

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

**11-Jun-2015**

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

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

**Simon Taylor - Extension 04778**



**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 polices 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 LDF core strategy approved by the Council in March 2012 was submitted to the Secretary of State on 2<sup>nd</sup> April 2013 for independent examination. However, following correspondence and meetings with the planning inspector, appointed by the Secretary of State, the council resolved to withdraw the core strategy on 23<sup>rd</sup> October 2013. Until such time as revised core strategy proposals have been submitted for examination they will have no significant weight in the determination of planning applications.

### **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**

The Council adopted its Statement of Community Involvement (SCI) in relation to planning matters in September 2006. This sets out how people and organisations will be enabled and encouraged to be involved in the process relating to planning applications.

The applications have been publicised by way of press notice, site notices and neighbour letters (as appropriate) in accordance with the Statement of Community Involvement 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.

## **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 National Planning Policy Framework and further guidance in the PPGS launched on 6<sup>th</sup> 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.**



Application No: 2014/93192.....	9
Type of application: 60 - OUTLINE APPLICATION	
Proposal: Outline application for erection of 2 semi detached dwellings with off road parking	
Location: Land adj Sude Hill Terrace, New Mill, Holmfirth, HD9 7BL	
Ward: Holme Valley South Ward	
Applicant: Holme Valley Land Charity	
Agent: Nicholas Charlton, FCS Consultants	
Target Date: 24-Mar-2015	
Recommendation: FC - CONDITIONAL FULL PERMISSION	
Application No: 2015/90452.....	23
Type of application: 60m - OUTLINE APPLICATION	
Proposal: Outline application for erection of 22 dwellings and garages, and formation of associated car parking, access and landscaping	
Location: Land Adjacent to Spotted Cow, New Hey Road, Salendine Nook, Huddersfield, HD3 4GP	
Ward: Lindley Ward	
Applicant: G Jolley	
Agent: Sarah Wills, DLP Planning Ltd	
Target Date: 19-May-2015	
Recommendation: RF1 - REFUSAL	
Application No: 2015/90374.....	34
Type of application: 62 - FULL APPLICATION	
Proposal: Erection of 5 dwellings (within a Conservation Area)	
Location: Hoyle Beck Close, Linthwaite, Huddersfield, HD7 5RB	
Ward: Colne Valley Ward	
Applicant: Michelle Gaffaney, Greenstone Design Ltd	
Agent:	
Target Date: 15-Jun-2015	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	
Application No: 2014/93961.....	48
Type of application: 62 - FULL APPLICATION	
Proposal: Erection of boundary fence to the existing Lindley Infant School and Lindley Junior School	
Location: Lindley CE VA Infant School, East Street, Lindley, Huddersfield, HD3 3NE	
Ward: Lindley Ward	
Applicant: Nicola Beaumont	
Agent: Simon Taylor, Brewster Bye Architects	
Target Date: 16-Feb-2015	
Recommendation: FC - CONDITIONAL FULL PERMISSION	

Application No: 2014/93217 ..... 58  
Type of application: 62m - FULL APPLICATION  
Proposal: Erection of extension and alterations to existing industrial unit  
Location: Oakes Business Park Ltd, New Street, Slaithwaite, Huddersfield,  
HD7 5BB  
Ward: Colne Valley Ward  
Applicant: Alan Davies  
Agent: Alan Davies, Northern Design Partnership  
Target Date: 18-Mar-2015  
Recommendation: FC - CONDITIONAL FULL PERMISSION



Application No: 2014/93192

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

Proposal: *Outline application for erection of 2 semi detached dwellings with off road parking*

Location: *Land adj Sude Hill Terrace, New Mill, Holmfirth, HD9 7BL*

Grid Ref: 416642.0 408651.0

Ward: *Holme Valley South Ward*

Applicant: *Holme Valley Land Charity*

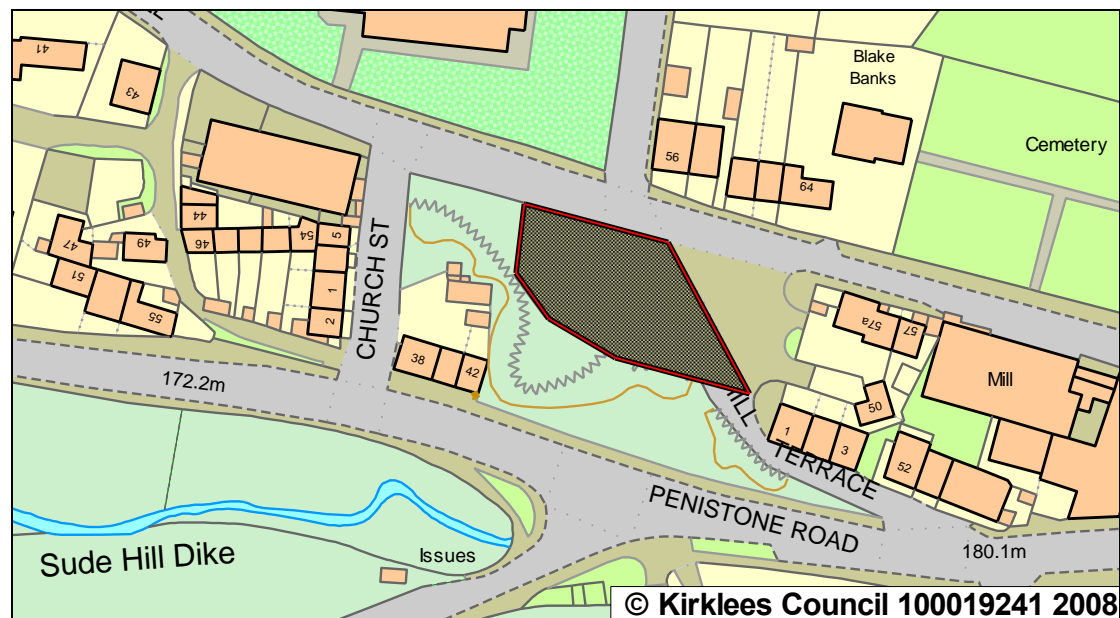
Agent: *Nicholas Charlton, FCS Consultants*

Target Date: *24-Mar-2015*

Recommendation: **FC - CONDITIONAL FULL PERMISSION**

Link to [guidance notes for public speaking at planning committee](#) including how to pre-register your intention to speak.

## LOCATION PLAN



Map not to scale – for identification purposes only

## **1. SUMMARY OF APPLICATION**

**RECOMMENDATION:** Conditional Full Permission

The application site, used informal for parking, represents a previously developed piece of land. The principle of erecting two new dwellings at the application site is considered acceptable, and would provide additional dwellings for the local area. The site is considered to be of a sufficient size to accommodate the dwellings with an acceptable form of access. Local ecology could be sufficiently protected by the development and it is considered that the proposal would have an acceptable impact on local amenity.

## **2. INFORMATION**

The application is brought before the Huddersfield Planning Sub Committee due to the level of representations received which totals 174 letters.

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

### *Site*

The application site forms a piece of land located off Sude Hill in New Mill. Sude Hill Terrace runs through the middle of the site, and connects and Sude Hill with Penistone Road; Penistone Road is located at a considerably lower level to the application site. The site is currently used as a parking area accessed off Sude Hill and Sude Hill Terrace. It is surfaced with hard core. A number of trees with understory landscape is located to the south of the site, and a bench is located adjacent Sude Hill Terrace. The site of the proposed dwellings is located to the western half of the application site.

Surrounding the application site to the west is the Grade II listed Christ Church and its associated church yard, and the semi detached dwellings of no.s56 and 58 Sude Hill. To the south the land drops away steeply to a former quarry along Penistone Road. To the east are no.s 57 and 57a Sude Hill, and Sude Hill Mill further to the east. To the south east are no.s 1-3 Sude Hill Terrace. To the west adjacent Sude Hill is a vacant piece of land, at a lower level on Penistone Road are the dwellings of no.s 38-42.

### *Proposal*

The application seeks outline planning permission for the erection of a pair of semi-detached dwellings, and seeks formal approval of access and layout.

The proposed dwellings would be located adjacent Sude Hill, and each would be 8.5 metres deep with a maximum width of 9.4 metres, amenity space would be located to the rear, with a small front garden also provided. Access to the site would be via Sude Hill Terrace, with parking and turning for the dwellings located to the east with 4 spaces provided. The development also includes the provision of a 1.8 metre wide footway along Sude Hill, and a 1.8 metre wide footway along Sude Hill Terrace. An existing piece of land to the east described as 'existing scrub unofficial car parking' would remain.

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

88/06862 - Outline application for erection of vicarage - Approved

*Site to the south adjacent 42 Penistone Road*

2014/93203 - Outline application for erection of no.1 detached dwelling and associated works - Approved

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

The site is unallocated on the Kirklees UDP Proposal Plan.

Kirklees Unitary Development Plan

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE12** - Space about buildings
- **T10** - Highway safety
- **T19** – Parking Standards
- **D2** – Development on Land without Notation on the UDP Proposals Map
- **G6** – Contaminated Land

National Planning Policy Framework (NPPF)

- **NPPF6:** Delivering a wide choice of high quality homes
- **NPPF7:** Requiring good design
- **NPPF8:** Promoting healthy communities
- **NPPF11:** Conserving and enhancing the natural environment
- **NPPF12 :** Conserving and enhancing the historic environment

#### **6. CONSULTATIONS**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- **KC Environment Unit** – no objections subject to conditions
- **KC Environmental Services** – no objections
- **KC Highways**– no objections subject to conditions
- **KC Conservation and Design** – no objections

**Public/Members Response**

## **7. REPRESENTATIONS**

Initial publicity on the application expired on: 25 November 2014.

A second round of publicity ended on 2 March 2015.

A total of approximately 174 letters of representation were received, some people having written in more than once. One letter of objection was replicated approximately 100 times and signed by individual residents. Jason McCartney MP has also raised objections to the proposal. Cllr Nigel Patrick also opposes the proposal, and his comments are set out in full below.

The main planning concerns raised by residents are summarised as follows:

- **Impact on highway safety** – The road is tight and congested during church services and auctions. The loss of parking facilities would increase congestion and lower highway safety.
- **Poor emergency services access** – As existing the congestion on Sude Hill makes it difficult for emergency services to access. This will be made worse as a consequence of the proposals.
- **Impact on the setting of a listed building** – Christ Church is a listed building and its setting should be protected. The proposed development will have an adverse impact on its setting by reducing visual sight lines, affecting the way the church is viewed and its historic integrity.
- **Loss of parking** – The Street is already busy with residents' off-street parking. The car park provides informal parking space which is utilised by residents. The car park is used by users of the showroom and church goers. Objectors are concerned that parking will become even more difficult during these busy times. In particular, problems for disabled and elderly residents who struggle to get from their car to house.
- **Loss of amenity space** – The site is used for community activities such as bonfires on Bonfire Night and Village Fetes.
- **Disputed history of land** – Land contamination surveys should be carried out because the site was once a landfill site for mill and could have toxins.
- **Disputed ownership of the site** – It is unsure who owns the site. Is it common land/within ownership of Holme Valley Land?
- **Overlooking onto neighbouring properties** – There will be an element of overlooking into neighbouring properties no's 38, 40 and 42 Penistone Road.
- **Ecological Impact** – The site is a wildlife corridor for bats and birds going toward the neighbouring woodland. The loss of this site would be detrimental to these species.
- **Impact on preparation of Neighbourhood Development Plan** – The planning application should be withdrawn in order for Holme Valley Parish Council to include the land within their Neighbourhood Development plan which is currently in application.

- **Alternative use for land** – Local residents have entered into discussions with Holme Valley Land Charity and have proposed to retain the site for residential parking and create a community garden. Landscaping proposals have been submitted to Holme Valley Land for their consideration.

**Ward Member Cllr Nigel Patrick has commented as follows:**

*I oppose this application. The land in question is owned by the Parish Council and managed by their Land Charity. I have always known it as a car park, a community car park, used by people attending the church and the auction rooms. If this car park is lost to housing then it will create on road parking problems and safety issues.*

*I would appeal to the Parish Council and ask them to withdraw the application for this site and retain the land as a car park for the benefit of the community.*

- **Holme Valley Parish Council Comments** - Declared a disclosable pecuniary interest in the development as trustees of the applicant, the Holme Valley Land Charity.

## **8. ASSESSMENT**

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.

### **Principle**

The application site is considered to be of an appropriate size to accommodate two new dwellings. The application site is considered to form a previously developed (brownfield) piece of land, as its current use is as an unofficial/informal car park, with the majority of the site covered in hard core. It is recognised however that most southerly part of the site, bordering the former quarry below on Penistone Road, is grassed and there is some existing trees/scrub and a bench which is used by the public.

The Council is currently unable to demonstrate a five year supply of deliverable housing sites. Relevant information in this respect is provided in the annual monitoring report published on 31 December 2013. In these circumstances, in accordance with NPPF paragraph 49, “relevant policies for the supply of housing should not be considered up to date”. Consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14. This requires proposals which accord with UDP to be approved without delay or where the UDP is silent or out-of-date to grant planning permission unless the adverse impacts of doing so would ‘significantly and demonstrably’ outweigh the benefits in the NPPF’.

Consequently an assessment needs to be made as to whether the development is in keeping with the character of the local area and the impact this has on amenity. A detailed assessment of all key elements of the proposal will be carried out below against relevant planning policy.

The first issue is the principle of the loss of a 'community facility'. It is acknowledged that the proposal would lead to the loss of part of an unofficial/informal parking area used by the members of the public which allows for local residents and visitors to the area to park off street. Anecdotal objections to the application also highlight other uses the site has been used for in the past. The development of the site as such would result in the loss of a space which has been used for a number of community uses in the past.

Given the informal/unofficial nature of the parking area and other uses however, it is not considered that significant weight can be given to its ongoing provision as a parking area/other uses, and these uses are currently allowed on the site at the discretion of the land owner. Furthermore the site has no formal designation as a community facility or asset. The application does however propose to retain an area of land to the east of the site for off street parking, which could be controlled by condition, and it is considered that there is available on street parking along Sude Hill which could accommodate displaced vehicles. Taking all this into account it is considered the principle of housing on the majority of the site is acceptable.

### **Design:**

The NPPF provides guidance in respect of design in 'core planning principles' and in paragraph 56, both are set out below:

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

56. *The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

Kirklees UDP Policies D2, BE1 and BE2 are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive. The application site is also located opposite the Grade II listed Christ Church, and the application has been assessed by Council's Conservation Officer, and in relation to advice set out in Chapter 12 of the NPPF.

The development of the application site for 2 dwellings is considered to represent an efficient use of this brownfield land, in a sustainable location within New Mill. The layout proposed would ensure the provision of a small

front garden as well as garden space to the rear. It is anticipated that the principal elevation of the dwellings would face Sude Hill, and this would provide an active frontage to the street scene. In addition a footway would be provided adjacent Sude Hill and Sude Hill Terrace to the benefit of pedestrians.

The Conservation Officer raises no objection to the proposal with regard to its impact on the setting of the Grade II listed Gothic Commissioners Church. Whilst scale and appearance are reserved from the outline application it is considered that an appropriate scheme could be devised which is in keeping with the character and appearance of the locality. The application is therefore considered to comply with the requirements of Policies D2, BE1 and BE2 of the UDP and Policies in the NPPF.

## **Highways**

The highway impact of the development has been assessed in relation to Policies T10 and T19 of the UDP, and the scheme has been considered by the Highways Officer who raises no objection.

The Highway Officer has stated that each of the proposed dwellings has two off-street parking spaces and the proposed driveway is sufficient in size to allow internal vehicle turning. The application also includes the provision of localised widening of the private Sude Hill Terrace within the ownership of the applicants and new 1.8 metre wide footways along Sude Hill in front of the dwellings, and Sude Hill Terrace. The provision of footways would improve pedestrian facilities in the local area, and ensure that acceptable sight lines are retained. The application would therefore comply with Policies T10 and T19 of the UDP.

## **Amenity**

The impact of the proposal on amenity needs to be considered in relation to residential amenity, and any potential for contamination of the site.

### *Residential Amenity*

The impact of the development on residential amenity needs to be considered in relation to Policies D2 and BE12 of the UDP.

The application site is located adjacent to Sude Hill, the closest properties to the application site are no.s 56 and 58 Sude Hill to the north east. No.56 is the closest whose front elevation is located 16 metres from the eastern edge of one of the proposed dwellings, the relationship between the properties is however not direct but rather at an oblique angle. While final design details have not been provided, a separation distance of 16 metres would meet the 12 metre requirement between habitable and non-habitable room windows, and it is important to note that the properties do not have a direct relationship. It is therefore considered that the relationship between no.s 56 and 58 is acceptable.

The dwelling granted outline permission adjacent Penistone Road under application 2014/9320, and no.s 38-42 Penistone Road are located at such a significantly lower level than the application site that overlooking is not likely to be possible from the proposed dwellings. This could be considered further when details of appearance and scale are submitted. Other properties along Sude Hill are located beyond the 21 metres advised in Policy BE12 and the relationship to these properties is considered to be acceptable.

In terms of overshadowing and overbearing impact, it is not considered that the proposed dwellings would be cause a detrimental impact to adjacent properties given the separation distances achieved but again this can be assessed in further detail when plans of scale and appearance are submitted.

It is therefore considered that the proposal would have an acceptable impact on the amenity of future and existing occupiers in terms of overlooking, overbearing and overshadowing. It is not considered that the application site would be subject to adverse levels of noise, and no further information on this matter is considered necessary.

### *Contamination*

The development has been assessed by Environmental Services in respect to previous contamination of the site and in relation to Policy G6 of the UDP. The applicant has also submitted a desktop study which has been assessed. The Environmental Services Officer accepts the findings of the submitted report and advises that any unexpected contamination requires reporting, and that details of any soils to be imported are provided.

### **Ecology**

The ecology impact of the development has been assessed by the Council's Ecologist and in relation to Policies in Chapter 11 of the NPPF; an ecological bat report has also been submitted by the applicant which has been assessed.

The Council's Ecologist has stated that the site is of limited ecological value, and there are no statutory constraints to the development. A note is however recommended regarding the removal of vegetation outside of the bird breeding season, and the provision of mitigation and enhancement measures to improve local biodiversity. These measures are included in the recommendation as a note and a condition.

It is also advised that a landscaping scheme should be provided to add further ecological enhancement to the site. However given that landscaping is reserved from consideration at outline stage, such information will come forward for assessment at reserved matters stage.

Subject to the condition and note set out above, the proposal would comply with the requirements of Chapter 11 of the NPPF.



## **Representations:**

A total of approximately 174 letters of representation were received, some people having written in more than once. One letter of objection was replicated approximately 100 times and signed by individual residents. Cllr Nigel Patrick also opposes the proposal, and his comments are set out in full below.

The planning related objections raised are summarised as follows with a response to each one in turn:

- **Impact on highway safety** – The local roads in particular Sude Hill Terrace is tight and congested during church services and auctions. The loss of parking facilities would increase congestion and lower highway safety.

**Response:** The application has been assessed by Highway Services as set out above, and access arrangements are considered to be acceptable. The development would provide sufficient off street parking and internal turning to serve the development.

- **Poor emergency services access** – As existing the congestion on Sude Hill makes it difficult for emergency services to access. This will be made worse as a consequence of the proposals.

**Response:** Access for emergency service vehicles is considered to be acceptable, the proposed development would not alter existing access arrangements.

- **Impact on the setting of a listed building** – Christ Church is a listed building and its setting should be protected. The proposed development will have an adverse impact on its setting by reducing visual sight lines, affecting the way the church is viewed and its historic integrity.

**Response:** The application has been assessed by the Council's Conservation Officer who raises no objections, and does not consider that the setting of the listed Christ Church is adversely affected by the development. The impact of any subsequent 'reserved matters' applications for scale and appearance of the development would consider this matter in further detail.

- **Loss of parking** – The Street is already busy with residents' off-street parking. The car park provides informal parking space which is utilised by residents. The car park is used by users of the showroom and church goers. Objectors are concerned that parking will become even more difficult during these busy times. In particular, problems for disabled and elderly residents who struggle to get from their car to house.

**Response:** As set out above, the use of the application site as an informal/unofficial car park is at the discretion of the land owner, and it is considered that little weight can be attached to the function it provides in off

street parking. Notwithstanding this it should also be noted that the application proposes to retain an area of land to the east of the site for off street parking, and it is considered that there is available on street parking along Sude Hill which could accommodate any displaced vehicles. To ensure the provision of the additional parking area set out on the submitted plans, a condition will seek this area to be retained.

- **Loss of amenity space** – The site is used for community activities such as bonfires on Bonfire Night and Village Fetes.

**Response:** while it is acknowledged that the application site may have been used by local residents in the past for certain community activities this has been at the discretion of the land owner, and it is not considered that the loss of this land outweighs the benefits of the scheme in providing housing in a sustainable location.

- **Disputed history of land** – Land contamination surveys should be carried out because the site was once a landfill site for mill and could have toxins.

**Response:** The applicant has carried out a desktop phase 1 contaminated land survey which has been assessed by the Council's Environmental Services team, and the findings have been accepted.

- **Disputed ownership of the site** – It is unsure who owns the site. Is it an issue which has been previously highlighted with other sites in the Holme Valley which the Holme Valley Land Charity own.

**Response:** The applicant has signed certificate A to state that they own the site, and no information to the contrary has been provided by objectors on this matter to detail that another party owns the land. The application is therefore valid and a decision on the application can be made.

- **Overlooking onto neighbouring properties** – There will be an element of overlooking into neighbouring properties no's 38, 40 and 42 Penistone Road.

**Response:** No.s 38,40 and 42 are located at a significantly lower level than the application site, and it is therefore not considered possible for detrimental overlooking to occur. However this would be considered in further detail upon submission of 'reserved matters'.

- **Ecological Impact** – The site is a wildlife corridor for bats and birds going toward the neighbouring woodland. The loss of this site would be detrimental to these species.

**Response:** The application has been assessed by the Councils Ecologist who raises no objections to the proposal. In addition the proposal would achieve ecological enhancements by the provision of new bird and bat opportunities.

- **Impact on preparation of Neighbourhood Development Plan** – The planning application should be withdrawn in order for Holme Valley Parish Council to include the land within their Neighbourhood Development plan which is currently in application.

**Response:** Whilst the Holme Valley Parish Council area has been approved as a neighbourhood area, there is no neighbourhood development plan in place. The current application has to be considered on its own individual merits taking into account the relevant planning policies at the date of decision which are the Kirklees UDP and the NPPF.

- **Alternative use for land** – Local residents have entered into discussions with Holme Valley Land Charity and have proposed to retain the site for residential parking and create a community garden. Landscaping proposals have been submitted to Holme Valley Land Charity for their consideration.

**Response:** The alternative scheme proposed for the site, whilst providing an alternative use can be given little weight in the consideration of the current planning application. It would be for the land owner to determine whether they are willing to allow the alternative scheme to progress outside the scope of this application.

**Ward Member Cllr Nigel Patrick has commented as follows:**

*I oppose this application. The land in question is owned by the Parish Council and managed by their Land Charity. I have always known it as a car park, a community car park, used by people attending the church and the auction rooms. If this car park is lost to housing then it will create on road parking problems and safety issues.*

*I would appeal to the Parish Council and ask them to withdraw the application for this site and retain the land as a car park for the benefit of the community.*

**Response:** The above comments are noted however as set out above the loss of the parking area can only be given limited weight as its use has been at the discretion of the land owner. As highlighted earlier in the report the informal use of the site for community purposes has been taken into account and weighed against the provision of housing on the site.

**Conclusion:**

In conclusion the principle of erecting two new dwellings at the application site is considered to be acceptable providing additional houses for the local area. The site is considered to be of a sufficient size to accommodate the dwellings, and could provide an acceptable form of access. Local ecology could be sufficiently protected by the development and it is considered that the proposal would have an acceptable impact on local amenity.

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

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**

Approval subject to the following conditions:

1. Approval of the details of the scale, appearance, and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to scale, appearance 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. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
6. The triangular piece of land located to the east of the application and as indicated as '*Existing scrub unofficial car parking to remain*' on the approved plan Dwg. No. HLC Sh 01 Rev D shall remain free of obstruction for use as a car park to serve the local community and surrounding uses. Before the dwellings hereby approved are first brought into use a scheme shall be submitted to and approved in writing by the local planning authority demonstrating how this car parking area is to be managed. Thereafter the car parking area shall be managed in accordance with the scheme so approved.
7. 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 thereafter retained.
8. Notwithstanding the details shown on the approved plan, development shall not commence until a scheme detailing the provision of a 1.8m wide footway to the Sude Hill and Sude Hill Terrace frontages of the development site together with construction specification, surfacing, drainage and kerbing including the relocation of existing street lighting column no. 9 and associated highway works has been submitted and approved in writing by the Local

Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and retained thereafter.

9. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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 on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved 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 whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

10. If any soils are to be imported onto site as part of the development, a validation report will be submitted to and approved in writing before any soil is imported into the site to prove that the soils used are suitable for use in residential gardens. Only the approved soil shall then be imported into the site and used.

11. The following ecological enhancements shall be provided within the development hereby approved, and shall be retained thereafter.

- The installation of a multi-chamber swift nest box integral to the new build.
- The installation of 2 bat tubes (Schweglar type 1FR or similar) fitted integral to suitable elevations of the new build.

#### **NOTE - Ecology**

Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

#### **NOTE – Highways Works**

Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):

[www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens](http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens)

**NOTE – Highways Works**

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 414700) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

This recommendation is based on the following plan(s):-

<b>Plan Type</b>	<b>Plan Reference</b>	<b>Revision</b>	<b>Date Received</b>
Location Plan	-	-	26/1/2015
Existing Site Survey	Dwg. No. HLC SH 03.	-	26/1/2015
Proposed Site Layout Plan	Dwg. No. HLC SH 01 Rev D	-	26/1/2015
Design and Access Statement	-	-	23/10/2014
Supporting Statement	-	-	26/1/2015
Ecological Assessment	BE-R-0880-01 November 2010	-	23/10/2014
Phase 1 Contaminated Land Report	NG7585/SUD/DJA 18 <sup>th</sup> November 2010	-	23/10/2014
Coal Mining Search Report	228348	-	23/10/2014

**Application No: 2015/90452**

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

**Proposal: Outline application for erection of 22 dwellings and garages, and formation of associated car parking, access and landscaping**

**Location: Land Adjacent to Spotted Cow, New Hey Road, Salendine Nook, Huddersfield, HD3 4GP**

**Grid Ref: 410664.0 417791.0**

**Ward: Lindley Ward**

**Applicant: G Jolley**

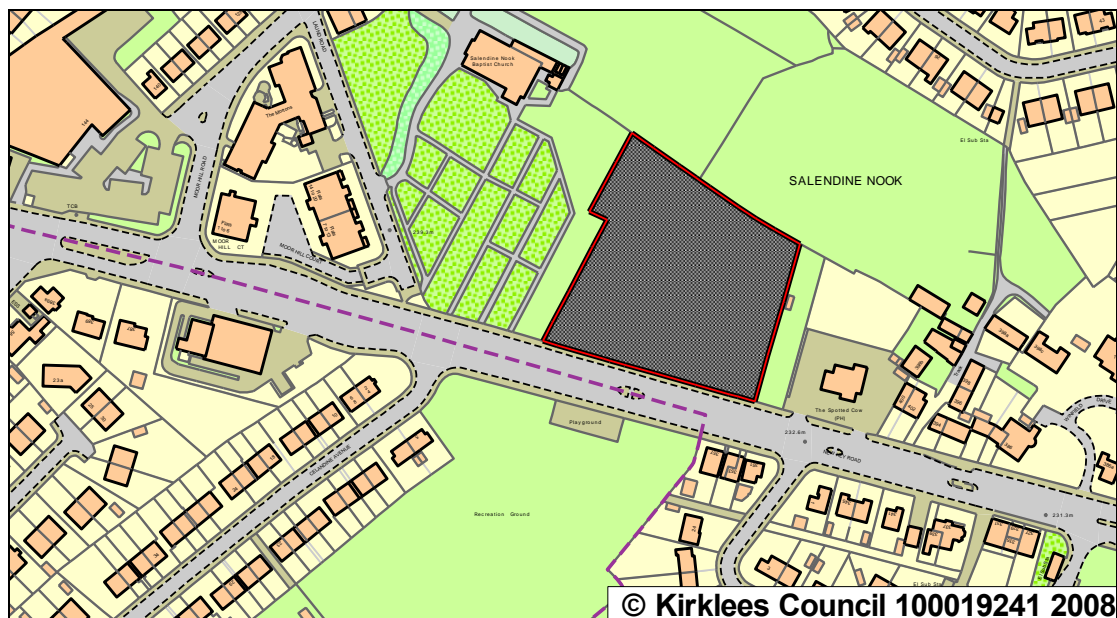
**Agent: Sarah Wills, DLP Planning Ltd**

**Target Date: 19-May-2015**

**Recommendation: RF1 - REFUSAL**

Link to [guidance notes for public speaking at planning committee](#) including how to pre-register your intention to speak.

## LOCATION PLAN



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

## SUMMARY OF APPLICATION.

Scale of Development	0.61ha	22 dwellings
No. Jobs Created or Retained	n/a	
<b>Policy</b>		
UDP allocation	Housing allocation (H8.60)	
Independent Viability Required	N/A	
<b>Representation/Consultation</b>		
Individual Support (No.)	0	
Individual objections	1	
Petition	n/a	
Ward Member Interest	n/a	
Statutory Consultee Objections	none	
<b>Contributions</b>		
• <i>Affordable Housing</i>	n/a	
• <i>Education</i>	n/a	
• <i>Public Open Space</i>	n/a	
• <i>Other</i>	n/a	
<b>Other Issues</b>		
Any Council Interest?		
Planning Pre-application advice?	Yes	
Pre-App Consultation Undertaken?	Yes	Letters sent to 230 neighbouring addresses
<b>Comment on Application</b>	The principle of housing on this site, which is a housing allocation on the UDP, is acceptable. However, there are specific issues related to the layout which lead to the application being recommended for refusal.	

## RECOMMENDATION: REFUSE OUTLINE PLANNING PERMISSION

### 2. INFORMATION

This application has been brought to Committee as it is a site in excess of 0.5ha in area.

### 3. PROPOSAL/SITE DESCRIPTION

#### Site

The site comprises an area of 0.61ha located on the northern side of New Hey Road, Salendine Nook. The site is fairly level with substantial frontage onto New Hey Road, there is a substantial area of hard standing towards the centre of the site (last use as tennis courts), the surrounding area is grassed and there are a significant number of mature trees to the perimeter of the site which are protected by a Tree Preservation Order. As such this is regarded as a green field site.



To the east of the site is a vacant public house (the Spotted Cow), and to the west is Salendine Nook Baptist Church and graveyard (the Church is a Grade 2 listed building). To the north of the site is a hillside between the application site and the rear of dwellings on Deercroft Crescent. This section of land is allocated as Provision Open Land.

The application site is allocated for housing on the Kirklees Unitary Development Plan. (H8.60)

### **Proposal**

Outline permission is sought for the erection of 22 no dwellings. Access and layout are applied for with scale, appearance and landscaping being reserved for subsequent consideration. The access is taken off New Hey Road and the layout is in the form of cul-de-sac, with the properties nearest New Hey Road facing onto the road. There are a number of communal parking areas proposed within the scheme.

The layout proposes a mix of detached, semi detached and terraced properties.

## **4. BACKGROUND AND HISTORY**

2014/92408 Outline application for residential - Withdrawn

## **5. PLANNING POLICY**

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

Site allocated for housing (H8.60).

H1 Housing needs of the district.

H10 – Affordable housing

H18 – Provision of open space

T10 – Highway safety

T19 – Parking standards

G6 – Land contamination

NE9 – Retention of mature trees

BE1 – Design principles

BE2 – Quality of design

BE11 – use of stone

BE23 – Crime prevention.

EP4 – Noise sensitive development

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

Part 4 Promoting sustainable transport.

Part 6 Delivering a wide choice of high quality homes

Part 7 Requiring good design

Part 8 Promoting healthy communities.

Part 11 Conserving and enhancing the natural environment

Part 12 Conserving and enhancing the historic environment.

## **Other guidelines:**

Supplementary Planning Document 2 “Affordable Housing”.

## **6. CONSULTATIONS**

**K C Highways** - The access arrangements into the site off New Hey Road are acceptable. In terms of the layout the proposal is generally acceptable, apart from the parking arrangements for 3 of the plots 18,19 and 20. (these matters do not amount to a reason for refusal, and could be resolved in a Reserved Matters submission) .

**KC Environmental Services** - Recommend conditions regarding decontamination/remediation, noise attenuation and ventilation in the event of approval.

**KC Trees** - The site includes a substantial number of mature /protected trees, that afford significant visual amenity for the site and the surrounding area. The submitted trees survey is insufficient to enable a proper assessment of the scheme and its effect on the trees to be undertaken. Based upon the submitted layout the proposal would result in considerable harm and loss to a larger number of the protected trees, especially on the northern boundary.

**K C Environment Unit** - The Ecology Survey requires clarification regarding the removal/ retention of an Ash Tree which has bat roost potential. The applicants indicate that this is to be retained. No measures for compensation/ enhancement are included within the scheme.

**KC Conservation and Design** – The layout appears to make efficient use of the site, and the access is in the logical location. The land is in close proximity to the Grade 2 listed chapel to the NW and as such could be seen as being within its setting; However it is not considered that a residential scheme per se would be harmful to that setting  
Careful attention should be paid to the boundary treatments, landscaping and retention of trees.

**KC Strategic Housing**- the site is a Greenfield site and in accordance with SPD 2 and Policy H10 affordable housing should be provided at 30% of gross floor area. There is a demonstrable need for affordable housing in this area.

**KC Parks and Recreation.** Given the size of the site Policy H18 is applicable. In this case a contribution towards improvements of existing facilities in the area would be acceptable.

**Lead Local Flood Authority.** Do not object to the principle of development, however as Layout is applied for additional information would be required to reveal the exact route of an enclosed ordinary watercourse adjacent to the site. Object to the application in the absence of this further information.

**Yorkshire Water** - Recommend conditions in the event of an approval. Advise that the developer contact the relevant authority with a view to establishing a suitable watercourse for the disposal of surface water.

**Police Architectural Liaison officer** - Whilst the scheme is outline, layout is applied for. There are a number of concerns regarding the layout..

As such there are considerable concerns regarding this layout set against UDP policy BE23.

## **7. REPRESENTATIONS**

This application was publicised by site notices, press notice and neighbour letters. The period of publicity ended 3<sup>rd</sup> April 2015.

One letter of representation has been received the making points of concern being:

1. The site is not suitable for housing, and will result in a further loss of valuable green space in the area.

*Response: The site is allocated for housing in the Unitary Development Plan.*

2. There are serious concerns regarding the traffic in this location, on the busy New Hey Road opposite a school, and its level crossings. Introducing the traffic from an additional residential scheme would exacerbate the existing situation which is a traffic hazard.

*Response: Highways assessment is included below. This resubmission has provided the additional information to justify the principle of access and the works necessary to gain access into the site and egress from the site.*

3. What will happen to the neighbouring green field site which is allocated a Provisional Open Land?

*Response: The POL site is not included within the application red line and cannot be accessed from the application site in any event. As such any future proposals for the POL site will have to be dealt with on their merits at that time.*

4. The local schools are full and the community facilities in the area are unable to cope with any extra dwellings.

*Response; The Council's Education policies only relate to a scheme in excess of 25 units, which would not be the case here. The provision of other facilities such as doctors and dentists is not a matter over which the local planning authority has control.*

Huddersfield Civic Society- No objections to the principle of housing, but given the proximity to the listed Baptist Chapel the materials should be natural stone

## **8. ASSESSMENT**

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

The site is allocated for housing on the Kirklees Unitary Development Plan, and as such in accordance with the guidance contained in paragraph 14 of the National Planning Policy Framework, the presumption is in favour of sustainable development, and that for decision taking purposes this means approving development that accords with the development plan without delay, “unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against this Framework as a whole”.

It is accepted that the site accords with the UDP in so far as it is allocated for housing and that policy issues such as the provision of affordable housing and public open space provision can be dealt with by means of planning conditions. However the application seeks approval of layout for 22 dwellings, as well as access, and the implications of the layout and access proposed in relation to other policy matters in both the Unitary Development Plan and the National Planning Policy Framework are dealt with below.

### **Highways Issues:**

The site is allocated for housing, and there is no objection in principle to serving the site off New Hey Road. Whilst this is an outline application access is specifically applied for and additional information has been provided to justify the siting and the associated road works required to provide a traffic island and right hand turn land from New Hey Road to serve the development. The information submitted in the Transport Statement, which includes details of the off-site highway works on New Hey Road and the access into the site from New Hey Road, is satisfactory and no objection is raised to the access arrangements detailed on drawing no. N. YK.1453-3T Fig 2 01.

The internal layout is considered to be generally acceptable, with the exception of the parking arrangements for three of the plots ie Plots 18,19 and 20. However these arrangements could be simply modified if the rest of the submitted layout was considered acceptable and would not in themselves amount to a reason to refuse the access details proposed.

In conclusion, subject to the slight amendment of the parking arrangements proposed for plots 18, 19 and 20 details of access are acceptable in accordance with Policy T10 of the UDP.

### **Impact on Amenity:**

The site is flanked by a substantial number of mature protected trees that in themselves provide significant visual amenity for both the site and the surrounding area, including the setting of the neighbouring listed chapel.

The layout proposed would result in significant harm to and loss of mature trees and at the development stage would prejudice the long term protection

of those remaining given the close proximity to habitable windows. As such the proposal would result in significant harm to the visual amenity of the area contrary to the principles of Policy BE1 of the UDP as well as failing to retain mature trees on the site and being contrary to Policy NE9 of the UDP.

The proposed layout is affected by the number and size of protected mature trees on the perimeter of the site, which should be retained as part of the development. The future amenity of the occupiers of a number of plots, especially those along the northern boundary of the site, would be adversely affected by shading and leaf drop. The trees would completely overhang the private garden areas of a number of plots which would also affect the amenities of future occupiers.

For these reasons the proposed layout is considered unacceptable and contrary to Policies NE9 and BE1 of the UDP and Chapter 7 of the NPPF. This is because the layout is of poor design which does not improve the character or quality of the area (or the amenities of future occupiers) and because this new development would not integrate into the natural environment because of its impact, both short and longer term, on the protected trees around the site.

### **Setting of a listed building**

The proposed layout has been considered in relation to the impact this could have on the setting of the Grade II listed Salendine Nook Baptist Church to the north west of the site. Consultation was undertaken with the Council's Conservation and Design Team. No objections have been raised in respect of the proposed layout and it is considered that the development could take place without an adverse impact on the significance of this nearby heritage asset. This would be in accordance with Chapter 12 of the NPPF.

### **Environmental Issues (Contamination/Remediation/ Drainage and Noise):**

The site is capable of being remediated and made fit to receive the new development. This matter can be dealt with by means of condition.

The site is within Flood Zone 1 (ie within an area least likely to flood). The site is greenfield (with elements of hard standing in the centre from its former tennis court use). However, Kirklees Flood Management & Drainage, acting as Lead Local Flood Authority, holds records of an enclosed ordinary watercourse within the boundary of Salendine Nook Baptist Church immediately adjacent to the site. Although the mapping of this watercourse is incomplete other mapping suggests the natural route for flows is inside the northern boundary of the application site. Because of this the applicant was requested to undertake an investigation to reveal the exact route of any watercourse prior to determination. This was in order to consider the impact of this on the proposed layout in order to minimise flood risk. This is material to the current application because details of layout have been applied for.

The applicants have been approached regarding this but have requested that it be dealt with by condition, as they state that it is not something which has been highlighted previously. Recent advice within NPPG however states that 'where surface water or other local flood risks are likely to significantly affect a proposed development site, early discussions between the planning authority and the developer will help to identify the flood risk issues that the authority would expect to see addressed in the planning application'. As details of layout still form part of the application the potential risk of flooding to these properties is a material consideration. We would expect this to be addressed in the planning application. As it has not it has not been demonstrated that the development is immune from flood risk.

The site is adjacent to New Hey Road, a very busy arterial road leading up to the M62, and as such this is a potential source of noise nuisance for the dwellings, particularly those fronting onto New Hey Road. The application has been submitted with a noise report which has been assessed by Environmental Services. They recommended that prior to development being occupied the mitigation identified in the accompanying sound measurements and recommendations of the noise report be implemented and verified. Furthermore it is requested that a condition be imposed to control ventilation of habitable rooms. This would be in the interests of noise mitigation. These conditions would ensure that the development would comply with Chapter 11 of the NPPF.

### **Bio diversity.**

The site is within an area of bat roost potential. In accordance with Chapter 11 of the NPPF when determining applications local planning authorities should aim to conserve and enhance biodiversity and the impact of the development on the ecology of the area is a material consideration. Furthermore there are mature trees within and on the perimeter of the site, some of which are protected by Tree Preservation Order. Policy NE9 of the UDP supports the retention of mature trees and requires satisfactory precautions to be taken to ensure the continued viability of trees to be retained on development sites.

The application has been accompanied by a Phase 1 ecological survey, tree location plan and bat roost assessment of the trees but no bat activity report has been undertaken. The Biodiversity Officer has requested a bat activity report be submitted before the application is determined to determine how bats use tree corridors on site; this could be material to the submitted layout. It was also requested that further surveys were undertaken of an ash tree on site but the agent has clarified that this tree is proposed to be retained. No further information has been submitted by the Agent in respect of this matter.

The proposed layout would result in the direct loss of trees and it is considered that it would cause long term conflicts with remaining trees leading to pressure to fell or excessively prune them, as set out in the 'amenity' section of the assessment. Furthermore the Trees Officer considers that the tree information provided by the applicants does not comply with BS 5837 although the Agents dispute this considering that the information submitted

'provides a robust tree methodology in accordance with BS 5837'. In detail it is considered that there is insufficient information in support of the application in terms of a tree protection plan and detailed method statement.

Given the issues raised above the application would be contrary to the guidance contained with part 11 of the National Planning Policy Framework "Conserving and enhancing the natural environment" and Policy NE9 of the UDP.

### **Crime Prevention:**

The Police Architectural Liaison Officer has been consulted on the proposed layout. This is in accordance with the NPPF. There are a number of concerns regarding the layout which are as follows.

The layout includes communal parking areas, resulting in a number of parking spaces remotely located from the dwellings they are intended to serve, as well as communal rear access points to dwellings from these enclosed parking areas, which appear to be bounded by substantial fencing. These elements of the layout would be contrary to the guidance contained in part 8 of the National Planning Policy Framework "Promoting Healthy Communities" and Policy BE23 of the Kirklees Unitary Development Plan. Chapter 8 seeks to promote safe and accessible development and environments where crime and disorder and the fear of crime do not undermine quality of life. Policy BE23 states that new development should incorporate crime prevention measures to achieve, amongst other things, secure locations for car parking spaces.

### **Conclusion:**

This site is allocated for housing on the Unitary Development Plan and accordingly there is no objection to the principle of residential on this site. Both access and layout are applied for. The access details off New Hey Road into the site are considered to be acceptable, however the layout details are not acceptable for the reasons that have been detailed in the assessment above. The adverse impacts of the development proposed – based on the layout and supporting information - significantly and demonstrably outweigh the benefits of the development when assessed against other policies within the UDP and the NPPF taken as a whole. The applicants have maintained their request that the layout be considered at this stage, and accordingly refusal is recommended.

## **9. RECOMMENDATION**

### **REFUSAL**

1. The proposed layout would result in significant harm to and loss of mature trees and at the development stage would prejudice the long term protection of those remaining given the close proximity to likely habitable windows and overhang of private gardens. As such the proposal would result in significant

harm to the visual amenity of the area contrary to the principles of Policy BE1 of the UDP as well as failing to retain mature trees on the site and being contrary to Policy NE9 of the UDP.

2. The proposal layout is of a poor design which would fail to provide a good standard of amenity for future occupants due to the proximity of large mature trees to the private garden areas and rear elevations of a number of dwellings. This would cause substantial shading as well as leaf drop and potential structural damage. This is contrary to Policy BE1 of the Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

3. The layout includes communal parking areas, resulting in a number of parking spaces remotely located from the dwellings they are intended to serve, as well as communal rear access points to dwellings from these enclosed parking areas being separated by boundary treatment. These arrangements would neither be in the best interests of crime prevention nor promote a safe and accessible development for future residents. Thus the layout is contrary to guidance contained in part 8 "Promoting Healthy Communities" of the National Planning Policy Framework and Policy BE23 of the Kirklees Unitary Development Plan.

4. The site is within an area where there is a reasonable likelihood of bat roost potential and the application has been supported by a bat roost assessment of trees. However, no bat activity surveys have been undertaken to determine how bats use existing tree corridors which would be affected by the proposed layout and the removal of trees within the site. Information with the application has therefore failed to demonstrate the likely impact on biodiversity as a result of the development contrary to Chapter 11 of the National Planning Policy Framework.

5. Mapping records suggest that the route of an ordinary watercourse flows inside the northern boundary of the application site. The route of the watercourse could result in flood risk to future residents of the site. This could significantly affect a proposed development site, especially the submitted layout. Information submitted with the application fails to address this issue although the local planning authority sought details from the applicants. The proposal is therefore contrary to advice in Chapter 10 of the National Planning Policy Framework.



This recommendation is based on the following plan(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	N-YK1453		17/2/15
Site layout	1453/PL102	D	1/6/15
Topographical Survey	2787 LR/1		17/2/15
Design and Access Statement			17/2/15
Transport Statement			17/2/15
Tree Location Plan			17/2/15
Phase 1 Geo-Environment Statement	JS/ahb/3507-Rp-001		17/2/15
Sound Measurement and Recommendations			17/2/15
Phase 1 Habitat Report	019-00L rep.docx		17/2/15
Details of right turn lane and visibility	N-YK1453-3T-FIGURE 2 Rev 1		1/6/15
Tracking Analysis	N-YK1453-3T-02 A		1/6/15

**Application No: 2015/90374**

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

**Proposal: *Erection of 5 dwellings (within a Conservation Area)***

**Location: *Hoyle Beck Close, Linthwaite, Huddersfield, HD7 5RB***

**Grid Ref: 409836.0 414403.0**

**Ward: *Colne Valley Ward***

**Applicant: *Michelle Gaffaney, Greenstone Design Ltd***

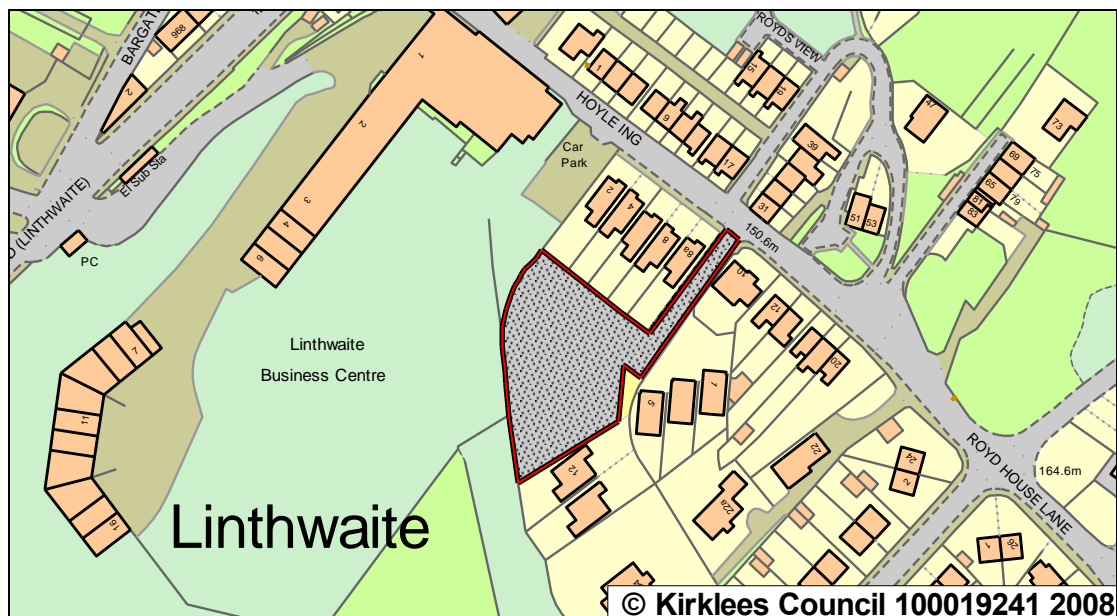
**Agent:**

**Target Date: *15-Jun-2015***

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

Link to [guidance notes for public speaking at planning committee](#) including how to pre-register your intention to speak.

## LOCATION PLAN



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

## **1. SUMMARY OF APPLICATION**

The application seeks full planning permission for the erection of 5 dwellings on land allocated on the Unitary Development Plan as Provisional Open Land (POL).

The application site has an extant outline permission granted under 2013/93555 in January 2014 by the Huddersfield Planning Sub-Committee. The proposal can achieve acceptable space about dwelling distances, can be accessed safely in highway terms, and its development would not prejudice any potential future development of the wider POL allocation.

The scheme would not be detrimental to local ecology or biodiversity and enhancements are conditioned as part of the recommendation. It is considered that the application would have an acceptable impact on the Linthwaite Conservation Area. There would be no harmful effect on visual or residential amenity.

### **CONDITIONAL FULL PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:**

- **RESOLVE OUTSTANDING HIGHWAY MATTERS,**
- **IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS. WHICH MAY INCLUDE THOSE SET OUT BELOW, AND**
- **SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THE RECOMMENDATION TO ISSUE THE DECISION NOTICE.**

## **2. INFORMATION**

The application is brought before the Huddersfield Planning Sub Committee at as it represents a departure from D5 of the UDP but comprises less than 60 dwellings.

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

### *Site*

The site is a vacant piece of land located to the rear (south west) of Hoyle Ing and is accessed off Hoyle Beck Close. The site is currently covered by earth mounds, grass and a degree of planting. The site abuts residential development off Hoyle Beck Close to the south east and Hoyle Ing to the north east. To the south and west the land drops away to a wooded area and beyond to an open grassed field. A turning head is located within the application site to the rear of no.8a Hoyle Ing.

The site lies within the Linthwaite Conservation Area.

### *Proposal*

The application seeks planning permission for the erection of 5 detached dwellings. The dwellings would be arranged in a fan shape, and would all be

of the same design. The dwellings would be 7.8 metres wide, by 10 metres deep, and have a maximum overall height of 8.8 metres. The dwellings would be constructed from a mix of artificial stone and render, and would be of a contemporary appearance.

Access to the dwellings would be via Hoyle Beck Close which would lead from Hoyle Ing. Each dwelling would be provided 3 parking spaces, 2 of which are laid out in a tandem arrangement. Space for internal turning would be provided in a shared space to the front of the site. A small section of amenity space would be provided to the front of each dwelling, with larger space to the rear.

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

2013/93555 - Outline application for erection of 5 dwellings (within a Conservation Area) – Outline Permission granted.

2013/90680 – Outline application for erection of 5 dwellings (within a Conservation Area) – Refused

*Adjacent Site to the South and East*

2002/90483 - erection of 5 detached dwellings with integral garages – Approved and built.

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

The site is allocated as Provisional Open Land on the Kirklees UDP Proposal Plan.

##### Kirklees Unitary Development Plan

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development within a Conservation Area
- **BE11** – Materials of construction
- **BE12** – Space About Dwellings
- **T10** – Highway Safety
- **T19** – Parking Standards
- **R13** – Public Rights of Way
- **D5** – Provisional Open Land
- **H10** – Affordable Housing
- **G6** – Contaminated Land
- **EP4** – Sensitive Locations
- **EP6** – Development and Noise

## National Planning Policy Framework (NPPF)

- **NPPF4:** Promoting Sustainable Transport
- **NPPF6:** Delivering a wide choice of high quality homes
- **NPPF7:** Requiring good design
- **NPPF11:** Conserving and enhancing the natural environment
- **NPPF12:** Conserving and enhancing the historic environment

## **6. CONSULTATIONS**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- **KC Environment Unit** – No objection subject to conditions
- **KC Conservation and Design** – No objection, subject to conditions
- **KC Highways DM** – No objection, subject to conditions
- **KC Environmental Services** – No objection, subject to conditions
- **KC Strategic Drainage** – No objection, subject to conditions

## **7. REPRESENTATIONS**

Initial publicity on the application expired on: 27/3/2015. One comment received, a summary of the points raised is set out below:

- The land is used as a short cut the adjacent park and Linthwaite Clough School to the south, the proposal would remove access to the park and the school and lead to the a significantly increase time to get there. A footpath should be provided by the new development to allow access. Without the footpath link the proposal would limit access to the park.

## **8. ASSESSMENT**

### **General principle:**

The application site has the benefit of outline permission for the erection of 5 dwellings under 2013/93555. This application considered the acceptability of developing part of a wider allocation of Provisional Open Land (POL) in the Councils UDP, subject to UDP policy D5. For completeness this assessment is undertaken again below but it must be recognised that the ‘fallback’ position is that there is an extant permission for the erection of 5 dwellings on the site.

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. . Relevant information is provided in the annual monitoring report published on 31 December 2013.

[www.kirklees.gov.uk/business/regeneration/ldf/AnnualMonitoringReport.aspx](http://www.kirklees.gov.uk/business/regeneration/ldf/AnnualMonitoringReport.aspx)

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). NPPF 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). 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). NPPF stresses the presumption in favour of sustainable development. The developer has submitted a supporting

document on sustainability, and the proposal has been assessed against each role as follows:

Economic:

A proposal for five dwellings would bring some economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. The proposals would be creating additional demand for local services and potentially increasing use and viability of local bus services

Social:

There will be a social gain through the provision of new housing at a time of general shortage that has good access to local facilities.

In terms of social inclusion and accessibility the site is within 800m of the centre of Linthwaite located along Manchester Road. A core public transport network is available along Manchester Road the same distance away. There is a primary school, Linthwaite Clough, within 800m of the site. Finally there are medical facilities available in Slaithwaite around 2.2km away which is served by a direct bus link approximately 200m from the site. The distance of the medical centre to the site might involve a slight increase in trips by private car.

Environmental:

The development of a greenfield site represents an environmental loss. However, 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. On balance the proposal is considered to meet the paragraph 8 test.

The Services Biodiversity officer raises no objections to the development subject to conditions.

Further to the above regarding the sustainability of the site, observations made by the Inspector for a recent appeal decision on a POL site in Netherthong (APP/Z4718/A/14/2219016 - Land off St Marys Avenue) should be noted with respect to accessibility. This is highlighted in the 'Social' thread of sustainability above. In that case the Inspector noted the deficiencies in access to local services by sustainable means but having,

*“regard to the emphasis on growth within the Framework, and (having given) weight to the need to boost the supply of housing. In the absence of a 5 year housing land supply, the contribution the development would make to housing supply in the District would significantly and demonstrably outweigh the harm that would arise as a result of increased trips by private car.”*

Assessing the policies in the NPPF as a whole in accordance with the paragraph 14 test, the environmental harm arising from the development of this Greenfield site and the marginal disadvantages in its social accessibility are considered to be clearly outweighed by the benefits to be gained from the provision of housing. The principle of development is therefore acceptable.

### **Heritage and Amenity**

The impact of the development on heritage and amenity needs to be considered in relation to the appearance of the proposed dwellings, and their impact on the Linthwaite Conservation Area, and the impact of the dwellings on existing and future occupiers. The application has been assessed with respect to Policies BE1, BE2, BE5, BE11 and BE23 of the UDP, and Policies in the NPPF. The application has also been assessed by the Council's Conservation and Design Officer.

#### *Heritage and Design*

In terms of the impact on the Linthwaite Conservation Area, the principle of the development for 5 dwellings has been previously approved. The proposed layout reflects that shown indicatively on the outline planning permission, and the fan shaped layout of the dwellings has sought to maximise the number of dwellings on site. The proposed dwellings are of a similar scale to the adjacent dwellings along Hoyle Beck Close, no.s 1-5, and the pattern of development would be broadly similar to these existing dwellings, fan out across the site.

The proposed dwellings are considered to fit into the local context of new dwellings built along Hoyle Beck Close and Hoyle Ing, with no.s 2-10 and 1-5, which gained planning approval in the early 2000s. These dwellings are constructed from artificial stone, and the roofs covered in concrete roof tiles. The proposed dwellings contemporary appearance with the use of stone, render and concrete tiles is considered to complement this local setting. The proposed materials of construction are considered to harmonise with existing dwellings.

The Conservation Officer has stated that the proposed development would not have a detrimental impact upon the special character and appearance of the Linthwaite Conservation Area, therefore this application is considered to be acceptable. The layout of the proposed dwellings is also considered to be acceptable in terms of crime prevention.

The proposal is therefore considered to comply with the requirements of Policies BE1, BE2, BE5, BE11 and BE23 of the UDP Policies in the NPPF.

#### *Residential Amenity*

In terms of the impact of the development on residential amenity, space about dwellings policy BE12 provides a set of separation distances to ensure the protection of the amenity of existing and future occupiers. The impact of the



proposed dwellings on amenity needs to be considered in terms of overlooking, overbearing and overshadowing impact.

In terms of space about dwellings, the front elevation of Plot 1 is located a minimum of 14 metres from the gable end elevation of no.5 Hoyle Beck Close which contains 4 small windows, the majority of which are non-habitable with the only habitable room window serving as a secondary window to a lounge. Plot 2 would be 18 metres to that gable end.

Plots 3 and 4 would achieve a good level of separation to adjacent properties in accordance with Policy BE12.

The side elevation of plot 5, would be 20.4 metres from the rear elevation of no.2 and 4 Hoyle Ing, this separation is considered to be acceptable.

The separation distances achieved are considered to meet the requirements of Policy BE12 and it is considered that in principle the proposed development would not lead to any detrimental overshadowing, overbearing or overlooking impact to occur.

#### *Separation to POL*

Separation distances to the adjacent POL site also need to be considered with the design of the development, as the POL site to the rear is currently undeveloped. A minimum of 3.4 metres can be achieved to the rear of plot 5 to a maximum of 9.4 metres to the rear of plot 1. While these distances are less than the 10.5 metres advised by Policy BE12, they are considered to be acceptable in this instance.

The topography of the land to the rear of the site changes significantly with the remainder of the POL site set at a lower level than that of the application site. It is therefore considered to be unlikely that this section of the POL would be developed. In addition the area directly to the rear is covered by a number of relatively mature trees which would most likely be retained by any future development of the wider POL site given the level changes at the site. These trees would be protected by virtue of falling within the Conservation Area. The proposal is therefore considered to have an acceptable impact on the future development of the adjacent POL site.

#### *Contamination and Pollution*

The potential for disturbance from adjacent uses, and contamination at the site has been assessed by the Council's Environmental Services Team. They state that the submitted contaminated land reports do not provide sufficient detail to address all the matters, contaminated land conditions are therefore be attached to the recommendation to address this point.

The application site also within proximity to the Linthwaite Business Park which is a potential source of noise, and previously a noise condition was recommended in the outline permission. This issue has however been

reviewed by Environmental Services, and they do not considered that a noise report is required given the separation distances achieved.

In principle it is considered that the site could be developed without undue impact on the amenity of future occupiers of the site. The application would therefore comply with Policies G6, BE12, EP4 and EP6 of the UDP and Policies in the NPPF.

### **Highway Safety:**

The impact of the proposal on highway and pedestrian safety has been considered by the Highways Officer and by the Public Rights of Way (PROW) Officer, and in relation to Policies T10, T19 and R13 of the UDP and Policies in the NPPF.

### *Vehicular Access*

The proposed vehicular access arrangements for the site off Hoyle Beck Close are considered to be acceptable in principle, and acceptable sight lines can be achieved at the junction with Hoyle Ing. Hoyle Beck Close is currently un-adopted and the access road which forms the Close has only been partially constructed. Notwithstanding this it is considered to be of a sufficient standard to accommodate five additional properties subject to appropriate conditions.

From the details provided the vehicular access arrangements for the site are considered to be acceptable, and there is sufficient space for adequate off street parking for 5 dwellings. It is considered necessary to ensure that the whole of Hoyle Beck Close is brought up to an adoptable standard, as previously the application for no.s 1-3 did not deliver this, and given the increase traffic levels along Hoyle Beck Close brought about by the development it is considered important to deliver this.

Discussions are ongoing with the applicant to ensure that the layout can demonstrate acceptable arrangements for emergency vehicle servicing, and the outcome of these discussions will be reported in the update. Highway conditions are attached to the recommendation to ensure that the currently un-adopted road is brought up to adoptable standards. Subject to these conditions the application would comply with Policies T10 and T19.

### *Public Rights of Way*

The application has also been assessed by the Public Rights of Way Officer in relation to any potential impact which might occur on local footpaths. Although there is no recorded public footpath over the application site, the Council as surveying authority is in receipt of a formal application for the recording of a public footpath over the site under S53 of the Wildlife & Countryside Act 1981. The application is for a definitive map modification order ("DMMO").

Previously it was identified that there was a clear line of tread on the ground linking from the access track (Hoyle Beck Close) to the area of land to the west, which appears to be Council-owned land and includes a recreation ground with play equipment, as well as areas which were marked up with White Rose Forest markers.

If the DMMO application is successful, then a public footpath would be recorded and protected irrespective of any grant of planning consent. The applicant has been made aware of this situation, however has chosen to not include any provision of path into the development. Lack of the provision of the path is on balance considered to be acceptable in planning terms given the scale of the development. However if the application for the claimed path is subsequently successful, the landowner would need to make provision for the path at the site, and the planning permission would not override the provision of the path.

An informative note is attached to the recommendation advising the applicant of the position in respect of the claimed footpath to ensure that they are aware of the situation. The Public Rights of Way Officer has also formally written to the applicant's agent advising them of the situation.

The application is considered not to adversely affect existing PROWs in the local area and the proposed claimed path could be accommodated within a final layout if necessary. The application does not therefore conflict with Policy R13 of the UDP.

### **Drainage:**

Drainage of the site has been assessed by the Council's Strategic Drainage Officer. No objections are raised to the scheme, and the application form states that surface water will be managed via a sustainable drainage system. However the proposed plans and layout as submitted indicate that it will be discharge to the mains sewer. In light of this it is considered that further information is required to be submitted regarding the disposal of surface water, which will be secured by way of condition.

Subject to the condition proposed above and separate drainage system being provided and retained the application is considered to be acceptable in terms of drainage at the site.

### **Ecology**

The ecology value of the site has been considered in detail by the Council's Ecologist and in relation to Policies in Chapter 11 of the NPPF. Ecology matters were previously considered in detail in the outline application and the principle of development permitted with ecological enhancements.

The Ecologist has stated that ecological enhancements advised in the outline permission have been proposed in the current submission, with the provision of Swift and Bat boxes. These ecological enhancements are considered to be

acceptable and would improve local biodiversity. A condition is attached to the recommendation to ensure that these enhancements are provided in acceptable locations on the dwellings.

The submitted contaminated land report has also identified that Japanese Knotweed is located within and adjacent the application site. Japanese knotweed is an invasive plant which has an adverse impact on natural biodiversity. To ensure that it is appropriately dealt with prior to development a condition is attached to the recommendation.

Subject to this condition the proposal would have an acceptable impact on local ecology and would comply with the requirements of Policies in Chapter 11 of the NPPF.

### **Representations:**

One objection has been received, a summary of the concerns raised is set out below with a response:

- The land is used as a short cut the adjacent park and Linthwaite Clough School to the south, the proposal would remove access to the park and the school and lead to the a significantly increase time to get there. A footpath should be provided by the new development to allow access. Without the footpath link the proposal would limit access to the park

**Response:** Concerns regarding the loss of a footpath link through to Causeway Crescent are noted. The application for a definitive map modification order (“DMMO”) to account for this claimed path pending a decision is recognised. As set out above, the path is not a currently designated Public Right of Way (PROW), but the applicant has been made aware of this matter. Any planning permission would not override matters regarding the PROW. Given that layout is reserved from the application, in principle the application is considered to be acceptable.

### **Conclusion:**

In conclusion the principle of developing this area of Provisional Open Land (POL) is considered to be acceptable. The Council cannot demonstrate a deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content and, in accordance with NPPF there is a presumption in favour of sustainable development and 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*”.

It is considered that there are no adverse impacts from the proposed development that would significantly and demonstrably outweigh the benefits

of developing the site for housing. It is considered that the proposal would provide additional housing at a time of local shortage and a scheme has been devised which has an acceptable impact on highway safety, local amenity, drainage, and also provided biodiversity benefits.

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 SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:**

- **RESOLVE OUTSTANDING HIGHWAY MATTERS,**
- **IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS. WHICH MAY INCLUDE THOSE SET OUT BELOW, AND**
- **SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THE RECOMMENDATION TO ISSUE THE DECISION NOTICE.**

Proposed Conditions:

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 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 external materials to be used have been submitted to and approved in writing by the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.
4. The ecological enhancements as shown on the approved plan Dwg, No. 2014-02-03 A shall be installed in the development prior to occupation, and retained thereafter.
5. No development shall take place until details of a scheme to eradicate Japanese Knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.

6. Development shall not commence until a scheme detailing separate systems of foul and surface water (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, 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. This shall be retained thereafter.

7. Development shall not commence until actual or potential land contamination at the site 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.

8. Where further intrusive 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 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. Unless otherwise agreed 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.

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. No development shall take place until a scheme detailing the proposed adoptable road along Hoyle Beck Close from its junction with Hoyle Ing 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. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

**Note to Applicant Regarding Claimed Footpath**

The applicant is advised that there is a for a claim for a footpath submitted to the Council affecting land within the application boundary, submitted under Schedule 14 of the Wildlife & Countryside Act 1981 (“WCA”). The “claim” is that a public footpath subsists including over land within the application site connecting from Hoyle Ing to land beyond the site, play area and onwards and that the Council should add routes to the definitive map and statement of public rights of way.

The Council, as Surveying Authority, is yet to consider this "claim". If the “claim” is successful then it would result in the recording of a public right of way. The issue of planning consent or commencement of construction on the site would have no effect on the legal existence of the public footpath. Separate formal legal process subject to separate fees would be required if there was an intention to divert or extinguish any extant public right of way. Any works undertaken affecting the alleged ways would be at the landowners'/developers' risk.

This recommendation is based on the following plan(s):-

<b>Plan Type</b>	<b>Plan Reference</b>	<b>Revision</b>	<b>Date Received</b>
Existing Site Layout Plan	2014-02-02	-	10/2/2015
Proposed Site Layout Plan	2014-02-03D	-	2/6/2015
Design and Access Statement	-	-	10/2/2015
Contaminated Land Report – Phase 1	J2889/14/EDS	-	15/4/2015
Contaminated Land Report – Phase 2	J2899/14/E	-	10/2/2015

**Application No: 2014/93961**

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

**Proposal: *Erection of boundary fence to the existing Lindley Infant School and Lindley Junior School***

**Location: *Lindley CE VA Infant School, East Street, Lindley, Huddersfield, HD3 3NE***

**Grid Ref: 411909.0 418377.0**

**Ward: *Lindley Ward***

**Applicant: *Nicola Beaumont***

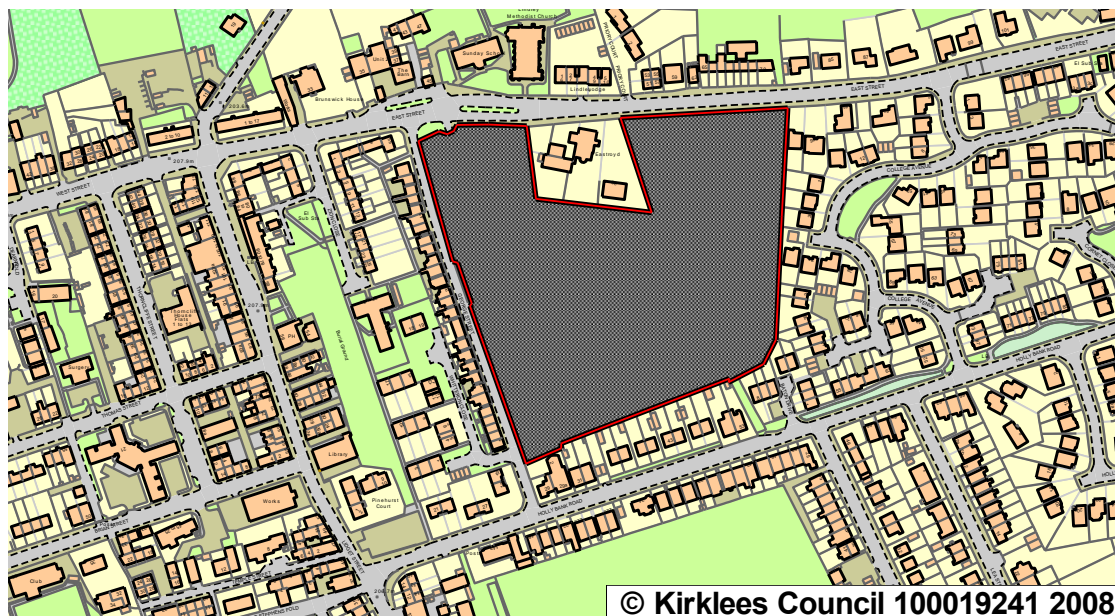
**Agent: *Simon Taylor, Brewster Bye Architects***

**Target Date: *16-Feb-2015***

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

**Link to [guidance notes for public speaking at planning committee](#) including how to pre-register your intention to speak.**

## **LOCATION PLAN**



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



## **1. SUMMARY OF APPLICATION**

This application seeks permission for the erection of a boundary fence to the existing Lindley Infant and Lindley Junior Schools.

The principle of boundary fencing is acceptable. Following amendments to the submitted scheme, in relation to the design of the fencing positioned above the existing retaining wall to George Street, the scheme can be supported.

### **RECOMMENDATION: CONDITIONAL FULL APPROVAL**

## **2. INFORMATION**

The application was presented at the Sub-Committee on 9<sup>th</sup> April 2015. The resolution was to defer the application. This was to allow the applicants an opportunity to investigate options to mitigate the impact of the fencing proposed along the western boundary of the site to George Street would have on residential and visual amenity.

The application was originally brought to the Planning Sub-Committee for determination at the request of Officers due to the finely balanced arguments between the merits of the fencing, which would safeguard school property and pupils, and impact it would have on residential and visual amenity.

The Chair of the Sub Committee confirmed that this request was in accordance with the delegation agreement.

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

Permission is sought for the erection of 3 sections of boundary fencing to both the Infant and Junior Schools.

The first length of fencing would span approximately 125 metres alongside George Street and would comprise of galvanised steel posts supporting a mesh panel fencing above the existing stone retaining wall. The design of this fence has been amended. It would still project 1.2 metres above the existing wall, totalling 2.4 metres in height, but now has a cranked design set off the top of the saddleback coping into the school grounds. This would set the fence back up to 700mm into the school grounds and would leave the front face of the wall to George Street unaffected.

The second length of fencing would be 2.4 metre high mesh fencing sited on part of the northern boundary adjacent to East Street. This would include a new vehicular access gate and pedestrian gate.

The final area of new fencing is proposed along the boundary of the site adjacent to No. 28 East Street, also to include a new vehicular access gate.

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

##### **Infant School:**

2002/93753 Formation of car park, new access, erection of fencing and gates

*Conditional Full Permission*

2003/93635 Erection of mobile classroom

*Conditional Full Permission*

2005/93562 Erection of classroom extension and access ramp, external alterations and formation of car parking bays

*Conditional Full Permission*

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

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

D3 – Urban Greenspace

BE1 – Design principles

BE2 – Quality of design

T10 – Highway safety

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

Part 7 – Requiring good design

Part 8 – Promoting healthy communities

Part 11 – Conserving and enhancing the natural environment (retaining structures)

#### **6. CONSULTATIONS**

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

**K.C. Highways Development Management** – no concerns relating to pedestrian or driver inter-visibility at junctions and access points

**K.C. Highways Structures** – concerned regarding future access of the wall to George Street for maintenance purposes – conditions proposed should the application be approved

#### **7. REPRESENTATIONS**

Three letters of representation received, two objections and a letter of support from the Police Community Support Officer. Ward Councillor Cahal Burke has also commented on the application. These were all received as a result of the original plans. The revised plans were not advertised.

The comments received are summarised as:

- Support aims of improving security for the site and strongly object to the proposed method
- Erecting an 8ft fence on George Street will have a severe impact on the visual amenity of the street
- A negative and obtrusive impact on the outlook for residents
- Inconsistent with existing fence around the Junior School which is unobtrusive being erected inside the school grounds and since these are several feet below level of George Street, there is no significant visual impact. Should follow this existing fence line.
- There is plenty of room inside the school grounds, and would satisfy both the schools requirements and have much less impact on residents of George Street
- Playground area enjoyed by residents outside school hours – access would be lost.
- Agree that some measures are necessary to protect the flat roof areas of the building itself but fencing the whole area is not the answer

**Comments from Police Community Support Officer (PCSO):**

- Over the years there has been copious problems in the grounds of the school
- Local youths have gained access to the grounds over the small wall surrounding the site and once inside grounds have been causing a nuisance to local residents by making noise and riding bikes and scooters on the playground and on the roof of the school and other anti-social behaviour
- Instances of damage recorded to the buildings, skips and walls
- Concerned about safety of youths playing on the roof by falling off or falling through it
- From a Police point of view, there have been many calls for service to the area due to anti-social behaviour and believe this would be greatly reduced by planning being approved
- Fence surrounding the school would stop youths entering the grounds and causing nuisance making life much more bearable for local residents and pupils

**Comments from Councillor Cahal Burke:**

- Over the years received numerous concerns and complaints from residents, local school and the neighbourhood policing team with regard to anti-social behaviour on the school site
- Many meetings have taken place to try and resolve the problems, although not ideal the only option was to erect a fence around the school site of the Junior and Infant School
- Junior School have erected a fence around their site but would prove ineffective without the Infant School doing the same

- Due to limited space, the Infant School had to look at the use of the boundary wall when erecting a fence
- Understand and sympathise with those residents who have concerns but also understand the many years of anti-social behaviour endured by many residents and the huge costs incurred by the school to pay to make repairs following damage caused by vandalism
- On balance, the fence would be a benefit to both schools and the local community to help deter anti-social behaviour and reduce the risk of criminal damage in the future

## **8. ASSESSMENT**

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

The site is allocated as Urban Greenspace and Policy D3 of the Unitary Development Plan which restricts development. Amongst other things it states that development should only be granted for proposals which are for the 'continuation or enhancement of established uses'. Given that the proposal would be for the enhancement of the school use it would be acceptable in principle. Policy D3 continues that even where a proposal is acceptable in principle this is only where it would 'protect visual amenity, wildlife value and opportunities for sport and recreation'. Visual amenity will be assessed later in the report but it is considered that the proposal as a whole would not adversely affect wildlife value or opportunities for sport and recreation.

An assessment of the impact of the proposal on visual and residential amenity will also be made taking into account Policies BE1 and BE2 of the UDP.

Post-dating the Unitary Development Plan, Paragraph 74 of the NPPF states that existing open space should not be built on. In terms of this application, as the works are for fencing which would be constructed upon and confined to the boundaries, it is considered that the proposed development would not conflict with this guidance.

Finally, under Paragraph 72 of the National Planning Policy Framework it is stated that local authorities should "*give great weight to the need to create, expand and alter schools*". This has been duly acknowledged in the assessment of this application.

### **Impact on visual and residential amenity:**

The proposal seeks permission for fencing with pedestrian and vehicular access gates at various points within the school grounds. It is now considered that all sections of fencing are acceptable. The first two sections are those that are on the boundary with East Street and to be provided at the access of the Junior School. These areas of fencing would be largely set away from residential property, save for a bungalow at 28 East Street that is partly screened from the fencing by soft landscape. Furthermore the element to the boundary with East Street would replace existing fencing and simply be of a different design and slightly increased height. In these circumstances the

fencing would accord with Policies D3, BE1 and BE2 of the Unitary Development Plan.

The element of fencing proposed on the George Street boundary would have support posts which would be set within the school grounds but has now been redesigned to allow the fence to be angled back from the wall by between 0.5-0.7 metres following the line of the existing saddleback coping. The previous scheme proposed that the fencing would be constructed above the front face of the wall to George Street.

George Street is a single lane one-way street with no footway adjacent to the retaining wall. A terrace of residential properties is located on the west side of the road. The front and principal elevation of the properties are approximately 6 metres from the existing wall. The previous scheme was considered to have a detrimental impact on both visual and residential amenity because of the height and proximity of the fencing to the boundary with George Street and the residential properties on the other side of the road.

As previously reported to sub-committee Officers approached the Agent and requested that the fencing be moved within the school grounds to assist with the security for the school whilst mitigating the impact of the height of the fence on the residents of George Street. However, the school responded that this would be impractical because:

- *The children would lose a significant amount of space from the playground leading to overcrowding.*
- *Overcrowding would lead to an increase in behaviour issues as children have less space to play. It would also lead to an increase in minor injuries and children are more likely to bump into each other and fall over*
- *The fencing would create an obstacle within the playground which the children could potentially fall into causing unnecessary injury.*
- *Siting the fencing within the grounds would create a void between the wall and the fencing which would attract litter. In order to access this area, additional gates would need to be installed at additional expense.*
- *We have very little grassed area within the school grounds and during the summer months, the children use this to sit and enjoy quiet time. This entitlement would be removed if the fencing was site in within the grounds*

*The fencing of the site is necessary to prevent any further vandalism or damage to the school which has been sustained over a long number of years. The children who attend our outstanding school deserve to have grounds which can be developed to include necessary play equipment as well as developing areas within the grounds that can support the children's learning. This is not possible at the moment due to the number of unwelcome visitors the site experiences at night and during holiday times. This also comes at a considerable cost to the school when necessary repairs have to be carried out*

*as a result of vandalism. This is money that could otherwise be spent on providing valuable resources for the children.”*

We have taken the issues raised the school into account. This includes the positive impact of a reduction of crime and anti-social behaviours. The PCSO and Cllr Burke have highlighted some of the issues facing the school and the damage unauthorised access has caused. Paragraph 69 of the NPPF states that planning decisions should promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. Securing the grounds could improve the general amenity of nearby residents through preventing unauthorised access and providing a safe environment for the users of the school.

The loss of open space within the grounds of the school is also a material consideration and the consequence of relocating the fence would be to create an unusable area between the wall and the fence line. The fence would need to be set back into the site to avoid the existing wall creating a step to would-be intruders. This design solution would result in the loss of around 195 sq m of open space within the grounds. This would result in a small reduction in the play area for children attending the school and would result in a ‘no-mans land’ between the wall and the fence line. The affected area is a mainly a margin of grass and some benches adjacent to hard surfaced play areas.

The pros and cons for the scheme have been weighed up and the harm to the amenity of residents of George Street and visual amenity taken into account. The modifications made to the scheme by angling the fence into the school grounds and setting this back from the front face of the wall would, on balance, mitigate the impact of the fence on the local residents and the visual amenity of the area to the extent where, on balance, Officers can now support the scheme. The fence is not set within the grounds as was originally suggested by Officers but is recognised that there would be shortcomings with this solution as set out by the school. We have also taken into account para 72 of the NPPF and the great weight to be given to the need to alter schools.

As such, it is considered that the proposed development complies with Policies BE1 and BE2 of the UDP and core planning principles of the National Planning Policy Framework.

### **Highways Issues:**

It is proposed that the fence would be behind an existing retaining wall with George Street.

K.C. Highways Development Management have been formally consulted as part of the application process and raise no objections.

The Structures team have however raised concerns regarding the proposals primarily in relation to future access to the retaining wall at George Street for maintenance purposes. The wall retains the public highway. It has been requested that should the application be granted approval, a structural report

detailing the condition of the existing highway wall should be submitted. Such a condition would be reasonable and necessary taking into account guidance in Chapter 11 of the NPPF. This states that to prevent unacceptable risks from land instability planning decisions should ensure that new development is appropriate for its location.

It is also recommended by Highways that the school/Local Education Authority should arrange access to any part of the highway wall in need of essential repair/reconstruction in the future. This will be added as an advisory note as it is a requirement of the council acting as Highway Authority rather than as local planning authority.

## **REPRESENTATIONS**

The issues raised in representations have been considered as follows:

- Support aims of improving security for the site and strongly object to the proposed method

Response: Noted

- Erecting an 8ft fence on George Street will have a severe impact on the visual amenity of the street and more importantly has a negative impact on the outlook for residents

Response: This has been assessed within the impact on amenity section of this report

- View would be blighted by the fence and feel like living in a cage with living room only a few feet from fence

Response: This has been assessed within the impact on amenity section of this report

- Far from being 'unobtrusive to residents' as claimed by the school, it is difficult to see how it could be worse

Response: This has been addressed within the impact on amenity section of this report

- Inconsistent with existing fence around the Junior School which is unobtrusive being erected inside the school grounds and since these are several feet below level of George Street, there is no significant visual impact

Response: This has been addressed within the impact on amenity section of this report

- Do not object in principle and would support the application if the fence was erected within the school grounds following the established practice in the Junior School

Response: This has been addressed within the impact on amenity section of this report

- There is plenty of room inside the school grounds, and would satisfy both the schools requirements and have much less impact on residents of George Street

Response: This has been addressed within the impact on amenity section of this report

- Playground area enjoyed by families as a safe and convenient amenity area for toddlers and young children using stabilized cycles and scooters at holiday times, summer evenings and weekends

Response:

The grounds are not a 'public' facility and therefore this is not a material planning consideration.

- Also used infrequently as a football kickabout area by young children who do no damage to the school building itself

Response: The grounds are not a 'public' facility and therefore this is not a material planning consideration.

- Proposed fencing will prevent legitimate innocent leisure activity whilst having a detrimental visual impact on the area and fail to prevent deliberate criminal activity only as a challenging structure to be scaled

Response: Noted

- Agree that some measures are necessary to protect the flat roof areas of the building itself but fencing the whole area is not the answer

Response: Noted

### **Comments from Police Community Support Officer:**

Response: Noted

### **Conclusion:**

The finely balanced conclusion is that the proposed amendments to the scheme are considered acceptable. It is considered that the harm to the amenity of the residents of George Street and the visual amenity of the street scene is proportionate to the benefits of the scheme in providing security to the school. This also takes into account paragraph 72 of the National Planning Policy Framework.

As such, it is considered that the proposed development complies with Policies BE1 and BE2 of the Unitary Development Plan and a core planning principle of the NPPF.

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 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. No development to erect boundary fencing adjacent to George Street, highlighted blue on dwg no. 465/01(02)001E received 20 May 2015, shall commence until a structural report outlining the condition of the highway retaining wall which bounds the school grounds and George Street has been submitted to and approved in writing by the local planning authority. The report shall also detail the method(s) by which the approved fencing shall be erected to avoid adverse impact to the stability of the wall. Thereafter the development shall be undertaken in accordance with the findings/recommendations of the approved structural report.

**NOTE:** Please note: The boundary wall with George Street is a highway retaining wall. In future the school/education authority is advised that upon receipt of a written notice from the Highway Authority they will be required to arrange for the taking down and subsequently reinstating any section of the metal fencing which impedes access to any part/s of the highway wall in need of essential repair/reconstruction.

This recommendation is based on the following plan(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan	Dwg. No. 465/01(02)004 C		22 <sup>nd</sup> December 2014
Fencing detail	Dwg. No. 465/01(02)003		22 <sup>nd</sup> December 2014
Site plan	Dwg. No. 465/01(02)001 E		20 <sup>th</sup> May 2015
George Street – Section A-A	Dwg, No. 465/01(02)002 A		20 <sup>th</sup> May 2015
Supporting Statement			20 <sup>th</sup> May 2015

**Application No: 2014/93217**

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

**Proposal: *Erection of extension and alterations to existing industrial unit***

**Location: *Oakes Business Park Ltd, New Street, Slaithwaite, Huddersfield, HD7 5BB***

**Grid Ref: 408543.0 414259.0**

**Ward: *Colne Valley Ward***

**Applicant: *Alan Davies***

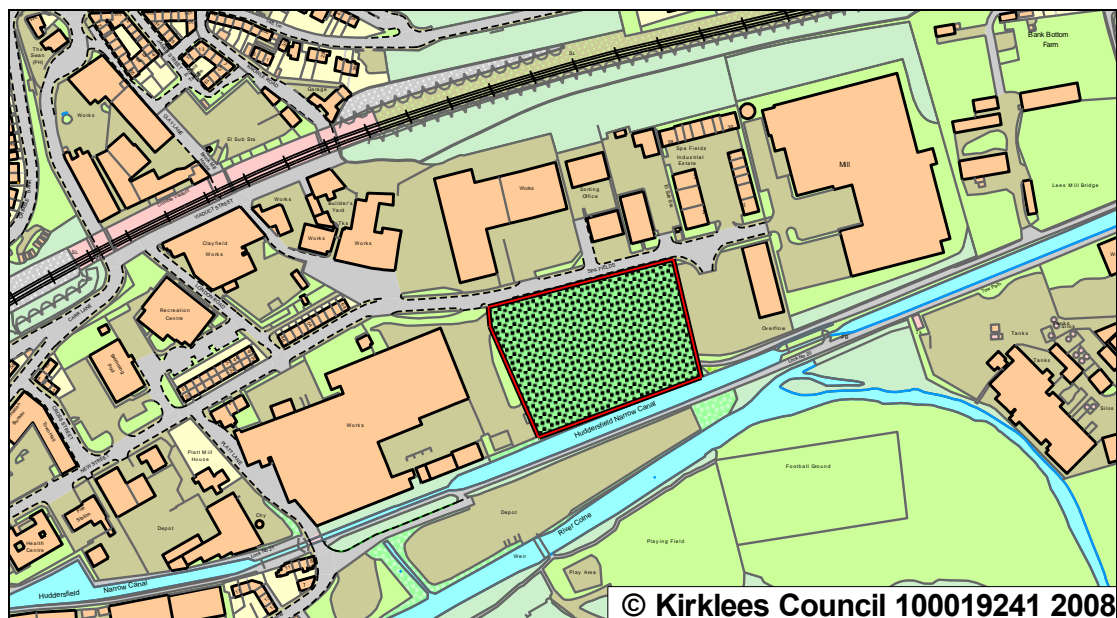
**Agent: *Alan Davies, Northern Design Partnership***

**Target Date: *18-Mar-2015***

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

Link to [guidance notes for public speaking at planning committee](#) including how to pre-register your intention to speak.

## LOCATION PLAN



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

## 1. SUMMARY OF APPLICATION

<b>Application Details</b>		
Type of Development	Extension to industrial unit (Full Application)	
Scale of Development	Site area: 0.99 hectares	units: 1
No. Jobs Created or Retained	Unknown	
<b>Policy</b>		
UDP allocation	Unallocated	
Independent Viability Required	No	N/A
<b>Consultation/Representation</b>		
Individual Support (No.)	0	
Individual Objection (No.)	0	
Petition	N/A	N/A
Ward Member Interest	No	
Statutory Consultee Objections	No	
<b>Contributions</b>		
• <i>Affordable Housing</i>	N/A	
• <i>Education</i>	N/A	
• <i>Public Open Space</i>	N/A	
• <i>Other</i>	N/A	
<b>Other Issues</b>		
Any Council Interest?	No	
Pre-application planning advice?	No	
Pre-App Consultation Undertaken?	No	
<b>Comment on Application</b>	The application is recommended for conditional full approval.	

### RECOMMENDATION: CONDITIONAL FULL PERMISSION

## 2. INFORMATION

The proposals are brought forward to the Huddersfield Planning Sub-Committee with the agreement of the Chair of the Strategic Planning Committee.

### Site Description

The application relates to 0.99 hectares of land on an existing industrial estate, just beyond the centre of Slaithwaite village. The site is bounded by Huddersfield Narrow Canal to the south, industrial buildings to the east and a large mill to the west.

To the north is Spa Fields/New Street which provides access and beyond this are further industrial units. The site is relatively flat in nature and is surrounded by protective fencing at present. There is a belt of Protected Trees to the southern boundary of the site. Public Footpath COL/87/10 runs through part of the site.

The site currently contains 1 no. two storey industrial building which is constructed from brickwork and cladding and has a flat roof. This is roughly rectangular in shape and is towards the southern part of the site. A second, smaller building was located close to Spa Fields, but has now been demolished (approved under Ref: 2014/92868). The site was historically occupied by Hillbrook Printing.

### Proposal

The application is for full planning permission for the erection of extensions and alterations to the existing industrial unit.

The existing building falls under Use Class B2 (General Industry) and the existing floorspace is proposed to be extended from 1367 sq. metres to approx 2900 sq. metres.

The applicant has submitted amended plans which increase the footprint of the building by approx. 400sq m from that which was originally proposed.

The proposed extensions will effectively extend the building northwards and eastwards into the site and will create a dual pitched roof which will be metal clad. The walls will also be predominantly clad with powder coated panels, with some facing brickwork.

At present the roof height of the building is 6.1 metres and the proposed extensions will increase this to approximately 9 metres.

Access into the site will remain from Spa Fields and 31 (an increase from the 25 originally proposed) car parking spaces will be provided.

## **4. BACKGROUND AND HISTORY**

2014/91562 – Prior notification for demolition of office block. Withdrawn.

2014/92270 – Erection of a 2.4 metre high palisade fence to boundary and gates. Approved

2014/92868 – Prior notification for demolition of two storey office block. Approved.

## **5. PLANNING POLICY**

### Kirklees Unitary Development Plan

D2 – Development without notation  
BE1 - Design principles  
BE2 - Quality of design  
B5 – Extension to business premises  
NE9 - Retention of mature trees  
T10 - Highway safety  
T19 – Parking standards  
G6 – Contaminated land

### National Planning Policy Framework

NPPF Building a strong competitive economy (chapter 1)  
NPPF Requiring good design (chapter 7)  
NPPF Conserving and enhancing the natural environment (chapter 11)

## **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** – No objections subject to conditions.

**Public Rights of Way** – No objections.

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

**K.C. Trees** – No objection subject to an Arboricultural method statement.

**K.C. Environment Unit** – No objections subject to conditions.

**K.C. Strategic Drainage** – No objection subject to conditions.

**Yorkshire Water** – No objection.

**Environment Agency** – No objection subject to conditions.

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

**Canal and River Trust** – Comments awaited.

## **7. REPRESENTATIONS**

The application has been advertised by neighbour letter, newspaper advertisement and site notice. This publicity period expired on 12<sup>th</sup> December 2014. No letters of representation have been received.

## **8. ASSESSMENT**

The application is for full planning permission for the erection of extensions and alterations to the existing industrial unit.

The existing building falls under Use Class B2 (General Industry) and the existing floorspace is proposed to be extended from 1367 sq. metres to approximately 2900 sq. metres.

### **General principle:**

The site is without notation on the UDP Proposals Map and Policy D2 (development of and 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 extension of the building would encourage new occupiers to come forward, on an existing industrial estate. This would support economic growth in accordance with guidance in the NPPF. Policy B5 of the UDP also supports the expansion of business premises subject to residential and visual amenity and highway safety implications of the development. These will be assessed below.

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

The design of the proposed alterations has been considered in relation to Policies BE1, BE2 and D2 of the UDP and Policies in Chapter 7 of the NPPF. The proposed alterations and extension to the building will modernise the premises in terms of facilities provided and its overall visual appearance.

The proposed extensions and recladding a proportion of the exterior of building is considered acceptable. The building is of a functional design and is located within a well-established industrial estate. The works would provide a more modern appearance to the building, which would also meet the requirements of the prospective occupiers, and retain the local character. The only issue to control is the external appearance of the metal sheeting and brickwork in the interest of visual amenity.

No details in respect of landscaping have been submitted with the application. It is however, accepted that significant landscaping would not be required in this industrial location provided the protected trees alongside the canal are retained. This would also retain a buffer between the site and the canal to the

south. The site is already bounded by security fencing approved under an early application.

The design of the proposed works is therefore considered to be acceptable and would comply with the requirements of Policies BE1, BE2 and D2 of the UDP and Policies in Chapter 7 of the NPPF.

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

The residential amenity impact of the proposed development needs to be considered in relation to Policies EP6, B5 and Policies in Chapter 11 of the NPPF, and the application has been assessed by Environmental Services.

There are no residential properties within a significant distance of the application site and therefore the development will not lead to any detrimental impact on residential amenity. Given the nature of surrounding uses (industrial) it is considered that there will not be any detriment to occupiers of these premises.

In respect of noise, Pollution & Noise have raised no concerns.

In conclusion the proposed extension is considered to have an acceptable impact on local amenity and the development would comply with the requirements of Policies EP6, B5 and policies in the NPPF.

### **Highways:**

The Council's Highway Officer has been consulted on the application and confirmed that the existing access is to be retained and 31 off-street marked out parking spaces are to be provided.

In addition, sufficient space is provided to allow internal service vehicle turning and for additional parking if needed. Vehicle turning and deliveries will be through the existing roller shutter doors on the West Elevation.

Whilst the off-street parking provision falls below the recommended UDP parking standards for this use class (for 1 space per 50sqm), it is considered that there is sufficient on-street parking available locally to accommodate the potential shortfall in parking and highways have therefore no objection.

Public Footpath COL/87/10 runs through part of the site. The Public Rights of Way Officer has raised no objections as this is unaffected by the proposed development.

The proposals are therefore considered not to have a detrimental effect on highway safety and would comply with Policy T10 of the UDP

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

The application site is partially located in Flood Zone 2 and Flood Zone 3 of the EA's Flood Map.

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.

These details relate to measures set out in the Flood Risk Assessment, including finished floor levels, surface water run-off and safe routes in and out of the site.

The Environment Agency has requested that the Local Planning Authority satisfies itself that a Sequential Test has been undertaken and passed, in accordance with the NPPF and National Planning Practice Guidance.

The Sequential Test (ST) process aims to keep new development out of medium and high flood risk areas (Flood Zones 2 and 3).

Paragraph 104 of the NPPF sets out where ST's are not required and this includes applications for "minor development". Given the increase in floorspace, this proposal isn't considered to now meet that exception.

However, it is considered that there are a number of factors which are relevant to assessing whether a ST is required:

Firstly, there is an existing industrial building on the site. The proposal seeks to extend this, rather than provide an entirely new form of development. The surrounding area is dominated by industrial development and the footprint of the building, as extended, is roughly comparable with the footprint of the original two buildings (prior to one being demolished) on site.

Secondly, this building could be reoccupied if the applicant so wished, without a new application or a ST. The proposed use is (B2) is also within the same Use Class as the existing use.

Thirdly, the proposed (and existing) use of the building is classified as a 'less vulnerable' use in Planning Practice Guidance.

Lastly, the proposed development will bring significant economic benefits, through providing a modern and fit for purpose building and the resultant job creation it is likely to bring.

Taking all of these factors into account it is considered that the need for a Sequential Test is outweighed by the existing situation and the benefits of the development. In respect of safety, the recommendations of the Flood Risk Assessment are to be conditioned and this includes the identification and provision of safe routes into and out of the site.



Subject to the imposition of conditions, it is considered that the proposed development is acceptable in relation to flood risk and drainage. This would be in accordance with Chapter 10 of the NPPF.

**Trees:**

To the southern part of the application site and along the canal frontage are a group of trees subject to Preservation Orders. The Council's Arboricultural Officer has been consulted on the application and has stated that as the building will not be extended closer to the protected trees there are no objections.

A condition is required to secure an Arboricultural method statement in accordance with BS 5837, to show how the construction works will be implemented while avoiding damage to the trees. This would be in accordance with Policy NE9 of the UDP and Chapter 11 of the NPPF.

**Ecology:**

The Council's Ecology officer has been consulted on the application and stated that a Bat Survey was submitted in respect of the prior notification for demolition application in 2014. This survey established that bat roost potential was present in the building but the features were not being used by roosting bats. No further ecological survey work is required and no objections have been raised, subject to conditions.

These relate to the prevention of light spillage in to bat foraging corridors, which can be controlled by requiring a lighting scheme. In addition the provision of bat boxes (2) and starling boxes (2) are also required.

Subject to these conditions, the development is considered acceptable in respect of ecology and accords with the guidance contained within Chapter 11 of the National Planning Policy Framework.

**Objections:**

No letters of representation have been received.

**Conclusion:**

In conclusion the proposed alterations and extensions to the existing building are considered to be of an acceptable design and scale. The proposal would not be detrimental to highway safety or the amenity of local residents and would encourage economic development in an established commercial area.

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. 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.

Conditional full permission is recommended.

## **10. RECOMMENDATION**

### **CONDITIONAL FULL PERMISSION**

#### Conditions:

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 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 development shall not be brought into use until all areas indicated to be used for access, servicing and parking on the approved plans have been laid out with a hardened and drained surface in accordance with the DCLG publication 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13<sup>th</sup> May 2009. 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) this surface shall be so retained, free of obstructions and available for the uses specified on the submitted/listed plan. .
4. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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 agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.
5. Following completion of any measures identified in the approved Remediation Strategy, pursuant to Condition 4, 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 whole site has been remediated in accordance with the

approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

6. Prior to commencement of development an Arboricultural method statement in accordance with BS 5837, shall be submitted to and approved in writing by the Local Planning Authority. This shall detail how the construction works will be implemented while avoiding damage to the tree protected by Tree Preservation Order towards the southern boundary of the application site. The development shall be undertaken in accordance with the approved scheme.

7. Before development commences a scheme which indicates the measures to be taken for the control of stray light arising (into adjacent bat foraging corridors) from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.

8. Prior to first occupation of the development, the following measures shall be installed:

- Two bat boxes in the form of a Schweglar type 1FQ bat box or similar - these shall be installed in the south facing elevation (adjacent to the canal and trees), at least 4 metres above ground level and not located above windows or doors.
- Two woodcrete starling boxes - these shall be erected on the remaining trees within the site, at least 3 metres from the ground.

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Letter from Flood Risk Consultancy Limited (23/12/2014) and the following mitigation measures detailed within the FRA:

- a. Finished floor levels for the proposed extension shall be set to 300mm above the existing floor level of 128.97m AOD, finished level of 129.27m AOD.
- b. Limiting the surface water run-off generated by the up to and including 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- c. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

10. The superstructure of the extended building shall not be commenced until details of the facing brickwork, insulated metal cladding and profiled metal cladding proposed for the walls and roof have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details so approved.

11. 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, 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. The building shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The approved drainage scheme shall be thereafter retained.

This recommendation is based on the following plan(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan			17/10/14
Proposed site plan	1550 – Drawing 05 rev A		7/4/15
Proposed floor plans	1550 Drawing 03 Rev B		7/4/15
Proposed elevations	1550 drawing 04 A		7/4/15
Design & Access statement			16/10/14
Existing floor plans	1550 Drawing 01		17/10/14
Existing elevations	1550 – Drawing 2		17/10/14
Flood Risk Assessment and Letter from Flood Risk Consultancy Limited			17/12/14 and 23/12/14