

**KIRKLEES COUNCIL**  
**PLANNING SERVICE**  
**LIST OF PLANNING APPLICATIONS TO BE DECIDED BY**  
**PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)**

**14-Jun-2016**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**BACKGROUND PAPERS**

**There is a file for each planning application containing  
application form, plans and background papers.**

**Simon Taylor – 01484 221000**

**NOTE: For clarification the page numbering referred to  
shall be those set out in the contents page**



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

### **PLANNING POLICY**

The statutory development plan comprises:

The Unitary Development Plan (UDP). These reports will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

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

The Local Plan will provide the evidence base for all new and retained allocations including POL. The Local Plan process will assess whether sites should be allocated for development or protected from development including whether there are exceptional circumstances to return POL sites back to Green Belt. The Local Plan process is underway and the public consultation on the draft local plan took place between 9<sup>th</sup> November 2015 and 1<sup>st</sup> February 2016.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. At this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to carry weight in decision making for individual planning applications. The Local Planning Authority must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

### **National Policy/ Guidelines**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27<sup>th</sup> March 2012, the Planning Practice Guidance Suite (PPGS) launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

### **REPRESENTATIONS**

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

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

## **EQUALITY ISSUES**

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

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

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

## **HUMAN RIGHTS**

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

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

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

## **PLANNING CONDITIONS AND OBLIGATIONS**

Paragraph 203 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

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

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

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

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

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



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Agent:	
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Applicant: Mr S Singh	
Agent: Andrew Keeling, AKPlanning	
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Agent:	
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Agent:	
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Applicant: Hill Care Ltd	
Agent: Richard Borrows, Ward Associates Planning Consultants	
Target Date: 19-Jan-2015	
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Type of application: 60 - OUTLINE APPLICATION	
Proposal: Outline application for residential development	
Location: Long Royd, Commercial Road, Skelmanthorpe, Huddersfield, HD8 9DX	
Ward: Denby Dale Ward	
Applicant: C Simmons	
Agent: Mallalieu Architects Ltd	
Target Date: 17-Jun-2016	
Recommendation: OP - CONDITIONAL OUTLINE PERMISSION	

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Ward: Kirkburton Ward	
Applicant: Maryke Woods, Kirklees Council, Streetscene	
Agent:	
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Agent: John Whittlestone, John Whittlestone Associates Ltd	
Target Date: 17-Jun-2016	
Recommendation: FC - CONDITIONAL FULL PERMISSION	

**Application No: 2016/90006**

**Type of application: 62HH - FULL APPLICATION**

**Proposal: *Erection of single storey extension to the front***

**Location: 12, Brewerton Lane, Dewsbury Moor, Dewsbury, WF13 4PB**

**Grid Ref: 422816.0 422910.0**

**Ward: *Batley West Ward***

**Applicant: *J Etchells***

**Agent:**

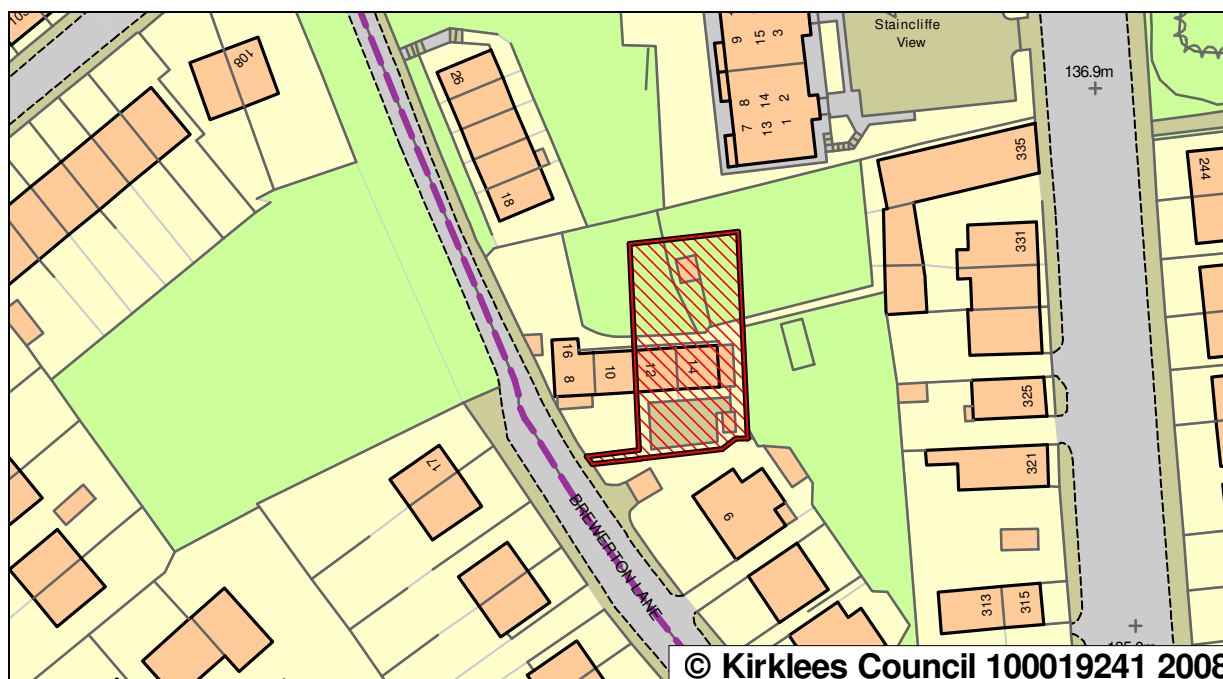
**Target Date: *14-Mar-2016***

**Recommendation: *FC - CONDITIONAL FULL PERMISSION***

**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**

## **1. SUMMARY OF APPLICATION**

The application seeks permission for the erection of a single storey extension to the front of the two storey mid terrace property at no.12 Brewerton Lane, Dewsbury Moor. Following amendments, the proposed single storey extension would project 3.0 metres from the front elevation of the host dwelling. It is now considered by officers that the extension would be 'small in scale' and would not harm the visual amenity of the host dwelling. The proposal is considered by officers to be in accordance with the aims of policies D2, BE1, BE2, and BE14 of the Unitary Development Plan, as well as the aims of the National Planning Policy Framework.

### **RECOMMENDATION:**

### **CONDITIONAL FULL PERMISSION**

## **2. INFORMATION**

The application was originally brought to the Heavy Woollen Sub Committee following a request by Councillor Gwen Lowe.

The application was deferred at the last Heavy Woollen Planning Sub-Committee held on 14<sup>th</sup> April 2016 to allow officers to discuss amendments with the applicant with regards to design and scale. Members suggested that the extension was turned 90 degrees so there was a three metre projection and a width of 4 metres, along with a change in the design to incorporate a pitched roof.

A site visit was carried out by members prior to the application being deferred on the 14<sup>th</sup> April.

Amended plans have been received (19<sup>th</sup> April 2016) which show a reduction in the scale of the proposal (3 metres by 3 metres) and a change in the design to incorporate a pitched roof.

## **3. SITE DESCRIPTION / PROPOSAL**

### **Site Description**

The application relates to a two storey mid terrace dwelling on Brewerton Lane in Dewsbury Moor. The site is located on a much higher level than Brewerton Lane itself and is set away from the public highway. The application site has been converted from two dwellings to one. The property is faced in stone and has tiles for the roofing material and white upvc openings.

To the front of the property there is a small amount of amenity space which is predominantly block paved with a small area of grass.

To the east of the site, the land is on a much higher level and is well screened by trees and hedging. There are dwellings over 30 metres from the application site. To the north (rear) there is an area of amenity space associated with the application site. To the south is no. 6 Brewerton Lane which is a detached dwelling benefitting from a large garage to the front of the site. This dwelling is over 10 metres from the application site and is on a much lower level. To the west is no. 8/10 Brewerton Lane which is attached to the application site and benefits from a full width (approximately 2 metre projection) conservatory.

### **Proposal**

Planning permission is sought for the erection of a single storey extension to the front of the dwelling. The resultant extension would provide ground floor accommodation to serve a kitchen/ dining area.

The extension would project from the front of the dwelling by 3 metres. It would be 3 metres in width and 4 metres in overall height. There would be openings in the front elevation, including bi-fold doors and two slim windows on either side. There would be one rooflight proposed in the front roofslope and 3 small openings in each of the side elevations.

The walls of the extension would be constructed from stone, the roofing materials would be tiles, and the openings would be white upvc to match the existing.

### **4. BACKGROUND AND HISTORY**

2015/93237 – Prior notification for single storey rear extension REFUSED (no. 12 Brewerton Lane)

2003/91673 – Erection of 2 storey extension to form granny flat APPROVED (no. 8 Brewerton Lane)

96/90025 – Erection of detached double garage APPROVED (no. 6 Brewerton Lane)

### **5. PLANNING POLICY**

The application site is unallocated on the Kirklees Unitary Development Plan proposals map.

### **Kirklees Unitary Development Plan**

D2 – Unallocated land

BE1 – Design principles

BE2 – Quality of design

BE13 – Extensions to dwellings (design principles)

BE14 – Extensions to dwellings (scale)

T10 – Highway safety

## **National Planning Policy Framework**

### Chapter 7 - Requiring good design

#### **6. CONSULTATIONS**

**Health & Safety Executive** – “HSE does not advise, on safety grounds, against the granting on planning permission in this case”.

#### **7. REPRESENTATIONS**

No representations have been received for the original scheme.

Following the committee deferral, amended plans were received. The amended plans have been re-advertised by site notice for 7 days. No neighbour representations have been received.

#### **8. ASSESSMENT**

##### **Principle of Development:**

The site has no specific allocation in the UDP. Policy D2 of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.

The general principle of extending and making alterations to a property are assessed against Policies BE1, BE2, BE13, BE14 and T10 of the Unitary Development Plan and advice within Chapter 7 of the National Planning Policy Framework regarding design. These require, in general, balanced considerations of visual and residential amenity, highway safety and other relevant material considerations. Provided that the proposed development complies with these policies the principle of development is acceptable.

##### **Impact on Visual Amenity:**

Following the receipt of amended plans, the impact of the extension on visual amenity is considered, by officers, to be acceptable and the proposal would now be in accordance with the relevant Kirklees UDP policies. This section of the report will assess the location and design of the extension in terms of its scale in relation to the host dwelling and surrounding properties. The site is unallocated and is not located in a conservation area.

With regards to the design, the extension as amended, in the view of officers, would relate harmoniously to the host dwelling. The materials are proposed to match the existing and the roof form is consistent with that of the neighbouring conservatory and the porch at the application site. The extension would be

sympathetic in scale and tie in satisfactorily with the host dwelling and the next door property. The glazing on the front elevation of the porch would tie in with the glazing of the neighbouring conservatory and would not be out of keeping with the character of the terrace.

The southern (front) elevation of no. 12 Brewerton Lane is considered to be the principal elevation, despite being on a much higher level than the main highway (approximately 17 metres away) and not directly facing the streetscene. This is because it incorporates architectural features which are common on a principal elevation such as a doorway as well as a porch (on the front elevation of what was previously no. 14).

Although the extension is to the front of the dwelling, it is on a much higher level than Brewerton Lane and therefore will not be visible from the streetscene. Additionally, the garage of no. 6 Brewerton Lane (which directly fronts the highway on a lower level) would further screen the view of the extension from Brewerton Lane. There is dense hedging surrounding the site as well as the fact that the application site is set back a significant distance from the highway to the southwest. With regards to the character of the area, there are two extensions within the immediate streetscene (no. 8/10 and what was no. 14) and therefore, subject to scale and design, the principle of an extension on the front elevation would not necessarily be out of keeping with the character of the area.

By virtue of its scale (in terms of its reduced 3.0 metre projection) and design, the extension is now considered acceptable by officers.

Policy BE14 of the UDP states that extensions to the front elevation should be “relatively small in scale”. In this case, the extension would project 3 metres from the front elevation and given the modest size of the host dwelling and the extensions to the neighbouring properties, this is considered to be small in scale.

Due to the fact that the amended plan has addressed concerns previously raised by officers relating to scale and massing, it is considered by officers that the extension would relate harmoniously and would not detract from the character of the host dwelling or the surrounding buildings. The extension would add to balanced appearance to the row of terraced dwellings. The extension would not be an unduly prominent feature of the site and the end result would be a dwelling that has an extension that would be read as a subservient addition and one that would not dominate its principal frontage.

The conservatory extension to the west (on the neighbouring property) is small in scale, with a projection of approximately 2 metres, and the porch extension is 1.2 metres in projection and is a typical feature of a residential frontage. The character and appearance of the host dwelling and the immediate streetscene in which it relates would, in the opinion of officers, not lose its character.

Paragraph 64 of the NPPF states that applications should be refused which represent poor design. However, in this case, officers now consider that the proposal, for the reasons highlighted within the report, would not detract from the character of the host dwelling or the immediate streetscene.

### Overall

In conclusion, due to the reasons stated above, the amended plans would result in an extension that would sit harmoniously with the host dwelling and would add to its character. The extension would not harm the visual amenity of the area or the host dwelling and would be in accordance with policies D2, BE1, BE2, BE13 and BE14 of the UDP, as well as the aims of chapter 7 of the NPPF.

### **Impact on Residential Amenity:**

This section will assess the impact on individual neighbouring property individually. No representations have been received.

#### Impact on no. 8/10 Brewerton Lane

No. 8/10 Brewerton Lane to the west of the site is attached to the host dwelling. There is a stone boundary wall between these dwellings and a distance of approximately 2 metres between the proposed extension and the neighbouring extension (the extension is set in 1.2 metres from the boundary). The height of the extension would match that of the neighbouring conservatory and would be at single storey level. For the above reasons, there would be no overbearing impact.

With regards to overshadowing, the extension would be set in from the boundary and orientated to the east of the neighbouring dwelling. For this reason, there would not be a harmful overshadowing impact on the neighbouring extension.

With regards to overlooking and a loss of privacy, there are three windows in the elevation of the proposed extension facing this neighbouring site. Because this extension would serve a habitable room and would look into the neighbouring habitable extension, there would be harm to residential amenity with regards to overlooking and a loss of privacy. For this reason, should the application be approved, a condition is recommended to ensure that these windows are obscurely glazed and retained thereafter.

#### Impact on surrounding properties

No. 6 Brewerton Lane to the south is located approximately 12 metres from the site on a much lower level. Given the levels differences, the distance between the sites and the dense screening, there would be no impact on the occupiers of this dwelling in any way.

The extension is located to the front of the dwelling and therefore there would not be any impact on the occupiers of dwellings to the rear of the site.

To the east of the site, no. 14 Brewerton Lane, is part of the application dwelling and therefore there will be no impact on the residential amenity of the occupiers with regards to overbearing and although there would be two windows facing this site, there would be no overlooking/loss of privacy. The porch is non habitable and the amenity space is for the benefit of the application dwelling. Any views from the rooflight proposed in the front elevation would be at an oblique angle.

### Overall

In conclusion, it is considered that the proposal would be acceptable in terms of residential amenity. The application would be compliant with Policies D2, BE1 and BE14 of the UDP.

### **Impact on Highway Safety:**

Due to the nature of the proposal, an extension to form a kitchen/dining area associated with the host dwelling, there would be no additional trips to the site and the extension would not result in the loss of any parking spaces on the site. As such, the application would have an acceptable impact on highway safety and be compliant with the aims of Policy T10 of the UDP.

### **Other matters:**

There are a couple of public right of ways within the vicinity of the site (DEW/109/10 and DEW 110/10). However, these are a significant distance away from the site. Due to this distance, along with the position and scale of the proposal, the extension would not cause harm to the users of these paths and vice versa.

### **Representations**

No representations have been received.

### **Conclusion:**

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 Kirklees Unitary Development Plan and other material considerations. It is considered that the development proposals do accord with the development plan and that there are no specific policies in the NPPF that indicate development should be restricted. As such, recommendation is to approve the application.

## **9. RECOMMENDATION**

### **CONDITIONAL FULL PERMISSION**

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.
4. The development shall not be occupied until the kitchen windows in the west elevations of the extension hereby approved have been obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order). The obscure glazing shall thereafter be retained.

This recommendation is based on the following plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	1:1250	-	18.01.2016
Proposed aerial elevation	-	-	19.04.2016
Proposed front elevation	-	-	19.04.2016
Proposed side elevation (close up)	-	-	19.04.2016
Proposed side elevation	-	-	19.04.2016
Front view plan and above view plan	-	-	19.04.2016
Current front elevation	-	-	19.04.2016

**Application No: 2015/90020**

**Type of application: 62m - FULL APPLICATION**

**Proposal: Demolition of existing hotel and erection of 15 dwellings**

**Location: The Whitcliffe Hotel, Prospect Road, Cleckheaton, BD19 3HD**

**Grid Ref: 418668.0 425398.0**

**Ward: Cleckheaton Ward**

**Applicant: Mr S Singh**

**Agent: Andrew Keeling, AKPlanning**

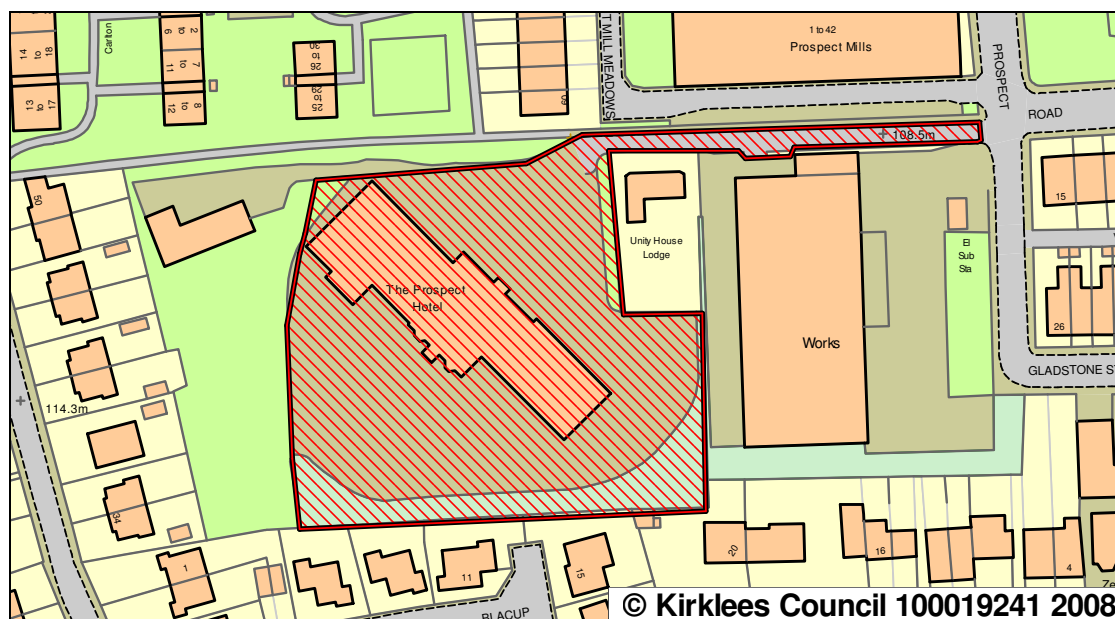
**Target Date: 18-Dec-2015**

**Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS**

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## **LOCATION PLAN**



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

## 1. SUMMARY OF APPLICATION

<b>Application Details</b>		
Type of Development	Demolition of existing hotel and erection of 15 dwellings	
Scale of Development	Site area: 0.59 hectares	Units: 15
No. Jobs Created or Retained	n/a	
<b>Policy</b>		
UDP allocation	Unallocated	
Independent Viability Required	No	
<b>Consultation/Representation</b>		
Individual Support (No.)	1	
Individual Objection (No.)	9	
Petition	n/a	N/A
Ward Member Interest	Yes	Councillor Kath Pinnock and Councillor Andrew Pinnock
Statutory Consultee Objections	No	
<b>Contributions</b>		
• Affordable Housing	See report	
• Education	n/a	
• Public Open Space	See report	
• Other	Metro Cards	
<b>Other Issues</b>		
Any Council Interest?	No	
Pre-application planning advice?	No	
Pre-App Consultation Undertaken?	No	
<b>Comment on Application</b>	Officers consider the principle of the provision of new housing in a sustainable location to be acceptable. There would be no detrimental impact on highway safety, visual amenity and residential amenity.	

### RECOMMENDATION:

#### CONDITIONAL FULL PLANNING PERMISISON SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- i) ENTER INTO A SECTION 106 AGREEMENT TO SECURE AFFORDABLE HOUSING AND A COMMUTED SUM IN RESPECT OF PUBLIC OPEN SPACE AND FOR THE DEVELOPER TO ENTER INTO THE METRO CARD SCHEME
- ii) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE SET OUT BELOW, AND
- iii) PROVIDED THAT THERE ARE NO NEW MATERIAL CHANGES, ISSUE THE DECISION.

## **2. INFORMATION**

The application is brought to the Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's Scheme of Delegation as:

- The site area exceeds 0.5 hectares

In addition, Councillor Andrew Pinnock has also commented as follows:

*“ . . . I would like to ask formally for a site visit for this application. It is such a constrained site and the implications of development so significant that I think it best that Members see it for themselves. As part of the visit I would like Members to view the site from Blacup Moor View, as a number of residents there have expressed concerns”.*

## **3. SITE DESCRIPTION/PROPOSAL**

### **Site Description:**

The application relates to a site of approximately 0.59 hectares. Running along the northern boundary (but outside of the application site) is a Public Footpath (Spen 79/10) and beyond this are residential properties. To the east is Unity Lodge House which shares access with the application site. Beyond this is a commercial unit.

To the south, but set at a much lower level than the site, are dwellings on Blacup Way. To the west are residential grounds.

The site currently houses a large, detached building which was occupied as a Hotel. It appears that this has been unoccupied for a number of years and the land around the building now appears to be used informally for the storage of motor vehicles.

The majority of the land around the building, and specifically adjacent to the site boundaries, contains Trees which are subject to Preservation Orders.

### **Proposal:**

The application seeks permission for the demolition of the existing hotel and full planning permission for the erection of 15 dwellings. The application was originally submitted for 20 dwellings; however this has been revised after Officers' raised concerns with the proposed layout.

The proposal layout is for a mix of dwellings, the majority of which would be semi-detached two storey properties. The layout also includes 2no detached two storey dwellings, and a single storey dwelling adjacent to the entrance of the site.

Access to the site is to remain from the access track to the north east corner of the site, off Prospect Road. Improvements are to be made to this access, including the insertion of a vehicle passing place

#### **4. BACKGROUND AND HISTORY**

2014/93707 - Demolition of existing hotel and erection of 20 dwellings.  
Withdrawn (invalid).

#### **5. PLANNING POLICY**

The site is unallocated on the Kirklees Unitary Development Plan proposals map.

##### **Kirklees Unitary Development Plan**

D2 – Unallocated land  
BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
T10 – Highway safety  
T16 – Pedestrian routes  
T19 – Car parking standards  
G6 – Contaminated land  
EP10 – Energy Efficiency  
EP11 – Integral landscaping scheme to protect / enhance ecology  
BE23 – Crime Prevention  
NE9 – Mature trees  
H1 – Meeting the housing needs of the district  
H6 – Housing sites

##### **National Planning Policy Framework**

Chapter 4 - Promoting sustainable transport  
Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring good design  
Chapter 8 - Promoting healthy communities  
Chapter 10 - Meeting the challenge of climate change, flooding  
Chapter 11 - Conserving and enhancing the natural environment

##### **Other policy considerations**

SPD2 – Affordable Housing

#### **6. CONSULTATIONS**

The following is a brief summary of the consultation responses received. Where necessary, these consultations are reported in more detail in the assessment below:

**K.C. Highways Development Management** – Following receipt of amended plans, no objections subject to conditions.

**K.C. Environmental Services** – No objections subject to conditions.

**K.C. Arboricultural officer** – Following receipt of amended plans no objections subject to a condition requiring an Arboricultural method statement.

**K.C. Ecology & Biodiversity Officer** – Initial concerns with the level of detail included in the bat survey. Subsequently additional information has been provided and is acceptable.

**K.C Flood Management and Drainage** – No objection subject to conditions.

**K.C. Landscaping** – As no on-site POS is proposed a commuted sum should be sought.

**Environment Agency** – No comments to make.

**Coal Authority** – No objections.

**Yorkshire Water** – No objections subject to conditions.

**West Yorkshire Police Architectural Liaison Officer (PALO)** – No objections to the proposals in principle.

## **7. REPRESENTATIONS**

The application has been advertised by neighbour letter, newspaper advertisement and site notice.

Nine (9) local residents have written in (a number of these have written in more than once, including to provide photos) to object to the application and one (1) letter of support has been received.

The points raised may be summarised as follows:

### **Highways:**

- Access will be dangerous
- Access road will attract significantly more use with residential development than the hotel use

### **Visual amenity:**

- Existing building has character and should be retained.

### **Landscape / ecology:**

- Potential loss of trees would be detrimental

Amenity:

- Houses will cause overlooking and overbearing impact
- Likely noise and disturbance created including from future residents
- 

Other matters raised:

- Adjacent mill development should be completed by the applicant before this takes place
- Development will impact on local health services, including cumulative impact from other developments
- Site is already in a poor state visually
- Property prices will be affected
- Objections to previous application on site should be taken into consideration
- Changes in site levels should be taken account of
- Potential structural issues with banking
- Who is responsible for annual maintenance of trees?
- A brownfield site should be used instead

Points of support:

- Redevelopment of this site will improve its visual appearance
- Site is in sustainable location
- Highway improvements will be included

Ward Councillor Kath Pinnock has emailed in respect of this application:

*"I have looked carefully at the application and, while not having objections in principle, do have the following concerns:*

- 1. The site uses a single carriageway access which is 85m long. This will inevitably create conflicts for traffic entering and leaving the site. There are no proposals for passing places.*
- 2. My understanding is that the access is not in the ownership of the applicant which makes it more difficult to resolve the highways issues.*
- 3. Traffic movements will be very different from those when the hotel was in operation when the majority of the traffic was in the evening.*
- 4. Access to the existing house on the site appears to be compromised by this application.*
- 5. There is a considerable height difference between this site and the adjacent Blacup Moor View and this must be addressed in the application.*
- 6. The original house on the site is of some local historic interest. In the 1888 maps the original house is described as Gladstone House.*

*For these reasons, I urge that the application is deferred until all these issues have been satisfactorily addressed."*

Councillor Andrew Pinnock has also commented on the application. His comments are set out in section 2 above.

Amended plans were received during the course of the application and subsequently re-advertised. As a result, 4 further representations have been received. A summary of the comments raised are as follows:

### **Highway Safety:**

- The revised proposal includes 2no 4 bedroom houses with a possible 4 cars each. Concern about highway safety on a road with no footpath.
- Traffic movement for the hotel was mainly on a weekend with 30-40 cars on a wedding day, and 5-10 during the week. The proposal will increase this 10 fold during the week and double weekend traffic. The road is 85m long and only 3m wide outside Unity House Lodge.
- Accessing Unity House Lodge involves partly blocking single track road and vehicles reversing will be a hazard. Concern the access is not fit for purpose.
- The snicket is a major route to and from the town centre, particularly during school times.

### **Residential Amenity:**

- Concern about the difference in ground levels between Blacup Moor View and the new development. Properties need adequate privacy.
- Concern about loss of privacy to Unity Lodge House.
- Houses will have a direct line of sight into bedrooms of properties along Blacup Moor View. A 6ft high fence along the top of the banking to screen off the properties at lower levels is required.

### **Other:**

- Old cars are parked along the Southern boundary, which are unsightly, and any spillage will affect the trees.
- Fencing is required along the southern boundary to protect neighbouring properties from debris and slippage of materials.
- All work should be done with consideration of neighbouring properties.
- Concern regarding the safety risk from overhanging trees. Trees should be maintained before development commences and protected during the works. Future responsibility for maintenance should be clarified.

Additional amended plans have been received and have been re-advertised with a deadline of 3<sup>rd</sup> June 2016. A further representation has been received reiterating previous comments. Any further representations will be reported to members in the update.

## **8. ASSESSMENT**

The application is for full planning permission for the erection of 15 dwellings.

### **General principle:**

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

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

The NPPF sets out a presumption in favour of sustainable development. For decision taking this means ‘approving development proposals that accord with the development plan without delay’.

Given the presence of existing building and areas of hardstanding on the site, the site is classed as ‘brownfield’ for the purposes of assessing the principle of development in accordance with the NPPF.

The NPPF encourages the effective use of land by reusing land that has been previously developed, although it does not set out a ‘brownfield first’ approach to development (unlike previous planning policy).

The NPPF identifies three dimensions to sustainable development; an economic role contributing to building a strong, responsive and competitive economy; an environmental role; and a social role by providing the supply of housing required to meet the needs of present and future generations.

In respect of the economic role, paragraph 18 of the NPPF states that,

*“The Government is committed to securing economic growth in order to create jobs and prosperity.”*

The proposed development will contribute significantly through the creation of jobs through the construction phase, including for contractors and local suppliers and generating additional demand for local services.

In respect of the environmental role, the regeneration of a brownfield site will improve the character of the area. Landscaping/ecological enhancement measures will be required as part of any approval and these will assist in enhancing the environment.

The development will also deliver new development that is fit for purpose, providing new modern buildings that are energy efficient and take advantage of renewable energy sources and low carbon consumption.

In terms of a social role, the development will contribute through the provision of housing (including 15% of the floorspace of the development being affordable housing) at a time when the Council is unable to demonstrate a 5 year supply of housing land.

Paragraph 6 of the NPPF states, *“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.”*

Paragraph 19 adds that the Government *“is committed to ensuring that the planning system does everything it can to support sustainable economic growth.”*

The NPPF sets out at paragraph 49, *“housing applications should be considered in the context of the presumption in favour of sustainable development.”*

The principle of residential development on the site is considered acceptable.

#### Loss of business premises:

Policy B1 of the Council’s UDP seeks to meet the employment needs of the district by providing land to accommodate the requirements of business and maintaining the stock of established business and industrial premises and sites, except where this would lead to environmental problems or where they are unsuitable for business and industrial use or there is no realistic prospect of re-use or redevelopment for such purposes.

NPPF paragraph 22 is clear that local planning authorities should not safeguard sites previously in employment use if there is no strong economic case for their retention. It is noted that these premises are vacant and appear to have been so for a considerable period of time. This is considered to weigh heavily in favour of the proposal for redevelopment.

Whilst the applicant has not submitted a B4 statement, it is evident from a site visit that the building is in a poor state of repair and would need considerable investment to bring it up to modern standards as a hotel.

In addition, it is considered that the proposed use of the site for residential, would be more compatible with the existing surrounding residential properties than.

Taking the above factors into account, it is considered, on balance, that the loss of the business premises is acceptable.

### **Impact on visual amenity:**

There is no defining characteristic of the area surrounding the application site. Immediately to the north, south, and western boundaries are residential properties. These comprise a mixture of detached and semi-detached, of both single and two storey nature. There are also flats to the north, which are set over 3-4 floors.

To the north-east and eastern boundaries are industrial buildings. Prospect Mills, to the north-east is a large four storey vacant mill which has planning approval for change of use and alterations to convert into 42 apartments (approved under application reference 2009/92304 and granted Dec 2013). To the east is a single storey industrial unit, which remains in commercial use.

Unity House Lodge is a single storey, detached dwelling of natural stone construction. It is set within a reasonable sized curtilage and has had planning permission granted for a rear extension and detached garage.

The application site currently comprises of the Whitcliffe Hotel, a large two/three storey traditional building faced in natural stone and white render. The proposal involves the demolition of this building. The building is not listed and nor is it considered to constitute an undesignated heritage asset. Therefore, the demolition of this building, in the view of officers, would not be unduly harmful to the visual amenity of the application site or wider area.

During the course of the application, the number of dwellings has been reduced from 20 to 15 and would comprise a mixture of semi-detached and detached two storey and two and a half storey dwellings (3 and 4 bedrooms) and one single storey dwelling. The layout takes into account the mature, protected trees which are located around the boundaries of the site and which would be retained and provide a natural buffer with existing development.

The application site is not highly visible from surrounding highway network however there is a public footpath which runs immediately along the northern boundary of the site.

It is the view of officers that the proposed development would relate satisfactorily to the surrounding area, in terms of its layout, scale, and overall design. It is appreciated that that the site is constrained, with residential development to all sides however, it is considered that the proposals would be satisfactorily in keeping with neighbouring properties and provide sufficient amenity space and would accord with policies BE1 and BE2 of the Unitary Development Plan.

### **Impact on residential amenity (including Noise):**

Policy D2 of the Unitary Development Plan stipulates that development should protect the residential amenity of neighbouring residential properties, and policy BE12 sets out the minimum distances required between dwellings. The site is largely surrounded by residential development with the nearest neighbouring properties which could be affected by the development including No's 7-11 Blacup Moor View and No.20 Bath Road to the south, No's 34-50 Peaseland Road to the east, Unity House Lodge to the west, and No.60 Prospect Mill Meadows, and properties to the north off Stanley Street.

In respect of the impact on properties off Blacup Moor View, these neighbouring properties are detached, two storey dwellings, whose private amenity spaces back onto the site. The application site is raised above that of Blacup Moor View and along the boundary is a group of mature trees. The closest relationship will be plots 7 and 8 which would be sited at a distance of 19.5 metres from the mutual boundary. There would be a distance of substantially over 21 metres between directly facing neighboring properties, as is required by policy BE12. The properties would occupy an elevated position relative to properties off Blacup Moor View however; due to the substantial distance to these properties it is considered that there would be no detrimental overbearing impact. This has been demonstrated through the proposed cross sectional drawing submitted, and appropriate screening would be secured by condition.

In respect of the impact on properties off Peaseland Road these properties are separated from the application site by the amenity space of the property to be retained. There would be a distance of significantly over 30 metres from the proposed dwellings to these neighbouring properties and there would be no loss of privacy or overbearing impact.

In respect of the impact on Unity House Lodge this is a single storey, detached dwelling of natural stone construction. It is set within a reasonable sized curtilage and has had planning permission granted for a rear extension and detached garage. The closest relationship would be with plots 1 and 2 as originally proposed. The initial proposal was for a pair of semi-detached two storey dwellings adjacent to the lodge, however the proposed cross sectional drawing highlighted that proposed two storey dwellings immediately adjacent to this property would have a detrimental overbearing impact. Amended plans have therefore been secured to omit this pair of semi-detached properties and replace with a single storey property. The revised proposal is for a single storey property within this part of the site which is considered to satisfactorily address the previous concerns raised, and the details are considered by officers to be acceptable.

A Noise Report has been submitted by S&D Garritt Ltd dated 15/09/2014 and submitted in support of the application. Environmental Services agree with the findings of the report and raise no objections, subject to the development being carried out in accordance with the details.

## **Highways:**

Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. A number of concerns have been raised in the representations received.

The site is accessed from the Unnamed Access Road which links the existing site access with Prospect Road and is of a narrow width, especially where it meets Prospect Road. This also serves adjacent residential dwellings, and is a secondary service access for the adjacent industrial site, although this appears to be seldom used.

The Unnamed Access Road is approximately 85m in length and is a two way single carriageway road with a footway provided along the north side connecting Prospect Road with Peaseland Road. This road forms part of public footpath SPE/79/30 that provides access between Prospect Road to the east and to the west provides a route to Heaton Avenue School via Peaseland Avenue and Grange Road.

The carriageway is initially 3.8m in width where it meets Prospect Road, and the ranges between 3.m and 4.8m in width. The footway is generally 1.3m in width; although where the pedestrian route follows the public right of way this narrows to around 1m in width. The Unnamed road contains street lighting and waiting restrictions are provided on the north side adjacent to the Prospect Road junction.

The personal injury accident records for the last five years along Prospect Road and Tofts Road including the junction with Whitcliffe Road show 1 reported injury accident which occurred in 2010, was classified as slight and was the result of a vehicle colliding with a low wall in wet weather. The contributory factors were noted to be a 'slippery road surface' and the bend in the road.

As part of the development, it is proposed to improve the Unnamed Access Road where it meets Prospect Road. The Unnamed Access Road currently does not provide suitable carriageway width for two vehicles to pass simultaneously. It is therefore proposed to widen the carriageway to at least 4.5m for the first 10m. This can be achieved by moving the footway further north into the adjacent site and removing the boundary wall for the first 10m. A passing place is also provided along the length of this road. These improvements would allow vehicles to pass and should also improve inter-visibility between vehicles exiting the Unnamed Access Road and the adjacent site to the north.

Within the development site sufficient off-street parking is provided together with internal refuse vehicle turning.

In terms of traffic impact the existing buildings on site are currently unoccupied therefore to determine the potential traffic generation of the

existing use it has been necessary to use the industry standard TRICS database. Potential peak hour trip rates (morning peak 0800-0900 hours and evening peak 1700-1800 hours) for a 42 bedroom hotel, pub and restaurant and the proposed residential development have been compared. The existing use of the site has a hotel, pub, restaurant, could generate 21 trips during the morning peak, and 43 trips during the evening peak. The proposed development is anticipated to generate approximately 13 trips during the morning peak and 14 trips during the evening peak hours. This results in a net decrease of 8 trips during the morning peak hour and a net decrease of 29 trips during the evening peak hour. The proposed development would therefore represent a significant reduction in traffic generation when compared to the current use of the site.

Given the improvements to the access road and that this road is expected to generate significantly less traffic than the previous use Highway Services support the proposals. A number of conditions are proposed, to a scheme for the proposed road improvement to include widening of the access, provision of a passing place and adjacent footways, and appropriate drainage. Furthermore, to encourage the use of the public transport services available, the developer will need to enter into Metro's Residential MetroCard (bus only). The cost would be  $15 \times £475.75 = £7136.25$ . This will be secured through a Section 106 agreement.

#### **Drainage/Flood Risk:**

The Council's Strategic Drainage Officer, the Environment Agency and Yorkshire Water have been consulted on the application and raised no objections subject to the imposition of conditions.

Subject to the imposition of condition, it is considered that the proposed development is acceptable in relation to flood risk and drainage.

#### **Ecology:**

The applicant has submitted a bat survey. This detailed that no bats are using the building for roosting, although some foraging is taking place in the locality.

The Council's Ecologist initially raised concerns with the level of detail within the survey. This has now been supported by further information.

It is therefore considered that there are no objections subject to the imposition of conditions relating to the following:

- A landscaping scheme which retains existing trees and includes new planting based upon the use of native tree and shrub species.
- Provision of bat and bird boxes
- A landscape management plan to manage the important biodiversity features incorporated into the site.
- A lighting scheme designed to avoid light spillage into sensitive areas

Subject to these conditions, the development is considered acceptable in respect of ecology and accords with the guidance contained within the National Planning Policy Framework.

### **Trees:**

The proposals have been assessed by the Council's Arboricultural Officer who has confirmed that following receipt of amended plans (which reduce the number of dwellings proposed and therefore the impact on Protected Trees), there are no objections.

This is subject to the imposition of a condition requiring an Arboricultural Method Statement, detailing how the proposal will be constructed whilst avoiding damage to trees.

Therefore there are no objections in respect of mature trees and the development complies with Policy NE9 of the Unitary Development Plan.

### **Health and Safety:**

The site falls within the defined Development High Risk Area where within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority's information indicates that historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. In addition records indicate that the zone of influence of two off-site mine entries encroach over the eastern half of the access route from Gladstone Road / Prospect Road.

The Coal Authority concur with the recommendations of the Coal Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed built development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority raises no objections, subject to the inclusion of conditions to secure the intrusive site investigation works.

### **Other Issues:**

The existing building on site was previously used as a Trade Union Hall, and there is a social significance associated with this former use. The building itself however, has no significant architectural merit and Conservation and Design raise no objections to the proposed re-development of the site.

Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....incorporate facilities for charging plug-in and other ultra-low emission vehicles.." To encourage the use of ultra-low emission vehicles such as electric vehicles, a condition will be

imposed to secure 1 charging point per dwelling with dedicated parking as proposed.

### **Viability/Section 106 contributions:**

The applicant has confirmed that they will meet all Section 106 contributions in full. This extends to the following:

- Provision of on-site affordable housing (or a commuted sum in lieu) at a rate of 15% of the floorspace of the development
- A commuted sum in lieu of on-site Public Open Space. The lump sum contribution without prejudice will be £40,250.00.
- Provision of Metro Cards

These contributions can be secured through the imposition of a Section 106 agreement.

### **Objections:**

The concerns raised in the representations have been carefully considered and addressed where appropriate in the assessment above. However, to summarise, officers comment as follows on the matters raised:

#### Highway Safety Concerns:

Given the improvements to the access road and that this road is expected to generate significantly less traffic than the previous use, officers support the proposals.

#### Visual amenity:

It is the view of officers that the proposed development would relate satisfactorily to the surrounding area, in terms of its layout, scale, and overall design. It is appreciated that the site is constrained, with residential development to all sides however, it is considered that the proposals would be satisfactory in keeping with neighbouring properties and provide sufficient amenity space.

#### Landscape / ecology:

The proposals have been assessed by the Council's Arboricultural Officer who has confirmed that following receipt of amended plans (which reduce the number of dwellings proposed and therefore the impact on Protected Trees), there are no objections.

#### Amenity:

The differences in site levels have been taken into account when considering this application.

Other matters raised:

Adjacent mill development should be completed by the applicant before this takes place

**Response:** This is not a material planning consideration.

Development will impact on local health services, including cumulative impact from other developments

**Response:** The provision of health facilities is not within the jurisdiction of the Local Authority.

Property prices will be affected

**Response:** This is not a material planning consideration.

Objections to previous application on site should be taken into consideration

**Response:** Objections to previous applications are not taken into account.

Potential structural issues with banking

**Response:** The responsibility for the safe development of the site rests with the developer.

Who is responsible for annual maintenance of trees?

**Response:** Clarification is being sought from the agent about maintenance of landscaped areas.

A brownfield site should be used instead

**Response:** This is a previously developed brownfield site.

**Conclusion:**

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. It is considered that the proposed development is in accordance with the principles of sustainable development.

This application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be compliant with the policies in the Unitary Development Plan and there are no adverse impacts which would outweigh the benefits of the scheme.

## **9. RECOMMENDATION**

### **CONDITIONAL FULL PLANNING PERMISISON SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:**

- i) ENTER INTO A SECTION 106 AGREEMENT TO SECURE AFFORDABLE HOUSING AND A COMMUTED SUM IN RESPECT OF PUBLIC OPEN SPACE AND FOR THE DEVELOPER TO ENTER INTO THE METRO CARD SCHEME**
- ii) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE SET OUT BELOW, AND**
- iii) PROVIDED THAT THERE ARE NO NEW MATERIAL CHANGES, ISSUE THE DECISION**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works to erect the superstructure of any dwelling commence. Thereafter the development shall be constructed of the approved materials.

4. Notwithstanding the details shown on plan Ref PL/001 details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls for the dwellings shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of any dwelling commence. The approved walls/fences shall then be erected before any of the dwellings hereby approved are first occupied and shall thereafter be retained.

5. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's Guidance on the permeable surfacing of front gardens (parking areas) published 13<sup>th</sup> May 2009 (ISBN 9781409804864) as amended or superseded; and therefore retained.

6. No development shall take place until a scheme detailing the proposed improvements to the unnamed road leading between Prospect Road and the application site including widening of the access, provision of a passing place and adjacent footways have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. The

scheme so approved shall be implemented before the development is brought into use.

7. No development shall commence until a Phase I Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

8. Where further investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 8 no development, except demolition of buildings approved by this permission shall commence, until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

12. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 70% (as advised by Strategic Drainage) of the existing pre-development flow rate to the same outfall, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be

stored on site in areas to be approved in writing by the Local Planning Authority unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from site does not cause an increased risk in flooding elsewhere. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be thereafter be implemented.

13. The development shall be carried out in accordance with the recommendations of the noise report by S & D Garritt Ltd dated September 2014.

14. A scheme to show how the development shall incorporate facilities for charging plug-in electric vehicles shall be submitted to and approved in writing by the Local Planning Authority prior to the superstructure of any dwelling being completed. Thereafter all works which form part of the approved scheme shall be completed prior to occupation of the dwelling to which it relates.

15. An Arboricultural Method Statement, in accordance with BS 5837, to show how the development will be completed while avoiding damage to the trees' and their roots, protective fencing, root protection areas, specialist construction methods to be used shall be submitted to and approved in writing by the Local Planning Authority before any development commences.

16. A Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority before works to commence the superstructure of any dwelling commence. The plan shall include:

- A landscaping scheme which includes planting to enhance and develop habitat networks within the site through the planting of native tree and shrub species.
- Five bat boxes in the form of a Schweglar type 1FR/2FR bat boxes or similar installed integral to the new dwellings within the site.
- Details of artificial lighting including security lighting. There shall be no light spillage into tree habitats and corridors or, areas with bat roost potential including installed bat boxes.

Thereafter, the development shall be carried out in accordance with the approved details, and the bat boxes provided, before first occupation of any dwelling and shall be retained.

17. A landscape management plan for the long term maintenance of biodiversity features within the site shall be submitted to and approved in writing by the Local Planning Authority before the superstructure of any dwelling is commenced. The biodiversity features shall thereafter be maintained in accordance with the approved landscape management plan.

This recommendation is based on the following plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	02	A	22.02.16
Topographical Survey	1768/001		04.04.16
Proposed Layout	PL/001		20.05.16
Proposed Sections	PL/002		20.05.16
House Type A	A/01		04.04.16
House Type B	B/01		04.04.16
House Type C	C/01		04.04.16
House Type D	D/01		20.05.16
Proposed Garages	A/01		04.04.16
Design and Access Statement			07.01.15
Transport Assessment			07.01.15
Bat Survey			07.01.15
Noise Report			07.01.15
Phase I Contamination Report			07.01.15
Arboricultural Report	11968/TT		07.01.15
Coal Authority Mining Report	51000700699001		07.01.15

**Application No: 2015/94048**

**Type of application: 62 - FULL APPLICATION**

**Proposal: *Erection of extension to existing glasshouses***

**Location: *W.S Bentleys, Cliffe Hill Nurseries, Cliffe Lane, Gomersal, BD19 4SX***

**Grid Ref: 419990.0 426223.0**

**Ward: *Liversedge and Gomersal Ward***

**Applicant: *J Bentley***

**Agent: *J A Oldroyd***

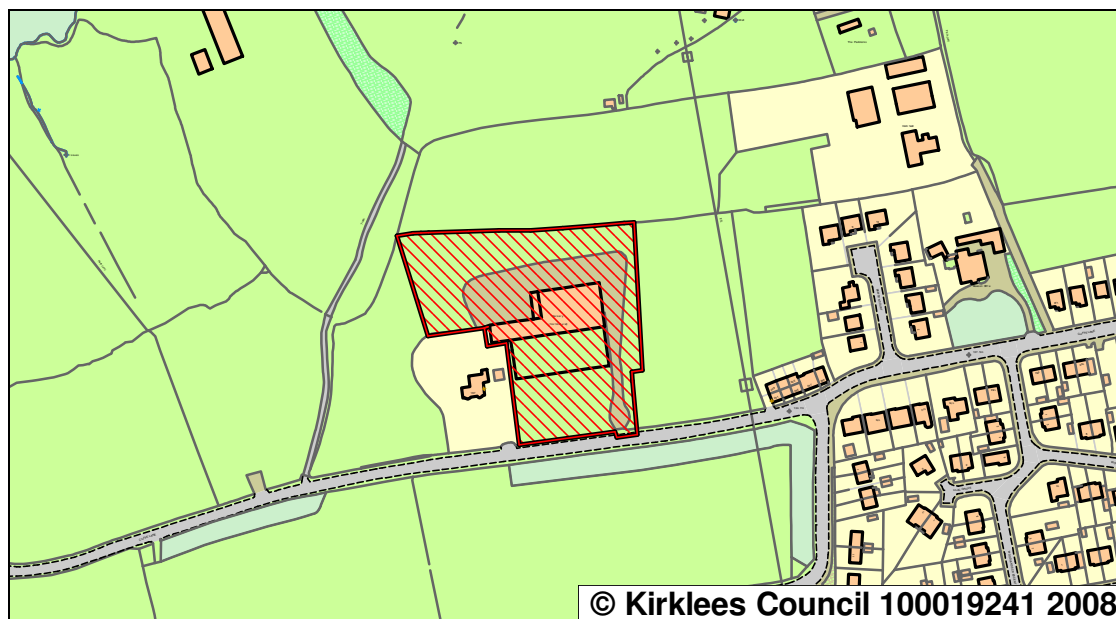
**Target Date: *19-Apr-2016***

**Recommendation: *FC - CONDITIONAL FULL PERMISSION***

**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**

## **1. SUMMARY OF APPLICATION**

The proposals, in this instance, are considered to represent an acceptable form of development within the Green Belt and would have no significant detrimental impact upon visual amenity, residential amenity or highway safety.

### **RECOMMENDATION:**

### **CONDITIONAL FULL PERMISSION**

## **2. INFORMATION**

The application is brought to the Heavy Woollen Planning Sub-Committee due to the significant level of representation received. This is in accordance with the council's scheme of delegation.

## **3. SITE DESCRIPTION / PROPOSAL**

### **Site Description**

The site comprises an established Horticultural Nursery located on the northern side of Cliffe Lane, Gomersal. The existing buildings on the site consist of a mixture of agricultural sheds and glasshouses, with open fields to the north. A residential property is located immediately to the west of the site, with further residential development to the south east, separated from the site by a field.

The site is accessed off Cliffe Lane with an access road and parking area to the east of the existing buildings.

### **Proposal**

The application relates to the erection of an extension to the front (south) of the existing glasshouses. This would be 46.5m in width, 9.5m in depth and 4.6m in height with a floor area of 441 sq m, and would have the same appearance as that of the existing glasshouses.

The proposed extension would be located 11 metres from the southern boundary with Cliffe Lane. Access and parking arrangements would remain as existing.

## **4. BACKGROUND AND HISTORY**

2008/94135 – Erection of seed germination and associated staff building – refused at Heavy Woollen Planning Sub Committee (21 October 2010)

2007/95033 – Erection of seed germination and associated staff building – Withdrawn

## **5. PLANNING POLICY**

The application site is located within the allocated Green Belt on the Kirklees Unitary Development Plan proposals map.

### **Unitary Development Plan:**

BE1 – Design Principles  
BE2 – Quality of Design  
T10 – Highway Safety  
B5 – Extensions to Business Premises  
EP4 – Noise Sensitive Development  
EP6 – Development and Noise  
EP11 – Ecology and Landscaping

### **National Policies and Guidance:**

Chapter 1 – Building a strong, competitive economy  
Chapter 3 – Supporting a prosperous rural economy  
Chapter 7 – Requiring good design  
Chapter 9 – Protecting Green Belt Land  
Chapter 11 – Conserving and enhancing the natural environment

## **6. CONSULTATIONS**

The following is a brief summary of consultee advice. Further information is included within the assessment, where necessary.

**KC Highways Development Management:** No objections subject to conditions.

**KC Environmental Services:** Recommend imposition of condition to protect the amenity of occupiers of adjacent properties.

**KC Ecology and Biodiversity Officer:** No comments to make.

**KC Business and Economy Unit:** Support the proposals.

**The Coal Authority:** No objection.

## **7. REPRESENTATIONS**

The application was advertised by neighbour notification letter and site notice. As a result of site publicity, 20 representations have been received. The main concerns raised are summarised as follows:

## **Highway Safety**

- Refrigerated lorries are used to transport the produce. Their route to the site is either along Woodlands Road or Fusden Lane, neither of which were built for large vehicles.
- There has been a significant increase in HGV traffic over the last six years.
- The company is now processing produce grown at the applicant's other site in Selby which brings additional traffic into the site.
- Concerned about pedestrian safety as traffic sometimes has to mount the pavement to pass when there is a lorry on the road.
- A traffic survey conducted by Kirklees Highways in 2013/14 shows that over 1700 vehicles were using Cliffe Lane per day and this number has already increased. If this application was approved it would make the traffic situation even worse.
- Request that a restriction is placed on the number of vehicles visiting the site and/or the hours of use of the site are restricted.
- Residential development is taking place  $\frac{1}{4}$  of a mile away from the site off Cliffe Lane, and the Kirklees Draft Local Plan suggests that another 115 houses could be built with access onto Cliffe Lane. This would exacerbate the existing traffic problems.
- Vehicles cannot be parked on-street within the vicinity of 283 Cliffe Lane as HGVs use the wrong side of the road to negotiate the junction
- There have already been 2 accidents at the junction of Woodlands Road/Cliffe Lane which resulted in gates and a garden wall being demolished.
- Recent traffic calming measures have had little effect on the number of speeding vehicles on Cliffe Lane.
- There is a sign at the bottom of Fusden Lane stating that it is unsuitable for HGVs which is quite often ignored.
- Suggest that HGVs and lorries over a certain weight are banned from using the section of Cliffe Lane from the site down to Balme Road and the A638 Bradford Road, or re-site the HGV sign on the Gas Training building in Balme Road, in addition to the erection of a sign outside of the application site to prevent vehicles turning right.
- HGVs and lorries are causing damage to road and pavement surface on Woodlands Road and Cliffe Lane.

## **Impact on residential amenity**

- Residents are subjected to light pollution and in the winter months there is a constant artificial light from the site.
- Residents are subjected to noise disturbance from the refrigeration units of the lorries at the site which operate at all times of the day and week.
- There are no restriction on the hours of use of the site.
- Applicant has suggested to one neighbour about planting a conifer hedge along the boundary to minimise noise disturbance, however there has been no mention of this since.

- When lorries are negotiating the junction of Cliffe Lane with Woodlands Road, vibrations can be felt in adjacent residential properties.
- Vehicles cannot be parked on-street within the vicinity of 283 Cliffe Lane as HGVs use the wrong side of the road to negotiate the junction.
- At the time of the previous application, the applicant states that light screens were already in place to prevent light pollution, however this is not the case.

### **Other Matters**

- The same objections applied when the applicant applied to extend their facilities previously.
- Location is inappropriate for a business of this size.
- Extension will be closer to the road and therefore more visible to neighbouring residents.
- Extension will bring development closer to a number of trees occupied by local wildlife and excessive light pollution from unscreened buildings such as this will have a detrimental effect.
- The drains of No.187 Cliffe Lane are connected to the site and these overflow causing flooding to No.187 during periods of heavy rain. Another greenhouse would make this problem worse.

Through the course of the application, amended plans and additional information have been received. This relates to:

- The proposed measures for control of glare or stray light
- A section drawing demonstrating the relationship between the proposed extension and Cliffe Lane, and proposed change in land levels
- Amended site location plan
- Transport/Environmental Statement

This information has been re-advertised, and to date, 4 representations have been received (amended plans site publicity expires on 20 May 2016).

The concerns raised can be summarised as follows:

- KC Highways and Bentleys should consult together to try to minimise/stop the problems of HGVs using the lower section of Cliffe Lane, from Bentleys to Bradford Road
- Request additional signage to prevent HGVs travelling down to Balme Road
- Proposals will have massive effect on health of neighbouring occupiers due to noise disturbance and traffic pollution
- Traffic management plan does not work as Bentleys have no control over the lorry drivers
- Although there is signage requiring drivers to switch off refrigeration units, this does not always happen.

- Believe that there were restrictions on the hours of business in the past which seem to have been lifted
- Question why the company needs to expand further at a site which is not big enough or suitable to host these plans
- Cliffe Lane does not have the capacity to cope with the current amount of articulated lorries and definitely can't cope with an increase.

## **8. ASSESSMENT**

### **General principle:**

The site is located within the Green Belt with guidance on appropriate forms of development contained within the National Planning Policy Framework (NPPF). This seeks to restrict development to a specific set of criteria as laid out in paragraph 89 detailed below, unless very special circumstances exist:

“A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.

The general principle of the development is acceptable and in accordance with guidance set out within Chapter 9 of the NPPF. The proposed extension to the existing glasshouses is classed as a horticultural development and therefore falls within the definition of an agricultural use under paragraph 89 of the NPPF. The general principle of the development is therefore considered to be acceptable and in accordance with guidance set out within Chapter 9 of the NPPF.

Although the general principle of the development is acceptable, consideration needs to be given to the visual impact of the proposal on the openness of the Green Belt. This will be considered below.

### **Impact on openness of Green Belt:**

The proposed extension would be attached to the front of the existing greenhouses, having a comparable height to that of the existing buildings. Due to a slight change in levels from Cliffe Lane down to the land to the north, some levelling of the land would be required in order to facilitate this, in addition to the provision of a retaining wall to the south east corner of the development.

The visual impact of the proposed glass house extension is considered to be acceptable in this instance as the design and scale of the proposal is in keeping with the appearance of the existing buildings, typical of those used for agricultural/horticultural purposes, and commonly found within a rural setting.

Whilst it is acknowledged that the proposal would bring development closer to Cliffe Lane, Officers consider that the low profile nature of the development would ensure that there would be no significant detrimental impact on visual amenity, complying with Policies BE1 and BE2 of the UDP as well as chapter 7 of the NPPF.

### **Impact on residential amenity:**

The application site is located adjacent (east) of 187 Cliffe Lane and approximately 80m to the west of 225-239 Cliffe Lane.

The proposed glasshouse extension would be illuminated during periods of darkness, and in order to control glare or stray light arising from the operation of artificial lighting, the applicant has submitted details of proposed screening measures through the course of the application. The existing glasshouse is partly screened, although the submitted details would result in screening of the west and south elevations of the existing building and extension. KC Environmental Services have assessed the submitted light reduction plan and considered it to be acceptable, subject to the imposition of a condition requiring it to be installed before the development is brought into use. In addition, the applicant has planted a conifer hedge along the eastern boundary of the site to the rear of the parking area. This would screen the development from the residential properties to the east.

With respect to the potential for noise disturbance (particularly from refrigeration units of HGVs) to the occupiers of the nearest residential properties, KC Environmental Services consider that no significant detrimental impact would result due to the distance of the site from these properties, and the number of HGVs which are proposed to visit the site.

On the above basis, the proposals would have no significant detrimental impact upon residential amenity, in accordance with Policies BE1, BE2, EP4 and EP6 of the Unitary Development Plan and chapter 11 of the NPPF.

## **Highway issues:**

The existing site access from Cliffe Lane leads to a surfaced parking and turning area to the east of the building. This parking and turning area has recently been extended under Class B, Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

The existing use and vehicle movements generated are already established, therefore with respect to the highway impact of the proposed development an assessment has to be made with regard to the additional movements which would result over and above those of the existing use.

The applicant has provided a comprehensive servicing strategy for the current business which reports that the proposed development will generate an additional 2 refrigerated HGV's per day. This also indicates the number and type of existing HGV servicing movements. Details have also been provided in relation to the routing of vehicles and information available for delivery drivers.

Officers consider that the additional vehicle movements generated by the proposed development can be accommodated within the highway network. The site has a long established HGV access and the expected small amount of additional vehicles generated would not support a sustainable reason for refusal.

In summary, the proposals are considered to be acceptable from a Highways perspective, and in accordance with Policy T10 of the UDP. No additional conditions are considered to be necessary with respect to the surfacing of parking and turning areas as no further surfacing is proposed over and above that which already exists.

## **Other Matters:**

### Ecology

The existing glasshouse is considered to have no bat roost potential and the part of the site to be used for the extension has limited foraging opportunities for bats. On this basis, the proposals would not impact upon protected species, in accordance with government guidance contained within chapter 11 of the NPPF.

### Business and Economy

The Council's Business Team has worked with the applicant in recent months to assist with applications for energy efficiency grants and funding for skills training. The proposed extension is proposed to result in the creation of 15 additional jobs. On this basis, the proposed development would accord with paragraphs 18 and 19 contained within chapter 1 of the NPPF.

## Drainage

One of the representations received raises concerns about localised flooding to the adjacent residential property as a result of increased surface water run-off from the development. As a result of this concern, the applicant is currently investigating the use of a soakaway. The results of these investigations are awaited and will be reported to members in the update.

## **Objections:**

The representations received primarily relate to highway safety concerns and the impact of the development on residential amenity. Officers respond to the comments received as follows:

### Highway Safety

**Response:** These concerns are addressed above. The recorded accident injury data for the area demonstrates that the accident level is what would be expected from a highway network of this nature. Officers consider there to be no underlying road safety issues either on Cliffe Lane and Woodlands Road or the access to and from the site from the strategic highway network.

### Residential Amenity

#### **Response:**

With respect to the impact of the development on residential amenity, the Council's Environmental Services Officer has confirmed that the proposals are acceptable, subject to the imposition of a specific condition relating to the control of glare or stray light.

The site has an established use and due to this historic use of the site for horticultural purposes, there are no restrictions on the hours of use.

The applicant has confirmed in writing, through the course of the application, that they would be willing to reinstate a hedge on the eastern boundary of the site adjacent to the parking area, in order to screen the development. The details of such a boundary treatment could be dealt with by condition.

### Other Matters:

#### **Response:**

Each application is assessed on its own merits, and any representations are taken into account in the assessment of each application.

The application site is located within the Green Belt where horticultural uses can be considered to be acceptable.

The proposed extension is of a functional appearance, in keeping with the appearance of the building to which it is to be attached.

The Council's Biodiversity Officer considers the proposals to have no undue impact on protected species.

The drainage issue relating to No.187 Cliffe Lane (the adjacent property) is addressed above.

### **Conclusion:**

The proposals represent an acceptable form of development within the Green Belt and would have no significant detrimental impact upon visual amenity, residential amenity or highway safety.

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 is therefore recommended for approval.

## **9. RECOMMENDATION**

### **CONDITIONAL FULL PERMISSION**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. Actual or potential land contamination at the site shall be investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) shall be submitted to and approved in writing by the Local Planning Authority before development commences.
4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3, and pursuant to the recommendations set out within the Coal Mining Risk Assessment dated January 2016 and received on 11 February 2016, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Development Plan and government guidance contained within chapter 11 of the National Planning Policy Framework.

8. The artificial light reduction plan received on 30 March 2016 shall be implemented before the development is brought into use, and thereafter retained.

9. The conifer hedge located on the eastern boundary of the car park shall be retained.

This recommendation is based on the following plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan			05.05.16
Proposed Sections	15/192/D		04.04.16
Coal Mining Risk Assessment	January 2016		11.02.16
Transport and Environmental Statement			29.01.16
Proposed Elevations and Floor Plans	15/192/A		29.12.15
Design and Access Statement			29.12.15
Supplementary Information - screens			30.03.16
Transport and Traffic Plan			17.05.16

**Application No: 2015/92509**

**Type of application: 62 - FULL APPLICATION**

**Proposal: Demolition of existing buildings and erection of 8 dwellings**

**Location: Hillcrest, Edge Top Road, Thornhill, Dewsbury, WF12 0BG**

**Grid Ref: 424562.0 418709.0**

**Ward: Dewsbury South Ward**

**Applicant: James Henry, Fire House Court Ltd**

**Agent:**

**Target Date: 06-Oct-2015**

**Recommendation: RF1 - REFUSAL**

**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**

## **1. SUMMARY**

The principle of residential development in this sustainable location is considered acceptable. However, the proposed development would be of a poor quality design and layout, which would fail to take the opportunity for improving the character and quality of the area. Furthermore, there is significant concern from a highway safety perspective. Due to the layout of the proposals, which would comprise of 16 individual parking spaces being accessed directly to and from Edge Top Road, with no internal turning provision, meaning that vehicles would be reversing directly onto the busy classified highway of Edge Top Road, it is the opinion of Officers that the proposals would be harmful to highway and pedestrian safety, contrary to Policies D2, BE1, BE2 and T10 of the Unitary Development Plan, as well as chapter 7 of the National Planning Policy Framework.

### **RECOMMENDATION:**

### **REFUSE**

## **2. INFORMATION**

The application is brought before the Heavy Woollen Planning Sub-Committee at the request of Councillor Masood Ahmed, who states:

*"I would like to request that the Planning Application 2015/92509 be determined by the Planning Sub Committee. My reasons for this are listed below:*

- 1. There are no objections from residents for the development of 8 dwellings;*
- 2. There is a need and demand for houses in the Dewsbury South Ward, which has also been highlighted in the Local Development Plan;*
- 3. There is no formal refusal from Highways; merely points raised, which my constituent will look into;*
- 4. There have been no concerns raised by residents regarding highway safety;*
- 5. There have been no reports of any accidents at this location in the last 5 years, which is a classified road, where the site is located;*
- 6. There have been 2 other sites nearby that have had planning approval, which are the Combs Accommodation Scheme, Application Ref: 2014/49/92815 for erection of 30 dwellings and also the development at The Cross in Thornhill, both of these 2 sites have raised no concerns for development and are in more prominent locations"*

The Chair of Sub-Committee has confirmed that Councillor Ahmed's reasons for making this request are valid having regard to the Councillor's Protocol for Planning Sub-Committees.

### **3. SITE DESCRIPTION / PROPOSAL**

#### **Site Description**

The application site comprises former Council depot buildings, once part of Overthorpe Hall, which front Edge Top Road, Thornhill. The site is located to the north of the Thornhill Sports and Community Centre and Overthorpe Park, whilst the area surrounding the site to all other aspects is residential in nature.

#### **Proposal**

The proposal is for the demolition of the existing buildings and erection of 8 dwellings. The submitted plans indicate that the proposed development would be located in two blocks, taking into account the topography of the site, with a parking area across the frontage of the site. Areas of private amenity space would be provided to the rear of each residential unit.

### **4. BACKGROUND AND HISTORY**

2015/93296 – Prior notification for proposed demolition of buildings – approved

2015/91016 – Demolition of existing council depot and house and erection of 9 dwellings - invalid

### **5. PLANNING POLICY**

The application site is unallocated on the Kirklees Unitary Development Plan proposals map.

#### **Kirklees Unitary Development Plan:**

D2 - General Development Policy  
BE1 – General Design Principles  
BE2 – Quality of Design  
NE9 - Retention of Mature trees  
BE12 – Space about buildings  
T10 – Highway Safety  
H10 – Affordable housing  
H12 – Arrangements for securing affordable housing

#### **National Policies and Guidance:**

Chapter 6 – Delivering a wide choice of high quality homes  
Chapter 7 – Requiring Good Design  
Chapter 11 – Conserving and enhancing the natural environment  
Chapter 12 – Conserving and enhancing the historic environment

## **Other Guidance:**

Supplementary Planning Document 2 – Affordable Housing

## **6. CONSULTATIONS**

The following is a brief summary of consultee advice. Further information is included within the assessment, where necessary.

**KC Highways Development Management:** Object

**KC Conservation and Design:** No objection in principle subject to imposition of conditions

**KC Arboricultural Officer:** Following submission of tree survey, no objection in principle subject to agreement with LPA of a scheme of replanting within Overthorpe Park

**KC Biodiversity and Land Use Officer:** No objections subject to imposition of conditions

**KC Environmental Services:** No objections subject to imposition of conditions

## **7. REPRESENTATIONS**

The application was publicised by site notice, neighbour notification letter and site notice. As a result of site publicity, 11 individual representations were received, in addition to a Social Media petition of 50 names objecting to the demolition of the existing Depot Buildings. The concerns can be summarised as follows:

- The buildings were originally used as stables and outhouses for Overthorpe Hall which was a key part of the coal mining history of the area and a residence of the Inghams
- The buildings are a focal point in an area where quality architecture is in short supply
- Buildings are a non-designated heritage asset
- There is a clear opportunity to renovate this and convert it into a practical residential use, providing much needed housing and preserving the heritage of the area
- Other historic buildings within the locality have been lost already e.g. the Walker Welfare and Cross buildings
- The submitted plans do not correspond to the current layout of the site
- Consider that the available land will not take this number of houses
- Some days this main road entrance is grid locked with traffic into the club. The proposed development will exacerbate the existing problem.
- The design of the proposed dwellings is typical of modern boxes with no character

- Current structure could be used to provide an enterprise workshops centre which does not currently exist in Thornhill
- Surveys are clearly provided with the objective of condemning historical structures that have stood for hundreds of years, identifying simplistic issues such as guttering

## **8. ASSESSMENT**

### **General principle:**

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

The site is not subject to specific policies and the principle of residential use is compatible with Policy D2.

In accordance with the guidance contained within Paragraph 14 of the National Planning Policy Framework, there is a presumption in favour of sustainable development, for decision taking purposes this means “approving development proposals that accord with the development plan without delay”.

Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of development. The site is considered to be in a sustainable location in terms of access to services and facilities and to public transport.

In addition, as the Council is currently unable demonstrate a 5 year supply of deliverable housing sites, the provision of residential development on this site will assist in addressing this shortfall.

### **Impact on amenity:**

#### **Visual Amenity**

The application site is located within a predominantly residential area of no distinct character, with detached and semi-detached dwellings of varying periods located along Edge Top Road and the surrounding residential estate roads. However, these are generally of two storey scale. The proposed development involves the provision of 8 no. 2 ½ storey dwellings in two blocks, constructed of stone with concrete tiled roofs. Taking into account the lack of distinct character amongst existing residential development, the proposals are, on balance, considered by officers to be acceptable from a visual amenity perspective in this context, complying with the aims of policies D2, BE1, and BE2 of the UDP as well as chapter 7 of the NPPF.

The design and layout of the proposed development is such that there would be a significant area of hard landscaping across the front of the site which would be used as driveways (providing 16 parking spaces). Officers consider this design and layout, with car dominated frontage, to be of poor quality, which would fail to take the opportunity to improve the character of the area. As such, the proposed development is considered to have a detrimental impact upon visual amenity and the character of the street scene, contrary to Policies D2, BE1, and BE2 of the UDP as well as chapter 7 of the NPPF.

### Residential Amenity

Policy BE12 of the UDP is relevant to the application, with respect to space about buildings. The nearest residential properties which could be potentially affected by the development are located on Edge Top Road to the north and 1 Nook Green to the west. However, adequate separation distances could be achieved between the proposed development and these properties, in accordance with Policy BE12 of the UDP.

As such, the proposal is considered acceptable from a residential amenity perspective, complying with the aims of policies D2 and BE12 of the UDP.

### **Highway issues:**

The application site is located on Edge Top Road close to the junction with Mountain Road and adjacent to the access to Thornhill Sports and Community Centre and Overthorpe Park.

The proposals comprise of the development of 8 dwellings in two blocks of four with frontage access directly onto Edge Top Road.

Edge Top Road is a classified road (C581) and bus route which links the B6117, Overthorpe and Thornhill with Whitley and the wider highway network. This road is also a primary route for children attending Overthorpe C of E School.

The layout of the development is such that 16 off-street parking spaces are proposed to the front of the residential units with access directly onto Edge Top Road. Due to the classified nature of the road, internal turning is therefore considered to be essential and in the best interests of highway safety at this location, and KC Highways DM consider that the site should be developed with a single point of access.

Following receipt of additional information from the applicant, Officers consider that adequate sight lines can be provided onto Edge Top Road. However, the proposed bin collection points demonstrated on the plans are not considered to be ideally located with residents likely to leave bins on the footway to the site frontage.

Whilst it is noted that some existing dwellings have access directly onto Edge Top Road, these generally have single width driveways which have an acceptable separation distance and good inter-visibility, and as such are not considered to be directly comparable to the proposed development. The existing shops to the west of the application site are examples of bad practice which do cause highway safety concerns and distribution to traffic flows along Edge Top Road with vehicles reversing out in between parked cars.

The above concerns and the requirement for internal turning and one single point of access has been raised with the applicant, however no amended plans have been received in response to this. As such, the application is brought before members for determination.

On the basis of the above, the proposals are considered to be harmful to highway and pedestrian safety, contrary to Policies D2, BE1, BE2 and T10 of the Unitary Development Plan.

### **Loss of Existing Buildings:**

The existing buildings are considered to be non-designated heritage assets as defined by the NPPF due to their historic significance and detailing. As such, paragraph 135 of the NPPF applies where the effect on the significance of the asset should be taken into account in the determination of the application.

The loss of the building, as proposed will have some effect on this part of Thornhill and remove the last remaining historic element of Overthorpe Hall. A structural report forms part of the application and this confirms the poor state of repair of the building. This has been accompanied by financial evidence to support the applicant's statement that these buildings *"have reached the stage where it is unlikely to be economically viable to carry out meaningful restoration"* and that *"it is unlikely that an alternative use could be found for these industrial buildings which would warrant a major refurbishment"*. On the basis of the submitted information, Officers are satisfied that the re-use of the existing buildings is not a viable option. Furthermore, as set out in the relevant history section of this report, a recent demolition notification has been granted for the removal of these buildings already.

### **Affordable Housing:**

Policies H10 and H12 of the Unitary Development Plan and the Council's Supplemental Planning Document (SPD2) set out objectives for the provision of affordable housing. As the site is brownfield a provision of 15% of the total floor space would be required for affordable housing, which could be secured through a Grampian condition with a Section 106 agreement to discharge the requirements of the condition prior to development commencing. Subject to this, affordable housing issues are addressed in accordance with Policies H10 and H12 of the UDP and the SPD on affordable housing.

**Trees:**

As noted above, the application site contains a number of Council-owned mature trees along its rear boundary, some of which the applicant proposes to remove.

The application is accompanied by an Arboricultural Method Statement, the content of which has been assessed by the Council's Arboricultural Officer. Discussion have taken place with the applicant regarding replacement planting within the adjacent Overthorpe Park in order to off-set the loss of the existing boundary trees, which would likely to be acceptable.

**Biodiversity:**

The application has been accompanied by a Bat Survey which concludes that bats are unlikely to be using the building for roosting, however a precautionary method statement is proposed, and Officers consider that this should be adopted in the demolition process, which can be dealt with by condition. With the inclusion of appropriate conditions, the proposals are considered to comply with the aims of chapter 11 of the NPPF.

**Land Contamination:**

Due to the former use of the site, KC Environmental Services recommend the imposition of a condition in the event that permission is granted, should any unexpected contamination be found during the course of the development, in accordance with chapter 11 of the NPPF.

**Drainage:**

The site is located within Flood Zone 1, an area least likely to flood. The imposition of drainage conditions would be reasonable and appropriate in this instance in order to ensure that the proposals would be in accordance with the aims of chapter 10 of the NPPF.

**Air Quality:**

Paragraph 109 of the NPPF states that "the planning system should contribute to and enhance the natural and local environment by....preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution". On relatively small new developments, this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

**Objections:**

The representations received primarily relate to the loss of the existing buildings and design of the proposed development. These matters are addressed above.

## **Conclusion:**

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.

The application has been assessed against relevant policies in the Kirklees Unitary Development Plan and other material considerations. It is considered that the development proposals do not accord with the development plan and that there are specific policies in the NPPF that indicated development should be restricted.

## **9. RECOMMENDATION**

### **REFUSE**

1. The design and layout of the proposed development, with a car dominated frontage, is considered to be of poor quality, which would fail to take the opportunity to improve the character of the area. As such, the proposed development would have a detrimental impact upon visual amenity and the character of the street scene, contrary to Policies D2, BE1, and BE2 of the Unitary Development Plan in addition to government guidance contained within Chapter 7 of the National Planning Policy Framework.

2. The proposed development, by virtue of its layout, which would comprise of 16 individual parking spaces being accessed directly to and from Edge Top Road, with no internal turning provision, meaning that vehicles would be reversing directly onto the busy classified highway of Edge Top Road, would be harmful to highway and pedestrian safety, contrary to Policies D2, BE1, BE2 and T10 of the Unitary Development Plan.

This recommendation is based on the following plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan	ATM14/112 001		11.08.15
Proposed Site Plan	ATM14/112 002		11.08.15
Proposed Plans and Elevations	ATM14/112/003	P1	15.09.15
Bat Survey			24.09.15
Arboricultural Assessment	AIA1/SW/2013	12.01.16	18.01.16
Traffic Report			26.04.16
Existing and Proposed Sight Lines	ATM14/112/006		26.04.16
Coal Mining Report			11.08.15

**Application No: 2015/90578**

**Type of application: 62 - FULL APPLICATION**

**Proposal: *Erection of detached dwelling***

**Location: *adj 6, Barnsley Road, Flockton, Huddersfield, WF4 4DW***

**Grid Ref: 423437.0 414841.0**

**Ward: *Kirkburton Ward***

**Applicant: *B Green***

**Agent:**

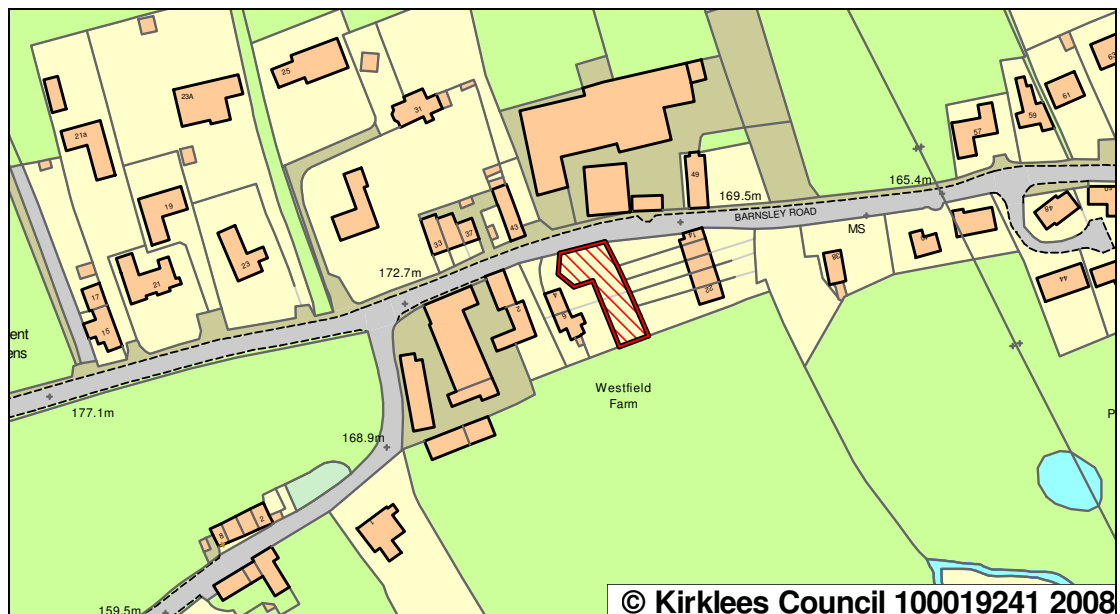
**Target Date: *17-Jun-2016***

**Recommendation: *RF1 - REFUSAL***

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

## **LOCATION PLAN**



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

## **1. SUMMARY OF APPLICATION**

The proposed erection of a detached dwelling is considered unacceptable by officers. It is considered that the siting of the dwelling would have an odd visual relationship with the existing buildings around this site and would be detrimental to both visual and residential amenity.

### **OFFICER RECOMMENDATION:**

#### **REFUSE**

## **2. INFORMATION**

The application is brought before the Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Bill Armer for the following reason:-

“I have requested that the matter be referred to HWP on the grounds that experts for the applicant contest the professional opinion of KMC officers regarding the interpretation of relevant rules and regulations. There is also a claim by the applicant that the contested egress already serves two houses, and would continue to do so, so in his submission there would be no material change. In the interests of transparency, I believe that this should be referred”.

The chair of Sub-Committee has confirmed that Councillor Armer’s reason for making this request are valid having regard to the Councillor’s Protocol for Planning Sub-Committees.

## **3. SITE DESCRIPTION / PROPOSAL**

### **Site Description**

The application relates to a site adjacent to no.6 Barnsley Road, in the centre of Flockton village. The site currently forms part of the garden/parking area serving nos. 4 and 6 Barnsley road, which are occupied as a single dwelling (henceforth referred to as no.6 Barnsley Road).

The site has an area of 460 square metres and is unallocated on the UDP proposals map.

### **Proposal**

The proposal is for the erection of a detached dwelling on the site. The dwelling would be built over three levels with the main living area at ground floor and bedrooms at lower ground and 1<sup>st</sup> floor levels. There would be an integral garage with three parking places to the front of the building serving the existing and proposed dwellings.

The dwelling would be orientated at 90 degrees in relation to other adjacent dwellings with the main elevations facing south and north.

#### **4. RELEVANT HISTORY**

**2003/93291** Erection of two storey extension. Approved (no. 4 Barnsley Road)

**2003/92028** Erection of two storey extension and dormer window. Refused

#### **5. POLICY**

The application site is unallocated on the Kirklees UDP proposals map.

##### **Kirklees Unitary Development Plan:**

D2 – Development without notation

BE1 – Design principles

BE2 – Quality of design

BE11- Materials

BE12 – Space about buildings

T10 – Highway safety

G6 – Contaminated land

##### **National Policies and Guidance:**

Chapter 7 - Requiring good design

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 11 – Conserving and Enhancing the Natural Environment

##### **Other Policy Considerations:**

National Planning Practice Guidance, published online March 2014.

#### **6. CONSULTATION RESPONSES**

The following is a brief summary of consultee advice. Further information is included within the assessment, where necessary.

**KC Ecology and Biodiversity officer** - No objections. Mitigation measures should be included in the development.

**KC Highways Development Management** – Initially objected as the proposals would result in intensification of the access and satisfactory sightlines cannot be achieved. However, further amended details have been submitted during the course of the application, including a speed survey and a follow up site visit by the Highways Officer. This initial objection has now been withdrawn. Subject to

conditions, the proposal is considered satisfactory from a highway safety perspective.

**Coal Authority** - Initial objection as the Coal Mining Risk Assessment (CMRA) submitted did not adequately assess the risk posed from the mining legacy. A revised CMRA was subsequently submitted which has identified the presence of workings but concludes that these would not pose a risk to the development.

## **7. Public/Members Response**

No representations received as a result of site publicity.

Denby Dale Parish Council – Consulted but no response received.

## **8. ASSESSMENT**

### **Principle of Development:**

The site is unallocated on the Unitary Development Plan and on such sites there is a presumption in favour of development providing that the proposals would not cause harm to highway safety, residential and visual amenity or any other relevant considerations.

In terms of housing delivery, following recent analysis of housing land supply the Council is unable to demonstrate a five year supply of available housing land sufficient to satisfy the requirements of the National Planning Policy Framework (NPPF). Paragraph 49 of NPPF states that if a Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites “relevant policies for the supply of housing should not be considered up-to-date”. Paragraph 14 states that where “relevant policies are out of date” planning permission should be granted unless:

*“• any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.”*

The site is the garden area of a dwelling and as such is considered as a greenfield site. Although there is currently no presumption in favour of the development of brownfield land there are some additional considerations when a garden is proposed for new residential development.

It is clear from the site visit that this site affords little in the way of ecological value.

The site is located within a sustainable location in close proximity to local amenities and it is considered that the value of the site as a green space does not outweigh the benefits of housing provision within a sustainable location.

The principle of housing development on this site is considered to be acceptable, in accordance with the sustainability principles of the NPPF subject to assessment of the impact of the proposals on other relevant considerations.

These impacts are considered in the below assessment.

**Impact on visual amenity:**

The site of the proposed dwelling would be part of the existing garden and parking area serving no. 6 Barnsley Road. This is located between a row of cottages, nos. 14 to 22 Barnsley Road, and the host dwelling, nos. 4 and 6 which are arranged perpendicular to the adjacent highway.

This arrangement means that the main amenity space serving all of these dwellings lies in this space between them, and results in a pleasant open area. The proposed dwelling would be located more or less central to this space. It would be in the form of a narrow dwelling which would be orientated at 90 degrees to these other dwellings.

Whilst the design of the dwelling, would in isolation be acceptable, it does not relate well in terms of the detail to these traditional cottages which face onto the development site. It is acknowledged that the proposals would be to use natural stone on most elevations, however it is unclear why render is proposed to part of the east elevation, which faces neighbouring properties and to the south elevation which faces the open fields to the rear. Given that the adjacent properties are of stone construction, and traditional design the materials used in the construction of the dwelling should reflect this as required by policy BE11 of the UDP.

On balance, the combination of the orientation, the design of the dwelling and the siting would result in an incongruous form of development which would have detrimental impact on the streetscene. The proposals are considered contrary to policies BE1 and BE2 of the UDP and chapter 7 of the NPPF.

**Impact on residential amenity:**

The design of the proposed dwelling means that any habitable room windows would face to the south or north and as such would not overlook any of the adjacent dwellings or their associated garden areas.

There are some windows proposed in the side elevation facing nos. 14 to 22 however these would serve a stairwell and if approval is given can be conditioned to be obscure glazing.

The main issue however, is not the potential for overlooking, but the siting of a dwelling which, for the occupiers of no. 6 Barnsley Road and nos. 18, 20 and 22 Barnsley Road would appear as a rather dominant feature adjacent to the amenity space and for the occupiers of no. 6 alone would have a direct relationship with habitable room windows. Whilst in simple terms the distances recommended by policy BE12 of the UDP can be achieved, the proposed two storey dwelling would have an overbearing impact on the residential amenity of the occupiers of these adjacent dwellings.

An amended plan has been received (24/05/16) which shows an increase to the amenity space of the proposed dwelling and a reduction to that of no.6. It is the assessment of the officer that this does not address the issues raised above; furthermore it results in a slightly contrived boundary scheme.

It is acknowledged that no.6 is within the ownership of the applicant; however the future, long term residential amenity of the area would outweigh this consideration.

As such the proposed dwelling would have an adverse impact on residential amenity contrary to policies D2 and BE1 of the UDP and Chapter 7 of the NPPF.

### **Highway safety:**

The access to the site will be via a relocated access serving no. 6 and the proposed dwelling. There would be 3 parking places and 1 garage space, all of an acceptable size; there would also be an internal shared turning area.

There are two main issues with this proposal; the substandard access and the intensification of the site.

The applicant had originally proposed that the access be slightly relocated to the west to allow for better visibility along the nearside lane where traffic approaches from the east. However this still did not achieve the visibility splays required by the Council's Highways officer and it would be over 3<sup>rd</sup> party land.

This issue was raised with the applicant who has subsequently served notice on the owner of this land and certificate "B" has now been signed and submitted.

It is important to note that Barnsley Road through Flockton village is a busy "A" classified highway and recent surveys on this section indicate that car speeds are above the 30mph speed limit, however the applicant has subsequently had a speed survey carried out and amended the proposed site lines after a more detailed site survey.

A modified Design and Access Statement has also been submitted which now asserts that the building is occupied as two separate dwellings and, should permission be given the building would be occupied as a single dwelling.

This further information was submitted to the Local Planning Authority on 27 May 2016 and following a site visit, it was the assessment of the Highways Officer that the amended proposals would provide acceptable visibility splays and internal turning area to serve the existing and proposed dwelling.

The modified proposals show that visibility splays of 2.4m x 38.3m can be achieved to east of the site across third party land, and 2.4m x 40m to the west of the site. This would need to be conditioned if planning permission was granted.

In addition, the proposed parking layout is also considered acceptable for serving two dwellings.

It is important to note that this application has been assessed in the assumption that nos. 4 and 6 Barnsley Road are occupied as a single dwelling as council records indicate.

Subject to conditions, the proposals would not result in any significant highway safety issues and the proposals are therefore in accordance with policies T10 and T19 of the UDP.

### **Other Issues:**

#### **Coal Mining legacy.**

The site lies within a High Risk coal mining area; as such it is the requirement of the local planning authority to consult the Coal Authority on this type of development. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy does not pose a risk to the development providing that a reinforced raft is incorporated in the development as a precautionary measure. It should be conditioned should approval be recommended, that the development is carried out in accordance with the submitted Coal Mining Risk Assessment, and the standard high risk footnote also included.

#### **Ecological Issues.**

The LPA's Ecologist was consulted and has requested that any ground clearance should be undertaken outside of the bird breeding season. In addition compensatory features in the form of one bat and one bird box should be incorporated in the development. These can be conditioned should approval be given.

### **Representations/Objections:**

None received

### **Summary:**

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. Whilst the applicant has demonstrated to the satisfaction of the Highways Officer that the proposals would not adversely affect highway, it is considered that the development proposals do not accord with the development plan in terms of residential and visual amenity and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

## **9. RECOMMENDATION**

### **REFUSE:**

1. The proposed dwelling, by virtue of the combination of the design, siting and orientation would result in an incongruous form of development which would have a poor visual relationship with the existing, nearby dwellings, as such the proposals would be detrimental to visual amenity. To permit the proposal would be contrary to policies D2, BE1, and BE2 of the Kirklees Unitary Development Plan and the aims of Chapter 7 of the National Planning Policy Framework.

2. The proximity of the two storey dwelling, immediately adjacent to the outdoor amenity space of nearby properties, would have an overbearing impact which would be harmful to the residential amenity of the occupiers of these dwellings contrary to policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

This recommendation is based on the following plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan, block plan and proposed layout.	BG/P02/2	1	10/03/15
Proposed elevations and floor plans.	BG/P02/1	1	10/03/15
Design and access statement.	(amended)	2	14/04/16
Coal Mining Risk Assessment			23/03/15
Supporting information	Letter to planning	1	10/08/15
Supporting information	Photographic survey	1	10/08/15
Site plan	P02-3(3)	1	10/08/15
Highways statement	Letter to Highways	1	14/02/16
Sightlines plan and amended layout.	1/500	1	27/05/16
Highways technical statement.	HY Consulting LTD	1	27/05/16

**Application No: 2015/92068**

**Type of application: 60m - *OUTLINE APPLICATION***

**Proposal: *Outline application for residential development***

**Location: *adj, 26, Track Road, Batley, WF17 7AA***

**Grid Ref: 423778.0 423053.0**

**Ward: *Batley East Ward***

**Applicant: *Tahir Zaman & Imran Ul-Haq***

**Agent: *Robert Halstead Chartered Surveyor***

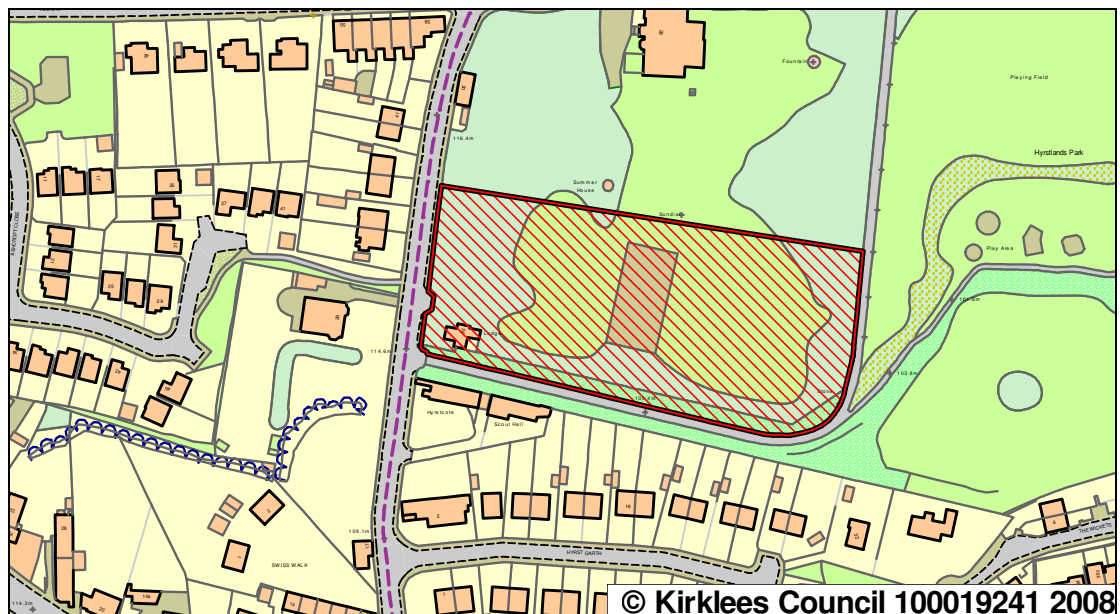
**Target Date: *09-Oct-2015***

**Recommendation: *OP - CONDITIONAL OUTLINE PERMISSION***

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

## **LOCATION PLAN**



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

## 1. SUMMARY

Scale of Development	0.98 ha	
No. Jobs Created or Retained	N/A	
<b>Policy</b>		
UDP allocation	D2 Unallocated	
Independent Viability Required	N/A	
<b>Representation/Consultation</b>		
Individual Support (No.)	0	
Individual objections	0	
Petition	No	
Ward Member Interest	None	
Statutory Consultee Objections	None	
<b>Contributions</b>		
• <i>Affordable Housing</i>	N/A	
• <i>Education</i>	N/A	
• <i>Public Open Space</i>	To be secured by condition	
• <i>Other</i>	N/A	
<b>Other Issues</b>		
Any Council Interest?	N/A	
Planning Pre-application advice?	None	
Pre-App Consultation Undertaken?	No	
<b>Comment on Application</b>	<p>The proposal is for a residential development on unallocated land on the UDP as such there is no objection in principle. The Council is currently unable to demonstrate a 5 year supply of deliverable housing land and this development would assist in addressing that shortfall.</p> <p>The site is considered to be in a sustainable location and the matter of access is acceptable.</p>	

## RECOMMENDATION:

## CONDITIONAL OUTLINE PERMISSION

## 2. INFORMATION

The application is brought to the Heavy Woollen Planning Sub-Committee in accordance with the Council's scheme of delegated authority as the site exceeds 0.5ha in area.

### **3. SITE DESCRIPTION / PROPOSAL**

#### **Site Description**

The application site comprises a gently sloping area of land located on the eastern side of Track Road. The site is densely screened to the east, west and southern boundaries by mature trees, some of which are protected. An existing access into the site is located on Track Road, adjacent to a single storey Lodge building, which is currently vacant.

The site forms part of the historic curtilage of Hyrstlands, a Grade II listed building, now known as the Al-Hikmah Centre to the north, Hyrstlands Park to the east and residential properties to the south and west.

#### **Proposal**

Outline approval is sought for residential development on the site. At this stage, all matters are reserved for subsequent approval with the exception of access.

### **4. BACKGROUND AND HISTORY**

2016/91265 – Formation of multi-use games area with cricket practice bay, footpath and ramp access, erection of fence, floodlights and storage container – pending decision

#### **Pre 2000**

98/91139 – Erection of one detached dwelling with garage – refused (appeal dismissed)

97/90303 – Erection of 6 detached dwellings and garages – refused (appeal dismissed)

### **5. PLANNING POLICY**

The application site is unallocated on the Kirklees Unitary Development Plan proposals map.

#### **Kirklees Unitary Development Plan:**

D2 - General Development Policy  
BE1 – General Design Principles  
BE2 – Quality of Design  
NE9 - Retention of Mature trees  
BE12 – Space about buildings  
T10 – Highway Safety  
H18 – Provision of open space

## **National Policies and Guidance:**

Chapter 6 – Delivering a wide choice of high quality homes

Chapter 7 – Requiring Good Design

Chapter 11 – Conserving and enhancing the natural environment

Chapter 12 – Conserving and enhancing the historic environment

## **6. CONSULTATIONS**

The following is a brief summary of consultee advice. Further information is included within the assessment, where necessary.

**KC Highways Development Management:** No objections subject to imposition of conditions.

**KC Conservation and Design:** No objections.

**KC Arboricultural Officer:** No objections subject to imposition of conditions.

**KC Biodiversity and Land Use Officer:** No objections subject to imposition of conditions.

**KC Environmental Services:** No objections subject to imposition of conditions.

**KC Parks and Recreation:** The size of the site is above the trigger for the provision of public open space, in accordance with Policy H18. In this case, an off-site contribution in lieu of on-site provision at the adjacent Hyrstlands Park would be acceptable.

## **7. REPRESENTATIONS**

The application was publicised by site notice, neighbour notification letter and site notice. No representations were received as a result of this site publicity.

Amended plans and additional information has been received through the course of the application, and this was re-advertised by neighbour notification letter and site notice (site publicity expired 25 May 2016). No representations have been received.

## **8. ASSESSMENT**

### **General principle:**

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

The site is not subject to specific policies and the principle of residential use is compatible with Policy D2.

In accordance with the guidance contained within Paragraph 14 of the National Planning Policy Framework, there is a presumption in favour of sustainable development, for decision taking purposes this means “approving development proposals that accord with the development plan without delay”.

Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of development. The site is considered to be in a sustainable location in terms of access to services and facilities and to public transport.

In addition, the Council is currently unable demonstrate a 5 year supply of deliverable housing sites, the provision of residential development on this site will assist in addressing this shortfall.

### **Impact on amenity:**

#### Visual Amenity

This is an outline application for residential development with only access to be considered, and matters of scale, layout, landscaping and appearance will all be reserved matters to be considered under a separate application. Notwithstanding this, the submitted plans indicate the provision of four large detached plots. The immediate locality has a mix of house types although the general density of development is lower than that which would result from the proposals. In this instance, the application site differs in character to the immediate urban environment by virtue of the presence of mature trees to all boundaries. These trees afford a significant degree of amenity value and contribute to the setting of the Listed Building. These factors present a constraint to the developable area of the site. As such, the principle of a low density development on the site is considered to be appropriate in these circumstances.

#### Impact on setting of Listed Building

The application site is located within the grounds of the Grade II Listed Hyrstlands and the proposed dwellings would be located in excess of 50m to the south of this Heritage Asset. The applicant has submitted a Heritage Impact Assessment as part of the application.

The proposals involve the utilisation of the existing access point and retention of the Lodge and the Council’s Conservation and Design Team raise no objections to the proposals which are considered to be in accordance with Policies BE1 and BE2 of the Unitary Development Plan, in accordance with government guidance contained within Part 12 of the NPPF.

## Residential Amenity

Policy BE12 of the UDP is relevant to the application, with respect to space about buildings. The nearest residential properties which could be potentially affected by the development are located on Hyrst Garth to the south. However, adequate separation distances could be achieved between the proposed development and these properties, in accordance with Policy BE12 of the UDP.

Application ref 2016/91265 is currently under consideration on the adjacent site to the north. This seeks permission for the formation of a multi-use games area with flood lighting and other associated development. The impact of this on the amenity of future occupiers of the proposed development is therefore a material consideration in the assessment of this application.

KC Environmental Services have raised concern that the proposed MUGA on the adjacent site could result in noise disturbance to future occupiers of the proposed residential development. However, this potential impact could be mitigated by the inclusion of a sound insulation scheme and provision of an acoustic barrier on the northern boundary of the application site, which could be dealt with at the reserved matters stage.

Subject to consideration of the above, there would be no significant detrimental impact on residential amenity of existing or future occupiers, and the proposals would accord with Policies D2, BE1, BE2 and BE12 of the Unitary Development Plan.

## **Highway issues:**

The site has the benefit of an existing access from Track Road close to the southern boundary and this would be retained to serve the development. The existing Lodge building adjacent to the access would be retained. In terms of the highway network, Track Road is a classified residential road which provides access to Halifax Road to the south.

The existing access would be modified to provide improved sight lines, and within the site, the proposed internal access would include the provision of two passing places along its length. In addition, through the course of the application, additional plans have been received which demonstrate that a refuse vehicle can enter, exit, and turn within the site.

Whilst no detailed plans of the layout are provided, it is considered that there would be sufficient in space to accommodate off street parking for each plot.

The proposed access and turning arrangements are considered to be acceptable and in accordance with Policies D2 and T10 of the Unitary Development Plan.

**Trees:**

As noted above, the application site contains a number of mature trees along its boundaries, many of which are protected. These provide a significant degree of amenity value and form part of the setting of the adjacent Grade II Listed Building.

The application is accompanied by an Arboricultural Method Statement (AMS) however this makes reference to the erection of 6 dwellings and not 4, as proposed. Notwithstanding this, the Council's Arboricultural Officer considers that the AMS contains sufficient detail to demonstrate that the internal access could be built with an acceptable impact upon the protected trees, subject to the submission of further details.

On the above basis, subject to the imposition of a condition requiring a further Arboricultural Method Statement to be submitted, the proposals would have no significant detrimental impact upon the vitality and viability of protected trees, in accordance with the aims of Policy NE9 of the UDP.

**Biodiversity:**

The application is accompanied by an ecological survey report which establishes that the application site of limited ecological interest consisting primarily of rank grassland. However, the main woodland blocks within the site are identified as Habitats of Principal Importance and should be excluded from the development footprint. Some individual/groups of trees lie outside of the main woodland blocks and the inclusion of these into the gardens would be considered to be acceptable.

The submitted ecological survey report makes a series of general recommendations to mitigate and provide enhancement measures for the development, and Officers consider that these should be included within a Biodiversity Mitigation and Enhancement Plan as reserved matters, with details to be approved by the Local Planning Authority. This would ensure that the proposed development would accord with the requirements of chapter 11 of the NPPF.

**Land Contamination:**

The applicant has submitted a Phase I Contaminated Land Report as part of the application. This concludes that the main issue relating to contamination is potential ground gas issues from two infilled mill ponds within 250m of the site. The report recommends further work to determine if the site is impacted by ground gasses or in lieu of a programme of gas monitoring, the report proposes gas protection measures are incorporated into the building design.

The submitted Phase I Report has been assessed by KC Environmental Services who have concerns about the findings and recommendations of the report, since significant quantities of unspecified material were imported into the site in 2011. Officers therefore consider that further contaminated land

investigations are necessary prior to the commencement of development due to the nature of the end use which will be sensitive to contaminated land issues. A series of conditions is therefore recommended in this instance, to ensure that the proposed development meets the requirements of chapter 11 of the NPPF.

#### **Drainage:**

The site is located within Flood Zone 1, an area least likely to flood. This is an outline application and the imposition of drainage conditions would be reasonable and appropriate. This would ensure that the proposal would be in accordance with the aims of chapter 10 of the NPPF.

#### **Air Quality:**

Paragraph 109 of the NPPF states that “the planning system should contribute to and enhance the natural and local environment by....preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution”. On relatively small new developments, this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

#### **Public Open Space:**

The size of the site is above the trigger for the provision of public open space, in accordance with Policy H18. In this case, an off-site contribution in lieu of on-site provision at the adjacent Hyrstlands Park would be acceptable. This could be secured by way of condition.

#### **Objections:**

No objections received to date

#### **Conclusion:**

The proposal is for a residential development on unallocated land on the UDP to which there is no objection in principle. The Council is currently unable to demonstrate a 5 year supply of deliverable housing land and this development would assist in addressing that shortfall.

The site is considered to be in a sustainable location and the matter of access is considered to be acceptable.

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 is therefore recommended for approval.

## **9. RECOMMENDATION**

### **CONDITIONAL OUTLINE PERMISSION**

1. Approval of the details of the scale, appearance, layout and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the scale, appearance, layout and the landscaping of the site, shall be submitted in writing to the Local Planning Authority, and shall be carried out in full accordance with the approved plans.
3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
5. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:-
  - a) the layout and disposition of the public open space.
  - b) the timescale for the implementation and completion of the works to provide the public open space;
  - c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
  - d) maintenance of the public open space in perpetuity.
6. No dwelling shall be occupied until an access with a gradient not exceeding 1 in 20 for the first 5.0m of the carriageway of Track Road and the remainder of the access no steeper than 1:10 shall be provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the access shall be retained, free of obstructions thereafter.

7. Notwithstanding the details shown on Drawing No. 1515801, no development shall take place until a scheme detailing arrangements and specification for access, layout and parking have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

8. A Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority before development commences.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

12. Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

13. A Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority before development commences. This shall include the following:

- **Landscaping:** the retention of trees with bat roost potential and woodland habitats as identified in the Phase 1 Survey of the Ecological Report. Where any vegetation is removed there should be additional planting to enhance and develop habitat networks within and beyond the site through the planting of native tree and shrub species.
- **Management of the woodland:** a simple woodland management plan shall be produced with guiding principles for the management of these areas to retain and enhance biodiversity interest.
- **Bat boxes:** the erection of an appropriate number of woodcrete bat boxes, in the form of Schweglar type 1FR/2FR bat boxes or similar installed integral to the new dwellings within the site and Schweglar type 1FF on the mature trees.
- **Bird boxes:** the erection of 2 sparrow terraces integral to the new buildings and 3 woodcrete nest boxes suitable for starlings erected on trees within the site.
- **Lighting plan:** details of artificial lighting on a plan including security lighting showing anticipated light levels across the site. Note that there should be no light spillage into tree habitats and corridors where bats are likely to forage or, areas with bat roost potential including installed bat boxes. This applies to both construction and post development phases of the development.

14. Development shall not commence until a scheme detailing foul, surface water and land drainage (including off site works, outfalls , balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/ abandoned, and percolation tests, where appropriate) has been submitted to an approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such time as the approved drainage scheme has been provided to site to serve the development, or each agreed phasing of the development to which the dwellings relate, and thereafter retained.

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

16. An electric vehicle recharging point shall be installed within the dedicated parking area/garage of each of the approved dwellings before the dwelling to which the recharging point is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

17. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

This recommendation is based on the following plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan			10.07.15
Proposed Site Plan	September 2015	B	26.05.16
Swept Path Analysis	1515801		10.02.16
Planning Statement			10.07.15
Ecological Appraisal and Bat Roost Assessment	January 2015		10.07.15
Phase I Desk Study Report	14-12-07	January 2015	10.07.15
Design and Access Statement			10.07.15

**Application No: 2013/91499**

**Type of application: 62m - FULL APPLICATION**

**Proposal: *Erection of 3 storey care home unit (containing 35 bedrooms), alteration to the secondary site access, associated parking provision and landscaping***

**Location: *Pilling House Residential Care Home, 4, Pilling Lane, Skelmanthorpe, Huddersfield, HD8 9EQ***

**Grid Ref: 423567.0 410735.0**

**Ward: *Denby Dale Ward***

**Applicant: *Hill Care Ltd***

**Agent: *Richard Borrows, Ward Associates Planning Consultants***

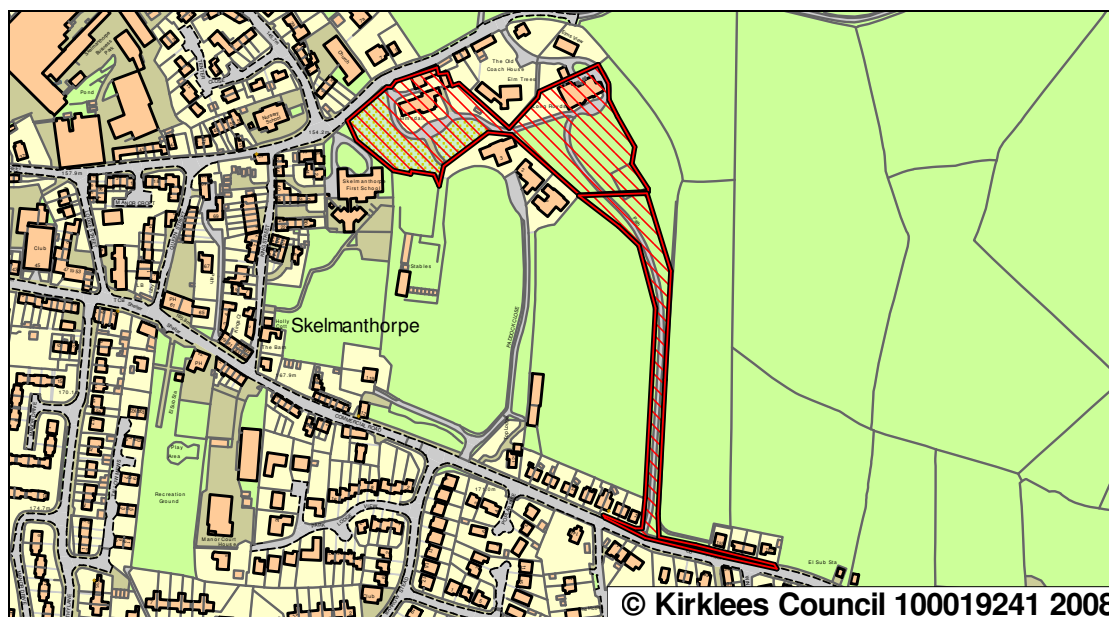
**Target Date: *19-Jan-2015***

**Recommendation: *FC - CONDITIONAL FULL PERMISSION***

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

## **LOCATION PLAN**



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

## 1. SUMMARY OF APPLICATION

Scale of Development	1.47ha	
No. Jobs Created	30	
<b>Policy</b>		
UDP allocation	D2 Unallocated/ D5 (Small part of access is on POL)	
Independent Viability Required	N/A	
<b>Representation/Consultation</b>		
Individual Support (No.)		
Individual objections	4 in total	
Petition	No	
Ward Member Interest	None	
Statutory Consultee Objections	None	
<b>Contributions</b>		
• Affordable Housing	N/A	
• Education	N/A	
• Public Open Space	N/A	
• Other	N/A	
<b>Other Issues</b>		
Any Council Interest?	N/A	
Planning Pre-application advice?	None	
Pre-App Consultation Undertaken?	No	
<b>Comment on Application</b>	The proposal would constitute a community facility on a site currently used as a Residential Care Home. The proposals would have no significant detrimental impact upon residential or visual amenity, highway safety or the character of the area and would accord with the relevant policies.	

## RECOMMENDATION:

## CONDITIONAL FULL PERMISSION

## 2. INFORMATION

The application is brought to the Heavy Woollen Planning Sub-Committee in accordance with the Council's agreed scheme of delegated authority as the site exceeds 0.5ha in area.

## 3. SITE DESCRIPTION / PROPOSAL

### Site Description

The application site is accessed via a long driveway off Commercial Road, Skelmanthorpe which serves a residential care home. The site bounds Pilling

Lane to the north, with Skelmanthorpe Methodist Church and residential dwellings also to the north, and the Skelmanthorpe First School to the south west. The site lies just outside the Skelmanthorpe Conservation Area. A band of protected trees runs along the north-west and south-west boundaries of the site.

The site contains Pilling House and Longroyds residential care homes, which provide accommodation for a total of 42 residents. In addition, to the east of Pilling House, there are 5 independent living apartments.

There is a change in levels from south to north, and the existing Care Home buildings are not easily visible from Commercial Road.

### **Proposal**

Permission is sought for the erection of a 3 storey building containing 35 bedrooms, to be located to the side of Pilling House (also known as Elmsdale), within the north west corner of the site. An enlarged parking area is also proposed to the south of the existing building, providing 18 additional parking spaces.

The current proposal would replicate a similar application which was approved in 2005.

## **4. BACKGROUND AND HISTORY**

2015/93664 – Outline application for residential development – subject to determination at this Committee

2014/91628 – Erection of 85 dwellings and associated infrastructure, Approved by Strategic Planning Committee (POL Land on adjacent site)

2013/90881 – Outline application for erection of 3 dwellings, Invalid (incorrect certificates signed)

2005/90634 – Erection of 3 storey care home building – Approved (not implemented)

2004 93022 - Erection of three storey care home - Withdrawn

2003 93326 - Erection of single storey sun lounge/dining room extension

2002 93326 - Erection of three storey extension - Approved

## **5. PLANNING POLICY**

The site itself is unallocated on the Unitary Development Plan proposals map. Part of the access is within an area allocated as Provisional Open Land.

### **Kirklees Unitary Development Plan:**

D2 – Unallocated Land  
D5 – Provisional Open Land  
BE1 – General Design Principles  
BE2 – Quality of Design  
BE12 – Space about Buildings  
C1 – Community Facilities  
T10 – Highway Safety  
NE9 – Retention of mature trees

### **National Policies and Guidance:**

Chapter 7 – Requiring Good Design  
Chapter 8 – Promoting Healthy Communities  
Chapter 11 – Conserving and enhancing the natural environment

## **6. CONSULTATIONS**

Below is a summary of the consultation responses received; where appropriate these are expanded upon in the assessment section of this report:

**KC Highways Development Management:** No objections subject to conditions

**KC Environmental Services:** No objection subject to conditions

**KC Flood Management and Drainage:** No consideration of sustainable drainage techniques is included in the design of the development, however recommend the imposition of conditions should permission be granted

**KC Biodiversity and Land Use Officer:** No objections subject to conditions

**KC Arboricultural Officer:** No objections

**West Yorkshire Police Architectural Liaison Officer:** Advise that measures are incorporated into the development which meet the requirements of 'Secured by Design'.

**Yorkshire Water:** No objections subject to conditions

## **7. REPRESENTATIONS**

The application was publicised by site notice, press advert and neighbour notification letter. Three letters of representation were received, and the concerns raised are summarised as follows:

- Loss of privacy to residential properties on Pilling Lane. Existing trees will only screen the development for part of the year.
- Concern over which trees will be retained

- Highway safety impact
- Pilling Lane is inadequate for the heavy goods which currently supply the residential home via this access
- Not clear how the Pilling Lane access is to be pedestrianised
- Commercial Road entrance is the access to No.149 and access to/from garage is directly onto the proposed re-routed access road. Concern that the increased amount of traffic that will use the access during and after construction will increase the risk of collision with traffic exiting the garage of No.149
- The access road is not cleared by the Council in bad weather and is on a downwards slope. Concern that this may lead to cars crashing into the boundary wall or garage of No.149
- The proposed alteration to the gate posts would block access to the garage of No.149/make access difficult
- Occupier of No.149 has a legal right of access
- Query how proposed alterations to access would affect outline application for 3 dwellings on adjacent land
- Suggest alternative alteration to access to take traffic further away from access of No.149

Through the course of the application, amended plans have been received with respect to the access arrangement from Commercial Road. The amended plans have been re-advertised (site publicity expired on 25 May), and as a result of this, one representation has been received to date. The concerns raised can be summarised as follows:

- Concern that the proposed development will impact on view of occupants on Pilling Lane
- Question whether access will be on Pilling Lane as if so this is already a narrow and potentially hazardous road

Denby Dale Parish Council was notified of the application and confirmed that it had no objections to the application.

## **8. ASSESSMENT**

### **General principle:**

The site is unallocated on the Unitary Development Plan, although part of the access falls within land allocated as Provisional Open Land (POL).

With respect to the unallocated part of the site, Policy D2 (development of land without notation) states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

With respect to development on POL, Policy D5 states that:

“Planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term”.

The proposals are deemed to constitute a community facility, being a residential care home. The provision of community uses is supported by Policy C1 of the UDP and government guidance contained within Part 8 of the NPPF.

With respect to the site access from Commercial Road, this is existing and the proposed improvements and alterations are proposed on the southern section outside of the POL allocation. As such, the proposed development would accord with the requirements of Policy D5 as set out above.

The principle of the proposed development is considered acceptable and in accordance with UDP Policies D2 and C1, and Chapter 8 of the NPPF. This is subject to the impact of the development as assessed below.

### **Impact on amenity:**

#### Visual Amenity

The proposed development would be of the same appearance and scale as that which was approved in 2005 having an L-shaped layout and constructed of natural stone with hipped, slate tiled roof.

Whilst the proposed development would be three storeys in nature, due to a slight change in levels, it would have a comparable ridge height to the existing building (Pilling House) and the adjacent school to the west. Furthermore, the existing boundary trees would provide some screening of the development from Pilling Lane. On this basis, Officers consider that the proposal would not result in an incongruous feature within the street scene, and would not detract from the character and appearance of the adjacent Conservation Area.

An additional parking area is proposed to the front of Pilling House, which would be surfaced in tarmac. This would result in the loss of some soft landscaping, however this loss is not considered to be so harmful to have a significant detrimental impact upon visual amenity.

In summary, for the reasons set out above, the proposed development would accord with Policies D2, BE1 and BE2 of the Unitary Development Plan, and government guidance contained within Part 7 of the NPPF.

## Residential Amenity

The site is located to the south residential properties on Pilling Lane, and to the west of the existing Care Home (Pilling House/Elmsdale). Policy D2 of the UDP requires the matter of residential amenity to be considered, whilst Policy BE12 recommends minimum separation distances between existing and proposed development, in order to protect the amenity of existing and future occupiers. As the proposed development would provide habitable accommodation, the separation distances set out within Policy BE12 are deemed to be a material consideration in the assessment of the application.

The nearest dwellings are located on Pilling Lane, approximately 40m away, and habitable room windows are proposed within the north elevation of the development at first and second floor levels. The proposals would accord with Policy BE12 in this respect.

The proposed development includes communal facilities (dining area, lounge, quiet lounge) at the ground floor level which would provide access into the landscaped grounds. As such, an acceptable level of amenity would be provided for future occupiers of the development.

## **Highway issues:**

The application site is accessed via an existing private driveway from Commercial Road. This is approximately 280m in length and 3.75m in width, with three un-made vehicle passing places along its length.

The application includes access improvements and the provision of a revised car parking layout to provide 18 additional parking spaces

The width and alignment of the driveway at its junction with Commercial Road is to be improved to allow service and emergency vehicles to turn into and out of the proposed improved access. Plans provided for a separate outline application for residential development at Longroyds (2015/93664) (also considered at this Planning Committee) show an identical improvement scheme at the junction with Commercial Road.

These plans show sight lines of 2.4m x 25m to the right and 2.4m x 65m to the left. Whilst it is noted that the sight line to the right is sub - standard it is considered to be a significant improvement when compared to the existing access arrangements which provide sight lines of 10m to the right and 7.5m to the left.

The Pilling Lane access is to be retained to provide access for refuse collection and delivery vehicles, in addition to pedestrian access

As the access is to be improved, which would include surfacing of the access, formal passing places and improved visibility onto Commercial Road which will be of benefit to other Highways users, Officers consider that the proposals

would be acceptable and would comply with the relevant policies with respect to highway safety.

### **Drainage:**

The application form states that surface water will be discharged to the mains sewer. Yorkshire Water has confirmed that there are no objections to the development, subject to the imposition of conditions.

### **Trees:**

The application site contains a series of protected trees along the north western and south western boundary. The submitted details indicate the loss of three trees, however the Council's Trees Officer raises no objections to their removal. The trees to be removed are located away from the road boundary, and as such their loss would not have a significant detrimental impact on the character of the street scene. On this basis, the proposals would accord with Policy NE9 of the Unitary Development Plan.

### **Objections:**

The issues raised in representations are addressed as follows:

#### Highway safety concerns – access alignment, visibility

**Response:** Highway safety matters are addressed above. The application includes improvements to the access and entrance, including visibility. Application ref: 2015/93664 (also to be determined at this Sub-Committee) includes the same improvements and alterations. These improvements are considered to be acceptable and in accordance with Policies D2 and T10 of the Unitary Development Plan.

#### Loss of Privacy to properties on Pilling Lane

**Response:** The proposed development would accord with the requirements of Policy BE12 of the UDP with respect to space about buildings.

#### Concern over which trees will be retained

**Response:** The application is accompanied by a tree survey which details the trees to be removed as part of the development

### **Conclusion:**

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 is therefore recommended for approval.

## **9. RECOMMENDATION**

### **CONDITIONAL FULL PERMISSION**

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development of the superstructure of the building commences and the development shall be constructed of the approved materials.
4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.
5. A scheme of remedial works to improve the condition of the surfacing to the access road and proposed and existing passing places from the development site to Commercial Road (including potholing, patching works and surfacing dressing) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme so approved shall be implemented before the development is brought into use.
6. Development shall not commence until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved in writing by the Local Planning Authority
7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
8. There shall be no piped discharge of surface water from the development prior to completion of the approved surface water drainage works and the building shall not be occupied or brought into use prior to the completion of the approved foul drainage works.
9. The development shall be carried out in complete accordance with the Bat Method Statement and Mitigation Strategy dated 5 December 2014.

10. A comprehensive schedule of landscape management shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall thereafter be carried out in complete accordance with the approved schedule. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

This recommendation is based on the following plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Entrance Realignment	902	A	04.04.16
Site Location Plan			10.05.13
Site Plan	901	E	10.05.13
Elevations	05	B	10.05.13
Ground and First Floor Plans	03	B	10.05.13
Floor Plans	02	B	10.05.13
Site Section	06	B	10.05.13
Second Floor and Roof Layout	04	B	10.05.13
Topographical Survey	8376/1		10.05.13
Topographical Survey	8376/2		10.05.13
Topographical Survey	8376/3		10.05.13
Topographical Survey	8376/4		10.05.13
Topographical Survey	8376/5		10.05.13
Arboricultural Survey Plan			10.05.13
Traffic Statement			10.05.13
Design And Access Statement			10.05.13
Arboricultural Survey Report			10.05.13
Final Bat Method Statement and Mitigation Strategy			05.12.14

**Application No: 2015/93664**

**Type of application: 60 - OUTLINE APPLICATION**

**Proposal: Outline application for residential development**

**Location: Long Royd, Commercial Road, Skelmanthorpe, Huddersfield, HD8 9DX**

**Grid Ref: 423738.0 410578.0**

**Ward: Denby Dale Ward**

**Applicant: C Simmons**

**Agent: Mallalieu Architects Ltd**

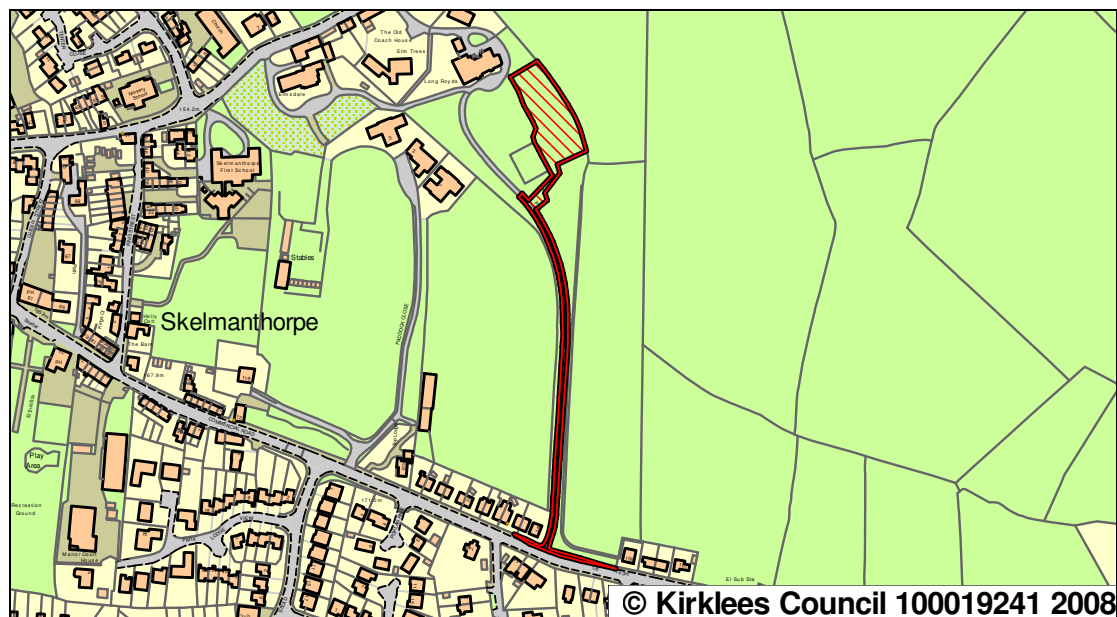
**Target Date: 17-Jun-2016**

**Recommendation: OP - CONDITIONAL OUTLINE PERMISSION**

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

## **LOCATION PLAN**



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

## **1. SUMMARY OF APPLICATION**

This application is for outline permission for a residential development. The land is allocated as Provisional Open Land (POL). In this instance, it is considered by officers that the principle of a residential development is acceptable.

Furthermore, the proposal would have an acceptable level of impact upon the surrounding highway network highway network, visual and residential amenity. Officers recommend approval subject to conditions

### **RECOMMENDATION:**

### **CONDITIONAL OUTLINE APPROVAL**

## **2. INFORMATION**

The application is brought to the Heavy Woollen Planning Sub-Committee as the development proposed would be a departure from the Council's Unitary Development Plan (UDP). This is in accordance with the Council's Scheme of Delegation.

## **3. SITE DESCRIPTION / PROPOSAL**

### **Site Description**

The application site comprises a greenfield piece of land located off Commercial Road, Skelmanthorpe. The land forms a continuation of a manicured garden area associated with the adjacent nursing home (though it is within separate ownership). The surrounding area to the north and east are open fields within the Green Belt. The area of land to the east forms the rest of the wider Provisional Open Land allocation, with a residential development currently under construction. The access to the site is narrow and tree-lined which forms part of its overarching character.

### **Proposal**

Outline permission is sought for a residential development at land off Commercial Road, Skelmanthorpe. At this stage, only the principle of development is being sought with all other matters (access, layout, scale, appearance and landscaping) reserved for a future application.

The submitted red line boundary plan indicates that the development would be accessed via a private drive from Commercial Road. Currently this access serves 3 care homes (Elmsdale, Elm Trees and Long Royds) along with access for no.149 Commercial Road.

The application site is roughly rectangular in shape and is situated along the eastern boundary of the site, in front of 'Long Royds'

#### **4. BACKGROUND AND HISTORY**

2014/91628 – Erection of 85 dwellings and associated infrastructure,  
Approved by Strategic Planning Committee (POL Land on adjacent site)

2013/90881 – Outline application for erection of 3 dwellings, Invalid (incorrect certificates signed)

2013/91499 – Erection of 3 storey care home unit (containing 35 bedrooms),  
alteration to the secondary site access, associated parking provision and  
landscaping. **Subject to determination at this committee.**

#### **5. PLANNING POLICY**

The application site is allocated Provisional Open Land on the Unitary  
Development Plan proposals map.

##### **Kirklees Unitary Development Plan**

D5 – Provisional Open Land (POL)

BE1 – Design principles

BE2 – Quality of design

BE12 – Space about buildings

BE23 – Crime prevention

T10 – Highway safety

T19 – Parking standards

G6 – Contaminated Land

NE9 – Retention of mature trees

##### **National Planning Policy Framework**

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 8 - Promoting healthy communities

Chapter 10 - Meeting the challenge of climate change, flooding and coastal  
change

Chapter 11 - Conserving and enhancing the natural environment

#### **6. CONSULTATIONS**

Below is a summary of the consultation responses received; where  
appropriate these are expanded upon in the assessment section of this report:

**KC Highways Development Management** - No objection in principle subject  
to conditions

**KC Arboricultural officer** – No objections to the principle of a residential development but would require a tree survey and method statement for any subsequent application in order to establish how many dwellings are acceptable.

**KC Environmental Health** – No objections

**KC Flood Management and Drainage**- No objection to the proposal at outline stage but further details are required to be submitted at Reserved Matters stage

**Coal Authority** - No objections subject to conditions

## **7. REPRESENTATIONS**

As a result of the publicity, two letters of objection have been received. A summary of the issues raised are as follows:

- Highway safety concerns with regard to
  1. Visibility
  2. Existing vehicles park on the road
  3. Increased traffic
  4. The entrance improvements are not considered acceptable
- Impact upon protected trees
- Trees marked on the plan are not accurate

## **8. ASSESSMENT**

### **General Principle / Policy:**

The application site forms part of a wider allocation of Provisional Open Land (POL) in the Councils UDP, subject to UDP policy D5. Policy D5 states that: “Planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term”

The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49. In the context of paragraph 215, the wording of Policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49, the Council is currently unable to demonstrate a five year supply of deliverable housing sites.

The weight that can be given to Policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

*“The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”*

The presumption referred to by the Inspector is set out in NPPF paragraph 14 which states that where relevant policies are out-of-date, planning permission should be granted *“unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*. Footnote 9 lists examples of restrictive policies but this does not include policies concerning safeguarded land.

### **Sustainability:**

The National Planning Policy Framework (NPPF) states that the purpose of the planning system “is to contribute to the achievement of sustainable development.” (para 6). It further notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples’ quality of life (para 9).

The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. “Economic, social and environmental gains should be sought jointly and simultaneously through the planning system.” (para 8). The NPPF goes on to stress the presumption in favour of sustainable development. The proposals have been assessed in relation to the three strands of sustainable development as follows:

#### *Economic:*

The proposal will bring economic gains by providing business opportunities for contractors and local suppliers, creating additional demand for local services.

#### *Social:*

There will be a social gain through the provision of new housing at a time of general shortage.

#### *Environmental:*

Whilst the development of a greenfield site represents an environmental loss, compensating environmental gains may be possible through the imposition of

conditions. Although national policy encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

Accessibility is one element of sustainable development but not the ultimate determining factor. Accessibility criteria set out in the revoked Regional Spatial Strategy (RSS table 13.9) provides a useful guide to assess the accessibility of housing development in this location. Although the RSS has been revoked it remains the latest plan which has been subject to public examination and is therefore currently the soundest basis for a paragraph 14 assessment. The tests in this location are as follows:

- Test 1: is there a local service centre within 1200m walking distance?
- Test 2: is there a bus stop within 800m with a service of at least a 30 minute frequency and a journey time of less than 30 minutes (25 minutes bus and 5 minutes walking) to a town centre offering employment, leisure and retail opportunities?
- Test 3: is there a primary school within 1600m? (This equates to a 20 minute walk)
- Test 4: is there a surgery or other primary health facility within 1600m?

The primary access to the site is located approximately 300m away from Skelmanthorpe Local Centre. There are bus stops adjacent to the site entrance, served by routes 80, 81, 82 and 435. Services 80, 81 and 82 combine to provide 3 buses an hour to Huddersfield, with a bus journey time between 35 and 40 minutes to Huddersfield. Service 435 offers a 35 minute service to Wakefield, but this is infrequent. Skelmanthorpe First School is located adjacent to the north west of the site and the site layout shows footpath provision to the school. St Aidan's First School is located 600m walk away from the entrance of the site. Skelmanthorpe Doctors Surgery is located approximately 500m walk away from the site. The site passes tests 1, 3 and 4. In the case of test 2 the journey time to Huddersfield is not considered to represent a significant disadvantage.

Assessing the policies in the national planning policy framework as a whole in accordance with the paragraph 14 test, it is considered that the limited environmental harm arising from the development of this greenfield site is outweighed by the benefits to be gained from the provision of housing.

### **Impact on Amenity:**

#### Visual amenity

The position of the proposed development is relatively isolated and away from the main public vantage points of Commercial Road. There are however, a number of buildings located directly to the north. These are predominantly stone buildings with traditional features and openings.

At this stage, matters relating to appearance, scale and layout are all reserved for a future application and therefore little assessment can be made as to the impact upon the visual amenities of the surrounding area. It is envisaged however, that a proposal could be put forward which harmonised with the surrounding area with regard to design, scale, appearance and materials.

Officers therefore consider that the proposal can be designed so as to comply with current planning policies relating to visual amenities.

### Residential amenity

As this is an outline application with all matters reserved, there are no details provided with regard to the layout of the development however, the application site measures approximately 0.3ha and is clearly of a sufficient size to contain a residential development without impacting upon the amenities of one another.

The closest residential properties not associated with the application site are located to the west on Paddock Close. These dwellings are approximately 55m away meaning that there would be little impact upon the amenities of these properties.

Officers consider that there would be sufficient space internally within the site ensure that a development could be adequately designed so as not to have any detrimental impact upon each other by reason of overlooking, overbearing and over shadowing.

Officers therefore consider that the proposal can comply with current planning policies with regard to impacts upon residential amenities of both existing and proposed dwellings.

### **Highways Issues:**

The site is part of the garden area of Long Royds Residential Home. Permission is sought for outline consent for a residential development with access to the site via an existing private driveway from Commercial Road which currently serves Long Royds Residential Home. This existing driveway which is in poor condition with numerous large potholes is approximately 280m long and an average of 3.75m wide. Three un-made vehicle passing places are provided along the length of this driveway.

It is proposed to widen this access to improve sight lines onto Commercial Road. Service vehicles and delivery vehicles accessing Long Royds would use an existing service access from Pilling Lane. Given the length of the existing driveway service and emergency vehicle access and turning are shown to be provided.

The width and alignment of the driveway at its junction with Commercial Road is to be improved to allow service and emergency vehicles to turn into and out of the proposed improved access. Plans provided for a separate application at

Longroyds and Pilling house Care Home 2013/91499 (also considered at this planning committee) show an identical improvement scheme at the junction with Commercial Road.

These plans show sight lines of 2.4m x 25m to the right and 2.4m x 65m to the left. Whilst it is noted that the sight line to the right is sub - standard it is considered to be a significant improvement when compared to the existing access arrangements which provide sight lines of 10m to the right and 7.5m to the left.

Given that the access is to be improved which would include surfacing of the access, formal passing places and improved visibility onto Commercial Road, which will benefit to other highway users officers consider that this proposal to be acceptable and would comply with current planning policies with regard to highway safety.

### **Environmental Issues (Air Quality):**

In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of electric car charging points is recommended. This would be in accordance with the aims of the NPPF.

### **Environmental Issues (Historic Coal Mining):**

The application site falls within the defined high risk area for historic coal mining. The application is accompanied with a site specific coal mining risk assessment. This report has been informed by an appropriate range of sources of information including; geological plans, BGS borehole data and a Coal Mining Report. Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment Report concludes that there is a potential risk to the development from past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues on the site. In the event that shallow mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required. Subject to conditions, the application would comply with current planning policies with regard to historic coal mining.

### **Flood risk/ Drainage:**

The application form states that surface water will be discharged to the mains sewer. The applicant should consider the hierarchy of suds and demonstrate that sustainable drainage, infiltration and discharge to a watercourse has been explored first. Given that this is an outline application, there are no objections in principle to the development with regard to drainage/flood risk subject to conditions. The application would therefore comply with current planning policies.

## **REPRESENTATIONS**

The issues raised in representations have been considered as follows:

Highway safety concerns with regard to

- Visibility
- Existing vehicles park on the road
- Increased traffic
- The entrance improvements are not considered acceptable

**Response:** This has been addressed within the main report. The application includes a number of improvements to the access and entrance (including the visibility). These improvements are considered to be a benefit to all users and are considered acceptable.

Impact upon protected trees

**Response:** As this is an outline application with all matters reserved, no comment can be made with regard to the position of the proposed dwellings and their relationship to the protected trees. However, any subsequent Reserved Matters application would need to fully assess this impact including a tree survey/method statement.

Trees marked on the plan are not accurate

**Response:** Amended plans have been received which now accurately indicate the position of the trees

### **Conclusion:**

The proposal complies with current planning policies and there will be no adverse impact in terms of visual or residential amenities or highway safety and for the reasons detailed above it is considered that (subject to the imposition of appropriate conditions) the proposal is acceptable. 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 is therefore recommended for approval.

## **9. RECOMMENDATION**

### **CONDITIONAL OUTLINE APPROVAL:**

1. Approval of the details of the layout, access, appearance, landscaping and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, access, appearance, landscaping and scale shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
5. Development shall not commence until actual or potential land contamination at the site, including historic coal mining legacy, has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.
6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 with regard to land contamination or historic coal mining activity, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.
7. Where site remediation with regard to land contamination and/or historic coal mining activity is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise approved in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

10. Before development is first brought into use, the site access shall be re-aligned as shown on plan number 2279/6a and the wall to the Commercial Road site frontage shall be reduced to a height not exceeding 0.9m above the level of the adjoining highway and the sightlines of 2.4m x 25m to the west and 2.4 x 65m to the east shall be cleared of all other obstructions and shall thereafter be retained free of any such obstruction.

11. Before any dwelling is occupied turning facilities shall be provided in accordance with details that have previously been approved in writing by the Local Planning Authority. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

12. A scheme of remedial works to improve the condition of the surfacing to the access road and proposed and existing passing places from the development site to Commercial Road (including potholing, patching works and surfacing dressing) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme so approved shall be implemented before the development is brought into use.

13. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

14. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

15. Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed.

This recommendation is based on the following plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Coal Mining Risk Assessment	MCS 3238		27 <sup>th</sup> Jan 2016
Design and access statement			8 <sup>th</sup> Dec 2015
Site location plan	2279/4		17 <sup>th</sup> March 2016
Existing site entrance plan	2279/2		8 <sup>th</sup> Dec 2015
Proposed site entrance plan	2279/3	A	24 <sup>th</sup> March 2016

**Application No: 2016/91013**

**Type of application: 49 - GENERAL REGULATIONS REG.4**

**Proposal: Formation of wheel park**

**Location: Recreation Ground adj, Burton Acres Lane, Highburton, Huddersfield, HD8**

**Grid Ref: 419875.0 413280.0**

**Ward: Kirkburton Ward**

**Applicant: Maryke Woods, Kirklees Council, Streetscene**

**Agent:**

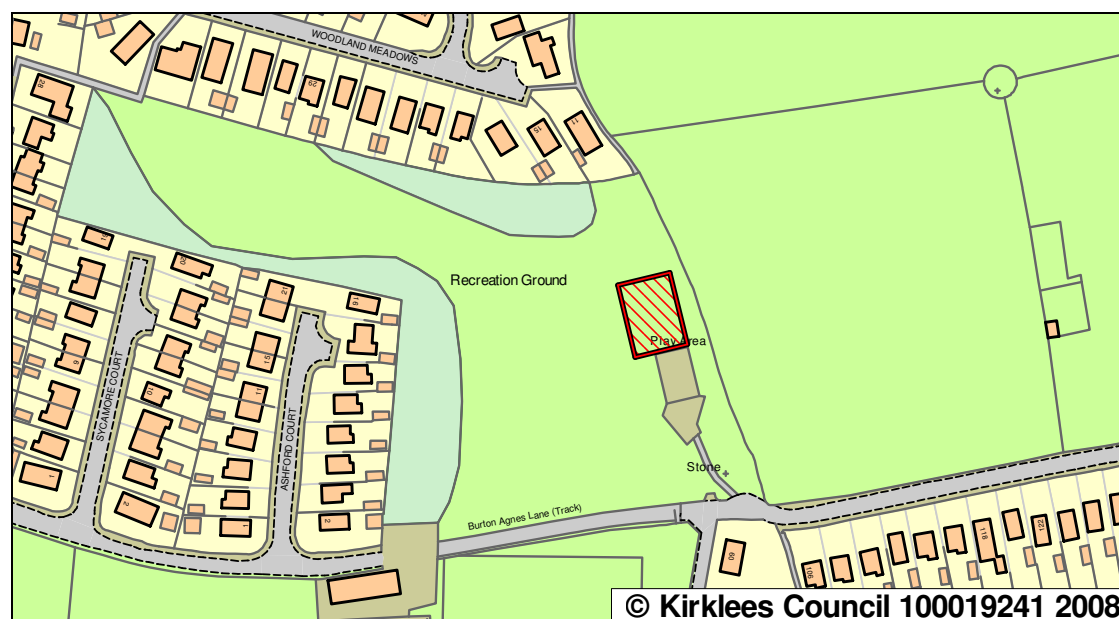
**Target Date: 08-Jun-2016**

**Recommendation: GR2 - GRANT UNDER REG.4 GENERAL REGULATIONS**

**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**

## **1. SUMMARY OF APPLICATION**

The application seeks permission for the formation of a skate park on land to the north of the existing children's playground in Highburton Recreation Ground.

On the basis of the submitted information, Officers recommend grant under regulation 4.

## **2. INFORMATION**

The application is brought to the Heavy-Woolen Planning Sub-Committee due to requests from Ward Councillors John Taylor and Bill Armer, as well as the high level of public interest in the proposed development.

Councillor John Taylor states: if you 'are minded to recommend approval of this revised application that the matter be referred to Committee and a site visit undertaken so that Councillors can get a sense not only of the distances from local properties but also the topography and feel of the location which is impossible to do purely from photos or plans.'

Councillor Bill Armer states: 'This amended application is extremely contentious, and raises passions on all sides. I am also concerned that there is a need for the greatest transparency in the decision making process, the more so since the application comes from KMC. For these reasons, I request that the matter is referred to Committee for decision.'

The chair of Sub-Committee has confirmed that Councillor Taylor and Armer's reasons for making this request are valid having regard to the Councillor's Protocol for Planning Sub-Committees.

## **3. SITE DESCRIPTION / PROPOSAL**

### **Site Description**

The application site forms part of Highburton Recreation Ground, located off Burton Acres Lane in Highburton. An existing children's play area is to the south of the application site and playing fields located to the west. The land level falls slightly to the north of the children's play area and the site area has an uneven topography. The land contains vegetation and several trees.

Public right of way (KIR/70/10) is located to the east of the Recreation Ground and runs adjacent to the application site, providing access from Burton Acres Lane and Burton Agnes Lane (track) to Woodland Meadows and continuing in a northerly direction.

Along the northern and western boundaries of the Recreation Ground are the dwellings of Woodland Meadows and Ashford Court respectively. To the south east are the dwellings of Hallas Road and Burton Acres Lane. Three tennis courts and a football pitch lie to the south of the Recreation Ground. A small parking area lies to the west of Burton Agnes Lane which takes vehicular access from the west. The nearest residential dwelling is no. 11,

Woodland Meadows which is just over 45m from the northern boundary of the application site, with a distance of approximately 40m to the rear elevation of the conservatory.

### **Proposal**

Planning permission is sought for the formation of a wheel park. This would have a site area of 450sqm and would measure approximately 25m in length and 18m in width.

Exact details of the proposed wheel park's design, appearance and layout have not been submitted. A photomontage showing examples of similar developments has been submitted to provide an indication of the type of development that is sought.

The wheel park would be surfaced in concrete with ramps and boxes also being made from concrete. Any balustrade or railings would be constructed from steel.

No floodlighting is proposed.

### **4. BACKGROUND AND HISTORY**

2015/93304 – Formation of wheel park (within a different part of Highburton Recreation Ground) – withdrawn.

### **5. PLANNING POLICY**

The site is allocated as Urban Greenspace on the UDP proposals map.

#### **Kirklees Unitary Development Plan**

D3 – Urban Greenspace

BE1 – Design principles

BE2 – Quality of design

R1 – New Recreational Facilities (Strategy)

R13 – Right of Ways and Public Access Areas

EP4 – Noise Sensitive Development

T10 – Highway safety

#### **National Planning Policy Framework**

Chapter 7 – Requiring good design

Chapter 8 – Promoting healthy communities

Chapter 11 – Conserving and enhancing the natural environment

## **6. CONSULTATIONS**

Below is a summary of the consultation responses received; where appropriate these are expanded upon in the assessment section of this report:

**Sport England** – support the application

**KC Environmental Health** – no objection

**KC Highways Development Management** – no objection

**KC Public Right Of Way (PROW)** – no objection subject to a condition requiring full details of the design, appearance and layout to be submitted and approved before development commences and a footnote adding stating that the PROW shall remain unaffected.

**KC Arboricultural officer** – No objection subject to a condition requiring details of a landscaping scheme including re-planting of trees to be submitted and approved before development commences.

**KC Flood Management and Drainage** – no comment due to the scale and nature of the development.

**Police Architectural Liaison Officer** – no objection in principle. The Police wish to put on the record their concerns about additional noise/anti-social behaviour that the development may generate at a time when police resources are reducing.

## **7. REPRESENTATIONS**

The application was advertised by neighbour letters, press notice, and site notices. As a result of the publicity, 151 representations have been received.

- Against – 120;
- In support – 22;
- General comments or questions – 9

Councillor Taylor, Councillor Barraclough and Councillor Armer have all expressed interest in this application. MP Paula Sherriff is in support of the application.

The issues raised in the representations are summarised as follows:

- Visual impact
  - Concrete is unsympathetic to the surroundings
  - Scale
  - Lack of screening
  - Loss of greenspace
  - Impact on character of the Recreation Ground
- Impact on Ecology
  - Loss of Trees
  - Impact on habitats including bats

- No demonstrated need for the skate park – will just target a minority and there are other skate parks in Meltham and Skelmanthorpe for example
- Lack of detailed plans
- Other sites have not been explored properly by the applicant
- Further houses are going to be built and the open green space is necessary
- Residential Amenity
  - Noise and a belief that the noise report is flawed
  - The skate park in Skelmanthorpe had to be moved further away from residential properties
- Litter
- Fears of anti-social behaviour and crime
  - No natural surveillance of the site
  - Youths may congregate within the passageway between the site and Woodland Meadows
  - Drink and substance abuse
  - Graffiti
  - Existing anti-social behaviour issues in the area
  - Unauthorised vehicles driving across the site to the wheel park
  - Police resources are reduced
  - Youths may use the site after dark
- Highway safety
  - Inadequate parking facilities for youths who may be transported to the site
  - Parking cars may cause congestion and block driveways
  - Drives of the elderly may be blocked
  - Parking spaces are often full with users of the football and tennis club
  - Infrequent buses in the evening and at weekends
  - No emergency access to the area
  - Narrow roads with blind bends close to the site
- Drainage concerns
- Detrimental impact on users of the playground in terms of intimidation and safety
- Concern regarding funding cuts in terms of long term maintenance
- Impact on property values
- Ownership issues

- Covenant on the land
- No public toilets
- Little support for the development in the local community
- Health and Safety including emergency access
- Previous planning application submitted around 10 years ago for the formation of a BMX track on the same piece of land was rejected by the Council
- Construction traffic may damage the recreation ground
- Inaccuracies in the submitted information

Kirkburton Parish Council: object to the application on the following grounds:

- Call for an independent noise survey to be carried out;
- Too close to the houses on Woodland Meadows and would have a detrimental impact on residential and visual amenity;
- Detrimental impact on children's playing facilities;
- Flooding;
- Inadequate parking provision;
- Alternative site should be found.

An objection from the Friends of Highburton Recreation Ground, who state that they represent 240 people, object to the proposal on the grounds of residential amenity due to their concerns regarding the noise impact of the proposed development.

The statements of support are submitted on the following grounds:

- Application for a recreational use in a recreation ground is appropriate development
- Funds have been raised through the hard work of children and adults involved
- Level of funds raised is indicative of the strength of support for the facility
- Site is large enough to accommodate the wheel park
- Children will benefit from additional facilities
- Good use of the space
- Positive effect on young people
- Facilities would be widely used
- May reduce anti-social behaviour
- Minimal costs to the Council in terms of maintenance
- The facilities are located away from housing
- No highway safety implications
- No floodlighting proposed
- Much needed and desired community facility

- Free to use
- Children in the village have to travel to other areas to access such a facility
- The wheel park would complement the other play facilities in the recreation ground and reach a wider age group of children
- Noise report shows no significant adverse impacts
- Promotes health and exercise
- Support from Sport England
- Children in the village are support using scooters and skate boards on the street which is not safe

One of the representations in support includes a statement from a young persons' focus group which consists of 14 no. young people between the age of 12 and 17 years.

## **8. ASSESSMENT**

### **Principle of Development:**

The site is designated as Urban Greenspace on the UDP proposals map. As such, Policy D3 is of relevance which states that proposals for development on this land will not be acceptable unless it is necessary for the continuation or enhancement of established uses or would result in a specific community benefit whilst protecting visual amenity, wildlife value and opportunities for sport/recreation.

Chapter 8 of the NPPF is also applicable, with particular regard to paragraph 74. Indeed it is considered that Policy D3 of the UDP is predominantly in conformity with the NPPF, except in respect of providing community benefit. The type of community benefit permissible under Policy D3 is more than NPPF paragraph 74 would allow, except where replacement open space or alternative sport and recreation provision is proposed; which is the case in this instance.

In addition to the above, Sport England has been consulted on this application. They are satisfied that the development proposal meets their Exception Policy E3, concluding that application would be 'only affecting land incapable of forming a pitch'.

As such, Officers are satisfied that the principle of this development, which will provide an alternative recreational use within the wider recreation ground, would comply with the national guidance of paragraph 74 of the NPPF in terms of sporting/recreational opportunities, Policy D3 of the Kirklees UDP in terms of providing community benefit and would not prejudice any land which could form a sports pitch in the context of Sport England's policy. Officers are therefore satisfied that the principle of development is acceptable and would accord with relevant development plan policies and national planning policy.

### **Impact on Visual Amenity:**

Officers consider that the proposed development would have an acceptable impact on visual amenity. The photomontage demonstrates the type of

scheme that the applicant is aiming to achieve and this is typical of the type of facilities that are found within recreation grounds. The applicant has stated that the wheel park, including ramps and boxes, would be constructed from concrete which is, again, a common material for this type of development. Particularly when considered in the context of the existing children's play facilities, Officers consider that the proposed wheel park would not appear out of place within the Recreation Ground.

As no precise details regarding the scale and design have been submitted, Officers recommend that a condition be imposed which restricts any excavation works to a maximum depth of 1.0m from the existing ground levels and restricts any structures to be built above the ground to a maximum height of 1.8m from existing ground levels. Working within these parameters would result in an acceptable impact on visual amenity.

A condition requiring details of a soft landscaping scheme to be submitted and approved has been recommended as per the comments of the Council's Arboricultural Officer as discussed in a proceeding section. Officers consider that some low level soft landscaping around the skate park would help to soften its appearance.

In summary, Officers consider that the proposed development would be acceptable in terms of visual amenity and compliant with Policies BE1 and BE2 of the Kirklees UDP as well as the aims of Chapter 7 of the NPPF.

#### **Impact on Residential Amenity:**

The properties of Woodland Meadows, Ashford Court, Hallas Road and Burton Acres Lane are located within close proximity to the Recreation Ground. The closest residential property is no. 11, Woodland Meadows; the rear elevation of this property is positioned around 45m from the northern boundary of the proposed wheel park, with a distance of approximately 40m to the rear elevation of the conservatory.

A noise report has been undertaken by Idibri and submitted alongside this application. The content of this has been reviewed by the Environmental Health department who are satisfied with its methodologies and conclusion. They would not wish to resist the grant of planning permission on the grounds of noise nuisance and conclude that the proposed wheel park would have a satisfactory impact on residential amenity. Officers recommend that a condition is included requiring the development to be undertaken in accordance with the content of this document.

During the course of the application, The Friends of Highburton Recreation Ground commissioned and submitted a separate noise report which concluded that the proposed development would have an unacceptable impact on residential amenity. This document has been reviewed by the Environmental Health department and a response submitted by Idibri. Environmental Health acknowledges the lack of specific guidance for assessing the noise impact of skate parks and the flaws contained within both reports. However, the Environmental Health concludes, based on the submitted information and on practical experience, that the proposed

development would have an acceptable impact on residential amenity with respect to noise.

No floodlighting is proposed under this application and Environmental Health has stated that they would not want the site to be lit as such. If the applicant wanted to add flood lighting at a later date, this would be subject to a further planning application which would be determined on its own merits.

In order to minimise noise disturbance during the construction phase of the development, Officers recommend a footnote is added to the decision notice recommending hours of working to the developer.

In summary, Officers are satisfied that the proposed development would have an acceptable impact on the residential amenity of occupants of surrounding properties. The application is considered to comply with Policy EP4 of the Kirklees UDP as well as the aims of Chapter 11 of the NPPF, which states at paragraph 123 that planning decisions should aim to 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'.

#### **Impact on Highway Safety:**

The Recreation Ground is situated off Burton Acres Lane. This section of road has been closed to through traffic with bollards at the western end and a wooden gate to the east. This bollard lifts out and construction traffic will enter the site this way. This is an existing recreation ground which is located within easy walking distance of a number of properties within Highburton. The application has been reviewed by KC Highways Development Management who conclude that the proposal will not generate a significant amount of traffic and do not wish to resist the grant of planning permission.

As such, the application is acceptable in terms of Highway Safety and compliant with T10 of the Kirklees UDP.

#### **Impact on the Public Right of Way (PROW):**

Public right of way (KIR/70/10) runs vertically through the east of the Recreation Ground and the proposed development would run adjacent to this footpath. The PROW department was consulted on the application and the PROW Officer has raised concerns due to the lack of detailed plans demonstrating layout, scale and appearance. The PROW Officer put forward an objection to the scheme unless a condition was added requiring such details to be submitted before development commences. Officers consider that the imposition of this condition is reasonable and necessary to allow the PROW Officer to adequately assess the impact on users of the adjacent PROW. The PROW Officer also requested that the standard footnote relating to obstruction of a PROW be added to the decision notice if approval of the scheme was recommended.

Subject to the imposition of the aforementioned condition and footnote, the application is considered to be acceptable in the context of Policy R13 of the Kirklees UDP.

### **Crime and Anti-social Behaviour:**

The application has been reviewed by the Police Architectural Liaison Officer who has undertaken consultation with the Local Neighbourhood Policing Team Inspector. West Yorkshire Police have commented that they consider the proposed location to be suitable for a wheel park and raise no objection to the scheme. They would, however, like to put on record their concerns that any additional noise nuisance or anti-social behaviour that would need policing would generate more calls to the Police at a time when resources are reducing and Officers are less readily equipped to deal with such incidents.

In their consultation response, Sport England has acknowledged that the proposed development could bring activities to engage young people which may in turn reduce crime and anti-social behaviour. This theme is echoed by several people who are in support of the application.

As no objection is raised by the Police, the application is considered to comply with the requirements of Chapter 8 of the NPPF in terms of promoting healthy neighbourhoods and reducing crime.

### **Ecology:**

An area of vegetation and several trees would require removal to make way for the proposed wheel park. The application has therefore been reviewed by the Council's Arboricultural Officer who has no objection to the loss of these trees subject to the inclusion of a condition requiring details of a landscaping scheme to be submitted and approved by the Council to include replacement tree planting within the site or wider Recreation Ground before development commences.

In relation to wildlife value, the impact of the proposed development is considered to be minimal due to the size of the area and quality of the existing vegetation. Low level planting around the skate park can also be secured through the landscaping scheme.

As such, subject to the inclusion of the above described condition, the proposal would have an acceptable impact on Trees and would comply with the aims of Chapter 11 of the NPPF in terms of protecting the natural environment.

### **Drainage:**

As the proposal comprises concreting above an area of land that is currently undeveloped, KC Flood Management and Drainage was consulted on the application. They have reviewed the application and, due to its scale and nature, have confirmed that they have no comment on the scheme.

As such, the proposal complies with the aims of Chapter 11 of the NPPF in terms of flood risk.

## **REPRESENTATIONS**

The application was advertised by neighbour letters, press notice, and site notices. As a result of the publicity, 151 representations have been received.

- Against – 120;
- In support – 22;
- General comments or questions – 9

The issues raised in the representations are summarised as follows:

- Visual impact
  - Concrete is unsympathetic to the surroundings
  - Scale
  - Lack of screening
  - Loss of greenspace
  - Impact on character of the Recreation Ground

Response: this is addressed within the Visual Amenity section of the report. The size of the application site is considered acceptable relative to the size of the recreation ground with green space to the west of the application site being retained for further recreational uses.

- Impact on Ecology
  - Loss of Trees
  - Impact on habitats including bats

Response: this is addressed within the ecology section of the report. The vegetation to be affected is not considered to have bat roost potential.

- No demonstrated need for the skate park – will just target a minority and there are other skate parks in Meltham and Skelmanthorpe for example

Response: not a material planning consideration. The proposed development is considered appropriate within the context of the Recreation Ground adjacent existing children's play facilities.

- Lack of detailed plans

Response: a condition is recommended requiring these details to be submitted for planning approval prior to the commencement of development.

- Other sites have not been explored properly by the applicant

Response: not a material planning consideration. The submitted application will be determined on its own planning merits.

- Further houses are going to be built and the open green space is necessary

Response: Officers consider that the scale of the wheel park is acceptable and open green space will be retained for other uses.

- Residential Amenity
  - Noise and a belief that the noise report is flawed
  - The skate park in Skelmanthorpe had to be moved further away from residential properties

Response: the impact on residential amenity is addressed in the report.

- Litter

Response: the applicant has confirmed that litter bins will be provided as a part of the development.

- Fears of anti-social behaviour and crime
  - No natural surveillance of the site
  - Youths may congregate within the passageway between the site and Woodland Meadows
  - Drink and substance abuse
  - Graffiti
  - Existing anti-social behaviour issues in the area
  - Unauthorised vehicles driving across the site to the wheel park
  - Police resources are reduced
  - Youths may use the site after dark

Response: consultation with the Police Architectural Liaison Officer has been undertaken and no objection is raised. This is addressed in the report.

- Highway safety
  - Inadequate parking facilities for youths who may be transported to the site
  - Parking cars may cause congestion and block driveways
  - Drives of the elderly may be blocked
  - Parking spaces are often full with users of the football and tennis club
  - Infrequent buses in the evening and at weekends
  - No emergency access to the area
  - Narrow roads with blind bends close to the site

Response: the application has been reviewed by Highways Development Management who has visited the site and raise no objection to the scheme.

- Drainage concerns

Response: consultation with KC Flood Management and Drainage was undertaken who have no comments due to the nature and scale of the proposal.

- Detrimental impact on users of the playground in terms of intimidation and safety

Response: the Police Architectural Liaison Officer was consulted on the application and raises no objection. It is considered that the proposed facilities would complement the existing children's play facilities

- Concern regarding funding cuts in terms of long term maintenance

Response: the applicant has confirmed that the Council have agreed to be responsible for maintenance if planning permission is granted. As there is an existing play facility adjacent to the site visits to the area would already have been made. The nature of the development means that the wheel park will be low maintenance.

- Impact on property values

Response: not a material planning consideration

- Ownership issues

Response: The Council's Legal Officer has confirmed that the Council is the registered proprietor. The legal ownership of the recreation ground vests in the Council although it is held on trust for a charitable trust.

- Covenant on the land

Response: this is a legal matter, not a material planning consideration.

- No public toilets

Response: not a material planning consideration.

- Little support for the development in the local community

Response: each application must be assessed on its individual planning merits.

- Health and Safety including emergency access

Response: The applicant has confirmed that the wheel park will be designed and constructed in accordance with EU regulations for such development. Whilst the wheel park would be set away from the roads, this is also true of

the existing play facilities and it is considered that the emergency services would find a way of accessing the site in event of an emergency.

- Previous planning application submitted around 10 years ago for the formation of a BMX track on the same piece of land was rejected by the Council

Response: there is no planning history for such a development proposal on the site.

- Construction traffic may damage the recreation ground

Response: if necessary, a condition can be added for remediation of the site.

- Inaccuracies in the submitted information which may be misleading

Response: all information has been reviewed by Officers and relevant consultees and a site visit has been undertaken by Officers who are fully aware of the context of the site.

Kirkburton Parish Council: object to the application on the following grounds:

- Call for an independent noise survey to be carried out;
- Too close to the houses on Woodland Meadows and would have a detrimental impact on residential and visual amenity;
- Detrimental impact on children's playing facilities;
- Flooding;
- Inadequate parking provision;
- Alternative site should be found.

Response: all of these points have been addressed and responded to above.

An objection from the Friends of Highburton Recreation Ground, who state that they represent 240 people, object to the proposal on the grounds of residential amenity due to their concerns regarding the noise impact of the proposed development. The noise impact of the proposed development is discussed in detail in the report.

The statements of support are submitted on the following grounds, which are noted:

- Application for a recreational use in a recreation ground is appropriate development
- Funds have been raised through the hard work of children and adults involved
- Level of funds raised is indicative of the strength of support for the facility
- Site is large enough to accommodate the wheel park
- Children will benefit from additional facilities
- Good use of the space

- Positive effect on young people
- Facilities would be widely used
- May reduce anti-social behaviour
- Minimal costs to the Council in terms of maintenance
- The facilities are located away from housing
- No highway safety implications
- No floodlighting proposed
- Much needed and desired community facility
- Free to use
- Children in the village have to travel to other areas to access such a facility
- The wheel park would complement the other play facilities in the recreation ground and reach a wider age group of children
- Noise report shows no significant adverse impacts
- Promotes health and exercise
- Support from Sport England
- Children in the village are support using scooters and skate boards on the street which is not safe

One of the representations in support includes a statement from a young persons' focus group which consists of 14 no. young people between the age of 12 and 17 years.

### **Conclusion:**

As detailed in the above sections of the report, Officers consider that the proposed development complies with the aims of both local and national level policy. The proposed development is considered to provide a community facility that would enhance the sustainability of the community. Whilst constituting development of an open space, it will provide alternative recreational provision which outweighs the loss of this area of land which is incapable of providing or forming part of a sports pitch in its own right. It will protect visual amenity, wildlife value and opportunities for sport/recreation. Furthermore, with the inclusion of appropriate conditions, visual and residential amenity will be protected and so will users of the public right of way.

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 is therefore recommended for approval.

## **9. RECOMMENDATION**

### **GRANT UNDER REGULATION 4**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. Development shall not commence until details of the appearance and layout of the wheel park hereby approved have been submitted and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.
4. Development shall not commence until details of the proposed boundary treatment have been submitted and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details before the wheel park is first brought into use and thereafter retained.
5. Any structure to be erected to form the wheel park shall not exceed 1800mm in height from the existing ground levels and any required excavation shall have a maximum depth of 1000mm from the existing ground level.
6. Notwithstanding the submitted plans and information, development shall not commence until a landscaping scheme, along with timetable for the planting, has been submitted to and approved in writing by the Local Planning Authority. This shall include low level planting surrounding the wheel park and replacement tree planting within the wider recreation ground. The development shall then be undertaken in accordance with an approved scheme and be thereafter retained as such.

This recommendation is based on the following plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	-	-	30 <sup>th</sup> March 2016
Site Plan	-	-	30 <sup>th</sup> March 2016
Photomontage showing examples of wheel parks	-	-	30 <sup>th</sup> March 2016
Design and Access Statement	-	-	30 <sup>th</sup> March 2016
Noise Report prepared by Idibri dated 13 <sup>th</sup> April 2016	-	-	13 <sup>th</sup> April 2016

**Application No: 2015/94005**

**Type of application: 62HH - FULL APPLICATION**

**Proposal: *Erection of extensions and raised roof***

**Location: 19, Overhall Park, Mirfield, WF14 9JP**

**Grid Ref: 420679.0 420714.0**

**Ward: *Mirfield Ward***

**Applicant: *D & K Hiu & Wang***

**Agent: *John Whittlestone, John Whittlestone Associates Ltd***

**Target Date: *17-Jun-2016***

**Recommendation: *FC - CONDITIONAL FULL PERMISSION***

**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**

## **1. SUMMARY OF APPLICATION**

The design, scale and detailing of the proposed roof enlargement, two storey rear extension and the single storey rear extensions would not have a significantly detrimental impact in terms of visual amenity with respect to both the character of the host property and the wider area. The reduced scheme is not considered to be harmful to the setting of the neighbouring listed building, Over Hall. Furthermore, there would be no unacceptable harm caused to the amenities of the occupiers of the neighbouring properties. As such, it is considered by officers that the scheme complies with policies D2, BE1, BE13 and BE14 of the Kirklees Unitary Development Plan and the aims of chapters 7 and 12 of the National Planning Policy Framework.

### **RECOMMENDATION:**

### **CONDITIONAL FULL PERMISSION**

## **2. INFORMATION**

The application is reported to the Heavy Woollen Planning Sub-Committee following a request received from Ward Councillor Martyn Bolt, which states: *“This application still causes concern to residents and myself in terms of visual and residential amenity. Please can this be determined by committee and I would like to request a site visit prior to the meeting for committee to see the location for themselves.”*

The Chair of the Sub Committee has confirmed that this reason is/is not acceptable having regard to the Councillors’ Protocol for Planning Sub Committees.

## **3. SITE DESCRIPTION / PROPOSAL**

### **Site Description**

19 Over Hall Park is a detached dwelling constructed from natural stone in a random formation. The property has a two storey appearance from the front elevation and dormer style storey and half in appearance from the rear elevation. The property is accessed via a small private drive and has gardens to the front, sides and rear. The dwelling has a detached double garage to the front.

The dwelling is located in an area which is wholly residential although there is some diversity in age, style and pallet of the neighbouring properties. Furthermore the host property is located in proximity to the neighbouring listed building, Over Hall.

### **Proposal**

Planning permission is sought for the enlargement of the rear roof, erection of a two storey rear extension and single storey rear extensions. The scheme has been reduced since the initial submission with the removal of a two storey

side extension which was proposed to the eastern side and the reduction in the extent of the roof alterations proposed.

The existing rear dormers would be replaced by enlarging the roof space to form a first floor extension. This would be achieved by building up the existing rear wall of the property and utilising a lean to roof form set down from the apex of the main roof. The eaves height of the rear elevation of the dwelling would increase from 2.5m to 5.3m. The first floor windows formed would be Juliet balconies with full height windows and brushed stainless steel hand rails at a height 1.1m.

The two storey rear extension would replace the existing porch with a projection of 2.4m from the original rear wall of the dwelling and a width of 3.5m. The extension would be set in 4m from the western side of the dwelling and 4.3m from the eastern side of the dwelling with a perpendicular pitched roof form. The plans do show the formation of a Juliet balcony in the rear elevation at first floor level with brushed stainless steel handrails at a height 1.1m.

The single storey rear extensions would be located to each side of the two storey extension. The projections would be 2.4m from the original rear wall and the width of the eastern extension would be 4.3m whilst the western extension would have a width of 4m. The roof form would be flat with a parapet and lantern. The rear elevations would each host bi-folding doors.

The external walls of the extensions would be constructed using natural stone and the roof covering would be tiles for the two storey rear extension and glass reinforced plastic for the roof over the enlarged rear section and the sections of the flat roofs of the single storey rear extensions not covered with the lanterns.

#### **4. BACKGROUND AND HISTORY**

2015/93019 – Erection of extensions and raised roof to form additional storey  
– Refused for design reasons, impact on neighbours and impact on the listed building

#### **5. PLANNING POLICY**

The application site is unallocated on the Kirklees Unitary Development Plan proposals map.

#### **Kirklees Unitary Development Plan**

D2 – Unallocated land

BE1 – Design principles

BE13 – Extensions to dwellings (design principles)

BE14 – Extensions to dwellings (scale)

T10 – Highway Safety

T19 – Parking

## **National Planning Policy Framework**

Chapter 7 – Requiring good design

Chapter 12 – Conserving and enhancing the historic environment

### **Other Guidance**

Mirfield Design Guide 2002

## **6. CONSULTATIONS**

**K.C. Conservation & Design** – Informal discussions in support of the reduced scheme.

## **7. REPRESENTATIONS**

The initial submission was publicised by site notice and neighbour letters.

5 representations were received from residents in response to the initial consultation period. Further representations were received from Mirfield Town Council and Cllr Martyn Bolt. The concerns raised are summarised as follows:-

- The extensions will look out of place,
- Reduce light to neighbouring properties,
- Overbearing, intrusive and out of scale,
- Loss of privacy,
- Does not conform to Mirfield Design Guide.

After negotiations with the agent, amended plans were submitted reducing the scale of the extension. Neighbours were notified by post of the changes with an opportunity to comment.

4 responses were received to the amended scheme from two of the residents. The concerns are outlined below:-

- Overbearing, intrusive and out of scale,
- Loss of privacy to the neighbours as a result of windows within the western side elevation,
- Loss of privacy as a result of the formation of Juliet balconies on the rear elevation,
- Out of character.

## **8. ASSESSMENT**

### **General Principle:**

The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

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

### **Impact on the neighbouring listed building:**

The development has the potential to impact on the setting of the adjacent Listed Building by virtue of its proximity. As such the proposals should be assessed having regard to chapter 12 of the NPPF.

The property sits close to a grade 2 listed building, Over Hall (Listed building reference no.DM2/118). The setting has already been compromised with the existing development. Whilst the previous application would have increased bulk and mass of the proposed extensions which would have further harmed the setting of the Listed Building, the current application is not proposing any increase in the height of the dwelling. The resultant dwelling would not now compete with the prominence of Over Hall and is now considered to be acceptable in terms of the aims chapter 12 of the NPPF. Furthermore it was considered appropriate to consult with the Conservation Officer informally; who also consider that the impact on the setting of the listed building would be negligible and would now support the scheme.

### **Impact on Amenity:**

#### **Visual amenity**

Over Hall Park is a residential development of detached homes which was constructed within the grounds of the listed Over Hall in the latter half of the twentieth century. Extending the host property may be considered to be acceptable dependent upon design, scale, and detailing.

Although elements of the proposal could be constructed under permitted development, details have been included in the submitted plans and as such should be assessed in terms of planning policy. Therefore the scheme under consideration consists of three distinct elements, these shall be addressed below.

### *Roof enlargement*

The properties on Over Hall Park and the adjacent Overhall Road are not uniform in terms of design, size or pallet of materials. There is no overriding design for the area and as such, the host property is in a position to make changes to its design that might not be appropriate elsewhere. The existing rear dormers would be replaced with a roof enlargement which will form a first floor to the rear of the dwelling utilising stone for the walling to form a cohesive relationship with the main house. The detailing on plan includes the use of a false barge board at the level of the existing eaves which would delineate the original house and the extensions. The use of a low level lean to roof form allows the development to form a subordinate addition relative to the scale of the host property. Furthermore, restricting the alterations to the rear of the dwelling does allow the principal elevation of the property to retain its character.

The scheme does show the use of Juliet balconies which would to a certain extent be concealed behind the lanterns proposed in the roofs over the single storey extensions (also proposed). As the openings have been designed to follow through the roof enlargement, the two storey extension and the single storey extensions, this is considered to be acceptable in terms of visual amenity.

In this instance, consideration is also given to what can be constructed in terms of the roof without the need for planning permission. Although permitted development rights for domestic properties would allow for a significant roof enlargement, the proposal under consideration would exceed the limitations of the General Permitted Development Order as the resultant roof space would exceed the 50 cubic metres set out in Schedule 2, Part 1, Class B with a resultant roof space of approximately 70 cubic metres. As the roof alterations can be segmented into the western section (20 cubic metres), the eastern section (21.5 cubic metres) and the central section (30.3 cubic metres), there is potential for the applicant to only construct part of the roof enlargements. Indeed, discussions with the agent have confirmed that the applicant would carry out the western and central enlargement if this application fails. This does form somewhat of a fall-back position to supporting the development as the Local Planning Authority would then be able to retain a level of control it would not otherwise have.

On balance, given the appropriate design, scale and use of materials, together with the fall-back position under permitted development, the roof enlargement can be considered to be acceptable in terms of visual amenity.

### *Two storey rear extension*

A two storey rear extension could be built without the need for planning permission providing less than 50% of the curtilage of the dwelling is covered, the extension is not higher than the existing house, the eaves of the extension are no more than 3m high if the extension is within 2m of the boundary (which the proposed extension is not), the eaves are no higher than the existing

house, the projection past the rear elevation is no more than 3m and the extension would be no closer than 7m to the rear boundary. As such, it is likely that this element of the scheme could be constructed without the need for planning permission. However as the details have been included within the application consideration should be given to the proposals with regards to planning policy.

The two storey rear extension, whilst not quite central within the rear elevation of the dwelling, is proposed to be constructed using materials to match the main house. The limited width and projection together with the set down roof form is such that the extension would form a subordinate addition to the dwelling. The windows and the Juliet balcony are considered to reflect the overall style of the alterations proposed for the dwelling and as such can be considered to be an appropriate addition to the dwelling.

### *Single storey rear extensions*

A single storey rear extension to the rear of a detached dwelling could be constructed without the need for planning permission providing less than 50% of the curtilage of the dwelling is covered, the extension is not higher than the existing house, the eaves of the extension are no higher than the existing house, the eaves of the extension are no more than 3m high if the extension is within 2m of the boundary (which the proposed extension is not), the projection past the rear elevation is no more than 4m and the overall height is not more than 4m. This is providing the materials proposed are to match the main house. Therefore this element of the scheme could likely be constructed without the need for planning permission. However as the details have been included within the application consideration should be given to the proposals with regards to planning policy.

Although flat roof forms are not generally considered to represent good design, in this instance, the form is considered to be acceptable. The extensions are both single storey with limited projections of 2.4m. The use of lanterns in the roofs is considered to soften the appearance of the extensions. The materials proposed for the external walls are to match the host property and the fenestration does tie in with the new rear elevation of the dwelling. Therefore, the single storey extensions can be considered to be acceptable additions to the dwelling.

### *Mirfield Design Guide 2002*

Although the Mirfield Design Guide does support extensions, this is providing they assist in retaining the character of the host property and the surrounding properties. Officers considered that the scheme proposed would meet these requirements given the variety of styles of dwelling within the area together with the appropriate design, scale and use of materials.

In summary, for the reasons outlined above, the scheme under considered is considered to comply with the aims of Policies D2, BE1, BE13 and BE14 of the UDP and the aims of chapter 7 of the NPPF.

## Residential amenity

### *Roof enlargement*

The host property occupies a position some 19m to the east of the neighbouring nos. 34 & 36 Overhall Road. The roof enlargement would not reduce this separation distance and would not increase the overall height of the dwelling. The existing property does include dormers within the rear roof plane at present and it is considered by officers that there would be no significant harm caused to the amenities of the occupiers of the neighbouring nos. 34 & 36 Overhall Road over and above the existing arrangements on site given the modest increase in bulk.

A lesser separation distance of 8m exists between the host property and the adjacent 21 Over Hall Park. Again the roof enlargement proposed would not bring the dwelling any closer to the neighbouring property. Furthermore, the neighbour's side elevation facing towards the applicants property is a blank elevation. As such, the proposed roof enlargement would cause no harm to the amenities of the occupiers of the adjacent 21 Over Hall Park.

The works proposed for the roof enlargement are to the rear of the dwelling and as such would have no potential to cause harm to the amenities of the occupiers of the neighbouring 17 Over Hall Park to the front of the host property.

There are no neighbours directly to the rear which would be affected as a result of the proposed roof enlargement. However the rear elevations of 38 & 40 Overhall Road have views of the rear elevation. There is also a relationship between the host property and the neighbouring 81 Towngate albeit a heavily screened relationship.

There are existing windows within the rear dormers. These would be brought in line with the rear elevation of the dwelling and would be increased in height forming Juliet balconies. Whilst it is appreciated that balconies have the potential to cause overlooking, a Juliet balcony is not considered to have the same implications. It is in effect a long window offering no more opportunity for overlooking than a standard window. As such, the windows in the rear elevation of the roof enlargement are not considered to result in any loss of privacy.

There is also a window proposed in the gable of the original house on the western elevation. This is shown to be an ensuite window and is detailed as being obscure glazed. This can be further confirmed by the addition of a condition requiring the window be obscure glazed. The roof enlargement is not therefore considered to represent a loss of privacy.

### *Two storey rear extension*

The two storey extension is set in 4m from the side elevation of the host property and 24m from the neighbouring properties to the west, 34 & 36 Overhall Road. As such, the limited projection and width is such that there would be no impact on the amenities of the occupiers of the neighbouring properties in terms of overshadowing or overbearing.

The adjacent property to the east, 21 Over Hall Park is a true bungalow with a blank side elevation along the common boundary with the host property. As such, the two storey rear extension would have no impact on the amenities of the neighbouring 21 Over Hall Park.

There are windows proposed in the side elevations. These are considered to be secondary windows and as such are non-habitable room windows. Furthermore the set back from the neighbouring properties is in excess of 20m. As such, there is no loss of privacy perceived in terms of the windows in the side elevations.

The plans also show a third Juliet balcony being formed in the rear elevation. It is considered that the properties which have views of the rear elevation, 38 & 40 Overhall Road and 81 Towngate are sufficiently distant and would not therefore be affected by the proposed two storey rear extension. The Juliet balcony is in effect a long window offering no more opportunity for overlooking than a standard window. As such, the windows in the rear elevation of the two storey extension are not considered to result in any loss of privacy.

### *Single storey rear extension*

The proposed single storey rear extension on the western side of the two storey rear extension would not cause any harm to the amenities of the neighbouring 34 & 36 Overhall Road given the limited scale of the single storey rear extensions and the position of the host property in relation to the neighbouring properties to the west.

The adjacent 21 Over Hall Park, as mentioned previously, is a true bungalow sited along the common boundary with a blank side elevation. As such, the single storey rear extension on the eastern side of the two storey rear extension would not cause any harm to the amenities of the neighbouring 21 Over Hall Park.

There are no properties sited to the rear which would be affected by the proposed single storey rear extension as there is heavy screening on the boundary with the neighbouring 81 Towngate.

In all, due to the relationships which would exist between the extension and the neighbouring properties, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with policies D2, BE1 and BE14 of the UDP.

### **Highway Safety:**

Although the proposal would result in an intensification of the site, the existing parking provision for up to 4 vehicles within the front drive area and 2 parking spaces provided by the garage is considered to be a generous parking provision. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with policies D2, T10 and T19 of the UDP.

### **Other Matters:**

There are no other matters relevant for consideration in this instance.

### **REPRESENTATIONS**

The concerns raised regarding the application are addressed by officers as follows:-

- Out of character - *this is a material consideration and has been addressed within the visual amenity section of the report.*
- Reduce light to neighbouring properties - *this is a material consideration and has been addressed within the residential amenity section of the report.*
- Overbearing, intrusive and out of scale - *this is a material consideration and has been addressed within the residential amenity section of the report.*
- Does not conform to Mirfield Design Guide - *this is a material consideration and has been addressed within the visual amenity section of the report.*
- Loss of privacy to the neighbours as a result of windows within the western side elevation - *this is a material consideration and has been addressed within the residential amenity section of the report.*
- Loss of privacy as a result of the formation of Juliet balconies on the rear elevation - *this is a material consideration and has been addressed within the residential amenity section of the report.*

### **Conclusion:**

The proposal is considered to comply with current planning policies and it is the opinion of officers that there would be no significant adverse impact in terms of visual or residential amenities given the acceptable design and scale of both the first floor side extension and the single storey rear extension. Furthermore there would be no undue issues with regard to highway or pedestrian safety. For the reasons detailed above, it is considered that (subject to the imposition of appropriate conditions) the proposal is acceptable.

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 is therefore recommended for approval.

## **9. RECOMMENDATION**

### **CONDITIONAL FULL PERMISSION**

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. The external walls and roofing materials of the extensions hereby approved shall in all respects match those used in the construction of the existing building.
4. The first floor ensuite window in the west side elevation of the dwelling shall be obscure glazed to a minimum privacy level 4 (or equivalent).  
Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) the obscure glazing shall thereafter be retained.

This recommendation is based on the following plans and specifications schedule:-

<b>Plan Type</b>	<b>Ref</b>	<b>Web ID</b>	<b>Date Received</b>
Location plan	-	568061	17/12/2015
Block Plan	-	568062	17/12/2015
Existing plans	5120/01	569067	24/12/2015
Proposed plans	5120/02	579599	17/03/2016