

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

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Wednesday 15 June 2022

## Notice of Meeting

Dear Member

### **Planning Sub-Committee (Heavy Woollen Area)**

The **Planning Sub-Committee (Heavy Woollen Area)** will meet in the **Reception Room - Town Hall, Dewsbury** at **1.00 pm** on **Thursday 23 June 2022**.

(A coach will depart the Town Hall, at 9:30am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Dewsbury Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Planning Sub-Committee (Heavy Woollen Area) members are:-**

### **Member**

Councillor Gwen Lowe (Chair)  
Councillor Ammar Anwar  
Councillor Nosheen Dad  
Councillor Adam Gregg  
Councillor Steve Hall  
Councillor John Lawson  
Councillor Fazila Loonat  
Councillor Aleks Lukic  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Jackie Ramsay  
Councillor Joshua Sheard  
Councillor Melanie Stephen

When a Planning Sub-Committee (Heavy Woollen Area) member cannot be at the meeting another member can attend in their place from the list below:-

### **Substitutes Panel**

#### **Conservative**

B Armer  
D Hall  
V Lees-Hamilton  
R Smith  
M Thompson  
J Taylor

#### **Green**

K Allison  
S Lee-Richards

#### **Independent**

C Greaves

#### **Labour**

M Kaushik  
F Perry  
M Sokhal E Firth  
T Hawkins

#### **Liberal Democrat**

A Munro  
PA Davies  
A Marchington

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Sub-Committee**

To receive any apologies for absence, or details of substitutions to Sub-Committee membership.

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**2: Minutes of Previous Meeting**

1 - 6

To approve the Minutes of the meeting of the Committee held on 28 April 2022.

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**3: Declaration of Interests and Lobbying**

7 - 8

Sub-Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

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**4: Admission of the Public**

Most agenda items will be considered in public session, however, it shall be advised whether the Sub-Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

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**5: Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

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## **6: Public Question Time**

To receive any public questions.

In accordance with:

- Council Procedure Rule 11 (3), questions regarding the merits of applications (or other matters) currently before the Council for determination of which the Council is under a duty to act quasi judicially shall not be answered.
- Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.

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## **7: Site Visit - Application No: 2021/93286**

Reserved matters application pursuant to outline permission 2020/91215 for erection of 41 dwellings - Land at Green Acres Close, Emley, Huddersfield.

(Estimated time of arrival at site 9:55am)

Contact Officer: Ellie Worth, Planning Services

Ward affected: Denby Dale

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## **8: Site Visit - Application No: 2021/93109**

Erection of single storey extension at 9 Sackville Street, Ravensthorpe, Dewsbury.

(Estimated time of arrival at site 10:55am)

Contact Planning Officer: Jennifer Booth, Planning Services

Ward affected: Dewsbury West

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## **9: Site Visit - Application No: 2022/90501**

Erection extensions and alterations to two dwellings at 74-76 Pilgrim Crescent, Dewsbury Moor, Dewsbury.

(Estimated time of arrival at site 11:20am)

Contact Officer: Jennifer Booth, Planning Services

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Ward affected: Dewsbury West

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**10: Review of Planning Appeal Decisions** 9 - 14

To note the report.

Contact: Julia Steadman, Planning Services

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**Planning Applications** 15 - 16

The Planning Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must have registered no later than 5.00pm (via telephone), or 11.59pm (via email) on Monday 20 June 2022.

To pre-register, please contact [andrea.woodside@kirklees.gov.uk](mailto:andrea.woodside@kirklees.gov.uk) or phone Andrea Woodside on 01484 221000 (Extension 74993)

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

**11: Planning Application - Application No: 2021/93286** 17 - 68

Reserved matters application pursuant to outline permission 2020/91215 for erection of 41 dwellings Land at Green Acres Close, Emley, Huddersfield.

Ward affected: Denby Dale

Contact: Ellie Worth, Planning Services

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**12: Planning Application - Application No: 2022/91339** 69 - 74

Application for alterations from rendered finish to wood cladding finish on 2 walls at Chellow House Cottage, Chellow Terrace, Birkenshaw.

Ward affected: Birstall and Birkenshaw

Contact: Jennifer Booth, Planning Services

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**13: Planning Application - Application No: 2022/90501** 75 - 84

Extensions and alterations to two dwellings at 74-76 Pilgrim Crescent, Dewsbury Moor, Dewsbury.

Ward affected: Dewsbury West

Contact: Jennifer Booth, Planning Services

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**14: Planning Application - Application No: 2021/93109** 85 - 94

Erection of single storey extension at 9 Sackville Street, Ravensthorpe, Dewsbury.

Ward affected: Dewsbury West

Contact: Jennifer Booth, Planning Services

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**15: Planning Application - Application No: 2021/90731** 95 - 110

Erection of detached dwelling with parking and associated works adjacent to 7 Valley Road, Millbridge, Liversedge.

Ward affected: Liversedge and Gomersal

Contact: Olivia Roberts, Planning Services

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### **Planning Update**

The update report on applications under consideration will be added to the web agenda prior to the meeting.

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 28th April 2022

Present: Councillor Mumtaz Hussain (Chair)  
Councillor Adam Gregg  
Councillor Steve Hall  
Councillor John Lawson  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Jackie Ramsay  
Councillor Joshua Sheard  
Councillor Melanie Stephen

Apologies: Councillor Nosheen Dad  
Councillor Fazila Loonat  
Councillor Gwen Lowe  
Councillor Kath Taylor

**1 Membership of the Sub-Committee**

Apologies for absence were received on behalf of Councillors Dad, Loonat, Lowe and K Taylor.

**2 Minutes of Previous Meeting**

**RESOLVED** – That the Minutes of the Meeting held on 17 March 2022 be approved as a correct record.

**3 Declaration of Interests and Lobbying**

All Councillors present advised that they had been lobbied on Application 2021/93286.

Councillors Ramsay and M Hussain advised that they had been lobbied on Application 2021/93311.

Councillor M Hussain advised that he had been lobbied on Application 2021/92771.

**4 Admission of the Public**

It was noted that all agenda items would be considered in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Site Visit - Application No: 2021/92771**

Site visit undertaken.

## Planning Sub-Committee (Heavy Woollen Area) - 28 April 2022

### 7 Site Visit - Application No: 2021/93665

Site visit undertaken.

### 8 Planning Application - Application No: 2021/93311

The Sub-Committee gave consideration to Application 2021/93311 – Erection of new footbridge, ramps and stairs (within a Conservation Area) at land between Rutland Road, Howley Street, Primrose Hill, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Tim Hill and Phil Middlehurst (local residents) and Tony Rivero (on behalf of the applicant).

**RESOLVED** – That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- three years to commence development
- development to be carried out in accordance with the approved plans and documents
- submission of a construction management plan (pre-commencement)
- suicide deterrent measures (pre-commencement of footbridge structure)
- security fence details including obscure fencing specification
- structural design details of footbridge, ramps, steps, drainage and associated works (pre-commencement)
- embankment/abutment safety measures for protection of the public highway (pre-commencement)
- drainage design (pre-commencement)
- full landscaping details
- environmental and social management plan (pre-commencement)
- crime impact assessment and prevention plan
- pilaster details for footbridge entrances on Rutland Road and Howley Street (pre-commencement of footbridge structure)
- details of the new section of wall to the railway to be constructed to replace the current level crossing gates on Rutland Road
- details of the new gate to be installed to allow access to the railway for maintenance at the corner of Rutland Road and Stoney Lane
- biodiversity new gain details and biodiversity enhancement management plan (pre-commencement)
- method statements for protected species (pre-commencement)
- no works shall affect PROW BAT 20/20/20 until a diversion/extinguishment Order is made and confirmed
- adherence to construction site working times

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Gregg, S Hall, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard, Stephen and Ramsay (9 votes)

Against: (no votes)



**9 Application to divert part of public footpath Batley 20 at Lady Anne Level Crossing, Batley**

The Sub-Committee gave consideration to an application to divert part of public footpath Batley 20 at Lady Anne Level Crossing, Batley, under the Town and Country Planning Act 1990, Section 257.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Tim Hill and Phil Middlehurst (local residents) and Tony Rivero (on behalf of the applicant).

**RESOLVED –**

- 1) That approval be given to Option 4 (para. 2.27) of the report, giving authority to the Service Director (Legal, Governance and Commissioning) to make an Order under Section 257 of the Town and Country Planning Act 1990 to stop up Batley Footpath 20 (part) at the Lady Anne Level Crossing and provide an alternative footpath via a footbridge as shown at Appendix A of the report.
- 2) That (i) the Order be confirmed if unopposed, and (ii) that if it is opposed, the Order be submitted to the Secretary of State requesting confirmation, without actively supporting the confirmation of the opposed Order at a hearing or public inquiry.
- 3) That it be required, prior to making the Order, that the Council enter into formal agreement or agreements with Network Rail regarding division of maintenance responsibility, the offsetting of future increased liabilities and arrangements for lighting of the path, as set out at paras. 1.12-1.13 of the considered report.

A recorded vote was taken in accordance with Council Procedure Rule 42(5) as follows;

For: Councillors Gregg, S Hall, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard, Stephen and Ramsay (9 votes)

Against: (no votes)

**10 Planning Application - Application No: 2021/93665**

The Committee gave consideration to Application 2021/93665 – Erection of front and rear dormers and roof alterations at 3 Shirley Villas, Cartwright Street, Rawfolds, Cleckheaton.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Andrew Filio (applicant).

**RESOLVED –** That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- timescale for implementing permission
- development to be carried out in accordance with the approved details
- materials

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

## Planning Sub-Committee (Heavy Woollen Area) - 28 April 2022

Councillors Gregg, S Hall, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard, Stephen and Ramsay (9 votes)  
Against: (no votes)

### 11 **Planning Application - Application No: 2021/92771**

The Committee gave consideration to Application 2021/92771 – Erection of two business units (mixed Class E(g)(iii) and B8 uses) at Firths Yard, Mill Road, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Joyce Whitehead (local resident) and Alison Dumville (applicant's agent).

**RESOLVED** – That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- commencement of development within three years
- development to be in accordance with the approved plans
- provision of electric vehicle charging points
- surfacing and drainage of access road and parking areas
- recommendations within the approved noise report to be completed prior to occupation
- hours of operation

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

Councillors Gregg, S Hall, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard, Stephen and Ramsay (9 votes)  
Against: (no votes)

### 12 **Planning Application - Application No: 2021/93286**

The Committee gave consideration to Application 2021/93286 – Reserved matters application pursuant to outline permission 2020/91215 for the erection of 41 dwellings at land at Green Acres Close, Emley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Frank Spivey, Mike Wood and James Martin (local residents) and Mark Jones (on behalf of the applicant).

**RESOLVED** – That the consideration of the application be deferred for (i) a site visit to be undertaken and (ii) the submission of information in regards to crime prevention measures.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Gregg, M Hussain, Lawson, Pervaiz, A Pinnock, Stephen and Ramsay (7 votes)  
Against: Councillors S Hall and Sheard (2 votes)

**13 Planning Application - Application No: 2021/94364**  
The Committee gave consideration to Application 2021/94364 – Erection of 16 dwellings, access, landscaping and associated infrastructure at land to east of Long Lane, Earlsheaton, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Phil Roebuck (on behalf of the applicant).

**RESOLVED –**

1) That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

2) That authority be delegated to the Head of Planning and Development to secure a deed of variation to the S106 agreement attached to planning permission 2019/93423 to cover (i) public open space provisions including off-site commuted sum of £11, 238.00, including a £250 site inspection fee for future maintenance and management responsibilities of open space within the site (ii) off-site highway works for footpath improvements to Long Lane (£4,000) (iii) contribution towards a sustainable travel fund (£8,008.00) (iv) off-site financial contribution of £18,200 towards securing a biodiversity net gain and (v) the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker)

3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Planning and Development shall be authorised to 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, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Gregg, M Hussain, Lawson, Pervaiz, A Pinnock, Sheard, Stephen and Ramsay (8 votes)

Against: Councillor S Hall (1 vote)

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**KIRKLEES COUNCIL**

**DECLARATION OF INTERESTS AND LOBBYING**

Planning Sub-Committee/Strategic Planning Committee

| Name of Councillor                 |   |   |                                    |
|------------------------------------|---|---|------------------------------------|
| Item in which you have an interest | Type of interest (eg a disclosable pecuniary interest or an "Other Interest") | Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N] | Brief description of your interest |
|                                    |   |   |                                    |
|                                    |   |   |                                    |

**LOBBYING**

| Date | Application/Page No. | Lobbied By (Name of person) | Applicant | Objector | Supporter | Action taken / Advice given |
|------|----------------------|-----------------------------|-----------|----------|-----------|-----------------------------|
|      |                      |                             |           |          |           |                             |
|      |                      |                             |           |          |           |                             |
|      |                      |                             |           |          |           |                             |

Signed: ..... Dated: .....

## **NOTES**

### **Disclosable Pecuniary Interests**

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and  
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### **Lobbying**

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

Name of meeting: **PLANNING SUB-COMMITTEE (*Heavy Woollen*)**

Date: **23<sup>rd</sup> June 2022**

Title of report: **A Review of Planning Appeal Decision (*January 2021 – December 2021*)**

Purpose of report: **To inform Members of planning appeal decisions received throughout the district in 2021.**

|  |                    |
|--|--------------------|
| Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | Not Applicable     |
| Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?  | No                 |
| The Decision - Is it eligible for call in by Scrutiny?   | Not Applicable     |
| Date signed off by <u>Strategic Director</u> & name  | Not Applicable     |
| Is it also signed off by the Service Director for Finance?   | Not Applicable     |
| Is it also signed off by the Service Director for Legal Governance and Commissioning?  | Not Applicable     |
| Cabinet member <a href="#">portfolio</a>   | Cllr Graham Turner |

**Electoral wards affected: All**

**Ward councillors consulted: No**

**Public or private: Public**

**Has GDPR been considered?** Yes. There no GDPR implications.

## 1. Purpose of report

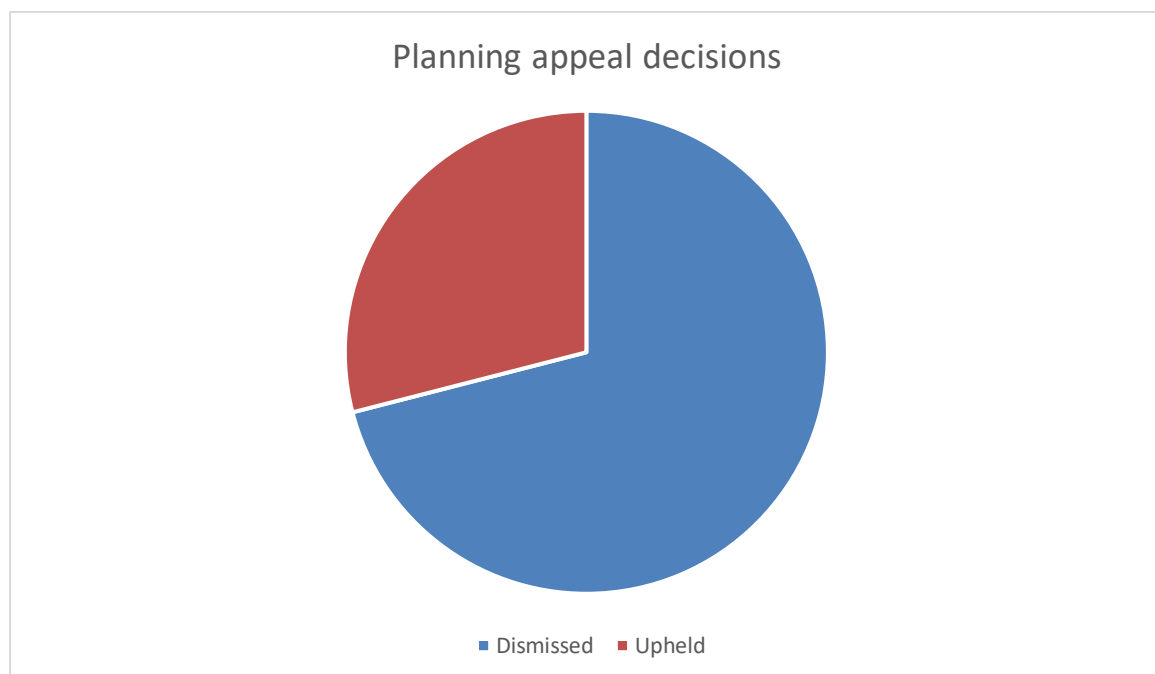
1.1 For information purposes

## 2. Key Points

### Planning Appeals

2.1 Between January 2021 and December 2021, the council have received 31 planning appeal decisions in the electoral wards within the Heavy Woollen Sub-Committee area of the district. Of these, 71% were dismissed. Appendix 1 provides a list of relevant appeals and the level of the decision.

2.2. Figure 1 below shows a breakdown of planning application appeals (including tree works, certificate of lawfulness and prior notification applications) whether dismissed or upheld.



### Trees appeals

2.3 Of the 31 planning appeals, there were no tree works applications.

### Application for award for costs

2.4 One application for an award of costs was lodged against the council. However, this was subsequently refused.

### Delegated and Committee Decisions

2.5 Of the 31 appeals, 1 application was appealed against non-determination. 25 decisions were determined under delegated powers. Of these, 19 were



dismissed (76%). 5 applications were determined by the Planning Committee, whereby 4 were dismissed (80%). The 1 application in which was upheld, was contrary to officer recommendation.

- 2.6 Having compared the above data with that from 2020, it has been noted that there has been a reduction in the number of appeals dismissed from 77% to 71%. Whilst this shows a decrease since last year, this percentage is still significantly above the national statistics, which will be outlined in more detail below.

Appendix 1 provides a list of relevant appeals.

### **Council's appeal performance in relation to Central Government Standards: Criteria for designation (revised 2020)**

- 2.7 The Government measures the performance of local authorities in deciding applications for planning permission, pursuant to section 62B of the Town and Country Planning Act 1990. This includes assessing local planning authorities' performance on the 'quality' of their decisions on applications for major and non-major development. This is measured by the proportion of decisions on applications that are subsequently overturned at appeal. If an authority is 'designated' as underperforming, applicants have the option of submitting their applications directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 2.8 The criteria for designation, as revised in December 2020, sets out the threshold for designation on applications for both major and non-major development above which the local planning authority is eligible for designation. This is 10% of an authority's total number of decisions on applications made during [a specific 2 year period] being overturned at appeal.
- 2.9 To note, the latest published performance tables from the Department for Levelling Up, Housing and Communities and formally Ministry of Housing, Communities and Local Government (September 2020) provides statistics to enable local authorities to validate the information held. Using these tables, for the 24 months to the end of September 2020, a total of 1.8% of decisions on Major applications were overturned at appeal (nationally). Within Kirklees for the same period, 2 decisions on Major applications were overturned on appeal, out of a total of 150 applications. This equates to 1.3% of all decisions at appeal.
- 3.0 The corresponding information for non-major applications was a total of 1% of decisions overturned at appeal (nationally). Within Kirklees for the same period, 19 decisions on non-major applications were overturned on appeal, out of a total of 3,908 applications. This equates to 0.5% of all decisions at appeal.

### **Compliance**

- 4.0 Between January 2021 and December 2021, Planning Enforcement have also served 93 enforcement notices. A breakdown of these can be found in table 1 below.
- 4.1 For members to note, between January – December 2020, 142 notices were served.

| <b>Type of Notice</b>         | <b>No. served</b> |
|-------------------------------|-------------------|
| Enforcement Notice            | 20                |
| Breach of Condition Notice    | 8                 |
| Planning Contravention Notice | 56                |
| Temporary Stop Notice         | 4                 |
| Stop Notice                   | 1                 |
| Other                         | 4                 |
| <b>Total</b>                  | <b>93</b>         |

- 5. Implications for the Council**  
Not applicable
- 6. Next steps and timelines**  
Not applicable
- 7. Officer recommendations and reasons**  
To note
- 8. Cabinet Portfolio Holder's recommendations**  
Not applicable
- 9. Contact officer**  
Julia Steadman – Group Leader for Development Management
- 10. Background Papers and History of Decisions**  
Not applicable.
- 11. Service Director responsible**  
David Shepherd – Strategic Director for Growth and Regeneration

Appendix 1 – List of planning appeals including tree works decided between January and December 2021 (Heavy Woollen Area)

1. 2020/91953 4, Co-operative Street, Chickenley, Dewsbury, WF12 8QA - Erection of first floor side extension – Officer decision – Appeal dismissed.
2. 2020/92980 51, Bywell Road, Dewsbury, WF12 7LH - Change of use to mixed use dwelling and ice cream/dessert takeaway including outdoor seating area – Officer decision – Appeal dismissed.
3. 2020/90932 Adj, 135, Latham Lane, Gomersal, Cleckheaton, BD19 4AP - Erection of detached dwelling – Officer decision – Appeal dismissed.
4. 2020/92856 286, Cliffe Lane, Gomersal, Cleckheaton, BD19 4RZ - Erection of front and rear dormers and alterations – Officer decision – Appeal dismissed.
5. 2020/93078 3, Bradbury Street, Ravensthorpe, Dewsbury, WF13 3AU - Change of use of dwelling ground floor to hot food takeaway and first floor storage and installation of shop front – Officer decision – Appeal dismissed.
6. 2020/93889 51, Mill Lane, Hanging Heaton, Batley, WF17 6DZ - Erection of external decking and stairs – Officer decision – Appeal dismissed.
7. 2020/93890 53, Mill Lane, Hanging Heaton, Batley, WF17 6DZ - Erection of raised decking – Officer decision – Appeal dismissed.
8. 2019/94133 Telecommunication Mast 28529, Adj Highfield Farm, Jagger Lane, Emley Moor, HD8 9TF - Demolition of existing mast, change of use and extension to existing building to form a residential dwelling, erection of detached garage and associated access works – Officer decision – Appeal dismissed.
9. 2020/90125 adj, 1, The Copse, Scholes, Cleckheaton, BD19 6NE - Erection of detached dwelling (within a Conservation Area) – Officer decision – Appeal dismissed.
10. 2020/90501 Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury, WF13 2RU - Change of Use and alterations to convert trade counter retail unit to function room and store – Committee decision – Appeal dismissed.
11. 2021/90834 3, Windmill Hill Lane, Emley Moor, Huddersfield, HD8 9TA - Prior approval for enlargement of dwellinghouse by erection of additional storey – Officer decision – Appeal dismissed.
12. 2020/91200 167, Drub Lane, Drub, Cleckheaton, BD19 4BZ - Erection of two storey side extension and front and rear dormer windows and increase roof height – Officer decision – Appeal dismissed.
13. 2021/91892 31, Hare Park Avenue, Hightown, Liversedge, WF15 8DN - Erection of fence and gates to the front – Officer decision – Appeal dismissed.
14. 2020/91111 Land Adj, 4, Springwell View, Birstall, Batley, WF17 0DN - Demolition of existing garage and erection of detached dwelling – Officer decision – Appeal dismissed.
15. 2021/90302 1, Penn Drive, Hightown, Liversedge, WF15 8DB - Erection of first floor extensions and alterations to form first floor accommodation – Committee decision – Appeal dismissed.
16. 2021/90564 land at, April Court, Roberttown, Liversedge, WF15 7RB - Erection of one detached dwelling and erection of detached domestic garage – Officer decision – Appeal dismissed.
17. 2021/91691 2, Jagger Lane, Emley Moor, Huddersfield, HD8 9SY - Erection of first floor rear extension – Officer decision – Appeal dismissed.

- 18.2021/91721 Land at, Cobden Close, Batley, WF17 5QN - Erection of detached dwelling – Officer decision – Appeal dismissed.
- 19.2021/91354 land at, Old White Lee Colliery, Leeds Road, Heckmondwike, WF16 9BH - Demolition of existing buildings, erection of 5 dwellings, formation of access and associated works – Committee decision – Appeal dismissed.
- 20.2020/91747 Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB - Demolition of former dairy/snooker centre/storage and erection of 9 light industrial units – Committee decision – Appeal dismissed.
- 21.2021/91921 2, Doctor Lane, Shelley, Huddersfield, HD8 8HQ - Erection of detached potting shed/home office and associated works – Officer decision – Appeal dismissed.
- 22.2021/92876 8, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EN - Erection of two storey side extension (Within a Conservation Area) – Officer decision – Appeal dismissed.
- 23.2020/92666 2, Scout Hill Terrace, Dewsbury, WF13 3RE - Erection of single storey front extension – Non determination – Appeal upheld.
- 24.2020/93834 rear of, 11 & 12, Clarence Terrace, Savile Town, Dewsbury, WF12 9JZ - Erection of detached garage and store – Officer decision – Appeal upheld.
- 25.2020/93432 Land at, Whitley Road, Whitley, Dewsbury, WF12 0LZ - Outline application for erection of residential development – Officer decision – Appeal upheld.
- 26.2020/94272 7-8, Park Gate, Skelmanthorpe, Huddersfield, HD8 9BB - Certificate of Lawfulness for existing use of land at 7-8 Park Gate as domestic curtilage – Officer decision – Appeal upheld.
- 27.2021/91036 Five Miles, 330, Barnsley Road, Flockton, Huddersfield, WF4 4AT -Certificate of lawfulness for proposed erection of detached swimming pool building – Officer decision – Appeal upheld.
- 28.2021/91118 land at former, 750, Bradford Road, Batley, WF17 8NL - Erection of car showroom/office and MOT testing station – Officer decision – Appeal upheld.
- 29.2020/92470 3, Chestnut Meadows, Mirfield, WF14 0HH - Certificate of lawfulness for existing outbuilding – Officer decision – Appeal upheld.
- 30.2019/91467 land south of, Granny Lane, Mirfield - Erection of 67 dwellings with associated access and parking – Committee decision (contrary to Officer recommendation) – Appeal upheld (Costs application refused).
- 31.2020/93607 181, Leeds Road, Heckmondwike, WF16 9BY - Erection of detached double garage with store below and new boundary wall and fence – Officer decision – Part upheld/part dismissed.

**In respect of the consideration of all the planning applications on this Agenda the following information applies:**

## **PLANNING POLICY**

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### **National Policy/ Guidelines**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, 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.

## **REPRESENTATIONS**

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

## **EQUALITY ISSUES**

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

## **HUMAN RIGHTS**

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

## **PLANNING CONDITIONS AND OBLIGATIONS**

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

**Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.**

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## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 23-Jun-2022

**Subject: Planning Application 2021/93286 Reserved matters application pursuant to outline permission 2020/91215 for erection of 41 dwellings Land at, Green Acres Close, Emley, Huddersfield, HD8 9RA**

#### APPLICANT

Barratt Homes Yorkshire  
West Division

#### DATE VALID

19-Aug-2021

#### TARGET DATE

18-Nov-2021

#### EXTENSION EXPIRY DATE

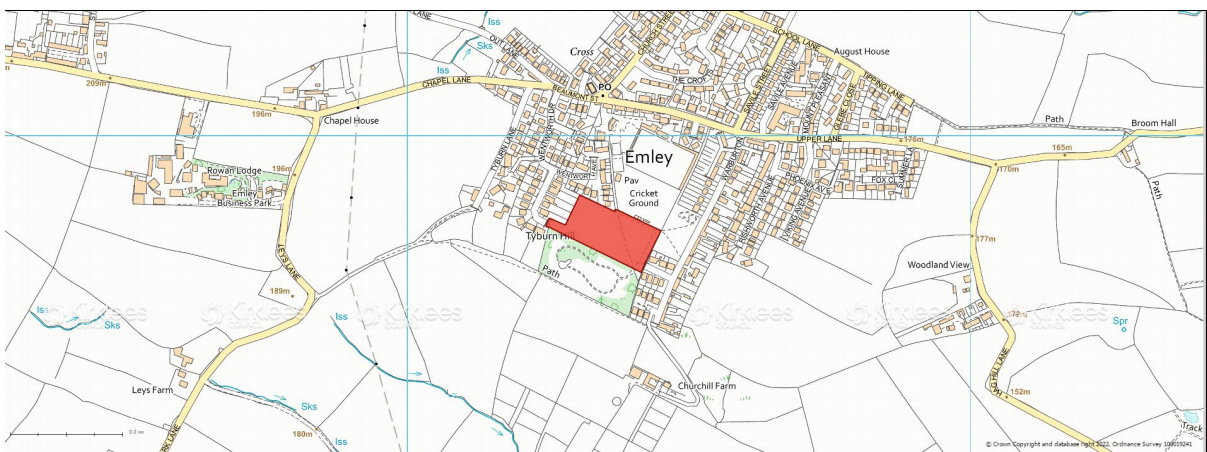
21-Mar-2022

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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: Denby Dale**

**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 S106 agreement to include the following matters:

- 1) Affordable housing – eight affordable housing units (either 6 social/affordable rent, two intermediate/discount market sale or four social/affordable rent, and four intermediate/discount market sale) to be provided in perpetuity.
- 2) Open space – A reduced sum of £44,006 towards off site provision.
- 3) Education – £78, 891 contribution to be spent on priority admission area schools within the geographical vicinity of this site. Payments would be made in instalments and on a pre-occupation basis, per phase. Instalment schedule to be agreed.
- 4) Highways and transport - £20,520.50 towards a Sustainable Travel Plan Fund (£500.50 per dwelling)
- 5) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 6) Biodiversity - £77,970 contribution towards off-site provision to achieve biodiversity net gain.
- 7) Traffic Regulation Order – £7,000 contribution

In the circumstances where the Section 106 agreement has not been completed within three 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 mitigation and 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 is a Reserved Matters application for a residential development of 41 dwellings. The applicant seeks approval of all matters previously reserved, namely appearance, landscaping, layout and scale.
- 1.2 Outline planning permission for residential development was granted on the 24<sup>th</sup> June 2021. All matters were reserved other than access. The application (ref: 2020/91215) was considered by Heavy Woollen Planning Committee on the 10<sup>th</sup> June 2021.



- 1.3 The current application is presented to the Heavy Woollen Committee as the previous application was, at the request of members and the agreement with the Chair.
- 1.4 A report relating to this application was considered by Heavy Woollen Sub-Committee on the 28th April 2022. At the meeting it was resolved to defer the committee decision to allow members to carry out a site visit, for the applicant to provide more details relating to crime prevention and for the proposed conditions to be simplified and included in a table.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is 1.18 hectares in size. The majority of the site is allocated for housing in the Local Plan (site allocation ref: HS137), however a small part of the site (approximately 60sqm, at the terminus of Wentworth Drive) is outside the site allocation.
- 2.2 To the north of the application site are residential properties on Wentworth Avenue and a cricket ground which is designated as urban green space in the Kirklees Local Plan. To the east is a recreation field and residential properties on Green Acres Close. To the south is Emley's Millennium Green, most of which is in the green belt. To the west are residential properties on Wentworth Drive.
- 2.3 The application site is greenfield and is relatively flat, along with the adjacent land. The public footpath DEN/21/20 runs at a diagonal across the site from North to South, connecting Wentworth Drive to the Millennium Green and Green Acres Close. DEN/96/10 also runs adjacent to the Eastern boundary.
- 2.4 There are no protected trees on or immediately adjacent to the application site, however there are trees within the adjacent Millennium Green and elsewhere around the edges of the site.
- 2.5 The application site is not within or close to a conservation area. The site includes no listed buildings, however two Scheduled Ancient Monuments (Emley Standing Cross, which is also Grade II listed, and Emley Day Holes) are within walking distance of the site. The site also has some landscape sensitivity resulting from its location, surrounding topography and visibility from surrounding public open space, and from public footpaths.

## **3.0 PROPOSAL:**

- 3.1 The applicant seeks Reserved Matters consent in relation to appearance, landscaping, layout and scale, following the approval of outline permission (with details of access) in 2021.
- 3.2 41 dwellings are proposed, comprising of 22 detached dwellings, 10 semi-detached dwellings, 3 terraces and 6 residential flats. All units would be two storey in height and would provide adequate off street parking. Small areas of open space would be provided along the PROW (DEN/21/20), with an informal footpath also being proposed to the North East, in order to make a connection to Warburton Recreation Ground. Street trees are proposed around the internal highway.

3.3 The 41 units would comprise of six 1 bedroom, twenty five 3 bedroom and ten 4 bedroom dwellings. Six distinct house types are proposed.

3.4 Six affordable units would be provided, to be managed and operated by a registered housing provider. These have been secured in the S106 agreement as part of the previous Outline application.

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

4.1 *On the application site:*

2022/90137 Discharge of conditions 13 (coal legacy), 17 (remediation), 18 (unexpected contamination), 19 (validation report), 20 (electric vehicle charging), 21 (arboricultural impact assessment and method statement), 24 (baseline ecological value), 25 (ecological design strategy) and 29 (noise report) of previous outline permission 2020/91215 for erection of residential development – Pending consideration.

2020/91215 - Outline application for erection of residential development – Section 106 outline permission granted.

2019/90380 – Outline application for erection of residential development and associated access – Refused and the appeal dismissed.

99/91668 – Formation of grass full-size practice pitch and all weather training/fitness surface with associated lighting and formation of Millennium Green – Refused and the appeal dismissed.

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

5.1 A number of concerns have been raised by officers as part of the decision making process which have been identified below:

- The number, size, scale and design of the dwellings proposed.
- The diversion of the PROW.
- The need for an increased ball strike net.
- Details regarding POS and Biodiversity net gain.
- The requirement of additional visitor parking spaces.
- To amend the Amber house type.
- Amendment to reflect the right sizes of the detached garages.
- Details of crime prevention measures (following the Sub-Committees referral on the 28.04.22)

5.2 In light of the above, the applicant has provided amended plans in order to overcome the concerns raised.

#### **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):

- 6.2 The site is allocated for housing in the Local Plan (site allocation ref: HS137). The site allocation relates to 1.28 hectares (gross and net site area), sets out an indicative housing capacity of 44 dwellings, and identifies the following constraints:
- Potential third-party land required for access
  - Public right of way crosses the site
  - Limited surface water drainage options
  - Part/all of site within a High Risk Coal Referral Area
- 6.3 The site allocation also identifies the following site-specific considerations:
- Development on the site shall ensure access to the Millennium Green is retained
  - The public right of way shall be retained
- 6.4 Relevant Local Plan policies are:
- LP1 – Presumption in favour of sustainable development
  - LP2 – Place shaping
  - LP3 – Location of new development
  - LP4 – Providing infrastructure
  - LP5 – Master planning sites
  - LP7 – Efficient and effective use of land and buildings
  - LP9 – Supporting skilled and flexible communities and workforce
  - LP11 – Housing mix and affordable housing
  - LP20 – Sustainable travel
  - LP21 – Highways and access
  - LP22 – Parking
  - LP23 – Core walking and cycling network
  - LP24 – Design
  - LP26 – Renewable and low carbon energy
  - LP27 – Flood risk
  - LP28 – Drainage
  - LP30 – Biodiversity and geodiversity
  - LP32 – Landscape
  - LP33 – Trees
  - LP34 – Conserving and enhancing the water environment
  - LP35 – Historic environment
  - LP38 – Minerals safeguarding
  - LP47 – Healthy, active and safe lifestyles
  - LP48 – Community facilities and services
  - LP49 – Educational and health care needs
  - LP50 – Sport and physical activity
  - LP51 – Protection and improvement of local air quality
  - LP52 – Protection and improvement of environmental quality
  - LP53 – Contaminated and unstable land
  - LP63 – New open space
  - LP65 – Housing allocations

- 6.5 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

Supplementary Planning Guidance / Documents:

- Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)

Guidance documents

- Kirklees Interim Affordable Housing Policy (2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets® Principles for the West Yorkshire Transport Fund
- Kirklees Housing Strategy (2018)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Highway Design Guide (2019)

National Planning Guidance:

- 6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20<sup>th</sup> July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials.

- 6.7 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

### Climate change

- 6.8 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.9 On the 12th of November 2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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

- 7.1 The application has been advertised as a major development, which entailed four site notices on each boundary of the site, neighbour notification letters to residents in which adjoin the sites red line boundary and a press advert.
- 7.2 As a result 227 representations have been received, in response of the councils consultation. These have been published online. The following is a summary of the concerns/objections raised, which will be addressed in more detail within the report:

#### *Visual amenity*

- Concerns regarding the size of the development.
- The development would not be in keeping with the surrounding built form.
- Overdevelopment of the site – including density concerns (35 dwellings per hectare).
- The 18m high ball strike fence will be unsightly and will not completely eradicate cricket balls hitting the new houses and gardens, leading to a fatality.
- The cricket net will be an eyesore.
- The proposal would have an overbearing impact on the Millennium Green, with no access to allow for proper maintenance.
- Concern regarding the visual impact of the 2.5 storey dwellings.
- Style of housing needs addressing as discussed previously, low cost apartments are not in keeping with the development and need to be upgraded as per Kirklees recommendations. These low cost starter homes are more in keeping with the village and could provide local young people with homes near their work and families.
- The plots are not very well spaced.
- The proposed development is incongruous with the local area. The intensity of this development and policy failures within the submission offer no benefits to the village or its people.

- Concerns over the house types provided i.e lack of bungalows and the flat/apartments are not in keeping with the area.

#### *Residential amenity*

- Concerns on existing and proposed neighbouring amenity in terms of overlooking, overshadowing and overbearing.
- Noise, disturbance and odour implications for existing residential properties.
- Loss of a view for existing residents.
- Some of the separation distances do not comply with the guidance identified within the Housebuilders Design Guide SPD.
- The plans are deliberately contravening building specifications/ recommendations (adopted by Kirklees) in every aspect to cram in more houses than what is right for the residents living space and some natural growth.

#### *Highway safety ad parking*

- The lack of/shortfall of adequate parking provision will impact surrounding residential areas.
- The plans are short of 19 spaces on the design guidelines.
- There is no space for larger vehicles including emergency vehicles.
- There is no space for visitors.
- The garages are too small to park a modern car.
- There is limited public transport in the village.
- Concerns regarding the access from Wentworth Drive to Chapel Lane and from Wentworth Drive to Beaumont Street Junction is very hazardous.
- Building work will require many hundred more large vehicles at this junction.
- No further traffic surveys have been submitted as part of the Reserved Matters application.
- Barrett's are using an outdated traffic survey that was completed in Lockdown, so do not offer a realistic view of the volume of traffic that the passes through village.
- Concern regarding heavy vehicles using Wentworth Drive to access the site.
- A traffic survey was recently undertaken by residents in which is significantly different to the one produced by Highstone in terms of vehicular movement.
- The roads will need to be maintained more by the council.
- The residential properties should have at least 2 parking spaces per household.
- There are existing parking issues within the village in which will be intensified by this development.
- The five remote visitor parking spaces could attract criminal activity.
- The pedestrian access from Green Acres Close will attract people to parking on neighbouring streets.
- Where will parking be provided for the workers?
- There are no cycle lanes
- There appear to be unanswered questions on the validity of access into the site and the validity of the s40 Highways Agreement dated 6th April 1979 and its bearing on ransom strips adjoining the development site.

- The back to back dwellings have insufficient parking spaces and no visitor spaces.
- Insufficient drives (too small)
- The parking bays are not long enough.
- Concern regarding the diversion of the PROW.
- The site will be reliant upon motorised vehicles rather than the bicycles in which Barratts have described.
- The updated plan appears to indicate that the 4 remote visitor parking spaces at the entrance to the site have natural surveillance from 6 properties. However, all 6 properties are at an oblique angle and there are no windows in any property that have a direct view.

#### *Affordable housing*

- The affordable dwellings are not distributed equally throughout the site. There is inadequate parking and outdoor space for these units.
- Affordable dwellings should offer 2 bedroom town houses with private gardens which reflect more the needs of the local population.

#### *Public right of way*

- The plans have not considered the current application for the adoption of the footpath which runs to the south side of the cricket field. This has also not been shown on the plans.
- The public right of way crosses the road, which is surely a risk to the public.
- The PROW should not be blocked by cars.
- Concerns regarding the useability of the PROW for disabled users.
- There is no plans to upgrade the footpath than runs within the site to the centre of Emley.
- The public footpath which enters the site from the recreation ground off Warburton should be provided with a hard surface and not squeezed into a narrow alleyway but given more room.
- Footpath DEN/21/20 is located in the centre of this proposed development we would ask that this footpath be upgraded to a multi-user bridleway thereby providing the path for a greater number of users. This path is likely to receive greater use by the public as a result of this development, as such the developer should be asked to provide an improved surface.
- The latest site plan submitted by Barratt indicates a green dotted line to represent the claimed footpath diversion – however the plan does not show the diversion? Please clarify this discrepancy.
- Children will always use the shortest route from Point A – B, therefore any proposed diversion which does not utilise this is futile and will be redundant.

#### *Cricket ball net*

- The fence stanchions for the ball strike net are below the recommended 18m from Labsport.
- Taller nets are required.
- Noise implication for the cricket net.
- Further nets will be required to cover the attenuation tank and the space on the left towards the PROW.
- Who will pay for the maintenance of the ball strike nets?

- The information submitted regarding the cricket net does not comply with the requirements of condition 26 of the outline permission.
- Concern regarding the height of the net put before Members at the previous committee as this was only 12m high.
- Confirmation should be sought that the net proposed would not have an overbearing impact nor should it be an eyesore to the existing homeowners/ future plot owners.
- The net would have a visual impact upon Emley Millenium Green.
- The plots adjacent to the net should not be built until it has been erected.
- How will the net be supported and maintained?
- Why does the labsport report suggest an 18m net, but Barretts have only provided a 17m high net?
- Does the net need permission in its own right?
- The stanchion supporting the netting adjacent to Golcar Cricket Field recently collapsed. Please confirm that Kirklees will therefore re consider and take seriously the points raised and will request the correct technical information for the netting and supports at this stage.

#### *Ecology, wildlife and open space*

- The development would lead to the destruction of the hedge and corridor for animals in which have been encouraged and nurtured by the Trustees of the Millennium Green.
- There are no network of pedestrian links to open spaces.
- The development would not accord with Policy LP30 ii of the Kirklees Local Plan and National Planning Policy Framework.
- Impacts on trees and the landscape, as the development would destroy a well-used green space within the village.
- There should be a wildlife corridor running through the site onto the Millennium Green
- The development does not provide a biodiversity net gain.
- A green buffer should be provided between the site and the Millennium Green, to ensure the retention of any existing trees.
- The developer should not be allowed to take out the existing trees/hedges abutting the Millennium Green.
- Limited information in respect of ecology.
- There is not enough open space within the site.
- The proposed plots are so close to the Millennium Garden that is will not be accessible for maintenance as is directed by a buffer zone, the area will be stifled by the new plots, the 'breathing space' will be lost through noise and traffic from the development.
- To protect these creatures (who are classified as vulnerable to extinction), a wildlife corridor should be left running the length of the Millennium green (from Green Acres Close to the proposed development access on Wentworth Drive) thus allowing them to safely forage/roam.
- The submitted plan does not highlight which types of open space are to be provided based on the types within the open space SPD. Open spaces are a key part of any successful development and offer opportunities to vary the street scene and create focal points for layout arrangements to help create a sense of space.
- Plot numbers 36 and 44 will directly impact the ground and root structure of many of these trees.



- Concerns regarding the impact on wild birds.
- What will be in the impact for ecology with the ball striking net?

*General concerns*

- Current plans demonstrates that planners and proposers are using out of date standards to gain easy acceptance.
- Emley doesn't have enough facilities in order to accommodate additional houses.
- Health risks from poor air quality/air pollution.
- Too much hardstanding and not enough soft landscaping.
- The previous applications have been rejected by the majority of residents within the community.
- I am led to believe that there will be no education contribution.
- A condition should be proposed to restrict vehicular and pedestrian access from Green Acres Close for every day use by residents.
- Ground floor W.C's should be provided for disabled users.
- Inaccuracies in Barratts description statement about Emley village.
- Concerns regarding the impact on existing amenities.
- Have the issues regarding coal, sewerage and water issues been resolved?
- The impact on existing house prices will be devastating as a result of the new builds.
- There has been a total of 700 objections.
- The Trustees have a legal right to enter the field to fulfil their legal requirements for the Millennium Green.
- Confirmation that conditions regarding renewable energies, a construction management plan, no construction until a ball strike net has been erected and a noise report, will be attached to the decision notice.
- The updated security plan would not provide natural surveillance.

7.3 Denby Dale Parish Council: Object - due to the overdevelopment of the site, inappropriate design that is not in keeping with the area, lack of parking for the types of housing, lack of specified drainage details and figures.

*Comment: These concerns have been noted and significant amendments and additional information have been sought in light of the above matters.*

7.4 Ward Councillor comments:

Cllr Bamford: The site is overdevelopment and should refer back to 44 houses, which is more in keeping with the existing villages density. The street is overly dominated by car parking and I would like to see more planting to the front and parking to the sides. The provision for bins should be integrated to the rear of the property. The roof line does not fit into the locality especially the two and a half storey and the flats. There is a lack of visitor parking which could hinder refuse collection, with some of the properties having less parking spaces than what is recommended in the SPD. There needs to be a separation distance from the Millennium Green and I would like to see more public open space in the centre of the site, linking to the PROW. More detail on site drainage is required, along with details regarding a 10% net gain. Lastly, a construction management plan should be provided, to give site hours, HGV routing and that the site is accessed via narrow roads especially around school times.

*Comments: These concerns have been noted and significant amendments have been sought to reduce the number of units, alter their design, retain the PROW and improve POS. Additional information with regards to biodiversity, visitor parking spaces and refuse collection have also been received as part of the amended scheme.*

- 7.5 As a result of the amendments sought, the application has been re-advertised to neighbours and objectors via a neighbour notification letter. Additional comments/concerns have been raised, which have been highlighted above and will be assessed in more detail within paragraph 10.73 of the report. Ward Councillors have also been informed of these changes providing no additional comments.

## **8.0 CONSULTATION RESPONSES:**

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

### **8.1 Statutory:**

Sport England – Objection withdrawn, as we are now satisfied that in terms of height and location, the proposed ball-stop netting is in line with the mitigation approach section of the Labosport report (ref: LSUK.20-0563) and therefore, by extension meets the principal requirement of condition 26 of outline permission 2020/91215. Subject to the imposition of conditions relating to the design of the netting and columns, and subsequent management and maintenance of the installed netting.

The Coal Authority – No objection, based on the professional opinions expressed in the Geoenvironmental Appraisal report which was submitted as part of the Outline application.

KC Lead Local Flood Authority – Officers confirm that the drainage proposals set out within the submitted Flood Risk Assessment (FRA) are acceptable. Furthermore, it is expected that the foul and surface water drainage system (including the attenuation tank and flow control device) will be offered for adoption by Yorkshire Water. However, the developer's proposal for the maintenance of the drainage system until adoption by YW should be submitted for approval to the LPA including a Maintenance Schedule and confirmation of the organisation who will be responsible for maintenance until adoption.

KC Highways DM: Given the outline planning approval these proposals are considered to be acceptable in principle to Highways Development Management (HDM). Further detail in regards to visitor parking, the connection to Wentworth Drive, refuse and vehicle swept paths, the width of the footways have also been submitted as part of this application and have been considered acceptable.

### **8.2 Non-statutory:**

Yorkshire Water – No objection to the drainage proposals to discharge surface water from the site.

KC Trees – No objection to the principle of development, however, would suggest two conditions to be attached to the decision notice in the case of an approval. These should include the development to be constructed in line with the Arboricultural Method Statement.

KC Crime Prevention – In support of the crime prevention measures proposed.

KC Strategic Housing – There's demand for affordable 1-3+ bedroom homes in the area. The applicant has proposed 6 x 1bed flats in an apartment building, and 2 x 3bed homes. In a development of this size, wider scattering of the affordable units would usually be preferable, however a larger grouping of affordable units is determined, by 6 of the proposed 8 affordable units, being comprised of a 6x 1bed apartment building. Being the only 1beds in the development, does distinguish the affordable 1bed flats from the rest of the development in this regard. However with the above consideration noted, affordable 1beds are in need in the area, where there is a higher than usual rate of larger detached properties. In terms of materials used, landscaping, and other features where appropriate, the affordable housing should be indistinguishable from the rest of the development in terms of quality and design.

KC Education – Provided comments on the contribution required.

KC Ecology – No objections, subject to an off-site contribution and recommended conditions.

KC PROW – No objection to the final layout, given that the public footpath running directly through the site (DEN/21/20), would be retained. It is also noted that the attenuation tank which is adjacent to plot 20 shows a path annotated with the words 'informal footpath link connecting site to existing PROW and recreation ground'. The informal footpath link appears to continue with ease of access through a gap in an unfenced hedge to connect to the public footpath Denby Dale 96 which continues northeast through the cricket ground / recreation ground. This goes some way to addressing PROWs previous concern that there was no through route to the cricket/ recreation ground. However, PROW notes that this link is currently 'informal' and the applicant could consider formalising this footpath. Lastly, it should be noted that an application has been made for a Definitive Map Modification Order to record an additional public footpath (DMMO file ref 311). The route claimed appears to pass through the gardens of plots 14 to 20 and in the vicinity of the proposed 17m (high) ball strike net. PROW notes the new layout shows no path to be proposed at this location. PROW also advises generally that any grant of planning permission, if that happened, would not in itself divert or extinguish any public rights of way that may subsist but which are not currently recorded. To address possible future issues that may arise due to the DMMO application, the applicant may wish to consider applying to stop up and divert the claimed footpath onto an alternative route.

KC Environmental Health: No objection as comments have been provided on the discharge of condition application (2022/90137) in regards to remediation, unexpected contamination, electric vehicle charging points and a noise report.

KC Landscape – In support, however a contribution to off site POS would be required.

KC Highways Structure: In support, subject to conditions being attached to the decision notice in the case of an approval, to include location and cross sectional drawings of any new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highway and surface water attenuation pipes/manholes to be located within the highway footprint.

## 9.0 MAIN ISSUES

- Principle of development
- Quantum and density
- Sustainability and climate change
- Urban design issues
- Residential amenity
- Affordable housing
- Highway issues
- Flood risk and drainage issues
- Ecological considerations
- Trees
- Environmental and public health
- Sport England
- Representations
- Planning obligations
- Other planning matters

## 10.0 APPRAISAL

### Responses to reasons for deferral

#### *Crime prevention measures*

10.1 Following the Sub-Committees deferral on the 28.04.22, the agent has prepared a plan to show the crime prevention measures to be included within the site. This has been demonstrated on the secure by design layout plan dwg no. P21:5463:21 Rev A.

10.2 The plan demonstrates the location of street lighting, the types of boundary treatment, rear lockable gates and the natural surveillance proposed to the visitor parking spaces at the entrance to the development, as this concern was raised by members. More specifically, the plan shows the car parking spaces to be overlooked by plots 1, 40 and 41 within the application site, and no. 35 and 40 Wentworth Drive. As such, no concern has been raised by KC Crime Prevention, who is in support of the scheme proposed.

#### *Proposed planning conditions*

10.3 As requested by Cllr Pinnock, at the previous Sub-Committee, a table of the proposed planning conditions, alongside those attached as part of the previous outline (2020/91215) have been provided within appendix 1.

- 10.4 To note, the conditions attached at outline are still relevant, unless they have been covered as part of this Reserved Matters application. Therefore, it is not considered necessary to re-attach the same conditions to this reserved matters, should it be approved, as both decision notices will be read alongside one another.

#### Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The principle of residential development at this site has already been established. The application site is allocated for housing in the Local Plan (site allocation ref: HS137 formerly H358). Full weight can be given to this site allocation, and as noted above outline planning permission has been granted for residential development at this site.

#### Quantum and density

- 10.3 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.4 Site allocation HS137 sets out an indicative site capacity of 44 dwellings which reflects the expectation of Local Plan policy LP7 that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Having regard to paragraphs 124 and 125 of the NPPF, given that allocated land in Kirklees is finite, and given the housing delivery target set out in the Local Plan, applicants should develop their sites as far as possible (having regard to all other planning considerations) to ensure that appropriate and optimal densities are achieved. The appropriate quantum and density for each site will, however, be partly determined by constraints, including those constraints identified by the council in site allocations, those that may be identified and evidenced by applicant when undertaking more detailed site analysis and design work.
- 10.5 The application seeks to provide 41 units, which would comprise of six 1 bedroom, twenty five 3 bedroom and ten 4 bedroom dwellings. This is a decrease in the number of units originally proposed at 49, which represented a cramped form of development, requiring 1.3 hectares of land (in order to meet the council's target of 35 dwellings per hectare). As such, final amended plans were sought to reduce the number of units to 41, in order to aid additional public open space, especially around the public footprint, whilst still providing an efficient use of land, in line with Policy LP7 of the Kirklees Local Plan. The revised layout also provides adequate distances between existing and proposed dwellings, includes adequate outdoor amenity space for each dwelling, makes space for water (attenuation and related easements are annotated on the applicant's drawings), and responds to the requirements of the council's Highway Design Guide SPD and the need to preserve the adjacent Millennium Green. Therefore, it is considered that the quantum and density is acceptable and not adversely affect visual amenity or the character and quality of the surrounding area.

## Sustainability and climate change

- 10.6 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.7 It is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an already-developed area, its proximity to some (albeit limited) local facilities, and the measures related to sustainable transport, that have been secured as part of the S106 on the original outline permission. Facilities available in Emley would enable residents of the proposed development to address at least some of their daily, economic, social and community needs, including a shop offering Post Office services, two churches, two pubs, a school, and sports and recreation facilities. The nearest bus stops to the site are located less than 400 metres along Upper Lane and within approximately 350 metres if residents were to utilise the public rights of way network, which provide a direct link to the centre of the village. It is therefore considered that there are a range of local facilities including education, health care and convenience shopping within the area surrounding that would be accessible by a range of modes other than the private car.
- 10.8 Regarding climate change, measures would be necessary to encourage residents of the proposed development to use sustainable modes of transport. This has been secured as part of the previous S106 agreement on the Outline permission, which requires a contribution of £20,520.50 towards a Sustainable Travel Plan Fund (£500.50 per dwelling). Six cycle spaces are also identified on the proposed site layout plan, to show adequate provision for the occupiers of the flats. The provision of electric vehicle charging points are already required by condition 20 of the Outline planning permission ref: 2020/91215), which have been identified on the aforementioned site plan (Dwg no. P21:5463:01 Rev O).
- 10.9 Drainage and flood risk minimisation measures would need to account for climate change. These aspects will be considered where relevant within this report.
- 10.10 Overall, officers consider the development to provide sufficient mitigation measures in order to combat climate change and to improve sustainability within the site and the surrounding area.

## Urban Design issues

### *Appearance & scale*

- 10.11 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24 are relevant to the proposed development in relation to design, as is the National Design Guide.

10.12 More specifically, paragraph 126 provides a principal consideration concerning design which states:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

10.13 Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

10.14 Principle 5 of the Housebuilders Design Guide states, amongst other things, states that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

10.15 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: “New residential development proposals will be expected to respect and enhance the local character of the area by:

- “Taking cues from the character of the built and natural environment within the locality.
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

10.16 The application site is located at the edge of an existing, well-established settlement. Residential development exists immediately to the east and west of the site, and this means the proposed development would sit comfortably within its context without appearing as a sprawling, inappropriate enlargement to Emley. Although the proposed development would be visible from several public vantage points, its visual impact would not be significant or adverse in the context of the surrounding development already built. Green belt land to the south of the site would continue to provide green framing around the enlarged settlement, however, this would not be directly impacted upon. The urban green space to the north would also continue to provide relief in the form of an undeveloped green space between built-up areas, which are common features within settlements located within the countryside.

- 10.17 The proposed layout responds to the site's shape and constraints, including one central road with private drives and shared surfaces adjoining it. The proposed layout is legible and logical, it allows for natural surveillance of the development's areas of public realm (including the proposed small area of open space around the public footpath), and it minimises the visual impact of parked vehicles where possible.
- 10.18 Given the significant amendments sought, two storey dwellings are now proposed, which have been considered acceptable by officers, when taking into account the surrounding built environment, in which appears to be relatively low rise. A street elevation plan (dwg. no P21:5463:03 Rev G) to demonstrate the above has been submitted and considered acceptable by officers, as the proposed built form would blend in with the surrounding area and would not dominate the landscape.
- 10.19 Regarding architectural form, the proposed dwellings would have a typical, simple modern vernacular. Dwellings in the area have varied appearance, but predominantly can be identified as the vernacular design of their period of construction, with simple aesthetics. During the course of the application, amendments have been sought to increase the size and scale of the window proportions in order to aid passive solar gain. This is to accord with Principle 14 of the Housebuilders Design Guide SPD which states that "innovation for energy efficiency is encouraged, particularly for maximising solar gain. Roof forms in the area are predominately mixed between hipped and gabled; therefore, this proposal would provide a corresponding mix. As amended, the proposed dwellings design and architectural features would to some degree, harmonise into the established built environment. This is to accord with Principle 13 of the Housebuilders Design Guide.
- 10.20 The dwellings would be faced in reconstituted stone with grey concrete roof tiles. Details have been provided as part of this application. Such materials are common within the surrounding landscape in which is dominated by stonework and brickwork. Therefore, in this context the use of stone is not opposed, as it would be a high-quality material and would accord with Principle 13 of the Housebuilders Design Guide which states that consideration should be given to the use of local prevalent materials and finishing of buildings to ensure that they reflect the character of the area.
- 10.21 Some details of boundary treatments are shown on the proposed site layout drawing no. P21:5463:01 - O. However, a condition requiring the submission of full details for all boundary treatments is recommended.
- 10.22 There are no designated heritage assets within or covering the site, however two Scheduled Ancient Monuments (Emley Standing Cross, which is also Grade II listed, and Emley Day Holes) are within close proximity. However, due to the distance and the existing built form, the application site does not have a direct relationship with these heritage assets, and does not form a significant part of their setting. Therefore, it is considered that the proposed development would not cause unacceptable harm to their significance. This is to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.



10.23 For the given reasons, officers are satisfied that the proposed appearance of the development would not harm visual amenity and it would represent good design in accordance with Policy LP24 of the Kirklees Local Plan, the aims of the Councils Housebuilders Design Guide SPD and the National Planning Policy Framework.

### Residential Amenity

#### *Layout*

10.24 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. Specifically, it outlines that for two storey dwellings the following, typical minimum separation distances between existing and proposed dwellings, are advised: -

- 21 metres between facing windows of habitable rooms at the back of dwellings.
- 12 metres between windows of habitable windows that face onto windows of non-habitable room.
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land.
- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary.

10.25 In addition to this, Paragraph 130 (f) of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.26 Principle 17 of the Council's adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

10.27 The site is surrounded by existing residential properties to the North, East and West. With regards to separation distances, it has been noted that the majority of the dwellings would retain 21m between habitable facing elevations, with the existing neighbouring dwellings. This would ensure that there would be no undue overbearing, overshadowing or overlooking.

10.28 However, in terms of providing a 12m separation distance between windows of habitable rooms that face onto windows of non habitable room/blank elevations, it has been noted that Plot 8 would have a close relationship with no. 14 and 16 Wentworth Avenue, whereby the separation distance from the proposed side facing blank elevation would fall short of the 12m identified. Instead, 10.5m would be retained to the original rear elevation at no. 14, along with 8m to no.16. Whilst this would fall short of the aforementioned separation distance, paragraph 7.20 of the Housebuilders Design Guide SPD states that

there are several design solutions that allow for reduced distances between buildings such as:

- The angles of facing elevations and the orientation of the buildings;
- The size, angle and design of upper storey windows to minimise overlooking, including off-set windows and giving consideration to the advice set out in Principle 14;
- The internal layout of dwellings, to maximise distances between habitable rooms; Appropriate screening and boundary treatments, such as planting, fences, walls and ancillary outbuildings;
- Parts of the building that project from the rear elevation to obscure views.

10.29 In this case, officers note that due to the position of plot 8 in relation to these neighbours, there would be no undue impact upon all habitable rooms within their rear elevations, due to the orientation of these properties. More specifically, no. 16 would have the closest relationship, however, due to the angle of this property within its plot, only a small section of its rear elevation would have a direct relationship with the side elevation of plot 8. Therefore, on balance, officers consider there to be no material harm upon these neighbours amenity. Permitted rights would also disallow habitable first floor side openings, with officers also recommending the removal of any future ground floor side openings, in order to protect these neighbours amenity. This would be secured by a condition.

10.30 Consideration must also be given to internal separation distances and the amenity of future occupiers. Internal separation distances meet or exceed the minimums set out within the Householder Design Guide, with the exception from Plot 13 and Plot 35 in which would only have a separation distance of 19m between the properties principal elevations. Whilst this is a shortfall of 2m, officers have noted that the dwellings would be separated by a highway with no.13 having to be set further forward within its plot due to the public footpath. As such, officers do not consider there to be any loss of privacy at either property, as a result.

10.31 The proposed layout, for residential amenity purposes, is considered acceptable and complies with guidance contained within the Householder Design Guide SPD and the aims and objectives of LP24 of the Kirklees Local Plan.

10.32 The quality of the proposed residential accommodation is also a material planning consideration and therefore the 41 units would comprise of 22 detached dwellings, 10 semi-detached dwellings, 3 terraces and 6 residential flats. Although a small number of two-bedroom units would have been welcomed, significant concern was raised regarding the internal floor space provided, for the former back to back 'Amber' house type. As such, these have been removed from the scheme and the agent has reverted back to the residential flats (type 60/61 (OP) type 58/59 (AS)). Therefore, the proposed unit size mix would help create a mixed and balanced community, to help avoid visual monotony across the site and is considered acceptable.

- 10.33 Although the Government's Nationally Described Space Standards (2015, revised 2016) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. Therefore, in line with the amendments outlined within the previous paragraph, all 41 dwellings would meet these standards.
- 10.34 All dwellings would benefit from a dual aspect and would be provided with adequate outlook, privacy and natural light.

#### *Landscaping*

- 10.35 The proposed gardens are considered commensurate in scale to their host dwellings. They offer good separation and space about dwellings, while offering private amenity space for residents, securing a high standard of visual and residential amenity. Some details of the boundary treatments proposed have been provided on the submitted site plan (Dwg. No P21:5463:01 Rev O) which will be used to sub-divide the dwellings and other boundaries. However, full details regarding the design of the boundary treatments are required, as outlined above.
- 10.36 As the site is for 41 dwellings, the scheme triggers the need for approximately 4794.82 sq.m of open space, to accord with Policy LP63 of the Kirklees Local Plan. It is accepted that a larger area of open space cannot (and should not) be provided on site, given the sites current arrangement with the public footpath and the need to accommodate a sufficient number of dwellings (of an acceptable design and level of amenity). Therefore, given the layout proposed the development would provide 1965.5 sq.m of public open space. Therefore, the applicant's approach to the remaining open space will, however, necessitate a financial contribution towards off-site open space. A contribution of £44,006.00 would be secured as part of the S106 agreement, including funding for a Local Area of Play. This contribution could be put towards existing facilities within walking distance of the application site, including Warburton Recreation Ground.
- 10.37 Overall, the proposed on site open space is welcomed, however, a condition is recommended requiring the implementation of the landscaping as proposed, alongside the management and maintenance details for the open space for a minimum of five years, to ensure plants have adequate establishment opportunity. This is to accord with LP32 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

#### Highway issues

- 10.38 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

- 10.39 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that 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.
- 10.40 There is currently no vehicle access onto the site. A new road is to be created with access from Wentworth Drive to the South West. Wentworth Drive has footways on both sides of the carriageway, has no yellow road markings, and connects to the wider highway network at Beaumont Street (which is a continuation of Upper Lane) to the north.
- 10.41 Outline permission was granted in June 2021, whereby the matter of access was agreed. The indicative site layout plan showed 44 residential dwellings with access from Wentworth Drive. The outline application was supported by a Transport Statement prepared by Optima Intelligent Highways Solutions. This was assessed by KC Highways DM, who considered the access acceptable on highway safety grounds. Full comments can be found within the previous committee report (2020/91215).
- 10.42 KC Highways DM have been formally consulted as part of this Reserved Matters application. It has been noted that significant amendments have been sought to reduce the scheme from 49 dwellings (as originally submitted) to 41. Further information was requested by Highways Officers in regard to visitor parking, the alignment/connection to Wentworth Drive, refuse swept paths, widening of the width of the footways, visibility splays at the bends and a stage one road safety audit for the access from Wentworth drive and the internal road layout. All the aforementioned information, other than a new road safety audit has been submitted and agreed with the Highways Officer and demonstrated on the proposed site plan (P21:5463:01 Rev O). Full details on each element can be found below.

#### *Parking layout and provision*

- 10.43 Considering parking layout and provision, there would be a mixture of front and side parking. The mixture is appropriate and allows for some units to have front gardens, preventing an unattractive 'sea of tarmac' arrangement. Key driver 20 of the Highways Design Guide SPD outlines that the Council does not have any set local parking standards for residential development. However, as an initial point of reference for residential developments (unless otherwise evidenced using the criteria in Para. 5.1), it is considered that new:
- 2 to 3 bedroom dwellings provide a minimum of two off-street car parking spaces
  - 4+ bedroom dwellings provide three off-street spaces.
  - 1-2 bedroom apartments provide one space (3+ bed two spaces)
- 10.44 Therefore, all units would be served by adequate on site parking, with the number of spaces per dwelling being highlighted below. Each parking space would be to an appropriate standard in line with the Council's Highway Design Guide SPD.

- Moresby (3 bedrooms) – 2 parking spaces
- Kenford (4 bedrooms) – 3 parking spaces (plot 41 however provides a double garage).
- Kirkbridge (3 bedrooms) – 2 parking spaces
- Denby (3 bedrooms) – 3 parking spaces
- Radleigh – (4 bedrooms) – 3 parking spaces
- Alderney – (4 bedrooms – 3 parking spaces

10.45 A condition regarding the surfacing and drainage of parking areas is considered appropriate, as is an informative note regarding works to the highway. Along this, a further condition requiring details of the internal adoptable roads is also considered necessary, in order to ensure that suitable access is provided for the development.

#### *Visitor parking*

10.46 With regard to visitor parking, eight spaces have now been shown throughout the site. Whilst this is slightly under the Council's recommendations for 1 space per 4 dwellings, officers have had to balance the impact in which the development may have on the PROW and public open space should additional spaces be provided. It is noted that the four spaces at the entrance to the site are located at a distance to some of the houses, however, these spaces would still be useable nonetheless, given the compact nature of the site, meaning that visitors would not have to walk a significant distance. As such, having weighed the aforementioned considerations and the constraints within the site, on balance Highways Officers are in support of the visitor parking spaces. A condition removing permitted development rights for the conversion of integral garages is recommended. This is considered necessary in order to mitigate against any undue impact to highway safety as a result of additional on street parking.

#### *Waste collection*

10.47 In terms of waste collection, refuse vehicle swept paths have been demonstrated, as original concerns were raised regarding the relationship with the kerb lines. These have been demonstrated on the proposed site plan (P21:5463:01 Rev O) and considered acceptable by Highways Officers. Bin storage points are also identified on the aforementioned plan, with each dwelling having an allocated space to the rear of the dwelling. A bin storage point has also been provided to the rear of the apartments. As such, the development would accord with Policy LP24 d(vi) of the Kirklees Local Plan.

#### *Public right of way*

10.48 In terms of the Public Footpath DEN/21/20, this is to be retained as existing. As such, no concern has been raised by KC Footpaths. Officers have however, noted concerns raised by local residents in terms of the works to improve the footpath, in which have not yet taken place. This is secured under condition 7 on the Outline permission which states requires works to be undertaken prior to commencement. This will include the widening of the PROW up to 2m, hard surfacing and the provision of street lighting with associated signing and white lining where achievable within adopted highway land.

- 10.49 Access to the adjacent Millennium Green would not be restricted by the proposed development.
- 10.50 Therefore, having regard to the above, the proposal is considered to deliver a safe and suitable access arrangement and adequate parking, which would not harm the safe and efficient flow of traffic on the surrounding highway network. It is therefore considered to comply with Policy LP21 and LP22 of the Kirklees Local Plan and the Councils Highways Design Guide and Housebuilder Design Guide SPDs.

#### Flood risk and drainage issues

- 10.51 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) was submitted by the applicant.
- 10.52 The Councils Lead Local Flood Authority (LLFA) have been consulted as part of this application and have confirmed that the drainage proposals set out within the FRA assessment are acceptable. In particular, they make reference to the attenuated surface water discharge which is to be connected to the 225mm via Yorkshire Water combined sewer in Green Acres Close (subject to Yorkshire Waters approval). They also note that the attenuation storage volume is to be sized to ensure that the critical 1 in 100 year (plus 30% CC) rainfall event will be contained within the site without causing flooding to the curtilage of existing or proposed properties, and that flood routing for exceedance events should be directed along the access road or across public open space and should avoid causing flooding to the curtilage of existing or proposed properties. Finally, the LLFA would expect that the foul and surface water drainage system will be offered for adoption by Yorkshire Water, however the developer's proposal for the maintenance of the drainage system until adoption by Yorkshire Water should be submitted for approval to the LPA. This would be covered via a condition. Further conditions regarding the full details of the proposed drainage system and details of temporary drainage proposals during the construction phase, would also be secured via condition.

#### Ecological considerations

- 10.53 Development has the potential to cause harm to ecology within any site and in the wider area. Policy LP30 of the KLP states that the Council would seek to enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity.
- 10.54 The application site is greenfield land and is grassed. Trees and shrubs exist along the site's edges. The site is within a Biodiversity Opportunity Zone (Pennine Foothills) and an Impact Risk Zone of a Site of Special Scientific Interest. The application is supported by a Biodiversity Gain Assessment and Ecological Design Strategy, both of which provided updated information following on from the fixing of the masterplan.
- 10.55 The Biodiversity Net Gain summary provides an updated metric calculation with the DEFRA v3.0 metric. The updated calculations result in a loss of 3.39 habitat units (-68.03%) and gain of 0.89 hedgerow units (168.13%). Therefore, as determined in the S106 agreement secured as part of the Outline application (2020/91215), a Biodiversity Contribution should be provided. As stated in the S106 agreement, Kirklees Council currently has a fixed rate cost of £20,000 per

habitat unit lost, with an additional 15% admin charge. Therefore, given there will be an overall loss of 3.39 habitat units, this will equate to a biodiversity contribution of £77,970.

- 10.56 The Ecological Design Strategy clearly details appropriate habitat creation, restoration, management and monitoring protocols to be utilised throughout the development. The development will result in the creation of three bat boxes, 48 swift bricks and hedgehog friendly fence panels.
- 10.57 The Council's Ecologist undertook a site visit on Thursday 24<sup>th</sup> March 2022 and determined that a number of birds were nesting within the tall ruderal and hedgerows throughout the site. Therefore, a condition is required to ensure that no vegetation removal is undertaken within the nesting bird season (March-August).
- 10.58 In conclusion, subject to conditions regarding the ecological measures within the Ecological Design Strategy being carried out and no removal of vegetation throughout the site within the months of March – August and the S106 contribution, KC Ecology are in support of the scheme. This would accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

### Trees

- 10.59 No trees within the application site are the subjects of Tree Preservation Order (TPOs), however, there are trees within the adjacent Millennium Green and elsewhere around the edges of the site, which positively contribute to the visual aesthetics of the area.
- 10.60 KC Trees have been formally consulted as part of this application, whereby no objections have been raised, subject to a condition being attached to set out that the recommendations within the Arboricultural Method Statement are followed.
- 10.61 A landscape plan has been submitted as part of this application (21:5463 100 Rev G), whereby the Tree Officer is satisfied with the development proposed. The officer has however, requested that a condition is attached to the decision notice to ensure that the development is constructed in line with the Landscape Management Plan.
- 10.62 A significant number of street trees would be planted throughout the site, along with small sections of public open space. These are both welcomed in line with Policy LP33 and LP63 of the Kirklees Local Plan.
- 10.63 However, concerns were originally raised by the Tree officer, along with several other consultees (including Ecology and Landscape) as the submitted plans showed a number of dwellings to be situated within close proximity to the southern boundary with the Millennium Green, resulting in potential pruning problems for the Trustees. As such, amendments for a green corridor along this boundary were requested. However, these were not sought and therefore, a balanced approach has been taken, due to the number of units along the southern boundary being reduced, as part of the wider changes to layout. Therefore, the maintenance of any hedges/trees within the Millennium Green would fall under a private legal matter between the developer/future residents and the Trustees of the Millennium Green.

10.64 Therefore, subject to the aforementioned conditions, the proposal would comply with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.

#### Environmental and public health

10.65 With regard to the West Yorkshire Low Emission Strategy, condition 20 of the Outline planning permission (ref: 2020/91215) requires details to be provided for charging electric vehicles and other ultra-low emission vehicles. In this instance, the proposed site plan (P21:5463:01 Rev N) shows each residential unit to provide on vehicle charging point within its area of hardstanding. Nonetheless, a further condition is recommended at this Reserved Matters stage, specifying that each charge point must be capable of ensuring a minimum continuous current demand of 16 amps and a maximum demand of 32 amps.

10.66 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Therefore, having regard to the size of the dwellings proposed, measures to minimise crime and anti-social behaviour have been incorporated into the site's layout. This includes natural surveillance and appropriate boundary treatment. As such, the scheme would not have a negative impact on human health.

10.67 Regarding the social infrastructure currently provided and available in Emley and the surrounding area (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. As such, officers do not consider the level of development proposed to have a detrimental impact on existing social infrastructure.

#### *Contamination and coal legacy*

10.68 With regard to ground contamination, the applicant submitted a Geo-environmental Appraisal and details of gas monitoring works as part of the original Outline permission. Having reviewed such documents Environmental Health Officers considered it necessary to attach ground conditions. Therefore, information to discharge conditions 17, 18 and 19 on the Outline permission have been submitted under a separate discharge of condition application (2022/90137), which is still undetermined.

10.69 The application site is within the Development High Risk Area as defined by the Coal Authority, therefore within the site and surrounding area there are coal mining features and hazards. The applicant's site investigation works as part of the previous Outline application found the Flockton Thin coal seam to be intact coal across the site, and the deeper Second Brown Metal seam was not encountered. No evidence of mine workings was identified during the investigation. Therefore, in light of this, the Coal Authority raised no objection to original Outline planning application (2020/91215), or this Reserved Matters application.



## Sport England

- 10.70 As the application site is immediately adjacent to a cricket field, Sport England have been formally consulted. In light of the Outline permission (2020/91215), condition 26 required the submission of a detailed ball-stop net as part of the Reserved Matters application.
- 10.71 In this instance, initial objections were raised by Sport England due to the size of the net originally proposed at 12m, as this would not conform with the findings of the Labsport Report (LSUK.20-0563). As such, after significant negotiations with the agent and applicant, a ball strike net of 17m has been demonstrated on the street elevation plan. This would accord with the aforementioned report and therefore, Sport England have formally withdrawn their objection, subject to conditions being attached to the decision notice. The conditions would require a detailed design of the ball stop netting and its associated support columns and for details regarding a management and maintenance plan of the approved netting, which shall include the provision for routine inspection and maintenance, and long-term repair and replacement of columns, netting and such other associated apparatus.
- 10.72 In this case, condition 27 of the Outline permission requires the submission of a scheme for the management and maintenance of the ball stop netting and therefore it is not reasonable to re-attach this condition as part of the Reserved Matters. However, the condition requesting further details of the net and its associated support columns would be attached to the decision notice. This is considered reasonable in the context of Policy 50 of the Kirklees Local Plan.

## Representations

- 10.73 As a result of the above publicity, 221 representations have been received. Most matters raised have been addressed in the report. However, officers have provided a brief response to the concerns raised below.

### *Visual amenity*

- Concerns regarding the size of the development.
- The development would not be in keeping with the surrounding built form.
- Overdevelopment of the site – including density concerns (35 dwellings per hectare).
- The 18m high ball strike fence will be unsightly and will not completely eradicate cricket balls hitting the new houses and gardens, leading to a fatality.
- The cricket net will be an eyesore.
- The proposal would have an overbearing impact on the Millennium Green, with no access to allow for proper maintenance.
- Concern regarding the visual impact of the 2.5 storey dwellings.
- Style of housing needs addressing as discussed previously, low cost apartments are not in keeping with the development and need to be upgraded as per Kirklees recommendations. These low cost starter homes are more in keeping with the village and could provide local young people with homes near their work and families.
- The plots are not very well spaced.

- The proposed development is incongruous with the local area. The intensity of this development and policy failures within the submission offer no benefits to the village or its people.
- Concerns over the house types provided i.e lack of bungalows and the flat/apartments are not in keeping with the area.

*Officer comment: A full assessment upon the impact on visual amenity within the site, and within the wider area, can be found within the report above. Amendments have been sought to reduce the size of the units to two storey in order to be sympathetic to the surrounding landscape. The residential flats would also have a similar appearance to the dwellings proposed. The cricket net would also be relatively light weight, with three metal posts, as such, other than its height, it is not considered to appear unsightly within the area.*

### *Residential amenity*

- Concerns on existing and proposed neighbouring amenity in terms of overlooking, overshadowing and overbearing.
- Noise, disturbance and odour implications for existing residential properties.
- Loss of a view for existing residents.
- Some of the separation distances do not comply with the guidance identified within the Housebuilders Design Guide SPD.
- The plans are deliberately contravening building specifications/ recommendations (adopted by Kirklees) in every aspect to cram in more houses than what is right for the residents living space and some natural growth.

*Officer comment: A full assessment upon the impact on residential amenity can be found within the report above. Details regarding the separation distances provided within the site and to existing dwellings has also been outlined. The loss of a view is not a material planning consideration and therefore cannot be afforded any weight. Lastly, a Construction Environmental Management Plan has been secured by condition as part of the outline permission, which will ensure that neighbouring amenity is protected during the construction phase.*

### *Highway safety and parking*

- The lack of/shortfall of adequate parking provision will impact surrounding residential areas.
- The plans are short of 19 spaces on the design guidelines.
- There is no space for larger vehicles including emergency vehicles.
- There is no space for visitors.
- The garages are too small to park a modern car.
- There is limited public transport in the village.
- Concerns regarding the access from Wentworth Drive to Chapel Lane and from Wentworth Drive to Beaumont Street Junction is very hazardous.
- Building work will require many hundred more large vehicles at this junction.
- Concern regarding heavy vehicles using Wentworth Drive to access the site.

- No further traffic surveys have been submitted as part of the Reserved Matters application.
- Barrett's are using an outdated traffic survey that was completed in Lockdown, so do not offer a realistic view of the volume of traffic that the passes through village.
- A traffic survey was recently undertaken by residents in which is significantly different to the one produced by Highstone in terms of vehicular movement.
- The roads will need to be maintained more by the council.
- The residential properties should have at least 2 parking spaces per household.
- There are existing parking issues within the village in which will be intensified by this development.
- The five remote visitor parking spaces could attract criminal activity.
- The pedestrian access from Green Acres Close will attract people to parking on neighbouring streets.
- Where will parking be provided for the workers?
- There are no cycle lanes
- There appear to be unanswered questions on the validity of access into the site and the validity of the s40 Highways Agreement dated 6th April 1979 and its bearing on ransom strips adjoining the development site.
- The back to back dwellings have insufficient parking spaces and no visitor spaces.
- Insufficient drives (too small)
- The parking bays are not long enough.
- Concern regarding the diversion of the PROW.
- The site will be reliant upon motorised vehicles rather than the bicycles in which Barratts have described.

*Officer comment: KC Highways DM have been consulted as part of this application, with their full comments being highlighted within the report above. Access to the site was agreed in principle within the outline permission and therefore new surveys were not considered to be necessary as the proposal incorporates less than the indicative housing approved capacity. The PROW would also be retained as existing and therefore will no longer needs to be diverted.*

- The updated plan appears to indicate that the 4 remote visitor parking spaces at the entrance to the site have natural surveillance from 6 properties. However, all 6 properties are at an oblique angle and there are no windows in any property that have a direct view.

*Comment: KC Crime Prevention have reviewed the 'secure by design' layout plan and are happy with the details shown.*

#### *Affordable housing*

- The affordable dwellings are not distributed equally throughout the site. There is inadequate parking and outdoor space for these units.
- Affordable dwellings should offer 2 bedroom town houses with private gardens which reflect more the needs of the local population.

*Officer comment: Officers consider the location of the affordable units with the amendments sought to be acceptable. Affordable units for two bedroom back to back dwellings were previously proposed, however, they were significantly below the Governments National Described*

*Space Standards (NDSS). These units were therefore amended incorporate single bedroom flats. This would achieve an acceptable level of amenity for the future occupiers and therefore on balance have been supported.*

### *Public right of way*

- The plans have not considered the current application for the adoption of the footpath which runs to the south side of the cricket field. This has also not been shown on the plans.  
*Officer comment: Given that the application made for the claimed footpath to the North of the site has not been determined (application ref: DEN/dmmo app 311/10), officers do not consider it necessary to be shown on the proposed plans, as this will be assessed under a separation public footpath application.*
- The public right of way crosses the road, which is surely a risk to the public.  
*Officer comment: This has been noted, however, given the relatively small scale of the development, officers do not consider it to be a safety risk.*
- The PROW should not be blocked by cars.  
*Officer comment: This has been noted.*
- Concerns regarding the useability of the PROW for disabled users.  
*Officer comment: The PROW will be improved to ensure that it is useable for all.*
- There is no plans to upgrade the footpath than runs within the site to the centre of Emley.  
*Officer comment: The PROW improvements have been secured under condition 8 on the original outline application.*
- The public footpath which enters the site from the recreation ground off Warburton should be provided with a hard surface and not squeezed into a narrow alleyway but given more room.  
*Officer comment: This has been noted, however, the public footpath (DEN/96/10) already has this existing relationship.*
- Footpath DEN/21/20 is located in the centre of this proposed development we would ask that this footpath be upgraded to a multi-user bridleway thereby providing the path for a greater number of users. This path is likely to receive greater use by the public as a result of this development, as such the developer should be asked to provide an improved surface.  
*Officer comment: The PROW improvements have been secured under condition 8 on the original outline application.*
- The latest site plan submitted by Barratt indicates a green dotted line to represent the claimed footpath diversion – however the plan does not show the diversion? Please clarify this discrepancy.  
*Comment: This has been noted and appears to be a discrepancy within the site layout key. The green dotted line was originally proposed, when the applicant was looking to divert the line of the PROW through the site. However, the direct route of the PROW would be retained as part of this application.*
- Children will always use the shortest route from Point A – B, therefore any proposed diversion which does not utilise this is futile and will be redundant.  
*Officer comment: This concern has been noted.*

## Cricket ball net

- The fence stanchions for the ball strike net are below the recommended 18m from Labsport.
- Taller nets are required.
- Noise implication for the cricket net.
- Further nets will be required to cover the attenuation tank and the space on the left towards the PROW.
- Who will pay for the maintenance of the ball strike nets?
- How will the net be supported and maintained?
- The information submitted regarding the cricket net does not comply with the requirements of condition 26 of the outline permission.  
*Officer comment: The amendments to the height of the cricket ball net have been considered acceptable and therefore the objections from Sport England have been removed. A further condition regarding the management and maintenance of the net is recommended.*
- Concern regarding the height of the net put before Members at the previous committee as this was only 12m high.  
*Officer comment: This has been noted, however, the photograph was to give members a visual indication of what the net would look like in appearance (subject to its height).*
- Confirmation should be sought that the net proposed would not have an overbearing impact nor should it be an eyesore to the existing homeowners/ future plot owners.  
*Officer comment: Given the nets relatively light-weight design, officers are satisfied that there would be no detrimental impact to either existing or future home owners.*
- The net would have a visual impact upon Emley Millennium Green.  
*Officer comment: This has been noted, however, officers do not consider the relationship between the proposed net and Emley Millennium Green to be that significant, should the development be approved.*
- The plots adjacent to the net should not be built until it has been erected.  
*Officer comment: A condition would be attached to the decision notice to state that the dwellings within the ball strike distance, shall not be occupied until the net has been constructed.*
- Why does the labosport report suggest an 18m net, but Barretts have only provided a 17m high net?  
*Officer comment: The Labosport report states that the net should be 17m to restrict all but the fastest of shots.*
- Does the net need permission in its own right?  
*Officer comment: The ball strike net has been considered as part of this development and therefore does not require a separate planning application.*

## *Ecology, wildlife and open space*

- The development would lead to the destruction of the hedge and corridor for animals in which have been encouraged and nurtured by the Trustees of the Millennium Green.  
*Officer comment: The development would not impact upon any hedges/trees within third party land.*
- There are no network of pedestrian links to open spaces.  
*Officer comment: Several areas of public open space have been provided within the site which link to the public footpath and surrounding recreation ground and Millennium Green.*
- The development would not accord with Policy LP30 ii of the Kirklees Local Plan and National Planning Policy Framework.  
*Officer comment: This has been noted. See above in report for further clarification.*
- Impacts on trees and the landscape, as the development would destroy a well-used green space within the village.  
*Officer comment: This has been noted, however, the principle of developing the land for residential development has been established.*
- There should be a wildlife corridor running through the site onto the Millennium Green
- To protect these creatures (who are classified as vulnerable to extinction), a wildlife corridor should be left running the length of the Millennium green (from Green Acres Close to the proposed development access on Wentworth Drive) thus allowing them to safely forage/roam.  
*Officer comment: This has been noted and therefore a condition is recommended should the application be approved to ensure that there are hedgehog gaps between the boundary treatment to the south of the site, adjacent to the Millennium Green.*
- The development does not provide a biodiversity net gain.  
*Officer comment: An off site contribution will be made in order to secure a 10% biodiversity gain.*
- A green buffer should be provided between the site and the Millennium Green, to ensure the retention of any existing trees.  
*Officer comment: This has been noted and requested by officers to the agent, however, no amendments in this respect, have been sought, as it would compromise the proposed layout.*
- Limited information in respect of ecology.  
*Officer comment: This has been noted.*
- There is not enough open space within the site.  
*Officer comment: This has been noted. An off site contribution will be a requirement should the application be approved.*
- The proposed plots are so close to the Millennium Garden that is will not be accessible for maintenance as is directed by a buffer zone, the area will be stifled by the new plots, the 'breathing space' will be lost through noise and traffic from the development.

- Plot numbers 36 and 44 will directly impact the ground and root structure of many of these trees.  
*Officer comment: This has been noted, however, access for maintenance would be a private legal matter.*
- The submitted plan does not highlight which types of open space are to be provided based on the types within the open space SPD. Open spaces are a key part of any successful development and offer opportunities to vary the street scene and create focal points for layout arrangements to help create a sense of space.  
*Officer comment: This has been noted, however, it is not a requirement as part of the submitted application. The Landscape Officer has however, categorised the open space proposed in order to calculate the contribution for the off-site public open space.*
- Concerns regarding the impact on wild birds.  
*Officer comment: A full assessment has been undertaken by KC Ecology and can be found within paragraphs 10.53-10.58 of the report.*
- What will be in the impact for ecology with the ball striking net?  
*Comment: KC Ecology have confirmed that there would be no ecological impact, as a result of the ball striking net.*
- The stanchion supporting the netting adjacent to Golcar Cricket Field recently collapsed. Please confirm that Kirklees will therefore re consider and take seriously the points raised and will request the correct technical information for the netting and supports at this stage.  
*Comment: This comment has been noted, however, each application is assessed on its own merits. Therefore, in this case, officers consider it acceptable and reasonable to request the further technical information regarding the ball strike net, as part of a future discharge of condition application.*

#### General concerns

- Current plans demonstrates that planners and proposers are using out of date standards to gain easy acceptance.  
*Officer comment: This has been noted, however, the application has been assessed against adopted local and national policies and supplementary planning documents.*
- Emley doesn't have enough facilities in order to accommodate additional houses.  
*Officer comment: This has been noted, however, the principle of developing the site for residential development has been established.*
- Health risks from poor air quality/air pollution.  
*Officer comment: This has been noted, however, a Construction Environmental Management Plan has been secured as part of the outline permission.*
- Too much hardstanding and not enough soft landscaping.  
*Officer comment: This has been noted.*
- The previous applications have been rejected by the majority of residents within the community.  
*Officer comment: This has been noted.*
- I am led to believe that there will be no education contribution.

- Officer comment: A contribution to education has been secured as part of the outline application. This will be £78, 891.*
- A condition should be proposed to restrict vehicular and pedestrian access from Green Acres Close for every day use by residents.  
*Officer comment: This concern has been noted, however, it would not meet the six tests for applying a planning condition.*
  - Ground floor W.C's should be provided for disabled users.  
*Officer comment: This has been noted, with some house types providing ground floor W.C's.*
  - Inaccuracies in Barratts description statement about Emley village.
  - Concerns regarding the impact on existing amenities.  
*Officer comment: This has been noted.*
  - Have the issues regarding coal, sewerage and water issues been resolved?  
*Officer comment: These issues have been discussed in the report above.*
  - The impact on existing house prices will be devastating as a result of the new builds.  
*Officer comment: This is not a material planning consideration and therefore cannot be afforded any weight.*
  - There has been a total of 700 objections.  
*Officer comment: This has been noted, however, the LPA can only take into account those in which have been submit formally as part of this planning application.*
  - The Trustees have a legal right to enter the field to fulfil their legal requirements for the Millennium Green.  
*Officer comment: This has been noted, however, the planning consent would not override any private legal matters.*
  - Confirmation that conditions regarding renewable energies, a construction management plan, no construction until a ball strike net has been erected and a noise report, will be attached to the decision notice.  
*Officer comment: Officers have considered the development in great detail, with the appropriate planning conditions listed below.*
  - The updated security plan would not provide natural surveillance.  
*Officer comment: KC Designing Out Crime Officer, has been formally consulted as part of the planning process, raising no objection to the crime prevention measures proposed.*

#### Financial contributions and planning obligations

10.74 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.

10.75 A S106 agreement was secured as part of the Outline permission and therefore, the contributions to this are identified below:

- Affordable housing – eight affordable housing units (either 6 social/affordable rent, two intermediate/discount market sale or four social/affordable rent, and four intermediate/discount market sale) to be provided in perpetuity.



- Open space – £82,927 as per the original S106 or alternatively the developer could request a Deed of Variation for this contribution, which given the open space provided on the site, would amount of a contribution of £44,006 towards off site provision.
- Education – £78, 891 contribution
- Highways and transport - £20,520.50 towards a Sustainable Travel Plan Fund (£500.50 per dwelling)
- Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- Biodiversity - £77,9700 contribution towards off-site provision,
- Traffic Regulation Order – £7,000 contribution.

### *Affordable housing*

- 10.76 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.77 To comply with policy LP11, the proposed development would need to provide 8 affordable housing units. These units will be provided in the formation of six 1 bedroom flats and two three bedroom semi detached dwellings. Preferably KC Strategic Housing would like to see the six flats being for social/affordable rent and for the two 3 bedroom dwellings being for the intermediates.
- 10.78 The affordable units would be scattered to the North West and South East of the site, however, due to the flats proposed, it has been noted that these would be contained within one cluster. This is due to the desired built form and therefore they cannot be separated into smaller units. As such, no objection has been raised by KC Strategic Housing; subject, to all affordable housing being indistinguishable from the rest of the development in terms of quality and design.

### *Education*

- 10.79 As outlined within the S106 agreement secured on the Outline permission an education contribution is required due to the number of units being proposed. The contribution is determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. In this instance, a contribution of £78,891 is required in which will go towards Emley First School and Kirkburton Middle School.

### *Public open space*

- 10.80 In accordance with LP63 of the Kirklees Local Plan new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area.
- 10.81 As part of the S106 agreement on the Outline permission an off-site public open space contribution of £82,927 was secured for 44 dwellings or if the total of dwellings differ the contribution should be calculated at £1885 per dwelling. This was a baseline rate, to secure a full off site contribution should no open space be provided within the site.
- 10.82 However, the Reserved matters application proposes 1,965.5 sqm of on-site Public Open Space, which would require a smaller off-site contribution of £44,006, in accordance with the Public Open Space SPD. Therefore, the developer could either stick with the original agreement, or a Deed of Variation to the original S106 could be submitted to amend this contribution. This would be secured after a planning decision has been made in accordance with Policy LP63 of the Kirklees Local Plan.

### *Highways and transport*

- 10.83 As part of the S106 agreement on the Outline permission a contribution towards Sustainable Travel Plan Fund has been secured. This means that the developer will pay £500.50 per dwelling, an overall contribution of £20,520.50 for 41 units.
- 10.84 Traffic Regulation Contributions were also secured as part of the aforementioned legal agreement, in which will also see a contribution of £7,000 to be paid to the Council in order to pursue a TRO, in respect of Wentworth/Beaumont Street junction if considered necessary.

### *Management and maintenance*

- 10.85 A Management and Maintenance plan has been secured as part of the original S106 agreement to include the terms for the provision of long-term maintenance and management of the surface water drainage features (until adoption) and the on-site public open space. This is to ensure appropriate responsible bodies are in place to ensure the ongoing management and maintenance of these assets.

### *Biodiversity*

- 10.86 In accordance with policy LP30 of the Kirklees Local Plan, developments are expected to demonstrate a net gain to local ecology. This is measured via the biodiversity metric and should be delivered through on-site enhancements. When sufficient enhancements cannot be delivered on site, an off-site financial contribution may be sought.
- 10.87 As set out within paragraph 10.55, an off-site contribution is expected for this site, valued currently at £77,970 to provide 10% net gain.

## 11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS137, outline planning permission for residential development has previously been granted, and the principle of residential development at this site remains acceptable
- 11.2 This application seeks approval on all reserved matters; access, appearance, landscaping, layout, and scale for 41 residential dwellings. The site is constrained by public rights of way, the adjacent cricket ground, adjacent trees, coal mining legacy, ecological considerations, drainage and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant or can be addressed at the conditions stage.
- 11.3 The proposal would not harm material planning considerations and would provide an enhancement to local affordable house and infrastructure.
- 11.4 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 and is therefore recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.

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

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.  
**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion and in the interests of highway safety in accordance with Policies LP1, LP2, LP3, LP4, LP5, LP7, LP9, LP11, LP20 LP21, LP22, LP23, LP24, LP26, LP27, LP28, LP30, LP32, LP33, LP34, LP35, LP38, LP47, LP48, LP49, LP50, LP51, LP52, LP53, LP63, LP65 of the Kirklees Local Plan and the aims of the Housebuilders Design Guide SPD and National Planning Policy Framework.
2. The crime prevention measures hereby approved, shall be carried out in complete accordance with dwg no. P21:5463:21 Rev A. The measures shall thereafter be retained.  
**Reason:** In the interests of preventing crime and anti-social behaviour and to accord with policy LP24 of the Kirklees Local Plan.
3. Before development commences, details of external lighting shall be submitted an approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved works.  
**Reason:** In the interests of amenity and to prevent crime and anti-social behaviour and to accord with policy LP24 of the Kirklees Local Plan.

4. Prior to the commencement of the development hereby approved, the detailed design of the ball-stop netting and associated support columns shall be submitted to and approved by the Local Planning Authority following consultation with Sport England. The agreed ball-stop netting design shall be installed prior to the occupation of any dwelling within the site that the Labosport report deemed at risk of ball strike, to the satisfaction of the Local Planning Authority.  
**Reason:** In the interests of minimising the risk of injury and damage to property arising from adjacent uses and to accord with policy LP50 of the Kirklees Local Plan.
5. Prior to the commencement of dwelling construction, a management and maintenance plan in respect of the approved ball stop netting, will shall include provision for routine inspection and maintenance, and long-term repair and replacement of columns, netting and such other associated apparatus, shall be submitted to and approved by the local planning authority following consultation with Sport England. The approved plan shall come into force upon the satisfactory installation of the approved ball-stop netting.  
**Reason:** In the interests of minimising the risk of injury and damage to property arising from adjacent uses and to accord with policy LP50 of the Kirklees Local Plan.
6. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, masterplan design, an assessment of Sustainable drainage including attenuation, water quality and amenity potential, outfalls, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and retained thereafter.  
**Reason:** To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.
7. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:
  - phasing of the development and phasing of temporary drainage provision.
  - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
  - the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless

otherwise agreed with the LLFA.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority

**Reason:** To ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

8. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference, Wharncliffe Trees and Woodland Consultancy. These shall be implemented and maintained throughout the construction phase and retained thereafter.

**Reason:** To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP 24 and LP 33 of the Local Plan.9.

9. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works shall include:

(a) Means of enclosure around the site, including ball stop fencing, proposed hedgerows;

(b) Landscape works at the access point with the Millennium Green;

(c) Materials to be used for all hard surfaced areas including vehicle and other circulation areas;

(d) Soft landscape works to include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation, management and maintenance programme.

The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the local planning authority

**Reason:** To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32 and LP33 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

10. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highways shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.  
**Reason:** In the interest of the protection of the structural stability of the adjacent public highway in the interests of highway safety and to accord with LP21 of the Kirklees Local Plan.
11. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new surface water attenuation pipes/manholes located within the proposed highway footprint shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.  
**Reason:** In the interest of the protection of the structural stability of the adjacent public highway in the interests of highway safety and to accord with LP21 of the Kirklees Local Plan.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in the northern facing side elevation of the plot 8 hereby approved.  
**Reason:** So as not to detract from the amenity of the neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.
13. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Design Strategy as already submitted with the planning application.  
**Reason:** To ensure that biodiversity is protected during construction and to aid net gain, in accordance with the requirements of Chapter 15 of the National Planning Policy Framework, and Policy LP30 of the Kirklees Local Plan.
14. Notwithstanding the information submitted within the Ecological Design Strategic, the development shall not commence until a plan detailing the position and location of the three bat boxes, 48 swift bricks and hedgehog friendly fence panels has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
**Reason:** To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

For clarity the following the following are the conditions attached to the outline application (2020/91215). For the avoidance of doubt, these do not need to be reimposed as part of the reserved matters, but remain active via the outline application. A table to show the full wording of the conditions can be found within appendix 1:

1. Reserved matters to be approved prior to development commencing
2. Plans relating to appearance, landscaping layout and scale to be submitted as part of a Reserved Matters.
3. Reserved matters to be submitted within 3 years
4. Development to commence within 2 years of reserved matters being approved
5. Development to be done in accordance with plans
6. Submission of a scheme detailing the layout, construction specification, and programme of works for the access to the development, visibility splays, internal roads, footways, turning areas to accommodate an 11.85m refuse vehicle, and all associated works.
7. Upgrade to the public right of way DEN/21/20.
8. No vehicular access through Green Acres Close, other than already provided for the Millennium Green.
9. Requirements of a Travel Plan for more than 50 dwellings
10. Submission of a Construction Environmental Management Plan.
11. Submission of temporary surface water drainage.
12. Details of hard and soft landscaping to be submitted as part of the Reserved Matters application.
13. The findings from any intrusive site investigation works in relation to shallow mining, mine entries and other aspects of minimal legacy.
14. The development shall be provided with a separate system of drainage for foul and surface water.
15. The Reserved Matters should detail foul and surface water drainage (including off-site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests
16. The Reserved Matters should include an assessment of the effects of 1 in 100-year storm events.
17. Where site remediation is recommended, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority.
18. Remediation of the site to be carried out in pursuant of condition 17.
19. Following completion of any Remediation, a Validation Report shall be submitted to the Local Planning Authority.
20. Submission of a scheme detailing electrical vehicle charging points.
21. The Reserved Matters should include an Arboricultural Impact Assessment and Method Statement
22. Tree protection measures in accordance with BS5837:2012.
23. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority.
24. The Reserved Matters should include details of the site's baseline ecological value.
25. The Reserved Matters should include an Ecological Design Strategy.
26. The Reserved Matters should provide details of a ball-stop net.
27. Submission of a scheme for the management and maintenance of the approved ball-stop netting.

28. The Reserved Matters should include measures to prevent and deter crime and anti-social behaviour.

29. The Reserved Matters should include the submission of a noise report.

**Background Papers:**

Application and history files.

[Link to application details](#)

[Planning application details | Kirklees Council](#)

[Link to application details](#)

[Link to previous Outline permission](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/91215>

Certificate of Ownership – Certificate B signed.



Appendix 1 – Planning conditions attached to the Outline permission

| Conditions attached to decision notice as part of the Outline Permission (2020/91215)  | Is the condition still relevant?   |
|--|--|
| <p>1. Approval of the details of appearance, landscaping, layout and scale of the site (hereinafter called the “Reserved Matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. Reason: No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.</p>  | <p>This condition has been covered as part of the reserved matters application, as it requires the submission of details associated with appearance, landscaping, layout and scale.</p>                |
| <p>2. Plans and particulars of the Reserved Matters referred to in Condition 1 above, relating to appearance, landscaping, layout and scale shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved plans. Reason: No details of the matters referred to having been submitted, they are reserved for the subsequent approval in writing of the Local Planning Authority.</p>              | <p>This condition remains relevant as it requires the development to be constructed in accordance with the plans. However, it will be updated to reflect the current reserved matters application.</p> |
| <p>3. Application(s) for approval of Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p>  | <p>This condition has been covered as part of the reserved matters application, as it has been submitted within 3 years of the date, which the outline permission was granted.</p>                     |
| <p>4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p>  | <p>This condition is still relevant, as it requires works to begin within two years of the date in which the reserved matters application was approved.</p>  |
| <p>5. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission (which shall in all cases take precedence) and except as may be specified in any subsequent minor or non-material amendments approved in writing by the Local Planning Authority. Reason: For the avoidance of doubt as to what is being permitted.</p> | <p>This condition still remains relevant, as the development shall be carried out in accordance with the plans and specifications outlined with the plans table.</p>                                   |
| <p>6. Prior to the commencement of development a scheme detailing the layout, construction specification, and programme of works for the access to the development, visibility splays, internal roads, footways, turning areas to accommodate an 11.85m refuse vehicle, and all associated works, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include sections, and</p>  | <p>This condition still remains relevant, as such works have not been submitted as part of the reserved matters application.</p>   |

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| <p>details of drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of the work. The development (or, where agreed in writing by the Local Planning Authority, a phase of development) shall not be brought into use until the approved works have been implemented. Thereafter the approved works shall be retained for the lifetime of the development. Reason: To ensure suitable access is provided, and to ensure the safer movement of vehicles, cyclists and pedestrians in accordance with policies LP20 and LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of access and internal roads are agreed at an appropriate stage of the development process.</p>   |   |
| <p>7. Prior to the commencement of development, a detailed scheme for the provision of improvements to public right of way DEN/21/20 (including widening up to 2m, tarmac surfacing and the provision of street lighting with associated signing and white lining where achievable within adopted highway land) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, and details of surface finishes and any white lining and signing, together with an independent safety audit covering all aspects of the work, and details of the delivery of the work under an appropriate Section 278 approval. Unless otherwise agreed in writing by the Local Planning Authority, all of the approved works shall be implemented before any part of the development is first brought into use. Reason: To ensure suitable access is provided, and to ensure the safer movement of pedestrians in accordance with policies LP20, LP21, LP24 and LP47 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure details of public right of way improvements are devised and agreed at an appropriate stage of the development process.</p> | <p>This condition still remains relevant, as such work/details have not been submitted as part of the reserved matters application. This is a pre commencement condition.</p> |
| <p>8. No vehicular access shall be provided from Green Acres Close, other than that already provided for the Millennium Green and that required for emergency services access. Reason: To ensure the development would not intensify vehicular movements on Green Acres Close and Warburton, to ensure the development would not increase risks to pedestrian safety and the risk of conflicts between drivers, to ensure highway safety is not reduced, and to accord with policies LP20 and LP21 of the Kirklees Local Plan.</p>  | <p>This condition remains relevant for the lifetime of the development.</p>   |
| <p>9. Should the Reserved Matters application(s) referred to in Condition 1 above relate to the development of 50 or more dwellings, the application(s) shall include a Travel Plan which shall set out measures to discourage the use of high-emission vehicles and encourage the</p>  | <p>This condition is no longer necessary, as the development does not propose 50 or more dwellings.</p>   |

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| <p>use of public transport, cycling and walking, as well as the uptake of low emission fuels and technologies.<br/>Reason: To ensure residents of the development are encouraged to use sustainable forms of transport and to mitigate the highway and air quality impacts of the development in accordance with policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy</p>   |   |
| <p>10. Prior to the commencement of development (including demolition and ground works) a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include predevelopment road condition surveys, a timetable of all works, and details of:</p> <ul style="list-style-type: none"> <li>• point(s) of access for construction traffic;</li> <li>• construction vehicle sizes and routes;</li> <li>• times of vehicle movements;</li> <li>• parking for construction workers;</li> <li>• signage;</li> <li>• wheel washing facilities within the site;</li> <li>• dust suppression and street sweeping measures;</li> <li>• measures to control noise and vibration;</li> <li>• artificial lighting to be used during construction; and</li> <li>• hours of works. The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development. <p>Reason: In the interests of amenity and highway safety, and to accord with policies LP21 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.</p> </li></ul> | <p>This condition is still necessary as it requires details of the works to be undertaken in order to facilitate the development. This is a pre commencement condition.</p>                         |
| <p>11. Prior to the commencement of development (including ground works) details of temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:</p> <ul style="list-style-type: none"> <li>• detail phasing of the development and phasing of temporary drainage provision; and</li> </ul>  | <p>This condition is still necessary as it requires details of temporary surface water drainage, to be undertaken in order to facilitate the development. This is a pre commencement condition.</p> |

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| <ul style="list-style-type: none"> <li>• include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority. Reason: To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.</li> </ul> |  |
| <p>12. The Reserved Matters application(s) referred to in Condition 1 shall include details of all hard and soft landscaping, including details of existing and proposed levels, and regrading. The development (or, where agreed in writing by the Local Planning Authority, a phase of development) shall not be occupied until all hard and soft landscaping has been implemented in accordance with the approved details. All approved landscaping shall be retained thereafter in accordance with the approved scheme, long-term maintenance, monitoring and remedial arrangements. Reason: In the interests of local ecological value and visual amenity, and to accord with policies LP24, LP30 and LP32 of the Kirklees Local Plan and chapters 12 and 15 of the National Planning Policy Framework</p>   | <p>Details of hard and soft landscaping have been submitted as part of this proposal. Nonetheless, the condition will be updated/re-worded as part of the reserved matters application, to ensure that the works proposed are carried out in accordance with the plans.</p>          |
| <p>13. The Reserved Matters application(s) referred to in Condition 1 shall include a report of findings arising from intrusive site investigations (carried out in accordance with a scheme of intrusive site investigations submitted to and approved in writing by the Local Planning Authority) relating to shallow mine workings, mine entries, and other aspects of the area's mining legacy, and shall include a scheme of remedial works which shall be submitted to and approved in writing by the Local Planning Authority. The remedial work shall be carried out in strict accordance with the scheme so approved. Reason: To minimise risk associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan.</p>   | <p>These details have been submitted under the discharge of condition application (2022/90137). This has been considered acceptable, as development cannot commence until the reserved matters application has been approved, along with the discharge of condition application.</p> |
| <p>14. The development hereby approved shall be provided with separate systems of drainage for foul and surface water and these systems shall be completed prior to the occupation of the development. Reason: In the interests of satisfactory and sustainable</p>   | <p>This condition still remains necessary.</p>   |

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| <p>drainage and so as to accord with policies LP27, LP28 and LP34 of the Kirklees Local Plan.</p>  |  |
| <p>15. The Reserved Matters application(s) referred to in Condition 1 shall include a scheme detailing foul and surface water drainage (including off-site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests where appropriate). The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. No part of the development shall be occupied until such approved drainage scheme and maintenance and management plan to serve the development or each agreed phase of the development to which the dwellings relate has been implemented in full. The approved scheme shall thereafter be retained during the life of the development. Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.</p> | <p>The drainage proposal set out within the submitted Flood Risk Assessment (FRA) has been considered acceptable. However, this condition still remains necessary as it states that the approved scheme shall thereafter be retained during the life of the development.</p> |
| <p>16. The Reserved Matters application(s) referred to in Condition 1 shall include an assessment of the effects of 1 in 100-year storm events, with an additional allowance for climate change, on drainage infrastructure and surface water run-off pre- and post-development between the development and the surrounding area, in both directions. No part of the development shall be occupied until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development. Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.</p>   | <p>An assessment of 1 in 100-year storm events has been submitted with the reserved matters application. However, this condition still remains necessary as it states that the approved scheme shall thereafter be retained during the life of the development.</p>          |
| <p>17. Where site remediation is recommended in the Geoenvironmental Appraisal (Lithos, 3253/2A, March 2020) and/or the Gas Risk Assessment (Lithos, 016/3253/LIZ/at, 31/07/2019) development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of policy LP53 of the Kirklees Local Plan.</p>   | <p>This condition is still necessary.</p>  |

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| <p>18. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 17. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered (in the Geoenvironmental Appraisal (Lithos, 3253/2A, March 2020) and/or the Gas Risk Assessment (Lithos, 016/3253/LIZ/at, 31/07/2019)) is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy. Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of policy LP53 of the Kirklees Local Plan.</p> | <p>This condition is still necessary.</p>   |
| <p>19. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of policy LP53 of the Kirklees Local Plan.</p>  | <p>This condition is still necessary.</p>   |
| <p>20. Prior to development commencing on the superstructure of any part of the development hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide one Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space. Dwellings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. The charging points</p>  | <p>Details of electrical vehicle charging points have been provided as part of the reserved matters application. Nonetheless, this condition still remains necessary as it states that the charging points shall be of a minimum output of 16A/3.5kW for each residential unit that has a dedicated parking space. The charging points will also need to be installed before the development is first brought into use.</p> |

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| <p>installed shall be retained thereafter. Reason: To ensure residents of the development are encouraged to use low-carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.</p>   |  |
| <p>21. The Reserved Matters application(s) referred to in Condition 1 shall include an Arboricultural Impact Assessment and Method Statement (written in accordance with BS5837:2012). Reason: To ensure tree retention and protection has been allowed for in the design of the development and to accord with policy LP33 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.</p>  | <p>This information has been submitted as part of the reserved matters application, with a revised condition proposed, to state that any future development shall be in accordance with the Arboricultural Impact Assessment and Method Statement.</p>         |
| <p>22. Tree protection measures in accordance with BS5837:2012 shall be implemented prior to the commencement of development and shall be maintained throughout the construction phase in respect of all trees to be retained within and adjacent to the development site. Reason: To protect trees in the interests of visual amenity and to accord with policy LP33 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure tree protection measures are implemented at an appropriate stage of the development process</p>                                     | <p>This condition still remains relevant, as the development would need to be constructed in accordance with the tree protection measures.</p>   |
| <p>23. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Reason: To prevent significant ecological harm to birds, their eggs, nests and young and to accord with policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.</p>  | <p>This condition still remains relevant, as no hedgerows, trees or shrubs should be removed between 1<sup>st</sup> March – 31<sup>st</sup> August inclusive, without written consent from the LPA.</p>  |
| <p>24. Prior to the submission of the Reserved Matters application(s) referred to in Condition 1, details of the site's baseline ecological value shall be submitted to and approved in writing by the Local Planning Authority. These details shall inform the design of the development and shall include details of measures needed to secure a biodiversity net gain. The development shall be implemented in accordance with the measures approved at Reserved Matters stage. Reason: To ensure the proposals brought forward at Reserved Matters stage are appropriately informed by the site's ecological value and the required net gain,</p> | <p>Such details have been provided as part of the reserved matters application. However, this condition remains necessary, as it outlines that the development shall be implemented in accordance with the details approved at the reserved matters stage.</p> |

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| <p>and to accord with policy LP30 of the Kirklees Local Plan.</p>  |  |
| <p>25. The Reserved Matters application(s) referred to in Condition 1 shall include an ecological design strategy (EDS) addressing mitigation and compensation, and demonstrating a measurable biodiversity net gain. The EDS shall include the following:</p> <ul style="list-style-type: none"> <li>• Purpose and conservation objectives for the proposed works;</li> <li>• Review of site potential and constraints;</li> <li>• Detailed design(s) and/or working method(s) to achieve stated objectives;</li> <li>• Extent and location/area of proposed works on appropriate scale maps and plans;</li> <li>• Type and source of materials to be used where appropriate, e.g. native species of local provenance;</li> <li>• Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;</li> <li>• Persons responsible for implementing the works;</li> <li>• Details of initial aftercare and long-term maintenance;</li> <li>• Details for monitoring and remedial measures; and</li> <li>• Details for disposal of any wastes arising from works.</li> </ul> <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with policy LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.</p> | <p>Such details have been provided as part of the reserved matters application. However, this condition remains necessary, as it outlines that the development shall be implemented in accordance with the details approved at the reserved matters stage.</p>   |
| <p>26. The Reserved Matters application(s) referred to in Condition 1 shall detail ball-stop netting of a height and location specified within the mitigation approach section of the Labosport report (ref: LSUK.20-0563) or an appropriate alternative that delivers the required mitigation to protect the operation of the cricket ground and the approved dwellings. The approved scheme shall be brought into use prior to the occupation of any dwelling within the ball strike risk zone. Reason: In the interests of minimising the risk of injury and damage to property arising from adjacent uses and to accord with policy LP50 of the Kirklees Local Plan.</p>   | <p>Details of the ball stop net have been submitted as part of this reserved matters application, in line with the Labosport Report. Nonetheless, this condition still remains necessary, as it states that the scheme (ball strike net) shall be brought into use, prior to the occupation of any new dwelling, within the ball strike risk zone.</p> |
| <p>27. Prior to the commencement of development, a scheme for the management and maintenance of the approved ball-stop netting or an appropriate alternative mitigation measure shall be submitted to and approved by the Local Planning Authority (following consultation</p>   | <p>Whilst details regarding the height and design of the ball strike net have been submitted as part of the reserved matters application, further details regarding its management</p>   |



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| <p>and advice from Sport England). The approved scheme shall be brought into effect upon first occupation of any dwelling within the ball-strike risk zone and shall remain in operation whilst the cricket ground and approved dwelling houses remain in use. Reason: In the interests of minimising the risk of injury and damage to property arising from adjacent uses and to accord with policy LP50 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to mitigate ballstrike risk are devised and agreed at an appropriate stage of the development process</p>  | <p>and maintenance would be required prior to commencement. As such, this condition is still considered necessary.</p>   |
| <p>28. The Reserved Matters application(s) referred to in Condition 1 shall include measures to prevent and deter crime and anti-social behaviour. The development (or, where agreed in writing by the Local Planning Authority, a phase of development) shall not be occupied until the measures approved at Reserved Matters stage have been implemented in full. Reason: In the interests of preventing crime and anti-social behaviour and to accord with policy LP24 of the Kirklees Local Plan.</p>  | <p>Details relating to crime prevention have been submitted as part of this reserved matters application. Nonetheless, this condition still remains relevant as it outlines that the development shall not be occupied until these measures have been implemented in full.</p>               |
| <p>30. The Reserved Matters application(s) referred to in Condition 1 above shall include a noise report that shall specify measures to be taken to protect the development from noise and shall:</p> <ul style="list-style-type: none"> <li>• Determine the existing noise climate (daytime and night-time);</li> <li>• Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development; and</li> <li>• Detail the proposed attenuation and/or design measures necessary (including ventilation if required) to ensure the amenities of occupants of the new dwellings are protected. No works above ground level shall commence until the noise report has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until all works specified in the approved noise report have been carried out in full, and the approved works shall thereafter be retained. Reason: In the interests of amenity and to accord with policy LP52 of the Kirklees Local Plan.</li> </ul> | <p>These details have been submitted under the discharge of condition application (2022/90137). In this case, this has been considered acceptable, as development cannot commence until the reserved matters application has been approved, along with the discharge of condition (DOC).</p> |

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## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 23-Jun-2022

**Subject: Planning Application 2022/91339 Alterations from rendered finish to wood cladding finish on 2 walls Chellow House Cottage, Chellow Terrace, Birkenshaw, BD11 2PB**

#### APPLICANT

#### DATE VALID

19-Apr-2022

#### TARGET DATE

14-Jun-2022

#### EXTENSION EXPIRY DATE

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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: Birkenshaw**

**Ward Councillors consulted: No**

**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.**

**1.0 INTRODUCTION:**

1.1 This application is brought to the Heavy Woollen Planning Sub Committee for determination as the applicant is employed by Kirklees Council as part of the Directors Group. This is in accordance with the Council's Scheme of Delegation within the Constitution.

**2.0 SITE AND SURROUNDINGS:**

2.1 Chellow House Cottage is a detached, rendered, two storey dwelling with a small garden area to the front, an existing attached garage to the rear and a rear yard area with vehicular access and parking. At the time of the site visit, the extension approved in 2018 had been substantially completed.

2.2 The property is located in a residential area with a mix of house types in terms of age, style and use of materials.

**3.0 PROPOSAL:**

3.1 The application seeks planning permission for an alteration to the approved single and two storey rear extension.

3.2 The single and two storey rear extension approved in 2018 originally included a render finish on all elevations. However, this application proposes that the side and rear walls of the single storey element would be clad with timber.

**4.0 RELEVANT PLANNING HISTORY:**

4.1 2018/92395 - Erection of single & two storey rear extension - approved

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

5.1 Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. In this instance, no negotiations were required.

## **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).

The application site is unallocated on the Kirklees Local Plan.

### Kirklees Local Plan (2019):

- 6.2 **LP 1** – Achieving sustainable development  
**LP 2** – Place shaping  
**LP 22** – Parking  
**LP 24** - Design

### Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

### National Planning Guidance:

- 6.4 Chapter 12 – Achieving well-designed places

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

- 7.1 The application has been advertised by neighbour letter giving until 07/06/2022 for interested parties to comment. No representations have been received.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

None

### **8.2 Non-statutory:**

None

## 9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations

## 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension and Alterations Supplementary Planning Document and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.
- 10.2 Planning permission was granted under application 2018/92395 for the erection of a single and two storey rear extension. The current application seeks to modify the materials for the single storey element. At the time of the officer site visit, the extensions had already been substantially constructed although the render finish had not been applied. Given the nature of the application, for only the change in materials, the single storey rear element is being considered.

### Visual amenity

- 10.3 The property is located within a residential area with a diverse range of properties in terms of age, style, size and materials. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.4 Key Design Principle (KDP) 1 of the House Extension & Alteration supplementary planning document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, KDP 2 of the SPD goes on to state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.
- 10.5 The surrounding dwellings include a mixed palette of materials including stone, brick and render. As such the wood cladding on the side and rear of the single storey extension would not appear out of character with the wider area and is considered to be acceptable in terms of visual amenity.

- 10.6 *Conclusion:* Having taken the above into account, the proposed alteration to the material for the single storey rear extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene. With the modification to the facing material, the proposed extension would still comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations Supplementary Design Guide and the aims of chapter 12 of the National Planning Policy Framework.

#### Residential Amenity

- 10.7 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 and Key Design Principle 6 on preventing overbearing impact.
- 10.8 Given the position of the single storey element, the only property with the potential to be affected is the adjacent 84 Kingsley Drive. The alteration proposed for the facing material of the single storey rear extension would not result in any additional impact on the neighbouring property than that which was previously established as being acceptable under approved application 2018/92395 and which exists at present now the that extensions has been substantially completed.
- 10.9 With regards to the impact on the adjacent 84 Kingsley Drive, the scheme has been considered in terms of KDP3 – privacy, KDP5 – overshadowing and KDP 6 – overbearing impact, policy LP24 of the KLP c) in term of minimising impact on neighbouring occupiers and advice within chapter 12, paragraph 130 of the NPPF and the proposals are considered to be acceptable.
- 10.10 Having considered the above factors, the proposals are not considered to result in any significant adverse impact upon the residential amenity of any of the surrounding neighbouring occupants. The proposals therefore comply with policy LP24 of the KLP, KDP3, KDP5 & KDP6 of the House Extension SPD and paragraph 120 (f) of the NPPF.

#### Highway issues

- 10.11 The proposals will result in no intensification of the domestic use. The proposals therefore comply with Policy LP22 of the Kirklees Local Plan along with Key Design Principle 15 of the House Extension SPD.

#### Other Matters

- 10.12 *Carbon Budget:* The proposal is a small-scale, domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

10.13 There are no other matters for consideration.

## **11.0 CONCLUSION**

11.1 This application to alter the materials of the previously approved single storey rear extension at Chellow House Cottage has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. It is considered that the development proposals accord with the development plan when assessed against policies in the NPPF and other material consideration.

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

1. Standard time scales
2. Accordance with the approved plans

### **Background Papers:**

Application and history files.

#### Current application

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f91339>

Certificate of Ownership –Certificate A signed.

#### Previous approval

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92395>



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## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 23-Jun-2022

**Subject: Planning Application 2022/90501 Erection extensions and alterations to two dwellings 74-76, Pilgrim Crescent, Dewsbury Moor, Dewsbury, WF13 3NL**

#### APPLICANT

T & S Khan

#### DATE VALID

14-Feb-2022

#### TARGET DATE

11-Apr-2022

#### EXTENSION EXPIRY DATE

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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: Dewsbury West**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION: REFUSAL**

1. The proposed first floor side extension, by reason of the design and scale, would result in the formation of an incongruous feature within the street scene which would not be subservient to the main house. To permit the proposed first floor side extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.

2. The proposed first floor side extension, by reason of its size and proximity to the adjacent 20 Pilgrim Avenue, would have an unacceptable overbearing and oppressive impact on the amenities of the occupiers of the neighbouring property. To permit the first floor side extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.

**1.0 INTRODUCTION:**

1.1 This application is brought to Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Darren O'Donovan. His reasons are as follows:

1.2 *"I would like the application to go to committee as I would like members to consider whether the design would be so incongruous as there are other extensions in the wider area and whether the first-floor side extension is really so harmful to the neighbouring property, 20 Pilgrim Avenue"*

1.3 The Chair of the Sub-Committee has confirmed that Cllr O'Donovan's reasons for the referral to the committee are valid having regard to the Councillor's Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 74 & 76 Pilgrim Crescent are brick built properties, at the end of a terraced row. 74 Pilgrim Crescent has a single storey garage attached to the side. There is a canopy to the front and a single storey extension across the rear of both of the dwellings. There is a large, shared parking area to the front and a shared enclosed yard area to the rear.

2.2 The properties are located on a street with properties of a similar age and style with hipped roof forms.

**3.0 PROPOSAL:**

3.1 The application seeks planning permission for a first-floor side extension and hip to gable enlargement to 74 Pilgrim Crescent and a first floor rear extension across both 74 & 76 Pilgrim Crescent.

- 3.2 The first floor side extension is to be built over the existing garage to the side of 74 Pilgrim Crescent with a 1m set in from the existing side wall and would have a pitched roof form. The plans also show the hipped roof over the main house (74) being altered from a hip to a gable.
- 3.3 The rear extension would project 3m from the original rear wall and would be positioned over the existing ground floor extensions to the rear of both properties. The roof forms would be hipped.
- 3.4 The walls are proposed to be constructed using brick with tiles for the roof covering.

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

- 4.1 2021/91400 - first floor side extension and hip to gable enlargement to 74 Pilgrim Crescent and a first floor rear extension across both 74 & 76 Pilgrim Crescent – Refused by Heavy Woollen Planning Sub-Committee 10<sup>th</sup> June 2021 for the following reasons:
1. The proposed first-floor side extension, by reason of the design and scale, would result in the formation of an incongruous feature within the street scene, which would not be subservient to the main house. To permit the proposed first-floor side extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
  2. The first-floor rear extension, by reason of the roof design, would result in the formation of an incongruous feature within the street scene, which would not be subservient to the main house. To permit the proposed first-floor rear extension would be contrary to Policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
  3. The proposed first-floor side extension, by reason of its size and proximity to the adjacent 20 Pilgrim Avenue, would have an unacceptable overbearing and oppressive impact on the amenities of the occupiers of the neighbouring property. To permit the first-floor side extension would be contrary to Policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
- 4.2 2021/90470 - first floor side extension and hip to gable enlargement to 74 Pilgrim Crescent and a first floor rear extension across both 74 & 76 Pilgrim Crescent - Refused
- 4.3 2007/91355 - erection of single storey extension to front, side and rear of 74 - Refused
- 4.4 2007/93219 - erection of single storey extension to front, side and rear of 74 - Refused
- 4.5 2007/94637 - erection of single storey extension – Approved

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

- 5.1 The submitted plans raised significant concerns in terms of design and scale of both the first floor side and rear extension together with the substantial harm which would be caused to the amenity of the occupants of the adjacent 20 Pilgrim Avenue. Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. However, the agent is aware of the issues with the proposal as two very similar schemes have already been refused under applications 2021/90470 & 2021/91400.

## **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).

The application site is unallocated on the Kirklees Local Plan

Kirklees Local Plan (2019):

- 6.2 **LP 1** – Achieving sustainable development  
**LP 2** – Place shaping  
**LP 22** – Parking  
**LP 24** - Design  
**LP 30** – Biodiversity

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Planning Guidance:

- 6.4 Chapter 12 – Achieving well-designed places  
Chapter 15 – Conserving and enhancing the natural environment

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

- 7.1 The application has been advertised by neighbour letter giving until 30/03/2022 for interested parties to comment. No representations have been received.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

None

### **8.2 Non-statutory:**

None

## **9.0 MAIN ISSUES**

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations

## **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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extension SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

10.2 Planning permission has been refused by Heavy Woollen Planning Sub-Committee for a similar scheme in June 2021. The 2021 application was refused on the grounds that the side extension would introduce an incongruous feature in the street scene and would have an overbearing/oppressive impact on the neighbouring property at 20 Pilgrim Avenue. The application was also refused on the grounds that the rear extension would introduce an incongruous feature due to its roof design. The current proposal has made minor alterations to the roof design on the rear extension with the use of two hipped roof forms and the width of the side extension which has been reduced by 1m. The amended proposal will be fully assessed with regards to visual and residential amenity in the report below.

### Impact on Visual Amenity

10.3 The dwellings are located on a residential street with other properties of a similar age and some of the houses have been extended and altered. Dependent upon design, scale and detailing, it may be acceptable to extend the host property. The proposal under consideration consists of two distinct elements which shall be addressed below.

- 10.4 *First floor side extension with hip to gable enlargement:* Paragraphs 5.15, 5.19 & 5.21 are of relevance with regards to the side extension as they require the development proposed to be located and designed to minimise the impact on the character of the area, reflect the original building in terms of materials and detailing and ensure adequate space is retained to provide a sense of space.
- 10.5 The first-floor side extension does include a set down for the roof. However, with the use of a pitched roof and the proposed width, this would not form a subservient addition to the property. Furthermore, the property is located in an area which is characterised by the hipped roof forms. The use of a gable would appear out of character with the wider area and it is not considered that the previous reason for refusal has been addressed. As such, despite the use of matching materials, the proposed side extension is not considered to be acceptable in terms of visual amenity.
- 10.6 *First floor rear extension:* Paragraphs 5.1 and 5.2 go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.
- 10.7 Although the rear extension would not increase the footprint, the design will result in a substantial development to the rear of both properties. However, with the use of appropriate materials and the hipped roof designs proposed, the design and scale at the rear is acceptable. The first floor rear extension is therefore considered to be acceptable in terms of visual amenity.
- 10.8 Having taken the above into account, whilst the design of the rear extension has been altered to an acceptable design and the previous reason for refusal has been addressed. However, the proposed side extension would cause significant harm to the visual amenity of the host dwellings and the wider street scene with the previous reason for refusal not being appropriately addressed. The proposal therefore fails to comply with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would not form a subservient addition to the property in keeping with the existing building, KDP1 & KDP2 of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.

#### Impact on Residential Amenity

- 10.9 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 and Key Design Principle 6 on preventing overbearing impact.
- 10.10 *Impact on 18 & 20 Pilgrim Drive:* The properties to the rear are situated some 24m from the host properties. Given the separation between the host properties and the neighbouring dwellings to the rear, the proposed first floor extensions to the side and rear of 74 & 76 Pilgrim Crescent would cause no harm to the amenities of the occupiers of the neighbouring 18 & 20 Pilgrim Drive.

- 10.11 *Impact on 18 & 20 Pilgrim Avenue:* The neighbours adjacent to the northwest side occupy a very intimate position relative to the host property with less than 8m between the rear elevation of 20 Pilgrim Avenue and the new first floor side extension proposed. Furthermore, there is a land level difference, with the host property occupying an elevated position, which would further exacerbate the overbearing and oppressive impact, in particular on the amenities of the occupiers of the neighbouring 20 Pilgrim Avenue. There would be some impact on the amenities of the neighbouring 18 Pilgrim Avenue although to a lesser extent given the lack of direct alignment and the angling between the properties. Whilst this application has a modest 1m reduction in the width of the first-floor side extension from the previously refused scheme, this is still a very close relationship. The proposed first floor extension with the width proposed and the use of a gabled roof form would result in an unacceptable overbearing and oppressive impact so close to the rear windows and modest amenity space of the neighbouring 20 Pilgrim Avenue.
- 10.12 *Impact on 103 & 105 Pilgrim Crescent:* The 22m separation between the host properties and the neighbours on the opposite side of the road is sufficient to ensure that there would be no undue impact on the amenities of the occupiers of the neighbouring 103 or 105 Pilgrim Crescent.
- 10.13 *Impact on 78 Pilgrim Crescent:* The rear extension would be constructed along the shared boundary with the adjoining and as such would have the potential to result in an overbearing and oppressive impact. However, the projection is limited to 3m which is generally considered to be acceptable and with the use of a hipped roof form taking the vertical emphasis up and away from the neighbour, the impacts on the adjoining 78 Pilgrim Crescent would not be significant.
- 10.14 Having considered the above factors, the very close proximity of the first floor side extension to the neighbouring 20 Pilgrim Avenue would result in a significant overbearing and oppressive impact which is unacceptable. Despite the 1m reduction, due to the relationship that these properties have, it is therefore considered that the previous reason for refusal has not been sufficiently addressed. The proposals therefore fail to comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5 & 6 of the House Extension SPD and Paragraph 127 (f) of the National Planning Policy Framework.

#### Impact on Highway Safety

- 10.15 The proposals will result in some intensification of the domestic use. However, the parking area to the front of the dwellings would not be affected by the proposed extensions and is considered to represent a sufficient provision. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

### Other Matters

- 10.16 *Biodiversity*: After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note should be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.
- 10.17 *Carbon Budget*: The proposal is a small scale, domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.
- 10.18 There are no other matters for consideration.

### Representations

- 10.19 None received

## **11.0 CONCLUSION**

- 11.1 This application to erect a first floor side extension, hip to gable enlargement and first floor rear extension to both 74 & 76 Pilgrim Crescent has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.
- 11.2 The proposed first floor side extension, by reason of the design and scale, would result in the formation of an incongruous feature within the street scene which would not be subservient to the main house. To permit the proposed first floor side extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
- 11.3 The proposed first floor side extension, by reason of its size and proximity to the adjacent 20 Pilgrim Avenue, would have an unacceptable overbearing and oppressive impact on the amenities of the occupiers of the neighbouring property. To permit the first floor side extension would be contrary to policy LP24 of the Kirklees Local Plan and advice within chapter 12 of the National Planning Policy Framework.
- 11.4 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. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.



## **Background Papers:**

Application and history files.

### Current proposals

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90501>

Certificate of Ownership –Certificate A signed.

### Previous refusal – committee decision

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/91400>

### Previous refusal – officer delegated decision

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90470>

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

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 23-Jun-2022**

**Subject: Planning Application 2021/93109 Erection of single storey extension  
9, Sackville Street, Ravensthorpe, Dewsbury, WF13 3BX**

**APPLICANT**

L Latif

**DATE VALID**

27-Sep-2021

**TARGET DATE**

22-Nov-2021

**EXTENSION EXPIRY DATE**

10-Mar-2022

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[Public speaking at committee link](#)

**LOCATION PLAN**



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

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**Electoral wards affected: Dewsbury West**

**Ward Councillors consulted: NO**

**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.**

**1.0 INTRODUCTION:**

1.1 This application is brought to committee at the request of Ward Councillor Mussarat Pervaiz for the reasons outlined below.

1.2 *"I appreciate that the applicant has reduced the level of development from the initial submission. However, I would like this application to be determined by committee for members to consider the impacts of the proposed extension in terms of the amenities of the neighbouring residential properties and the additional highway implications of a larger business premises"*

1.2 The Chair of the Sub-Committee has confirmed that Cllr Pervaiz's reasons for the referral to the committee are valid having regard to the Councillor's Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 9 Sackville Street is a single storey retail unit with a small area of hard standing to the front and a larger grassed area to the rear with a remaining wall of an old outbuilding.

2.2 Sackville Street is a residential street with older terraced, two storey properties with a mixed palette of stone and brick.

**3.0 PROPOSAL:**

3.1 The application seeks planning permission for the erection of a single storey extension to the shop.

3.2 The rear extension would project 3.5m from the original rear wall of the building with a width of 4m, centrally positioned within the rear elevation. The roof form would be a perpendicular pitch.

3.3 The walls of the extension would be constructed using brick with tiles for the roof covering.

- 3.4 The plans submitted also indicate an enclosure of the land to the rear with a timber fence. The indicative images on the submitted plans suggest a height of 2m.

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

- 4.1 2002/90768 – erection of extension to shop to form shop, store and managers flat – refused
- 4.2 2005/90945 – erection of extension to shop to form store, two bedroom dwelling with associated parking and canopy to shop front – refused
- 4.3 Pre application advice for a larger scheme was also sought under 2021/20171. A summary of the comments provided included a clear outline that the proposed level of development submitted would be unacceptable with respect to visual amenity, residential amenity and highway safety. However, a reduced scheme might be supportable.

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

- 5.1 The initially submitted scheme included a large outbuilding to the rear and a canopy to the front with a slightly different position for the rear extension. The initial scheme raised concerns in terms of visual and residential amenity along with highway safety. Amended plans were sought to reduce the scheme to overcome these concerns.

#### **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).

The site is unallocated on the Kirklees Local Plan

##### Kirklees Local Plan (2019):

- 6.2 **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
  - **LP13** – Town centre uses
  - **LP 22** – Parking
  - **LP 24** - Design
  - **LP 27** - Flood risk
  - **LP52** – Protection of Environmental Quality

##### Supplementary Planning Guidance / Documents:

- 6.3 None

##### National Planning Guidance:

- 6.4 Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
  - Chapter 12 – Achieving well-designed places
  - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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

7.1 The application was advertised by neighbour letters giving until 15/11/2021 to comment on the initial plans.

7.2 As a result, three letters of objection and two petitions with a total of 23 signatures were received.

7.3 The materials considerations raised are summarised as follows:

- Highway safety.
- Overshadowing.
- Oppressive impact.
- Loss of privacy.
- Character of the area.
- Overdevelopment.
- Noise generation.
- Pollution.
- Odours.

7.4 The amended plans have also been advertised by neighbour letters giving until 03/03/2022 to comment.

7.5 One further representation received with an additional material consideration raised in relation to crime and anti-social behaviour.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

K.C. Environmental Health – support subject to conditions

K.C Highways Development Management – no objection

### **8.2 Non-statutory:**

West Yorkshire Police – support the proposals

## **9.0 MAIN ISSUES**

- Principle of development
- Economy and town centres
- Visual amenity
- Residential amenity
- Highway issues
- Planning obligations
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is without notation of 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 National Planning Policy Framework (NPPF).

### Economy and town centres

- 10.2 The building is an empty retail unit. Whilst a retail unit is a town centre use and the site is just outside the Ravensthorpe local centre, the site is located in close proximity. Furthermore, the historic use of the site is as a retail unit. The proposal to modestly increase the size of the unit and refurbish the site is considered to enhance the provision and would lead to an economic benefit by bringing the vacant unit back into use. The scheme is therefore considered to be acceptable in terms of policy LP13 of the KLP and chapters 6 & 7 of the NPPF.

### Visual Amenity

- 10.3 The building itself is in a state of disrepair and has a negative impact on the appearance of the street. The proposals would see enhancements to the building which would improve the visual aesthetics of the building within the street scene.
- 10.4 The increase proposed is modest in terms of the size, would not overdevelop the plot and would have limited visual impact in the wider area given the siting to the rear. Given the diversity of the area, the modest extension proposed would not be out of character with the wider area. The extension would be constructed using materials to match the main building and the size would be small and subservient. The extension is therefore considered to be acceptable in terms of visual amenity and compliant with policy LP24 of the KLP and chapter 12 of the NPPF.

### Residential Amenity

- 10.5 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 occupants.
- 10.6 *Impact on 3 Sackville Street:* The adjacent neighbour to the southwest has a blank elevation facing the shop with an access between the properties. Given the relationship between the properties, the proposed extension together with the fencing at the rear would have no significant impact on the amenities of the occupiers of the adjacent 3 Sackville Street in terms of overbearing overshadowing or overlooking.

- 10.7 *Impact on 1 & 7 Sackville Street:* The neighbour to the west does have windows facing towards the site. However, these windows are elevated relative to the site. Furthermore, the extension proposed is single storey with a limited height. The separation of approximately 10.4m between the side of the extension and the neighbours' windows together with the single storey nature of the extension and the lower land level of the extension minimises the potential for any significant impact on the amenities of the occupiers of the neighbouring property. The 2m high fence shown on the plans which could be constructed under permitted development Part 2, Class A of the Town and country Planning (General Permitted Development) Order as a means of enclosure. This would provide a further screen between the extension and the neighbouring 1-7 Sackville Street. There are no concerns in terms of overbearing overshadowing or overlooking.
- 10.8 *Impact on 5 Sackville Street:* the adjacent neighbour to the northwest would not align with the proposed extension and as such there would be no significant impact. The fencing shown on the plan would be replacing the existing brick walling from the remains of the outbuilding and would not have an increased impact on the amenities of the occupiers of the neighbouring 5 Sackville Street in terms of overbearing overshadowing or overlooking.
- 10.9 *Impact on 11 Sackville Street:* The shop itself already lies adjacent to the neighbouring property to the east and the extension proposed would have no further impact on this neighbours' amenities in terms of overbearing overshadowing or overlooking.
- 10.10 *Impact on 15 Sackville Street:* the adjacent neighbour to the north does have a window in their side elevation. However, given the single storey nature of the extension together with the setback proposed from the shared boundary which would provide a separation of 4m, the impact on this neighbour is not considered to be significant in terms of overbearing overshadowing or overlooking.
- 10.11 *Impact on 4 & 6 Dearnley Street:* The neighbours to the rear on Dearnley Street occupy a position some 27m to the rear of the site. The proposed extension would therefore have no impact on the amenities of the occupiers of the neighbouring 4 or 6 Dearnley Street in terms of overbearing overshadowing or overlooking.
- 10.12 *Noise:* Although the amended plans do not detail the use of any equipment which could be noise generating, given the potential for the use of such equipment including though not exclusive to refrigeration units, extract systems, a condition is recommended to be included requiring the submission and approval of a noise report prior to the use of any such equipment in order to protect the amenities of the neighbouring properties.
- 10.13 *Hours of operation:* Given the residential nature of Sackville Street, it is considered appropriate to condition the hours of opening (with no deliveries or dispatches) for the retail unit between 07.30 and 18:00 Monday to Saturday with no opening on Sundays to protect the amenities of the neighbouring residents.



- 10.14 *Summary:* Having considered the above factors, the proposals are not considered to result in any significant adverse impact upon the residential amenity of any of the surrounding neighbouring occupants, subject to the inclusion of suggested conditions. The proposals therefore comply with policies LP24 and LP52 of the KLP and paragraph 120 (f) of the NPPF.

#### Highway issues

- 10.15 Given the reduction in the size of the proposed extension from the initial submission, the reduced scheme is unlikely to significantly increase the number of vehicles using the site compared to that which is currently generated from the existing building. Furthermore, the site is close to Ravensthorpe Centre. Highways DM Officers do not object to the scheme. The proposal is therefore considered to be acceptable in terms of policies LP21 & LP22 of the KLP.

#### Representations

- 10.16 The material considerations raised in the objections received are summarised as follows: -

- Highway safety  
*Officer Comment: addressed under paragraph 10.15 in the report above.*
- Overshadowing  
*Officer Comment: addressed under paragraph 10.8-10.11 in the report above.*
- Oppressive impact  
*Officer Comment: addressed under paragraph 10.8-10.11 in the report above.*
- Loss of Privacy  
*Officer Comment: addressed under paragraph 10.8-10.11 in the report above.*
- Character of the area  
*Officer Comment: addressed in paragraph 10.4 in the report above.*
- Overdevelopment  
*Officer Comment: addressed in paragraph 10.4 in the report above.*
- Noise generation  
*Officer Comment: addressed in paragraph 10.12 in the report above.*
- Pollution  
*Officer Comment: an extension to the existing retail unit would not be likely to result in any significant pollution.*
- Odours  
*Officer Comment: an extension to the existing retail unit would not result in any significant odours.*
- Crime and anti-social behaviour  
*Officer Comment: addressed in paragraph 10.18 in the report below.*

## Other Matters

- 10.18 *Crime & Anti-social behaviour:* In terms of the NPPF and KLP, both policy documents place some emphasis on crime and the potential for crime as well as anti-social behaviour being situations which should be reduced through the planning system where possible. Bringing the building back into a productive use would be preferable to allowing the building to remain vacant as the current vacant nature of the site is likely to attract undesirable activities to the empty building. West Yorkshire Police have been consulted and have no objections to the proposals to bring the building back into use.
- 10.19 *Flood Risk:* The application site is identified within Flood Zone 2 on the Environment Agency's flooding data. As part of the information accompanying the application, the applicant has completed the Environment Agency's pro-forma entitled 'Householder and other minor extensions in Flood Zones 2 and 3' as well as submitting a document setting out the applicant's proposed design solutions to address flood issues ('Effective Flood Performance Design'). The information submitted with the application is considered satisfactory for this nature of development and would address the aims of chapter 14 of the NPPF.
- 10.20 *Carbon Budget:* The proposal is a small scale development to an existing building. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.
- 10.21 There are no other matters with respect to this application.

## **11.0 CONCLUSION**

- 11.1 The single storey rear extension has been considered with regards to the relevant policies relating to visual and residential amenity and are considered to be acceptable.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Time scale for implementing permission
2. Development to be carried out in accordance with the approved details
3. Matching materials for the extension
4. Submission of a noise report
5. Hours of opening between 07.30 and 18:00 Monday to Saturday with no opening on Sundays.

**Background Papers:**

[Link to application details](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93109)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93109>

Certificate of Ownership – Certificate A signed.

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## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 23-Jun-2022

**Subject: Planning Application 2021/90731 Erection of detached dwelling with parking and associated works adj, 7, Valley Road, Millbridge, Liversedge, WF15 6JY**

#### APPLICANT

G Marshall

#### DATE VALID

05-Mar-2021

#### TARGET DATE

30-Apr-2021

#### EXTENSION EXPIRY DATE

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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: Liversedge and Gomersal Ward**

**Ward Councillors consulted: No**

**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.**

**1.0 INTRODUCTION:**

1.1 The application has been referred to the Heavy Woollen Sub-Committee due to the number of representations received. 20 representations have been received overall. Whilst only one representation was received as a result of the final round of publicity, the substantive comments contained within the original publicity are considered to be relevant to the amended scheme. This is in accordance with the Delegation Agreement set in the Constitution.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application relates to an area of undeveloped land which is located immediately adjacent to pair of back-to-back properties, 5 and 7 Valley Road. The site is located on the corner of Valley Road and Thomas Street. The land is currently overgrown and whilst it previously hosted a single-storey brick building, this had been demolished at the time of site visit and some clearance of the land undertaken. Land levels rise towards the rear of the site.

2.2 The surrounding area is predominantly residential in nature, however there are some commercial uses within the vicinity of the site. The surrounding properties are of a traditional appearance and whilst there is some variation in terms of their design, they are of a similar character and style. The predominant material of construction within the street scene is natural stone.

**3.0 PROPOSAL:**

3.1 Planning permission is sought for the erection of a detached dwelling with parking and associated works. Amendments have been made to the scheme which is being assessed as follows:

3.2 The dwelling would be located immediately adjacent to 5 and 7 Valley Road. It would measure 6.4m in width by 10.5m in depth. The dwelling would be two-stories in height, designed with a gable roof form that would have an eaves and ridge height to match that of the adjacent dwellings. A driveway would be located to the side of the dwelling, with vehicular access taken off Valley Road, and garden areas to the rear. A bin store is proposed to the front of the dwelling.

3.3 The dwelling would be constructed from natural stone for the external walls to the front and rear elevations and render to the sides. The application form states that the roof would be finished in concrete roof tiles.

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

4.1 No relevant planning history at the site or immediate surrounding properties.

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

5.1 During the course of the application, amended plans were submitted in response to comments received from the Council's Highways Development Management officer, relocating the proposed parking to the front of the dwellings, accessed via Valley Road. The amended parking arrangements were reviewed by the Highways DM officer and were considered to be acceptable, subject to the size of the parking spaces being amended to meet recommended standards for off-street parking spaces.

5.2 Following consideration of the proposal, and in response to concerns raised within neighbour representations, amendments were requested to reduce the scheme to a single dwelling. This was to prevent an overdevelopment of the site, to prevent harmful overbearing and overshadowing to the neighbouring properties due to the close relationship and to ensure a high standard of amenity for future occupiers by providing a sufficient area of outdoor amenity space. Revisions were also requested to the design and materials of the dwelling to reflect the scale, form and materials of the existing dwellings along Valley Road and Thomas Street.

5.3 A number of amended plans have been submitted, altering the design of the originally proposed two semi-detached properties before reducing the scale of the development to one detached dwelling. These revisions were however not considered sufficient to address the concerns raised regarding a pair of semi-detached dwellings, particularly in relation to design. The final set of amended plans, as set out above, propose one detached dwelling of a modified design.

5.4 Due to the number of revisions made, including the introduction of openings to the side elevation, the amended plans were advertised. The extended publicity period ended on 4<sup>th</sup> April 2022.

## **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).
- 6.2 The site is unallocated on the Kirklees Local Plan. It is however located within the Strategic Green Infrastructure Network.

### Kirklees Local Plan (2019):

- 6.3
- LP 1** – Achieving sustainable development
  - LP 2** – Place shaping
  - LP 3** – Location of new development
  - LP 21** – Highway safety and access
  - LP 22** – Parking
  - LP 24** – Design
  - LP 30** – Biodiversity and geodiversity
  - LP 31** – Strategic Green Infrastructure Network
  - LP33** - Trees
  - LP 35** – Historic Environment
  - LP 51** – Protection and improvement of local air quality
  - LP 52** – Protection and improvement of environmental quality
  - LP 53** – Contaminated and unstable land

### Supplementary Planning Guidance / Documents:

- 6.4 On the 29th of June 2021, Kirklees Council adopted its supplementary planning document for guidance on house building and open space, to be used against existing supplementary planning documents (SPDs) which have previously been adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the street scene and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.
- 6.5 In this case the following SPDs are applicable:
- Biodiversity Net Gain Technical Guidance Note
  - Highways Design Guide
  - Housebuilders Design Guide



## National Planning Guidance:

- 6.6 **Chapter 2** – Achieving sustainable development  
**Chapter 5** – Delivering a sufficient supply of homes  
**Chapter 11** – Making effective use of land  
**Chapter 12** – Achieving well-designed places  
**Chapter 14** – Meeting the challenge of climate, flooding and coastal change  
**Chapter 15** – Conserving and enhancing the natural environment  
**Chapter 16** – Preserving and enhancing the historic environment

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

7.1 The application was advertised by neighbour letters. Final publicity expired on 4<sup>th</sup> April 2022. As a result of the publicity period, 20 representations have been received overall. Whilst only one representation was received as a result of the final round of publicity, the substantive comments contained within the original round are considered to be relevant to the amended scheme. The representations have been summarised as follows:

### 7.2 Visual Amenity and Heritage

- Loss of green space which is used and maintained by residents
- Loss of tree and air raid shelter
- Two houses would be an overdevelopment of the site
- New builds would not be in keeping with the existing properties
- Development would be an improvement of the land

### 7.3 Residential Amenity

- Concern regarding noise disturbance (from use and during construction)
- Privacy concerns for neighbouring residents
- Loss of natural light
- Disruption during construction

### 7.4 Highways Safety

- Will add to existing congestion in the area
- Loss of on-street parking for existing residents
- Danger to pedestrians and pets
- Disruption during construction (parking of work vans)
- Impact on bin collections due to access
- Visibility when existing Thomas Street
- Concern regarding access for emergency vehicles/deliveries

## 7.5 Other Matters

- Concern regarding rats
- Fly tipping and rubbish being left at the site
- Loss of birds
- Drainage issues as a result of additional properties
- Electric charging points will be required and will be used by anyone that has an electric car
- Loss of land which helps with flooding from the beck
- Claims that the land has been maintained as green space is incorrect

## 7.6 Non-material Considerations

- Gardens and land being used by workmen during construction

7.7 Officer comments in response to the comments received will be made in section 10 of this report.

## 8.0 **CONSULTATION RESPONSES:**

### Statutory

8.1 KC Highways Development Management – Following amendments to the scheme, no objections have been raised subject to the inclusion of conditions.

### Non-statutory

8.2 KC Environmental Health – No objections subject to the inclusion of conditions.

8.3 KC Conservation and Design – No objections to the proposal.

8.4 KC Trees – No objections to the proposal.

## 9.0 **MAIN ISSUES**

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Other matters
- Representations

## 10.0 APPRAISAL

### Principle of development

- 10.1 Planning permission is sought for the erection of detached dwelling with parking and associated works.
- 10.2 When considering development proposals, there is a presumption in favour of sustainable development contained in the NPPF. Policy LP1 of the Kirklees Local Plan (KLP) is applicable and suggests that proposals that accord with the policies in the KLP (and where relevant, with policies in neighbourhood plans) will be supported subject to other material considerations.
- 10.3 Policy LP24 of the KLP suggests that proposal should promote good design by ensuring (amongst other considerations) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Chapter 12 of the NPPF reiterates that local planning authorities should ensure the issue of 'design' and the way a development will function are fully considered during the assessment of the application.
- 10.4 The proposal is required to accord with policy LP3 of the KLP that requires new development to be situated in a sustainable location that provides access to arrange of transport choices and access to local services.
- 10.5 The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.
- 10.6 The site is unallocated on the KLP and is located within an existing residential area, with good public transport provision and close to local amenities. As such, the site is considered suitable for the proposed residential development, providing there are no undue detrimental impacts on visual and residential amenity and highway safety.

### Visual Amenity

- 10.7 The proposal is for the erection of detached dwelling with parking and associated works.
- 10.8 Principle 5 of the Housebuilders Design Guide SPD states that buildings should be aligned to form a coherent building line. The proposed dwelling would be positioned so that its front elevation would be in line with the front of the adjacent properties. The dwelling would be located approximately 1.5m from

the adjacent properties. Principle 6 sets out how new dwellings located in a regular street pattern that is two-stories or above, should normally have a minimum of a 2 metre distance from the side wall of the new dwelling to a shared boundary. In this case, the properties to the west of Valley Road are considered not to follow a regular street pattern. Beyond the existing attached properties, 3-7 Valley Road, is a warehouse which is set back from the access road. To the end of Valley Road is 60 Halifax Road, which fronts onto the main road. When taking this into consideration, along with the terrace nature of the properties within the surrounding area, the proposed separation distance is considered acceptable in this instance.

- 10.9 The dwelling would be positioned towards the south west of the site, maintaining some separation between the properties on Valley Road and Thomas Street. The dwelling would benefit from amenity space to the rear which is consistent with the layout of the properties within the street scene.
- 10.10 Principles 13, 14 and 15 of the Housebuilders Design Guide SPD relate to materials, fenestration and ridge line respectively. The dwelling, as amended, would be of a traditional appearance and is considered to be in keeping with the character of the surrounding area in terms of its scale, design, roof line and fenestration. In terms of the materials, the dwelling would be constructed from natural stone to the front and rear with render to the side elevations. It is noted that the side 5 and 7 Valley Road is finished in render as existing. Subject to a condition requiring the render to be of a stone colour, the use of this material is considered acceptable. Whilst the application forms states that the roofing material would be concrete tiles, it is noted that the surrounding properties are finished in slate. As such, it is considered appropriate to condition that the dwelling shall be finished in artificial slate. Samples of all external materials will be secured by condition to ensure the dwelling reflects the character of the area.
- 10.11 The scale of the dwelling is considered acceptable for one detached dwelling with the provision of adequate amenity space and off-street parking. As such, it is considered that the proposal would not amount to an overdevelopment of the site in this instance. However, to prevent future additions to the property from amounting to an overdevelopment of the site, and to ensure that an adequate area of outdoor amenity space is maintained for the future occupants, a condition is recommended to be attached removing Permitted Development Rights for the erection of extensions and outbuildings within the submitted redline boundary.
- 10.12 Principle 12 of the Housebuilders SPD, whilst relating to parking, is relevant in terms of design. It sets out how parking should not dominate street frontages through parking provided to the front of all properties. Whilst parking was originally proposed to the rear of the dwelling, this would still be prominent within the street scene given the corner location of the site. Parking in this location was considered unacceptable from a highway safety perspective too. The proposed parking would be provided in tandem which is considered to prevent it from dominating the front of the site in this particular case.

- 10.13 With the inclusion of appropriate conditions, the proposal is considered acceptable from a visual amenity perspective and would accord with the aims of Policy LP24 of the KLP (a), Principles 2, 5, 12, 13, 14, 15, 16 and 17 of the Housebuilders Design Guide SPD as well as the aims of the NPPF.

#### Residential Amenity

- 10.14 The site is located within a residential area. This section will assess the relationship between the proposed development with the neighbouring properties.

#### Impact on 5 and 7 Valley Road

- 10.15 The proposed dwelling would be located immediately to the side of the existing dwellings and would not project beyond either of their principal elevations. It is noted that neither of the properties benefit from openings to the side elevation. As such, the impact on the properties by way of overbearing and overshadowing is considered acceptable. Whilst two openings are shown to the side of the dwelling at first floor level, these would serve a bathroom and ensuite and are shown on the submitted plans to be obscure glazed. As these openings, and any additional openings that may be introduced to the side of the dwelling would face onto the blank gable wall of the adjacent properties, it is considered that there would be no potential for harmful overlooking. No details have been provided regarding the boundary treatment between the properties. To prevent overlooking between the amenity space of the new and existing dwellings, full details of boundary treatment are recommended to be secured by condition.

#### Impact on 12-16 Valley Road

- 10.16 The dwelling would be located opposite 12-16 Valley Road which form part of a row of terrace properties. 16m would be retained between the front elevation of the new dwelling and that of the adjacent properties. This distance is considered acceptable to prevent harmful overlooking from habitable room openings and is consistent with the relationship that is established already between these properties and 5 Valley Road. The dwelling would be located to the north west of the properties. Whilst there would be some overshadowing impact, this would be limited to the late afternoon. The distance retained is considered to reduce any loss of light and overbearing to an acceptable level.

#### Impact on 11 Valley Road

- 10.17 11 Valley Road, whilst appearing to historically front onto Valley Road, is accessed from Thomas Street. The ground floor opening to Thomas Street is thought to serve a kitchen whilst a bedroom is located at first floor level. It is noted that this bedroom also has an opening onto Valley Road. It is noted that

13.5m would be retained between the side of the new dwelling and this property. The dwelling would be set back within the site and as such, the impact on these openings by way of overbearing and overshadowing is considered to be acceptable. Whist openings are proposed to the side elevation, these would serve a WC and entrance and as such, are considered not to allow for harmful overlooking towards the property.

#### Impact on 2-6 Thomas Street

10.18 The side of the proposed dwelling would face onto the principal elevation of the properties which are located on Thomas Street and benefit from habitable openings to their front elevation. The dwelling would be located to the south and would therefore have some impact in terms of overshadowing. It is noted that approximately 13.5m would be retained. When considering the height of the dwelling in relation to the neighbouring properties, as demonstrated on the submitted plans, the impact on the properties is considered to be, on balance, acceptable. It is considered that the distance retained would be sufficient to prevent overbearing to a level that would be harmful to the amenity of the occupiers of the properties.

10.19 Whist openings are proposed to the side elevation, these would serve a WC and entrance and as such, are considered not to allow for harmful overlooking towards the property. In the interest of residential amenity to prevent overlooking from future openings toward the properties, it is considered appropriate to remove permitted development rights for the installation of new openings to the side of the dwelling at ground floor level. Future first floor level openings would be restricted by the limitations of General Permitted Development Order (as amended). Whilst the submitted plans show the location of a 1m fence to the northern boundary, further details are recommended to be secured by condition in the interest of residential amenity.

#### Impact on 8-12 Thomas Street

10.20 It is considered that sufficient distance would be retained between the proposed dwelling and the existing properties to the rear of the site to prevent there from being a detrimental impact by way of overbearing, overshadowing or loss of privacy. The impact is further reduced by the angled nature of the properties in relation to the proposed dwelling.

#### Impact on Future Occupiers of the Dwelling

10.21 The application has been considered against the Government's Technical Guidance for space standards within a dwelling and it is considered that the dwelling would benefit from a sufficient level of indoor amenity space. The amount of natural light that would be received by each of the habitable openings has been considered and is deemed to be acceptable.

- 10.22 Principle 17 of the Housebuilders Design Guide SPD sets out how all new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. It is considered that the dwelling would benefit from a sufficient area of outdoor amenity space to ensure a high standard of amenity for future occupiers.
- 10.23 Having considered the above factors, with the inclusion of the mentioned conditions, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbour occupants or the future occupiers of the dwelling. The proposal therefore complies with Policy LP24 of the KLP (b), Key Design Principles of the House Extensions and Alterations SPD as well as Paragraph 130 (f) of the NPPF.

#### Highway issues

- 10.24 The proposal has been reviewed by the Council's Highways DM officer. Initially, the scheme proposed parking to be accessed from Thomas Street, however concern was raised to the level of parking provided for the originally proposed two dwellings and how the spaces would be accessed without affecting the existing on-street parking on Thomas Street which serves the neighbouring dwellings.
- 10.25 The scheme has subsequent been reduced to a single dwelling with two off-street parking spaces provided in tandem on a driveway to the side of the dwelling. The parking arrangements have been reviewed by the Highways DM officer and are considered acceptable, as well as providing sufficient off-street parking provision for the scale of the dwelling proposed. Bin storage is indicated on the submitted plans to the front of the site and is considered acceptable in this location. The formation of a new footpath to the side of the dwelling is shown on the submitted site plan. No objection to this has been raised by the Highways DM officer however it has been advised that this will need to be delivered through a S278 agreement. A condition is recommended to be attached to the decision notice in this affect. Further to this, it is recommended that conditions are imposed regarding the surfacing of the proposed parking spaces.
- 10.26 Subject to the inclusion of the above conditions, the proposed development is considered acceptable from a highway safety perspective, complying with Policies LP21 and LP22 of the KLP as well as Principles 12 and 19 of the Housebuilders Design Guide.

## Other Matters

### *Ecology*

- 10.27 The proposal is for the erection of a detached dwelling with parking and associated works. The application site is located within the Bat Alert Layer and as such, consideration has to be given to the impact on bats and bat roosts. Whilst the site has previously comprised a detached building on the site, this had been demolished at the time of site visit. As such, it is considered that the proposal, for the erection of a detached dwelling, would be unlikely to result in harm to bats and bat roosts. However, as a precautionary measure, a footnote is recommended advising the applicant should bats be discovered.
- 10.28 LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and the Biodiversity Guidance note states that biodiversity net gain is required for all development. To create this net gain, conditions to secure a bird box and bat roosting feature into the external walls of the new dwelling shall be added to the decision notice. This mitigation will ensure that the proposal minimises the impact on biodiversity and provides a net biodiversity gain through good design by incorporating biodiversity enhancements. A condition is recommended to be imposed regarding clearance of the site too.

### *Contaminated Land*

- 10.29 The application has been reviewed by the Council's Environmental Health officer and there are not considered to be any significant environmental health impacts as a result of the development. As groundworks are proposed, it is recommended to impose a condition regarding the reporting of any unexpected land contamination in accordance with Policy LP53 of the KLP and Chapter 15 of the NPPF.

### *Carbon Budget*

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



- 10.31 The proposal comprises minor development which involves the erection of a single dwelling. In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of an electric car charging point is recommended. This is in accordance with Policies LP24 and LP51 of the KLP and Chapter 9 of the NPPF.

#### *Drainage*

- 10.32 Policy LP28 of the KLP establishes a hierarchy of drainage solutions with Sustainable Urban Drainage Systems being the most preferable solution and Main Sewer the least preferable option. The applicant states in the application form that the surface water is to be discharged to main sewer however no supporting justification has been provided. In any case, the applicant would require the consent of Yorkshire Water to undertake this and as such this would be addressed under a separate remit.

#### *Trees*

- 10.33 The site has hosted a number of trees, one of which has been removed as part of the clearance of the site. It is noted that the trees are not protected by a Tree Preservation Order and as such, permission would not be required for their removal. Policy LP33 of the KLP, together with the Housebuilders Design Guide promotes the retention of valuable and important trees. Due to the nature of the plot, and the requirement for vehicular access to be taken from Valley Road, the two trees to the front of the site would need to be removed. The Council's Trees officer has been consulted and considers the trees not to be worthy of protection due to their species, location and growth habits. As such, the proposed loss of the trees is acceptable in accordance with Policy LP33 of the KLP.

#### *Heritage*

- 10.34 The site has previously hosted a detached, single storey brick built air raid shelter. It is noted that the demolition of the building had commenced at the time of the officer site visit. Representations received during the processing of the application consider that the air raid shelter is listed. The Council's Conservation and Design officer has been consulted during the course of the application and has confirmed that the building is not listed. Part 2 of Policy LP35 of the KLP notes that proposal which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. In this case, there is no evidence to suggest that the shelter contributes significantly to the character of the area and as such, no objection has been raised to its demolition – it is not considered to constitute an undesignated heritage asset. The proposal is therefore considered to comply with Policy LP35 as well as Chapter 16 of the NPPF.

## Representations

10.35 The representations have been summarised as follows:

### Visual Amenity

- Loss of green space which is used and maintained by residents
- Two houses would be an overdevelopment of the site
- New builds would not be in keeping with the existing properties
- Development would be an improvement of the land

*Officer Response:* The comments regarding visual amenity have been addressed within the 'Visual Amenity' section of this report.

### Ecology and Heritage

- Loss of tree and air raid shelter
- Loss of birds

*Officer Response:* The loss of the trees and birds within the site as well as the air raid shelter has been addressed within the 'Other Matters' section of this report.

### Residential Amenity

- Concern regarding noise disturbance (from use and during construction)
- Privacy concerns for neighbouring residents
- Loss of natural light
- Disruption during construction

*Officer Response:* The comments regarding the impact on residential amenity have been addressed within the 'Residential Amenity' section of this report. With regards to noise, the application is for the erection of a single dwelling within a predominantly residential area and the additional noise produced by its use is considered not to be out of keeping with the character of the area. Whilst concerns relating to disruption as a result of the building of the dwelling is a material consideration relating to residential amenity, there is an expectation that there will be such effect as part of the activities associated with construction and such effects would be transient. It is, therefore, considered that this would not be a sufficient reason to warrant refusal of the application. Notwithstanding this, it is recommended that a note be added to the decision notice informing the applicant of the appropriate hours of work in line with Environmental Legislation.

### Highways Safety

- Will add to existing congestion in the area
- Loss of on-street parking for existing residents
- Danger to pedestrians and pets
- Disruption during construction (parking of work vans)
- Impact on bin collections due to access
- Visibility when existing Thomas Street
- Concern regarding access for emergency vehicles/deliveries

*Officer Response:* The comments regarding the impact on highway safety have been addressed within the 'Highway Safety' section of this report. It is noted that the scheme has been amended during the course of the application and revisions made to the parking arrangements. A sufficient level of off-street parking would be provided and the proposal is therefore considered not to have a detrimental impact on the safe and efficient use of the highway network.

### Other Matters

- Concern regarding rats
- Fly tipping and rubbish being left at the site

*Officer Response:* Fly tipping on the application site has been noted within neighbour representations. It is considered that the redevelopment of the land would prevent fly tipping and rubbish at the site and would also reduce the potential for rats.

- Drainage issues as a result of additional properties

*Officer Response:* The application form states that foul and surface water would be disposed of through the main sewer. The impact of one additional dwelling is considered to be acceptable. Matters involving drainage have been addressed within the 'Other Matters' section of this report.

- Electric charging points will be required and will be used by anyone that has an electric car

*Officer Response:* A condition is recommended to be imposed requiring an electric vehicle charging point to be provided. This will however be provided within the curtilage of the dwelling for private use by the occupants and would not be available for use by the public.

- Loss of land which helps with flooding from the beck

*Officer Response:* The application site is located within Flood Zone 1 and as such the redevelopment of the land is considered acceptable.

- Claims that the land has been maintained as green space is incorrect

*Officer Response:* These comments are noted.

#### Non-material Considerations

- Gardens and land being used by workmen during construction

*Officer Response:* Whilst this is not a material planning consideration that can be taken into consideration, it is recommended that an advisory be attached to the decision notice advising that planning permission does not override private legal rights.

### **11.0 CONCLUSION**

11.1 To conclude, it is considered, on balance, that the proposal would have an acceptable impact with regards to visual amenity, residential amenity and highway safety as well as other relevant matters as discussed.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

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

The conditions are being finalised and agreed with the applicant's agent.

#### **Background Papers:**

Application weblink:

[Link to application details](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90731)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90731>

Certificate of Ownership – Certificate A signed.