

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

9 MARCH 2017

Planning Application 2016/92812

Item 17 – Page 57

Demolition of industrial building and erection of 17 No. apartments with integral garages and associated parking

Victoria Works, Fisher Green, Honley, Holmfirth, HD9 6DP

Formal comments are awaited from the Strategic Drainage Officer on the revised drainage proposals. In the absence of these, appropriately worded conditions no. 10 as set out in the agenda would address this issue, should Members be minded to accept the officer recommendation.

Planning Application 2016/93985

Item 18 – Page 71

Outline application for residential development

Land at, Bank End Lane, Almondbury, Huddersfield, HD5 8ES

Amendment to the recommendation

Draft condition no. 9 in the agenda would be worded to include details to be submitted for the maintenance and management of approved drainage proposals. On this basis it would alleviate the requirement of a S106 for such works as stated in paragraph 10.19 of the agenda and as such it would not be reasonable to require a S106 in particular where the permission (should Members be minded to approve) would be speculative where there is currently no end user lined up.

In view of the above the wording of the recommendation is amended to read

DELEGATE approval of the application to the Head of Development Management subject to completing the list of conditions, including those contained within this report.

Consultees

Environmental Health - to date no comments received.

Given the application is accompanied with the same Phase 1 Geo-Environmental Survey as that on the earlier application, it is reasonable again to include conditions requiring a Phase II intrusive Site Investigation Report along with remediation and validation reports

Erection of 2 detached dwellings (within a Conservation Area)**adj 141, Church Street, Netherthong, Holmfirth, HD9 3EA**Highway Issues

The information contained within paragraphs 10.51-10.67 assesses the impact of the development on highway safety. In paragraph 10.54 the improvements to the existing gated access by widening it, reducing the wall height to 900mm either side of the access and providing visibility splays of 2 metres x 33 metres is discussed. Taking into account the entrance already exists with no reported injury accidents and the vehicle speeds passing this access are expected to be low, visibility splays of these dimensions would accord with Manual for Streets which recommends a sight line distance of 33m for vehicle speeds of 25 mph and are considered acceptable at this location. As paragraph 10.54 concludes the proposal is for two additional dwellings to be served off this existing vehicular access, and it is considered that the amount of movements through the site would be low. As noted in the representations received, on-street parking reduces the width of the road and slows vehicular speeds.

Erection of attached dwelling and erection of extensions and alterations to existing dwelling (Listed Building)**141A, Church Street, Netherthong, Holmfirth, HD9 3EA**Highway Issues

Further consideration has been given to the proposed access arrangements, taking into account the possibility for on street parking to occur on Church Street directly opposite the proposed entrance. In the event that cars are parked opposite the entrance it is considered that access would be best served by cars entering from Church Street and exiting onto New Road. To facilitate this, the proposed access from Church Street would need to be widened.

To address this, a scheme will be required detailing the arrangements and specification for layout and parking, which will need to include the widening of the proposed access onto Church Street. This could be secured by condition.

The existing condition 6 reads:

6. Signing of the vehicle ingress and egress with 'IN' 'OUT'.

It is recommended that condition 6 be revised to read:

6. Notwithstanding the details shown on the approved plan AL0006 rev A, a scheme detailing arrangements and specification for layout and parking including the widening of the proposed access onto Church Street to create a vehicular access from Church Street with egress onto New Road shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of the extension or attached dwelling commence. Thereafter the access shall be constructed in complete accordance with the approved details before first occupation of the extension and attached dwelling and be retained.

Planning Application 2016/93871

Item 22 – Page 127

Erection of detached dwelling (within the curtilage of a Listed Building)

Fenay Lodge, Thorpe Lane, Almondbury, Huddersfield, HD5 8TA

Paragraph 3.3 of the committee report highlights the main difference between the current application and the previous application which was refused (ref – 2015/93052). However, in addition to the differences between the respective application as detailed in para 3.3, it should also be noted that the length of the garden associated with Fenay Lodge has been increased because the width of the proposed dwelling and associated garden area has been reduced. Therefore, the length of the garden associated with Fenay Lodge would be increased from 12m (previous application) to 15.4m as part of the current proposal.

Response: Notwithstanding the above reduction in the scale of the proposed development, it is still considered to involve the development of a large proportion of the existing rear garden to the detriment of the setting of Fenay Lodge.

Paragraph 5.2 details that the tree officer objects to the application on the basis that no tree survey has been submitted with the application. However, the objection from the tree officer has been removed for the reasons set out in paragraph 8.23.

Paragraph 6.0 details the letters of support received. However, Members should note the following:

- A total of five letters of support have been received from residents on Thorpe Lane.
 - Approximately 10 letters of support have been received from residents within the Kirklees District.
 - Other letters of support have been received from residents in London, Leeds, Bournemouth, Harrogate, Bath, York, Doncaster and other areas within England which fall outside the Kirklees District
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Change of use of land to domestic for erection of two storey and link extension (Listed Building within a Conservation Area)**Westroyd Farm, Fulstone, White Ley Bank, New Mill, Holmfirth, HD9 7DL**

The applicant has submitted further information for members to consider and which the applicant considers to constitute 'very special circumstances' to allow the development. This information is to be read in conjunction with that detailed within paragraphs 10.10 – 10.12. These are as follows;

- The current approved schemes are unviable to implement. NPPF Paragraph 173 details 'ensuring viability and deliverability' and that development must be expected to provide 'competitive returns'. The building's long-term retention and use are considered to be the competitive returns. The building is Grade 2 Listed, in a Conservation Area and the Green Belt: These are argued to be constraints that impact on the viability.

Response: The application site has two extant permissions, 2015/92006 and 2016/92821. These both allow extensions to the dwelling. The first was approved before the applicant purchased the property. Whilst Paragraph 173 is noted, this is contained within the section relevant to using a proportionate evidence base for plan making rather than development management. It refers in this context to the 'scale of obligations and policy burdens' whereby the ability to develop viably is threatened. The local planning authority is seeking no obligations in respect of this application and there are none relevant within the UDP.

- The submitted Landscape and Visual Impact Assessment identifies that the structure is not prominent visible from the majority of location on the road and surrounding footpath networks. This is by virtue of obscuring topography and existing vegetation. Therefore there will be no harm to openness. Additionally the development is considered to sit well within the dimensions of characteristic of the south gable, and does not constitute urban sprawl. The development will not impact on residential amenity of neighbours, or the wider landscape.

Response: The NPPF at paragraph 79 says that 'the essential characteristics of Green Belts are their openness and their permanence'. The hamlet of Fulstone is a small collection of buildings within an otherwise open rural landscape. Westroyd Farm is at the most southerly point of this hamlet. To the rear and southern side of this property there are open fields. While the extension would be seen in the context of a collection of buildings to the north it would be built upon land that is currently open. Consequently, the extension would result in a reduction in openness here and would conflict with one of the purposes of the green belt which is to safeguard the countryside from encroachment. This harm to the Green Belt must be considered to be substantial.

- The proposal is sustainable development. This includes the development being carbon neutral through ground source heating and renewable energy solutions. The proposal will support the rural economy, providing to nearby village services. This complies with the aims of NPPF Chapter 3. Furthermore the development will bring a derelict building, in a rural area, back into use after seven years.

Response: The NPPF establishes a presumption in favour of sustainable development unless specific policies in this Framework indicate development should be restricted. This includes the restrictions of the Green Belt, as outlined in Chapter 9. The aim of being carbon neutral is noted, and supported in principle. However this is not considered to clearly outweigh the identified harm caused to the Green Belt.

- The proposed development will create significant employment for these local craftsmen and women, boosting the local economy.

Response: This is noted and supported. However given the scale and nature of the development the contribution to the local economy will not be sufficient to clearly outweigh the identified harm to the Green Belt.

To clarify further the text for the reason for refusal has been updated as follows;

RECOMMENDATION: REFUSE for the following reason;

The site is within land designated as Green Belt within the Kirklees Unitary Development Plan where new buildings should be regarded as inappropriate development. One exception to this is the extension of a building provided it does not result in disproportionate additions to the original building. The property benefits from an extant permission to extend it. The cumulative impact of the existing permission and the proposed development would amount to disproportionate additions to the original building. Furthermore the proposed extension is sited beyond the curtilage of the dwelling in open land. This would conflict with one of the purposes of the Green Belt which is to safeguard the countryside from encroachment. The proposal would constitute inappropriate development in the Green Belt which is harmful to the Green Belt by definition. No very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt by reason of inappropriateness or other harm. The extension would therefore fail to comply with Policy D11 of the Kirklees Unitary Development Plan and Chapter 9 of the National Planning Policy Framework.

Note: Amendment to paragraph numbers 9.0 and 10.24. The application site falls within Fulstone Conservation Area not Hepworth.

Erection of extension to and rebuilding of fire damaged winery building

**Holmfirth Vineyard Ltd, Woodhouse Farm, Woodhouse Lane,
Holmbridge, Holmfirth, HD9 2QR**

An updated parking plan has been submitted together with tracking for the coach parking, and an updated Transport Assessment. The applicants have agreed to the provision of a Travel Plan and the monitoring of said plan to ensure use is properly managed, especially when functions / events take place. Also there is an agreement to restrict the numbers of users (including staff) at the site at anyone time to 140.

Highways Comments

The vineyard upon the application site has been in operation since 2008 and has accommodated parking for circa 38 cars. Located within the application site is also a residential development containing 7 apartments.

The site is accessed via two points of vehicular access, both being taken from Woodhouse Lane, with one providing access to the main vineyard building and car park and the other providing access to the residential element.

Woodhouse Lane is a rural road of single carriageway status of some 4m in width but ranges from 6m to 4.4m within the vicinity of the site.

A full PIA assessment has been undertaken for the most recent 5 year period. Within the study period, one “slight” accident has been recorded. This office is satisfied that there are no existing accident trends that this proposal would likely exacerbate.

The site is moderately served by existing public transport facilities and in keeping with what would be expected for a location such as this.

The submitted information suggests that since 2008, the vineyard has accommodated around 2 tours per day, with each tour experiencing around 40 guests. The apartment building provides guest accommodation.

The vineyard attracts some 37,000 visitors per year and also caters for larger events such as weddings of up to 200 guests per event that utilises a marquee.

The proposal is to extend the main building associated with the vineyard which currently houses a winery, bar, restaurant and associated kitchen facilities so that the existing facilities remain, but with a larger building so as not to frequently make use of a marquee.

The supporting statement suggests that there would be no discernible increase in visitors, but the proposal would improve the experience for the existing use.

The site employs circa 15 full time and 3 part time staff. The proposal would not increase staff numbers.

As such, with tours and an event taking place simultaneously the site accommodates up to 240 guests at any one time. The applicant has now proposed to reduce the maximum allowable visitors at any one time to 140 guests from 240, equating to a reduction of 42% during the busiest periods.

Parking is provided for 38 cars as well as coach parking.

On balance, and subject to a 56 seater coach being utilised during the busiest periods, and with guest numbers being limited to 140, Highways development Management can accept the rationale for parking as presented within the supporting Highways Statement and the proposal would be acceptable in that regard.

With guest numbers being limited to 140 then traffic impact can be considered as being at an acceptable level.

In line with the above, and in line with the commitment from the applicant to provide a robust Travel Plan that should be agreed and implemented before the site is bought into use, Highways Development Management raises no objections to the principle of this proposal.

Additional representations received.

6 additional objections received, in summary the concerns are:

- The intensification of use, will generate additional parking needs that cannot be satisfactorily met;
- The existing road is steep, narrow and hazardous with problems of run off.
- The design of the building is out of character with the local vernacular, and detracts from the character of the green belt;
- The noise report doesn't properly consider all affected houses;
- The music from the Marquee was clearly audible from Acre Lane, but not objectionable;
- Can the existing waste disposal arrangements cope with the increased number of visitors?
- The Transport Assessment does not take proper account of the location of the Hinchliffe Mill J & I school on Hollinbrigg Road

1 additional letter of support has been received, stating the business is a positive impact on the local economy, uses local produce and is eco-friendly.

Cllr Nigel Patrick has submitted the following observations:

I have read the Highways report prepared by Paragon Highways on behalf of the applicant. It says in paragraph 3.6 that there has been no overspill onto the highway since the site was operational in 2008. It infers that existing car parking provides sufficient space for cars and coaches visiting the site now and for the proposed extension. I have been sent photographs showing overspill car parking on the road which I have attached. I think these photos should be shown to members of the committee, but suggest you blank out the number plates if you can. The photos were not sent to me as jpg so apologies for the format.

Para 10.25 of officers report says: *'The site is in a remote location served by a narrow local road network. The site is predominantly served by car. The proposal involves the intensification of the use of the site which will need to be satisfactorily accommodated in terms of access, parking and service delivery.'*

Para 10.27 of Officers report says:

'The main consideration for the highways element of this application is can the site accommodate the proposed numbers of visitors safely and in a manner that does not cause significant disruption to local neighbours and the immediate highways network.'

Given there is insufficient off road parking provision to meet the existing demand and no more appears to be planned, then this would suggest the site cannot accommodate the proposed numbers of visitors without causing significant disruption to the local highway network. The road is very narrow and steep without pavements and is unlit. At one point there is a hairpin bend. It is dangerous enough without cars parking on it and visitors walking along it. It is very likely that cars will have to park on the road after dark as well as during daylight hours unless the opening times are limited to daylight hours. This is a rural location and these roads are used by tractors and trailers as well as cars. There isn't room to park cars on the road and not block other users. The business will have to identify additional off road parking provision to ensure there is no on road parking. I would suggest the safety of visitors and other road users is a significant risk especially after dark.

Officer report goes onto say:

'The exact capacity and usability of this car park for both private cars and coaches is being assessed. The capacity of the car park will be a significant determining factor in assessing what level of activity the site can accommodate and how many guests at anyone time can use the proposed building and the wider site.'

The Paragon report suggests there are two car parks each accommodating 30 cars plus coaches. There is some surprise amongst neighbours that the parking provision as described exists. There is some off road parking yes, but can it accommodate 60 cars plus coaches? We do know, however, from the photographic evidence that the parking provision is currently insufficient for the existing use. Without the provision of additional off road car parking we can already see that there will be even more on road parking if the intensification of the use of the site is allowed given that it is acknowledged that the site is predominantly served by car.

Whilst it is important to support businesses, this is not done at any cost. In the Holme Valley we have numerous successful businesses, many situated close to neighbouring properties which trade without difficulty. If approved I'd like to see the approval conditioned such that all the problems are overcome, that includes parking on the road, access, deliveries not blocking neighbours access, and opening times controlled to prevent noise nuisance. The conditions need to be precise and not vague so that enforcement action can be taken if necessary. Given the problems that have taken place I would like to see the decision on the conditions brought back to committee and not taken at officer level. That way everyone can have some input in finding a solution.

It is important for committee to recognise the problems experienced by the neighbouring properties and use the right conditions to control the impact of development at this site.

If no additional off road parking can be provided then it may well be that the proposals before Committee should be refused on grounds of insufficient off road parking and highway safety, and the applicant advised to amend his plans.

(Photographs are available to view on screen if requested)

Recommended conditions:

Before the development approved is brought into use further details regarding the construction envelope of the function room building (walls and glazing) and how this will protect local residents from entertainment noise from within the structure shall be:

- submitted to and approved in writing by the local planning authority;
- the approved details incorporated into the construction envelope of the function room building.

The approved details shall thereafter be retained.

No additional openings shall be inserted within the new structure, without the prior consent in writing of the Local Planning Authority.

The use hereby permitted shall not be open to customers outside the hours of 09.00 to 23.00 Monday to Sunday inclusive.

Prior to the development being brought into use a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Times of operation(internally and externally)
- How and when staff will patrol external areas to ensure guests are not noisy, and that no excessive noise is escaping from the function room;
- Doors and windows to the function room remaining closed during regulated entertainment;
- The placement of signage around the function room and external areas requesting that guests are quiet and respect neighbours.
- Arrangements with local taxi firms regarding being quiet on late night collections and no sounding of horns;
- Provision of Noise Limiter within the function room,
- Telephone numbers and names of those in charge on the night of functions(in case of complaint)

The development shall thereafter be undertaken in accordance with the approved Noise Management Plan.

There shall be no live amplified music or regulated entertainment within any temporary structure site on Holmfirth Vinery Land (*plan to be provided to define this land*) outside of the hours of 09.00 to 21.00 on any day.

No part of the development shall be brought into use, until a Full Travel Plan for all business activity at the site has been produced, submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- Measures, objectives and targets for reduced car usage and increased non –car transport usage, including modal split targets;
- The provision of Travel Plan Co-ordinator, including roles, responsibilities and annual monitoring;
- The provision of travel information;
- Implementation and review of time scales; and
- Enforcement, sanctions and corrective review mechanisms

The measures contained within the Travel Plan shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/ measures are necessary, in which case the revised details would be implemented.

This permission extends to the use of the building and entire site (*Plan to be provided*), for a maximum of 140 people (including staff) on site at anyone time.
