

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

23 AUGUST 2018

Planning Application 2018/90390

Item 12 – Page 33

Erection of extensions, creation of first floor terrace and external alterations

11 Hollybank Avenue, Upper Batley, Batley, WF17 0AQ

Procedural Matters

Since the publication of the agenda, the CGI has been amended as window openings were missed off the amended side elevation by the agent.

An error has been noted in the Committee Report at para.10.30. The Officer Response states that the loss of a view **is** a material consideration; this should read 'loss of a view **is not** a material planning consideration'.

Representations

Since the publication of the agenda, a further 8no. representations have been received on the application. These are in objection to the scheme. The majority of the points raised have been addressed in the Committee Report. Additionally, further points are set out below:

- Drawing attention to a recent appeal ref: Z4718/D/3200159 stating that the Inspector considered a rear extension that was over 3m in projection to be contrary to Policies D2 and BE14 of the UDP
Response: The site context and constraints of the site being cited vary significantly from the application site and does not form an appropriate comparison. Each application is determined on its own merits and assessed in the context of the specific site constraints.

One such representation is a complaint in relation to the handling and assessment of the planning application. This has been responded to separately as a part of the complaints procedure. Additional points raised are summarised below:

- Interpret that the previous decision by the Area Planning Sub-Committee as an intention to approve the proposal subject to minor amendments

- Such an approval at the next meeting of the Area Planning Sub-Committee would be unreasonable and legally flawed as the proposal has not been interpreted correctly against Planning policies
- Consider that the 'fall back' position of alternative development under 'permitted development' rights has been interpreted unreasonably and incorrectly
- The precedent implications of granting planning permission have not been taken into account
- Weight has been given to the applicant's business interests which is not a material planning consideration
- The case officer has changed their view during the course of the application and concerns that officers may have been 'unduly pressured' to support the proposals

Response: A rigorous assessment of the planning application has been provided within the Committee Reports for this application. The application of policy is considered to be sound and this view is echoed by Senior Team Leaders and the Council's Legal Officer who have reviewed the report in detail. The applicant's business interests are not a material consideration and do not in any way affect the determination of this application or the assessment of it. The Case Officer has not been 'unduly pressured' into supporting the application. The Case Officer's opinion on the application changed following the withdrawal of the previous application, the submission of a new application and various sets of amendments negotiated during the course of this application which were considered necessary in order to ease the impact on both visual and residential amenity.

Planning Application 2018/91605

Item 13 – Page 49

Variation of conditions 2 and 27 on previous permission 2012/90558 for Variation of Condition 24 and 29 (D) on previous permission 2006/70/92787/EO for variation of condition 2 relating to IDO permission 426A in order to allow changes to the approved phasing scheme

Sovereign Quarry, Carr Lane, Shepley, Huddersfield, HD8 8BP

Since the publication of this report a further letter of support has been received in connection with this proposal. The issues raised can be summarised as follows:

- Three public meetings were held to discuss options for this land and its use as a junior football pitch was the most popular.
 - This proposal would provide a much needed facility for local children.
 - This is seen as the applicant providing something that will benefit the local community.
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Demolition of existing bungalow and erection of residential development of 23 dwellings**Manor House Farm, Manor House, Flockton, Huddersfield, WF4 4AN****8.0 CONSULTATION RESPONSES:**

Lead Local Flood Authority – Following receipt of further information, confirms it supports the application subject to the inclusion of appropriate conditions relating to foul and surface water drainage details, flow restriction and surface water attenuation, temporary drainage provision, and that the mitigation measures set out on the additional drawing (referenced 4550-C-D9-02) are implemented and retained thereafter.

10.0 ASSESSMENT:*Planning Obligations*

As set out in paragraph 10.62 on page 84 of the main agenda, a viability appraisal was submitted during the course of the application. At the time of producing the agenda, the outcome of the independent assessor's comments were awaited. Comments have now been received and, it has been confirmed that the development can deliver £115,000 towards contributions.

As set out in the main agenda, it was the view of officers that the most beneficial use of this contribution would be towards affordable housing. Taking into account the Council's Interim Affordable Housing Policy, 20% of the proposed development would be sought which, in this instance, would have equated to 4 units (the 4no. Kendal units shown on the submitted plans).

However, when taking into account vacant building credit, and the floor area of the existing building to be demolished and the floor area of the units shown as 'Kendal' on the submitted plans, this would equate to 3.6 units being provided on site. This figure has historically been rounded down so therefore, 3 on-site units in the past would be asked for in this instance.

Following discussions with the Council's Strategic Housing, it has been confirmed that £115,000 could secure 3 social rent units. In this instance, taking into account the need for affordable 2 bed housing in the area, it is advised by the Council's Strategic Housing that this would equate to 3 two-bed on-site Social Rent units. The recommendation is therefore to provide 3 social rent units on site which accords with the Council's planning policy to deliver on site provision in the first instance. The applicant has been advised of this recommendation.

UPDATED RECOMMENDATION:

Taking the above into account, the updated recommendation is as follows:-

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and:

- 1. To provide 3 Social rent affordable housing units on site.**

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

Planning Application 2012/93803

Item 15 – Page 87

Discharge of conditions on previous planning permission no. 2011/90359 for extension to time limit to previous app 2007/94743 for demolition of existing buildings and erection of 62 dwellings with garages and associated infrastructure

Syke Ings Mills, 16, Off Ossett lane, Providence Street, Earlsheaton, Dewsbury, Dewsbury

Further comments have been received from Connect Housing Association as follows:

“Connect acquired and completed on the purchase of these units in March 2018. Clause 3.2 of the report in particular doesn't really highlight this point sufficiently

Connect / Noble Homes proceeded with this transaction in good faith further to a series of exchanges with Kirklees Council officers. This included reassurance from officers that the council will work with us to vary / remove the S106 obligation and in the interim Connect obtained written assurance that Kirklees would not enforce any breach of the S106 “try before you buy” obligation. As such Connect proceeded to purchase the units

Although concerns have been raised about the developer's role, they did not seek to avoid their obligations. The developer was party to discussions with Kirklees; all parties considered that the final solution provided betterment in comparison to the “try before you buy deal”. As outlined in your report this betterment includes additional affordable units, increased potential discount to occupiers, and importantly the units will be managed by a reputable social housing provider. From our perspective, Noble co-operated with (the) local authority to ensure their obligations under the S106 were fulfilled to the satisfaction of officers.”

Demolition of existing buildings and erection of 43 dwellings with associated access, parking, landscaping and open space

Park Farm, Off Smithies Lane, Heckmondwike, WF15 7PQ

UPDATED RECOMMENDATION

An amended site layout plan is awaited from the applicant's agent, showing the removal of the 2 areas of public open space. This would accord with the applicant's viability appraisal. In light of this, Officers propose to amend the recommendation to state:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to:

- **Await receipt of amended site layout plan**

Provided that there are no new material considerations raised as a result of the amended plan, complete the list of conditions including those contained within the report.

4.0 RELEVANT PLANNING HISTORY

2018/91277 – Ponderosa Rtc, Park Farm – Infill of former quarry – pending consideration

10.0 APPRAISAL

Employment considerations

10.16 The existing buildings on the site have been used for activities related to the therapeutic centre and are workshops and other uses for people with learning difficulties. Many of these uses are now operating from the Ponderosa Business Centre buildings. As a point of clarification, the part of the site relating to approval ref 2014/92598 has been cleared for development, however the approved workshop units are yet to be built. Notwithstanding this, Officers are satisfied that there would be no loss of employment as a result of the proposed development.
