
Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Dec-2020

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

APPLICANT

M Latham

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
23-Jun-2020	18-Aug-2020	14-Dec-2020

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Colne Valley

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

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

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

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

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

2.0 SITE AND SURROUNDINGS:

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

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

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

3.0 PROPOSAL:

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

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

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

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

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

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

6.0 PLANNING POLICY:

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

6.2 Kirklees Local Plan (2019):

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

6.3 National Planning Guidance:

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

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

- Green Belt protection and intentional unauthorised development -

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

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

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

7.0 PUBLIC/LOCAL RESPONSE:

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

The 20 comments in objection are summarised as follows:

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

The 2 comments in support are summarised as follows:

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

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

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

8.2 Non-statutory:

- None required.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

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

Background

10.2 The site subject to this application has previously benefited from planning permission for the erection of a detached dwelling approved via application 2018/93555. Work commenced on the site via application 2018/93555 by the demolition of the former stable building and ground levels were reduced to provide a base to form the dwelling and to create the space for the under-build element. Construction of the dwelling then commenced with the dwelling being erected to roof level with roof trusts installed. It is noted that a condition for the submission of materials was not discharged before work commenced on the super structure.

10.3 The dwelling constructed on site is higher than that approved with a higher overall ridge height at 7 metres and eaves level of 3.5 metres, with a larger subterranean element formed at basement level. After discussions with the Case Officer the applicant has acknowledged the discrepancies between the development approved and that erected on site. The applicant has put forward revised plans to reduce the scale of the building as currently built on site to have an overall height of 5.8 metres and be 2.8 metres to the eaves. However, the requested building is slightly larger than that previously approved to allow for a room to be formed in the roof space. The approval had

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

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

Green Belt

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

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

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

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

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

Design and Heritage

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

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

Residential Amenity

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

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

10.26 Subject to the conditions set out above the proposal is considered to have an acceptable impact on residential amenity.

Highway Safety

10.27 Policies LP21 and 22 of the Local Plan are relevant in terms of highway safety which seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking.

10.28 The new dwelling will use the existing vehicular access point onto Reddisher Road that will also continue to be used by the existing Reddisher Farm. Parking improvements will be made for the existing dwelling, with two off-street parking spaces and a turning head being created along with a subterranean garage to serve the new dwelling. It is noted that the existing access point has substandard sightlines well below the 2.4m by 43m for a 30mph road. It is noted that the applicant has carried out works to improve viability by reducing vegetation and resurfacing sections of the access; nevertheless sightlines at the access are still considered to be substandard.

10.29 It is noted that the site originally housed a stable building which has now been demolished. The stable had an existing point of access and drive leading to the front of the building. Previously it was considered that the stable building which occupied the site would not have had significantly frequent vehicle movements and nor would the proposed dwelling under application 2018/93555. These arrangements are considered to be the same for this application and therefore on balance it is considered that the proposed dwelling would have an acceptable impact on highway safety. Subject to a condition requiring the surfacing of the areas to be used by vehicles the proposal is considered to have an acceptable on highway safety.

Ecology

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

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

Other Matters

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

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

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

Representations

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

10.40 The 20 comments in objection are summarised as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.41 The 2 comments in support are summarised as follows:

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

Response: These comments are noted.

11.0 CONCLUSION

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

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

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

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

Background Papers:

Application and history files.

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

Certificate of Ownership –Certificate A signed