RESPONSES:

8.1 The following is a brief summary of consultee comments received. Full comments are contained within the assessment section of this report, where appropriate:

### **Statutory:**

- **KC Highways Development Management:** No objections.

### **Non-statutory:**

- N/A

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Impact upon historic environment
- Residential amenity
- Highway issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

10.1 The site is without notation on the Kirklees Local Plan. Chapter 2 of the NPPF states that:

*“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

- 10.2 Chapter 2 of the NPPF goes onto further state that objectives should:
- “support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*
- 10.3 In line with the NPPF, policy LP1 of the Kirklees Local Plan declares that:
- “...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*
- 10.4 LP1 goes further and states:
- “The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*
- 10.5 In this instance, it can be stated that the principle of development of this application is acceptable; and as a result, is subject to the assessment of impacts on visual, the historic environment and residential amenity, as well as highway safety and any other impacts that may arise.

#### Urban Design Issues

- 10.6 The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 124 provides a principal consideration concerning design which states:
- “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 10.7 Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
- 10.8 LP24 states that proposals should promote good design by ensuring:
- “a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*
- ‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*
- 10.9 The main body of the application dwelling is of a simple traditional design. The front and rear walls of the proposed first floor extension would be flush with those on the main body of the dwelling and the roof line would be flush with this existing roof line. Officers therefore hold the view that the proposed extension would respect the form of the main body of the dwelling and would

not compete in prominence with the existing dwelling. This takes into account that the original dwelling has already been extended with the additional of a 2-storey rear extension granted in 2016. Further to this, the materials proposed for the extension would match those on the main body of the existing dwelling and stone coping is proposed at the edge of the roof, thereby retaining a design feature of this building. The openings proposed would also be in keeping with those on the existing dwelling.

- 10.10 This dwelling, due to its siting, occupies a prominent location within the street scene, with all its elevations visible from the public domain. The south side wall of the proposed extension would be a prominent feature from Matthew Grove to the south of the site given the orientation of the dwelling to Matthew Grove and that other dwellings on Matthew Grove are set further back into their plots than the dwelling at No.55. Despite this, Officers are of the view that the proposed blank gabled side elevation would not be an oppressive feature from within the street scene given that this elevation would be slightly set off the highway boundary and would be sited down the hill from Matthew Grove.
- 10.11 For the reasons above, Officers consider that the proposed extension would be a compatible addition to the existing dwelling, would, on balance, be subservient to the host dwelling and would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

#### Impact upon Historic Environment

- 10.12 Section 66(1) of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.13 Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.
- 10.14 Furthermore, LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*
- 10.15 The Grade II listed buildings of 41, 43, 45, 47 Matthew Lane are to the south east of the site. Given that the proposed extension is considered to be a compatible addition to the existing dwelling and that the proposed extension would be over 30 metres away from this nearby Grade II listed building, Officers consider that the proposed extension would not cause harm to the significance of this Designated Heritage Asset or its setting. The proposed development is therefore considered to comply with Local Plan Policy LP35 and Chapter 16 of the National Planning Policy Framework.

## Residential Amenity

10.16 Section B and C of LP24 states that alterations to existing buildings should:

*“...maintain appropriate distances between buildings” and “...minimise impact on residential amenity of future and neighbouring occupiers.”*

10.17 Further to this, Paragraph 127 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.18 The property most likely to be affected by the proposed development is No.2 Matthew Grove to south of the site. This neighbouring dwelling is set behind the rear wall of the dwelling at No.55 and the side wall of the proposed extension would be adjacent to the shared boundary of No.2 and No.55. As the neighbouring dwelling is set off the side boundary shared with the site and the front wall of the dwelling is angled away from No.55, officers consider that the proposal would not result in an undue loss of light or overshadowing to the front windows within No.2. There is one side window within No.2, but as the site is to the north of this window and this window would not directly face this extension, and already faces onto a detached garage, it is considered that the proposal would not result in undue harm to this window in terms of loss of light or overshadowing.

10.19 No windows are proposed in the side elevation of the proposed extension, and whilst a rear facing window is proposed at first floor level this is to be obscurely glazed. Nonetheless, even if the window was to be clearly glazed, Officers are of the opinion that the views gained from the window of No.2 would not be materially different from those achieved from the existing first floor rear facing windows within No.55. Given this, Officers consider that the proposal would not cause undue harm to No.2 Matthew Grove in terms of loss of light or overlooking.

10.20 Whilst there are properties to the front of the proposed siting of the extension, across the road from the site (No's.50 and 52 Matthew Lane), the front walls of these dwellings would be set at an angle to the proposed extension and would therefore not directly face it. Given this, Officers hold the view that the proposal would not cause undue harm to No's.50 and 52 in terms of loss of light, loss of outlook, overshadowing, loss of privacy or overlooking.

10.21 Officers consider that the proposed extension would be sited so as to prevent undue harm to the amenities of any other neighbouring properties.

10.22 Given the above, it is considered that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

## Highway issues

10.23 The application proposes the erection of a first floor extension, which would serve a study, and KC Highways Development Management has considered that the proposal would not affect the existing parking and access arrangements, and therefore have no objections to the application.

- 10.24 Officers therefore consider that the proposed development would not cause detrimental harm to highways safety and would comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

#### Representations

- 10.25 1 representation has been received commenting on the application. The representation noted that the garage is not currently used for parking and asked whether the proposal would allow for a vehicle to be kept in the garage.
- 10.26 In response to the above representation, it is not proposed to alter the dimensions of the garage at ground floor level. The proposed extension relates to the first floor level. The garage does not meet the guideline standards of 6m x 3m within the Highways Design Guide SPD (it is approximately 5.7 x 2.1m), but KC Highways Development Management has not raised any objections to proposal as outlined above.

#### Other Matters

##### *Climate Change*

- 10.27 On 12<sup>th</sup> November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.28 Considering the small-scale of the proposed development, Officers consider that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

## **11.0 CONCLUSION**

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



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

1. Standard three year timeframe
2. Development to be completed in accordance with approved plans and specifications
3. The external walls and roofing materials hereby approved shall in all respect match those use in the construction of the existing building

**Background Papers:**

Application and history files

Available at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F93073>

Certificate of Ownership

Certificate A signed on 14<sup>th</sup> September 2020

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Dec-2020

**Subject: Planning Application 2020/90268 Erection of detached dwelling and external alterations adj, 81, Wessenden Head Road, Meltham, Holmfirth, HD9 4HR**

#### APPLICANT

Mr & Mrs Lyons

#### DATE VALID

28-Jan-2020

#### TARGET DATE

24-Mar-2020

#### EXTENSION EXPIRY DATE

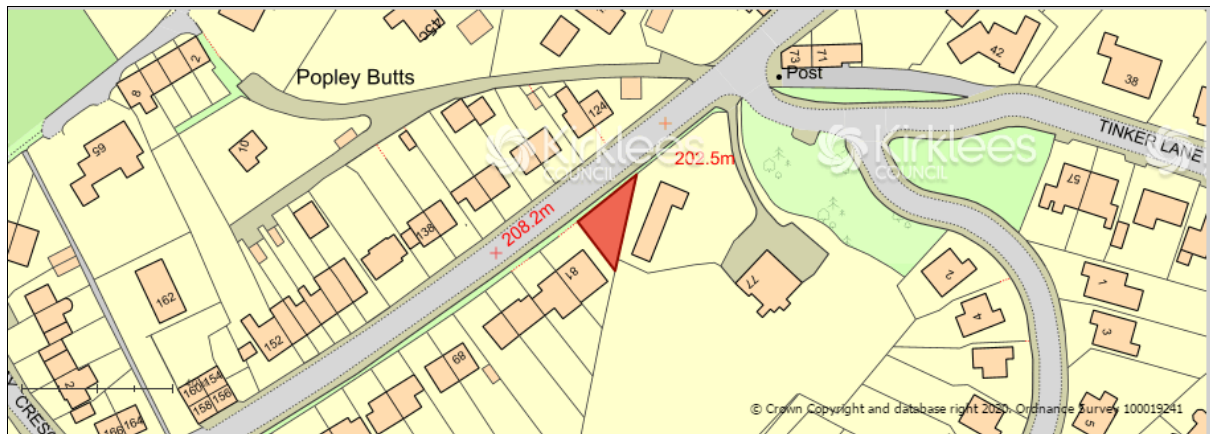
16-Dec-2020

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

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

#### LOCATION PLAN



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Holme Valley North**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

1.1 The application is brought to Huddersfield Planning Sub-Committee as the application has been submitted by an elected member of the Council in his personal capacity. This is in accordance with the delegation agreement.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application relates to a triangular-shaped parcel of land which forms part of the curtilage associated with no. 81, Wessenden Head Road, which is positioned to the south-west of the application site. To the east, is a linear-shaped dwelling, known as Coach House. This property occupies a lower level than the application site and is partly screened from the application site by the existing boundary treatment and some landscaping. The dwelling appears to have non-habitable room openings on this elevation, some of which are obscurely glazed. To the north, on the opposite side of Wessenden Head Road are mainly semi-detached properties. Within the streetscene, are a variety of property types, with detached, semi-detached and terraced properties being visible of varying styles and designs.

**3.0 PROPOSAL:**

3.1 Full planning permission is sought for the erection of a detached dwelling. The dwelling would be built into the site and have a two-storey appearance from the front elevation. The dwelling would have a double-fronted design with a hipped roof form. Due to the roof design, there would also be a small section of flat roof to the rear. The plans indicate that the dwelling would be faced in local natural stone, with the pitched roof elements being finished in concrete interlocking roof tiles. The eaves level of the dwelling would roughly correspond with the eaves level of the attached garage on the host property. A small canopy would be positioned about the front door.

3.2 The dwelling would have an irregular footprint which responds to the shape of the site. It would be set forward of no. 81, Wessenden Head Road by around 2.5m. Given the topography, internally an 'upside-down' approach has been adopted with the main living space being located on the upper floor and 3 bedrooms, a bathroom and wet room on the lower floor. Bi-folding doors on the upper level would provide access onto the top tier of the garden; this

would be a raised area of decking with steps leading down to the lower garden area, supported by a retaining wall. A further external area would be located to the rear and a parking area would be provided to the front at street level.

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

4.1 Relevant planning history is set out below:

2013/92411 – Discharge of condition 3 (Materials) on previous permission 2012/92824 for erection of a detached dwelling

2012/92824 – Erection of detached dwelling – approved

2008/93163 – erection of single storey extensions and alterations – approved

2006/91168 – erection of detached dwelling with integral garage and single storey extension to existing dwelling – approved

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

5.1 Following discussions with the agent, amended plans have been received which alter the design of the dwelling in response to Officer concerns. The latest plan contains further details of ground and finished floor levels.

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

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

Kirklees Local Plan (2019):

6.2 The relevant local plan policies are set out below:

- **LP 1** – Presumption in favour of sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 33** – Trees
- **LP 53** – Unstable and contaminated land

Supplementary Planning Guidance / Documents:

6.3 Kirklees Highways Design Guide

## National Planning Guidance:

6.4 The relevant national planning policies are set out below:

- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 9** – Supporting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

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

7.1 The application has been publicised by site notice and two rounds of neighbour notification letters. As a result of the first round of publicity, two representations have been received. The comments are summarised below:

- Overdevelopment of the site
- Site is prone to flooding from the fields behind and can freeze over winter
- Lack of off-road parking
- Will the lamppost need to be moved again?
- Concerns about the design
- Concerns about the loss of privacy of neighbours
- Concerns about publicity
- Concerns that the applicant is on the town council and planning committee
- Concerns that some of the work has already commenced

7.2 A further two representations have been received following publicity on the amended plans.

- The design is an improvement on the original plans
- However the development will still impact on the privacy of neighbours
- The development will still appear out of place within the streetscene
- Overdevelopment and the dwelling would be close to trees and a boundary wall
- Concerns about parking
- Concerns about the applicant's connection to the planning committee
- Concerns about the overbearing impact of the proposed development
- Previous refusals on the application site
- Disruption from the construction phase
- Concerns about the saleability of the property
- Concerns about surface water

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

None

## 8.2 Non-statutory:

- KC Highways DM: no objection subject to condition
- KC Trees: no objection

## 8.3 Meltham Town Council commented on the original submission: objecting to the application on the following grounds:

- That the application represented overdevelopment on the site with the layout and density of building design on the site being inappropriate for the available space.
- That the visual appearance of the proposed dwelling and the finishing materials are not in keeping with any of the properties in the vicinity of the proposed development. In particular the flat roof design does not fit into the streetscape which has consistently different elevations and roofing materials.

## 9.0 MAIN ISSUES

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

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Policy LP24 of the KLP is relevant and states that 'good design should be at the core of all proposals in the district'. Furthermore, Chapter 12 of the NPPF asserts the importance of planning in achieving well-designed places, stating that good design is a key aspect of sustainable development. It also states that planning decisions should ensure a high standard of amenity for existing and future users.
- 10.2 In this instance, it is acknowledged that the application site is located within an established residential area, close to local amenities. As such, the site can be considered acceptable for residential development in principle and an assessment of the proposed development in relation to all material considerations is set out below.
- 10.3 Furthermore, as set out in a preceding section of the report, this site has a history of planning permissions for residential development. The most recent application was approved in 2012, with conditions being subsequently discharged in 2013. From reviewing information available on file and after undertaking a site visit, it appears that work already commenced to

implement the 2012 approval for a detached dwelling on the site. As such, this is a realistic fall-back position for the applicant, should this application not be approved. This is an important material consideration in the determination of this application.

#### Urban Design issues

- 10.4 Policy LP24 of the KLP is relevant and states that 'good design should be at the core of all proposals in the district'. Furthermore, Chapter 12 of the NPPF asserts the importance of planning in achieving well-designed places, stating that good design is a key aspect of sustainable development.
- 10.5 Wessenden Head Road contains a variety of housing types and styles, with detached, semi-detached and terraced properties of differing ages being visible within the streetscene. Within this section of the streetscene, semi-detached dwellings which hipped roofs appear to be the more dominant property type. Generally, these properties appear to have amenity space to the front and rear, with very little space to the side. The application site is one of the exceptions to this, having a significantly larger area of land to the side of this property than the immediate neighbours that front Wessenden Head Road.
- 10.6 In terms of development density, whilst the plot size would be smaller than other adjacent neighbouring dwellings, there would still be a reasonable area of external amenity space retained within the site as well as an expanse of hardstanding to the front. When compared to the previous approval on the site in 2012, there remains a similar area of land surrounding the proposed dwelling. Whilst it is noted that the site is of an irregular shape, the footprint of the proposed dwelling responds to this and it is also noted that the overall height would be limited when compared to the adjacent no. 81, with plans showing that the eaves level would roughly correspond with that of the neighbouring garage, given that the lower floor would be set at street level. In terms of the position within the site, whilst the dwelling would be set forward of no. 81, by around 2.5m this is less than that of the previous approval on the site from 2012 which contained a projecting element to the front.
- 10.7 Turning to the design of the proposed dwelling, this has been amended during the course of the application in response to officer concerns about the original submission. These concerns were also reflected within comments received on the application. The amended scheme has seen the previous contemporary design revoked in favour of a more traditional design. The roof form is shown to be a hipped design which reflects the roof forms of the properties that immediately relate to the application site and front Wessenden Head Road. Furthermore, the dwelling is shown to be faced in local natural stone. These details will assist in enabling the proposed dwelling to satisfactorily assimilate into the streetscene, taking into account the fall-back position with the 2012 application. Whilst more contemporary designed openings, are proposed for the north eastern elevation, given the shape of the site and the extension of tree screening on the boundary, it is considered that these would not appear overly prominent within the streetscene.



- 10.8 In terms of the alterations to form the split level garden areas as shown on the plan, it is considered that this will have an acceptable impact on the appearance of the streetscene subject to the retaining walls being faced in appropriate materials. It is recommended that these details are secured by condition in the interest of visual amenity.
- 10.9 In summary, when taking into account the planning history of the site and affording this substantial weight and based on the amended plans, the application is considered to have an acceptable impact on visual amenity. To avoid overdevelopment of the site in the future, in the interests of visual amenity, it is recommended that permitted development rights for extensions and outbuilding be removed by condition. Subject to this, the development is considered to accord with the aims of Policy LP24 of the KLP and the aims of Chapter 12 of the NPPF.

#### Residential Amenity

- 10.10 Policy LP24 of the KLP is relevant and states that 'good design should be at the core of all proposals in the district'. Furthermore, Chapter 12 of the NPPF asserts the importance of planning in achieving well-designed places, stating that good design is a key aspect of sustainable development. It also states that planning decisions should ensure a high standard of amenity for existing and future users.
- 10.11 In terms of no. 81, Wessenden Head Road, this is the application property. There would be a separation distance of around 2.5m between these properties and only one opening is proposed in the facing side elevation. This would serve a bedroom but would not result in a harmful loss of privacy given the levels changes and the fact that it would face towards the garage element. Whilst there are openings at first floor in the host property, these appear to serve non-habitable windows or be secondary, meaning the impact on residential amenity would be limited. In addition to this, it appears that they would look over the ridge of the proposed dwelling, given the level differences.
- 10.12 In terms of the Coach House, at the closest point, it appears that there is a gap of around 4.2m between properties. When viewed from the application site, the first floor windows are partially visible, however there is screening and boundary treatment along this boundary. From the submitted plans, it is clear that the closest first floor openings are obscurely glazed; the other openings would not have a direct impact with the proposed building itself. Whilst the proposed bi-folding doors on the side elevation would look towards the neighbouring property, the proposed boundary screening of 1800mm closely boarded fencing would mitigate any harmful loss of privacy. It is noted that similar boundary treatment already exists along a section of this boundary. The windows at ground floor would not be unduly impacted as they already have a close relationship with their rear wall at a lower level. The impact on the rooflights would not be dissimilar to that of the previous approval. When compared with the previous approval in 2012, it is considered that there will not be a material increase in harm to the residential amenity of this occupant. From the site visit, it is clear that the main habitable room openings are located on the other elevations of this dwelling.

- 10.13 In terms of the existing properties on the opposite side of Wessenden Head Road, given the proposed separation distances between the existing dwellings and the proposed dwelling, it is considered that a significant overbearing or overshadowing impact would not result. In terms of overlooking, a good separation distance of in excess of 20m would be retained between the front elevations and it is considered that proposed development would not result in a significant loss of privacy for the occupants of these dwellings. Whilst their front garden space would be closer than this, this is not the main private amenity space and is already open to public view.
- 10.14 In terms of the amenity of potential future occupants, it is considered that the future occupants would have a good level of amenity. The proposed dwelling has a reasonable amount of internal space as well as external amenity space and parking area. They would not be unduly overlooked or overshadowed by neighbouring development.
- 10.15 To summarise the proposed development would result in an acceptable impact on residential amenity and complies with the aims of Policy LP24 of the KLP and the aims of the National Planning Policy Framework. The removal of permitted development rights for extensions and outbuildings would prevent further development on the site from causing a material loss of amenity to nearby occupiers of land and buildings.

#### Highway issues

- 10.16 The proposed development has been reviewed by KC Highways DM. They comment that the adjacent parking area is shown to be extended to be sufficient in size to accommodate two vehicles and bin storage space. Two existing parking spaces are shown to be retained for the existing property. Sight lines from the proposed parking areas onto Wessenden Head Road are good in both directions.
- 10.17 Given that sufficient off-street parking is shown to be provided and sight lines from the proposed parking areas onto Wessenden Head Road are good in both directions Highways Development Management have no objection to these proposals. Furthermore, the proposed parking area is consistent with that approved as part of the previous planning application. A condition is recommended which relates to ensuring that parking areas are adequately surfaced and drained.
- 10.18 In light of the above, the proposed development is considered to be acceptable in terms of highway safety and complies with the aims of Policies LP21 and LP22 of the KLP subject to the aforementioned condition.

#### Trees

- 10.19 It was noted that there are several trees within proximity of the application site. As such, KC Trees have been consulted on the application.
- 10.20 Following a review of the scheme, together with the planning history on the site, KC Trees comment that the previous application consented a detached dwelling in a similar position as that proposed in this application. In addition to this, they note that there appears to be little scope to adjust the plot to afford more space to the adjacent trees. In summary, KC Trees raise no objection given the previous planning history on the site and that no protected trees will be affected by the scheme.

- 10.21 As such, the proposed development is considered to have an acceptable impact on trees and complies with the aims of Policy LP33 of the KLP.

#### Drainage issues

- 10.22 The site does not lie within an Environment Agency Flood Zone nor does it lie within a Flood Zone on the SFRA. There are no known watercourses that cross the site.
- 10.23 The application form indicates that both surface water and foul waste will be disposed of by the main sewer however no drainage strategy has been submitted in support of this application discounting more sustainable drainage techniques for surface water disposal first. As such, a condition will be imposed requiring a drainage scheme to be submitted, prior to the commencement of development on the superstructure of the dwelling. This will need to be designed in accordance with the hierarchy of drainage in accordance with the aims of Policy LP28 of the KLP and the aims of Chapter 14 of the NPPF. Where soakaways are proposed, testing that demonstrates that they are an appropriate drainage strategy for the site will need to be submitted.
- 10.24 The inclusion of this condition will allow the application to accord with the aims of Policy LP28 of the KLP and the aims of the NPPF.

#### Climate Change

- 10.25 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.26 In an application of this nature it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. A condition requiring a charging point to be installed at the site is therefore necessary in order to comply with the aims of Policies LP24 and LP51 of the KLP and the aims of Chapter 9 of the NPPF.

#### Representations

- 10.27 The two representations received during the first round of publicity are set out and responded to below:

- Overdevelopment of the site

*Response:* this is addressed within the report.

- Site is prone to flooding from the fields behind and can freeze over winter  
*Response:* flood risk and drainage matters are covered within the report.

- Lack of off-road parking

*Response:* the proposal is considered acceptable in terms of highway safety and parking – this is addressed within the report.

- Will the lamppost need to be moved again?

*Response:* this is not a planning matter.

- Concerns about the design

*Response:* this is noted and amended plans have been received.

- Concerns above the loss of privacy of neighbours

*Response:* this is addressed within the report.

- Concerns about publicity

*Response:* two rounds of publicity have been entered into. Advertising the application by both site notice and neighbour letter exceeded the minimum statutory requirements.

- Concerns that the applicant is on the town council and planning committee

*Response:* the application is being progressed in line with the Council's Delegation agreement in order to ensure that a transparent and unbiased decision is made on the application.

- Concerns that some of the work has already commenced

*Response:* as addressed within the report, the applicant has an implemented planning permission for a dwelling from 2012. It is understood that the works carried out are pursuant to that permission and not to the development under consideration.

10.28 The additional comments received during the second publicity period are summarised and responded to below:

- The design is an improvement on the original plans

*Response:* noted and agreed by officers.

- However the development will still impact on the privacy of neighbours

*Response:* this is addressed within the report.

- The development will still appear out of place within the streetscene

*Response:* this is addressed within the report.

- Overdevelopment and the dwelling would be close to trees and a boundary wall

*Response:* in terms of overdevelopment, this is addressed within the report; as are matters relating to trees. In terms of being close to a boundary, the visual impact and the impact on residential amenity is addressed within the report. With respect to stability of that boundary, the NPPF makes it clear that the responsibility for land stability issues rests with the landowner/developer.

- Concerns about parking

*Response:* addressed within the report.

- Concerns about the applicant's connection to the planning committee  
*Response:* addressed above.
- Concerns about the overbearing impact of the proposed development  
*Response:* addressed within the report.
- Previous refusals on the application site  
*Response:* the relevant planning history is set out within the report and there is a recent history of planning approvals on this site for one dwelling.
- Disruption from the construction phase  
*Response:* given that the impact from the construction phase is transient, it is not considered that there would be a significant long-term impact on residential amenity. A footnote recommending hours of working on the site will be added.
- Concerns about the saleability of the property  
*Response:* this is not a material planning consideration.
- Concerns about surface water  
*Response:* noted and addressed within the report. A condition is recommended to ensure an appropriately designed drainage scheme is achieved.

10.29 The comments from Meltham Town Council are set out and responded to below:

Meltham Town Council commented on the original submission: objection to the application on the following grounds:

- That the application represented overdevelopment on the site with the layout and density of building design on the site being inappropriate for the available space.  
*Response:* this has been addressed within the report.
- That the visual appearance of the proposed dwelling and the finishing materials are not in keeping with any of the properties in the vicinity of the proposed development. In particular the flat roof design does not fit into the streetscape which has consistently different elevations and roofing materials.  
*Response:* this is noted and amendments have been received.

## 11.0 CONCLUSION

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

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

1. Standard timeframe of 3 years for development to commence
2. Development to be undertaken in accordance with the submitted plans and specifications.
3. Details of all facing and roofing materials to be submitted prior to the superstructure of the dwelling being commenced
4. Details of facing materials for retaining walls to be submitted prior to the superstructure of the dwelling being commenced
4. No new openings to be formed in the walls or roof of the dwelling
5. Surfacing of access and parking areas in permeable materials/scheme
6. Boundary treatment to be installed prior to first occupation and retained thereafter.
7. Surface water drainage scheme to be submitted as a pre-commencement condition.
8. Permitted development rights for extensions and outbuildings to be removed.
9. Electric vehicle charging point to be installed at the site.

Footnote recommending hours of construction working.

### **Background Papers:**

Application and history files:

[https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application\\_number=2020/90268&file\\_reference=791684](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2020/90268&file_reference=791684)

Certificate of Ownership – Notice served on Kirklees Council Highways section