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

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Wednesday 13 July 2022

Notice of Meeting

Dear Member

Planning Sub-Committee (Huddersfield Area)

The **Planning Sub-Committee (Huddersfield Area)** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 21 July 2022**.

(A coach will depart the Town Hall, at 11:30 am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Huddersfield 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", on a light-colored background.

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 (Huddersfield Area) members are:-

Member

Councillor Sheikh Ullah (Chair)
Councillor Paul Davies
Councillor Tyler Hawkins
Councillor James Homewood
Councillor Jo Lawson
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Donald Firth
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Andrew Marchington
Councillor Susan Lee-Richards
Councillor Charles Greaves

When a Member of the Planning Sub-Committee (Huddersfield Area) cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

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

Green

K Allison

Independent

A Lukic

Labour

A Anwar
S Hall
M Kaushik
F Perry E Firth

Liberal Democrat

A Munro
PA Davies
J Lawson
A Pinnock

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Sub-Committee

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

2: Minutes of previous meeting

1 - 2

To approve the Minutes of the meeting of the Committee held on 16 June 2022.

3: Declaration of Interests and Lobbying

3 - 4

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.

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.

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.

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.
-

7: Site Visit - Planning Application No: 2022/90852

Erection of mixed use development of retreat building and 5no. dwelling houses with integral garages 41, Ashbrow Road, Fartown, Huddersfield.

(Estimated time of arrival at site 11:40am)

Contact officer: William Simcock, Planning Services

Ward(s) affected: Ashbrow

Planning Applications

5 - 6

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 register no later than 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 18 July 2022.

To pre-register, please contact richard.dunne@kirklees.gov.uk or governance.planning@kirklees.gov.uk or phone Richard Dunne on 01484 221000 (Extension 74995).

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.

8: Planning Application - Application No: 2022/90852

7 - 22

Erection of mixed use development of retreat building and 5no. dwelling houses with integral garages 41, Ashbrow Road, Fartown, Huddersfield.

Contact officer: William Simcock, Planning Services

Ward(s) affected: Ashbrow

Planning Update

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

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Thursday 16th June 2022

Present: Councillor Sheikh Ullah (Chair)
Councillor James Homewood
Councillor Jo Lawson
Councillor Mohammad Sarwar
Councillor Mohan Sokhal
Councillor Tony McGrath
Councillor Bernard McGuin
Councillor Susan Lee-Richards
Councillor Ammar Anwar
Councillor Eric Firth
Councillor Alison Munro

Apologies: Councillor Paul Davies
Councillor Tyler Hawkins
Councillor Donald Firth
Councillor Andrew Marchington
Councillor Charles Greaves

1 Membership of the Sub-Committee

Councillor Eric Firth substituted for Councillor Paul Davies.

Councillor Ammar Anwar substituted for Councillor Tyler Hawkins.

Councillor Alison Munro substituted for Councillor Andrew Marchington.

Apologies were received from Councillors Paul Davies, Tyler Hawkins, Donald Firth, Charles Greaves and Andrew Marchington.

2 Minutes of Previous Meeting

The minutes of the meeting held on 31 March 2022 were approved as a correct record.

3 Declaration of Interests and Lobbying

No interests or lobbying were declared.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Deputations/Petitions

No deputations or petitions were received.

Planning Sub-Committee (Huddersfield Area) - 16 June 2022

6 Public Question Time

No questions were asked.

7 Review of Planning Appeal Decisions

The report was noted.

8 Planning Application - Application No: 2022/90680

The Sub Committee gave consideration to Planning Application 2022/90680
Erection of single storey extension and summer house 52, Benomley Road,
Almondbury, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Emma Hanks (agent).

RESOLVED –

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 the considered report including:

1. Standard three-year timeframe for commencement of development.
2. Development to be completed in accordance with approved plans and specifications.
3. The external walls and roofing materials of the single storey rear extension hereby approved shall in all respect match those used in the construction of the existing dwelling.

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

For: Councillors: Anwar, E Firth, Homewood, Jo Lawson, Lee-Richards, Munro, McGrath, McGuin, Sarwar, Sokhal and Ullah (11 votes)

Against: (0 votes).

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.

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 27th 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 20th July 2021, 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.

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.

Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 21-Jul-2022

Subject: Planning Application 2022/90852 Erection of mixed use development of retreat building and 5no. dwelling houses with integral garages 41, Ashbrow Road, Fartown, Huddersfield, HD2 1DX

APPLICANT

Rebecca Hirst, Pennine
Domestic Abuse
Partnership

DATE VALID

15-Mar-2022

TARGET DATE

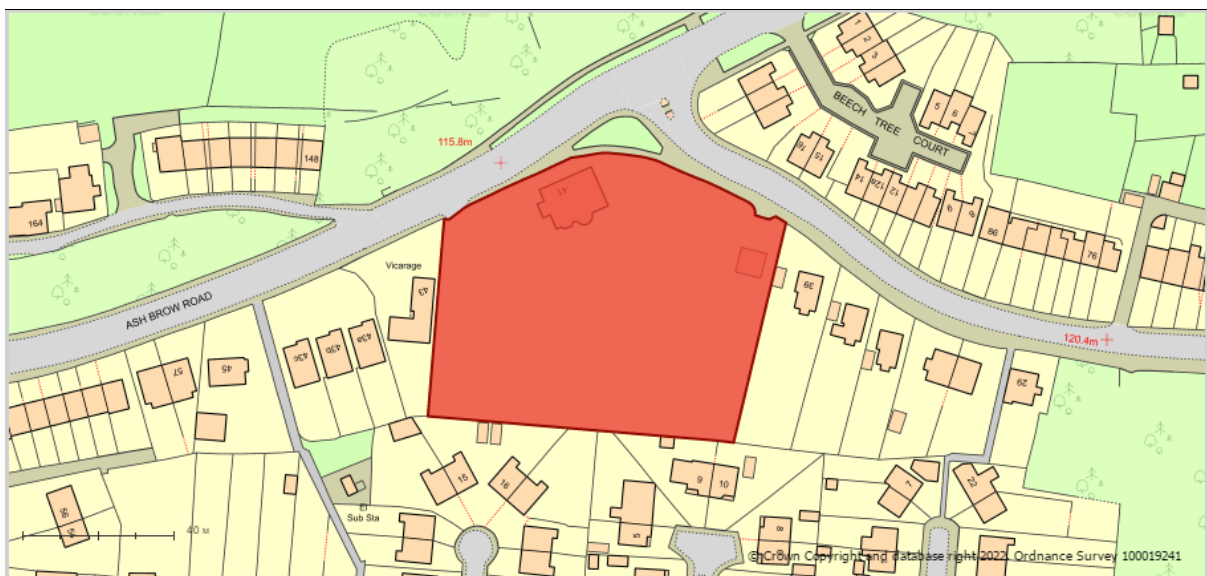
10-May-2022

EXTENSION EXPIRY DATE

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

Electoral wards affected: Ashbrow

Ward Councillors consulted: No

Public or private: Public

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, subject to the submission of a suitable Bat Scoping Report and information to demonstrate how the scheme will secure Biodiversity Net Gain.

In the circumstances where the Bat Scoping Report and information to demonstrate how the scheme will secure Biodiversity Net Gain has not been submitted within 3 months of the date of the Committee's resolution, then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable as contrary to Circular 6/2005 Biodiversity and Geological Conservation (ODPM, 2005) that indicates that information on protected species, (bats), should be made available prior to determination; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

1.1 This application is brought before Huddersfield Planning Sub-Committee for determination under the terms of the Delegation Agreement as the site area exceeds 0.5ha in area.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is located on the southern side of Ashbrow Road close to the junction with Bradley Boulevard and occupies land within a mainly residential setting. The land to the west, south and east comprises housing, of a variety of ages and styles, whereas land to the north on the opposite side of Ashbrow Road is a housing allocation in the Local Plan, but currently undeveloped.

2.2 The land has a steep downward slope from north to south. Located in the north-western part of the site near the highway frontage is a 2-storey building of domestic scale, faced in coursed stone, which is used as a retreat centre and has its own garden measuring approximately 30m by 16m. The rest of the site, extending to the south, west and east of the retreat centre and its curtilage, is undeveloped and consists mostly of rough grass and scrub land, with some mature trees especially near the site margins. There are five separate Area Tree Preservation Orders (TPOs) on the site and another three individually protected trees. Two of the Area TPOs are located on the western site boundary, one each near the north-eastern and south-eastern corner respectively and a belt along the north-eastern highway frontage, with other

TPO trees on the southern boundary and the eastern boundary near the south-eastern corner. To the west of the retreat centre is a vehicular access and driveway leading to a car park, also close to the highway frontage.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of (i) a new building to be used to provide accommodation, administrative and other services in conjunction with the existing retreat centre and (ii) 5 no. dwelling houses (open-market).
- 3.2 The new retreat centre building would be located in the western part of the site. It would have a rectangular plan measuring 15.35m by 16.55m with a small extension for the lobby at the front or northern elevation. Built on sloping ground, it would be a two-storey building with an understorey at the rear. The entrance would be at upper ground level. Height from ground to eaves would be a maximum of 7.6m at the rear and 5.7m at the front and it would have a hipped roof reaching to a further 3.8m above the eaves. This would make the overall maximum height 11.4m. It is proposed to externally face the building in 'stone' facing with artificial stone and render detailing. The roof is proposed to be artificial slate. Internally it would comprise a total of 10 en-suite bedrooms each with a kitchen sink and worktop, two rooms to be used as offices, a communal living room, support room and a small prayer room.
- 3.3 A car park would be formed near the north-western corner of the site with 14 spaces to serve the retreat centre, by extending and formalising the existing car park. The existing vehicular entrance would be used but the boundary wall rebuilt to a maximum height of 900mm.
- 3.4 The 5 no. new dwellings would be located in the eastern part of the site and would be grouped into a row of three and a further two semi-detached dwellings nearer the eastern boundary, arranged along an east-west axis. They would be two-storey at the front, three-storey at the rear, with the lower ground floor level 'back to earth'. Each dwelling would comprise a living room, kitchen-dining room and sun lounge at lower ground floor, a living room and a single integral garage at upper ground floor, two bedrooms and bathroom at first floor. There would also be a rooftop terrace above the sun lounge. Each would have a hipped roof. Most of their amenity space would be at the rear, consisting of long, narrow garden plots. The palette of external facing and roofing materials would match the proposed retreat building. The five dwellings would be open-market houses.
- 3.5 A section of boundary wall near the north-eastern corner of the site would be removed to form a new access. Each house would have a single outdoor parking space in addition to its integral garage and a further three spaces, for visitors, would be provided at the end of the shared driveway.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2014/92363 – Outline application for residential development. Principle of development and means of access to the site were applied for, with all other matters reserved. Conditional outline permission granted. No Reserved Matters submission was made and this permission lapsed in October 2017. This permission related to a U-shaped application site excluding the existing building and a small curtilage area surrounding it.

2019/94110 – Erection of 7 dwellings. Withdrawn (*Western and southern part of the site only*)

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

- 5.1 25-May-2022: Amended site plan submitted with slight changes to position and layout of new dwellings.

27-Jun-2022: Arboricultural Impact Assessment and Method Statement submitted.

28-Jun-2022: New elevations and floorplans showing changes to design to conform with the amended site plan.

11-Jul-2022: Further changes to floorplans (reduction to two bedrooms for each proposed dwelling).

None of the above were subjected to formal publicity since the amended drawings did not change the scale of the proposal, and the plans and reports were not considered to raise substantial new planning issues requiring the opportunity for public comment.

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 27th February 2019).

Kirklees Local Plan (2019):

- 6.2 The site is within land designated as part of the Wildlife Habitat Network on the Local Plan proposals map and within the bat alert layer. There are a large number of trees within the site that are covered by a Tree Preservation Order.

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP7** – Effective and effective use of land and buildings
- **LP 20** – Sustainable travel
- **LP 21** – Highways and access
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 33** – Trees
- **LP 48** – Community facilities
- **LP 53** – Contamination

Supplementary Planning Documents:

6.3

- KC Highways Design Guide SPD 2019
- Housebuilders Design Guide SPD 2021

Other Policy Documents:

- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Planning Guidance:

6.4 National Planning Policy Framework

- Chapter 12 – Achieving well-designed places .
- Chapter 14 – Planning for climate change, flooding and coastal change.
- Chapter 15 – Conserving and enhancing the natural environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publicity period expired 21-May-2022. Publicity was undertaken by neighbour notification letter only in accordance with the requirements of the Development Management Procedure Order and Table 1 of the Kirklees Development Management Charter.

7.2 No representations were made.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

- The Coal Authority – No objection
- Health & Safety Executive – No objection

8.2 **Non-statutory:**

- KC Ecology – A bat scoping survey and demonstration of biodiversity net gain is required.
- KC Arboricultural Officer – No objection.
- KC Highways Development Management – Requested additional information re. parking for retreat centre but do not object in principle.
- KC Police Architectural Liaison Officer – No objection

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay unless material considerations indicate otherwise.
- 10.2 The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. As set out in the Authority Monitoring Report 2020/2021 (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.17 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021). As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The proposed retreat centre can be considered a community facility and as such Policy LP48 applies. Under this policy, community facilities should be provided in accessible locations (normally in town, local or district centres), and more generally proposals will be supported which protect, retain or enhance provision of such services meeting the needs of all members of the community. The site is not in or close to a town, district or local centre but is judged to be an accessible location. Furthermore, it would seek to enhance existing services offered on the site.
- 10.4 The site lies within land without designation on the Local Plan proposals map which means that in principle the erection of new housing is deemed an appropriate form of development. The site is within land designated as Wildlife Habitat Network and is subject to Tree Preservation Orders. Under Policies LP30 and LP33 of the Local Plan and Chapter 15 of the NPPF, biodiversity and wildlife habitats must be protected and enhanced, with suitable mitigation or compensation where harm is unavoidable. Proposals should normally retain any valuable or important trees where these make a contribution to public amenity.

- 10.5 The application will further be considered having regard to the aims of Policies LP24, in ensuring that design and appearance are sympathetic to the character of the host building on site and the wider surroundings, and any possible impact on highway safety, as required by Policies LP20 and LP21. The Housebuilders' Design Guide SPD and the Highways Design Guide SPD are material considerations and will inform the assessment of the proposed new dwellings. The previous Outline permission for residential development granted in 2014, which has now lapsed, can in principle be given some weight as a material consideration, but national and local planning Policies have both changed since this decision was taken.
- 10.6 The application would result in a net density of 31 dwellings per hectare as opposed to that set out in Policy LP7 which looks to achieve 35 dwellings per hectare (this is based on including the shared driveway as part of the site area). It is considered that owing to the gradients of the site and other constraints such as protected trees, a higher density would likely be unrealistic. It is therefore considered that the proposed residential development makes efficient use of the land and would support the aims of Policy LP7 and Chapter 11 of the NPPF.

Climate change:

- 10.7 The site is easily accessible by public transport; there are bus stops on Ashbrow Road offering only a low-frequency service, but there is a bus stop on Bradford Road 350m from the retreat centre entrance and within 400m of the proposed new dwellings which has a frequent service to Huddersfield Town Centre. It is therefore reasonable to conclude that future occupants or users would not be heavily reliant on the use of the private car. Adequate cycle storage provision should be secured by condition for the retreat centre and should also be considered for the new dwellings since there appears to be no room to store cycles within the integral garages.
- 10.8 Additional measures to combat climate change should be incorporated into the development (including, but not limited to, electric vehicle charging points), which would be sought and secured by condition. Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations where appropriate.

Urban Design issues

Retreat centre

- 10.9 The site lies within an area dominated by residential development of two to three storeys height. The proposed retreat building would also be two storeys in height and designed to accommodate itself to existing ground levels. It would clearly not be of domestic scale in terms of footprint and overall bulk. It would however be set back some 23m from the public highway at its closest point and 8m from the nearest residential boundary to the west. It is considered that in this context it would not dominate, or appear out of character with, its surroundings, and its visual impact would be further softened by the presence of retained trees and other natural landscaping. Design details and the palette of materials would be appropriate to this setting. It is considered that the proposed retreat centre building would conserve the visual amenity and character of the area and would thereby support the aims of Policy LP24(a) and NPPF Chapter 12.

Dwelling houses

10.10 The following principles within the Housebuilders' Design Guide SPD are of particular relevance:

- Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
- Principle 8 – Transition to open land to be carefully considered.
- Principle 12 – Car Parking should not dominate street frontage/dominate the street scene.
- Principle 13 – Materials should be appropriate to the site's context.
- Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.
- Principle 15 – The design of the roofline should relate well to the site context.

10.11 The surrounding area is of mixed character. To the west of the site is one large two-storey detached house and a row of three smaller detached houses, built to a similar design and all considerably set back from the highway. On the eastern stretch of Ashbrow Road, opposite the application site and further along to the east, the street scene is dominated by small, high-density two-storey houses, built as short rows of townhouses or as pairs of semi-detached houses. These are elevated above the highway and placed in close proximity to it. On the southern side of the road the development is more informal and lower density, comprising individually designed houses on large plots. The application site itself however is mostly undeveloped with a large amount of semi-natural vegetation including mature trees, which contribute to the character of the area.

10.12 It is considered that the form and layout of the proposed residential development would reflect its surroundings. The proposed dwellings would, individually, have a bigger footprint than the houses opposite, with less separation between blocks, and would clearly represent a denser form of development than nos. 35-39 to the east. They would however be set back by a significantly large distance from the public highway (an average of 21m), with trees and natural landscaping retained close to the highway frontage which would serve to further soften their impact. Furthermore, the nearest house would be approximately 4m from the boundary with no. 39 to the east (an increase of 1.5m from the original site plan) which would provide a greater visual break. The proposed dwellings would present a two-storey aspect to the front, which is again in keeping with the scale of development locally. Their appearance has been improved by the addition of the front-facing gables which make the frontage appear less monotonous and imposing. It is considered that the long back gardens, and the retention of some of the land to the rear as unenclosed semi-natural space, would ensure a suitable transition between built development and open land and would mitigate the additional mass of the three-storey nature of the dwellings when viewed from the rear. It is therefore considered that the proposal would support the aims of Principles 2 and 8 of the SPD.

- 10.13 It is considered that window style and other design details would be generally in keeping with the local area. The hipped roofs with small front-facing gables would not resemble those opposite, which have simple gable roofs, but it would reflect the variety of roof styles used on the older, individually designed dwellings to the east of the site and would help to further reduce their mass. They would have small garden plots at the front alternating with parking spaces, but there would be a much more substantial area of soft landscaping (including trees) between the shared access and the highway, which would ensure that the frontage is not visually dominated by parking or other hardstanding. The palette of materials – stone facing with artificial stone detailing, and artificial slate roofs - would, it is considered, be appropriate to their setting, subject to details being approved at the post-decision stage. They would thereby accord with Principles 12, 13, 14 and 15 of the SPD.
- 10.14 In conclusion, it is considered that the development would respect the character of the existing building and its surroundings, and subject to a condition on samples of materials being submitted and approved, it would comply with the aims of LP24(a) and (c) of the Local Plan, the aforementioned Principles of the SPD and the relevant parts of NPPF Chapter 12.

Residential Amenity

Retreat centre

- 10.15 There are no minimum separation distances for new development to be considered against existing development set out in the Local Plan. The Housebuilders Design Guide SPD does not apply to non-residential development but when considering the impact of non-residential development upon existing dwellings, the recommended separation distances can be treated as a guideline. The retreat centre building would be sited a minimum of 8.3m and an average of 11.6m from the facing eastern elevation of no. 41 Ashbrow Road. Based on site observations, there are clear-glazed windows in this elevation, according to the layout plans for the dwelling as originally approved (2001/93849) this elevation contains a study, cloakroom and utility room at ground floor and an ensuite and bathroom window at first floor. In short, it would appear that none of the principal habitable room windows in this dwelling face towards the application site. The only west-facing windows in the proposed retreat centre would be bathrooms and hallway windows. It is considered that given the configuration of the existing dwelling and the distance that the new building would be from the boundary, it would not have an overbearing impact or give rise to undue loss of light. In the interests of preventing mutual overlooking, it is recommended that all windows in this west facing elevation of plot 5 be obscurely-glazed.
- 10.16 It is considered that the layout of the retreat centre, with north-facing and south-facing bedrooms, would provide an acceptable level of light and outlook for future occupiers/users of the facility. The plans do not make it clear what the difference in levels would be between the retreat centre and no. 41, the host building, but they do demonstrate that finished ground floor level in the building would be set below highway level by more than 3m. Observing the height relationship between no. 41 and the upper part of the application site (the car park) it is clear that the retreat building would be set significantly below this building. Considering the height relationship and separation distance, the

relationship is not considered to be overbearing. The plans as submitted include a sectional drawing which gives an approximate idea of levels. A full scheme of finished floor and ground levels related to an identifiable datum should however be conditioned for the sake of clarity in the interests of both visual and residential amenity.

- 10.17 The new retreat building would be sited a minimum of 18m from the existing one and this is considered a sufficient separation distance to prevent either one building having an adverse impact on the other (through impacts on light or privacy for example). There are trees on the western margin of the site covered by an Area TPO but it is officers' view that the relationship would not be close enough to affect the amenity of residents or interfere with the trees' long term retention or health.
- 10.18 In conclusion it is considered that the retreat centre building would deliver an acceptable standard of living for future occupiers whilst not compromising those of existing properties, in conformity with the aims of policy LP24(b) of the KLP, subject to the condition on obscure glazing and ground levels relating to an identifiable datum.

Dwelling houses

- 10.19 The following principles within the Housebuilders Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- 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 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards.

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

- 10.20 Each house would have a gross floor area 152sqm which is in excess of the minimum required for a two-bedroom, three-storey dwelling under the Nationally Described Space Standards.
- 10.21 The amount of garden space provided is considered functional and proportionate to the size of the houses having regard to the character of the area. The proposal would thereby accord with the aims of Principles 16 and 17.

- 10.22 Principal outlook for each dwelling would be to the north and south, whereby there would be no difficulty in complying with the recommended 21m separation distance. The dwellings would have no side-facing windows so would not overlook each other, nor no. 39 which lies to the east. This property has windows facing the site, but these are in the northern part of the western elevation and would not directly face the eastern wall of the new dwelling at plot 5. The separation distance from one wall to another would be approximately 11.5m where the two properties are parallel to each other, but that section of the wall does not have windows in. It is therefore considered that the relevant standards would be complied with. The boundary consists of a low stone wall which it appears would not be high enough to provide screening – further boundary treatments will be required to further safeguard privacy, which can be conditioned. As a precaution it is recommended it be conditioned that no ground floor or lower ground floor windows be formed in the eastern side elevation of this dwelling (plot 5). All 5 new houses would have terraces at upper ground floor which the plans indicate would have a balustrade about 1m high but details have not been provided to date. It is recommended that details of the balustrade be submitted and approved so mutual overlooking will be minimised.
- 10.23 In conclusion it is considered that the new dwellings would deliver an acceptable standard of living for future occupiers whilst not compromising those of existing properties, in conformity with the aims of policy LP24(b) of the KLP and the above principles of the SPD, subject to the suggested conditions.

Landscape issues

Trees

- 10.24 The trees that are covered by Tree Preservation Orders are located near the western, southern, eastern and north-eastern boundaries of the site and form a number of distinct groups. There are also mature trees near the centre of the site that are currently not protected.
- 10.25 The Council's Arboricultural Officer initially expressed concerns over the impact on trees, including the removal of four trees and works within the root protection area of others. Following amendments, the Arboricultural Officer now raises no objections. A small number of trees are to be removed to facilitate the proposed development but most of the mature trees on site are to be retained, including those near the middle of the site that are not currently protected but are judged to have amenity value. Whilst the retention of trees identified as T17 and T19 will create some shading of the proposed dwellings, this will be intermittent throughout the day and would not be expected to result in undue pressure to fell the trees in the future. It is considered that none of the retained trees would cause nuisance to either the new dwellings or the retreat centre, so no future conflicts between tree retention and amenity of occupiers is anticipated.
- 10.26 Furthermore, the submitted Arboricultural Method Statement (AMS) provides a methodology and advice on how to work around the retained trees and protect them during construction. Officers are satisfied the proposals now meet policies LP24(i) and LP33 of the Local Plan, Principle 7 of the SPD, which states that proposals should retain existing features within the site, such as valuable trees, and that approval can be granted subject to a condition that all works are carried out in compliance with the submitted AMS.

- 10.27 Since the development would result in the retention of valuable trees that are one of the most important contributing features to the local landscape, it would also support the aims of Principles 2 and 8 of the Housebuilders' Design Guide SPD.

Highway issues

- 10.28 The site is located to the south of Ashbrow Road. There is an existing vehicular access to the retreat building. The proposals would involve improving this access, providing sight lines of 2.4 x 43m on to Ashbrow Road, and creating a car park suitable for 14 vehicles by extending and formalising the existing car park. The layout would provide internal turning and there would be room for two vehicles to pass at the entrance.
- 10.29 In seeking to justify the level of provision for the retreat centre (a type of development for which the Council has not set parking standards), the applicant has stated that the existing retreat centre, which houses 8 residents and 3-4 staff members, is able to function with 7 spaces, because whilst most members of staff arrive by car, on average only 2 residents bring a car, and this also leaves space for a minibus. It is proposed that the additional 7 spaces would be split between the 4 staff, 2 residents, and an additional minibus. (The application form states that there will be 5 full-time equivalent employees, an increase of 2, but this could include part-time staff). The applicant has not provided specific reasons why so few residents are car users, but on both occasions when the case officer visited the site the car park was clearly not at full capacity, with only three vehicles parked there, and aerial photographs from 2021 and 2018 show only one and two vehicles parked there.
- 10.30 In conclusion, whilst it is acknowledged that the development would double the capacity of the car park whilst the capacity of the retreat centre would be slightly more than doubled, it is considered on the basis of the applicant's information and the case officer's own observations that capacity would be more than adequate. This is subject to a condition that the access and extended car park is constructed before the new retreat building is first brought into use. A bin collection area is shown just in from the highway frontage which it is assumed is intended to serve both the existing and proposed retreat building. The plans show a bin store for the existing retreat building but it is not clear whether this is meant to serve the new building as well. There would however be ample space to provide a separate bin enclosure if necessary, or alternatively both buildings could share one storage location.
- 10.31 The new dwellings would be provided with a new access point to the highway which would also have sight lines of 2.4m by 43m. Each dwelling would be provided with two parking spaces each, including the integral garages. The parking spaces and garages are of standard dimensions, and the section indicates that parking space gradient would be less than the maximum of 1:8. The arrangements would also provide sufficient space to turn within the site. It is considered that the local highway network is of a sufficient standard to take on the additional traffic associated with the development. It is considered that the proposal would accord with the aims of Principle 12 of the SPD in that it would provide a suitable level of car parking and in such a way as to avoid dominating the street scene.

- 10.32 The arrangements would not provide turning space for a refuse collection vehicle but there is a bin collection point located approximately 3m in from the footway so kerbside collection would be practicable. Each new dwelling would have its own bin enclosure which would appear to provide space for two refuse containers. In the event of a third one being required (e.g. for garden waste) it could be kept in the small landscaped area at the front of the property without adversely affecting visual or residential amenity. The maximum distance from the farthest bin enclosure to the collection point is 25m. The arrangements for refuse storage and collection are considered acceptable in accordance with Principle 19 of the Housebuilders Design Guide SPD.
- 10.33 To conclude, it is considered that all aspects of the new development are satisfactory in terms of highway safety in that they would allow a safe means of access to the highway, adequate parking for the type and scale of development, and suitable arrangements for the storage and collection of wastes in accordance with Policies LP21-22 of the KLP and Principles 12 and 19 of the Housebuilders Design Guide SPD. Approval should be subject to a condition that all areas to be used by vehicles be provided before the building to which they relate is brought into use and thereafter retained, that integral garages should be retained, and that refuse bin storage and collection areas be provided and retained. As previously stated, the provision of an electric vehicle charge point (one per dwelling, and a minimum of one for the retreat centre car park) can be secured by condition, as can the provision of secure cycle storage facilities, in the interests of promoting the use of low-impact methods of transport.

Drainage issues

- 10.34 It is proposed that drainage is to be by soakaway. Disposal of foul sewage would be by mains drainage. The architect has confirmed that there will be no pumped discharge from the site. Given the amount of space within the site there would appear to be no reason why soakaways would not work, and as this is one of the more sustainable methods of water disposal it is supported as being in conformity with the aims of Chapter 14 and policy LP28 of the KLP.

Representations

- 10.35 No representations were made during the course of the application.

Other Matters

Biodiversity

- 10.36 The site is within the Wildlife Habitat Network and bat alert layer. As previously stated, (paragraphs 10.24-27), the development will ensure the retention of most of the mature trees on site although there will inevitably be some loss of natural vegetation. However, ecological information including a bat scoping report to establish possible impacts on roosting, commuting or foraging bats, is required pre-determination. This is in accordance with Circular 6/2005. In addition, the information required should also include details of proposed measures to deliver biodiversity net gain, in accordance with Policy LP30 of the Local Plan, Principle 9 of the Housebuilders Design Guide SPD, Chapter 15 of the NPPF and the Council's Biodiversity Net Gain Technical Advice Note (June 2021). This information has been requested during the application process and

is expected imminently. The submission and assessment of an appropriate report(s) and recommendations could satisfy the aforementioned Policies. This would be subject of a suitably worded condition(s) thereafter to require the proposed biodiversity net gain measures to be implemented, managed and retained and the appropriate measures/actions regarding protected species on site. The wording of the recommendation to Members sets out what information would be expected to be provided before a decision notice could be issued for the site.

Crime and security

- 10.37 The placement of the parking spaces in relation to the dwellings would allow passive surveillance from the houses they would serve. The dwellings themselves would be subject to a degree of passive surveillance from the street, whilst this would be somewhat obstructed by the presence of trees and their setback from the highway, it is considered that this would not put them at excessive risk of crime. They would all have private access to the rear which could be gated if future owners wished it. The new retreat centre building, unlike the existing one, is very substantially set back from the highway, and has no dwellings immediately opposite, which limits passive surveillance. However, the agent has confirmed that it would be staffed 24 hours a day which means it is unlikely to be highly vulnerable to burglary. The agent has also stated that CCTV and an alarm system will be fitted but it is considered that the details of this can be left to the discretion of the developer and do not need to be conditioned.
- 10.38 The Police Architectural Liaison Officer has made some recommendations, many of which (such as door and window standards) should be treated as advisory only, but it would be reasonable to condition secure boundary treatments consisting of a 1.8m screen fence to the rear gardens of the new dwellings. Subject to this, and clarification of other security measures, if any, it is considered that the proposed development would accord with the aims of policy LP24(e) of the KLP.

Coal mining legacy

- 10.39 The site is in a Coal Referral Area which means that the site could be at a 'high risk' from ground stability issues as a result of coal mining legacy. A Coal Mining Risk Assessment was submitted with the application. The Coal Authority considers that the content and conclusions of the Assessment demonstrate that the application site is safe and stable for the proposed development. No conditions are therefore required in order to ensure compliance with Policies LP53 and Chapter 15 NPPF in this respect. However, the Coal Authority clarify that their comments do not extend to the issue of mine gas. Wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. For this reason, it is recommended that a suite of contamination conditions, specifically to establish the presence or absence of mine gas and measures to be taken if it does exist, are imposed on any future decision. This would be in accordance with the aforementioned Policy and Chapter 15 of the NPPF.

- 10.40 Part of the site is at the very furthest extent of the Outer Zone of a Hazardous Materials Site (Syngenta). Health and Safety Executive confirm that they do not object to the granting of planning permission.

11.0 CONCLUSION

11.1 It is considered that the proposed development would comply with the aims of policy LP48 of the KLP by enhancing the use of an existing community facility or service, and that both elements of the proposal – the retreat building and the new ‘open-market’ dwellings – would, subject to suitable conditions, conserve the visual character of the area, provide and safeguard acceptable levels of residential amenity, ensure the safe and convenient use of the highway. There remains a requirement for information related to bats and biodiversity net gain to be submitted by the applicant and considered by officers. In light of guidance set out in Circular 6/2005, information on protected species is requirement pre-determination of the application. This is reflected in the recommendation to Members.

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. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development could constitute sustainable development, subject to the submission of a suitable Bat Scoping Report and information on Biodiversity net Gain pre-determination, and it 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. Standard 3-year timeframe for commencement of development
2. Development to be completed in accordance with the submitted plans and specifications
3. External facing and roofing materials – samples to be submitted and approved
4. Access points to be formed as shown on the drawings before the retreat building/dwellinghouses are occupied
5. Areas to be used by vehicles to be laid out/ marked out for the retreat building before first occupation and thereafter retained.
6. Waste storage and collection arrangements to be provided (including for the retreat centre).
7. All development to proceed in accordance with the submitted Arboricultural Method Statement
8. Measures to deliver biodiversity net gain, (as set out in reports/information required pre-determination of the application)
9. Boundary treatments for the whole development, to include screen fencing to the rear of dwellings and suitable balustrades for roof terraces, to be approved and installed before first occupation.
10. Obscure glazing to be installed and retained in the western elevation of retreat centre.
11. No windows to be installed in the ground floor or lower ground floor of Plot 5
12. Cycle storage for retreat building and dwellings to be submitted and approved
13. Electric vehicle charge points to be installed for retreat building and dwellings
14. Details of measures to combat climate change to be submitted and approved

15. Detailed of existing and proposed ground levels and finished floor levels, related to an identifiable datum.
16. Integral garages to be retained and not converted to habitable accommodation.
17. Contamination/Remediation and Validation conditions in relation to the potential of mine gas being present on site.
18. Development to be undertaken in accordance with the recommendations of any approved Bat Scoping Report (as set out in reports/information required pre-determination of the application)

Background Papers:

Application and history files.

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90852>

Certificate of Ownership A signed and dated.