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

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Tuesday 2 March 2021

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 10 March 2021**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

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", on a light-colored background.

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

Pages

1: Membership of the Sub-Committee

To receive any apologies for absence, or details of substitutions to Sub-Committee membership.

2: Minutes of previous meeting

1 - 6

To approve the Minutes of the meeting of the Committee held on 9 December 2020.

3: Declaration of Interests and Lobbying

7 - 8

Sub-Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Sub-Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Deputations/Petitions

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

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

6: Public Question Time

Due to 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 no later than 10.00am on Tuesday 9 March 2021.

In accordance with:

- Council Procedure Rule 11 (3), questions regarding the merits of applications (or other matters) currently before the Council for determination of which the Council is under a duty to act quasi judicially shall not be answered.
- Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.
- Council Procedure Rule 51(10) any person may submit up to a maximum of 4 written questions.

7: A review of Planning Appeal Decisions 2020

9 - 18

To receive an overview of planning appeal decisions (January to December 2020).

Wards affected: All

Contact: Julia Steadman, Planning Services

8: Planning Applications

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 11:59pm (for email requests) by no later than Monday 8 March 2021.

To pre-register, please email governance.planning@kirklees.gov.uk or phone Richard Dunne on 01484 221000 (Extension 74995).

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.

9: Planning Application - Application No: 2020/91146 19 - 78

Outline application for erection of residential development land west of, Wesley Avenue, Netherthong, Holmfirth.

Contact Officer: Kate Mansell, Planning Services

Ward(s) affected: Holme Valley South

10: Planning Application - Application No: 2019/93790 79 - 94

Demolition of existing buildings and erection of two storey nursery and garden buildings, formation of associated parking, hard and soft landscaping, widening of entrance and dropped kerb for pedestrian crossing Former Eastgate Depot, Honley, Holmfirth.

Contact Officer: Neal Bearcroft, Planning Services

Ward(s) affected: Holme Valley North

11: Planning Application - Application No: 2020/93008 95 - 104

Erection of outbuilding to rear 10, Plains, Marsden, Huddersfield.

Contact Officer: Tom Hunt, Planning Services

Ward(s) affected: Colne Valley

12: Planning Application - Application No: 2020/93691 105 - 114

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

Contact Officer: Sam Jackman

Ward(s) affected: Lindley

Planning Update

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

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Wednesday 9th December 2020

Present: Councillor Terry Lyons (Chair)
Councillor Bill Armer
Councillor Donna Bellamy
Councillor Paul Davies
Councillor James Homewood
Councillor Susan Lee-Richards
Councillor Andrew Marchington
Councillor Bernard McGuin
Councillor Mohammad Sarwar
Councillor Anthony Smith
Councillor Mohan Sokhal
Councillor Sheikh Ullah

Observers: Councillor Donald Firth
Councillor Nigel Patrick
Councillor Rob Walker

Apologies: Councillor Harpreet Uppal

1 Membership of the Committee

Apologies were received from Councillor Uppal.

2 Minutes of previous meeting

The Minutes of the meeting of the Sub-Committee held on 7 October 2020 were approved as a correct record.

3 Interests and Lobbying

Councillors Armer, Bellamy, Homewood, Lee-Richards, Lyons, Marchington, McGuin and Ullah declared that they had been lobbied in respect of Application 2019/93124.

Councillors Armer, Homewood, Lee-Richards, Lyons, Marchington, Sokhal and Ullah declared that they had been lobbied in respect of Application 2020/91146.

Councillor Bellamy declared that she had spoken to the applicant in the past but had taken no action in respect of Application 2020/91885.

Councillor Smith declared that he had been lobbied in respect of Application 2020/92400 and would not participate in the decision on this item, but would address the Committee in his capacity as Ward Councillor.

Planning Sub-Committee (Huddersfield Area) - 9 December 2020

Councillor Lyons declared a pecuniary interest in respect of Applications 2020/93073 and 2020/90268 and that he would leave the meeting during consideration of these items.

Election of Chair

RESOLVED –

That Councillor Ullah be elected Chair for the remainder of the meeting, further to the departure of Councillor Lyons for the items relating to Applications 2020/93073 and 2020/90268.

4 Admission of the Public

All items were considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No public questions were received.

7 Planning Application - Application No: 2019/93124

The Sub-Committee considered Planning Application 2019/93124 in respect of a change of use from agricultural to storage, processing of timber, formation of access track and hardstanding and siting of 6 containers on land to the east of Hillock Farm, Dean Road, Upperthong, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received representations from: Sean Johnson and Elizabeth Quarmby (in objection); Nick Charlton; Charlie Batten, Applicant; and Paul Matthews, Agent (in support).

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from Councillors Donald Firth and Nigel Patrick.

RESOLVED –

That planning permission be refused for the following reason;

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,

Planning Sub-Committee (Huddersfield Area) - 9 December 2020

and that authority be delegated to the Head of Planning and Development to proceed with enforcement action requiring cessation of the use and removal of the associated operational development.

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

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

Against (0 votes)

Abstained: Councillor Lee-Richards

8 Planning Application - Application No: 2020/91146

Consideration was given to Planning Application 2020/91146 for the erection of residential development on land to the west of Wesley Avenue, Netherthong, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Committee received representations from: David Sykes, Mel Booth, Jason Morton, John Marshall, Susan Sykes, Jamie Frost, Eric Pye, Lisa Sykes, Dianne Bangali, Neil MacLeod and Jason McCartney MP (in objection) and Alistair Flatman, Agent (in support).

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from Councillors Donald Firth and Nigel Patrick.

RESOLVED –

That determination of the application be deferred and that further information/details to be provided as follows:

- A highway safety assessment, including traffic counts.
- The reasons why the width of the roads used to access the site is considered acceptable.
- How the highway network could be improved.

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

For: Councillors Davies, Homewood, Lyons, McGuin, Sarwar, Sokhal and Ullah (7 votes)

Against: Councillors Armer, Bellamy, Marchington, Smith and Lee-Richards (5 votes)

9 Planning Application - Application No -2020/91885

Consideration was given to Planning Application 2020/91885 in respect of the demolition of existing store/stable, erection of detached dwelling with integral garage and modifications to existing access lane (within a Conservation Area) (modified proposal) at Reddisher Farm, Reddisher Road, Marsden, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from: Tom Lonsdale and Elaine Thomson (in objection); Martin Latham, Applicant and Nick Willock, Agent (in support).

Planning Sub-Committee (Huddersfield Area) - 9 December 2020

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from Councillor Rob Walker.

RESOLVED -

That approval of the application and the issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained in the Committee report, as set out below:

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,

subject to the amendment of Condition 3* to substitute the proposed timber post and rail fence to the front of the outside space with a dry stone wall.

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

For: Councillors Armer, Bellamy, Davies, Lyons, Marchington, McGuin and Smith (7 votes)

Against (0 votes)

Abstained: Councillors Homewood, Lee-Richards, Sokhal and Ullah

10 Planning Application - Application No - 2020/92400

Consideration was given to Planning Application 2020/92400 in respect of the erection of a detached garage at Brigsteer, 402 Birkby Road, Birkby, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Committee received representations from: Christopher Hardern, Carole Hardern, Sheila Harrison and Jennifer Taylor Hughes (in objection) and; Dr Bibi, Applicant; Mr Akhtar; Mr Black; and Jeremy Childs, Agent (in support).

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from Councillor A Smith.

RESOLVED -

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions, including those contained within the Committee report, as set out below:

Planning Sub-Committee (Huddersfield Area) - 9 December 2020

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

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

For: Councillors Davies, Homewood, Sokhal and Ullah (4 votes)

Against: Councillors Marchington and McGuin (2 votes)

Abstained: Councillors Armer, Bellamy, Lee-Richards and Lyons

11 Planning Application - Application No - 2020/91881

Consideration was given to an application for Listed Building Consent – 2020/91881 for the replacement of windows on the south-west facing side of 35 Clough Road, Bolster Moor, Huddersfield.

RESOLVED –

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions, including those contained in the Committee report, as set out below:

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

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

For: Councillors Bellamy, Davies, Homewood, Lee-Richards, Lyons, McGuin, Smith, Sokhal and Ullah (9 votes)

Against (0 votes)

12 Planning Application - Application No - 2020/93073

Consideration was given to Planning Application 2020/90268 in respect of the erection of a first floor extension at 55 Matthew Lane, Meltham, Holmfirth.

RESOLVED -

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions, including those contained in the Committee report, as set out below:

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.

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

For: Councillors Bellamy, Davies, Homewood, Lee-Richards, McGuin, Smith, Sokhal and Ullah (8 votes)

Against (0 votes)

- 13 Planning Application - Application No - 2020/90268**
The Sub-Committee considered Planning Application 2020/90268 in respect of the erection of a detached dwelling and external alterations adjacent to 81 Wessenden Head Road, Meltham, Holmfirth.

RESOLVED -

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development, in order to complete the list of conditions, including those contained in the Committee report, as set out below:

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
5. No new openings to be formed in the walls or roof of the dwelling
6. Surfacing of access and parking areas in permeable materials/scheme
7. Boundary treatment to be installed prior to first occupation and retained thereafter.
8. Surface water drainage scheme to be submitted as a pre-commencement condition.
9. Permitted development rights for extensions and outbuildings to be removed.
10. Electric vehicle charging point to be installed at the site.

and a footnote recommending hours of construction working.

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

For: Councillors Davies, Homewood, McGuin, Smith, Sokhal and Ullah (6 votes)

Against (0 votes)

Abstained: Councillors Bellamy and Lee-Richards

KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

Planning Sub-Committee/Strategic Planning Committee

Name of Councillor

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

LOBBYING

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

Signed:

Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

(b) either -

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

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

Lobbying

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



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

Date: 10th March 2021

**Title of report: A Review of Planning Appeal Decisions
(*January 2020 – December 2020*)**

The purpose of the report is to inform Members of planning appeal decisions received in the Huddersfield area in 2020.

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

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

1. Purpose of report

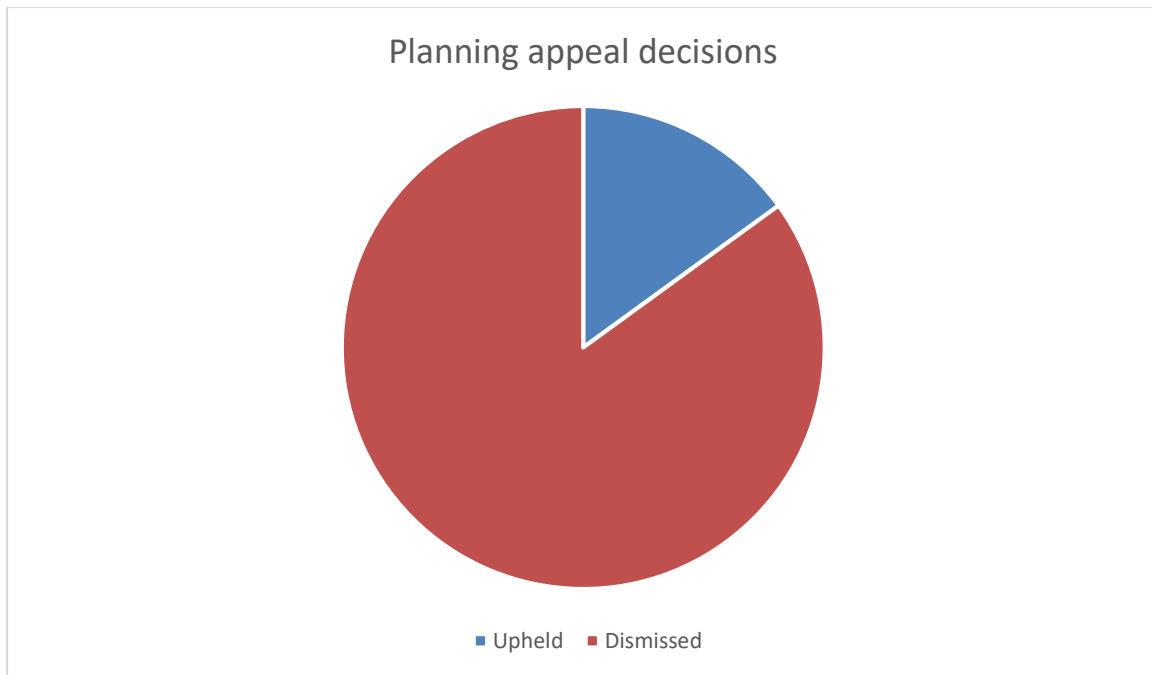
1.1 For information purposes

2. Key Points

Planning Appeals

2.1 Between January and December 2020, the council have received 53 planning appeal decisions in the electoral wards within the Huddersfield Sub-Committee area of the district. Of these, 85% were dismissed. Appendix 1 provides a list of relevant appeals and the level of the decision.

2.2. Figure 1 below shows a breakdown of planning application appeals (including tree works, certificate of lawfulness and prior notification applications) whether dismissed or upheld.



Tree appeals

2.3 Of the 53 planning appeals, there were 4 tree works appeals, all of which were dismissed.

Application for award for costs

2.4 5 applications for an award of costs were lodged against the council. Of these, 1 has been awarded (2018/93508).

Delegated and Committee Decisions

2.5 Of the 53 appeals, 45 were determined under delegated powers. Of these, 40 were dismissed (89%). 8 applications were determined by Huddersfield Planning Committee, whereby 5 were dismissed (63%).

Appendix 1 provides a list of relevant appeals.

Council's appeal performance in relation to Central Government Standards: Criteria for designation (revised 2020)

2.6 The Government measures the performance of local authorities in deciding applications for planning permission, pursuant to section 62B of the Town and Country Planning Act 1990. This includes assessing local planning authorities' performance on the 'quality' of their decisions on applications for major and non-major development. This is measured by the proportion of decisions on applications that are subsequently overturned at appeal. If an authority is

'designated' as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.

- 2.7 The criteria for designation, as revised in December 2020, sets out the threshold for designation on applications for both major and non-major development above which the local planning authority is eligible for designation. This is 10% of an authority's total number of decisions on applications made during [a specific 2-year period] being overturned at appeal.
- 2.8 To note, the latest published performance tables from the MHCLG (March 2019) provides Experimental Statistics to enable local authorities to validate the information held. Using these tables, for the 24 months to the end of March 2019, a total of 2.1% of decisions on Major applications were overturned at appeal (nationally). Within Kirklees for the same period, 6 decisions on Major applications were overturned on appeal, out of a total of 191 applications. This equates to 3.1% of all decisions at appeal. Of note, this period was almost exclusively before the Local Plan was adopted in February 2019.
- 2.9 The corresponding information for non-major applications was a total of 1.1% of decisions overturned at appeal (nationally). Within Kirklees for the same period, 25 decisions on non-major applications were overturned on appeal, out of a total of 4,331 applications. This equates to 0.6% of all decisions at appeal.

Compliance

- 3.0 Between January 2020 and December 2020, Planning Compliance have also served 142 notices throughout the district. A breakdown of each type of notice can be found in table 1 below. Of these, 8 enforcement notice appeals were received in the West Area, all of which were dismissed and the enforcement notices upheld in the favour of the council (100%).

| Type of Notice | No. served |
|-------------------------------|-------------------|
| Enforcement Notice | 34 |
| Breach of Condition Notice | 21 |
| Planning Contravention Notice | 80 |
| Temporary Stop Notice | 7 |
| Stop Notice | 0 |
| Other | 0 |
| Total | 142 |

3. **Implications for the Council**
Not applicable
4. **Consultees and their opinions**
Not applicable
5. **Next steps**
Not applicable

- 6. Officer recommendations and reasons**
To note
- 7. Cabinet portfolio holder recommendation**
Not applicable
- 8. Contact officer and relevant papers**
Julia Steadman – Group Leader for Development Management
- 9. Director responsible**
David Shepherd – Strategic Director for Growth and Regeneration

Appendix 1 – List of planning application appeals including tree works decided between January and December 2020 (Huddersfield Area)

1. 2017/93847 land off, Upper Quarry Road and Bradley Road, Bradley, Huddersfield, HD2 1XD - Outline application for erection of 36 dwellings – Committee Decision – Appeal Dismissed (Costs application refused)
2. 2018/92589 Land at, Lancaster Lane, Brockholes, Holmfirth - Reserved matters application in pursuant of outline application 2016/90138 for residential development – Committee Decision – Appeal Upheld
3. 2018/92870 10, Bradfield Close, Bradley, Huddersfield, HD2 1PL - Erection of two storey side extension – Officer Decision – Appeal Dismissed
4. 2018/93112 land at, Thick Hollins Road, Meltham, Holmfirth - Change of use of land for siting of 4 log cabins for holiday let – Officer Decision – Appeal Dismissed
5. 2018/93148 adj, 102, Dunford Road, Holmfirth, HD9 2DT - Outline application for erection of residential development and on site parking – Officer Decision – Appeal Dismissed
6. 2018/93326 Corby, Birkby Road, Birkby, Huddersfield, HD2 2DR - Demolition of existing dwelling and erection of 5 detached dwellings with garages – Committee Decision – Appeal Dismissed
7. 2018/93508 Adj, 1, Spring Lane, Holmfirth, HD9 2LN - Reserved matters application pursuant to outline permission 2016/91502 for erection of one detached dwelling – Committee Decision – Appeal Upheld (Costs application allowed)
8. 2018/93768 land opp, 12, Clough Head Farm, Slaithwaite Gate, Bolster Moor, Huddersfield, HD7 4NW - Alterations and extension to agricultural building to form dwelling – Officer Decision – Appeal Dismissed
9. 2019/90102 16, Dean Street, Oakes, Huddersfield, HD3 3EU - Certificate of lawfulness for proposed erection of garage and formation of access – Officer Decision – Appeal Dismissed
10. 2019/90206 land off, South View, Paddock, Huddersfield, HD1 4UE - Erection of detached dwelling – Officer Decision – Appeal Upheld
11. 2019/90375 73, Prospect Road, Longwood, Huddersfield, HD3 4UY - Erection of attached dwelling – Officer Decision – Appeal Dismissed
12. 2019/90468 Daisy Lea Farm, New Hey Road, Scammonden, Huddersfield, HD3 3FW - Removal of condition 4 (holiday accommodation) on previous permission 2017/93436 for alterations to convert stables to holiday let cottage – Officer Decision – Appeal Dismissed

- 13.2019/90664 4, Jim Hill, Chain Road, Slaithwaite, Huddersfield, HD7 5TY - Erection of two storey side extension (Listed Building) – Officer Decision – Appeal Dismissed
- 14.2019/90665 4, Jim Hill, Chain Road, Slaithwaite, Huddersfield, HD7 5TY - Listed Building Consent for erection of two storey side extension – Officer Decision – Appeal Dismissed
- 15.2019/90931 Upper Edge Farm, Sledgate Lane, Slaithwaite, Huddersfield, HD7 5TZ - Erection of first floor side and single storey rear extension – Officer Decision – Appeal Dismissed
- 16.2019/91350 adj, 7, East Street, Jackson Bridge, Holmfirth, HD9 1HY - Erection of detached dwelling – Officer Decision – Appeal Dismissed
- 17.2019/91494 9, Weymouth Avenue, Oakes, Huddersfield, HD3 4YJ - Erection of detached dwelling forming annex accommodation associated with 9, Weymouth Avenue, Oakes, Huddersfield, HD3 4YJ – Officer Decision – Appeal Dismissed
- 18.2019/91568 65, Colders Lane, Meltham, Holmfirth, HD9 5JL - Demolition of existing bungalow and erection of 3 detached dwellings with integral garages – Officer Decision – Appeal Dismissed
- 19.2019/91617 Store adj, 5, Fernside Avenue, Almondbury, Huddersfield, HD5 8NR – Demolition of existing builders store/depot and erection of 5 dwellings, formation of new access road and parking area - Officer Decision – Appeal Dismissed
20. 2019/91613 27, King Street, Huddersfield, HD1 2PZ - Telecommunications notification for installation of communications hub – Officer Decision – Appeal Dismissed
- 21.2019/91619 45-47, New Street, Huddersfield, HD1 2BQ - Telecommunications notification for installation of communications hub (within a Conservation Area) – Officer Decision – Appeal Dismissed
- 22.2019/91646 Land adj, 93, Holmfirth Road, Meltham, Huddersfield, HD9 4DD - Work to tree TPO 27/18 – Officer Decision – Appeal Dismissed
- 23.2019/91748 Roselyne, 124, Greenhill Bank Road, Totties, Holmfirth, HD9 1UN - Erection of first floor extension to form two storey dwelling – Officer Decision – Appeal Dismissed
- 24.2019/92016 adj, 7, Manor Houses, Mill Bank Road, Meltham, Holmfirth, HD9 4AU - Erection of detached dwelling – Officer Decision – Appeal Dismissed
- 25.2019/92102 20, Seymour Walk, Meltham, Holmfirth, HD9 4BP - Work to TPO(s) 50/95 – Officer Decision – Appeal Dismissed

26. 2019/92240 The Sun, 137, Highgate Lane, Lepton, Huddersfield, HD8 0HJ - Change of use of land to pub garden and play area – Committee Decision – Appeal Dismissed
27. 2019/92251 Mount Pleasant, Burnt Platts Lane, Slaithwaite, Huddersfield, HD7 5UZ Erection of detached garage and outbuildings – Officer Decision – Appeal Dismissed (Costs application refused)
28. 2019/92714 46 , Golcar Brow Road, Meltham, Holmfirth, HD9 5LD - Erection of single storey extension – Officer Decision – Appeal Upheld
29. 2019/92788 The Co Operative Food, 91-95, Leymoor Road, Longwood, Huddersfield HD3 4SJ –Conversion and alterations to retail storage roof space to form 4 apartments (C3) with 4 parking spaces - Officer Decision – Appeal Dismissed
30. 2019/92845 88, Fitzwilliam Street, Huddersfield, HD1 5BB - Work to TPO(s) 23/79 within a conservation area – Officer Decision – Appeal Dismissed
31. 2019/92861 53, Cobcroft Road, Fartown, Huddersfield, HD1 6EX - Erection of two storey side extension (modified proposal) – Officer Decision – Appeal Upheld
32. 2019/92927 The Farmhouse, Bradley Hall Farm, Lower Quarry Road, Bradley, Huddersfield, HD2 1FN - Erection of detached garden room – Officer Decision – Appeal Dismissed
33. 2019/92977 5, Scar Top, Golcar, Huddersfield, HD7 4DT – Listed Building Consent for removal and re-build of part of garden wall and excavate to road level to form parking area (within a Conservation Area) - Officer Decision – Appeal Dismissed
34. 2019/93111 1A, Heaton Road, Gledholt, Huddersfield, HD1 4HX - Erection of extensions and alterations to coach house to form dwelling and alteration to highway entrance – Officer Decision – Appeal Dismissed
35. 2019/93148 Mad Nevs, 259, Wakefield Road, Moldgreen, Huddersfield, HD5 9BE – Advertisement Consent for installation of internally illuminated 48-sheet digital display - Officer Decision – Appeal Dismissed
36. 2019/93203 4, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS - Extension of dormer windows to side elevations, erection of two storey side and rear extension and exterior alterations - Officer Decision – Appeal Dismissed (Costs application refused)
37. 2019/93438 land off, Birkby Hall Road, Birkby, Huddersfield, HD2 2XA - land off, Birkby Hall Road, Birkby, Huddersfield, HD2 2XA – Officer Decision – Appeal Dismissed

- 38.2019/93449 12, Chapel Street, Scapegoat Hill, Huddersfield, HD7 4NX - Erection of first floor front extension – Officer Decision – Appeal Dismissed
- 39.2019/93527 Land to rear of, 330, Leymoor Road, Golcar, Huddersfield, HD7 4QL - Erection of one detached dwelling – Officer Decision – Appeal Dismissed
- 40.2019/93596 former mill chimney site, adj, Glenlea, Sheffield Road, New Mill, Holmfirth, HD9 7EL - Erection of 3 dwellings and associated works – Officer Decision – Appeal Dismissed
- 41.2019/93688 Lidl, Riverholme Works, Huddersfield Road, Holmfirth, HD9 3TN - Advertisement Consent for erection of one flagpole sign – Officer Decision – Appeal Upheld
- 42.2019/94149 22, Ottiwells Terrace, Marsden, Huddersfield, HD7 6HB - Reinstating of garden wall and erection of mesh fencing to form cat cage (within a Conservation Area) – Committee Decision – Appeal Dismissed
- 43.2020/90026 Holmfirth Vineyard Ltd, Woodhouse Farm, Woodhouse Lane, Holmbridge, Holmfirth, HD9 2QR - Variation of conditions 5 (opening hours) and 6 (noise management plan) on previous application 2016/94001 for erection of extension to and rebuilding of fire damaged winery building – Committee Decision – Appeal Dismissed
- 44.2020/90167 60, High Street, Scapegoat Hill, Huddersfield, HD7 4NJ - Erection of single storey rear extension and first floor extension with balcony – Officer Decision – Appeal Dismissed
- 45.2020/90243 61 , Celandine Avenue, Salendine Nook, Huddersfield, HD3 3US - Erection of 2 storey side and rear extensions and internal and external alterations – Officer Decision – Appeal Dismissed
- 46.2020/90410 land at, 268, Leeds Road, Huddersfield, HD1 6PD - Erection of illuminated 48 sheet digital advertisement display panel – Officer Decision – Appeal Dismissed
- 47.2020/90481 Land adj 468b, Manchester Road, Crosland Moor, Huddersfield, HD4 5BW - Advertisement consent for erection of 48-sheet digital advertising display – Officer Decision – Appeal Dismissed
- 48.2020/90595 20, Arnold Street, Birkby, Huddersfield, HD2 2TB - Erection of front and rear dormer windows (within a Conservation Area) - Officer Decision – Appeal Dismissed
- 49.2020/90992 53, Parkwood Road, Longwood, Huddersfield, HD3 4TT - Erection of single and two storey side extension with first floor rear balcony– Officer Decision – Appeal Dismissed

- 50.2020/91452 23, Skipton Avenue, Fartown, Huddersfield, HD2 2QG - Prior notification for single storey rear extension – Officer Decision – Appeal Dismissed
- 51.2019/92457 20, Wellhouse Lane, Kirkheaton, Huddersfield, HD5 0RB - 20, Wellhouse Lane, Kirkheaton, Huddersfield, HD5 0RB – Erection of agricultural building (modified proposal) and cladding of existing building - Committee Decision – Appeal Upheld (Costs application refused)
- 52.2020/90422 47, Underbank Old Road, Holmfirth, HD9 1AS - Work to tree TPO 07/80 within a conservation area – Officer Decision – Appeal Dismissed
- 53.2020/91444 Salter House, 10, Old Turnpike, Honley, Holmfirth, HD9 6PD - Certificate of lawfulness for existing raised decked area – Officer Decision – Appeal Upheld

Invalid appeals

- 54.2019/92674 53 Parkwood Road, Longwood, Huddersfield, HD3 4TT - Erection of single and two storey side extension – Officer Decision – Appeal Invalid

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Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 10-Mar-2021

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

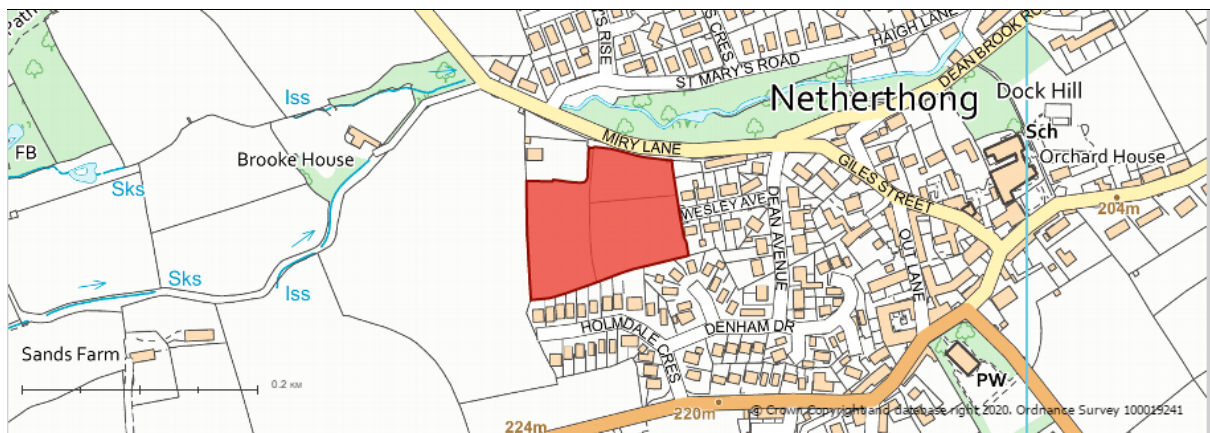
EXTENSION EXPIRY DATE

29-Jan-2021

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley South

Ward Councillors consulted: Yes

Public or private: Public

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 into the site 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.
- 1.3 The application was deferred from the Huddersfield Sub-Committee meeting held on 9th December 2020 to allow for the following further information/details to be provided:
 - A highway safety assessment, including traffic counts;
 - The reasons why the width of the roads used to access the site is considered acceptable;
 - How the highway network could be improved.

- 1.4 These matters were raised with the applicant and a Road Safety Audit was subsequently undertaken. The results are summarised at Paragraph 10.20 to 10.22 of this report.
- 1.5 Turning to the width of the road used to access the site, there is no scope to change the width or form of Wesley Avenue, or the roads that feed into Wesley Avenue. Nonetheless, an explanation as to why the access is considered acceptable is set out at Paragraphs 10.14-10.19 and 10.23-10.27 of this report.
- 1.6 As the application site lies within an existing settlement with a long-established highway network, taking account of the scale of this application, no practical measures have been identified that could modify or improve the surrounding roads around Netherthong. The applicant has, however, provided trip distribution diagrams based upon the originally submitted Transport Statement. This illustrates the dispersal of traffic on local roads. This is detailed at Paragraph 10.24. Overall, the 'means of access – highway and transportation issues' section of the report at Paragraphs 10.9 to 10.40 sets out why the proposal is still considered to be acceptable in this regard.

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 and 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, they 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 would include 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 8th 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 25th 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 In the context of the current plan period (2013-2031), the following planning permissions relate to the two other Local Plan housing allocations within Netherthong village, which have been implemented:

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 17th 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 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. This 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 that 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 Planning 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;
- The submission of a road safety audit for the access from Wesley Avenue.

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) (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)

- 6.6 A draft Housebuilder Design Guide SPD, Open Space SPD and Biodiversity Net Gain Technical Advice Note were published by the Council in 2020. These have undergone public consultation, but have not been adopted.

National Planning Guidance:

- 6.7 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

- 6.8 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

- 6.9 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 following the submission of a revised indicative site plan, additional drainage details and Arboricultural Method Statement in September 2020. A further 27 objections were received at that time. No further consultation was undertaken on the most recently submitted Road Safety Audit or Trip Distribution diagrams on the basis that this latest information did not result in any amendment to the site access or the principle of the development.
- 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 CO₂e). 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 important 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 adjacent 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 CO₂ through the process of building it. This proposed development is to create 36 properties and will therefore create around 2,880 tonnes of CO₂;
- 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 CO₂ 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 28th 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.'

Holme Valley Parish Council

- 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.

- 7.8 Jason McCartney MP for Colne Valley wrote to the Council in February 2021 expressing concern about recent flooding in Netherthong. He raised a particular concern that the drainage from the Wesley Avenue site would run down the hill to Miry Lane and exacerbate the flooding situation.

8.0 CONSULTATION RESPONSES:

The following represents 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. Following the submission of the additional details submitted in February 2020 in respect of highway safety, KC Highways confirm that this application remains acceptable from a highways perspective.

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. The Authority Monitoring Report (AMR) shows that the current land supply position in Kirklees is 5.88 years supply. Nonetheless, Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to significantly boost the supply of housing. Housing applications should therefore be considered in the context of the presumption in favour of sustainable development. In this case, the application would deliver up to 36 new dwellings. It would therefore make a reasonable contribution to 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 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 NPPF, 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 SPD 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 SPD refers to residential street types and hierarchies. It states 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, the SPD refers to the need for new residential streets to form part of a hierarchy to create an understandable transition from distributor roads to residential streets. It 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 and 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. The Highways Design Guide SPD visualises the dimension of different carriageway types, taken from Manual for Streets. This demonstrates that a width of 4.8m is sufficient for two cars to pass easily or a car and a lorry (2.5m width). 4.1m would just be sufficient for two cars to pass.

- 10.16 Wesley Avenue presently 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, the on-street parking does further reduce the width of Wesley Avenue.
- 10.17 There is, however, no opportunity to improve the existing carriageway layout of Wesley Avenue and no requirement for it to be a minimum width in order to facilitate future development. It is a relatively short stretch of road and because the driveways to the existing houses would typically be kept clear of on-street parking, passing places would be retained along its length.
- 10.18 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). At the request of the Council, 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.
- 10.19 It is acknowledged that the development would 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 set out 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 considered harmful to highway safety.
- 10.20 Following the Sub-Committee in December 2020, the applicant was asked to provide a further highway safety assessment, including a consideration of traffic counts, the reasons why the width of the roads used to access the site would be acceptable (considered above) and how the highway network could be improved.
- 10.21 Discussions with Highways DM determined that given the low numbers of predicted vehicle movements and the present unusual traffic patterns due to the Covid Pandemic, traffic counts at this time within this location would be unlikely to deliver any meaningful conclusions.
- 10.22 However, the applicant did undertake a Stage 1 Road Safety Audit of the scheme. It was conducted on the new Section 38 estate road(s) for the development and the connection to the existing highway at Wesley Avenue. It identified no general issues arising from the development. It found no problems with the junctions, with walking, cycling and horse riding or with traffic signs, carriageway markings or lighting. It highlighted only three specific problems that required a response, as summarised below:

| PROBLEM IDENTIFIED BY SAFETY AUDIT | RESPONSE PROPOSED BY SAFETY AUDIT |
|--|--|
| Existing gully in the end of the northern stub of the turning head on Wesley Avenue and an existing drive to No 12. Appropriate levels should be provided to maintain access to the drive and prevent surface water run-off into the drive. Inadequate drainage and levels could lead to pedestrian slip and trip hazards during inclement weather conditions on the footway | Provide appropriate levels and drainage for the footway and carriageway extension. The issues raised would be dealt with at the detailed design stage. This detailed design would include full details of highway drainage, levels and construction specification. |
| The land is very steep in the location of the proposed footpath connection from the site to Miry Lane. | The footpath link is identified as optional and can be dealt with at Reserved Matters stage. If pursued, the route should provide appropriate levels for pedestrians and a hand rail in conjunction with the steps and a pedestrian fence / hand rail along the top edge of the banking adjacent to the Miry Lane carriageway. |
| The proposed footpath connection to Miry Lane would utilise an existing field access gate. The field access joins the carriageway circa 11m from the gate and is unsurfaced and situated in a steep grassed verge area with no footways either side of it. | The footpath link is identified as optional and can be dealt with at Reserved Matters stage. Appropriate hard surfacing and street lighting should be provided to allow pedestrians to wait off the carriageway to view traffic approaching from either direction and also be seen by approaching motorists. |

- 10.23 Turning to the impact of the proposal on the wider highway network, on leaving Wesley Avenue, vehicles would exit onto Dean Avenue, which is approximately 4.8 metres wide. As set out above, this is a carriageway width that is sufficient for 2 cars to easily pass. 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. Whilst they are country lanes, they are used by existing residents of Netherthong.
- 10.24 The trip distribution diagrams provided by the applicant following the Sub-Committee in December 2020 illustrate traffic flows on the immediate network. These are based upon the traffic generation figures identified within the Transport Statement of 10 vehicles arriving to the site in the AM peak and 15 departing and 15 arriving in the PM peak and 10 departing. The numbers are summarised in Figure 1 below.

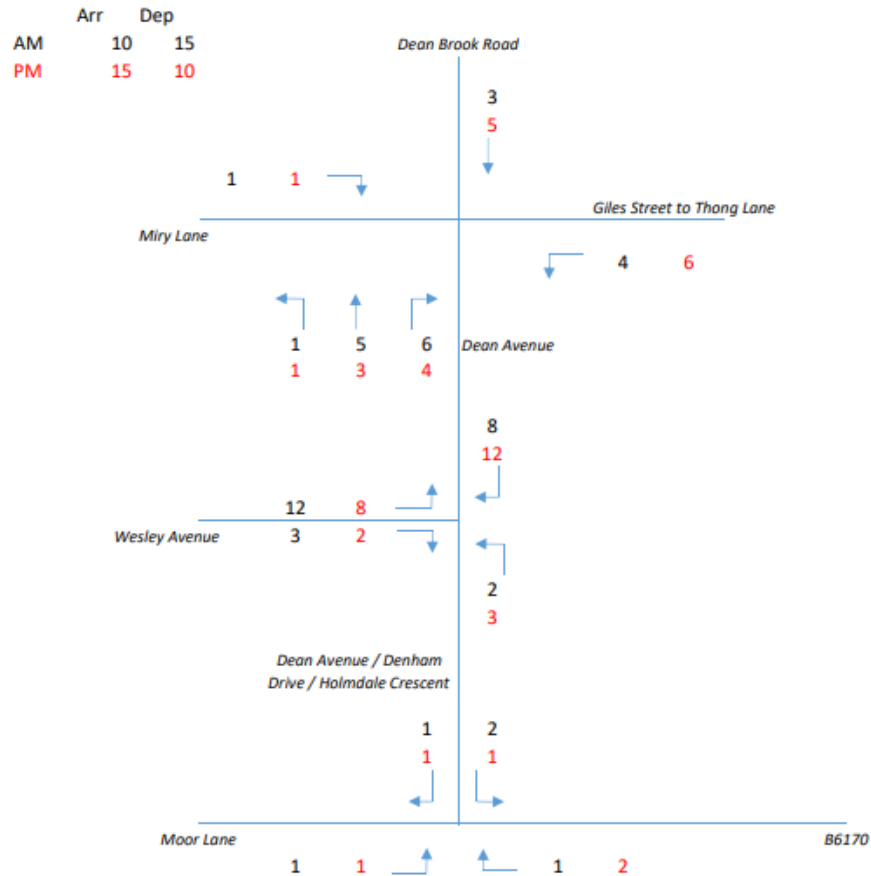


Figure 1: Trip Distribution Diagram

- 10.25 Figure 1 illustrates that of the forecast fifteen departures per morning peak hour, twelve will turn left. From here it is predicted that six will turn right onto Giles Street towards Netherthong village centre, with five heading straight onto Dean Brook Road, and one turning left onto Miry Lane. In the evening, the distribution diagrams indicate that 6 would return to Netherthong along Giles Street, 5 from Dean Brook Road and 1 from Miry Lane. The remaining 3 would come from the other direction via the B6170 and Moor Lane. This level of additional traffic would not be considered to have a significant impact on highway safety.
- 10.26 Furthermore, in relation to road safety, 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. The injury severity was identified as slight. This does not suggest a significant safety issue within the vicinity.
- 10.27 Given that the additional traffic generated by this development would be modest based upon the size of the site, 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, this development would not result in the traffic generation impact being 'severe'. Consequently, a refusal on these grounds could not be justified.

- 10.28 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.
- 10.29 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.
- 10.30 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, it would be just over a mile away.
- 10.31 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.
- 10.32 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.
- 10.33 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.

- 10.34 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.
- 10.35 In response to the originally submitted plans, KC Highways Development Management (HDM) advised that the amendments were made to the existing site entrance, off the present cul-de-sac of Wesley Avenue, to provide a 2.0 metre wide footway 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.
- 10.36 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 concluded that in terms of the matter of access, the application is acceptable from a highways perspective. This would be 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.
- 10.37 In response to the additional information following the December 2020 Committee, KC HDM acknowledge that given the present layout, the developer would be unable to make improvements to the existing section of Wesley Avenue. At 4.9 metres, it also exceeds the recommended width of 4.8m within the Government's Manual for Streets publication, which still allows for a car and large vehicle to safely pass. Highways DM has also reviewed the potential for access from Miry Lane but in terms of both site gradient and likely available visibility, this could not be satisfactorily achieved.
- 10.38 Following the independent Stage 1 safety audit, KC HDM identify that no issues were raised relating to junctions or site access. They have also spoken to local members to consider the use of sustainable transport contributions and the general highway network in and around Netherthong. Although it was acknowledged that much of the highway network was not up to modern standards, no particular issues were identified that could viably be addressed as part of this application. Whilst the highway impact would be modest, HDM

nevertheless consulted the appropriate Council departments to ascertain whether any measures were being considered to improve the existing highway network around Netherthong village. No specific schemes were indicated at this present time. Consequently, In terms of access alone, and given the additional, independently sourced information supplied, this application remains acceptable from a highways perspective.

10.39 In summary, the test within the NPPF for preventing or refusing a development on highway grounds is whether there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case, the site is suitably located for residential development. It would be adjacent to the built edge of the village, which would provide future occupiers with access to some local services by sustainable means. Whilst they would be reliant upon the private car for a proportion of trips outside the village, the levels of traffic that would be generated by this scale of development, as a 'worst-case' trip generation scenario of 25 movements in the AM and PM peak, would be modest. Even taking into account that this would result in a change in circumstances for existing residents of Wesley Avenue, this level of traffic would not be considered to have an unacceptable impact on highway safety nor a severe cumulative impact on the road network.

10.40 For all these reasons, the proposed access is acceptable and subject to the imposition of appropriate planning conditions, the proposal is considered to sufficiently accommodate sustainable modes of transport and it could 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

10.41 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.

10.42 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.

10.43 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.

- 10.44 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.
- 10.45 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.
- 10.46 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

- 10.47 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.
- 10.48 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.
- 10.49 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.

- 10.50 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.
- 10.51 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.
- 10.52 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.
- 10.53 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

- 10.54 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.
- 10.55 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.

- 10.56 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.
- 10.57 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.
- 10.58 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.
- 10.59 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.
- 10.60 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

- 10.61 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.
- 10.62 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.
- 10.63 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

- 10.64 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.
- 10.65 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

- 10.66 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.

- 10.67 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.
- 10.68 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.
- 10.69 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.
- 10.70 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.
- 10.71 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.
- 10.72 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.

- 10.73 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).
- 10.74 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.
- 10.75 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.
- 10.76 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

- 10.77 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.

- 10.78 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.
- 10.79 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

- 10.80 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.
- 10.81 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.
- 10.82 In this case, the essence of the Netherthong CA 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.
- 10.83 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.
- 10.84 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 CA 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 CA. 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 CA, as required by the Local Plan. It is therefore acceptable in this regard.

- 10.85 Turning 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.
- 10.86 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

- 10.87 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.
- 10.88 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

- 10.89 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 CO₂ 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.
- 10.90 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.

- 10.91 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

- 10.92 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.

- The appalling flooding in Netherthong the past fortnight (Feb 2021) shows that any further development is totally unsuitable? It will be exacerbated by the development as drainage from the Wesley Avenue site will run down the hill to Miry Lane.

Response: The recent flooding on Miry Lane was directly attributable to a badly maintained culverted and open watercourses under private riparian ownership along and adjacent to the public right of way leading past Brooke House. Kirklees Council has carried out some emergency works as a short term fix and dialogue with relevant landowners can be expected in the coming months. It is a specific existing issue that is unrelated to the development proposal at Wesley Avenue. Furthermore, all new developments have restricted discharge rates that would improve on the likely run off onto Miry Lane from the currently undeveloped land.

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:

- (i) Affordable housing – 20% of dwellings to be affordable with a split of 55% social or affordable rent to 45% intermediate housing;
- (ii) 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;
- (iii) 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;
- (iv) Arrangements to secure the long-term maintenance and management of public open space and the applicant's surface water drainage proposals.
- (v) 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.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 10-Mar-2021

Subject: Planning Application 2019/93790 Demolition of existing buildings and erection of two storey nursery and garden buildings, formation of associated parking, hard and soft landscaping, widening of entrance and dropped kerb for pedestrian crossing Former Eastgate Depot, Honley, Holmfirth, HD9 6PA

APPLICANT

Michael Murphy, Portland Nurseries

DATE VALID

25-Nov-2019

TARGET DATE

20-Jan-2020

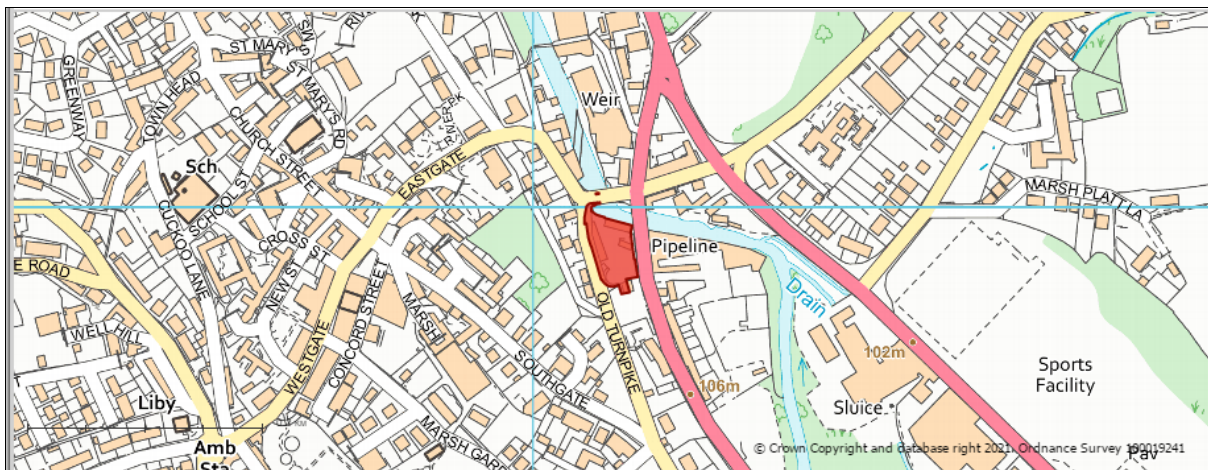
EXTENSION EXPIRY DATE

17-Jul-2020

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley North

Ward Councillors consulted: Yes

Public or private: Public

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 ward member Cllr Charles Greaves who has stated:

“...I have grave concerns over the impact on the highways network at a key junction; and concerns over young children's welfare with regard to air quality concerns coming from this busy junction. It will require a site visit so that members of the committee can see for themselves the precise location and the wider highways issues”.

1.2 The Chair of the Huddersfield Planning Sub-Committee has confirmed that Councillor Greave's reasons are valid having regard to the Committee Protocol. With regard to site visits, committee members are not currently undertaking formal site visits; however, the site can be readily seen from public land and members of committee can undertake their own site visits before the meeting as they consider appropriate.

2.0 SITE AND SURROUNDINGS:

2.1 The application site forms a piece of brownfield land which formally operated as a Council depot that is 0.2 hectares in area, located to the east of Honley village centre. The site is located between the A6024 (Woodhead Road) to the east and Old Turnpike to the west with the River Holme forming the northern boundary. There are residential properties to the south and west. The site has an existing access, which joins the adopted highway at the junction between Eastgate and Old Turnpike. Within the site there are a number of now redundant buildings. These are sited along the periphery of the site whilst the remainder forms an extensive area of hardstanding.

2.2 Evidence submitted alongside this application demonstrates a history of industrial uses at the site. Records show that by 1892 the site hosted a gas works and that by 1993 the site was a council depot. However, given the dilapidated appearance of the site it would appear that the site has not been operational for some time.

- 2.3 In close proximity to the site, but not immediately adjoining it, is a Grade II listed bridge (Honley Bridge) to the north and the Honley conservation area. The immediate area is one subject to a long history of development. The surrounding land uses are a mix of commercial and residential uses.

3.0 PROPOSAL:

- 3.1 The application seeks the demolition of existing buildings and erection of a two storey children's nursery and garden buildings, formation of associated parking, hard and soft landscaping, widening of the vehicular entrance and dropped kerb for pedestrian crossing.
- 3.2 The proposed principal building would be centrally located within the site with a 15 space car park located to the north. The building would be two storey to the west of the site and single storey to the east with a large flat roof area projecting from the main building. The building would be constructed from a mix of materials to have an overall contemporary feel. There would also be traditional elements such as mullioned windows on the northern elevation facing the conservation area and the use of natural stone cladding. The northern (front) elevation also includes small areas of render and a metal roof. The southern (rear) elevation includes large sections of glazing, timber cladding and the inclusion of solar panels on the roof. A sheltered outdoor dining area would be located at the southern end of the site with the area in between landscaped.
- 3.3 The nursery would provide space for 58 children to attend at any one time and employ 12 members of staff.
- 3.3 Access to the site would be via Old Turnpike close to its junction with Eastgate and would provide two way movements into and out of the site. Improvements are proposed to the point of access with build-outs providing improved pedestrian access and improved sightlines for users. Cycle parking and bin storage is also provided to the front (north) of the building and the site would be secured by gates set back from the footway.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Site

- 2004/90098 – Erection of disabled WC and re-roofing existing building (Granted under Reg.3 of General regulations)

4.2 Surrounding Area

- 88/01936 – Erection of 3 detached dwellings and garages (Granted Conditionally)
- 2006/90569 – Demolition of existing dwelling and garage and erection of 2 no. detached dwellings (Conditional Full Permission)
- 2013/90747 – Erection of two detached dwellings (Conditional Full Permission)

- 2008/90628 – Erection of 2 no. detached dwellings with internal garage (amended house types) (Conditional Full Permission)

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

5.1 Extensive negotiations were undertaken with the agent to address concerns in the highway arrangements for the proposal which has led to reduction in the number of children in attendance from 85 to 58 and staff from 21 to 12 and an increase in the number of parking spaces from 12 to 15. Amended plans were also received in relation to the design of the proposal.

6.0 PLANNING POLICY:

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

6.2 Kirklees Local Plan (2019):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP20 – Sustainable Travel
- LP21 – Highway Safety and Access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood Risk
- LP28 - Drainage
- LP30 – Biodiversity and Geodiversity
- LP34 – Conserving and enhancing the water environment
- LP35 – Conserving and enhancing the historic environment
- LP48 – community facilities.
- LP51 – Air Quality
- LP53 – Contaminated and unstable land

6.3 Supplementary Planning Guidance / Documents:

- Kirklees Highways Design Guide

6.4 National Planning Guidance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

6.5 Neighbourhood Development Plans

Holme Valley Neighbourhood Development Plan – This 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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice, neighbour notification letters and an advertisement has been placed in the local Press, the last date for comments in this period was 30 December 2019.

7.2 Additional information has been advertised by neighbour notification letter, the last date for comments was 2 March 2021.

7.3 In total 3 comments have been received to the first period of publicity; a summary of the points raised is set out below:

- Most Nursery places are occupied for half days, so the number of children in attendance will be likely to be twice the stated number. i.e. 8am to 1pm and 1pm to 6pm,
- Due to the site's location the vast majority of those attending will arrive by car and therefore the proposal would lead to a significant number of additional movements to and from the site each day which will be increased by those in attendance for half days.
- The point of access to the site is unsuitable and is substandard to accommodate the additional traffic generated by the development due to its position at the junction of Eastgate and Old Turnpike. Alternative routes up along Old Turnpike are undesirable due to the narrow nature of the road where it means Southgate Road. The site is in proximity to the signalised junction of Eastgate and Woodhead Road where traffic often queues, the proposal will add to this problem.
- The level of parking/drop off points is insufficient for the number of children in attendance and would lead to additional parking in the local area which is busy along Eastgate and narrow along Old Turnpike.
- The submitted transport statement is not considered to be sufficiently robust and overly balanced in favour of the proposal. Have there been any studies on the level of traffic around the junction to assess the impact of the additional movements to and from the site? Have recent housing approvals been factored in to the use of certain routes?
- The idea that parents will not drive is unrealistic and unlikely to be achievable as children are often dropped off and picked up on the way to and from work.
- Additional queuing in the local area would reduce the air quality in the surrounding area.
- The redevelopment of the site is welcomed and building looks acceptable however the highway arrangements need to be correct.

- 7.2 1 additional comment has been received from the publicity of the amended plans and further information:
- The increase in parking spaces doesn't detract from the increase in traffic and congestion that the development will add to a busy junction.
 - Dozens of cars dropping children off during rush hour, with double yellow lines already existing up Old Turnpike, is unacceptable to local residents.
 - Perhaps the development needs a separate entrance and exit - maybe onto Woodhead Road.

7.3 **Holme Valley Parish Council** – Support, but safety concerns regarding dropping off of children and parking.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **Environment Agency** – No objection
- **KC Highways DM** – No objection subject to conditions
- **KC Conservation and Design** – No objection subject to conditions

8.2 Non-statutory:

- **KC Environmental Health** – No objection subject to conditions
- **KC Lead Local Flood Authority** – Comments Made
- **West Yorkshire Policy Designing Out Crime** – Comments made

9.0 MAIN ISSUES

- Principle of Development
- Design (Visual Amenity) and Heritage
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on Local Ecology
- Air Quality
- Contaminated Land
- Flood Risk
- Representations

10.0 APPRAISAL

Principle of Development

- 10.1 The site is previously developed (brownfield) land and lies in an area which is undesignated within the Local Plan (LP) proposals map. Policy LP2 of the Local Plan states that:

‘All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes...’

- 10.2 In addition to the above, the National Planning Policy Framework (NPPF) identified three overarching objective of sustainable development: economic, social and environmental. In this case the site is within a built up area with good access to services and would lead to the re-use of a prominent brownfield site. The proposed nursery use would provide a community facility in an accessible location in accordance with Policy LP48 of the Local Plan and would lead to local employment opportunities for up to 12 staff. The principle of developing the site is therefore considered to be acceptable.
- 10.3 The site is located close to three roads including the main vehicular route into Honley centre and the River Holme, with the Honley Conservation Area located to the north of the site alongside a listed bridge. The impact of the development on these features along with its overall design, highway arrangements, impact on residential amenity, local ecology and all other material planning considerations are key matters to assess as part of this application.

Design (Visual Amenity) and Heritage

- 10.4 The application site is located in close, but not immediate, proximity to the Honley Conservation Area which is to the north and Honley Bridge, a Grade II listed structure. As such it is important to give particular attention to the design of the proposed development and its impact on the significance, character and setting of the adjacent designated heritage assets. The impact of development on the setting of the Conservation Area and adjacent Listed Building needs to be considered in detail and with respect to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These set out statutory duties to pay special regard/attention to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and for the preservation or enhancement of the conservation area. Policies LP24 and LP35 of Local Plan will also be considered alongside Chapters 12 and 16 of the NPPF. These policies seek to promote good design by ensuring that the scale, layout and details of a development respect and enhance the character of the townscape, heritage and landscape, provide a high standard of amenity of future and neighbouring occupiers of land and buildings and assess other design considerations. This includes designing out crime and the provision of open space. Chapter 16 of the NPPF states that the significance of a listed structure or building can be harmed or lost through development within its setting. The application has also been assessed by the Conservation and Design Team. They have provided detailed comments which has also led to the submission of amended plans.
- 10.5 In the case of this application, it is anticipated that the proposed scheme could serve to enhance the setting of the listed Honley Bridge. The application site currently presents a neglected state with a distinctly industrial character, hosting steel gates and derelict buildings (garages). The Conservation Officer has advised that the site, as it currently exists, harms the setting of the Conservation Area and the setting of the listed bridge.

- 10.6 The proposal would enhance the setting of the adjacent bridge by the removal of a building located on the boundary of the site with the River. The demolition of this building will greatly increase the visibility of the site from the bridge and vice versa, particularly from the junction of Woodhead Road and Eastgate.
- 10.7 In terms of the new building itself, the Conservation Officer has advised that as the site is set into a hillside, the proposal for a two storey building on the western side of the site against the cliff, dropping to single storey towards Woodhead Road on the east, should sit comfortably within the site without being overly prominent. The site has limited visibility to the south and west where it is bounded by retaining walls and there are no concerns with the design of the building from these viewpoints. The use of extensive glazing on the south elevation facing the 'garden' area is supported along with the proposed canopy with a green roof. The retention and landscaping of the former gas holder wall as part of the garden area is an interesting idea. This gives some indication of the former use of the site and the proposed tree planting in the garden area softens the overall site.
- 10.8 The northern elevation of the building has been amended through the course of the application to include elements of a more vernacular design, such as the first floor mullioned windows and a repetitive design which reflects the local streetscape with contemporary elements included, such as the ground floor windows and use of sections of render.
- 10.9 Overall it is considered that the proposal sits comfortably within the setting of a Grade II listed bridge and adjacent to the Honley Conservation Area. The proposal would also provide a clear public benefit in enhancing the setting of the bridge and conservation area and providing a vibrant new use for the site. However, to ensure that the finish materials are appropriate details will be conditioned to be submitted for the approval of the local planning authority.
- 10.10 Turning to other design matters, the application has been assessed by the Designing Out Crime Officer who has provided detailed comments including suggestions on the quality of doors and windows to be installed. The site is reasonably open and does benefit from a degree of natural surveillance from the adjacent dwellings. Advice has also been set out for other crime prevention methods such as CCTV and alarms, however no details have been provided on security measures proposed to be installed at the site. Therefore, to ensure that appropriate measures are installed, in the interests of good design, details will be secured by condition.
- 10.11 Subject to the conditions set out above the proposal is considered to be of an acceptable design which will enhance the significance of designated heritage assets and would accord with Policies LP24 and LP35 of the Local Plan and Chapters 12 and 16 of the NPPF.

Impact on Residential Amenity

- 10.12 The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*" This is further supported by policies set out in

Chapters 12 and 15 of the NPPF. The application has also been assessed by Environmental Services. The applicant has also submitted a noise report to set out anticipated noise levels generated by the development and the impact this would have on local amenity.

- 10.13 The surrounding land uses are mixed, although there is a clear bias towards residential development. To this end it is noted that the nearest dwellings are, Calder House (4 Old Turnpike) and Salter House (10 Old Turnpike) which are located 8m to the west of the site, and Nos. 3-9 Old Turnpike to the south which are currently under construction approved via application 2014/993492. The presence of strong delineating features including a substantial boundary treatment, level differences, and the adopted highway serve to negate concerns of an overbearing, overshadowing or overlooking nature. Furthermore, internal land levels are noted as being lower than that of the adopted highway at Old Turnpike and as such the nursery would be set at a considerably lower level than the surrounding residential development.
- 10.14 In terms of potential noise disturbance, the submitted noise report considers the ambient background noise, road traffic noise, nearby commercial noise and the impact of noise from the new development on nearby noise sensitive neighbouring premises.
- 10.15 Due to road traffic noise being prevalent in the local area, the impact of noise from children in the outdoor amenity areas is likely to have less of an effect on nearby noise sensitive premises compared to a more rural location. Through the use of noise monitoring taken at a similar premise's, Section 4.4 of the report indicates that the noise from the premises including the outdoor use will be around 2dB above background level and therefore would not cause a detrimental impact to residential amenity. In regard to the impact of road traffic noise on the development the report states in Section 4.2 that standard double glazing will only be effective in protecting the future site users from noise while the windows are closed, and as such all noise sensitive rooms will require another means of ventilation. Section 5 states that a mechanical ventilation system should provide the appropriate ventilation, however details of the specification of the equipment to be installed need to be approved by the Local Planning Authority prior to new use commencing to ensure that it is appropriate, this detail can be secured by condition.
- 10.16 To further control potential for noise disturbance to surrounding occupiers of land and buildings it is considered appropriate to restrict the hours of use of the nursery to those the applicant has applied for with the premises to be open from Monday to Friday 07:30 to 18:00 only. These hours are acceptable for a premise of this nature in this built up location and can be secured by condition.
- 10.17 Subject to the conditions set out above the proposal is considered to have an acceptable impact on residential amenity of surrounding property and the future occupiers of the site and would accord with Policies LP24, LP52 of the Local Plan and Chapters 12 and 15 of the NPPF.

Impact on Highway Safety

- 10.18 Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options. The application has also been assessed by Highways DM Officer.
- 10.19 The site benefits from an existing access which opens out onto the junction with Old Turnpike and Eastgate and has been previously used as a depot for the Council. It is important to note that the application has been significantly amended through the course of the application to reduce the number of children in attendance. This was initially proposed as 85 to the now proposed 58 by 30% reduction. Staff levels have subsequently reduced from 21 to 12 a 40% reduction, and there is an increase in parking provision from 12 to 15 spaces an increase of 25%, and provision of some improvements to the site access junction. The agent also provided extensive information to demonstrate how they anticipate the nursery will operate, comparing it to other sites which the applicant runs within Kirklees alongside data collected for other sites across the country. They have also provided details of how they would encourage the use of sustainable modes of travel to the site via walking or the use of public transport.
- 10.20 In terms of the point of access, this would primarily be in the same position as that used by the previous depot use. However, it would be improved by its slight repositioning to the south and its widening to allow two way traffic to enter and leave the associated car park. Pedestrian access into the site is also provided either side of the vehicular entrance to provide a safe access to the site on foot. The alterations to the access would also provide new build out sections of footway onto Old Turnpike. This would improve sightlines for users of the access and those entering from Eastgate and improve the safety of pedestrians who currently do not benefit from a footway leading from Eastgate to Old Turnpike. The new build outs can be secured through a Section 278 agreement of the Highways Act.
- 10.21 With regard to parking provision, 15 vehicular spaces would be provided to serve the development for both the drop off and pick up of the 58 nursery places and also to serve the 12 staff. In addition, 4 cycle spaces would be provided to the front of the building and also 4 to the rear of the site for staff. The Highways Officer has confirmed that the proposed parking layout is workable and all spaces can be appropriately accessed. The provision of 15 spaces to the level of children and staff proposed also accords with the requirements of Kirklees' former parking standards. These prescriptive standards have been superseded by advice in the Highway Design Guide SPD but remain a good gauge of likely required off-street parking provision. This is considered to demonstrate that the level of parking provision is sufficient for the size of nursery proposed. A condition will secure the appropriate surfacing and lining of the car park.

- 10.22 The applicant has also set out their intention to provide a Travel Plan to promote the use of sustainable transport options whenever possible. This will, in part, be to encourage pedestrians from Honley to use the safe route along Old Turnpike as opposed to crossing Eastgate in close proximity to the signalised junction and sharp bend. The Travel Plan will also seek to highlight the alternative methods of travel available to staff and those dropping off and picking up children. The principles of the travel plan, such as the suggested pedestrian route, are considered appropriate and specific detail will be secured by condition.
- 10.23 Subject to the conditions set out above, and to restrict the number of children in attendance at any one time to no more than 58, the proposal is considered to have an acceptable impact on highway safety and would accord with the requirements of Policies LP21 and LP22 of the Kirklees Local Plan.

Impact on Local Ecology

- 10.24 The application site is located within the Council's bat alert layer and as such Policy LP30 of the Local Plan needs to be considered. A Bat Survey and mitigation strategy have been submitted with the application. These have been reviewed by the Council's Ecologist.
- 10.25 The submitted bat report has confirmed that bats are roosting at the application site and a licence must be secured from Natural England and mitigation measures undertaken. Furthermore, bat boxes need to be included on the proposed building to promote roosting opportunities, along with an appropriate lighting plan and landscaping strategy to provide mitigation of the impact of the development on bats.
- 10.26 Subject to the conditions set out above the proposal is considered to have an acceptable impact on local ecology and would accord with the conditions set out in Policy LP30 of the Local Plan.

Air Quality

- 10.27 The application has been submitted with an Air Quality Assessment (AQA) which has been reviewed by Environmental Services. Policy LP51 of the Local Plan and Chapter 15 of the NPPF set out that applications will need to consider the impact of the development on air quality and also the impact of existing air quality conditions on proposed developments. This is particularly important given the use is as a children's nursery.
- 10.28 The AQA sets out that an assessment was undertaken in accordance with the West Yorkshire (WY) guidance to determine the potential for the development to affect local air quality. This indicated that the development is considered to be classified as Type 2 - Medium development, since the development proposals fell below the criteria and additional trigger criteria outlined under Stage 1 of the WY guidance. Default mitigation measures were presented for a Type 2 - Medium development. Dispersion modelling was undertaken in order to predict air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the development. Results were subsequently verified using monitoring results obtained from Kirklees Council.

- 10.29 The dispersion modelling results indicated that NO₂ (Nitrogen Dioxide) and PM₁₀ (inhalable particulate matter) concentration across the application site were below the relevant Air Quality Objectives. The location is therefore considered suitable for the proposed end use without the inclusion of mitigation methods to protect future users from poor air quality
- 10.30 Potential impacts during the operational phase of the development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. An assessment was therefore undertaken using the standard screening criteria to determine the potential for trips generated by the development to affect local air quality. This indicated that anticipated net traffic generation was below the specified threshold and subsequently impacts are likely to be not significant throughout the operational phase. It is also noted that the scale of the development has subsequently been significantly reduced.
- 10.31 In light of the above assessment, the proposal is considered not to adversely impact on local air quality nor is there poor air quality across the site to deem it unsuitable for a use as a children's nursery. However, to support infrastructure for low emission vehicles, such as electric cars, one electric vehicle charging point will be secured by condition. It is also noted that, as set out in the highway section, provision for facilities for walking and cycling have also been included in the design of the scheme, further helping to reduce impact on air quality. Subject to the conditions set out above the proposal is considered to have an acceptable impact on air quality and would accord with Policy LP51 of the Local Plan.

Contaminated Land

- 10.32 The site is located in an area which has been identified as being potentially contaminated due to its former uses. Policy LP53 is therefore relevant which requires matters of contaminated land to be considered and the applicant has submitted Phase 1 and Phase 2 (intrusive) contaminated land reports which have been assessed by Environmental Services.
- 10.33 Environmental Services have accepted the findings of the submitted contaminated land reports. They have recommended that a remediation strategy is devised and implemented which can be secured by condition, along with a condition for the submission of a validation report. Subject to the submission of the aforementioned conditions the proposal would accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Flood Risk

- 10.34 The site is located adjacent to the River Holme and the site is located within Flood Zone 1, the lowest risk category. However, at the request of the Environment Agency, and due to the proposal leading to the removal of a building on the western side of the site adjacent to the River Holme, which could have acted as a flood defence for the site, a site specific Flood Risk Assessment (FRA) has been submitted. The FRA sets out that a 1.2 metre high boundary wall will be retained along the western side of the site and that finished floor levels will be above predicted flooding levels along with setting out surface water drainage arrangements. The details have been assessed by the Environment Agency who have accepted the findings, provided that

they are conditioned as part of any permission. Due to the site's location adjacent to the river bank a note will also be attached to the decision notice advising that a permit would be required for works which affect the river bank. Subject to this the development will accord with Chapter 14 of the NPPF and Policy LP27 of the Local Plan.

Climate Change

- 10.35 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.
- 10.36 The redevelopment of a brownfield site in a sustainable urban area would make an efficient and effective use of land. Furthermore, it would contribute positively to the local environment by remediating a derelict site and ultimately bringing it back into full economic use. The palette of materials for use on the building includes natural stone, which is locally available and fully recyclable. The insulation envelope of the building, together with the use of extensive glazing to the southern elevation and PV panels to the roof will contribute to a reduction in the use of artificial light and lower heating costs. Provision will be made on site for the recharging of ultra low carbon electric vehicles and specific provision made for cycle parking. Improvements to the access to the site seek to improve pedestrian access to the site, which in turn would encourage more trips to the site by foot.

Representations

- 10.37 In total 3 comments have been received to the first period of publicity; a summary of the points raised is set out below:

- Most Nursery places are occupied for half days, so the number of children in attendance will be likely to be twice the stated number. i.e. 8am to 1pm and 1pm to 6pm,
- Due to the sites location the vast majority of those attending will arrive by car and therefore the proposal would lead to a significant number of additional movements to and from the site each day which will be increased by those in attendance for half days.

Response: There is no evidence to suggest that places will only be occupied for half days. Furthermore the number of children in attendance has been significantly reduced through the course of the application. Whilst it is probable that a larger number of children will be dropped off by car, as set out above the parking and access arrangements are considered to be acceptable and sustainable travel options will be set out in Travel Plan secured by condition.

- The point of access to the site is unsuitable and is substandard to accommodate the additional traffic generated by the development due to its position at the junction of Eastgate and Old Turnpike. Alternative routes up along Old Turnpike are undesirable due to the narrow nature of the road where it means Southgate Road. The site is in proximity to the signalised junction of Eastgate and Woodhead Road where traffic often queues, the proposal will add to this problem.

Response: As set out in the Highways section of the report, para 10.18-10.23 the existing point of access would be improved and is considered to be acceptable.

- The level of parking/drop off points is insufficient for the number of children in attendance and would lead to additional parking in the local area which is busy along Eastgate and narrow along Old Turnpike.
- The submitted transport statement is not considered to be sufficiently robust and overly balanced in favour of the proposal. Has there been any studies on the level of traffic around the junction to assess the impact of the additional movements to and from the site? Have recent housing approvals been factored in to the use of certain routes?

Response: As set out in the main body of the report the number of children in attendance has been significantly reduced through the course of the application and the number of parking spaces increased. Additional information has been submitted through the course of the application to provide further justification for the proposal and additional improvements to the point of access.

- The idea that parents will not drive is unrealistic and unlikely to be achievable as children are often dropped off and picked up on the way to and from work.

Response: Comments noted. The number of children proposed in attendance has been reduced and the additional parking provided to serve the use without material detriment to highway safety.

- Additional queuing in the local area would reduce the air quality in the surrounding area.

Response: The application is supported by an Air Quality Assessment (AQA) which concludes that the development would not adversely impact on local air quality. The AQA has been assessed by Environmental Services who raise no objections to these findings. It is considered that the development would not have a detrimental impact on air quality in the local area.

- The redevelopment of the site is welcomed and building looks acceptable however the highway arrangements need to be correct.

Response: Noted

10.38 1 additional comment has been received from the publicity of the amended plans and further information:

- The increase in parking spaces doesn't detract from the increase in traffic and congestion that the development will add to a busy junction.
- Dozens of cars dropping children off during rush hour, with double yellow lines already existing up Old Turnpike, is unacceptable to local residents.
- Perhaps the development needs a separate entrance and exit - maybe onto Woodhead.

Response: As set out in the highway section, the amended scheme with increased parking, reduced numbers of children and staff and improved point of access is considered to provide acceptable highway arrangements. The parking/drop off area and point of access is considered to be sufficient to serve the development.

11.0 CONCLUSION

11.1 In conclusion the proposed nursery is considered to have an acceptable impact on visual and residential amenity, including the setting of adjacent designated heritage assets, highway safety, ecology, air quality, flood risk and all other material planning considerations.

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

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 commence within 3 years of permission.
2. Development to be undertaken in accordance with the approved plans and specifications.
3. Submission for approval of materials to be used in construction.
4. Submission for approval of crime prevention measures.
5. Restriction on hours of use for users from 7.30am to 6pm Monday to Friday only.
6. Submission for approval of details of a mechanical ventilation scheme.
7. Provision of 1no. electric vehicle recharging point.
8. Restrict the numbers of children in attendance at anyone time to no more than 58.
9. Surfacing and marking out the parking area.
10. Submission for approval of a Travel Plan before the use commences.
11. Submission for approval of details of the access improvements.
12. Development in accordance with the Bat Mitigation Strategy.
13. Provision of bat features integral to the building during the period of construction.

14. Submission for approval of details of external lighting.
15. Submission for approval of a landscape strategy and implementation plan.
16. Development to be constructed in accordance with the conclusions set out in section 5 of the Flood Risk Assessment Ref: 19022-FRA.

17. Submission for approval of a remediation strategy.
18. Implementation of remediation strategy.
19. Submission for approval of validation report.

NOTE – Environment Agency Permit

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93790>

Certificate of Ownership – Notice served on Kirklees Council

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 10-Mar-2021

Subject: Planning Application 2020/93008 Erection of outbuilding to rear 10, Plains, Marsden, Huddersfield, HD7 6AL

APPLICANT

L Sparrow

DATE VALID

06-Jan-2021

TARGET DATE

03-Mar-2021

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Colne Valley

Ward Councillors consulted: No

Public or private: Public

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

1. The proposed outbuilding, by reason of its siting, scale and design, would form an overly prominent and incongruous feature failing to respect the character and appearance of the host terrace or the local area. To approve the development would be contrary to Policy LP24a of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application has been brought to Huddersfield Sub-Committee at the request of Cllr Donna Bellamy for the following reason:

“There are other houses on Plains that have outbuildings on their rear gardens, so does it have a impact on the street scene from observation it doesn't block the lane so access is still available, this area is also not within the conservation area, and many of the houses in the area have also had rear extensions, that haven't been deemed to have an impact on the street scene”.

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

2.0 SITE AND SURROUNDINGS:

2.1 The application site is a mid-terraced property located on a street called Plains, in Marsden. Plains forms two long rows of stone built terraced properties which date back to the early 20th Century and they are typical of mill worker's housing of the late 19th and early 20th Centuries with hammer dressed stone external walls, slate tile gable roof, ashlar stone window and door surrounds and a repetitive design of windows and doors along the terrace.

2.2 To the front elevation, north-west, there is a hard-surfaced front yard bounded by low stone walls with copings and a fence atop the stone wall.

- 2.3 To the rear, south-east, the properties gain long distance views across the valley. Access to the rear is gained from an unadopted track off Plains Lane. The applicant property has a stepped access from the rear elevation to the track which extends along the rear of the dwellings from Plains Lane to Grange Street. The unadopted track bisects the row of terraced housing from a narrow band of open amenity space that is principally laid to grass/hardsurface, but with other smaller outbuildings in evidence. This narrow band of land, and the track, is within the ownership of the houses along the terrace.
- 2.4 The amenity space is bounded to the southeast with a low rear stone wall shared with the neighbouring properties on Plains. The outdoor amenity space has a sloping gradient descending towards the south-east. The other neighbouring properties have similarly steep steps and varying plots of rear garden amenity space.
- 2.5 Beyond the boundary wall, south-east, the Transpennine railway line between Manchester and Huddersfield is set in a deep cutting.
- 2.6 The surrounding area is residential with similarly constructed terraced housing rows south east of the railway tracks. There are terraced and semi-detached dwellings west and north of Plains, with open fields and a Public Right of Way to the north east across Plains Lane following the route of the railway.

3.0 PROPOSAL:

- 3.1 Permission is sought for the erection of an outbuilding to the rear of 10 Plains situated on the rear amenity space. This is submitted retrospectively.
- 3.2 The dimensions of the outbuilding are 4.1 metres in width and 5.1 metres in depth with a very shallow mono-pitch roof with a maximum height of 2.2 metres.
- 3.3 The construction materials are concrete breeze block faced with horizontal timber board, fibre glass flat roof with a white security roller shutter door sitting on a concrete base. The concrete base measures 4.3 metres in width and 5.3 metres length serving to level out the sloping gradient of the plot. Two lights are placed to either side of the doorway.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 No planning applications for this site are recorded.
- 4.2 Enforcement history: COMP/20/0199 - Alleged unauthorised erection of an outbuilding – under investigation.

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

- 5.1 No negotiations have taken place nor have amended plans been sought or received. This is due to the application seeking retrospective permission for development which has already taken place.

6.0 PLANNING POLICY:

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

6.2 The site is unallocated in the Kirklees Local Plan.

Kirklees Local Plan (2019):

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

Supplementary Planning Guidance / Documents:

6.3 Kirklees Highways Design Guide

National Planning Guidance:

6.4 National Planning Policy Framework
• **Chapter 12** – Achieving well-designed place

National Design Guide

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by neighbour notification letters. The period of publicity expired 8th December 2020. Four representations have been received. The following is a summary of responses:

Objections

- The proposal adversely affects a Public Right of Way.
- The proposal would have a detrimental impact on visual amenity. The building is a large structure which is out of keeping with the character of the local area.
- The proposal would represent an overdevelopment of the site being the full width of the plot and extending up to the access.
- The proposal would block natural light to adjacent properties causing a detrimental overshadowing impact.
- The development is on the periphery of a Conservation Area and would harm the setting of the conservation area.
- The south-east elevation of the host property is a principal elevation and the development is forward of this elevation, increasing the visual impact.
- The base of the proposal appears to encroach into neighbouring garden.
- Insufficient passing space between the outbuilding and residence (2.4m) and would be dangerous to public passing when outbuilding is in use.
- The structure has increased light pollution at the site from the lights on the front.

- The outbuilding is being used for commercial purposes for the trading of motorbikes. This has also led to vehicles being run up and down track, added engine noise and polluting emissions in unsocial hours.

Non-material issues

- The site is subject to a covenant which states the area of land is a “common yard” and not a road with use restricted to hanging out and drying of laundry.
- Blocks panoramic views.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

No statutory consultees.

8.2 Non-statutory:

- K.C. Highways Development Management – No objection
- Network Rail – no objections

9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- 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. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

- 10.2 In this case, it can be stated the principle of development for an outbuilding may be acceptable. The impact of the proposed development on visual amenity, residential amenity, highway safety, other all material planning considerations and taking into account representations received is considered below.

Visual Amenity

- 10.3 In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.
- 10.4 The proposed site of the outbuilding, which is accepted to be at the rear of the dwelling, is located in an open and prominent position that can be readily viewed from Plains lane to the east. The building is separated from the main dwelling by an informal access track which runs along the rear of the properties. The land to the south east of this track, whilst forming land associated with the residential dwellings, is often not clearly defined between the dwellings. There are significant sections containing no boundary treatment and often just left to grass. Whilst there are some structures in this area, they tend to be small, discreetly sited and of a temporary nature that could be easily moved, such as pre-fabricated timber sheds. These do not interrupt the wider visual appearance of the terrace.
- 10.5 The proposed outbuilding is a significantly larger structure than others that are in evidence along the terrace. It occupies the full width of the amenity space and extends to the route of the informal access shared by the applicant property and neighbouring houses. The development would leave only a small section of land directly outside the rear of the property, approximately 2.5 metres deep by 5 metres wide and a small front yard area as amenity space. In this context the proposal would represent an over development of the available land and would, by reason of its scale, form and design be out of keeping with the character of the host dwelling and the wider local area. It would be a particularly prominent and incongruous feature by reason of its scale and siting.
- 10.6 With regards to materials, whilst the building is externally clad in timber, similar to a typical domestic shed, its overall scale and position on a concrete base, which has increased ground levels to the south means that the building is overly prominent in the local streetscape to the detriment of the visual amenity in the local area.
- 10.7 The resultant visual impact of the development would lead it to it appearing as a prominent large outbuilding within a small curtilage and have a detrimental impact to the character of the local area. The proposal would therefore fail to accord with policy LP24(a) of the Kirklees Local Plan or Chapter 12 of the NPPF.

Residential Amenity

- 10.8 The impact of the proposal on the amenity of surrounding properties and future occupiers of those dwellings is considered against Policy LP24 of the Local Plan which seeks to “*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*”

- 10.9 The outbuilding is separated from the host dwelling and adjacent dwellings by the informal access track and is positioned south east of the row of the dwellings. The adjacent terraced dwellings are located 5.5 metres from the outbuilding, however the land to the rear of the dwellings drops away significantly. This results in the dwellings having a lower ground floor level facing the proposed development. Given this change in levels, combined with the proposed outbuilding's overall height of 2.2 metres the proposal is, on balance, considered not to lead to a detrimental impact on the amenity of adjacent properties in terms of overbearing or overshadowing impact. No openings are in the front elevation and therefore there would be no detrimental overlooking.
- 10.10 In conclusion, on balance, the proposal is considered to have an acceptable impact on residential amenity and would accord with Policy LP24 of the Local Plan in this respect. The application has been assessed on the basis of this being an outbuilding for uses incidental to the enjoyment of the dwellinghouse; the application has been submitted as a 'householder' development.

Highway issues

- 10.11 Turning to highway safety, Policies LP21 and LP22 of the Local Plan have been considered along with the KC Highway Design guide. These policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.
- 10.12 From the available evidence it would appear that the site has not previously formed parking associated with the dwelling and therefore the proposal would not result in a loss of parking provision or otherwise affect existing access arrangements. The outbuilding is not suitable in size to form a 'garage' in accordance with the size set out in the Highways Design Guide. In addition, access to the structure from the access road for any car would be particularly difficult. The outbuilding is to be used for purposes ancillary to the main dwelling. In this context it is concluded that it would not result in a material intensification of the access track serving the site.
- 10.13 In conclusion the proposal is considered to have an acceptable impact on highway safety.

Representations

- 10.14 4 letters of representation were received as part of the public consultation process for the application. Insofar as they have not been addressed in the report above, comments are summarised below with the Local Planning Authority response.
- The proposal adversely affects a Public Right of Way.
Response: The access road to the rear of Plains is not a Public Right of Way. The closest public right of way is COL/84/40 which is at the south western end of Plains and unaffected by this development

- The proposal would have a detrimental impact on visual amenity. The building is a large structure which is out of keeping with the character of the local area.
- The proposal would represent an overdevelopment of the site being the full width of the plot and up to the access.
- The south-east elevation of the host property is a principal elevation and the development is forward of this elevation, increasing the visual impact.

Response: As set out in the main body of the report the proposal is considered to have an unacceptable impact on visual amenity.

- The proposal would block natural light to adjacent properties causing a detrimental overshadowing impact.

Response: As set out in the main body of the report the proposal is considered to have an acceptable impact on residential amenity.

- The development is on the periphery of a Conservation Area.

Response: The site is more than 200m from Marsden Conservation Area. The development would not affect the setting of this Conservation Area.

- The base of the proposal appears to encroach into neighbouring garden.

Response: This is a private legal matter between the interested parties.

- Insufficient passing space between the outbuilding and residence (2.4m) and would be dangerous to public passing when outbuilding is in use.

Response: For the purposes of the planning application sufficient space is considered to be provided on the access track.

- The structure has increase light pollution at the site from the lights on the front.

Response: The lights erected either side of the access door are sited at the lower ground floor level of properties on Plains. By reason of their siting and location on the building they are considered not to result in undue light pollution.

- The outbuilding is being used for commercial purposes for the trading of motorbikes. This has also led to vehicles being run up and down track, added engine noise and polluting emissions in unsocial hours.

Response: The application has been applied for as a 'householder development' and has been assessed as such. If granted permission the use of the outbuilding would need to be for purposes incidental to the enjoyment of the dwellinghouse. If any commercial activity is taking place this would require separate application for full planning permission

Non-material issues

- The site is subject to a covenant which states the area of land is a "common yard" and not a road with use restricted to hanging out and drying of laundry.
- Blocks panoramic views.

Response: These are not planning related considerations.

Other Matters

- 10.15 The site is located within the Council's GIS bat alert layer however it is not identified on the map as having bat roosts and the proposal does not interfere with the existing roof of the property. As such, it is not considered that a Bat Survey is required in this instance.
- 10.16 The building is close to the edge of a deep cutting within which there is an active railway line. The Railway Infrastructure Manager (Network Rail) were consulted on this application. In response they stated they had 'no observations to make'.

Climate Change

- 10.17 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.
- 10.18 Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

11.0 CONCLUSION

- 11.1 In conclusion the proposed outbuilding, by reason of its siting, scale and design, would form an overly prominent and incongruous feature failing to respect the character and appearance of the host terrace or the local area.
- 11.2 The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development does not accord with Policy LP24 of the Local Plan and Chapter 12 of the NPPF and that the adverse impacts of the development would significantly and demonstrably outweigh its benefits with assessed policies within the NPPF taken as a whole.
- 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=2020%2f93008>

Certificate of Ownership – Certificate A signed and dated 09th September 2020.

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Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 10-Mar-2021

Subject: Planning Application 2020/93691 Erection of two storey rear extension, front dormer and external alterations 84A, Crosland Road, Oakes, Huddersfield, HD3 3PL

APPLICANT

B S Sokhal

DATE VALID

10-Nov-2020

TARGET DATE

05-Jan-2021

EXTENSION EXPIRY DATE

02-Apr-2021

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Lindley

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

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

2.0 SITE AND SURROUNDINGS:

2.1 84a Crosland Road, Oakes is a detached stone constructed dormer bungalow with a concrete pantile roof located within a predominantly residential area. Crosland Road itself slopes gently upwards from the south-east to north-west. Properties within the immediate vicinity of the application site are mainly semi-detached and detached and constructed from brick.

2.2 84a Crosland Road has two small front gables at right angles to the main property. The gable on the left-hand side projects forward of the property in order to provide an integral garage. The gable on the right is more for decorative purposes. The property also benefits from 2 small roof lights in the front roof slope and three small rear dormers with no other extensions to the property.

2.3 There are small garden areas to the front and rear of the property. The rear garden slopes down towards the rear boundary, resulting in a raised patio along the rear elevation of the property. Boundary screening consists of fencing along the north western side boundary and a mature hedge along the rear and the south eastern side boundary.

3.0 PROPOSAL:

3.1 Permission is sought to extend the property at first floor to create an additional bedroom space so that all bedrooms are within the first floor and at ground floor to create a larger dining room and kitchen and omitting a downstairs bedroom. This would be by replacing the small front gable with a new dormer window and a two-storey rear extension.

- 3.2 The front dormer would be located on the right hand side of the front elevation above the current kitchen window, replacing the existing gable feature. It would extend 2.8 metres in width with an overall height of 2.5 metres having a dual pitched roof. It would be set in from the gable wall by 0.8 metres, set back from the gutter and set down from the ridge by 0.73 metres.
- 3.3 A two storey extension is proposed on the rear elevation of the property, located on the south east corner. This would replace two of the existing small dormers. The new rear extension would project 2.3 metres from the rear elevation and extend across the rear elevation by 6.5 metres. The extension would be set in from the south-east facing gable by 0.5 metres. The overall height would be 6.5m, including under-build due to the difference in levels between the garden and internal floor level. The roof would have a shallower pitch than the existing main roof, to reduce its overall height, and the eaves would be 1.5 metres higher than that of the main property at 5.2 metres. The ridge over the extension would be set below the main roof ridge by 0.65 metres. The resultant form would be a two-storey gable extension.
- 3.4 The proposal also includes internal alterations to create a larger kitchen and dining room at ground floor and a new first floor window in the south eastern gable wall of the existing dwelling to serve the new en-suite.
- 3.5 The proposed construction materials would be stone for the walls, upvc cladding and matching roof tiles as indicated on the application form

4.0 RELEVANT PLANNING HISTORY:

4.1 96/93601 – detached dormer bungalow – Conditional Full Permission

- Condition 4 removes permitted development rights for the erection of any buildings or extension in order to protect nearby residents.
- Condition 9 restricts the conversion of the garage in order to provide adequate parking within the site.

2019/93045 - Erection of two storey front extension, first floor rear extension and exterior alterations – refused on the grounds that it would result in an unacceptable loss of amenity to the residents of no. 84 Crosland Road and would be harmful to visual amenity, failing to respect the character and appearance of the host dwelling and wider street scene. The plans can be viewed in the link below.

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

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following concerns raised, with regards to the extensions, amended plans have been received lowering the ridge and eaves line of the rear extension and relocating the front dormer.

6.0 PLANNING POLICY:

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

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

6.3 Kirklees Local Plan

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP24** – Design

6.4 Supplementary Planning Guidance / Documents:

None relevant

6.5 National Planning Guidance:

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

As such, we have publicised this application via neighbour notification letters. The publicity period expired 16.12.2020.

7.2 Representations in opposition were made by one local resident

7.3 A summary of their concerns and comments made to the original plans are given below:

Grounds of objection and concerns

- Overlooking from new first floor window in the gable and first floor windows in the rear elevation
- Loss of natural light and overshadowing caused to north facing garden from the rear extension and to a side facing bedroom windows from the front dormer extension
- Overbearing and intrusive element, in particular due to the elevated position of the applicant dwelling. The rear extension, due to its height and proximity to the boundary, would be intrusive and result in a material loss of amenity

7.4 The amended plans were considered to have a reduced impact on neighbours than the original submission and as such have not been re-publicised.

8.0 CONSULTATION RESPONSES:

8.1 None required

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan. 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 and residential amenity, as well as highway safety and any other impacts that may arise.

Urban Design issues

10.6 In terms of design, the first part of the proposal is to replace a small front gable with a dormer to a modern detached bungalow. The existing gable is small in scale and clearly secondary to the host property and, albeit gives some balance to the property facade, it would not be detrimental to the character of the property if lost.

- 10.7 The front new dormer is small in scale, in comparison to the scale of the front elevation of the dwelling and the front slope of the roof. It would be located in a similar position to that of the feature gable being removed. It would have a dual pitched roof, would be set below the ridge line of the property by 0.7 metres and set back from the gutter line to provide space for a row of roof tiles to remain. As amended, it is set further off the side elevation of the property.
- 10.8 Dormers windows are regular features in the surrounding area, with several of the neighbouring bungalows having dormers windows. The roof forms of these differ with other dormers in the area having flat roof or 'catslide' roof forms. Nevertheless, given the presence of a feature gable in the existing bungalow, its replacement with the gable roof dormer would not appear incongruous.
- 10.9 The materials of the proposed dormer would be roof tiles to match with upvc cladding. The use of matching roof tiles would be acceptable, but it is considered that the use of tile hanging should be incorporated for the front and side elevations of the dormer. This would help to harmonise this feature within the wider roofscape of the dwelling. This can be imposed by condition in the interests of visual amenity.
- 10.10 The two-storey rear extension would be in a discreet location that would not impact on the character and appearance of Crosland Road. Notwithstanding this, the eaves would be significantly above that of the existing bungalow resulting in a shallow pitched roof which would clearly appear at odds with the current roof profile; the walls of the first floor would extend well above the eaves line of the rear elevation. However, as amended, the bulk of the rear extension has been set in from the gable of the property by 0.5 metres. The overall width of the extension is just over half of the existing dwelling which means that the form of the original dwelling would remain the prominent element when viewed from the rear, acknowledging the wall height in this assessment. Furthermore, the shallow roof pitch reduces the mass of the extension and allows the ridge height of the host property to remain the dominant feature. The projection of the rear extension is a modest 2.3m which is clearly subservient to the width and depth of the existing bungalow.
- 10.11 For the reasons above, Officers consider that the proposed extension would, on balance, be an acceptable addition to the existing dwelling, be subservient to the host dwelling and not cause undue 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.

Residential Amenity

- 10.12 The potential impact of the proposal on neighbouring property takes into account the revised plans submitted during the course of this application. One of the principal reasons for seeking amendments was to overcome the impact of the development on the amenities of surrounding residents.

- 10.13 The closest property to the proposed extensions is a bungalow, with accommodation in the roofspace, to the south east of the application site. This is no. 82a Crosland Road. This property is set at a lower ground level, has a north-easterly facing garden and has two small bedroom windows in the north west gable elevation facing the application property. It was considered that the original submission for both the dormer and rear extension, being an extension off the existing gable and the dormer close to the gable of the property, would have had an unduly harmful impact on this property. The extensions in their original form would have resulted in overbearing extensions with an unacceptable loss of outlook from the bedroom windows and from rear windows in the property.
- The proposal as amended has set in the rear extension by 0.5m and has also reduced the overall height of the rear extension. The front dormer window has been set slightly further back into the roof and set off the gable wall by 0.5m.
- 10.14 The gable windows in the side wall of no. 82a facing the application site already experience reduced sunlight, given the orientation and proximity of the property to its neighbour at No 84a. The new front dormer will be visible from these windows as no. 82a is set forward of the application property. However, as the dormer is set low within the roof slope, is now set in from the gable, and has a pitched roof form it is considered this would not have an undue impact on light to or outlook from these windows. In terms of the rear extension, as this has now been set away from the gable and is lower in overall height, it would not be immediately apparent from the rear windows of no. 82a. The rear of no. 82a is set back from the rear elevation of no. 84a such that the impact on these windows would principally be from the existing dwelling. The mass of the rear extension would have some shading effect on the rear garden of no. 82a but, given the orientation of the garden and extension this would not materially reduce sunlight to the rear garden.
- 10.15 The proposal also includes a new first floor window in the gable of the host property to create a new en-suite which will be close to the facing windows opposite in the gable of No. 82a. In order to prevent overlooking this should be conditioned to be both obscurely glazed and a top opener, in case the first floor is redesigned in the future.
- 10.16 Most planning approvals are likely to interfere to some extent, with an adjoining occupier's enjoyment of their property. However, the test is whether this is proportionate. In the case of this application, given the orientation of the rear of the two dwellings already facing north east, the host property will already reduce some direct afternoon and evening sun. It is accepted that No. 84a is set further back into the plot than its neighbour, however the extension would project 2.3 metres set in from the gable and with the ridge line lowered. It is considered that the proposed extension would not cause undue overshadowing or overbearing of the neighbour's rear garden.
- 10.17 With regards to the neighbour at No.84, the separation distance between the extension and boundary of No. 84, and the orientation of the properties to one another, is sufficient to avoid adverse impact through overlooking, overshadowing or overbearing impact.

- 10.18 With regards overlooking from the first-floor front windows, these are over 30m away from the properties on the opposite side of Crosland Road. With regards the rear extension, the property at the rear, no 3 Low Hills Lane, is at an angle with no direct overlooking, again with a separation distance of approximately 20m between the extension and this dwelling. It is considered that the properties to the front and rear are at an adequate distance from the extensions so as to maintain a good level of amenity.
- 10.19 It is therefore considered, on balance, that given the above, that the proposed development complies with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

Highway safety

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

Other matters

- 10.22 **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.
- 10.23 Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change. The extensions would be built to modern Building Regulations and may help to improve the insulation envelope of the existing building.

Representations

- 10.24 As a result of publicity, one letter of objection has been received.

10.25 A summary of the concerns and comments made to the original plans are given below:

- Overlooking from new first floor window in the gable and first floor windows in the rear elevation
- loss of natural light and overshadowing caused to north facing garden from the rear extension and to a side facing bedroom windows from the front dormer extension
- Overbearing and intrusive element, in particular due to the elevated position of the applicant dwelling. The rear extension, due to its height and proximity to the boundary, would be intrusive and result in a material loss of amenity

These factors have been addressed through the submission of amended plans and through assessment in the report above.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favor 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 time frame
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
4. The dormer cheeks and front elevation to be tile hung not upvc cladding
5. The first-floor gable window to be obscurely glazed and top opener.

Background Papers:

Application and history files

Available at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93691>

2019/93045 - Erection of two storey front extension, first floor rear extension and exterior alterations – refused

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

Certificate of Ownership

Certificate A signed on 2nd November 2020