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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 28-Mar-2024**

**Subject: Planning Application 2022/91816 Alterations to convert existing properties at Carrs Close to create 6 apartments and erection of block of 12 apartments with associated infrastructure, access, and landscaping works Land at, Occupation Lane and Carrs Close, Staincliffe, Dewsbury, WF13 4BJ**

**APPLICANT**

D Ainsworth, Homelife Holdings Ltd

**DATE VALID**

25-May-2022

**TARGET DATE**

24-Aug-2022

**EXTENSION EXPIRY DATE**

28-Sep-2023

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

[Public speaking at committee link](#)

**LOCATION PLAN**



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

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**Electoral wards affected: Batley West**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**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 and to secure a Section 106 agreement to cover the following matters:

- a) Affordable Housing 20% of units (4 units socially rented units),
- B) Public Open Space (off-site): £36,234
- C) Net Gain (to secure 10% net gain) £36,340
- D) Management and Maintenance (POS, Drainage and any ecological features)

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 Planning and Development 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 Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

**1.0 INTRODUCTION:**

1.1 This application has been called to committee by Cllr Pandor for the following reasons:

*'When the original application was submitted by Thomas carr mills it was agreed that this land would be kept as it was as an urban meadow*

*The traffic is already way over what it should be and there is no additional capacity  
Car parking in the area is already at a premium and many resident complain regularly that they cant park – where the additional cars will park I don't know but its going to cause major congestion issues*

*The development is out of character and does not fit in with what is there at the moment. This is overdevelopment on a massive scale'*

1.2 Under the revised scheme of delegation, this application is brought to Strategic Planning Committee in accordance with the Delegation Agreement, (as revised November 2023). The request has been reviewed by Chair of Strategic Committee and he agreed that the request was acceptable.

**2.0 SITE AND SURROUNDINGS:**

2.1 Land at, Occupation Lane and Carrs Close, Staincliffe, Dewsbury, WF13 4BJ is approximately 0.19 hectares in size, which is currently occupied by a row of three terrace properties towards the northern boundary of the site which results in a reasonable amount of the site remaining undeveloped.

- 2.2 The site is predominantly bordered by residential properties which is reflective of the wider character of the area; however, there is an area of public open space west of the site which adjoins the redline boundary of this application.
- 2.3 The site is situated northwest of Dewsbury Centre, with the train station being located 1.9m away from the application site. Staincliffe park is located approximately 90m to the East and Staincliffe Church of England Junior School 350m North East.
- 2.4 The site is currently accessed via Carrs Close which is an unadopted road to the north west of the site immediately adjacent to the existing dwellings. There are no other access points onto the site with the south of the existing dwellings being largely overgrown and inaccessible. Transport links to the site are good with a bus stop being located 160m East of the site boundary.
- 2.5 There is a small amount of existing public open space enclosing the site to the west which feature a footpath which is utilised by residents of the area.
- 2.6 In terms of constraints associated with the site, it is located in a Low Risk Coal Area, is not within a Conservation Area, is within Flood Zone 1, is not with a Bat Alert Layer, no Public Rights of Way are implicated by the site and there are no trees subject to a TPO.
- 2.7 Properties within the immediate street scene of the site are not uniform in appearance with dwellings of varying scale, design and age bordering the site in all directions. To the east of the site is a residential development with a mix of mid terrace and semi-detached properties which are 2 and 3 storeys in height. Properties are also not aligned in that dwellings to the east of the site face onto Highfield chase and properties west face onto a small cul de sac off-occupation lane.

### **3.0 PROPOSAL:**

- 3.1 This application has been received for the re development of the existing units into 6 apartments and the erection of a 12 apartment block alongside associated infrastructure, access and landscaping works.

#### **3.2 Re-development of the existing unit:**

A two storey extension to the southern elevation of the existing terraces is proposed. This would project 3.2m beyond the principal elevation of the building, have a width of 6.9m and feature a gable end with a maximum height of 7.5m.

#### **3.3 Erection of 12 apartment block:**

This would be located 12.6m south of the existing unit (15.5m south of the original principal elevation of the terrace row). The proposal would have a width of 25.8m, a depth of 14.3m along western elevation and 12.4m along the eastern elevation. This would have a maximum height of 11.2m with a hipped roof and an eaves height of 8.5m. The proposed block of apartments would have a gable end to its principal elevation. There are no side facings windows on the eastern elevation which would be located a minimum of approximately 1.9m from the eastern boundary of the site and 9 windows on the western elevation of the site which would be located a minimum of 1.3m away from the western boundary.

- 3.4 The apartment block would feature four apartments on each floor with the minimum floor space of each apartment being 47m<sup>2</sup>.
- 3.5 The site would create an access from occupation lane and Carrs close with 6 parking spaces (one of these would be a disabled space) to the southern elevation of the 12 apartment block and three spaces to the west of the site which would be located 5.9m south of no.87 Carr's Close.
- 3.6 There is proposed cycling provision to the north and south of the site which has been revised since the initial submission of the scheme.
- 3.7 Bin storage is proposed 3.6m north of the 6 apartment terrace and 3.8m south of the 12 apartment block.
- 3.8 The existing boundary treatments on the northern or eastern elevation are to be retained as part of the proposal, a 1,8m fence is proposed to the western elevation to separate the site from the public space to the west,

Amendments to the original scheme are detailed in paragraph 5.1 below.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

2007/90703 – Removal of condition 25 relating to pedestrian footpath link to previous permission 2006/62/93089/E1 for erection of residential development for 133 no. dwellings with garages. Approved 21/6/2007.

2006/03089 – Erection of residential development for 133 no. dwellings with garages. Approved 7/11/2006.

2012/93954: Outline application for erection of 5 dwellings. Conditional Outline Permission

2017/90668: Outline application for erection of 5 dwellings. Conditional outline permission.

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

- 5.1 Since initial submission, officers requested alterations to the roof style of the 12-apartment block, the bin location and cycle storage provision. Following an objection from Yorkshire Water, information was requested from the applicant relating to the location of Yorkshire Water's facilities on site.
- 5.2 Final alterations included requesting a revised layout of the proposal to reduce the eastern elevation to two storeys

#### **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 27<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP47 – Healthy, active and safe lifestyles
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

### Supplementary Planning Guidance / Documents:

#### 6.3

- Housebuilder Design Guide Supplementary Planning Document (2021)
- National Planning Practice Guidance
- Noise Report - Advice for Developers
- Waste Management Design Guide for New Developments (October 2020)
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Highway Design Guide Supplementary Planning Document (2019)
- Open Space Supplementary Planning Document (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Climate Change Guidance for Planning Applications (2021)
- Affordable Housing Supplementary Planning Document (2008)
- Interim Affordable Housing Policy (2020)
- National Planning Policy Guidance (NPPG) Housing for older and disabled people (June 2019)
- Housing for Older and Disabled People National Planning Practice Guidance (2019)

### National Planning Guidance:

- 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, and the Planning Practice Guidance Suite (PPGS) first 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.

Chapter 12 – Achieving well-designed places

Chapter 11- Making effective use of land

Chapter 9- promoting sustainable transport

Chapter 8- Promoting Healthy and safe communities

Chapter 5- Delivering a sufficient supply of homes

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by neighbour letters, a site notice and a press notice with publicity expiring on 25/08/2023.

Following the receipt of revised elevational plans, an additional consultation was sent to all neighbours and interested parties this expired on 11.03.2024.

A summary of the comments provided is visible below; however, a full record is available on the application's webpage:

13 Representations were received in response to the consultations which raised the following objections:

- Lack of parking
- Loss of light
- Highways concerns
- Impact to wildlife
- Access for emergency services
- Increased noise
- Scale of development being out of keeping
- Design of the proposal being out of keeping
- Loss of privacy/overlooking
- Antisocial behaviour/crime
- Limiting pedestrian access
- Concerns regarding occupiers of buildings
- Damage to local residents' property.
- Pollution
- Impact to house prices

Following the further re-consultation five objections were received which raised concerns regarding:

- Privacy
- Highway Safety
- Wildlife
- Waste disposal
- Light levels
- Overshadowing
- Description of development inaccuracies
- Crime
- Property values
- Obstructing views
- Inappropriate materials
- Noise
- Loss of light

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

**KC Highways:** KC Highways commented on the initial scheme and objected to the proposal as 'The Waste Strategy sections recommendations regarding the size and/or location of the bin stores and the need for a bin presentation point close to Occupation Lane do not appear to have been complied with and these proposals cannot therefore be considered acceptable to HDM' a revised site plan has been provided which has parking and cycling provision. A separate consultation was conducted with KC Waste following the comments provided. Following the confirmation that bin presentation points are able to be conditioned by KC Waste, a further informal consultation was held with KC Highways who had no further comments on the scheme.

**Lead Local Flood Authority:** The LLFA will require details of the proposed surface water strategy; it has been agreed that this can be conditioned and will request details of the phasing of the development and phasing of temporary drainage provision including methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented, a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

### 8.2 Non-statutory:

**KC Environmental Health:** No mitigation measures required relating to noise.

However, the site is indicated as having the potential to be contaminated due to its historical land use and officers agree with the recommendations of the phase one report. Therefore, subject to conditions related to contaminated land and ground gas monitoring no objections in this instance.

A construction management plan has been provided to support the application; however, further information is required. As a result, a condition is deemed necessary relating to protect the amenity of sensitive noise receptors during construction.

A condition relating to electric vehicle charging points is deemed necessary due to the scale of the proposal to accord with policy LP51 of the Kirklees Local Plan

**KC Trees:** Further planting required within the public open space and therefore a condition is deemed necessary requiring the submission of a landscaping plan.

**Strategic Housing:** The applicant is proposed 100% affordable housing and therefore no conditions are deemed necessary as the proposal is considered to satisfy the requirements of LP11 of the Kirklees Local Plan.

**KC Adult Services:** Given the location of this scheme and the council's direction for meeting housing need I feel that approval would deliver an improved offer for people of Kirklees experiencing mental health concerns and would meet our ongoing need to develop specialist supported accommodation. The development will also assist in creating local jobs through the need for the on-site support delivered to support tenants in their progress towards more independent living.

**Crime Prevention:** No objection to the principle of the application

**Yorkshire Water:** Initially raised an objection due to the location of YW facilities being unknown on site. The applicant conducted further surveys with Yorkshire Water to locate the services and the objection was subsequently removed

**KC Waste:** Initially additional details were requested from the applicant relating to bin storage and presentation points. Further information was provided by the applicant, and it has therefore been determined that, subject to conditions relating to the implementation of a management plan, there are no outstanding issues from a waste perspective.

**KC Ecology:** KC Ecology have been consulted on the application and identified that there would be a net loss of 1.24 units on site. The applicant has provided details of 1.58 hedgerow units being achieved on site; however, hedgerows are not habitat units but linear features and, the uplift in hedgerow units cannot be utilised to off-set the requirement to achieve a 10% net gain in habitat units at the site. As a result, 1.58 habitat units will need to be delivered, via off-site compensation. In line with the [Kirklees Biodiversity Net Gain Technical Advice Note](#) and suitably worded conditions.

**KC Public Open Space:** KC Public Open space have provided comments that as the site lies well within the acceptable guidelines for proximity to existing provision including Staincliffe Park and others well within a 15min walk and less than 720m away we would recommend an off-site contribution towards existing provision.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 10.2 Policy LP1 sets out the Local Planning Authority's approach to the presumption in favour of sustainable development, as laid out in NPPF (Chapter 2). Policy LP1 states that 'when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'.
- 10.3 Policy LP2 requires that 'proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.



- 10.4 Policy LP3 concerns the location of new development. In considering the abovementioned requirements of Policies LP1 and LP2, proposals are also required to reflect a settlement's size and function, place shaping strengths and opportunities/challenges for growth, spatial priorities for urban renaissance and regeneration, and the need to provide new homes and jobs.
- 10.5 In addition, Policy LP11 requires proposals of 10 or more dwellings to provide a mix of housing reflecting the proportions of households that require housing, achieving a mix of house size and tenure. This includes provision of dwellings suitable for adaptation and/or use from those with specialist needs as outlined in section 8.32.
- 10.6 Within the affordable housing and housing mix SPD (March 2023) it is identified that Batley and Spen have a requirement of 60% + affordable housing for 1-2 bedroom dwellings.
- 10.7 The Kirklees Specialist Accommodation Strategy 2022 – 2030 forms part of the Kirklees housing strategy and covers individuals that the local authority and its health partners support in homes that are designed to meet the particular needs of different people in their homes so that they remain independent. This outlines methods to address the shortage of specialist accommodation provision within the region. By 2030 it is hoped to increase the number of provisions for people with mental health issues to live independently. It is understood that from data in 2020 there were just under 160 individuals within this category in Kirklees and provision for 145 individuals in Kirklees with only 1% residing in shared supported accommodation, 31% in supported accommodation, 43% in care home facilities and 25% in Floating Support.
- 10.8 The facility would provide a form of supported accommodation which is defined as . A person living in their own home, but the accommodation is grouped together (rented) with onsite support.
- 10.9 Within the Kirklees Specialist Accommodation Strategy 2022 – 2030, the ambition for the accommodation range within this sector seeks to increase the provision to 36% by 2030. It is considered that this facility would provide 18 units in the above category.
- 10.10 Following on from this, paragraph 6.8 of the Kirklees Local Plan makes reference to the important contribution that windfall sites can make in delivering housing supply. It has previously been highlighted that the site does not form part of a housing allocation and would therefore deliver an additional 18 affordable housing units within the Batley West ward.
- 10.11 It is acknowledged the requirement of LP11 requires a mix of tenures; however, it is considered that, the application would provide an alternative form of care for individuals from within Kirklees without implicating land allocated as housing in the Kirklees Local Plan. The proposal would provide limited support for individuals living within the unit and would therefore remain as a C3 use with 100% affordable housing contribution, it is important to highlight as a merit of the scheme that it would provide a form of supported accommodation for individuals that are below the age of 65 which do not require the extent of support that a C2 use could accommodate. . It should also be recognised that the occupants would benefit from assisted living whilst assisting the authority in achieving the Kirklees Specialist Accommodation Strategy.
- 10.12 As such, Officers consider that the principle of development for the proposal to be in accordance with Policies LP1, LP2, and LP3 of the adopted Kirklees Local Plan and NPPF (Chapters 2 and 11), particularly Paragraph 123.

### 10.13 Development Density

10.14 Policy LP7 states that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. It also identifies that proposals should encourage the use of previously developed land in sustainable locations and give priority to despoiled, degraded, derelict and contaminated land that is not of high environmental value.

10.15 The site has an area of 0.19 hectares and would represent a net contribution of 15 dwellings on site, 18 overall dwellings. This would be considered LP7 of the Kirklees Local Plan as it would meet the net density requirement of at least 35 dwellings per hectare whilst incorporating previously developed land in a sustainable location.

10.16 By officers' calculations, the site should accommodate 6/7 dwellings to accord with LP7 of the Kirklees Local Plan. As the site has an area of 0.19 of a hectare and would accommodate 18 dwellings, the density of the site when converted to hectares would translate to 94 DPH, this exceeds the requirement of LP7. Officers consider that due to the tenure of the proposal and the dwellings being flats with reasonable access to outdoor space and minimum internal footprint of 47m<sup>2</sup>, the development would be an appropriate density for the type of accommodation and needs of the occupants in this instance.

### 10.17 Housing Supply :

10.18 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

10.19 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making 'Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

10.20 The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment below.

## **10.21 Summary:**

10.22 Officers consider the principal of the proposal to be acceptable given that the site is on un-allocated land and as such would represent a windfall site, would meet the minimum requirement for housing density requirement in accordance with LP7 and has identified the contribution to housing mix in accordance with LP11. As such, Officers consider that the principle of development for the proposal to be in accordance with Policies LP1, LP2, and LP3 and LP11 of the adopted Kirklees Local Plan and NPPF (Chapters 2 and 11), particularly Paragraph 123.

## **11.0 Urban Design issues**

11.1 Policy LP24 states that good design should be at the core of all proposals in the district and should be considered at the outset of the development process. Furthermore, proposals should promote good design by ensuring that the form, scale, layout and details of the development respect and enhance the character of the area, provide high levels of sustainability, and minimise the risk of crime, amongst other criteria.

11.2 NPPF (Chapter 12) sets out the national approach to achieving well-designed places. Paragraph 135 states that proposals should function well and add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site's potential to accommodate and sustain an appropriate amount and mix of development, and create places that are safe, inclusive and accessible.

11.3 It is acknowledged that the development is not for a typical C3 residential unit; however, it is considered that as the proposal is for a residential use, the Kirklees House Builders Design guide is still considered relevant in this context.

11.4 Principle 2 refers to the context of the site and states that development should complement existing built form in terms of its height, shape, form and architectural details.

11.5 A design and access statement has been provided to support the application which outlines the core principals of the development.

11.6 There are minimal alterations to the design of the existing terrace to the rear of the site; however, a two storey gable ended projection is proposed to the principal elevation. The proposed materials for this have not been explicitly given, and therefore would need to be secured via condition. The incorporation of a gable end is not considered an inappropriate addition within the area due to the existing structure featuring a gable end and properties along occupation lane being of similar design.

11.7 The proposed 12 apartment block would be constructed out of stone blocks with re constituted stone lintels, upvc windows and feature a tiled roof. As the area is characterised by Yorkshire stone and modern replicas, it is considered that this is an appropriate material palette as variations are not prominent within occupation lane which the proposal would front.

11.8 The proposal would feature three storeys with a maximum height of 11.2m which would face onto occupation lane; however, this would be set back approximately 13.6m north of the site boundary. It is considered that this would assist with reducing the structures prominence within the street scene whilst respecting existing building

lines in the street scene. Officers have also requested that the proposal is reduced to two storeys along the eastern boundary with a maximum height of 8.4m to reduce the scale and mass of the development from the public realm. The façade of the 12 apartment block draws similarities from residential properties within the vicinity particularly those on Highfield Chase to the east of the site. In addition, the style and window spacing replicates the modern town house design to the east of the site and the scale of the development is comparable to development situated to the east, namely 64-70 Highfield Chase.

11.9 It is therefore considered that, the proposal would demonstrate a good level of sustainability through the re development of existing structures and the form scale and layout of the development has been adequately detailed and justified in the supporting documents.

## **12.0 Residential Amenity**

12.1 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

12.2 35 Highfield Chase:

This property is situated approximately 16m north of the application site. As there are no alterations to the rear of the existing terrace it is considered that no significant issues would arise regarding overlooking/overshadowing/loss of light/overbearing. The proposed 12 apartment block would be set a sufficient distance from this dwelling to not raise any significant concerns regarding the residential amenity of these dwellings.

12.3 4 Carrs Close and 87 Occupation Lane: No 4 is situated to the north-west of the site and no 87 is situated to the west. As there are no alterations to the rear of the existing terrace and no additional side facing windows for habitable rooms, it is considered that no significant issues would arise regarding overlooking/overshadowing/loss of light/overbearing. The proposed 12 apartment block would be set a sufficient distance from this dwelling to not raise any significant concerns regarding the residential amenity of these dwellings.

12.4 21-33 Highfield Chase : adjoin the application site to the east. There is a minimum separation distance of approximately 10m between the existing structures and the rear elevation of these dwellings which would be retained if the proposal received permission. The proposed conversion of the three terrace properties would utilise the existing fenestration in the eastern elevation of the structure and existing boundary treatments would be retained between the dwellings. The proposed 12 apartment block would be situated 6.5m south west of the private amenity space of no.21. and a minimum of 15.5m away from the main dwelling. It is considered that, due to their being an offset relationship between the structure and a sufficient separation distance between the main dwelling and the proposal, no significant issues would arise regarding overlooking/overshadowing/loss of light/overbearing.

- 12.5 17-19 Highfield Chase also adjoin the application site to the east.
- Overlooking: There would be no additional windows or doors in the eastern elevation of the new apartment block and therefore no significant issues would arise regarding overlooking.
- Overshadowing/loss of light/overbearing: The existing terrace would not be significantly different to the existing structure and therefore no further comments on this aspect. The 12 apartment block would be located 14.3m away from the rear elevation of no.17 and an offset relationship with no.19 which would retain 12.4m between the properties. Principle 6 of the Kirklees House Builders Design Guide refers to retaining high standards of residential amenity and states that the typical minimum separation distances would be 12m for windows of habitable rooms that face onto windows of non habitable rooms. As previously highlighted, the proposal would not feature any side facing windows in the eastern elevation and it is therefore considered that these separation distances would be acceptable. The proposal has been reduced along the eastern elevation to two storeys which is matching to the immediately adjoining development, this would have the separation distances previously highlighted with the three storey element of the proposal being situated an additional 5.7m away. It is acknowledged by officers that this would be a different relationship due to the land currently being undeveloped; however, officers consider that, there would be an acceptable separation distance between the development and the reduced scale of the property along the eastern elevation of the proposal would prevent any significant concerns being raised regarding overshadowing/loss of light or overbearing.
- 12.6 97 Occupation Lane: adjoins the application site to the east and immediately abuts occupation lane. The proposal would be set approximately 4.7m west of the property and set back approximately 11m from the principal elevation of no.97.
- Overlooking: The proposal would not feature any side facing windows on its eastern elevation.
- Overshadowing/loss of light: The proposal would be set 4.7m east of no.97 and due to no.97 benefitting from a significant single storey side/rear extension, would not significantly intercept the private amenity space of the dwelling. No.97 has a side facing window at ground floor level in the extension which from reviewing previous planning history at the site, it is understood this relates to a bedroom which is a habitable room. This application was given planning permission without the inclusion of a side facing window and officers are unable to locate a variation of condition or revised application permitting the introduction of this window. Nevertheless, the structure also benefits from a roof light and therefore it is considered there is a secondary light source to this room and no significant issues would arise regarding overshadowing/loss of light.
- Overbearing: As previously highlighted, no.97 benefits from a single storey rear extension which would prevent the proposal from significantly intercepting the private amenity space of no.97. In addition, the proposal would be set approximately 4.7m away from the side elevation of no.97 and has been reduced in scale along its eastern boundary since submission. Therefore, no significant issues would arise regarding overbearing.
- 12.7 Future Occupiers
- 12.8 The sizes (in sqm) of the proposed units are a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. Although the Government's Nationally Described Space Standards (March 2015,

updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD.

- 12.9 The units would have a minimum size of 47m<sup>2</sup> each and a maximum of 49m<sup>2</sup> each. As the units are single person occupancy, they would be required to have a footprint of 37m<sup>2</sup> (39m<sup>2</sup> due to the floor plans showing a bath. The units would exceed the minimum requirements and would therefore provide acceptable living conditions for the future occupiers of the site.
- 12.10 The proposed development is not considered detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. The proposal is deemed to comply with policies LP24 of the Kirklees Local Plan

### **13.0 Noise, Odour & External Lighting**

- 13.1 Policy LP52 requires that proposals which have the potential to increase noise, vibration, light, dust, odour, shadow flicker, chemical or other forms of pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.
- 13.2 Usually, care home developments are commonly found in residential areas and are not generally considered to be a noise generating uses, over and above the noise made by people living and working in them and the use of medical equipment and internal alarms. Noise levels would also need to be kept at an operationally safe level to maintain the residential amenity of future occupiers and staff. It is considered that, the development would be retaining a C3 use which is characteristic of development in the immediate vicinity.
- 13.3 The application has been supported with an Environmental Noise Survey, Noise Break-In Assessment & Sound Insulation Scheme authored by NOVA Acoustics dated 17 May 2022 Ref 7745HH. This has been reviewed by KC Environmental Health and an addendum report is required to rectify discrepancies between tables contained in the document. Officers would be able to secure this via the relevant conditions.
- 13.4 No details for an external lighting scheme have been submitted at this stage. It is therefore unclear what types and luminosities of external lighting would be used at the site. However, Officers note that conditions could be secured for a full external lighting strategy to ensure that external lighting does not have a detrimental impact on the residential amenity of neighbouring occupiers or local wildlife.

It is considered that subject to conditions the proposal would accord with LP52 of the Kirklees Local Plan.

### **14.0 Highway issues**

- 14.1 Policy LP21 requires proposals to demonstrate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Proposals are required to demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.

- 14.2 NPPF (Chapter 9) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112 further details priority use of new roads, addressing the needs of people with disabilities, creating safe and secure places, allowing for efficient delivery of good and emergency service access, and enabling the use of electric vehicles.
- 14.3 A transport assessment has been provided to support the application which outlines that the existing three spaces associated with the terrace row will be retained as staff parking. The five parking spaces and one disabled space proposed to the south of the site are for visitors of the site as residents are unlikely to benefit from the use of their own car. Due to the intended use of the site, it has been calculated that there would be approximately 1 car trip every twenty minutes during peak hours associated with the development.
- 14.4 The transport statement explains that there are not set visiting times on site and therefore increased traffic volumes are unlikely to be different to a standard C3 use, members of staff will visit the site on a rota basis and only one member of staff will be on site between 11pm and 7am.
- 14.5 The proposal would create an additional access from occupation lane which would be 5.5m in width with 9.1m of dropped kerbs leading to the road carriageway.
- 14.6 Cycle storage for 18 bikes has been allocated for to the north and south west of the site which would support the application being in accordance with LP21 of the Kirklees Local Plan.
- 14.7 The site has been demonstrated to be within a sustainable location with a bus stop being a 3 minute walk from the site and several amenities being within a 2km distance of the site.
- 14.8 Comments from KC Highways have not raised any objections relating to parking provision on site or highway safety.
- 14.9 Further to the requirements of Policy LP21, Policy LP24(d)(vi) also requires that proposals incorporate adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste; however, Highways officers have queried the location of bin storage and presentation points on bin collection day. Revised plans have been provided by the applicant; however, this still requires the provision of bin storage near Carrs close which collection wagons are unable to utilise.
- 14.10 These comments and the amended plans have been reviewed with KC waste and it is considered that subject to conditions requiring a management strategy of the waste collection, these details could be conditioned to be acceptable. Therefore, subject to conditions, it is considered that there are no significant concerns regarding highway safety and the proposal would accord with LP21 and LP22 of the Kirklees Local Plan and the aims of chapter 9 of the NPPF

## **15.0 Flood Risk and Drainage:**

- 15.1 Policy LP28 contains a presumption for the use of sustainable drainage systems (SuDS). In addition to this presumption, the policy also states that 'development will only be permitted if it can be demonstrated that the water supply and wastewater infrastructure required is available or can be co-ordinated to meet the demand generated by the new development'.
- 15.2 NPPF (Chapter 14) requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate, in line with the sustainable drainage hierarchy.
- 15.3 The site is located in Flood Zone 1 and details of foul, surface and land water drainage have not been provided to support the application.
- 15.4 The LLFA have been consulted on this application and are in support of the application subject to the implementation of pre commencement conditions relating to drainage, overland flow routing and surface water flood risk and pollution plan have been provided.
- 15.5 Yorkshire Water also note the presence of a sewer asset running into the site. This had resulted in an initial objection from Yorkshire Water; however, further works were undertaken with Yorkshire water and officers note that the sewer is in close proximity to the existing terrace row and the proposed bin storage. Therefore, there is limited development in close proximity to the sewer and further details of bin storage are to be secured via condition. Further details have been provided by the applicant and the objection from Yorkshire water has subsequently been removed subject to conditions.
- 15.6 Officers note the recommendations for pre-commencement conditions for further specific details, which would be secured. Therefore, subject to conditions the proposal is considered to be in accordance with Policy LP28 of the adopted Kirklees Local Plan and NPPF (Chapter 14).

## **16.0 Ecology, Biodiversity & Trees**

- 16.1 Policy LP30 requires that proposals do not result in unmitigated or uncompensated significant loss of or harm to biodiversity and should provide biodiversity net gains through good design.
- 16.2 The Council's adopted Biodiversity Net Gain Technical Advice Note Paragraph 3.1.1 states that '*at this time, in the absence of legislation, a minimum of 10% net gain in biodiversity is required*'.
- 16.3 NPPF (Chapter 15) Paragraph 174(d) further requires that proposals should minimise impacts on and provide net gains for biodiversity. In addition, Paragraph 180(a) also states that if a proposal would result in unmitigated or uncompensated significant harm to biodiversity, planning permission should be refused.
- 16.5 The applicant has provided: A Bat scoping report, An Ecological Survey and a Mammal survey to support the application.



- 16.6 The details highlight that no terrestrial mammals were located on site; however, the bat survey was conducted in March 2022 and it is usually recommended these are conducted between May-September. There was evidence of fox's and Norway Rats on site. The report has been summarised by recommending a series of ecological enhancements, including Biodiversity Net Gain. These include consideration of external lighting, provision of bird and bat boxes, and native species planting.
- 16.7 Policy LP33 states that planning permission will not be granted for developments which directly or indirectly threaten trees or woodland of significant amenity. Furthermore, proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.
- 16.8 There are currently no protected trees on site and KC Trees has identified a group of multi stemmed sycamore to the north west of the site. The landscape plan submitted to support the application does include the introduction of trees; however, officers consider that the proposal would benefit from further planting to screen the development. It is considered this information can be secured via condition.
- 16.9 KC Ecology have been consulted on the application and highlighted that the proposal would represent a net loss of 1.24 habitat units. The details provided state that 1.58 hedgerow units would be provided; however, these would not contribute to a habitat units on site as hedgerows are linear features and 1.58 habitat units would still need to be provided, these can be achieved via an offsite contribution or a combination of the following:
- Management of land within the control of the developer;
  - Purchase of the required compensation value from a Habitat Bank;
  - Payment of a commuted sum to the Local Planning Authority; or
  - A combination of all or some of the above.
- 16.9 Conditions are proposed to secure the aforementioned details which should also be inclusive of a demonstrable 10% Biodiversity Net Gain as set out in the Council's Biodiversity Net Gain Technical Advice Note. Any habitats that are to be delivered on site will be secured via conditions and officers consider that due to the scale of the development a biodiversity net gain contribution will be required which will be secured by a Section 106 agreement.

A condition limiting on-site works to outside of the bird nesting season would also be secured. Given this, the proposal is considered to be in accordance with Policy LP30 and LP33 of the adopted Kirklees Local Plan and NPPF (Chapter 15).

## 17.0 Representations

- 17.1 At the time of writing, 18 objections had been received to the application. Officers will respond to the material planning considerations below:

Lack of parking/Highways Safety/Access/Emergency Vehicle Access

Response: Officers have reviewed the information provided, requested further details from the applicant and consulted KC Highways Development Management, It has been clarified that few individuals who would be living at the proposal would have access to their own vehicles, there would be a maximum of two members of staff at any time which would be accommodated by the three parking spaces to the north west of the site. KC Highways Development Management and KC Waste have reviewed the application and have not raised any concerns subject conditions.

#### Loss of light

Response: The proposals impact to the residential amenity of neighbouring residents has been assessed in section 12 of the officer report

#### Impact to wildlife

Response: The applicant has provided: A Bat scoping report, An Ecological Survey and a Mammal survey to support the application which have been reviewed by officers. It is considered that no protected species were found on site at the time of the surveys. KC Ecology have reviewed the details provided and noted that the proposal would represent a habitat unit loss and that 1.58 units would be required to achieve the 10% uplift on site in line with the Kirklees Biodiversity Net Gain Technical Advice Note. Conditions are therefore to be imposed on the application should it receive permission and a s106 agreement secured for any off site contributions.

#### Noise:

Response: Offices have addressed concerns regarding noise in section 13.0 paragraph 13.1 and section 21.0 of the officer report.

#### Scale of development being out of keeping

Response: Officers have assessed the design of the proposal in the urban design section of the report. It is considered that the design of the proposal is in keeping with the building mix in the vicinity and takes architectural reference from the character of the area. The scale is appropriate in the context of the site and the urban context in which it sits.

#### Design of the proposal being out of keeping

Response: Response: Officers have assessed the design of the proposal in the urban design section of the report. It is considered that the design of the proposal is in keeping with the building mix in the vicinity and takes architectural reference from the character of the area.

#### Loss of privacy/overlooking

Response: The proposals impact to the residential amenity of neighbouring residents has been assessed in section 12 of the officer report

#### Pollution

Response: The site is considered to have the potential to be contaminated and as such a phase one desk top study has been provided to support the application. This has been reviewed by KC Environmental Health and conditions requested in response.

## **18.0 Other Matters**

### **18.1 Carbon Budget**

The applicant's Climate Change Statement sets out the following provisions:

- Install 'smart' energy metering, including displays showing the amount and cost of energy consumed.
- Ensure that building service controls such as lighting and gas boiler controls, and management systems are user friendly, efficient, up to date, and complementary –
- Use LED light fittings where possible –

- Use energy efficient white goods (rating where possible) (e.g. fridges, washing machines).
- Providing external space for drying washing naturally
- 'Welcome packs' to inform occupiers about the efficient use of their heating and lighting systems.
- Follow the waste management hierarchy and incorporate facilities to minimise waste as part of development proposals during demolition, site clearance, construction and when subsequently occupied.
- Designing the building footprint to be as efficient as possible - The design ensures that there is sufficient space for occupiers of completed schemes to store separated waste awaiting collection for recycling and disposal. Requirements for refuse and recycling are designed as an integral part of new residential development.
- Sourcing materials with a low U-value (a measure of the materials heat loss value).
- Sourcing materials locally to reduce the need for transport.
- Selecting materials that have a long life and require little maintenance.
- Selecting materials that have low levels of embodied energy (energy used in manufacture).
- Considering the full life cycle of alternative materials
- The project will adopt a fabric first approach adding additional insulation where possible
- A further review post approval for additional facilities
- Automatic lights
- Electric vehicle charging points
- Provision of cycle stores.

It is recommended that for the avoidance of doubt, and enforceability, a condition should be imposed requiring specific measures to be built into the fabric of the development, and that details of these shall be submitted to and approved by the Local Planning Authority. Subject to this condition, the proposed development would comply with the aims of Local Plan Policy LP24 (b) and Chapter 14 of the NPPF.

## **19.0 Contaminated Land**

The site has been identified as being potentially contaminated due to its previous use/s (site reference: 217/5) and as a result, a A Phase 1: Preliminary Risk Assessment by LK Consult dated 13th May 2-22 (ref: CL-602- LKC 22 1147-01) has been submitted in support of the application which summarises that a phase 2 report would be required.

These details have been reviewed by KC Environmental Health who agree with the recommendations of the report. Therefore, subject to the implementation of conditions, the proposal would accord with policy LP53 of the Kirklees Local Plan.

## **20.0 Coal Mining Legacy**

The site lies in a Coal Advice Area, which is considered to pose a low risk to developments from potential previous mine workings in the area. The Coal Authority have been consulted on the application and have not raised any objections. A note would be added to any decision notice advising the applicant of the standing advice from The Coal Authority.

## 21.0 Construction Matters

As with any new development project, there would likely be some disturbance to residential amenity during the construction phase of the proposal. A construction management plan has been provided by the applicant which has been reviewed by KC Environmental Health. The submitted construction management plan fails to address any noise from construction-related activities that may result in loss of amenity to nearby sensitive receptors during construction. It does not give the details of the responsible person; it has not given any detail regarding security lighting and has not included all the possible fugitive dust mitigation controls. For this reason, we recommend a condition to protect the amenity of nearby sensitive receptors during construction. Officers agree with this approach and would secure the relevant conditions.

## 22.0 Employment opportunities

Policy LP9 of the Kirklees Local Plan states that where possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training. This may include specific training or apprenticeships that are related to the proposed development, or support for other agreed priorities for improving skills or the creation of conditions to support a higher-performing workforce, increasing productivity and the in-work progression of employees.

Although the proposal would provide an element of care, the proposal would continue to fall within a C3 use. The proposal would likely provide some local employment opportunities for a range of job roles associated with the management, maintenance, operation, and care requirements of the development and its residents as it is detailed within the supporting documents that the parking provision on the western boundary of the site would be retained for staff. However, the application form states that no employment opportunities would be gained or lost as a result of the proposal.

Officers have approached the applicant for clarification on these matters and it has been detailed that :

' The accommodation will be for social rent, with tenants renting an apartment within the development. Tenants will be in receipt of a care assessment carried out by Kirklees Council and as a result tenants will be eligible for care funding to purchase hours of support to help them with domiciliary tasks, and assistance to access community-based activities such as shopping, medical appointments and leisure and education or employment opportunities. The care funding will be statutory funding to which each tenant is entitled to, and this will be paid by Kirklees Council.

Tenants will use their care funding to purchase care and support from a CQC approved support provider. Staff employed by a support provider will travel to the development to visit each person in their apartment. Support tasks will be carried out in the apartment and people will be supported to access the wider community. Off-site support tasks will be carried out on foot or using public transport.

Most support staff visiting supported housing properties tend to be recruited from the local area, or travel by bus. Support providers also encourage car sharing arrangements to reduce travel costs.

There will be a core staff presence within the property during the daytime and at night if night support supervision is required. The core team usually consists of two dedicated people during the daytime hours between 7.00am and 11.00pm. The two staff members are supplemented (if required) by the support carried out by visiting support workers.

During the hours of 11.00pm and 7.00am there will be one member of staff working a waking night. This may be increased to two members of staff if required. No supplementary staff will be required between 11.00pm to 7.00am unless there is an emergency or there is an identified need.

Medical staff will not travel to the property, tenants will access hospital and doctor's appointments in the community.

Data from existing supported housing developments completed by the developer show that tenants rarely drive or own a vehicle. The apartments planned for Occupation Lane have been designed for people who are not wheelchair users, and it is unlikely tenants will have a mobility vehicle.

It is officers' present opinion that due to the proposal retaining a C3 use, the positive benefits of the development in terms of job creation would be sufficient to fulfil the requirements of Policy LP9 and that further commitments (e.g. training) will not be required of the applicant in this instance.

## **23.0 CONCLUSION**

23.1 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 proposals would accord with the development plan and the NPPF and other material consideration.

Since submission, officers have negotiated with the applicant, to amend the design of the 12 apartment block, clarification on matters relating to waste has been sought, revised block plans received, additional details sought relating to waste and cycling storage and all statutory consultees consulted.

The proposal would create 18 affordable units (net gain 15 dwellings) to provide supported accommodation on a windfall site, whilst meeting the minimum requirement for housing density and contributing to housing mix and supply within Kirklees. Officers consider that the proposal would be acceptable in visual design, create suitable living standards for future occupiers and have acceptable impact in residential amenity of neighbouring residents.

As set out above, 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 subject to conditions and is therefore recommended for approval.

## **12.0 CONDITIONS**

- 1. Timeframe for commencement of three years**
- 2. Details of Materials to be submitted and approved**
- 3. Drainage details and management plan during construction and attenuation**

- 4 Yorkshire water requested condition.
- 5 Vehicular access surfacing
- 6 Landscaping details to be submitted and approved in writing to ensure appropriate.
- 7 External lighting to limit impact to residential amenity and wildlife.
- 8 Acoustic reports to be submitted and approved due to addendum requirement
- 9 Waste management for Highway Safety
- 10 Biodiversity net gain as 10% minimum contribution is required on site
- 11 Contaminated land to ensure the site is suitable for safe occupation due to its former use
- 12 Carbon budget details to ensure the proposal would accord with LP24(B)
- 13 Construction management plan to protect amenity of nearby sensitive receptors during construction
- 14 Details of boundary treatments to be submitted and approved in writing
- 15 Clearance works to be completed outside bird nesting season
- 16 All units shall be for social rent as stipulated in the application form and agreed with strategic housing.

**Background Papers:**

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership –Certificate B signed: