KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

23 FEBRUARY 2017

Planning Application 2016/92041 **Item 9 - Page 41**

Demolition of existing buildings and erection of 3 no. dwellings

Poplar Farm, Briestfield Road, Briestfield, Dewsbury, WF12 0PA

7.0 LOCAL/PUBLIC RESPONSE (Page 44)

Two additional letters have been received from a local resident and from the Briestfield History and Community Group. Both are broadly supportive of the proposals, although they have suggested that a good quality artstone for the roofing material would be more preferable.

This has been discussed with the Agent who is agreeable to this.

Recommended condition 5 on page 52 of the agenda specifies the use of natural slate. However, when taking into account that the site is not within a Conservation Area and nor is it within the setting of listed buildings, the use of a good quality artstone for the roofing material would still protect the character of the Green Belt, in accordance with the aims of chapter 9 of the NPPF. Condition 5 is therefore amended accordingly below.

9.0 MAIN ISSUES (Pages 45-51)

<u>Drainage issues (Page 50)</u>

To date, no results of the percolation test had been received. The recommendation, as set out on page 42 of the agenda, is still applicable.

12.0 CONDITIONS

Revised wording of condition 5 (on page 52):

Sample of the roofing material to be submitted to and approved in writing by the Local Planning Authority.

RECOMMENDATION: (Page 42)

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within the report following the completion of the matters set out below:-

1. **Resolve any outstanding drainage matters.**

Planning Application 2016/93946 Item 10 – Page 53

Demolition of existing building and erection of detached dwelling

Bell Cabin, Opposite 17, Long Lane, Earlsheaton, Dewsbury, WF12 8LG

8.0 CONSULTATION RESPONSES (Page 56):

Further comments received from Highways Development Management:

After further assessment, Highways Development Management now consider that the proposed driveway gradients are excessively steep to serve the proposed dwelling and given that the proposed access meets Long Lane at an acute angle, which results in sub-standard sight lines and alignment the proposed access, is considered to be unsuitable and to the detriment of highway safety.

An additional reason for refusal is therefore recommended as follows:

2. Due to the proposed driveway gradients, in addition to the acute angle at which the access meets the highway (Long Lane), the access serving the site is not acceptable and would result in sub-standard sightlines to the detriment of means of access and highway safety, contrary to Policy T10 of the Kirklees Unitary Development Plan.

Planning Application 2015/92174 Item 11 – Page 63

Demolition of existing dwelling and erection of three storey extension and internal alterations to extend existing mosque

21-29, Warren Street, Saville Town, Dewsbury, WF12 9LU

7.0 PUBLIC/LOCAL RESPONSE (Page 66):

The latest round of publicity ended on 15/02/17. To date a further two letters of objection have been received.

One letter from the occupiers of no.1 Chapel Street, maintaining their objection to the proposals due to the impact on residential amenity.

A letter has also been received from Roger Lee Planning Ltd on behalf of the occupiers of no.1 Chapel Street. This maintains the previous objection that the amended travel plan and alterations to the design of the proposals do not address the issues of residential and visual amenity and highway safety.

Officer response: The above comments are noted however, for the reasons set out in the agenda, officers are of the opinion that, on balance, the proposals are acceptable and accord with relevant development plan policies, as well as the aims of the NPPF.

Planning Application 2016/93910 Item 13 – Page 87

Change of use of shop to snooker and games room

Dual House, Wellington Street, Batley, WF17 5TH

7.0 PUBLIC/LOCAL RESPONSES (Page 91):

To date, a petition has been submitted in support of the application, including 202 signatures.

The petition stated "I confirm that I support the above planning application. I consider that the proposed user would provide much needed social facilities for Batley and the site would not in my opinion cause problems for neighbours. Access would not in my opinion cause conflicts since users could use nearby public transport facilities or indeed walk to the venue".

Supporting Information submitted by Applicant

An email from the agent, Phil Fletcher, was received on 14.2.2017 which states that the use will be managed and supervised at all times with restricted opening hours. The premises will sell only soft drinks and snacks. No alcohol will be served.

A further email received on 21.2.2017 from the Agent, Phil Fletcher, states that the applicant would be agreeable to the installation of a Police approved CCTV system to monitor the interior and external car park area.

Officer response:

The above suggestions are noted by officers however, the measures suggested are not sufficient to address the concern set out in the main agenda.

Planning Application 2016/93244 Item 14 – Page 99

Erection of detached dwelling

53, Far Bank, Shelley, Huddersfield, HD8 8HS

Revised plans have been submitted at the request of the agent to include the following amendments to the scheme.

- A slight reduction in the amount of glazing to the eastern end of the south elevation
- The inclusion of roof lights to provide better natural light to the store area.

These amendments do not change the recommendation set out in the agenda.

Planning Application 2016/93177 Item 15 – Page 111

Erection of detached dwelling with attached garage (within a Conservation Area)

Adjacent to, 14, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL

7.0 PUBLIC/LOCAL RESPONSE (Page 114):

Councillor Bill Armer has commented further to state:

"I am concerned about this application, which is the latest in a number for this plot. Permission was recently granted for two quite large houses on another part of the site, which are under construction. A number of applications have been refused here, including one which went to appeal. The Inspector found then that it is important to maintain an open aspect over this land, and I fully agree with this finding".

Two further representations have been received from members of the public and the concerns raised are summarised as follows:

- With regard to the location plan for this application, approved application 2015/90663 for 2 dwellings is not marked on this plan.
- In view of the fact that these 2 dwellings are near completion, the two dwellings should be clearly marked out. The location plan gives a very misleading impression of the remaining 'open view' into and out of the Conservation Area.
- These dwellings have reduced the size of the open land by 50% and have a significant and detrimental effect on the open corridor, reducing the views both into and out of the Conservation Area
- Request that in order to give the Councillors an accurate view of this application, a site visit is made, or at the very least an amended plan is sent to the Chair and all the Councillors with the approved application for 2 dwellings 2015/90663 clearly marked on the plan. This way the Councillors will be able to make an informed decision regarding application 2016/93177.
- In paragraph 4 of the Committee Report the relevant planning history of the site is only partial as it does not make reference to the 1984 appeal decision which was also refused and dismissed.
- Paragraph 11.1 of the Committee Report refers to the NPPF and the presumption in favour of development. With regard to this application this statement may be misleading. It should be made clear that the presumption set out in paragraph 14 of the NPPF does not apply to these proposals. Paragraph 14, when read with the footnote, makes it clear that where proposals affect heritage assets, such as a conservation area, the imperative to grant planning permission does not apply.
- With respect to Policy BE12 the location of the dwelling would normally be unacceptable as it is too close to the existing property opposite (No.29 Manor Road).

Officer response:

The plan contained within the Committee Report is taken from the Ordnance Survey, however a plan showing the plan approved in relation to application ref: 2015/90663 will be shown to members as part of the Case Officer's presentation.

The planning history of the site as set out under paragraph 4.0 of the Committee Report includes that relevant to the current plan period of the Unitary Development Plan (from 1999 onwards). However it is correct that an appeal was dismissed in 1984 following refusal of application ref: 1983/1416 for the erection of 3 dwellings and garages.

Para.11.3 of the Committee Report concludes that the development proposals do not accord with the development plan and that there are specific policies in the NPPF which indicate the development should be restricted. It is recommended that the application be refused.

The relationship between the proposed dwelling and No.29 is discussed in praragraph.10.9 of the Committee Report where it is acknowledged that the separation distance between the existing and proposed dwellings would be 20m, where 21m is recommended by Policy BE12. This relationship is considered to be acceptable since separation distances amongst existing dwellings vary.

The occupier of 29 Manor Road has submitted additional documents and have requested that these are provided to members. These documents will be available at the meeting.

Comments received from the applicant:

The applicant's agent has emailed to state the following:

"We have now watched the webcast back and feel we need to point out an error. In the report it eludes that it was clearly said within the last committee meeting for this site that further development wouldn't be allowed. Having watched the webcast this is misleading as it was clearly said that each application would have to be assessed on its own merit and there was no way that applications could be or should be prejudged. We feel this is what has happened in this case and would ask you to update the councillors to this error as this is not clear within the report and gives a biased view on incorrect information. We will be commenting on this tomorrow, it goes to prove this application has been judged subjectively and not on its own merits, we feel it needs to be made clear that the proposal is acceptable in all ways except the principle of development in your opinion only, we have very strong feelings against this view because we feel development has already been accepted on this site due to the acceptance of the other two dwellings on the same designation of land and with the exact same design principles applied".

Planning Application 2017/90098 Item 16 – Page 121

Erection of eight dwellings

Land adj, 3, Field Head, Shepley, Huddersfield, HD8 8DR

7.0 PUBLIC/LOCAL RESPONSE (Page 125):

The publicity period has now ended on this application. Two further representations have been received. A summary of the objections raised, along with the response of officers, are as follows:

1. Loss of privacy
Response: This has been addressed in the 'residential amenity' section of the report.

2. Increase in the number of dwellings facing the properties on Station Road would increase the volume of onlookers
Response: This has been addressed in the 'residential amenity' section of the report. As set out on page 128 of the agenda, a distance in excess of 30m would be provided between the proposed plots 2-6 and nos.57-67 Station Road. This distance would be in excess of the suggested distances set out in Policy BE12 of the UDP (21m is suggested between habitable room windows).

3. Height and proximity to boundaries detail not shown on the plans, concerned over a reduction in sunlight in summer (impact on both their dwelling, amenity space, and outbuilding)
Response: The plans have been submitted to scale and site sections also provided. The ridge height of the proposed plot 3 would be approximately 0.5m higher than the previously approved dwelling. As set out above, due to the separation distance, the proposed dwellings are not considered to result in any significant adverse impact upon the residential amenity of the occupants along Station Road.

4. No details of the boundary treatment, including height or the preservation of the dry stone wall
Response: Recommended condition 7 (on page 131) relates to the submission of boundary details.

5. The two car parking spaces per dwelling are tight and so can't be used – leading to potential overspill onto Field Head
Response: The site layout has been reviewed by K.C. Highways Development Management. The parking provision and layout is considered acceptable, as set out in the agenda.

6. Increased volume of traffic – junction has poor visibility and there would be an impact on pedestrians too
Response: As set out above, K.C. Highways Development Management, have reviewed the proposals and have confirmed that the proposals are acceptable from a highway safety perspective.

7. Use of slate is not in-keeping
Response: Recommended condition 3 (on page 131) would require a sample of the roofing material to be submitted to and approved in writing by the Local Planning Authority.

8. Impact on ecology (insufficient hedge and trees being retained)
Response: It has been established are part of the previous planning approvals that the development of this site is acceptable. A landscaping scheme is recommended to be conditioned, as set out in the main agenda.

9. The fact that this is a conservation area has been ignored
Response: The land is not located within the Conservation Area.

10. Loss of Green Space
Response: As set out, the principle of developing this site for residential purposes has previously been established as acceptable.

11. Clarification of Policy BE12 requested
Response: The policy itself is set out on the Kirklees Unitary Development Plan.

12. Granting of access to this land would lead to more dwellings being proposed on connected land
Response: Noted. Should such an application be submitted in the future, it would be assessed on its own merit, taking into account all material planning considerations.

10.0 APPRAISAL

Other matters

With regard to drainage, further drainage information has been submitted by the applicant. This is currently being assessed by the Council's Strategic Drainage officer. The recommendation reflects this.

RECOMMENDATION (Page 122):

As set out above, the publicity period has now ended. The recommendation is therefore as follows:-

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report and the matters as set out below:

1. **Resolve any outstanding drainage matters.**