

# Public Document Pack



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

**Julie Muscroft**

Governance and Commissioning

PO Box 1720

Huddersfield

HD1 9EL

**Tel:** 01484 221000

Please ask for: Richard Dunne

Email: richard.dunne@kirklees.gov.uk

Wednesday 25 January 2023

## 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 2 February 2023**.

(A coach will depart the Town Hall, at 10:05 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".

**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

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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 - 8

To approve the Minutes of the meeting of the Committee held on 20 October 2022.

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**3: Declaration of Interests and Lobbying**

9 - 10

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.

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**7: Site Visit - Application No: 2020/93954**

Erection of 42 dwellings and associated works Land at, Lingards Road, Slaithwaite, Huddersfield.

(Estimated time of arrival at site 10:25 am)

Contact officer: Nick Hirst, Planning Services

Ward(s) affected: Colne Valley

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**8: Site Visit - Application No: 2022/90655**

Erection of 10 student residential units with associated landscaping land at, Manor Street, Newsome, Huddersfield.

(Estimated time of arrival at site 11:10 am)

Contact officer: Ellie Worth, Planning Services

Ward(s) affected: Newsome

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**9: Site visit - Application No: 2022/93520**

Outline application for residential development adj, 47, Stile Common Road, Newsome, Huddersfield.

(Estimated time of arrival at site 11:25 am)

Contact officer: Tom Hunt

Ward(s) affected: Newsome

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**10: Site Visit- Application No: 2022/93251**

Erection of rear dormer (within a Conservation Area) 10, Cecil Street, Springfield, Huddersfield.

(Estimated time of arrival at site 11:45 am)

Contact officer: Sam Jackman, Planning Services.

Ward(s) affected: Newsome

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## Planning Applications

11 - 12

The Planning 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 to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 30 January 2023.

To pre-register, please email [governance.planning@kirklees.gov.uk](mailto:governance.planning@kirklees.gov.uk) or phone Richard Dunne on 01484 221000 (Extension 74995).

Please note that in accordance with the council's public speaking protocols at planning committee meetings verbal representations will be limited to three minutes.

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: 2020/93954** 13 - 68

Erection of 42 dwellings and associated works - Land at Lingards Road, Slaithwaite, Huddersfield.

Contact officer: Nick Hirst, Planning Services.

Ward(s) affected: Colne Valley

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### **12: Planning Application - Application No: 2022/90655** 69 - 92

Erection of 10 student residential units with associated landscaping - land at Manor Street, Newsome, Huddersfield.

Contact officer: Ellie Worth

Ward(s) affected: Newsome

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### **13: Planning Application - Application No: 2022/93251** 93 - 104

Erection of rear dormer (within a Conservation Area) 10, Cecil Street, Springwood, Huddersfield.

Contact officer: Sam Jackman, Planning Services

Ward(s) affected: Newsome

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**14: Planning Application - Application No: 2022/93846** 105 -  
122

Erection of first floor extension above existing garage 29, Oldfield Road, Honley, Holmfirth.

Contact officer: Katie Chew, Planning Services

Ward(s) affected: Holme Valley North

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**15: Planning Application - Application No: 2022/93520** 123 -  
138

Outline application for residential development adj, 47, Stile Common Road, Newsome, Huddersfield.

Contact officer: Tom Hunt, Planning Services

Ward(s) affected: Newsome

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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: Richard Dunne

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

**Thursday 20th October 2022**

Present: Councillor Sheikh Ullah (Chair)  
Councillor Paul Davies  
Councillor Tyler Hawkins  
Councillor James Homewood  
Councillor Jo Lawson  
Councillor Donald Firth  
Councillor Bernard McGuin  
Councillor Andrew Marchington  
Councillor Susan Lee-Richards  
Councillor Ammar Anwar  
Councillor Aleks Lukic

Apologies: Councillor Mohammad Sarwar  
Councillor Mohan Sokhal  
Councillor Tony McGrath  
Councillor Charles Greaves

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

Councillor Ammar Anwar substituted for Councillor Mohan Sokhal

Councillor Aleks Lukic substituted for Councillor Charles Greaves

Apologies were received from Councillors Mohammad Sarwar, Mohan Sokhal, Tony McGrath and Charles Greaves.

#### **2 Minutes of previous meeting**

The minutes of the meeting held on the 21 July 2022 were approved as a correct record.

#### **3 Declaration of Interests and Lobbying**

Councillor D Firth declared an "other" interest in application 2021/94569 on the grounds that he had previously expressed concerns regarding a number of aspects of the scheme in his capacity as a ward councillor and felt that this could result in some people questioning his impartiality should he vote on the application.

It was noted that Councillor Firth did not participate in the Committee discussion or vote on the application.

Councillor Homewood declared that he had been lobbied on application 2022/91630.

## **Planning Sub-Committee (Huddersfield Area) - 20 October 2022**

Councillor Ullah declared an “other interest” in application 2022/91676 on the grounds that he knew the applicant and did not feel it would be appropriate to participate in the Committee discussion or vote.

Cllr Homewood was elected to the Chair in place of Cllr Ullah for the Committee discussion and vote on the application.

### **4 Admission of the Public**

All items on the agenda were taken in public session.

### **5 Deputations/Petitions**

No deputations or petitions were received.

### **6 Public Question Time**

No questions were asked.

### **7 Site Visit - Application No: 2021/94569**

Site visit undertaken.

### **8 Site Visit - Application No: 2022/91620**

Site visit undertaken.

### **9 Site Visit - Application No: 2022/91154**

Site visit undertaken.

### **10 Site Visit - Application No: 2020/93800**

Site visit undertaken.

### **11 Site visit - Application No: 2022/91630**

Site visit undertaken.

### **12 Site Visit - Application No: 2022/91676**

Site visit undertaken.

### **13 Planning Application - Application No: 2021/94569**

The Sub Committee gave consideration to Planning Application 2021/94569 Demolition of existing outbuildings and erection of three detached dwellings adj, Cranborne, Clifton Avenue, Wooldale, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Nick Willock (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. Development shall be begun within three years of the date of the permission.



## Planning Sub-Committee (Huddersfield Area) - 20 October 2022

2. Development to be in complete accordance with plans and specifications (unless specified otherwise).
3. Notwithstanding details provided, samples of stone for the external walls of the dwellings to be approved prior to the construction of dwellings above slab level.
4. Notwithstanding the details submitted, samples of the grey roof tiles of the dwelling to be approved prior to the construction of the dwellings above slab level.
5. Hard and soft surfacing of the site, including boundary treatments, in accordance with the Proposed Boundary Treatment Plan (064-21-PL08 Rev C) prior to the first occupation of the dwellings.
6. Notwithstanding the details submitted, full design details of the solar panels to be approved prior to the construction of the roof of any of the dwellings and provided in accordance with approved details prior to the first occupation of the dwellings.
7. Prior to construction of the dwellings above slab level, the existing outbuildings shall be demolished.
8. Ground works shall not commence until a Phase 1 report has been submitted to and approved in writing by the LPA.
9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the LPA.
10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report, groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the LPA.
11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy.
12. 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.
13. Development to be in accordance with the Drainage Strategy B24698- JNP-92-XX-RP-C-1000 (P02) prepared by JNP Group, dated 06/05/2022", unless otherwise approved in writing with the Local Planning Authority.
14. The electric vehicle recharging points shall be installed within the dedicated parking area of each of the approved dwellings prior to the first occupation of these dwellings and shall be a minimum output of 16A/3.5kW).
15. All external vehicle parking areas and hardstanding shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' before the dwellings to which they relate are first occupied.
16. Prior to development commencing above slab level, details of bin storage and collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided in accordance with approved details prior to the first occupation of the dwellings.
17. One bat box and one bird box shall be incorporated into each dwelling hereby approved; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light, at least 5 metres above ground.
18. Removal of permitted development rights for future ground floor openings within the south eastern facing side elevation of plot 1.

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

## **Planning Sub-Committee (Huddersfield Area) - 20 October 2022**

For: Councillors: Anwar, Davies, Lukic, Hawkins, Homewood, Jo Lawson, Lee-Richards, Marchington, McGuin and Ullah (10 votes).

Against: (0 votes).

### **14 Planning Application - Application No: 2022/91620**

The Sub Committee gave consideration to Planning Application 2022/91620 Erection of extensions creating first floor to existing bungalow, internal and external alterations 2, Town End Avenue, Wooldale, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Shauna Atkinson (applicant).

#### **RESOLVED –**

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions contained within the considered report including:

1. Standard three year time frame for implementing the development.
2. Development to be completed in accordance with approved plans and specifications.
3. The external walls and roofing materials to match those use in the construction of the host property.
4. Garage to be rendered in an off white/cream.
5. Prior to the extensions first being brought into use, a bat box in the form of a Schwegler bat box Type 27 or similar, shall be created within the southern elevation of the side extension.

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

For: Councillors: Anwar, Davies, D Firth, Lukic, Hawkins, Homewood, Jo Lawson, Lee-Richards, Marchington, McGuin and Ullah (11 votes).

Against: (0 votes).

### **15 Planning Application - Application No: 2020/93800**

The Sub Committee gave consideration to Planning Application 2020/93800 Outline application for one detached dwelling adj, 100, Birchencliffe Hill Road, Lindley, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Matthew Robinson (Agent).

#### **RESOLVED –**

That the application be refused in line with the following reasons outlined in the considered report and planning update:

## Planning Sub-Committee (Huddersfield Area) - 20 October 2022

1. Due to the constraints of the site, it is concluded that habitable room windows to the proposed development would be liable to experience severely limited light and outlook by reason of the constraints posed by the topography and dimensions of the site, the woodland to the south, and the presence of parked cars in close proximity to the new dwelling. It is therefore considered that the dwelling would fail to provide an acceptable standard of living for future occupants by reason of inadequate natural light and outlook, contrary to the aims of Policy LP24(b) of the Kirklees Local Plan, paragraph 130(f) of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide Supplementary Planning Document (SPD).

2. Due to the constraints of the site, it is concluded that a new dwelling would overlap the root protection zone of a tree which forms part of a group of semi-mature trees deemed to be valuable to the biodiversity and visual amenity of the area and especially the visual amenity of the Urban Greenspace allocation (UGS1232), of which they form part. Replacing the existing workshop, a lightweight, single-storey building, with a two-storey permanent building, would give rise to the need for deeper foundations, leading to the risk of significant root damage to trees. It has not been demonstrated that the erection of a dwelling could be undertaken without serious harm to the health of the trees and their long-term viability. Furthermore, notwithstanding the conclusions of the submitted Arboricultural Impact Assessment, six of the seven trees identified therein are described as semi-mature, and as such they are likely to continue to grow, giving rise to long-term issues of shading and debris fall to future occupants of the new dwelling, leading to pressure to fell. The development would therefore conflict with the aims of Policy LP33 of the Kirklees Local Plan and Principles 2, 3 and 9 of the Housebuilders Design Guide SPD.

3. The application fails to demonstrate whether the development could be undertaken without causing unacceptable harm to protected species or that it would safeguard the function and connectivity of the Kirklees Wildlife Habitat Network. It would therefore conflict with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 9 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document.

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

For: Councillors: Anwar, Davies, D Firth, Lukic, Hawkins, Homewood, Lee-Richards, Marchington, McGuin and Ullah (10 votes).

Against: Councillor Jo Lawson (1 vote).

### 16 **Planning Application - Application No: 2022/91154**

The Sub Committee gave consideration to Planning Application 2022/91154 Demolition of existing dwelling and erection of detached dwelling including new landscaping and tennis court Old Biggin Farm, Cold Hill Lane, New Mill, Holmfirth.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Maria Dychala (Agent).

**RESOLVED –**

That the application be refused in line with the following reasons outlined in the considered report:

1. The development, consisting of a large replacement dwelling, tennis court and associated engineering works, would result in a materially larger building than the dwelling it is to replace, whilst also having a significantly greater impact upon the openness of the Green Belt compared to the existing development, therefore the development constitutes inappropriate development in the Green Belt with regard to Paragraphs 149 (b), (d) and (g) and 150 (b) of the National Planning Policy Framework. In addition to this, the development, including the tennis court and associated engineering works would cause greater harm to the openness of the Green Belt whilst also encroaching further into the open countryside thereby conflicting with one of the purposes of including land within Green Belts. There are no very special circumstances which clearly outweigh the harm caused by reason of inappropriateness and other harm. The development is therefore contrary to Policies LP56, LP57 and LP59 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework, as well as Policy 6 of the Holme Valley Neighbourhood Development Plan.

2. The proposed dwelling, by reason of its overall large scale and massing, and incongruous design, including the proposed untraditional and bulky glazed gable projections and green oak canopy, as well as the extensive engineering works including tennis court, excavation and hard surfacing, would result in an overly dominant dwelling and urbanising form of development that causes detrimental harm to the rural character of the area. Therefore, the proposal would be contrary to Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 2, 13 and 14 of the Council's adopted Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

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

For: Councillors: Davies, D Firth, Lukic, Hawkins, Homewood, Jo Lawson, Lee-Richards, Marchington, McGuin and Ullah (10 votes).

Against: Councillor Anwar (1 vote).

**17 Planning Application - Application No: 2022/91630**

The Sub Committee gave consideration to Planning Application 2022/91630 Erection of two storey side and single storey rear extensions 15, Dorchester Road, Fixby, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Gurpreet Sandhu (applicant).

**RESOLVED –**

## Planning Sub-Committee (Huddersfield Area) - 20 October 2022

That the application be refused in line with the following reason outlined in the considered report:

The proposed two storey side extension combined with the single storey rear extension, by reason of their size, scale and design would appear discordant and incongruous within the application site and in the street scene. The extensions would not be subservient to or respect the host dwelling's original built form. The proposed scheme would be an unsympathetic form of development and would harm the character and appearance of the area and the host building. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Government Policy contained within Chapter 12 of the National Planning Policy Framework.

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

For: Councillors: Davies, D Firth, Lukic, Hawkins, Homewood, Jo Lawson, Lee-Richards, Marchington, McGuin and Ullah (10 votes).

Against: (0 votes).

Abstained: Councillor Ammar Anwar

### 18 **Planning Application - Application No: 2022/91676**

The Sub Committee gave consideration to 2022/91676 Erection of first floor extension to rear and dormer window to front and rear 17, Mead Street, Fartown, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Zafar Ali (applicant).

### **RESOLVED –**

That the application be refused in line with the following reasons outlined in the considered report:

1. The development by reason of its size, scale, design and considered cumulatively with the existing rear extension, would appear overly prominent and incongruous within the application site, would fail to appear subservient to the original dwelling and would resultantly cause harm to the visual amenity of the host dwelling and the character and appearance of the wider area. This would be contrary to the aims of Policy LP24 (a and c) of the Kirklees Local Plan, Key Design Principles 1 and 2 of detailed guidance on rear extensions and dormers within the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policy within Chapter 12 of the National Planning Policy Framework.

2. The first floor rear extension, by reason of its scale and proximity to the boundary with no. 19 Mead Street, would cause demonstrable harm to the residential amenities of occupiers of this neighbouring dwelling by reason of overshadowing

## **Planning Sub-Committee (Huddersfield Area) - 20 October 2022**

and overbearing impact. This is contrary to the aims of Policy LP24 (b and c) of the Kirklees Local Plan, Key Design Principles 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document and Policy within Chapter 12 of the National Planning Policy Framework.

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

For: Councillors: Davies, D Firth, Lukic, Hawkins, Homewood, Jo Lawson, Lee-Richards, Marchington and McGuin (9 votes).

Against: Councillor Ammar Anwar (1 vote).

## 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 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

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 02-Feb-2023

Subject: Planning Application 2020/93954 Erection of 42 dwellings and associated works Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY

#### APPLICANT

Stephen Byram, S B  
Homes Ltd

#### DATE VALID

18-NOV-2020

#### TARGET DATE

17-FEB-2021

#### EXTENSION EXPIRY DATE

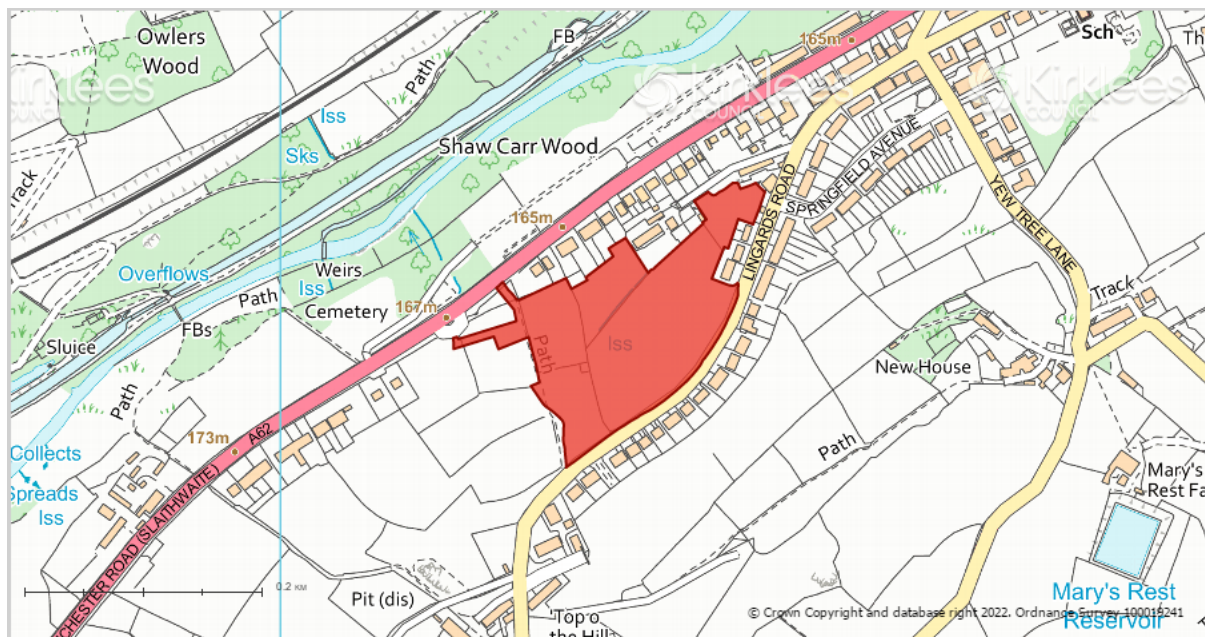
31-DEC-2022

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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:** Colne Valley

**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 cover the following matters:

- a) **Affordable housing:** 8 (20% of total number) dwellings to be affordable, with all 8 to be affordable rent (social rent)
- b) **Open space off-site contribution:** £57,791 towards off-site Public Open Space works within the area.
- c) **Education:** £161,274.66 towards education requirements arising from the development
- d) **Biodiversity:** £99,038 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified;
- e) **Metro / Sustainable travel:** £26,000 for Bus Shelter Improvements (shelters on Manchester Road)
- f) **Management and maintenance:** Retaining wall, POS, Drainage (including culverts), and Ecological features

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

## **1.0 INTRODUCTION**

1.1 This is an application for full planning permission, for a residential development of 42 dwellings.

1.2 This application is brought to Huddersfield Sub-Committee in accordance with the Delegation Agreement as the site area exceeds 0.5ha and due to the level of local representation.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site is circa 800m west of Slaithwaite and circa 7.8km from Huddersfield Town Centre.
- 2.2 The site has an area of 2.3ha, consisting of agricultural land used for grazing. Drystone walls and other forms of low boundary treatment surround and divide the site. A watercourse, partly open, crosses the site. There are several trees, of varying age and size, in and around the site. Access is from Lingards Road, via a gate in the south-east of the site. The remains of a small structure, associated with a historic agricultural use, is located within the centre of the site's east side.
- 2.3 Land levels vary across the site, but on the whole slope downwards to the north.
- 2.4 Residential properties are sited to the north, east and south of the site. Manchester Road is beyond the houses to the north. The southern boundary is predominantly along Lingards Road, which has dwellings on its southern side.
- 2.5 PROW COL/133/10 runs along the site's west boundary. PROW COL/117/10 is located to the north-east of the site.

## **3.0 PROPOSAL**

- 3.1 The proposal is a full planning permission seeking to erect 42 dwellings. This consists of:
- 1bed (flat): 3 (7%)
  - 2bed (flat): 5 (11%)
  - 3bed: 16 (38%)
  - 4bed: 14 (33%)
  - 5bed: 4 (9%)
- 3.2 Units would be a mixture of detached, terraced, and semi-detached. The units would be predominantly split level, some being one / two storeys, but most being two / three storeys. They are to be constructed with natural stone walls and concrete tile roofs.
- 3.3 A new access is to be formed from Lingards Road. From this, a new estate road would extend through the site, with two branches. Of the new dwellings, 33 would be accessed from the new road. The remaining 10 would front onto Lingards Road and be accessed directly from Lingards Road. A 2m wide footway would be provided along the site frontage to Lingards Road.
- 3.4 Retaining walls will feature through the site. These are to be a mixture of stone walls, gabion walls, and 'green wall' systems. The open watercourse on site would be retained: plots 6 – 8 would have (pedestrian) bridges over it for access.

- 3.5 All dwellings would have dedicated off-street parking, with some house types having garages, although some units would have their parking detached from their curtilage. Plots 6 – 8 would be served by a detached car port. Three dedicated visitor parking bays are proposed.
- 3.6 Several areas of public open space (POS) would be located within the site totalling 2,557sqm. This includes a central route with a footpath running behind the units fronting onto Lingards Road. Boundary fences are to be close boarded timber. Where these are within 2m of the dwellings, they would be 1.8m in height. Elsewhere the height would drop to 1.2m. Where boundary fences back onto the public realm they would be 1.5m close boarded with 0.3m of trellis above.
- 3.7 The site's surface water attenuation tank is to be sited in the adjacent field (circa 0.1ha, within the application's redline). Due to the existing sloping ground levels the tank would partly sit above the existing ground level; the applicant proposes to regrade the land to conceal the tank underground, as would be usual.
- 3.8 Along the north boundary, between the rear of plots 1 – 8 and nos. 52 – 64 Manchester Road, would be a circa 2m wide footpath, to preserve rear access to the properties on Manchester Road.

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

##### **4.1 Application Site**

2014/93946: Outline application for residential development with associated access onto Lingards Road – Outline Permission Granted

##### **4.2 Surrounding Area**

*45, Lingards Road*

2022/90251: Reconfiguration of existing external steps and erection of timber decking – Granted

##### **4.3 Enforcement**

*(part of) Application site*

COMP/22/0424: Alleged unauthorised siting of a portacabin – Ongoing

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

- 5.1 Prior to submission the applicant submitted a pre-application enquiry for the development of the site under reference 2019/20335. Officers advised that the principle of residential development was acceptable, although the site had particular constraints in its levels that an appropriate design response would be required. Advisory commentary was given by technical consultees and officers.

- 5.2 Following the pre-application a full planning application for 57 dwellings was received. This relied on extensive retaining walls and included two primary roads in the site. On receipt of the initial proposal various objections were received from consultees, including highways, drainage, and ecology, as well as planning officers on matters of design. Weighing these issues in the whole, despite the low density relative to the average application, it was still deemed the proposal still represented an overdevelopment of the site given its constraints.
- 5.3 Various meetings took place between the applicant's team, planning officers, and consultees. A reduction in the quantum of development was discussed and agreed. However, concerns remained over the design response of the dwellings. More detailed discussions took place on how the dwellings should be designed to respond to the site's constraints, while still fitting into the character of the area.
- 5.4 In June 2022 a resubmission with a reduced 42 units was provided. This address many of the overarching in-principle objections raised previously. The prominence on retaining walls was reduced and the design of the dwellings was amended to more suitably fit into the area. This was submitted alongside updated supporting information. Despite this progress, technical consultees raised concerns and more focused concerns remained for planning officer. Furthermore, planning officers also recommended that an additional dwelling could be accommodated to the south-west corner without harm, in the interest of promoting an effective use of land.
- 5.5 An amended scheme was received for 43 dwellings. The design principles were considered acceptable and promising progress had been made on technical matters, although final discussions took place in regards to technical matters of drainage, highways, and ecology. During this review, and as noted within the representations, the new road to the rear of no. 45 Lingards Road was identified as being too high, to the detriment of amenity. This led to further revisions on this area of the site, which necessitated a reduction to 42 units, but addressed the identified concern.

## **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) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

[Kirklees Local Plan \(2019\) and Supplementary Planning Guidance / Documents](#)

- 6.2 The application site includes most of housing allocation HS125, but also extends into adjacent Green Belt land.

### 6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP19** – Strategic transport infrastructure
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP23** – Core walking and cycling network
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP32** – Landscape
- **LP33** – Trees
- **LP34** – Conserving and enhancing the water environment
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe styles
- **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

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

#### *Supplementary Planning 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



## National Planning Guidance

6.5 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 6<sup>th</sup> March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 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 13** – Green Belt
- **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

6.6 Other relevant national guidance and documents:

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

## Climate change

6.7 The Council approved Climate Emergency measures at its meeting of full Council on the 16<sup>th</sup> 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.

6.8 On the 12<sup>th</sup> 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

### *The applicant's statement of community involvement*

- 7.1 The application is supported by a statement of community involvement which outlines the public engagement the applicant undertook prior to their submission. The applicant posted a letter to neighbouring properties (numbers unknown) that directed residents towards a website where plans were available and where comments could be left.
- 7.2 Approximately 27 No. responses were received in response to the initial application proposals and the main concerns expressed were regarding the number of dwellings proposed, the building heights and the impact on the highway. The applicant sought to address these comments through a variety of amendments. This included changing unit types, lowering the floor levels, and increasing spacing between units.

### *Public representation*

- 7.3 The application has been advertised as a Major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council's adopted Statement of Community Involvement.
- 7.4 The application was amended during its lifetime and a period of re-consultation, via neighbour letters, was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation. Final amendments were made after the last public representation period. These were considered minor in scope, and were improvements and/or direct responses to issues raised by the public or officers. As such, it was not considered necessary to readvertise the final amendments.
- 7.5 The end date for public comments is the 24<sup>th</sup> of January 2023. At the time of writing, in total 295 public representations have been recorded. Should any public representations be received on the final day they will be reported within the update.
- 7.6 The following is a summary of the comments received:

### *General*

- The applicant has done insufficient public engagement prior to the application being submitted, or during its process.
- The proposal does not comply with Building for Life 12, and fails several requirements that are considered to be red or amber in the opinion of the author. These include 'Does the development reinforce existing connections?', 'public transport', and 'character' amongst others.
- The most recent amendments (January 2023) are noted, but do not address the main concerns raised by residents.
- The most recent amendments (January 2023) have not included an updated drainage layout and cannot be considered without.

- To enable the development will require substantial landfill (estimated by a resident at 276 tonnes per unit), which demonstrates the proposal would not work with existing land levels.
- The proposal would prevent neighbouring residents from developing their own properties, e.g., via extensions. This results in a loss of future amenity.
- The previous outline on site showed 27 units; this proposal should be for the same number. The Local Plan had a capacity of the site for 36.
- The applicant's submission is misleading and false in places, lacking credibility.
- Brownfield development should be prioritised.
- The applicant bought the site for cheap, based on the outline, and is now trying to fit in too many dwellings. The development has been designed to make a profit.
- The submitted plans are inaccurate and contradictory, which is grounds to have a planning permission overturned and/or removed. For example, the 3D visuals do not show fencing or other domestic paraphernalia and are misleading.
- One of the 3D visual plans shows a substantial retaining wall along the site's north boundary, to the rear of the properties which front onto Manchester Road. This is to provide the rear access to private land; however, this retaining wall would mean the path is on a much higher land than the land its giving access too, which is illogical.
- The proposal does not comply with the Local Plan's policies, and there are no material considerations which justify a departure.
- The Local Plan has an indicative capacity of 36 dwellings for Housing Allocation 125. The proposal exceeds this, which is an unacceptable departure from the Local Plan. The density is cramped and does not fit into the established character.
- New plans have been provided and the application has not been re-advertised to the public. The intended committee date is too soon.
- The applicant's other development at Empire Works is poor quality, particularly the road is unfinished and unsightly 3 years after residents moving in. This raises drainage issues as well as highway safety.
- Concerns that plot 43's inclusion (on the latest plan) was recommended by planners.
- The applicant's public engagement was inadequate, no meeting was held.
- Local services, including schools, dentists, and doctors, are over prescribed and cannot accommodate additional users.
- An increased population in the area will result in more crime and vandalism.
- The site includes tall retaining walls, up to 6m in height, which are a health and safety risk. The open water course is also a risk to people falling in.
- Only one step of stairs includes ramps and does not give the proposal 'disability credentials'. The proposal is discriminatory.
- Concerns over the density of planting and whether the tree planting is feasible.
- The dwellings should incorporate renewable energy features, such as solar panels or turbines.
- The proposed affordable housing is clustered and should be spread through the site. Bungalows should be provided.

- The proposal will have a carbon footprint which cannot be overcome.
- Questioning who will be responsible for the management and maintenance of Public Open Space. If its residents, would this preclude non-residents of the site using it?
- The retaining structures and other elements of the design will result in zones without natural surveillance.
- No Health Impact Assessment has been submitted with the application, as noted as being required within the Local Plan.
- Easements cross the site (i.e., for gas pipes and water).

*Green Belt (including the siting of the attenuation tank)*

- The proposal has not demonstrated Very Special Circumstances exist to justify the attenuation tank within the Green Belt. To approve the development in the Green Belt would be breaking the law.
- The tank is only located within the Green Belt to accommodate more development.
- The tank would not have vehicle access to it and only accessible on foot. This would put undue pressure on Yorkshire Water should they adopt it and cause them future issues. As the cross section was provided recently, question whether Yorkshire Water are aware of the tank's design.
- The section showing the re-grading shows an unacceptable impact upon the Green Belt.
- The tank being in Green Belt may lead to future development within the Green Belt.
- The proposed development will be right up to the Green Belt boundary and would unduly harm it.
- The applicant intends to place excess soil in the greenbelt from excavation.

*Design*

- The developer intends to terrace the land to enable the development, contrary to 'good design' of working with existing land levels.
- The proposed dwellings do not fit into the character of the area, in terms of their design, scale, or overall appearance. It fails to respond to the area's topography or adequately address the site's constraints.
- While the density of the development is low, the individual units are very large, negating the low density, with a floor space much greater than existing neighbouring dwellings.
- The proposed dwellings are much larger than dwellings elsewhere in the area, in both mass and floor space, and would be out of keeping.
- At present, properties on the north side of Lingards Road around the site are lower than those to the south side, to reflect ground levels. The proposed units on the north side would be higher than those to the south.
- The proposal includes flats: flats are not evident in the area already, and therefore out of character in terms of the community and design.
- Reference to 'urban grain' is not appropriate, as the site is rural.
- The proposed dwellings would remove the view for existing residents, while giving a view to future occupiers, which is unfair.

- Roofs in the area are gables or hipped. The proposed roofs are unusual and would not be fitting.
- There is inadequate space between dwellings, including side to side and front to rear.
- Lingards Road includes bungalows, which make up 40% of the frontage on the opposite side of Lingards Road. The proposed dwellings would be three storeys, and therefore not be in keeping with the area.
- The development would affect the unspoiled Upper Valley / Pennine landscape (which is closely integrated with the Peak District National Park & South Pennines Special Protection Area landscapes), the predominantly green belt surroundings in this part of Colne Valley, the moorland fringe and National Character Area 36. Overall, the development does not respect the rural environment.
- The site is within a Green Infrastructure Area.
- “The current proposals completely ignore and ride roughshod over Kirklees Council’s Landscape & Visual Impact Assessment, recommendations and the strong objections lodged over a period of two years by the Council’s own Conservation and Design section.” And “The site is clearly visible from many miles away on the Northern slopes of the Colne Valley and forms the foreground of vistas leading up to the Peak District National Park about 1.7km away.”
- The LVIA recommendations were:
  - “A sensitive approach to reflect the character of the surrounding area and minimise the impact of the development”.
  - “Low density development”
  - “Two-storey units, as can commonly be found within the immediate surrounding area”
  - “Dwellings set back from undeveloped boundaries” (i.e. South and West boundaries).
  - “Sensitive design to ensure unobtrusive inclusion, avoiding hard landscaping”.
- “We are sceptical that the proposed route of foul and surface water sewers, culverts and exceedance flow infrastructure through to Manchester Road, can be delivered without damage to the trees adjoining Manchester Road. Similarly, the high-volume exceedance flows themselves are likely to damage tree roots and tree stability, in that same area.” And a TPO application has been applied for on these trees.
- “Because of the extent of the new land drainage system this requirement will SEVERELY constrain landscaping and planting by the developer and future home owners on ALL parts of the site – especially for larger trees and bushes. It is more likely that the whole land drainage system will quickly become infested with tree roots and vegetation. All the developer’s proposals and arguments about landscaping and mitigation of negative landscape impacts are also null and void.”
- The proposal does not include a comprehensive landscaping strategy.
- No development should be permitted on this site, it is a field.
- The Conservation and Design team have expressed concerns over the proposal which have not been addressed.

- The access road to the rear of no. 45 would be too high and affect their amenity, as well as causing health issues.

### *Amenity*

- The proposal will harm the amenity of residents on all sides of the development through overbearing, overshadowing and overlooking. Overlooking will be exacerbated by the number of balconies proposed.
- Loss of privacy will mean residents have to close their curtains, and in turn have their lights on more, at their own cost.
- Light pollution and noise from the development, from cars and homes, will harm the living of nearby residents.
- Public open space within the site has come at the expense of pushing units closer to the boundary, and in turn closer to 3<sup>rd</sup> party dwellings.
- The application is not supported by sun path calculations to demonstrate overshadowing will not be caused.
- The new access road to plots 13 – 23 would be higher than neighbouring gardens, affecting their amenity.
- The proposal does not include an on-site play area, which is “does not make sense considering the homes are targeted to families”.
- The 3D visuals show that some gardens for the dwellings would be very steep, practically unusable.
- Three storey properties are not suitable for disabled people who have limited mobility. Driveways / parking bays are not accessibly friendly.
- Uncertainty what the ‘future plan’ area on the plans refers to.
- Habitable room windows would be within 21m of neighbouring properties.
- There should be a fence along the path’s boundary with Lower Wood Farm.

### *Drainage*

- The submitted Flood Risk Assessment is inadequate. It fails to assess fluvial flooding and undertake adequate survey of culverts / springs. There are disagreements on many of the points put forward by the applicant’s drainage engineer.
- The proposal will result in surface water gathering rubbish / litter on neighbouring properties boundaries.
- “We remain of the opinion that the proposed surface water discharge point and the downstream receiving watercourse, around and under the bus turn round, are completely inadequate to receive ANY surface water run-off from this development (even an attenuated flow). The attenuation tank has inadequate management and maintenance arrangements.”
- Insufficient detail has been provided regarding the adequacy of the watercourse within the cemetery which will be the discharge point. “Land drainage proposal completely ignores hydraulic capacity of downstream pipework or the legal viability of the proposal. In other words, it may not be deliverable”
- The drainage fails to address exceedance flow channel design and the flows themselves, as they leave site and the damaging overspill arrangement on the open water channel.

- The proposal will cut off the sprint water supply to Lower Wood Farm. New houses will be built upon springs and streams across the site.
- Concerns that the flow of water into Lower Wood Farm's pond will increase, but will hit the limited inlet and therefore build up. Or become blocked by leaf litter / sediment etc. If it backs up, concerns it will then flood into the dwelling.
- Water 'cascades' down Lingards Roads and also pools in the site during heavy rainfall.
- Exceedance events through the east of the site have not been shown.
- It is unclear how the road and parking spaces will be drainage to the east of the site.
- It is unclear why the developer is proposing the pipe the water which currently flows onto Manchester Road; its outside of this site.
- Drainage systems require easements from landscaping; this has not been evidently considered and the landscaping appears to conflict with the drainage.
- Concerns that the development will lead to sediment within the watercourse crossing the site.

#### *Historic environment*

- The proposal fails to protect or enhance the setting of adjacent listed building Far Lower Wood Farm. It is Grade 2 listed and development should not be allowed near to it.

#### *Highways*

- The site should be accessed from Manchester Road and should avoid Lingards Road.
- Due to parked cars Lingards Road is single lane in many places. The proposal would put unreasonable pressure on an already overused road.
- The first driveway on the new road is too close to the access road and will be a danger.
- Inadequate visitor parking spaces would be provided, as the Council require 1 per 4 dwellings.
- The development will increase vehicle movements on Nields Road, which is a school; this is unsafe for children.
- The Transport Assessment is not fit for purpose; it fails to appropriately consider the nature of Lingards Road, such as its gradients, difficult junctions, and how cyclists and pedestrians use it. It contains opinions.
- Lingards Road is a bus route; the development will interfere with this service through blocking the road and extra traffic.
- An increase in traffic on Lingards Road will harm the safety of pedestrians and cyclists. Lingards Road is narrow and cannot accommodate more traffic. It narrows to a single lane towards Chain Road.
- 2011 census data, used to anticipate traffic distribution, is out dated. 2021 data should be used.
- The driveways serving the units fronting Lingards Road do not meet the standards for shared driveways.

- Construction traffic cannot be accommodated on Lingards Road and will affect safe use of the road. This would be exacerbated by contractor parking.
- West Yorkshire Police state, 'Integral garages should be of a size 7m x 3m'. These garages would be at right angles to the road, and unlikely to be used for their intended purpose.
- People do not use their garages for parking, with an RAC survey identified that 70% of people don't use them. Therefore, garages should not be counted as parking spaces.
- Shared drives are unpopular and will lead to arguments and may result in fences being erected to subdivide them, thus negating their effectiveness.
- The proposal ignores its own detrimental impacts on the highway network, including:
  - Lingards Road junction and Nields Road Junction with Manchester Road
  - The very steep lower end of Lingards Road, where there are no footpaths
  - The junction of Nields Road & Lingards Road, exacerbated by the high volume of school traffic on Nields Road
  - Lingards Road below Springfield Avenue – effectively a narrow singletrack carriageway on a blind bend
  - Above Hill Top, including blind bends and terrible junction with Chain Road
- The proposal will lead to more speeding on Manchester Road; more speed cameras on the road should be provided by the developer.
- There are no offsite improvement works, which should be required to facilitate this development.
- The proposal would narrow the carriageway of Lingards Road to 4.85m.
- Plans include proposals to build houses with direct access off Lingards Road and provide a carriageway width of 5 metres. This is completely inadequate given the existing road immediately below the main site entrance is 7.32 metres wide.
- Lingards Road has slipped in the past, including from a gas explosion; the proposal will further make it dangerous.
- The units fronting onto Lingards Road could not reasonably accommodate on-site turning, and may need to turn within the road.
- Residents often have numerous cars per dwelling, with anecdotal evidence of a 4bed house with 4 cars given.
- Additional parking on Lingards Road would interfere with the safe use of the highway, and access by emergency vehicles.
- Dwellings are too distant from turning heads and/or the highway and cannot be adequately served by fire services. The proposal represents a fire safety issue.
- The vehicle sightlines of the units directly onto Lingards Road are unacceptable and fail to take into account the brow of the hill. As a result, visibility will be well below (47%) of what is required. There would also be drystone walls 0.9m in height in the way.
- Wheelie bin storage is inadequate, showing only 1 space per unit. This would also block sightlines.



- Vehicles are typically parked on Lingards Road where residents / visitors park their cars on the road. This will either prevent the site being safely accessed or harm current parking arrangements for residents. The plans show vehicles parked opposite the junction, suggesting the application is encouraging a breach of the Highway Code.
- Vehicle parking bays are below the expected 2.5m x 5.0m. This will lead to vehicles protruding on the pavement.
- The access to plots 34 and 35 would be within 10m of a junction on the opposite side of the road, below required standards.
- Concerns exist that recent appeal decisions, where appeals against refusals were upheld, will factor into officers' assessment of this proposal.
- The entirety of Lingards Road should be widened to 6m along the site's frontage. It is currently too narrow to allow parking on both sides. Vehicles park on the south side of the road and will make accesses the new driveways difficult.

### *Ecology*

- The applicant proposes to offset ecology on-site with a woodland 'miles away'. This is unreasonable for local residents, who lose the benefit of the openness while gain none of the enhancements.
- Woodland will take decades to grow to any real, impactful size and will not affect the current climate crisis.
- The previous outline application on site did not create a need for ecological enhancement.
- The proposal will remove much of the site's acid grassland, which is valuable habitat. The earlier outline required that it be retained. Alternatively, moving the acid grassland to elsewhere in the Green Belt is unacceptable.
- Deer are known to use the site and would lose habitat. The surveys undertaken are inadequate.
- The updated ecological report fails to re-survey the site and is now out of date. Twite have been spotted around the site.
- The proposal should include sedum roofs, as it did when originally submitted in 2020.

7.7 The site is within Colne Valley ward. Local ward members were also notified of the proposal. Cllr Harry McCarthy expressed concerns over the initial intention of the application being presented at committee in December.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

K.C. Highways Development Management: Have been involved in negotiations throughout the proposal. Expressed various concerns which have been addressed through amended proposals, and subject to conditions for improvement works.

K.C. Lead Local Flood Authority: No objection to the proposed surface water drainage details. Concerns have been raised on elements relating to flood routing from Lingards Road. A design response has been discussed with the applicant's consultant and agreed, although officers are currently awaiting review of the amendment in plan form: further details may be provided within the update. Notwithstanding this, the concern raised is not on a fundamental matter and an adequate design response has been agreed verbally. Therefore, the matter may be adequately addressed via condition.

The Environment Agency: No objection. Note the site's proximity to historic landfill sites which may have contaminated the site, however they comment that 'Given the nature of the materials permitted to be deposited in these sites and how long-ago waste was last deposited in them it can be considered unlikely that they pose any environmental risk to the proposed development. However, the developer may wish to undertake, and / or the planning authority may wish to require, a further risk assessment as they see fit'. Ground contamination, including gas, is considered by K.C. Environmental Health.

The Canal and Rivers Trust: No comment.

K.C. Conservation and Design: Conservation and Design officers have been included in negotiations on the site's design throughout. It is noted that the last consultation response from Conservation and Design officers is an objection, relating to the proposal's impact upon the setting of listed buildings. This was authored by a different Conservation and Design officer, following the departure of the original who was involved in the discussions. While the objection is noted, it does not comply with the previous officer's advice. Notwithstanding this, further details have been provided in response to the concerns raised. This is considered further within the report.

## 8.2 **Non-statutory**

K.C. Crime Prevention: Provided advice and feedback through the design process. Expressed concerns to certain parking areas lack of surveillance.

K.C. Ecology: Required further details to be provided by the applicant regarding the impact on the South Pennine Moor Special Protection Area. These have been provided and are considered acceptable.

Other discussions resolved around how 10% net gain would be secured. The proposal initially sought to provide woodland habitat nearby to off-set the loss. This was not considered acceptable, as different habitat to the site and due to its proximity to the SPA. No objection to an off-site contribution to address the shortfall, equating to £99,038. No objection to the proposal, subject to condition.

K.C. Education: Confirmed that an education contribution is necessary for the development. Based on 38 2bed+ units (as education contributions are not sought for 1bed flats of which 4 are proposed) at the time of assessment, a combined contribution of £ 161,274.66 is required (£93,900.66 to Nields junior, infant and nursery and £67,374 to Colne Valley High).

K.C. Environmental Health: Have considered the status of the land regarding contamination. Have also considered other environmental matters, such as noise pollution and air quality. No objection to the proposal, subject to conditions.

K.C. Landscape: Outlined the current provision and standard of open space within Colne Valley ward and how this development may factor into it. Reviewed the proposed open space and welcomed its inclusion. Based on the on-site provision, an off-site provision of £57,791 remains necessary. Also provided a commentary on the landscaping and recommendation for conditions to govern the landscaping.

K.C. Policy: Provided an overview of the relevant policy context for consideration. It is acknowledged that the density is low, but this was expected within the Local Plan due to the site's constraints. Noted that the application extends into the Green Belt, and that this would need to be fully considered within the assessment.

K.C. Strategic Housing: Kirklees Rural: At 42 dwellings, identified that 8 (20% of 42) affordable units are required per policy. The starting point for tenure is Kirklees 55% of the affordable homes being provided as social or affordable rent, and 45% being provided as Intermediate affordable housing (with 25% first homes). Expressed some concern over the location of the affordable homes, which are clustered together and of a specific house type, as opposed to the same house types as market houses, and spread through the site. This is addressed within the report.

K.C. Trees: Note trees are not proposed within the street, as expected by current policy, however acknowledge that this development was submitted prior to the NPPF revision. Trees of value within the site have been retained, however conditions will be required for an Arboricultural Method Statement and a Tree Protection Plan to reassure that the proposed levels and required tree protection will be compatible.

Natural England: No comment, advised follow standard practise and guidance.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design
- Residential amenity
- Highway
- Drainage
- Planning obligations
- Other matters
- Representations

## 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.

### *Land allocation and quantum of development*

- 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. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published fiveyear housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.3 The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. 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.
- 10.4 The site falls within a housing allocation, reference HS125, within the Kirklees Local Plan Allocations and Designations document (2019) to which full weight can be given. Therefore, residential development is welcomed within the site. However, both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. LP7 requires development to achieve a net density of at least 35 dwellings per ha (dph), where appropriate. However, Local Plan allocations have indicative capacity figures. Within the Local Plan Housing Allocation HS125 has an indicative capacity of 36 dwellings. This represents a density of 15dph. This is notably lower than the typical density established elsewhere within the Local Plan.

- 10.5 The previous outline on the site, ref. 2014/93946, was an outline application with all matters (bar access) reserved. The application was unnumbered but included an indicative layout of 27 dwellings on part of HS125. Compared to the later housing allocation, the red-line for 2014/93946 excluded land to the north and east. A lower than typical density was considered necessary on the site given its topography and sensitive location on the edge of a settlement. In concluding the principle of development, in the 2014/93946 committee report, the case officer stated:

*Officers consider low density development, with generously proportioned areas of amenity landscaping, screen planting or public open space incorporated into the design where appropriate would be key to the success of assimilating the new housing into the landscape and minimising the effects on the surrounding setting.*

- 10.6 The Local Plan's indicative capacity for HS125 was based on the indicative capacity of 2014/93946 (27 units) plus a comparable density extrapolated over the additional land (9 units).
- 10.7 The red line for 2014/93946 was 1.78ha, compared to the current application's 2.3ha. Based on the smaller area of 1.78ha, at 27 dwellings the indicative density of 2014/93946 was 15.2dph. At 42 dwellings the proposal has a density of 19 dwellings per ha (excluding the Green Belt land (circa 0.095ha)). For information, at 35dph the site would be expected to accommodate 80.5dwellings.
- 10.8 Comparing a density of 19dph to the indicative capacity density of 15dph, the difference is considered not to be substantial and is not deemed a cause for concern. It remains substantially lower than the starting point expected by LP11, however that policy includes a provision of 35dph 'where appropriate'. Such a high density would be inappropriate for this site, as demonstrated when this proposal sought 57 units (which equated to 29.9dph). A full assessment of the visual impact, and other implications of the density as proposed on the environment, will be considered elsewhere within this report, when looking at the detailed impacts.
- 10.9 The application's red line does not extend to the entirety of HS125's boundary, excluding several areas. Notably, this includes the garages along Lingards Road of the east of the site being excluded. The applicant has left land behind these garages vacant, as 'plot for future development'. Officers are satisfied that the combined area of the garages and 'plot for future development' is a practical development plot, should the landowner wish to bring it forward in the future. With this provision, and the minor nature of the other areas excluded, officers are satisfied that the areas excluded would not be representative of ineffective land use (i.e., the proposal would not sterilise land which could otherwise be built upon).

- 10.10 Looking beyond density, LP11 of the Local Plan requires consideration of housing mixture. LP11 requires a proposal's housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2, 3, 4+ bed) and form (detached, semi, terrace, bungalow). The starting point for considering the mixture of housing types needed across the district is the Kirklees Strategic Housing Market Assessment (SHMA). The following housing mixture is proposed:
- 1bed (flat): 3 (7%)
  - 2bed (flat): 5 (11%)
  - 3bed: 16 (38%)
  - 4bed: 14 (33%)
  - 5bed: 4 (9%)
- 10.11 Within this, the proposal includes a proportionate mixture of flats, semi-detached, terraced, and detached units. The proposed housing size mixture is welcomed and are considered representative of the needs for the area. Accordingly, the proposal is considered consistent with the expectations of LP11.
- 10.12 The site is a housing allocation in the Local Plan, with the proposal considered to represent an effective and efficient use of the allocation, in accordance with relevant planning policy. The proposal would aid in the delivery of the Council's housing targets and the principle of development is therefore found to be acceptable.

#### *Green Belt*

- 10.13 The proposed attenuation tank would be sited in an adjacent field, which is land allocated as Green Belt.
- 10.14 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 149 (buildings) or 150 (other works) of the NPPF, and as built upon within the Local Plan.
- 10.15 Paragraph 150 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The paragraph specifies what types of development can be considered in this way, and the prescriptive list includes engineering operations. An attenuation tank, as a retained void, and re-grading works are considered to be engineering options.
- 10.16 First considering the harm of the tank installation, it would protrude above the existing ground level, but the ground would be re-graded as grassland to prevent it being visible when completed. The topography in the area is defined by sloping land, of varying steepness. Post implementation the ground is not expected to appear materially different or identifiable as altered, beyond necessary maintenance access hatches. These would not be conspicuous from any public vista or beyond a very short distance. Management and maintenance access would be rare and is not expected to result in a material intensification of movements within the Green Belt which could be deemed detrimental to openness.

- 10.17 Paragraph 138 of the NPPF identifies five purposes of the Green Belt. These are:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

A subterrain attenuation tank, with minimal prominence above ground level and rare access is not considered to contradict any of the above.

- 10.18 Concluding on the above, while works are proposed within the Green Belt, they are considered appropriate development which would not harm the openness of the Green Belt. Nor would it conflict with the purpose of the Green Belt. As such the development is considered to fall within the exemption of Paragraph 150 and is considered consistent with the aims of Chapter 13 of the NPPF.

*Sustainable development and climate change*

- 10.19 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
- 10.20 The site is within the urban envelope, albeit on the edge of it. Nonetheless the site is considered a location sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. Bus stops adjacent to the site give reasonable access to the district centre of Huddersfield, while Slaithwaite and its various amenities are within 1km walking distance. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.21 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

## Urban Design

- 10.22 Relevant design policies include LP2 and LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; 'Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.
- 10.23 There is development to the north, east and south around the site, so the proposal would not appear as a rural extension (i.e., encroaching into open countryside). Nonetheless, the site is on the edge of the urban environment, where the environment is transitioning into the open rural environment. Furthermore, as a sloped site on a valley side the development will be visible from short- and long-distance vistas. Inevitably, the development of the site from greenfield to a residential estate would have notable impacts upon the appearance of the environment; therefore, a considered design is required.
- 10.24 Ten of the proposed dwellings would front onto Lingards Road, reflecting the established layout of dwellings fronting onto the road opposite the site and to the east. These units are to be a mixture of detached and semi-detached, likewise replicating the established form of dwellings along Lingards Road.
- 10.25 The remaining 32 units would be accessed via a new road from Lingards Road, branching into two cul-de-sacs. The initial proposal included the access splitting into two primary roads in the main body (west portion) of the site, which necessitated extensive retaining walls, plus a third road to the east. This was considered excessive on the site and harmful to the rural-transition character.
- 10.26 The proposed road design is considered a more suitable response to the site. The road bends slightly; while units front it, their angles onto the road and their set-back distance are more varied than is evident elsewhere in the area, where dwellings are perpendicular to the road, set at strict angles to one another and at regular setbacks. This would not be so substantial a difference to appear out of keeping and combined with the lower density would be a suitable transition from urban to rural environment.
- 10.27 Plots 6 – 8 also face toward the road but are set back behind the open watercourse on the site. The dwellings would be accessed via (private) bridges. Their parking would be via a car port comprising of a simple structure, open to the front / rear with solid stone side walls with pitched roof. This is an interesting design response to the constraint of the watercourse. While unusual, it is not an unattractive design, nor would it be prominently visible from the area so would not result in an incongruous feature. Likewise, the communal carport is not a feature typical in the area, but it is low impact and designed to fit into the character of the development, without detriment to the wider area's aesthetics.
- 10.28 It is accepted that the proposal would introduce development adjacent to the site's west boundary. This boundary serves the double purpose of being the Green Belt boundary as well as urban edge, with open countryside beyond. The proposal has sought to keep density towards the west lower; three



dwellings would have side elevations facing the edge, plus a turning head. Officers are satisfied that the proposal has achieved a reasonable response to the edge, through keeping a lower density of development and landscaping works. The units on the boundary are in line with those on Lingards Road and Manchester Road, therefore not projecting beyond the established 'line' of the rural edge. The boundary treatment along this edge is considered further below.

- 10.29 Following comments from officers, the applicant has demonstrated that careful consideration has been given to the shape, form and massing of the dwellings, including their roof forms. The design of the units and wider site has had to balance several constraints, including reducing the reliance on retaining walls, keeping the heights of units to a minimum, and harmonise with the established built environment. The result of this is evident in the varied number of housing types, many of which have bespoke designs to respond to different parts and challenges of the site. Split level properties are not uncommon in the area, with many units fronting onto Lingard Road having underbuild and/or more floors facing into the valley.
- 10.30 Retaining walls have been kept to a minimum and units heights kept lower through units being split level. Facing north (uphill) units are predominantly one or two storeys, while facing south (downhill) units are either two or three storeys. This allows the dwellings to partly act as retaining structures and allows them to screen retaining elements elsewhere on the site. Where retaining walls are needed, many of these are to be 'green' retaining walls that incorporate living elements. The implementation of these green walls may be secured via condition. The condition may also seek management and maintenance details, although it is also recommended that the management of the 'green' retaining walls be linked to the site's management company (where outside of curtilage) within the S106 agreement.
- 10.31 In appearance, the units would have many traditional design features, such as fenestration layout and materials (considered further below), however it is accepted that the roof forms have a largely unique design to address the constraints. Many roofs are asymmetrical, to keep as low a profile as possible, and includes cut-ins to accommodate terraces, to keep the massing of the roofs low. Despite this, the roofs follow the established characteristic of sloped roofs or gables facing into the valley, and it is not considered the identified roof features would cause the roofscape to appear incongruous or unattractive, while they do achieve their objective of breaking up the roofs and lowering the evident heights.
- 10.32 For materials, buildings in the area are pre-dominantly natural stone. Render and brick properties are evident, but they do not form a defining character and may be considered secondary. Roofing materials are more varied and include natural and artificial slate and tiles of differing colour. The proposed dwellings are to be faced in natural coursed stone, which is welcomed as a high-quality material and character of the area. Roofing is to be concrete tiles, which will likewise fit into the area. Nonetheless, for both the walling and roofing materials, samples are to be required via condition to ensure suitable end products are used.

- 10.33 Overall, the appearance and layout of the proposed dwellings is considered acceptable. The design, while including atypical features to some of the roofs, is considered to suitably balance an innovative approach to the site's constraints with traditional Pennine vernacular to fit into the established character of the area.
- 10.34 Several areas of Public Open Space are spread through the site, and notably include two substantial portions within the east side of the site. These would be attractive features of the site that would also assist in breaking up the mass of development through introducing open landscaped areas as you transition from the built environment to the east, to the western open countryside. An indicative landscape masterplan has been provided which shows that the Public Open Spaces are to be landscaped and are to include numerous trees; full landscaping details, including species mixture etc., are to be secured via condition along with management and maintenance details.
- 10.35 Trees within the site are limited however, two notable trees are located within the ruins of the old pump house. These are intended to be retained; a condition requiring Arboricultural Method Statements and a Tree Protection Plan will be imposed demonstrating how these will be retained; if unfeasible to retain them, commensurate re-planting would be expected with the landscape details. It is acknowledged that trees are not proposed within the Highway. This application pre-dates that policy requirement, as negotiations have been ongoing for some time. Despite this, the streets (including Lingards Road) will be tree-lined by trees within front gardens. The footpaths through the Public Open Space would also be tree-lined. Ultimately, officers are satisfied that sufficient tree planting is proposed within the Public Open Space and front gardens to ensure a verdant character which achieves the overall aims and objectives of current street planting policies.
- 10.36 Rear boundary treatments are to consist of 1.8m close boarded fencing where within 2m of the dwellings, before dropping to 1.2m elsewhere. This will secure privacy while also keeping boundary treatment low; this is welcomed on the rural edge and will prevent distant views being dominant by fencing. Plots 1 – 8 would have a vegetated rear boundary, which is considered acceptable in principle, subject to full details as part of the landscaping details. Where rear gardens abut the public realm (footpath or highway), boundaries are to consist of 1.5m close boarded with 0.3m trellis atop. This balances privacy and security, while also keeping the evident massing of the boundary fencing lower.
- 10.37 The western boundary is shown to be retained as the existing low drystone wall. Low stone walling to gardens (as opposed to fencing) is not unusual within the rural environment. Conversely, while welcomed from a design perspective, the Council's Police Liaison officer has raised concerns over the lack of security of this boundary. This is considered further in paragraph 10.125 – 10.127.
- 10.38 The above assessment has been based on the proposal as submitted. Given the topography of the site it is considered further development on the site, via extensions or outbuildings, could notably affect the quality of the design. It is therefore considered prudent to remove permitted development rights for outbuildings and extensions for all units within the site.

- 10.39 Further to the above assessment, residents have highlighted that the previous application on the site (ref. 2014/93946) was supported by a Landscape & Visual Impact Assessment (LVIA), written by K.C. Landscape. It should be noted that, as an outline application with all matters reserved, the design elements of 2014/93946 were speculative. The undertaking of a LVIA at that time was therefore considered reasonable, to consider the potential impacts. As a full application, with details of design available, a repeated LVIA is not deemed necessary, nor is it a stipulation within the Local Plan allocation for the site. Nonetheless, residents have raised that this proposal is contrary to the last LVIA's recommendations. For completeness, these are below:

*Future design will need to ensure a sensitive approach to reflect the character of the surrounding area and incorporate mitigating elements to filter views and minimise the impact of the development. We would expect the following:*

- *In terms of scale - At this outline stage the scale of the proposal has not been indicated however it is anticipated that the majority of dwellings within the site will comprise of two storey units, as can commonly be found within the immediate surrounding area and as shown in the photographs.*

**Officer comment:** This anticipation for 2 storeys is noted. However, at detailed design it was noted that to facilities two storeys would require extensive retaining structures that would be unduly prominent. In response to this, the proposal has been designed with split level units, to enable the dwellings to retain much of the land. Most dwellings are split level, presenting either one / two storeys up the valley, or two / three down. This has been considered in paragraphs 10.29 and 10.30 And is considered acceptable as proposed.

- *Building materials shall be carefully selected to aid integration with the surroundings and character of the area.*

**Officer comment:** This has been achieved, as noted in paragraph 10.32.

- *Low density development with generously proportioned areas of amenity landscaping, screen planting or public open space incorporated into the design where appropriate.*

**Officer comment:** At 19 dwellings per ha the proposal is low density and there are notable areas of open space and landscaping, including screen planting.

- *The proposed layout must carefully consider the site constraints, in particular the topography and the surrounding built environment.*
- *Dwellings set back from undeveloped boundaries and the clever use of existing landform and topography with the creation of bunds or mounds together with mitigating structure planting to soften outlines of the new built form.*

**Officer comment:** The proposal is a highly bespoke design which has addressed the site constraints well. The 'undeveloped boundaries' refers to the west boundary, into the Green Belt. It is acknowledged that units would be adjacent to this boundary, however these have been spread out and are at a

low density, being only three units. Bunds and mounds have not been included, as they are not considered necessary nor would they add to the proposal. Planting is proposed throughout the site which will soften the massing of the units.

- *The location and setting of vehicular access, parking, garages and bin store locations requires sensitive design to ensure unobtrusive inclusion, avoiding swathes of paving and hard landscaping.*

**Officer comment:** This is considered to be achieved. The listed facilities are well spread through the site and would not be unduly prominent. There would not be large *swathes of paving and hard landscaping*.

- *Existing trees retained and incorporated into the design where appropriate.*

**Officer comment:** The prominent trees within the centre of the site, those deemed to be of most value, are to be retained.

- *Substantial, sensitive design and appropriate planting incorporating native species and ensuring the maintenance and development of green corridors throughout the site. Reference should be made to Kirklees Council UDP, EP11 – ecological landscaping*
- *Creative use of the existing stream to improve and enhance the existing biodiversity with inclusion of species rich grasslands, native hedgerows and native tree and shrub planting.*

**Officer comment:** These two points are considered to be achieved via the proposal. The lower density allows for a green corridor through the site and the stream has been retained, with path running alongside. Native trees, shrubs and hedgerow are to be provided throughout, however the retention of *species rich grasslands* was not feasible. In discussions with K.C. Ecology, who do not object, such grassland was not considered compatible with residential development. However, an off-site ecological enhancement sum has been secured and may be put forward to such improvements (as identified by K.C. Ecology) to secure the 10% ecological net gain in the area.

- 10.40 The previous LVIA is not part of this application, and each application must be assessed on its own merits. The previous LVIA carries very limited, if any, planning weight for this application. It is reiterated that officers must assess the proposal on its own merits: when the LVIA was drafted, no substantial details were held and it was intended as guidance only to determine the potential impacts of developing the then Provisional Open Land site, not strict parameters. However, residents have raised it and as such it is considered reasonable for officers to consider its recommendations the points. In conclusion the LVIA states:

*the proposed scheme could conflict with the local pattern and character, and cause an adverse effect on the landscape if not carefully mitigated, however, the landscape could accept the addition of elements not uncharacteristic of the area if carefully designed.*

It must be accepted that any development would affect the character of the site. Nonetheless, as identified above, officers are satisfied that the proposal complies with the general findings of the LVIA and, more importantly, would not harm the landscape setting of the area through the careful design proposed.

- 10.41 In summary, the proposed works would notably change the character and appearance of the site and wider area, while being visible from long vistas within the valley and opposite valley side. Nonetheless, the proposed development is considered to be well designed to a high standard. While including atypical design elements, these do not define or dominate the proposal. The lower density has allowed for a considered design that appropriately responds to the topographical constraints of the site. The proposal would represent an attractive continuation of the residential environment, while appropriately transitioning to the rural landscape to the west. Accordingly, the proposal is deemed to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, and Chapter 12 of the NPPF.

### *Heritage*

- 10.42 Two listed buildings are adjacent to the site; Lower Wood Farm (Grade 2 Listed) and nos. 25 – 31 Lingards Road Grade 2 Listed. The site is not within a Conservation Area. Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting the LPA should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.43 The listed buildings comprise of C18th farmhouse and associated barns (Lower Wood Farm), as well as workers' cottages (nos. 25-31 Lingards Road). The heritage value of the buildings comprises of their historic architectural form, representative of local vernacular at their time of construction, and their setting adjacent open pastureland, particularly for Lower Wood Farm which has association with the application site.
- 10.44 The proposed development is not to the heritage asset itself. Therefore, there would be no direct harm to the architectural fabric of the building. Nonetheless, as identified the setting of the buildings is of importance.
- 10.45 First considering nos. 25-31, the open fields to the rear (e.g., the site) play less of an important role to their setting. Worker's dwellings are sited where needed, in this case there being considered not intrinsically link to open fields etc. Furthermore, the fields are set more to the side, with the closest area proposed to be kept as open POS. The closest new units (house type J and flats 13 – 18), have been designed with a more traditional architectural design comparative to the rest of the site, to more closely reflect the design of the listed buildings. While it is accepted any new development within the setting of a listed building will cause a degree of harm, the proposal's impact on nos. 25-31 would be on the lower end of less than substantial.

- 10.46 Turning to Lower Wood Farm, it is a historic farmstead which presumably farmed the surrounding land thus inferring historic connection with the site. Historic maps (1893) show the surrounding land as subdivided fields around the site. Any development on the farmstead's former farmland would affect its setting. However, as a no longer operational farmstead, the site's agricultural association with the adjacent agricultural land has functionally been severed. Dwellings rising above the farmstead and visible alongside it is already established, which the proposal would mimic albeit closer. The layout has incorporated a sizable gap between Lower Wood Farm and plot. 8 (22m) to the side, and plots 9 – 12 (34m) and flats 13 and 14 (29m) to rear. Flats 15 – 18 would also be sited to the side / rear of the farmstead (30m). These would be maintained through the removal of Permitted Development rights, to prevent new outbuildings and/or extensions encroaching into the gap. The farm's watercourse would be retained. As has been noted these units have an attractive design which, while including innovative features, is rooted in Pennine vernacular. The flats particularly have complementary designs, with simple form and architectural detailing reflective of the farmhouse's own.
- 10.47 Overall, the fabric of the listed building would be wholly unaffected. While its setting would be somewhat eroded, this is mitigated by appropriate spacing and good design. Accordingly, the proposal would not cause substantial harm to the heritage value of Lower Wood Farm. The harm to the heritage asset would be categorised as less than substantial. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 10.48 The delivery of residential development, at a time of national crisis, is considered a substantial public benefit. The proposal would be secured with a full complement of S106 obligations, to the benefit of the public, and planning conditions are imposed to ensure quality elements of the development are delivered.
- 10.49 The proposed development would cause less than substantial harm to the identified heritage assets. However, an appropriate design and good spacing the harm is kept to a minimal. The public benefits are considered to outweigh the identified less than substantial harm. Accordingly, the development is deemed to comply with the requirements of S66 of the Planning (Listed Buildings & Conservation Areas) Act 1990, national Policy in Chapter 16 of the NPPF and the guidance contained within Policy LP35 of the Local Plan.

#### Residential Amenity

- 10.50 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.51 Existing residential properties neighbour the application site to the north, east and south.

- 10.52 The development complies with the minimum separation distances outlined within the Housebuilders Design Guide SPD, namely 21m between facing habitable room windows (and 12m between habitable room windows and an elevation that is blank or hosts only non-habitable windows), with one exemption (considered below). However, it is acknowledged that the guidance also states that longer distances may be necessary if there is '*steep topography on the site, which presents challenges relating to overlooking*', which shall also be considered.
- 10.53 Lingards Road, to the south and east, is higher than most of the application site. Dwellings on the south side of Lingards Road that overlook the site are predominantly single storey (with underbuild) or two storeys in height. The new dwellings fronting the north side of Lingards Road would be of equivariant height, or marginally lower, than the units to the south of Lingards Road. All new units would have a minimum 21m separation distance to their opposites on the southside of Lingards Road, with one exemption, plot 42.
- 10.54 Plot 42 and no. 72 Lingards Road would be 20.9m, which is a minimal shortfall that would not, in practise, be perceptible. In further mitigation, the public realm intercedes between these units, with the window-to-window distance exceeding 21m and the elevations being at a slight orientation to one another. As such, there is considered no harm through this arrangement.
- 10.55 Regarding the existing units on the north side of Lingards Road, to the east of the site (nos. 37 – 45 Lingards Road), these are likewise on a higher ground level than the proposed new dwellings. These would have an outlook from their rears, at distances exceeding 21m, towards plots 13 – 22. A road serving plots 13 – 23 would run adjacent to their rear boundaries and would be lightly trafficked. This road has been re-designed during the application to ensure it would not prejudice the amenity of nos. 37 – 45: as now proposed it'd be set an adequate distance away from the identified properties, on a lower level, with intervening open space. The relationship is not considered materially detrimental to the amenities of the existing dwellings.
- 10.56 The dwellings to the north of the site, which front Manchester Road, are on a notably lower ground level than the proposed dwellings. Given the existing steepness, the direct eyeline outlook is into their own gardens, with looking up required to view the site. As elevations fronting the lower ground, the rear elevations of the new units would be three storeys in height. Given the circumstances, it is clear that 21m would be an insufficient separation distance, however that proposed is notably greater.
- 10.57 The lowest separation distance to the units' fronting Manchester Road is 32m (plot 1 to no. 64 Manchester Road), although it ranges up to 50m for other units (plots 4 and 5 to 60 Manchester Road). Furthermore, while three storeys to their rear, the properties have been designed to be architecturally split level, therefore to the rear the third storeys are principally incorporated into the roof space which reduced their evident height. Additionally, the plots have been orientated to primarily not be directly face onto the units on Manchester Road, being at oblique angles. As a final aspect of mitigation, tree planting (using semi-mature standards) is proposed along the boundary to soften the visual impact, the provision of which may be secured via condition.

- 10.58 The proposed development will inevitably change the outlook for existing residents on Manchester Road, who currently have a clear view onto open land from their rear elevations. Nonetheless, it is established in the planning system there is no right to a view. Officers must consider whether the development would cause material harm to their amenity, with due regard given to whether overbearing, overshadowing, overlooking, or other material impacts may be caused.
- 10.59 In regard to overlooking, at a minimum distance of 32m and where the relative angle of the dwellings would be oblique, officers are satisfied the outlook would not be unduly invasive for existing residents. For overbearing, while it is accepted that the new dwellings would be prominently visible from the existing dwellings windows on a higher ground level, giving due regard to the identified separation distances, difference in angles between the existing and proposed units, that the units are semi-detached with reasonable gaps between, and finally the proposed vegetation, officers are satisfied that the relationship would not constitute materially harmful overbearing. Likewise, while it is accepted that the development would be to the south and east of the units on a higher ground level, given the separation distance and spacing of the proposed units, the proposal is not expected to result in materially harmful overshadowing of the existing dwellings to the north.
- 10.60 A retaining wall is proposed between the new dwellings and the properties on Manchester Road. This varied in height, with a maximum of circa 1.5m. It is designed as a sloped 'green retaining wall system', as opposed to a solid, vertical wall. Given its modest height and intended form, and that it would be seen in the scope of the existing rising land level, it is not deemed an overbearing feature.
- 10.61 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.62 In summary, officers are satisfied that the development would not materially prejudice the amenity of existing neighbouring dwellings. Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.63 The size of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.



- 10.64 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.

| House Type                                   | Unit Size   | Number of units | Proposed (GIA, m <sup>2</sup> ) | NDSS (GIA, m <sup>2</sup> ) |
|--|-------------|-----------------|---------------------------------|-----------------------------|
| A1 – 5bed                                    | 5bed8person | 3               | 242                             | 134                         |
| A2 – 4bed                                    | 4bed8person | 3               | 214                             | 130                         |
| A3 – 5bed                                    | 5bed8person | 2               | 224                             | 134                         |
| B1 – 4bed                                    | 4bed8person | 1               | 213                             | 130                         |
| B2 – 4bed                                    | 4bed8person | 1               | 213                             | 130                         |
| C1 – 3bed                                    | 3bed6person | 5               | 140                             | 108                         |
| C2 – 3bed                                    | 3bed6person | 3               | 158                             | 108                         |
| C3 – 3bed                                    | 3bed6person | 6               | 127                             | 108                         |
| D1 – 4bed                                    | 4bed8person | 4               | 194                             | 130                         |
| E – 5bed                                     | 5bed8person | 1               | 183                             | 134                         |
| F – 5bed                                     | 5bed8person | 1               | 183                             | 134                         |
| G1 – 4bed                                    | 4bed8person | 1               | 203                             | 130                         |
| G2 – 4bed                                    | 4bed8person | 1               | 200                             | 130                         |
| 1bed (flat)<br>(plots 15, 16,<br>20)         | 1bed2person | 3               | 50 –<br>55.5sqm                 | 50                          |
| 2bed (flat)<br>(plots 13, 14,<br>17, 18, 21) | 2bed3person | 5               | 62 – 69 sqm                     | 61                          |
| J – 3bed                                     | 3bed6person | 2               | 109 –<br>118.5sqm               | 102                         |

**Note:** Due to the complexities of the site there is a higher than usual 'bespoke' design approach to dwellings, resulting in a higher volume, but lower number of each, of house types. Responding to these constraints also leads some house-types to have slightly differing internal areas, such as the flats and J type.

- 10.65 All units exceed the NDSS minimums. All would have well-proportioned habitable rooms, that are served by good sized windows that provide a clear outlook, with one exemption. The 2<sup>nd</sup> bedroom of plot 13 (2bed flat) would have a limited outlook of circa 2.6m to a retaining wall. While this is a negative of the proposal, officers have worked closely with the applicant to encourage a layout which addresses the site's topography and shape, while ensuring appropriate design and integration into the area. Ultimately, as a second bedroom to a new flat, any resident would be aware of the arrangement prior to occupation. Weighing these considerations against the positives of the scheme, on balance, the limited outlook for one flat's second bedroom is considered acceptable.

- 10.66 All units (excluding flats) have a garden and outdoor amenity space; however, it is accepted that these spaces are not all commensurate to the scale of the respective dwellings. For example, plots 9 and 40 would have notably small outdoor private areas compared to the scale of the dwellinghouse. The gardens would also be largely on sloping land. Kirklees Local Plan does not include garden size standards. Policy seeks a balanced appreciation of the amenity standard future occupiers would have. While it is acknowledged that the gardens would be comparatively small to the dwellings, the dwellings are sizable and would provide a high level of amenity in themselves. The examples identified, 9 and 40, as most units on the site would have reasonably sized private patio areas, if not grassed lawns. Beyond this, the site is considered well served by public open space that will be accessible by all, as well as the site being adjacent to the rural environment. Furthermore, future residents will be aware of a dwellings outdoor space prior to purchase, and it is therefore their choice. Considering these factors, while the smaller garden sizes are noted it is not deemed to result in a materially harmful standard of amenity for future residents.
- 10.67 Public Open Space of 2,557sqm would be provided on site and would contribute to the amenity of future and neighbouring residents. However, this falls below the required on-site contribution, calculated in accordance with Local Plan policy LP63 and the methodology set out in the Open Space SPD, nor would a dedicated Local Area of Play (LAP) be provided on site. To offset this shortfall a contribution of £57,791 would be provided, to be spent in the local area. It is recommended that this contribution be secured in the required Section 106 agreement, along with provisions to secure details of the management and maintenance of open spaces.
- 10.68 To summarise, the proposed development is considered not to be detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with LP24 of the Kirklees Local Plan.

#### Highway

- 10.69 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 would 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.
- 10.70 Paragraph 108 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 109 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.

10.71 First considering traffic generation, a proposal of 42 dwellings is expected to generate the following movements:

|                | <b>Arrival</b> | <b>Departure</b> | <b>Two-way</b> |
|----------------|----------------|------------------|----------------|
| <b>AM Peak</b> | 8              | 21               | 29             |
| <b>PM Peak</b> | 21             | 8                | 29             |

- 10.72 Census data indicates that generally 90% of the peak time traffic will turn left out of the site towards Slaithwaite and 10% will turn right towards the B6107 and then travel onwards towards Meltham and beyond. This would result in approximately 27 two-way movements (90%) at the two Manchester Road junctions with Lingards Road and Nields Road (equating to 1 vehicle every two minutes). For the other 3 movements (10%), these would approach the Lingards Road / Chain Road junction; spread across an hour this would be negligible. This volume of additional traffic is not considered sufficient to warrant any assessment of the Manchester Road or Chain Road junctions.
- 10.73 Progressing to the internal road arrangements, the submitted road layout details and Stage 1 Road Safety Audit have been reviewed by K.C. Highways, who considered there to be no prohibitive reason preventing a scheme for adoption being brought forward at S38 stage. It is deemed to comply with the standards of the Highways Design Guide SPD. Full technical details of the new access road, to an adoptable standard, are to be sought via condition.
- 10.74 Ten units would be accessed directly from Lingards Road. The proposal includes the provision of a 2m wide footway along the site's frontage with Lingards Road. Currently the north side of the road has no footpath, and that on the south side is below 2m in places. This provision would provide an improvement to pedestrian movements, which welcomed, but also secure the adequate sightlines for the ten dwellings. The provision of this footpath, to an adequate standard, may be secured via condition.
- 10.75 Swept path analysis has been provided which demonstrates acceptable turning arrangements for refuse vehicles. One shared private drive is proposed; each of these would be served by a waste collection area, allowing for effective collection by refuse services. The provision of these waste collection areas may be secured by conditions. Given the scale of the development, which will likely be phased, a condition is to be imposed for a waste collection strategy during the construction phase. This is because refuse services will not access roads prior to adoption therefore appropriate arrangements must be considered and implemented.
- 10.76 All dwellings would have a level of dedicated off-road parking in accordance with the Highways Design Guide SPD. The provision of this may be secured via condition. In terms of visitor parking, the Highways Design Guide recommends one per four dwellings. For the 33 units accessed off the new road this would equate to eight visitor parking spaces. Three dedicated visitor bays have been provided, with sufficient details provided to demonstrate that the remaining five may be accommodated on-road without affecting vehicle movements. For the ten units fronting onto Lingards Road, Lingards Road is capable of hosting visitor parking.

- 10.77 The proposal will require excavation and works adjacent to retaining elements of Lingards Road. A condition is recommended requiring full technical assessments of the retaining wall and works nearby to it. This is to ensure the safety of the adopted highway.
- 10.78 Public Right of Way (PROW) COL/133/10 runs along the site's west boundary. It is largely an unmarked grass track through the open field. While it partly falls within the allocation / red-line boundary, no works are proposed to it. The development would have two connection points onto it. Likewise, no works are proposed to PROW COL/177/10, although the development will connect onto it. The development would bring structures closer each of these footpaths and change their setting when walking along. Nonetheless, this is not considered materially harmful to the amenity of either path's users. New structures would not be unduly close and would not create a tunnelling effect or safety concerns on the PROWs. A note advising the applicant to not interfere or block the PROWs is recommended.
- 10.79 Given the scale and nature of the development officers recommend a Construction Management Plan be secured via condition. This is to ensure the development does not cause harm to local highway safety and efficiency. This would be required pre-commencement, given the need to ensure appropriate measures from the start of works. K.C. Highways DM have also advised that a 'highway condition survey' be undertaken, via condition. This would include a review of the state of the local highway network before development commences and a post completion review, with a scheme of remediation works to address any damage attributed to construction traffic. This request is considered reasonable and a condition is proposed by planning officers.

#### *Sustainable Travel*

- 10.80 LP20 of the Kirklees Local Plan states '*The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day-to-day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.*'
- 10.81 Travel Plans are not required for residential developments below 50 units. Nonetheless, due regard has been given to other methods of sustainable travel and how they may be promoted / improved.
- 10.82 The site is within walking distance of various amenities and services. This includes the local centre of Slaithwaite, the centre of which is circa 800m away from the site. Bus stops with frequent services to Huddersfield centre and towards Manchester are accessible on Manchester Road, with the stops being circa 300m away. Nields Junior, Infant, and Nursery School is circa 400m away.
- 10.83 However, in places the footpath provision to the above facilities has been identified as poor. This includes where the lower section of Lingards Road meets Manchester Road; there is no footpath provision. Indicative designs for the provision of a footpath along here have been undertaken by the applicant which demonstrate that a footpath provision is feasible. In the interest of promoting pedestrian movements towards the bus stops and Slaithwaite, a

condition for the delivery of the scheme is recommended. It should be noted that Highway Safety, in reviewing the indicative proposal, commented it may require the small section of road to become single lane. Given the safety benefits of a footway, along with the other suitable access on Nields Road, this would not be opposed in principle, but would have to be considered further at detailed design stage.

- 10.84 Regarding the route towards Nields Junior, Infant, and Nursery School, crossings at the Yew Tree Lane / Springfield Avenue junction and Yew Tree Lane / Nields Road junction have been identified as being below modern standards. A condition requiring the improved crossing facilities (expected to include dropped crossings and tactile paving) at these junctions are recommended.
- 10.85 It should be noted that each will be subject to Traffic Regulation Order applications, which are subject to separate public consultation and assessment processes. Should the TRO applications be refused, it would demonstrate that the works are unfeasible. Highway improvements should only be implemented to the extent that they are reasonable.
- 10.86 On the matter of public transport, Slaithwaite Train Station is circa 1km from the site, within walking distance. For buses, the above-mentioned improvements to the lower section of Lingards Road would improve connectivity to the bus stops on Manchester Road. West Yorkshire Combined Metro have advised that the closest two bus stops on Manchester Road should be improved with both Real Time Information systems (£10,000 per stop), plus shelters (£13,000) per stop, at a cost of £46,000. Bus only metro cards are requested, at a cost of £21,994.50.
- 10.87 A combined metro contribution of £67,994.50 is considered disproportionate to the scale of the development and would be unreasonable in this case. Giving due regard to the various improvements already identified, and the public benefit this would cause, a reduced metro provision of £26,000 to provide bus shelters would be proportionate to the scale of the development, while being the most effective use of the contribution for the wider public.
- 10.88 In regard to other methods of travel, opportunities for cycle improvement in the area are limited. Nonetheless, the provision of cycle storage facilities and electric vehicle charging points (EVCP), one per dwelling, are also recommended to be secured via condition. This is to promote alternative, low emission, methods of travel.
- 10.89 The site is within a sustainable location. Furthermore, the proposal includes highway improvements that will promote walking towards local facilities as well as a contribution towards public bus infrastructure. Other conditions relating to cycle storage and EVCP are proposed. As such, the development is deemed to comply with the aims of LP20.

#### Drainage

- 10.90 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) and Drainage Management Strategy was submitted by the applicant.

- 10.91 There are two watercourses of note within / adjacent to the site.
- 10.92 There is an open watercourse crossing the site which exits the site on the northern boundary. This is fed by a mixture of spring water and surface water within the site. Flows from this feature are controlled by the adjacent landowners via a small basin with an inlet and outlet structure. The surface water is then routed towards Manchester Road via a culverted section adjacent to the gable of No. 50A Manchester Road. The watercourse is fed by a series of springs which emanate from within the Millstone grit rock on the southern boundary of the site. At present Lingard Road affectively provides a cut-off for overland flows entering the site along the southern boundary. It is unknown whether any culverts run under Lingards Road and contribute to this catchment.
- 10.93 To the immediate west of the site is a culverted watercourse. It runs along the entire western length of the site, before running under Manchester Road and discharging into a watercourse within the cemetery to the north. It is damaged in places.
- 10.94 In addition to the watercourses, an historic water tank is within the site. This is understood to be spring-fed from the surrounding land, and an adjacent landowner takes supply from the tank.
- 10.95 A surface water drainage strategy to address pluvial events has been provided. The applicant has followed the drainage hierarchy. As a sloped site above dwellings with clayey soil infiltration is not feasible. Given the varied levels of the site, two outfalls are proposed.
- 10.96 For the east of the site five of the units and their surrounding area will discharge into a combined sewer already crossing the site (to be partly diverted where it crosses through the site). This would be self-contained, having a nominal discharge rate of 3l/s and would be attenuated via the pipe work itself.
- 10.97 The majority of the site will discharge into the existing culverted watercourse adjacent the west of the site. Where it connects into the existing culvert and further downhill will be made good (as required). The applicant's surface water drainage strategy has demonstrated that via attenuation, an acceptable discharge rate of 6.6l/s may be achieved.
- 10.98 In addition to the above, in their survey work the applicant identified surface water from the western field flowing onto Manchester Road without control, via a retaining wall. The applicant proposes to install a soakaway and drainage pipe within the field which would feed into their new drainage system, thus removing the free-flowing water onto Manchester Road. This would reduce flood risk on Manchester Road and may be seen as a benefit for the proposal; but for the avoidance of doubt the flood risk is existing, is outside the side and would not be made worse by the proposal. Therefore, its inclusion in the proposal is not necessary to make the proposal acceptable in planning terms; nonetheless its inclusion is welcomed.

- 10.99 In regard to the open watercourse which crosses the site, the applicant proposes to make good / renew the existing culverts which feed it and would maintain the level of flow they currently provide. This would maintain the level of discharge they currently provide into this watercourse. The watercourse would receive less surface water from the site, which is to be re-routed to the new surface water systems, which in turn is expected to lower the flow into the neighbouring land (but would not remove it, as the existing culverted inputs are retained). Any change in water from within the site to another, and whether any covenants for water rights, would be a private matter for landowners to resolve.
- 10.100 The submitted surface water drainage design has demonstrated that appropriate arrangements are feasible. A condition is recommended requiring the full technical details of the drainage system, as the scheme developers post planning. The LLFA has advised that further survey work in spring flows is necessary; this would dictate pipe sizes. However, they are satisfied that this may be addressed in the detailed design.
- 10.101 On flood routing, concerns raised by the LLFA have been discussed with the applicant. Via the latest plans, these concerns have been adequately addressed and demonstrate no prohibitive issues relating to flood water routing. Nonetheless, as above, it is recommended that a condition be imposed requiring full updated details, to match the technical details of the drainage system.
- 10.102 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. This is to extend to the culverts / watercourse crossing the site, in accordance with LP29; by default, these would be riparian ownership (whoever owns the land), but this would lead to several owners that would represent a management liability. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.103 An adopted combined sewer pipe within the site that serves the adjacent no. 45 Lingards Road is to be diverted; this will also accommodate the surface water from the eastern units. This proposal has not attracted an objection from Yorkshire Water and is considered acceptable by the LLFA and officers.
- 10.104 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the S106, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the LP and Chapter 14 of the NPPF.

#### Planning obligations

- 10.105 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. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

### *Affordable Housing*

- 10.106 LP11 of the Local Plan and the Council's Interim Affordable Housing Policy requires major developments (10+ dwellings) to contribute 20% of total units as affordable housing. For this site, a 20% contribution of 42 units would be 8 units. This has been offered by the applicant.
- 10.107 The offered units are plots 13 – 18 and 20 – 21, which are a mixture of one and two-bed flats, all as affordable rent.
- 10.108 The 8 units complies with the required 20%. On tenure, Kirklees policy advises 55% of the affordable homes being provided as social or affordable rent, and 45% being provided as intermediate affordable housing (inc. 25% as first homes) as a starting point. The proposal would not comply with this, with all 8 being affordable rent. However, Strategic Housing have made the following comment on local need:

*There's a significant need for affordable 1–2-bedroom housing in Kirklees Rural- West, as well as a need for affordable 1–2-bedroom housing for older people specifically. Kirklees Rural- West has a large number of detached properties, compared to other areas in Kirklees and a high level of home ownership, with 75% of properties being owner-occupied. Around 15% of homes are private rented and around 10% are affordable housing.*

- 10.109 With local need in mind, the provision of 1bed and 2bed affordable rent, which can be maintained so in perpetuity is appropriate for local need, is considered to better respond to local demand. This is considering the existing high level of owner-occupied, and low affordable rent housing. Accordingly, officers consider the tenure mixture acceptable.
- 10.110 Regarding the quality of the units, the offered units all comply with the Nationally Described Space Standards. It is noted that the applicant proposes all of the 1-bed and 2-bed flats that are to be built, and in that regard may be considered 'distinguishable' as a different type of housing to the market units. However, there is no indication that they are any less quality than the market units proposed.
- 10.111 While the flats would be grouped together, this is dictated by the nature of flats as well as the design response to the site. Affordable rent units being located together it also a preference of Registered Providers, who are expected to take these units on. As a smaller offer of only 8 units, officers do not raise concern over the concentrated location of the affordable units.

### *Public Open Space*

- 10.112 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.



- 10.113 The application proposes 2,557sqm of on-site Public Open Space, with an off-site contribution of £57,791 agreed, which is in accordance with the Public Open Space SPD. The contribution is recommended to be secured within the S106. This is considered appropriate to comply with policy LP63 of the Kirklees Local Plan.

#### *Education*

- 10.114 K.C. Education have reviewed the capacity at nearby schools. The schools assessed were Niels Junior, Infant and Nursery and Colne Valley High.
- 10.115 To address the identified issue K.C. Education have calculated a necessary contribution of £161,274.66 to address capacity shortfalls. This has been agreed by the applicant.

#### *Sustainable travel*

- 10.116 The site is within walking distance of numerous bus stops that connect the development to the wider area, including Huddersfield Town Centre that in turn connects to the greater region. As considered in paragraph 10.87, a contribution of £26,000 is sought to improve local bus infrastructure.
- 10.117 The provision of this contribution is considered to comply with the aims of LP20 of the KLP

#### *Ecology*

- 10.118 An off-site contribution of £99,038 has been identified to secure a 10% ecological net gain. See paragraph 10.136 for details.

#### *Management and Maintenance*

- 10.119 Arrangements for the management and maintenance of drainage infrastructure, green walls, and Public Open Space on site in perpetuity, and any on-site Ecological Net Gain features for a minimum of 30 years.

#### Other Matters

##### *Air quality*

- 10.120 The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.
- 10.121 Notwithstanding the above, in accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.

- 10.122 Subject to a condition requiring this provision, the proposal is considered to comply with LP24(d) and LP51 of the Local Plan.

#### *Contamination*

- 10.123 The site is near to a historic landfill site which may contribute to contamination at the site. The site is within the 250m buffer zone of several historic landfill sites. The Environment Agency have been consulted and they raise no objection, however, advise that the Council consider this further internally.
- 10.124 The applicant has submitted Phase 1 ground investigation reports which have been reviewed by K.C. Environmental Health. The Phase 1 has been accepted; however, it identifies that a Phase 2 report is required, and presumably remediation measures. Accordingly, Environmental Health recommend conditions relating to further ground investigations. Subject to the imposition of these conditions' officers are satisfied that the proposal complies with the aims and objectives of LP53.

#### *Crime Mitigation*

- 10.125 The West Yorkshire Police Liaison officer has made several comments and recommendations, particularly with regards to home security, rear access security and boundary treatments. All the comments made are advisory and have been referred to the applicant, with many incorporated into the proposal during the amendments.
- 10.126 The Police Liaison officer has raised concerns over the design of the boundary treatment, ideally seeking 1.8m – 2.0m close boarded fencing to all plots, and the lack of details on lighting. In each case, a balance is required beyond what the Police Liaison officer seeks. Solid fencing / walling up to 2.0m throughout the site, particularly along the boundary to the Green Belt, would prejudice the design of the development and harm the transition into the rural environment. Bright lighting in inappropriate locations may cause amenity and ecological concerns. Street lighting would be addressed via the detailed highway design condition, while the private lighting is to be secured via condition to demonstrate lighting that secures safety without harming amenity or ecology.
- 10.127 Elements relating to secure design standards for the dwellings (i.e., lock specifications) go beyond the scope of planning, however the Police Liaison's advice has been related to the applicant. While the comments from the Police Liaison officer are noted, they must be considered in the planning balance. A condition is recommended to ensure an appropriate balance on private lighting, between security and amenity / ecology while erecting a solid boundary treatment on the west boundary is not considered reasonable.

#### *Ecology*

- 10.128 Policy LP30 of the KLP states that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.

10.129 The application is supported by an Ecological Impact Assessment (EclA) which has been reviewed by K.C. Ecology. While not within the Council's Wildlife Habitat Network, the site consists of areas of acid grassland and marshy grassland, which is of local importance to nature conservation. This habitat would be largely lost by the proposal so due regard to this impact is required. Furthermore, the site falls within the functionally connected land of the South Pennine Moor Special Protection Area (SPA).

10.130 The impact on birds and the SPA is considered first. The South Pennine Moor SPA is 2.4km west of the site and hosts protected birds including merlin, golden plover, short eared owl. While not within the SPA, as functionally connected land the site may be used for feeding and due regard on the potential impact must be undertaken. K.C. Ecology have commented that:

*The proposed development site is more than 2km from both the Peak District Moors (South Pennine Moors Phase 1) SPA and the South Pennines Phase 2 SPA. Taking distance from these SPAs into account together with a consideration of site habitats (heavily grazed grassland) and topography (steep ground) impacts upon bird species for which the SPAs are designated are considered to be extremely unlikely. This assessment concurs with the site assessment undertaken during the Local Plan HRA. In addition to the above, the site provides reduced suitability for Golden Plover (diurnally or nocturnally), which have been shown not to either nest or forage on ground slopes exceeding angles of 10° (Cramp and Simmons, 1982). Furthermore, it should be noted that the site is limited in size and is surrounded on three sides by residential properties which is a strong negative factor affecting its suitability to attract any of the bird species for which the nearby SPAs have been designated. Golden Plover are birds of moorland which do not typically tolerate enclosed sites.*

10.131 Giving due regard to the above, K.C. Ecology are satisfied that the site has limited value to the protected species within the SPA and that the development would have not harmfully impact upon them. Nonetheless, Natural England's comments were sought to ensure conservation objectives within SPAs are adhered to. This has been sent and a response received: Natural England offer no comment, beyond directing the LPA to their standing advice which has been followed by K.C. Ecology in their assessment.

10.132 While no impact on the SPA is identified, the applicant proposes to include swift boxes on all units. This is welcomed, although an additional condition is recommended that clearance be done outside of the bird breeding season (unless appropriate pre-survey is undertaken).

10.133 Due regard has been given to the impact of the loss of habitat on other local and protected species. As moorland that has historically been grazed, with little mature tree cover, the site is of limited value to most protected species and the development is not expected to have undue impacts on local populations.

- 10.134 Notwithstanding the above, mitigation and enhancement is sought. A condition for a Construction Environmental Management Plan: Biodiversity is recommended, to ensure construction activity is managed in a considerate way. For other mitigation, the submitted EclA recommends a 20% provision of bat boxes on units, along with a lighting design strategy, and hedgehog holes in fencing. These may be secured via condition.
- 10.135 Returning to the on-site habitat, policy expects developments to deliver a 10% net gain on site. If this cannot be achieved, improvements in the area may be considered, or an off-site contribution.
- 10.136 The application's Biodiversity Net Gain metric calculates that post-development, the development will result in a 34.63% net loss (loss of 3.35 habitat units), whilst 2.18 hedgerow units will be created at the site, resulting in a net gain of 100%. It is considered that all options to maximise the availability of habitat units within the site and the wider area have been exhausted. As such, off-setting will be required in order for the development to achieve a biodiversity net gain. For the development to achieve a net gain, 4.306 habitat units will need to be delivered. Commuted sums are calculated on the basis of £20,000 per habitat unit (national average taken from DEFRA's latest BNG impact assessment) plus a 15% admin fee (as detailed in the BNG technical advice note). Therefore, a commuted sum of £99,038 would be required for the development to achieve a 10% biodiversity net gain. This would be used for ecological enhancements within the area by the Council.
- 10.137 No invasive plant species were identified within the survey work undertaken.
- 10.138 Subject to the given conditions and securing the off-site ecological contribution, the proposal is considered to comply with the aims and objectives of LP30 of the Kirklees Local Plan.

#### *Minerals*

- 10.139 The site is within wider mineral safeguarding area (Sandstone). Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing and affordable housing need, having regard to Local Plan delivery targets) for it. The proposal is therefore not considered to conflict with LP38.

#### *Strategic Green Infrastructure*

- 10.140 The whole of the Colne Valley Valls within the Council's identified Strategic Green Infrastructure Network (SGIN). Green infrastructure is defined as networks of accessible green spaces and natural habitats that occur within and form connections between towns and villages. It functions in different ways and provides multiple benefits for wildlife, improved health and wellbeing of people, local food growing, mitigating climate change, such as flood alleviation, and for the local economy by providing a high-quality environment to help attract further economic investment. Policy LP31 of the Local Plan states:

*Within the Strategic Green Infrastructure Network identified on the Policies Map, priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide.*

*Development proposals within and adjacent to the Strategic Green Infrastructure Network should ensure:-*

- (i) the function and connectivity of green infrastructure networks and assets are retained or replaced;*
- (ii) new or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland and street trees;*
- (iii) the scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;*
- (iv) the protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.*

*The council will support proposals for the creation of new or enhanced green infrastructure provided these do not conflict with other Local Plan policies.*

10.141 Notwithstanding being within the SGIN, the site is a housing allocation and being within the SGIN does not prohibit development. Paragraph 13.26 states:

*Development proposals within the Strategic Green Infrastructure Network will not necessarily be prevented provided they do not conflict with other Local Plan Policies. However, the Council will seek to ensure that development proposals protect and enhance existing green infrastructure assets; minimise fragmentation of green infrastructure networks and maximise opportunities for new and improved green infrastructure and connecting links into the network where opportunities exist.*

10.142 The site is a former agricultural field with development on three sites. Its development would not materially prejudice the function and connectivity of the network. Nonetheless, there are green corridors through the site to ensure a level of connectivity is retained. Furthermore, it includes new connection points into the PROWs COL/133/10 and COL/117/10. The ecological impacts of the proposal have been reviewed in paragraphs 10.128 – 10.138 and include various improvements and mitigation measures secured via condition. As a result, the ecological impacts have been found to be acceptable.

10.143 Accordingly, the proposal is considered to comply with the aims and objectives of LP31.

## Representations

10.144 The following are responses to the matters raised within the public representations received, which have not been previously addressed within this assessment.

### *General*

- The proposal does not comply with Building for Life 12 and fails several requirements that are considered to be red or amber in the opinion of the author. These include 'Does the development reinforce existing connections?', 'public transport', and 'character' amongst others.

**Response:** There is no requirement for the LPA to review the proposal against Building for Life 12. The application has been assessed against local and national policies, as required.

- The proposal would prevent neighbouring residents from developing their own properties, e.g., via extensions. This results in a loss of future amenity.

**Response:** Each application is assessed on its own merits. Furthermore, officers do not consider that the proposal would prohibit the reasonable development of adjacent properties.

- The previous outline on site showed 27 units; this proposal should be for the same number. The Local Plan had a capacity of the site for 36.
- The Local Plan has an indicative capacity of 36 dwellings for Housing Allocation 125. The proposal exceeds this, which is an unacceptable departure from the Local Plan. The density is cramped and does not fit into the established character.

**Response:** Each application is assessed on its own merits. The previous outline had numbers undetailed, bar the indicative details of 27. This application has full details enabling a more detailed assessment. The Local Plan and its indicative capacity figures considered within paragraphs 10.5 – 10.09.

- The applicant's submission is misleading and false in places, lacking credibility.
- The submitted plans are inaccurate and contradictory, which is grounds to have a planning permission overturned and/or removed. For example, the 3D visuals do not show fencing or other domestic paraphernalia and are misleading.
- One of the 3D visual plans shows a substantial retaining wall along the site's north boundary, to the rear of the properties which front onto Manchester Road. This is to provide the rear access to private land; however, this retaining wall would mean the path is on a much higher land than the land its giving access too, which is illogical.

**Response:** Officers do not consider the submission to be purposely misleading. The comments which raise this issue largely point to the 3D visualisations. These are not to scale, indicative plans used to provide context to the proposal. It is accepted that they are not to the full detail or accuracy of plans and having them marked as indicative may have assisted in this. Fundamentally, while part of the proposal, these are not plans that would be built from.

- Brownfield development should be prioritised.

**Response:** Local and national planning policies does not prioritise brownfield over greenfield, or vice versa.

- The applicant bought the site for cheap, based on the outline, and is now trying to fit in too many dwellings. The development has been designed to make a profit.
- The applicant's other development at Empire Works is poor quality, particularly the road is unfinished and unsightly 3 years after residents moving in. This raises drainage issues as well as highway safety.
- Concerns exist that recent appeal decisions, where appeals against refusals were upheld, will factor into officers' assessment of this proposal.

**Response:** This is not a material consideration. Applications are assessed on their own merits, based on material planning considerations.

- The applicant's public engagement was inadequate, no meeting was held.

**Response:** The pre-engagement took place around the start of the COVID pandemic which prevented such a meeting. Nonetheless, a public meeting would not typically be expected for a development of this size.

- Local services, including schools, dentists, and doctors, are over prescribed and cannot accommodate additional users.

**Response:** There is no Policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges 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. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. With regard to schools, an education financial contribution is to be at outline secured.

- An increased population in the area will result in more crime and vandalism.

**Response:** This is considered anecdotal; there are no fundamental reasons why this development will lead to increase crime.

- The site includes tall retaining walls, up to 6m in height, which are a health and safety risk. The open water course is also a risk to people falling in.

**Response:** This is considered to be outside the remit of the planning system and is a liability issue for the developer.

- Only one step of stairs includes ramps and does not give the proposal 'disability credentials'. The proposal is discriminatory.
- Three storey properties are not suitable for disabled people who have limited mobility. Driveways / parking bays are not accessibly friendly.

**Response:** It is acknowledged that 4 of the dwellings will only be accessible via steps. LP24(f) states that 'the needs of a range of different users are met, including disabled people', and due regard must be given to the Equalities Act. However, four units represents less than 10% of dwellings and consideration must be given to the topography of the site, and the design efforts undertaken to address various planning considerations. Given this, the small number of units without level access is not considered contrary to LP24(f). Furthermore, part M4(1) of the Building Regulations (Category 1 – Visitable dwellings) has provision / stipulations for stepped only access which is not prohibited, with section 1.4 stating 'The approach route should be level, gently sloping, or, where necessary, ramped. On steeply sloping plots, a stepped approach can be used'.

- Concerns over the density of planting and whether the tree planting is feasible.
- Questioning who will be responsible for the management and maintenance of Public Open Space. If its residents, would this preclude non-residents of the site using it?

**Response:** The landscaping plan at this time is indicative, although it demonstrates that a suitable strategy is feasible, with a condition ensuring a fully detailed Landscape Strategy, to include a management plan. The S106 is recommended to include a clause for a management and maintained company. This is typically resident funded. However, the S106 would also secure the POS as being open to the public.

- The dwellings should incorporate renewable energy features, such as solar panels or turbines.
- The proposal will have a carbon footprint which cannot be overcome.

**Response:** Insisting on such provision goes beyond the scope of current policies, although guidance contained in Principle 18 of the Council's Housebuilders Design Guide SPD (June 2021) and Planning Applications Climate Change Guidance (June 2021) sets out expectations. Both of these documents post-date the submission of the application and it is deemed unreasonable to retroactively insist on compliance with new guidance.

- The proposed affordable housing is clustered and should be spread through the site. Bungalows should be provided.
- The retaining structures and other elements of the design will result in zones without natural surveillance.



**Response:** While best efforts have been undertaken to minimise such instances, its unfeasible to prevent any and all areas having natural surveillance.

- No Health Impact Assessment has been submitted with the application, as noted as being required within the Local Plan.

**Response:** The Local Plan states that Health Impact Assessments should be provided with all developments on Housing Allocations. However, following the publishing of the Local Plan the Council's HHHIA guidance was updated. HIAs are now only sought for proposals over 50 units and which fail a relevant trigger (ward level health indicators / deprivation standards). The proposal is below 50 units and Colne Valley ward does not fail any of the triggers.

- Easements cross the site (i.e., for gas pipes and water).

**Response:** This is a private matter between interested parties. The granting of planning permission would not overrule separate legal agreements, which would need to be addressed by the applicant.

*Green Belt (including the siting of the attenuation tank)*

- The proposal has not demonstrated Very Special Circumstances exist to justify the attenuation tank within the Green Belt. To approve the development in the Green Belt would be breaking the law.
- The tank is only located within the Green Belt to accommodate more development.
- The section showing the re-grading shows an unacceptable impact upon the Green Belt.

**Response:** As detailed within paragraphs 10.13 – 10.21, the tank is considered to be appropriate development in the Green Belt (as an engineering operation). Therefore, Very Special Circumstances do not need to be demonstrated. Regarding its location, as it is considered acceptable, alternative locations have not been sought.

- The tank would not have vehicle access to it and only accessible on foot. This would put undue pressure on Yorkshire Water should they adopt it and cause them future issues. As the cross section was provided recently, question whether Yorkshire Water are aware of the tank's design.

**Response:** there are no fundamental reasons why the tank could not be appropriately managed and maintained in its proposed location, although it is accepted it may prevent it being adopted by Yorkshire Water. In such a case, as per the recommended S106, a management and management to manage the surface water features, including the tank.

- The tank being in Green Belt may lead to future development within the Green Belt.

**Response:** The attenuation tank would not be considered to result in brownfield status for the land. Regardless, re-development of brownfield land exemptions required there to be no greater impact on openness. Its difficult to

envision any re-development beyond a tank that would not have a greater impact on openness.

- The applicant intends to place excess soil in the greenbelt from excavation.

**Response:** Such an intention would go beyond the scope of this application, being outside of the redline plan and description of development.

### *Design*

- The developer intends to terrace the land to enable the development, contrary to 'good design' of working with existing land levels.
- The proposed dwellings do not fit into the character of the area, in terms of their design, scale, or overall appearance. It fails to respond to the area's topography or adequately address the site's constraints.
- While the density of the development is low, the individual units are very large, negating the low density, with a floor space much greater than existing neighbouring dwellings.
- The proposed dwellings are much larger than dwellings elsewhere in the area, in both mass and floor space, and would be out of keeping.
- At present, properties on the north side of Lingards Road around the site are lower than those to the south side, to reflect ground levels. The proposed units on the north side would be higher than those to the south.
- The proposal includes flats: flats are not evident in the area already, and therefore out of character in terms of the community and design.
- Roofs in the area are gables or hipped. The proposed roofs are unusual and would not be fitting.
- There is inadequate space between dwellings, including side to side and front to rear.
- Lingards Road includes bungalows, which make up 40% of the frontage on the opposite side of Lingards Road. The proposed dwellings would be three storeys, and therefore not be in keeping with the area.

**Response:** The above raises concerns over the design and appearance of the development. Officers have provided a comprehensive assessment of out consideration of the design in paragraphs 10.22 – 10.39. It is acknowledged that the development includes large units on a prominent site.

- The development would affect the unspoiled Upper Valley / Pennine landscape (which is closely integrated with the Peak District National Park & South Pennines Special Protection Area landscapes), the predominantly green belt surroundings in this part of Colne Valley, the moorland fringe and National Character Area 36. Overall, the development does not respect the rural environment.

**Response:** National Character Areas are macro designations covering large areas. The site falls within NCA 36 (Southern Pennines), which includes Littleborough up to Ilkley. It identifies the following:

*The Southern Pennines are part of the Pennine ridge of hills, lying between the Peak District National Park and Yorkshire Dales National Park. This is a landscape of large-scale sweeping moorlands, pastures*

*enclosed by drystone walls, and gritstone settlements contained within narrow valleys. The area contains internationally important mosaics of moorland habitats which support rare birds such as merlin, short-eared owl and twite.*

The NCAs do not look to prohibit development: officers are satisfied that the proposal would not conflict with the above, notably fitting into the *gritstone settlements contained within narrow valleys*' element.

- “We are sceptical that the proposed route of foul and surface water sewers, culverts and exceedance flow infrastructure through to Manchester Road, can be delivered without damage to the trees adjoining Manchester Road. Similarly, the high-volume exceedance flows themselves are likely to damage tree roots and tree stability, in that same area.” And a TPO application has been applied for on these trees.
- The proposal does not include a comprehensive landscaping strategy.

**Response:** Sensitive excavations will be required but are not deemed unfeasible. Details of which will be required within the conditions Arboricultural Method Statement and protection plan. The Landscaping Strategy provided is detailed and shows how the site may be developed, although it is standard to condition a full and comprehensive strategy, to include ongoing management and maintenance.

#### *Amenity*

- Loss of privacy will mean residents have to close their curtains, and in turn have their lights on more, at their own cost.
- Light pollution and noise from the development, from cars and homes, will harm the living of nearby residents.

**Response:** Residential developments are considered compatible alongside each other. Any excessive noise beyond that of a typical dwelling would be a matter for the Police and/or the Council's noise pollution team. Lights from within a house are not considered harmful; conditions are proposed for external lighting.

- The application is not supported by sun path calculations to demonstrate overshadowing will not be caused.

**Response:** officers are satisfied that sufficient details have been provided to demonstrate no materially harmful overshadowing would be caused, without the need of formal shadow plotting plans.

- The proposal does not include an on-site play area, which is “does not make sense considering the homes are targeted to families”.

**Response:** Springfield Recreation Ground is within close proximity of the site. The provision of pocket play areas on housing sites, where facilities already exist nearby, is to be avoided.

- There should be a fence along the path's boundary with Lower Wood Farm.

**Response:** This is noted and intended to be addressed via condition for full boundary details, or via amended plan.

- The access road to the rear of no. 45 would be too high and affect their amenity, as well as causing health issues.

**Response:** The road in question has been realigned and lowered, to remove this issue.

#### *Drainage*

- The most recent amendments (January 2023) have not included an updated drainage layout and cannot be considered without.

**Response:** The changes to the road have a negligible impact on the drainage layout, not materially affecting the established principles which have been robustly established. An updated drainage layout is expected to address them minor changes.

- The submitted Flood Risk Assessment is inadequate. It fails to assess fluvial flooding and undertake adequate survey of culverts / springs. There are disagreements on many of the points put forward by the applicant's drainage engineer.
- "We remain of the opinion that the proposed surface water discharge point and the downstream receiving watercourse, around and under the bus turn round, are completely inadequate to receive ANY surface water run-off from this development (even an attenuated flow). The attenuation tank has inadequate management and maintenance arrangements."
- Insufficient detail has been provided regarding the adequacy of the watercourse within the cemetery which will be the discharge point. "Land drainage proposal completely ignores hydraulic capacity of downstream pipework or the legal viability of the proposal. In other words, it may not be deliverable"
- The drainage fails to address exceedance flow channel design and the flows themselves, as they leave site and the damaging overspill arrangement on the open water channel.
- Water 'cascades' down Lingards Roads and also pools in the site during heavy rainfall.

**Response:** The FRA is considered acceptable and provides sufficient information to demonstrate a feasible drainage strategy for the site is achievable. Flood routing details have also been provided and accepted by the LLFA.

- Concerns that the flow of water into Lower Wood Farm's pond will increase, but will hit the limited inlet and therefore build up. Or become blocked by leaf litter / sediment etc. If it backs up, concerns it will then flood into the dwelling.

**Response:** This has been addressed via an overflow pipe, shown on the flood routing plan. The pipe will redirect any excess water, preventing it flooding uncontrolled.

- The proposal will cut off the spring water supply to Lower Wood Farm. New houses will be built upon springs and streams across the site.

**Response:** The water supply will be retained.

- Drainage systems require easements from landscaping; this has not been evidently considered and the landscaping appears to conflict with the drainage.
- “Because of the extent of the new land drainage system this requirement will SEVERELY constrain landscaping and planting by the developer and future homeowners on ALL parts of the site – especially for larger trees and bushes. It is more likely that the whole land drainage system will quickly become infested with tree roots and vegetation. All the developer’s proposals and arguments about landscaping and mitigation of negative landscape impacts are also null and void.”

**Response:** This is noted and will be fully considered when the full and detailed drainage strategy and landscaping strategies are submitted. Nonetheless, it is not expected to materially affect the site’s capacity to host landscaping.

- Concerns that the development will lead to sediment within the watercourse crossing the site.
- The proposal will result in surface water gathering rubbish / litter on neighbouring properties boundaries.

**Response:** This may be addressed via the surface water management and maintenance details, to be secured via condition.

### *Highways*

- The site should be accessed from Manchester Road and should avoid Lingards Road.

**Response:** Such an access would be a substantial engineering operation and is unfeasible.

- The Transport Assessment is not fit for purpose; it fails to appropriately consider the nature of Lingards Road, such as its gradients, difficult junctions, and how cyclists and pedestrians use it. It contains opinions.
- 2011 census data, used to anticipate traffic distribution, is outdated. 2021 data should be used.

**Response:** The report has been reviewed by K.C. Highways and accepted. While comments have been made through the process, there is considered no reason to question to competency of the document. The use of 2011 census data is not opposed.

- Lingards Road is a bus route; the development will interfere with this service through blocking the road and extra traffic.
- Additional parking on Lingards Road would interfere with the safe use of the highway, and access by emergency vehicles.

**Response:** The proposed dwellings would have an adequate provision of on-site parking. While it is accepted that some visitor parking would be accommodated on Lingards Road, drivers are expected to comply with the Highway code and not block the flow of traffic.

- The driveways serving the units fronting Lingards Road do not meet the standards for shared driveways.

**Response:** It appears the standards referred to are for 'shared private roads'. That is not proposed, the units fronting Lingards would have shared driveways and turning facilities, not full private roads.

- Construction traffic cannot be accommodated on Lingards Road and will affect safe use of the road. This would be exacerbated by contractor parking.
- West Yorkshire Police state, 'Integral garages should be of a size 7m x 3m'. These garages would be at right angles to the road, and unlikely to be used for their intended purpose.
- Vehicle parking bays are below the expected 2.5m x 5.0m. This will lead to vehicles protruding on the pavement.

**Response:** Council standards seek for garages to be 6m x 3m, which is achieved. External parking bays have a minimum expected size of 4.8m, which the proposal likewise achieves.

- People do not use their garages for parking, with an RAC survey identified that 70% of people don't use them. Therefore, garages should not be counted as parking spaces.

**Response:** Applications are assessed against local and national policy and guidance, which established garages are appropriate to consider as parking spaces.

- The proposal ignores its own detrimental impacts on the highway network, including:
  - Lingards Road junction and Nields Road Junction with Manchester Road
  - The very steep lower end of Lingards Road, where there are no footpaths
  - The junction of Nields Road & Lingards Road, exacerbated by the high volume of school traffic on Nields Road
  - Lingards Road below Springfield Avenue – effectively a narrow singletrack carriageway on a blind bend
  - Above Hill Top, including blind bends and terrible junction with Chain Road

**Response:** The traffic generated by the proposal is not expected to harm the safe operation of the highway, as detailed in paragraphs 10.71 – 10.72. Notwithstanding this, certain pedestrian improvements are proposed to promote walking, as detailed in paragraphs 10.83 and 10.84.

- The proposal will lead to more speeding on Manchester Road; more speed cameras on the road should be provided by the developer.

**Response:** Officers see no link between this site and speeding being materially increased on Manchester Road.

- The units fronting onto Lingards Road could not reasonably accommodate on-site turning and may need to turn within the road.
- Shared drives are unpopular and will lead to arguments and may result in fences being erected to subdivide them, thus negating their effectiveness.

**Response:** Officers are satisfied that they would be able to turn within the site. Nonetheless, turning on Lingards Road is typical for most units so would not be out of character. Anecdotal comments regarding arguments are considered to go beyond the scope of planning.

- Dwellings are too distant from turning heads and/or the highway and cannot be adequately served by fire services. The proposal represents a fire safety issue.

**Response:** Officers and K.C. Highways do not see any reason why the development would be inaccessible to fire tenders or represent a fundamental fire safety issue.

- Wheelie bin storage is inadequate, showing only 1 space per unit. This would also block sightlines.

**Response:** Waste collection points are shown to the front; these are to temporarily accommodate bins on collection day, not on the road or blocking driveways. Bin storage locations have not been shown, however given the scale of the dwellings and curtilage there are no concerns these could not be reasonably accommodated.

- Vehicles are typically parked on Lingards Road where residents / visitors park their cars on the road. This will either prevent the site being safely accessed or harm current parking arrangements for residents. The plans show vehicles parked opposite the junction, suggesting the application is encouraging a breach of the Highway Code.

**Response:** It is accepted that the new access will remove some facility for on-street parking. As existing dwellings opposite the site have dedicated off-road parking, this would not unduly prejudice residents. It is noted that dwellings further north along Lingards Road do not all have dedicated parking, but their frontage will be unaffected.

- The access to plots 34 and 35 would be within 10m of a junction on the opposite side of the road, below required standards.

**Response:** The junction in question is a field access, not a formal highway junction. The field access will be lightly trafficked, and the relationship is not a cause for concern.

- Plans include proposals to build houses with direct access off Lingards Road and provide a carriageway width of 5 metres. This is completely inadequate given the existing road immediately below the main site entrance is 7.32 metres wide.
- The proposal would narrow the carriageway of Lingards Road to 4.85m.
- The entirety of Lingards Road should be widened to 6m along the site's frontage. It is currently too narrow to allow parking on both sides. Vehicles Park on the south side of the road and will make accesses the new driveways difficult.

**Response:** The road along the frontage has been amended to the required 5.5m. Requiring the developer to widen the whole road to 6m is unreasonable, with the 5.5m being acceptable.

### *Ecology*

- The applicant proposes to offset ecology on-site with a woodland 'miles away'. This is unreasonable for local residents, who lose the benefit of the openness while gain none of the enhancements.
- Woodland will take decades to grow to any real, impactful size and will not affect the current climate crisis.

**Response:** The off-site woodland has been removed from the proposal. Net gain is to be partly delivered on site, with an off-site contribution as detailed in paragraph 10.138

- The previous outline application on site did not create a need for ecological enhancement.

**Response:** The outline pre-dates current policies on securing ecological net gain.

- The proposal will remove much of the site's acid grassland, which is valuable habitat. The earlier outline required that it be retained. Alternatively, moving the acid grassland to elsewhere in the Green Belt is unacceptable.

**Response:** Habitat translocation is standard practise and K.C. Ecology have no concerns over its implementation.

- Deer are known to use the site and would lose habitat. The surveys undertaken are inadequate.
- The updated ecological report fails to re-survey the site and is now out of date. Twite have been spotted around the site.



**Response:** Deer are not a protected species. The surveys undertaken have been considered by K.C. Ecology. While their age is noted, they are deemed appropriate for this development.

- The proposal should include sedum roofs, as it did when originally submitted in 2020.

**Response:** This comment is noted but cannot be required.

## **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The proposal seeks residential development on a housing allocation. While the proposal does fall below the Local Plan's target density of 35 dwellings per ha this is as expected within the Local Plan. From an 'in principle' perspective, the proposed density and housing mix is considered acceptable.
- 11.3 Site constraints including topography, neighbouring residential properties, trees and ecology, and various other material planning considerations. Nonetheless, the proposed development adequately addresses each. The design and appearance of the proposed development is considered acceptable. There would be no undue harm to the amenity of neighbouring residents or future occupiers. The proposed access and highway impacts have been assessed to be acceptable. Other planning issues, such as drainage, ecology and protected trees, have been addressed through the proposal.
- 11.4 The proposal has been assessed taking into account material planning considerations and found to be acceptable. Furthermore, it would provide an enhancement to local affordable housing, providing 8 affordable units, and open space, with on-site and off-site contributions to enhance local facilities, in line with policy. Education contributions are also secured to mitigate the impacts of the proposal.
- 11.5 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. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications
3. Walling and roofing material samples to be submitted and approved.
4. Landscaping strategy to be submitted and approved, to include trees along Northern boundary (adjacent properties fronting Manchester Road)

5. Green retaining walls to be detailed, including management and maintenance, and provided.
6. Clarification / details of western boundary treatment and details of treatment along boundary with Lower Wood Farm.
7. Remove Permitted Development rights for outbuildings and extensions for all plots
8. Submission of Construction Environmental Management Plan (CMP)
9. Submission of Construction Environmental Management Plan (CEMP)
10. Details of the road to an adoptable standard
11. Arboricultural Method Statement and Tree Protection plan to be provided.
12. Road condition survey.
13. Construction phase waste collection strategy
14. Technical details of 2m footway along frontage to be provided and implemented
15. Cross sections showing extent of structural impact on Lingards Road
16. Parking spaces to be provided prior to occupation
17. Provision of footpath to lower Lingards Road (adjacent to junction to Manchester Road)
18. Provision of footpath improvements on Yew Tree Lane (expected to include dropped crossings and tactile paving)
19. Sectional details to Lingards Road
20. Electric Vehicle Charging Points
21. Details of cycle storage per plot
22. Waste storage / collection to be provided.
23. Waste collection phasing strategy
24. Contaminated land investigations
25. Full drainage details (including catchment analysis to finalise pipe sizing)
26. Flood routing details
27. Temporary drainage
28. CEMP: Biodiversity
29. EDS, to include habitat units on site, 20% bat boxes, 100% bird boxes, hedgehog holes.
30. Lighting design strategy (crime and ecology)
31. No site clearance within the bird breeding season (unless appropriate survey undertaken).

**Note:** PROWs to be protected and clear during development.

## **Background Papers**

### Application and history files

Available at:

[Link to planning application](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/93954)  
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/93954>

### Certificate of Ownership

Certificate B signed.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 02-Feb-2023

**Subject: Planning Application 2022/90655 Erection of 10 student residential units with associated landscaping land at, Manor Street, Newsome, Huddersfield, HD4 6NW**

#### APPLICANT

Andrew Hardcastle,  
Holda Ltd

#### DATE VALID

11-Mar-2022

#### TARGET DATE

10-Jun-2022

#### EXTENSION EXPIRY DATE

06-Feb-2023

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

[Public speaking at committee link](#)

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral wards affected:** Newsome

**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) Contribution toward sustainable transport fund – a contribution of £5,115.00

**1.0 INTRODUCTION:**

1.1 The application seeks full planning permission for the erection of 10 student units of accommodation with associated landscaping.

1.2 The application is brought to Huddersfield Planning Sub Committee due to the request of Councillor Cooper who has provided the following reasons:

*“I’m concerned about a number of issues with the development which include:*

- *The right of way which is long established along the side of 21 Bell Street that has been included in the development.*
- *The development will generate more traffic on already overcrowded roads with little parking space. If it was designated a car free development with no access to Council parking permits that would be helpful.*
- *The waste bin is situated next to 30 Manor Street and given the poor management of student houses. I would like the applicants to produce a waste management plan to ensure that waste will be handled properly and for it to be moved away from no. 30.*
- *There is concern from residents on Manor Street that their privacy will be compromised by the development please can this be addressed.*
- *Could a site visit be included by the planning committee to demonstrate the issues I’ve detailed”.*

1.3 The Chair of Huddersfield Sub-Committee has accepted the reason for making this request, having regard to the Councillor’s Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 The site relates to a vacant parcel of land that is currently laid to grass on the corner of Manor Street and Bell Street in Newsome. The site slopes from south to north with the properties on Manor Street being set at a lower level. To the west of the site is an unadopted access/footpath which connects Bell Street with Elm Street.

- 2.2 The locality is predominantly residential in character, with the common construction material being stone. The dwellings appear to be two storey in nature, though there are variations in overall height due to the changes in topography.
- 2.3 The site is unallocated on the Kirklees Local Plan and is not within a Conservation Area nor is it within close proximity to any listed buildings. The site does not contain any significant or protected trees.

### **3.0 PROPOSAL:**

- 3.1 Planning permission is sought for the erection of a new building to serve 10 student residential flats. The proposed building would 'L'-shaped and be built broadly in line with no. 30 Manor Street and 21 Bell Street. The building would be 14.5m in width by 9.8m in depth and with an overall height of 9m – 9.7m. Part of the site would require under build to compensate for the change in topography.
- 3.2 Each unit would contain would 1x bed, kitchenette and W.C.
- 3.3 The building would be constructed from coursed natural stone with concrete tiles to the roof. New windows would be constructed from UPVC with composite doors. Accommodation within the building would be set across three floors, with the accommodation in the roof space gaining light from two dormers to the Bell Street elevation and a window in the gable facing Manor Street.
- 3.4 Pedestrian access to the site can be taken from Manor Street and Bell Street. There would be no vehicular access into the site, instead a secure cycle store is proposed to the north west. This is due to the site's edge of centre location with Huddersfield Town Centre. To the south of the cycle store, and south west of the main building, would be a bin store.

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

#### **4.1 At the application site:**

2017/92423 Erection of 10. No student flats and associated landscaping – Granted.

2015/92805 Outline application for erection of 2 no. dwellings – Granted.

#### **Pre application:**

2017/20017 Erection of student accommodation – Comments made.

#### **4.2 Surrounding the application site:**

2016/90282 Erection of new build block of four, one bedroom apartments with four car parking spaces – Granted (Land adj Bell Street and Moss Street).

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

- 5.1 Concerns were raised regarding the loss of the footpath (whilst not recorded), as it provides access to the rear of the properties on Bell Street and Manor Street, along with the location of the bin store. A Preliminary Ecology Appraisal has also been requested and was received on the 6<sup>th</sup> October 2022. Details

regarding foul and surface water and flood management has also been received on the 30<sup>th</sup> November 2022. Amended plans to show the final layout were received on the 6<sup>th</sup> January, along with updated elevations (and street scenes) to take into account the topography of the site. These were received on the 19<sup>th</sup> January 2023.

## **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) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

6.2 The site is unallocated on the Kirklees Local Plan Proposals Map

### Kirklees Local Plan (2019):

- 6.3
- LP 1 – Achieving Sustainable Development
  - LP 2 – Place Shaping
  - LP 3 – Location of New Development
  - LP 4 – Providing Infrastructure
  - LP 7 – Efficient and Effective Use of Land and Buildings
  - LP 11 – Housing Mix and Affordable Housing
  - LP 20 – Sustainable Travel
  - LP 21 – Highways and Access
  - LP 22 – Parking
  - LP 24 – Design
  - LP 27 – Flood Risk
  - LP 28 – Drainage
  - LP 30 – Biodiversity & Geodiversity
  - LP 33 – Trees
  - LP 43 – Waste Management Hierarchy
  - 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:

- 6.3
- Kirklees Housebuilders Design Guide (2021)
  - Kirklees Waste Management Design Guide for New Developments (2020)
  - Kirklees Highways Design Guide (2019)
  - Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
  - Kirklees Climate Change Guidance for Planning Applications (2021)

### National Planning Guidance:

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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.

- 6.5
- 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 Efficient Use of Land
  - Chapter 12 – Achieving Well-Designed Places
  - Chapter 14 – Meeting the Challenge of Climate Change, Coastal Chapter and Flooding
  - Chapter 15 – Conserving and Enhancing the Natural Environment

#### Climate change

- 6.7 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.
- 6.8 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 via site notice, neighbour notification letters and the press which expired on 17<sup>th</sup> January 2023. As a result of the above publicity, 6 representations have been received. A brief summary of the concerns raised are as follows:

##### *Residential amenity concerns:*

- Loss of sunlight for those properties directly adjacent to the site.
- Loss of privacy.
- Noise disturbance from the construction.
- Noise disturbance from students.
- Impact to public health from the bin store (including odour concerns).

##### *Parking concerns:*

- There are already parking problems on Bell St and Manor St. An additional 7-10 cars on street will cause further congestion, meaning it will be impossible for any size standard vehicle to pass, let alone an emergency one.
- The development requires off street parking.

*General concerns:*

- From looking at the plans, they will be encroaching a public right of way, running along 21 Bell St through to the opening on Elm St. This leaves no facility to get an emergency vehicle down and is a reason to why the plans should have never been passed.
- If the right of way was to be closed, I would have no choice but to leave my bins at the front of my property, rather than at the rear.
- The drainage system runs underneath the path and to my knowledge, this should not be built upon.
- The bin shed is to be positioned over the grid of drains. This is problematic if there is a blockage.
- The side of no. 21 Bell Street needs repointing and not getting access would be a major concern for me.
- If the planning application is granted in its current form, then I will have no other option than to contact my legal representative.
- Under the Prescription Act I am entitled to use this land as I always have done and it should not to be built on or blocked. This access is required as it has done for over 20 years and the proposed 1.2m access strip makes it impossible for me to use.
- The land gives an open space feeling for all residents and we feel that this student development will be detrimental to residents' mental health.
- Loss of a view and impact on house prices.
- There is an oversupply of student accommodation in properties.
- I have concern over the conservation of the natural environment, as the path of green would be lost.
- The effect the proposal would have on trees and the landscape.
- There would be an effect on the area by allowing student accommodation.
- Concern over the lack of publicity regarding the application.
- 10 days to give residents notice and reply is not long enough.
- The impact on a nearby holiday let, as a result of the proposal.
- Bell Street is now a nice family populated street, rather than a student street which it was 10 years ago.

Due to the amendments received in terms of the relocation of the bin and cycle store, Officers considered it reasonable to re-advertise the application via a 10 day neighbour notification letter.

Local ward councillor comments:

7.2 Councillor Cooper: I'm concerned about a number of issues with the development which include:

- The right of way which is long established along the side of 21 Bell Street that has been included in the development.

*Comment: The track/footpath along the western edge of the site is not a recorded footpath, nonetheless, anyone can put in an application to claim this. However, for the purpose of this application, the applicant has confirmed that they own all of the land within the red line boundary and have also shown a path to be retained for easement.*



- The development will generate more traffic on already overcrowded roads with little parking space. If it was designated a car free development with no access to Council parking permits that would be helpful.  
*Comment: The proposal would not provide any on site parking due to the site's perceived sustainable location. Therefore, this would not add to any existing parking problems/issues within the area.*
- The waste bin is situated next to 30 Manor Street and given the poor management of student houses. I would like the applicants to produce a waste management plan to ensure that waste will be handled properly and for it to be moved away from no. 30.  
*Comment: The bin store has been moved to the western edge of the site, away from no. 30 Manor Street. If approved a condition is recommended which would require the applicant to provide more information on the design and detail of the bin store and to how it will be managed and maintained.*
- There is concern from residents on Manor Street that their privacy will be compromised by the development please can this be addressed.  
*Comment: It has been noted that no ground, first or second floor windows would be inserted into the rear (northern elevation) of the development, which would restrict any loss of privacy at these neighbours.*
- Could a site visit be included by the planning committee to demonstrate the issues I've detailed.  
*Comment: A site visit will be undertaken by members of the committee.*

7.3 Along with the committee request further comments from Councillor Cooper have been received on the amended site layout plan. These are as follows:  
In this case, whilst the location of the bin store is better, concerns are still raised in terms of the right of way and the applicants ownership of this land (as to whether any third parties have vehicular access over it).  
*Comment: The concern regarding the right of way, has been addressed above and would fall under a private legal matter outside the realms of planning.*

7.4 Councillor Lee-Richard: I agree with Councillor Coopers comments with regards to the right of way. Also placing the bin store so close to the road might look unsightly for other residents.  
*Comment: The concern regarding the location of the bin store can, in Officers opinion be mitigated by its design. Therefore, in the case of an approval a condition should be attached to the decision notice requiring further details prior to construction.*

## 8.0 CONSULTATION RESPONSES:

8.1 Below is a summary of the responses provided from consultees, with full comments being able to view on the Council's Planning Webpage.

### 8.2 Statutory:

- The Coal Authority: We concur with the recommendations of the Coal Mining Risk Assessment but recommend the imposition of two conditions in relation to ground works, remediation and the safety of the site.

- Yorkshire Water: If planning permission is to be granted, conditions should be attached to the decision notice regarding the site being developed with separate systems for drainage for foul and surface water and that no piped discharge of surface water from the site, shall be taken place until works to provide a satisfactory outfall for surface water have been agreed with the LPA.
- KC Lead Local Flood Authority: Having reviewed the additional drainage information provided, the application can be supported subject to surface water connecting to the watercourse running adjacent to the site.
- KC Environmental Health: No objection subject to conditions being attached to the decision notice to include full land contaminated conditions. A note should also be attached to recommend restricting the times when noisy construction activities will be permitted.
- KC Highways DM: The sustainable location has been considered acceptable for no on site parking. Although the cycle store is shown on the plans, details would need to be secured via condition.

### 8.3 Non-statutory:

- KC Crime Prevention: No objection to the application but have provided recommendations for the applicant to include into the design plans.
- KC PROW: We consider that the land adjacent to 21 Bell Street probably has at least pedestrian rights (between Bell Street and Elm Street). PROW welcome the retention of this footpath, however, have noted that any person can make an application to the Council to record a right of way.
- West Yorkshire Combined Authority: To encourage sustainable transport, a contribution of £5,115,00 should be secured.
- KC Ecology: Following the submission of a Preliminary Ecological Appraisal, no objection is raised to this application, subject to a condition being attached to the decision notice in the case of approval requiring the submission of an Ecological Design Strategy.
- KC Waste Strategy: I have reviewed the amended site plan and welcome the proposed bin storage layout. A condition will however, need to be attached to the decision notice requiring the details of the store (i.e height and materials) and how it will be managed and maintained.
- KC Landscape: Further details in terms of landscaping and its maintenance plan would be required. This can be conditioned in the case of an approval.

## 9.0 MAIN ISSUES

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Flood risk and drainage issues
- Ecological considerations
- Environmental and public health
- Planning obligations
- Representations
- Other planning matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored. The site is not displayed as allocated on the KLP Policies Map. Policy LP2 of the Kirklees Local Plan states that:
- “All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*
- 10.3 The site is within Kirklees Huddersfield South sub area.
- 10.4 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. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.5 The Housing Delivery Test results are directly linked to part of the five year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five year supply position. 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.

- 10.6 Policy LP11 of the Kirklees Local Plan requires that *“all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need”*.
- 10.7 In respect of the density of development, Policy LP7 of the Kirklees Local Plan and Principle 4 of the Housebuilders Design Guide SPD establish a desired target density of thirty-five dwellings per hectare.
- 10.8 Given the above, this site, in theory is suitable to accommodate 1.3 dwellings in respect of the aforementioned policies. In this case, the development proposed would consist of one building, however, this would provide 10no units of student flats/accommodation. Therefore, whilst the proposal would not provide general housing, reference to the Housebuilders Design Guide Supplementary Planning Document has been used in the following report, to set out issues which are of relevance to the scheme.

### Background

- 10.9 The site has previously received planning consent for the erection of 10 residential units (2017/92423), with the current application being a resubmission of this scheme. That scheme was approved before the adoption of the Local Plan and the Housebuilders Design Guide SPD. The scheme as a whole remains the same as approved, with slight changes to the location of the bin store and cycle store. This is to reduce the fire risk and to allow the site to be constructed in compliance with Building Regulations 2010 Part H6; and British Standard 5906:2005 Waste Management in Buildings Code of Practice.
- 10.10 As such, the principle of developing the site for student residential accommodation has been previously established. However, an assessment will need to be undertaken to ensure that the scheme proposed aligns with Policies within the adopted Local Plan and other SPDs adopted since the original planning permission was granted. This earlier scheme was granted when the Development Plan was the Unitary Development Plan (adopted 1999), (UDP). In particular, specific emphasis is required with regards to design, residential amenity and whether the proposal would have any adverse effect on highway safety. Other material planning considerations such as any ecological or drainage impact will also be considered along with all representations received.

### Visual amenity

- 10.11 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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.”*

- 10.12 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.
- 10.13 Policy LP24 of the KLP states that proposals should promote good design by ensuring:
- a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”.*
- 10.14 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 development is of high-quality design.
- 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 Principle 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*
- 10.17 Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.
- 10.18 The rectangular shape of the site, its topography (which falls from Bell Street) and its relationship with existing residential properties have influenced the layout of the site.
- 10.19 The proposed development would introduce a two storey building on a corner plot between two roads with accommodation in the roof space. It is therefore acknowledged that the site is reasonably prominent within the locality and can be seen in the context of both Manor Street and Bell Street. The properties

which surround the site are two storey in height with many utilising their roof space, to which the proposal is seeking to follow with a similar arrangement. This would be the same arrangement as the previous approval and thereby there would be no changes in terms of the building's design, form, size and scale or its relationship with adjacent and nearby property.

- 10.20 The proposed density and layout of the development is considered to be appropriate for the location, having afforded weight to the site's previous approval. This is due to the adequate spacing between the building and the existing properties. A separation distance of 9.1m metres would be achieved to the nearest property at no. 21 Bell Street, along with 1.5m to the nearest side elevation at no. 30 Manor Street. Officers note that the shared outdoor amenity space for the site would not be particularly large, however, there is a multitude of green space which would surround the site, that is considered reasonable for the type and scale of development proposed. Access to the building can be taken from the front elevation, from both Manor Street and Bell Street.
- 10.21 In terms of design, the elevational treatment would include a turned gable and gable roof on Manor Street which would help the building turn the corner of Manor Street and Bell Street. The Bell Street elevation includes a pitched roof to a gable end with two modest sized dormer windows evenly positioned. Whilst the development would be read separately from no. 21 Bell Street due to the significant separation distance, the gable roof would still follow that of no. 21.
- 10.22 With regards to fenestration details, windows would be positioned evenly along both Manor Street and Bell Street with a pair of false windows which seek to provide architectural balance to the building. Dormer windows are proposed to the site's front elevation facing Bell Street. Dual pitched dormers can be found within the locality and therefore the principle of this can be supported. However, the design of the dormers would mean that these would be located on the eaves. Whilst their positioning further within the roof would be desirable, Officers acknowledge that this could potentially lead to more bulk and massing and therefore this design feature can be supported. Planning permission for this style of dormer was granted as part of the 2017 application.
- 10.23 The building would be constructed from coursed natural stone and the roof covered in concrete tiles. The use of natural walling materials is welcomed so as to reinforce local distinctiveness, however, no samples or specific details have been provided as part of this application. Therefore, it is considered appropriate to condition the submission of samples. This is to ensure that any new built form would fit in and harmonise with the existing residential properties.

#### *Landscaping*

- 10.24 Principle 17 of the Housebuilders SPD outlines that *"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. The provision of outdoor. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces. Apartment development can provide outdoor spaces through balconies, though communal terraces and gardens may be more appropriate"*.

- 10.25 Alongside the above, Policy LP63 of the Kirklees Local Plan states that new housing developments are required to provide public open space or contribute towards the improvement of existing provision in the area. However, given that the development is only for 10 units, it would not meet the threshold and therefore a contribution to open space is not required.
- 10.26 In terms of landscaping, given that the site would not provide any on site parking, there would be small areas of green space to all elevations. This would allow any hardstanding to be kept to a minimum. The installation of trees within the green space to both elevations facing Manor Street and Bell Street would help improve the visual aesthetics of the site and the on-site green space is welcome.
- 10.27 Nonetheless, given the lack of information provided, KC Landscape have requested the submission of a formal landscape plan and details regarding its management and maintenance. This could be attached as conditions to the decision notice, in the case of an approval in accordance with Policy LP24 of the Kirklees local Plan and Principle 17 of the SPD. This could also include details of boundary treatment.
- 10.28 Given the above, Officers hold the view that the proposal would prevent detrimental harm to the visual amenities of the locality in accordance with Policy LP24 (a) of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

#### Residential Amenity

- 10.29 Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”*.
- 10.30 In addition to this, Paragraph 130 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.
- 10.31 Principle 6 of the Kirklees Housebuilders Design Guide SPD states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking. For two storey buildings, this SPD recommends minimum separation distances of:
- 21 metres between facing windows of habitable rooms at the back 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.

#### 30 Manor Street

- 10.32 No. 30 Manor Street is a two storey residential property directly to the North of the application site. Some of the bulk and massing of the building would be situated adjacent to these neighbours blank facing side elevation, with a

separation distance of 1.5m. This would help mitigate against any undue overbearing. However, there would be additional built form which would lie adjacent to these neighbours' private amenity space. In this case, the nearest part of the building would be single storey and would be stepped, meaning that separation distances of 1.5 – 2.5m would be retained to the shared boundary.

10.33 In terms of the two-storey element, this would be located 4.5m from the shared boundary but would have an overall height of approximately 9m (when adjacent to no.30's outdoor amenity space). As such, this would lead to some overbearing. Furthermore, given the orientation of the site with these neighbours (the development is due south), the development would result in some overshadowing. This would be particularly noticeable in the autumn, winter and the beginning of the spring months (between 10am – 2pm) and is intensified by the change in levels within the wider vicinity, meaning that no. 30 Manor Street is situated on a lower level than the application site. Nonetheless, Officers note that the aforementioned seasons/months, are those to which the occupants of no. 30 are less likely to be outside enjoying their private amenity space, with the garden and rear facing windows receiving some hours of sunlight within an afternoon (2pm onwards). Therefore, having taken into account the above and having awarded some weight to the site's previous approval, Officers on balance, consider this relationship acceptable.

10.34 With regards to overlooking, the submitted plans do not show any new windows to be inserted into any of the rear elevation, whether that be at ground or first floor. This would restrict any undue overlooking into these neighbour's garden and would not prejudice these neighbours from expanding and altering their property in the future. Officers consider this blank elevation to be key in protecting neighbouring amenity, with this accommodation, furthermore, not benefiting from any permitted development rights and therefore any future openings would require planning permission. However, depending on the proposal, any transparent openings would not be considered acceptable.

10.35 The submitted plans show the cycle store to be located to north western corner of the application site and would sit adjacent to these neighbours shared boundary by approximately 1.7m. Therefore, given the limited height to which this element would have and that its details will be secured via condition before it can be built, Officers are satisfied that there would be no undue impact to these neighbours' amenity, as the majority of the bulk and massing would be mitigated by the 1.8m close boarded timber fence in which would surround the amenity space for the site.

#### 21 Bell Street

10.36 No. 21 Bell Street is situated to the west of the application site and would be separated by a footpath in which is shown to be retained. The proposed building would be separated from these neighbours' blank side elevation by approximately 9.2m. The built form would sit slightly forward of no. 21's front elevation, however, the separation distance identified above would mitigate the majority of the impact. As such, Officers are satisfied that there would be no undue overbearing or overshadowing upon these neighbours' amenity.



10.37 Having undertaken the site visit, it is also evident that no. 21 does not benefit from any existing side openings. The submitted plans to support this application show no new windows to be inserted into the western facing elevation at ground or first floor, other than a pedestrian door. A secondary window to unit 9 has however been proposed. Given that this would only look out onto these neighbours' roof, Officers are satisfied that there would be no loss of privacy at these neighbours.

10.38 A bin and cycle store are proposed along the western edge of the site. The bin store would be situated forward of these neighbours' front elevation, however, given the slight separation distance and the fact that the height of the bin store would be kept to a minimum (controlled via condition), Officers do not consider this element to have any material impact to these neighbours' amenity. Likewise, in terms of the cycle store, this would be separated from these neighbours' amenity by the footpath and would be bounded in by the 1.8m perimeter fencing. Therefore, it is likely that this aspect would have any detrimental impact to these neighbours' outdoor amenity, as half of the built form would be adjacent to no. 21's blank elevation.

#### 16, 18, 20 and 22 Bell Street

10.39 The aforementioned properties are located adjacent to the site's frontage on Bell Street and at their closest would be located 14m from the proposed development. Eight habitable room windows would be located within the Bell Street elevation, which would face towards these properties, that are likely to contain a number of habitable room windows that look back towards the application site. It is acknowledged that a separation distance of 14m would fall short of the guidance set out within Principle 6 of the Housebuilders SPD. However, consideration has to be given the local context where many dwellings in the local area do not achieve the 21-metre separation distance. Examples along Bell Street include between no.s 14 -16 and no.21, and no.s 2 -12 and no.s 1- 11 where similar separation distances to that proposed are achieved. In addition, it is noted that the proposed development along Bell Street would be set lower than other dwellings on Bell Street which would further mitigate any impact. Therefore, given the above and the fact that this relationship has been previously approved under the 2017 application, when similar separation distances were contained within the UDP, Officers can support this relationship.

10.40 There would be no additional overshadowing upon these neighbours amenity as a result of the proposal, as the application site is situated to the North.

10.41 As previously mentioned the bin store would also be constructed at a limited height with details, in the case of an approval, to be submitted to Officers before development commences. Therefore, this aspect is unlikely to have any material impact to these neighbours' amenity.

#### 41, 43, 45 and 47 Manor Street

10.42 These neighbours are situated to the east of the application site. It has been noted that separation distances of approximately 20m would be retained to the nearest front elevations and therefore Officers are satisfied that there would be no undue overbearing or overshadowing. There would also be no significant loss of amenity as a result of the habitable windows proposed, due to the separation distance highlighted above. This is also a common relationship between the existing properties on Manor Street and therefore no concern is raised.

## Nuisance

- 10.43 It has been noted that there would be some impact upon the aforementioned properties, from a noise perspective, due to the intensification of the site and its use as residential accommodation. However, any noise disturbance is unlikely to be material, due to the limited number of units proposed and the fact that they would be contained within one building without communal space. The proposal is therefore considered to accord with Policy LP52 of the Kirklees Local Plan.
- 10.44 In terms of construction, Environmental Health officers requested a condition regarding construction hours. In this case, given the close relationship to which the site would have particularly with no. 30 Manor Street and no. 21 Bell Street, the required condition is considered to be necessary and reasonable in order to accord with Policy LP52 of the Kirklees Local Plan.

## Amenities of Future Occupiers

- 10.45 In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: "All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards (NDSS), these are not currently adopted in the Kirklees Local Plan." Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: "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. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."
- 10.46 In this case, the proposed development will be occupied by students and each apartment would provide a self-contained living space, providing a kitchen, en-suite, bedroom and living room all in one. The internal floor spaces for each unit are as follows:
- Unit 1 – 21 sq.m
  - Unit 2 – 21 sq.m
  - Unit 3 – 21 sq.m
  - Unit 4 – 22 sq.m
  - Unit 5 – 21 sq.m
  - Unit 6 – 21 sq.m
  - Unit 7 – 21 sq.m
  - Unit 8 – 20 sq.m
  - Unit 9 – 32 sq.m
  - Unit 10 – 30 sq.m
- 10.47 The NDSS advises that a 1 person 1 bedroom property should provide 37 square metres of accommodation. However, it is noted that this guidance is in relation to a 1-bedroom apartment with a separate bedroom, separate kitchen/dining space and a bathroom. In this instance, it is noted that the proposed apartments would be well below the space standards however, they would be 'studio' style student accommodation.

- 10.48 As the Council does not have any technical guidance or supplementary planning documents on student accommodation, Officers have based their assessment as to whether the development would provide a good level of amenity for its future occupants. In this case, given that the accommodation would not be the students primary residents and would only be used during the academic year, Officers consider the internal floor space to be acceptable. Each unit would benefit from an acceptable outlook, along with the use of the shared communal outdoor space. Therefore, having afforded weight to this and the previously approved scheme, the unit sizes are considered acceptable, provided that they are used as apartments for students only. This can be secured via a condition. This would prevent the accommodation being used as a primary unit of accommodation whereby the size of the unit would not provide a good standard of amenity for its occupiers.
- 10.49 The proposed development is therefore considered acceptable in terms of residential amenity and it is considered to comply with Local Plan Policy LP24(b), the Principles within the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

#### Highway safety

- 10.50 Paragraph 111 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The guidance in Chapter 9 of the NPPF is echoed in Policy LP21 of the Kirklees Local Plan.
- 10.51 Principle 12 of the Housebuilders Design Guide SPD states that at the outset of the development, applicants should identify the need for car parking. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.
- 10.52 KC Highways Development Management (KC HDM) have been formally consulted as part of this application, whereby the Officer has noted that the site is currently a vacant plot of land amongst residential properties approximately half a mile from Huddersfield Town Centre. Bell Street, Manor Street and other surrounding roads are subject to a Permit Holder Only Parking restriction.
- 10.53 No on-site parking is proposed as part of this application, as the units are intended to be used by students and the location is close to many local amenities and public transport links. Therefore, it is considered by Officers to be within a sustainable location and the provision of on-site parking is not required.
- 10.54 Although a cycle store is shown, no details of the proposed unit have been submitted. This can be secured by condition, however, the footprint of the store, as demonstrated, is likely to be suitable for the storage of 10 bikes.
- 10.55 In terms of waste management, a formal consultation has been undertaken with KC Waste Strategy. In the first instance, concern was raised due to the size of the doors on the bin store and its location on Manor Street, particularly in relation to the store's close proximity to the student accommodation and no. 30

from a fire safety perspective. Therefore, the bin store's location has been amended in line with Officers comments and is now shown to be to the west of the site.

- 10.56 Final comments have been sought from KC Waste Strategy, who have confirmed that the store and access complies with the Kirklees Waste Management Design Guide 2020. Nonetheless, further details are required regarding the design and materials of the bin store and its future management and maintenance. This can be secured via condition.
- 10.57 In summary, Officers consider that the proposal would not cause detrimental harm to highways safety and would accord with Policies LP20, LP21, LP24 d(vi) and LP43 of the Kirklees Local Plan, the aims of the Highways Design Guide Principles 19 of the Housebuilders Design Guide SPD and Chapters 9 of the NPPF.

#### Flood risk and drainage issues

- 10.58 Paragraphs 159-162 of the NPPF and Policy LP27 of the Kirklees Local Plan state inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk through application of a sequential test.
- 10.59 In this case the site is within Flood Zone 1, with the lowest probability of fluvial flooding (less 0.1% chance of flooding any year). However, given concerns regarding surface water run off and existing sewage issues within the locality, KC Lead Local Flood Authority and Yorkshire Water have been formally consulted.
- 10.60 Having reviewed the updated drainage information which shows surface water connecting to the watercourse running adjacent to the site, no concern is raised. This is due to the watercourse being surveyed and considered fit for purpose, subject to a condition regarding the connection of an outfall to this watercourse.
- 10.61 Furthermore, given the scale of the development, minimum discharge restrictions results in attenuation having little purpose in terms of flood risk management. A free discharge is therefore allowed on this occasion providing that no additional hardstanding is presented in a design change. Therefore, in the case of an approval KC LLFA have requested a condition regarding the site being developed with separate systems of drainage for foul and surface water on and off site.
- 10.62 Yorkshire Water have also raised no objection to the proposal, however requested the same condition as the LLFA.

#### Ecological considerations

- 10.63 Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This is echoed in Policy LP30 of the Kirklees Local Plan.

- 10.64 Furthermore, Policy LP30 of the KLP outlines that development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.
- 10.65 The site lies in an area identified as a Bat Alert area on the Council's geographical information system. The site comprises of a well-maintained piece of grass which is unlikely to have high ecological potential therefore it is considered harm to protected species is unlikely.
- 10.66 However, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD set out that proposals should provide net gains in biodiversity. As such, KC Ecology have been formally consulted, whereby the Officer originally requested the submission of a Preliminary Ecological Appraisal in order to determine the site's ecological value. In this case, the appraisal outlined that the value was minimal, however, the site is still able to achieve a net gain in biodiversity. Therefore, the Officer has requested that a condition is attached to the decision notice, in the case of an approval, to require an Ecological Design Strategy to include the mitigation and enhancement measures before development commences. This is considered reasonable in line with the above policy, legislation and guidance.

#### Environmental and public health

##### *Contamination and high coal risk area*

- 10.67 The site is situated within a high risk coal mining area and therefore a Coal Mining Risk Assessment (CMRA) has been submitted with this application. The Coal Authority have been formally consulted as part of this application process and have commented with the following:

*"The CMRA has been informed by an appropriate range of source of information; including geological plans and historical mapping. Based on this review of existing sources of geological and mining information the report correctly identifies the risks posed by potential shallow coal mine workings.*

*Accordingly, and in order to mitigate potential workings, appropriate recommendations are included for intrusive site investigation works prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.*

*The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.*

*The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application".*

- 10.68 Attention has also been raised to the potential for local mine gas to exist wherever coal resources or coal mine features exist at shallow depth. Therefore, the Coal Authority have requested the imposition of two conditions requiring the submission of investigation and remediations works prior to development commencing and for a signed statement to be prepared to confirm that the site has been made safe and suitable prior to occupation.
- 10.69 KC Environmental Health have also been formally consulted as part of this application agreeing that further investigation is required. As such, full land contamination conditions have been considered necessary. The wording of the conditions is to include investigation and mitigation of mine gas (if located). This is to accord with Policy LP53 of the KLP and Chapter 15 of the NPPF. This could be conditioned should permission be granted.

#### Footpath

- 10.70 An amended plan has been sought during the course of this application to show the existing access from Bell Street to Elm Street retained. This has been considered acceptable from KC PROW, as whilst the footpath is not recorded (a formal public right of way), the historical maps appear to show that this has been the same for at least 100 years. Any private legal rights of access would however be outside of the remit of this planning application.

#### Crime prevention

- 10.71 The Council's Designing Out Crime Officer has been formally consulted as part of this application. Whilst no objections have been raised to the application, appropriate design techniques to enhance safety and security have been recommended. This includes the implementation of an external lighting scheme, the external finishes to the bin store, cycle store, windows and doors. Therefore, a condition would be required at a minimum requesting details of any external lighting scheme prior to the development first being brought into use. This is to accord with Policy LP24 of the Kirklees Local Plan.

#### Climate change

- 10.72 Principle 18 of the Housebuilders Design Guide SPD sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.
- 10.73 In this instance, it has been noted that the walls of the building would be constructed from natural materials that can be sourced locally and easily recycled. The encouragement of sustainable modes of transport either via cycling or public transport would help reduce carbon emissions in accordance with Policy LP20 of the Kirklees Local Plan.

## Representations

10.74 As a result of the above publicity, 6 representations have been received. Most of the matters raised have been addressed in the report. However, Officers have provided a brief response to the concerns raised below:

### *Residential amenity concerns:*

- Loss of sunlight for those properties directly adjacent to the site.
- Loss of privacy.
- Noise disturbance from the construction.
- Noise disturbance from students.
- Impact to public health from the bin store (including odour concerns)  
*Comment: These concerns have been noted and a full assessment upon the impact on neighbour amenity has been addressed within the committee report. The recommendation to members is, on balance, considered to retain an acceptable level of amenity for surrounding residents. Conditions would also be attached to the decision notice in the case of approval, with regards to noise disturbance and the details and management and maintenance of the bin store.*

### *Parking concerns:*

- There are already parking problems on Bell St and Manor St. An additional 7-10 cars on street will cause further congestion, meaning it will be impossible for any size standard vehicle to pass, yet along an emergency one.
- The development requires off street parking.  
*Comment: This has been noted, however, the development would not provide any on site parking and therefore the scheme is unlikely to impact on any existing parking arrangements/problems within the area.*

### *General concerns:*

- From looking at the plans, they will be encroaching a public right of way, running along 21 Bell St through to the opening on Elm St. This leaves no facility to get an emergency vehicle down and is a reason to why the plans should have never been passed.
- Under the Prescription Act I am entitled to use this land as I always have done and it should not to be built on or blocked. This access is required as it has done for over 20 years and the proposed 1.2m access strip makes it impossible for me to use  
*Comment: This has been noted, however, the footpath is not a recorded public footpath, whereby the applicant has confirmed that they own all of the land within the red line boundary. Any private rights of access would be a private legal matter and would be outside of the realms of planning.*
- If the right of way was to be closed, I would have no choice but to leave my bins at the front of my property, rather than at the rear.  
*Comment: The submitted plans show a footpath to be retained to the west of the site.*
- The drainage system runs underneath the path and to my knowledge, this should not be built upon.  
*Comment: This has been noted, however, it would be a private legal matter.*

- The bin shed is to be positioned over the grid of drains. This is problematic if there is a blockage.  
*Comment: This has been noted, however, it would be a private legal matter and access to inspection covers, if located on the site, would need to be retained.*
- The side of no. 21 Bell Street needs repointing and not getting access would be a major concern for me.  
*Comment: This has been noted, however, it would be a private legal matter.*
- If the planning application is granted in its current form, then I will have no other option than to contact my legal representative.  
*Comment: This has been noted, however, the Planning Department cannot advise on legal matters. This would be a private legal matter.*
- The land gives an open space feeling for all residents, and we feel that this student development will be detrimental to residents' mental health.  
*Comment: Most planning approvals are likely to interfere to some extent, with an adjoining occupier's enjoyment of their property. However, the test is whether this is proportionate. Weighing factors in the planning balance in this case, the impact is considered not to be disproportionately harmful to the amenities of surrounding residents.*
- Loss of a view and impact on house prices.  
*Comment: This is not a material planning consideration and therefore cannot be afforded any weight.*
- There is an oversupply of student accommodation in properties.  
*Comment: This has been noted, however, no evidence has been provided to suggest otherwise. The site's edge of centre location is suitable for this type of development.*
- I have concern over the conservation of the natural environment, as the path of green would be lost.  
*Comment: This has been noted and pockets of planting and amenity space would be provided within the site. The condition requested by KC Ecology also requests ecological enhancements to be provided before construction works are started.*
- The effect the proposal would have on trees and the landscape.  
*Comment: Planting including some trees have been proposed as part of the proposal. There also does not appear to be any trees within the site as existing which would need to be removed.*
- There would be an effect on the area by allowing student accommodation.  
*Comment: This is not a material planning consideration and therefore cannot be afforded any weight.*



- Concern over the lack of publicity regarding the application.
- 10 days to give residents notice and reply is not long enough  
*Comment: The application has been advertised by site notice, neighbour notification letters and the press. The amended plans were also re-advertised via a neighbour notification letter to all nearby residents (adjoining the red line boundary) and interested parties. Given the limited changes proposed, 10 days was considered sufficient by Officers.*
- The impact on a nearby holiday let, as a result of the proposal.  
*Comment: This has been noted, however, KC Environmental Health Officers are satisfied that the proposed student accommodation would not result in any undue noise disturbance to existing properties. The loss of any view is not a material planning consideration.*
- Bell Street is now a nice family populated street, rather than a student street which it was 10 years ago.  
*Comment: This has been noted.*

#### Financial contributions and planning obligations

- 10.75 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.

#### *Highways and transport*

- 10.76 In accordance with LP20 of the Kirklees Local Plan, developments are encouraged to support sustainable transport. In this instance, given that the site would not provide any on-site parking, West Yorkshire Combined Authority have requested the developer to fund a package of sustainable travel measures. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCard's for all part of the site. Therefore, a contribute of £5,115.00 is sought in support of the scheme.

## **11.0 CONCLUSION**

- 11.1 The application site is unallocated on the Kirklees Local plan, however, has received planning permission for the same scheme under planning application 2017/92423. The principle of residential development at the site has previously been considered acceptable.
- 11.2 The application seeks approval for the erection of 10 units of student accommodation. The site is constrained by the topography of the site, a footpath, 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 cause undue harm to material planning considerations and would provide an enhancement to local 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 to sustainable development and is therefore recommended for approval, subject to conditions and planning obligations which can be secured via a S106 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. Three years timeframe for implementation
2. Development shall be undertaken in accordance with the plans and specifications
3. Prior to the superstructure commencing, samples of external facing materials and roofing materials to be submitted to the LPA.
4. The accommodation hereby permitted shall be used for students only
5. Development shall not commence until the submission of a Phase 1 Report.
6. Submission of a Phase II Site Investigation Report (subject to findings of Phase 1 and include investigation of mine gas and intrusive investigations arising from coal mining legacy)
7. Submission of a Remediation Strategy (including related to coal mining legacy and mine gas)
8. Implementation of the Remediation Strategy
9. Submission of a Validation Report
10. Construction working times
11. External lighting scheme
12. No piped discharge of surface water until works to provide a satisfactory outfall has been achieved.
13. Details of the cycle store before building works commence and timescale for implementation and retention thereafter.
14. Before development commences, details of the bin store (including design and materials) and its management and maintenance (including by a designated private management company) shall be submitted to the LPA.
15. Submission of an Ecological Design Strategy
16. Submission of hard and soft landscape plan, including boundary treatment
17. Details of implementation, management and maintenance of hard and soft landscape plan.
18. Details of separate drainage systems for foul and surface water on and off site.

**Background Papers:**

Application and history files.

[Link to previous application](#)

Link to previous application – [Planning application details | Kirklees Council](#)

[Link to planning application](#)

Website link for application - [Planning application details | Kirklees Council](#)

Certificate A signed.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 02-Feb-2023

Subject: Planning Application 2022/93251 Erection of rear dormer (within a Conservation Area) 10, Cecil Street, Springwood, Huddersfield, HD1 4BD

#### APPLICANT

M Parwiz

#### DATE VALID

03-Oct-2022

#### TARGET DATE

28-Nov-2022

#### EXTENSION EXPIRY DATE

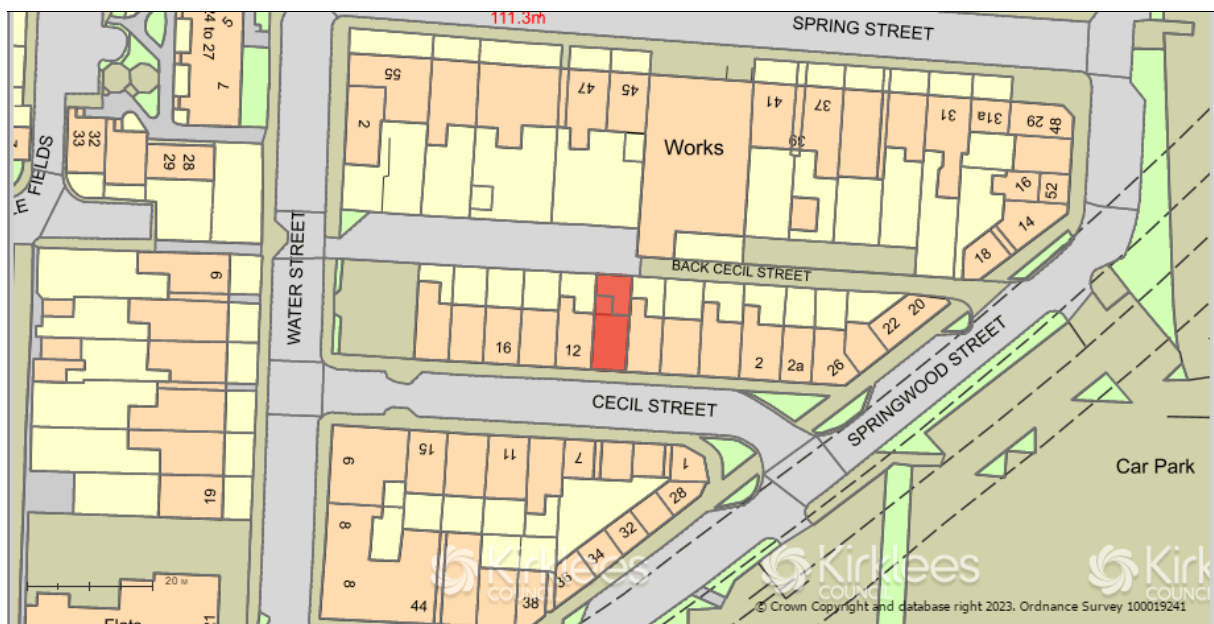
03-Feb-2023

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

[Public speaking at committee link](#)

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral wards affected:** Newsome

**Ward Councillors consulted:** No

**Public or private:** Public

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**RECOMMENDATION: REFUSE**

1. The formation of a flat-roofed dormer extension on the rear roof pitch would cause harm to the significance of the Springwood Conservation Area by introducing a large, dominant, modern element in a roofscape which has otherwise retained its simple and traditional appearance. The harm that would be caused is considered to be less than substantial, but no public benefit has been demonstrated to justify the harm caused, contrary to the aims of paragraphs 199-202 of the National Planning Policy Framework (NPPF). It is therefore considered that the development proposed would not accord with the aims of Chapter 16 of the NPPF, Policies LP2, LP24a and LP35 of the Kirklees Local Plan or Key Design Principles 1-2 of the Council's adopted House Extensions and Alterations SPD.

**1.0 INTRODUCTION:**

1.1 The application is brought to Huddersfield Planning Sub-Committee at the request of Ward Councillor Andrew Cooper who has provided the following reason:

"I don't believe this dormer would adversely affect the Springwood Conservation area."

1.2 The Chair of Huddersfield Planning Sub-Committee has accepted the reason for making this request, having regard for the Councillor's Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application relates to 10 Cecil Street which is a two-storey mid-terrace dwelling. The southern (front) elevation faces Cecil Street, and the northern (rear) elevation faces Back Cecil Street which is an unadopted shared access lane which separates the property from the rear gardens and yards of 45 - 47 Spring Street and an industrial building. These buildings to the north are all grade II listed.

The wider area consists mainly of parallel rows of terraced houses with an east-west orientation located within Springwood Conservation Area.

2.2 The property is constructed from stone with the rear extension built from artificial stone. The main roof is constructed from blue slate, along with the rear extension.

- 2.3 To the front of the property there is no garden where occupiers step straight out on to the footpath and with a small courtyard to the rear. The dwelling has a two-storey rear extension which is aligned to the north west as viewed from the rear.

### **3.0 PROPOSAL:**

- 3.1 This is for the erection of a rear dormer, which is a re-submission of slightly modified proposal to a previously refused application.
- 3.2 The proposed rear dormer extension would be set back from the existing gutter line by 0.4 metres in the vertical plain and would be level with the existing ridge. The total width of the dormer would be 5.85 metres being set in from the side elevation of the dwelling by 0.1 metres each side. Visually it would span almost the full width of the rear elevation roof slope.
- 3.3 The proposed dormer walls would be clad with composite cladding with no details of the proposed windows.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2002/91308 – Erection of 2 storey rear extension – Conditional Full Permission, granted 10<sup>th</sup> June 2002 and implemented
- 4.2 2014/91291 – Formation of rooflights - Conditional Full Permission, granted 25<sup>th</sup> July 2014
- 4.3 2022/91705 – Erection of a rear dormer – Refused 5<sup>th</sup> August 2022 for the following reason:-

*'The formation of a flat-roofed dormer extension on the rear roof pitch would cause harm to the significance of the Springwood Conservation Area by introducing a large, dominant, modern element in a roofscape which has otherwise retained its simple and traditional appearance. The harm that would be caused is considered to be less than substantial, but no public benefit has been demonstrated to justify the harm caused, contrary to the aims of paragraphs 199-202 of the National Planning Policy Framework (NPPF). It is therefore considered that the development proposed would not accord with the aims of Chapter 16 of the NPPF, Policies LP24a and LP35 of the Kirklees Local Plan or Key Design Principles 1-2 of the House Extensions and Alterations SPD.'*

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

- 5.1 The previous application was refused and this application has been submitted without pre-application discussion. However, the agent has again been informed of the previous reason for refusal, along with a potentially acceptable design suggestion, and of an appeal decision for a similar rear dormer within a Conservation Area which was refused and thereafter dismissed.

Amended plans were received in relation to changes to enable the roof of the two-storey extension to tie into the rear elevation of the dormer and an amended Heritage statement to reflect the current application. These did not fundamentally change the scale or appearance of the dormer applied for.

## **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) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

The site is within the Springwood Conservation Area as identified within the Kirklees Local Plan.

The site also lies within a Coal Referral Area but since the proposed development involves no groundworks a Coal Mining Risk Assessment was not sought.

### 6.2 Kirklees Local Plan (2019):

- **LP1** – Achieving sustainable development
- **LP2** – Place shaping
- **LP21** – Highway safety
- **LP22** – Parking
- **LP24** – Design
- **LP35** – Historic environment
- **LP52** – Protection and improvement of environmental quality

### 6.3 Supplementary Planning Guidance / Documents:

- House Extensions and Alterations 2021
- Highways Design Guide SPD

### 6.4 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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.

- **Chapter 2** – Achieving sustainable development
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 16** – Conserving and enhancing the historic environment

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

7.1 We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, site notice and newspaper advertisement as having the potential to affect the setting of a Conservation Area. The final date for publicity expired 17<sup>th</sup> November 2022.

7.2 No representations have been received.

7.3 The revised plans were not re-publicised as these did not fundamentally alter the development originally applied for.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

K.C. Conservation and Design – recommended refusal on the previous planning application seeking largely the same scale and appearance of development.

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

None

## **9.0 MAIN ISSUES**

- Principle of development
- Visual amenity and heritage issues
- Residential amenity
- Highway safety
- Other matters

## **10.0 APPRAISAL**

### Principle of development

10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

10.2 With specific regard to the Council’s adopted House Extensions and Alterations SPD the key design principles for consideration for this particular application are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment

- Key design principle 15: Provision for parking
  - Key design principle 16: Provision for waste storage
- 10.3 The site is within Springwood Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of a Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also policy LP35 of the Kirklees Local Plan which states that harm to heritage assets should not be allowed without a proportionate justification.
- 10.4 When making a recommendation in respect of a planning application that might be considered to affect a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 10.5 The aforementioned legislation, policies, principles and the relevant design guidance of the Council's adopted House Extensions and Alterations SPD are considered within sections 2 and 3 of this report. The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations

#### Visual amenity and heritage issues

- 10.6 Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development within the area and is visually attractive. With reference to extensions, Policy LP24(c) of the Kirklees Local Plan states these should be 'subservient to the original building' and 'in keeping with the existing building in terms of scale, materials and details.'
- 10.7 These aims are also reinforced within Chapter 12 of the NPPF (Achieving well-designed plans) where paragraph 126 provides an overarching consideration of design stating that: *"the creation of high-quality buildings and places are 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."* Paragraph 130 of the NPPF states that planning decisions should ensure developments are sympathetic to local character. including the surrounding built environment.
- 10.8 Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure that they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.



10.9 With regard to the Council's adopted House Extensions and Alterations SPD, Key Design Principles 1 and 2 are relevant which state:

- Principle 1 – 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.”*
- Principle 2 – 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 detail.”*

10.10 Section 5.4 of the SPD relates specifically to dormer windows and roof extensions. Sub-paragraph 5.24 states that:

*“Roofs are a prominent and visible element of the street scene. Unsympathetic roof extensions and dormer windows can have a significant effect on the visual appearance of both the individual building and street scene. Poorly designed roof extensions and dormer windows can make a building appear top-heavy, cluttered and asymmetrical.”*

10.11 Sub-paragraphs 5.25 and 5.26 go on to say that:

*“The design of dormer windows and roof extensions should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. Ideally, dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained.”*

*“To assess whether a dormer window is appropriate on the front elevation, consideration should be given to the surrounding buildings in the street. Traditional vertical dormer windows usually complement the character and roof pitch of the existing house and will normally be acceptable. Modern flat roof dormers may be considered acceptable if they are well-designed, small in scale and appearance and are characteristic of the street scene.”*

10.12 Sub-paragraph 5.27 states that dormer windows should:

- relate to the appearance of the house and existing roof;
- be designed in style and materials similar to the appearance of the existing house and roof;
- not dominate the roof or project above the ridge of the house;
- be set below the ridgeline of the existing roof and within the roof plane; and
- be aligned with existing dormer windows on neighbouring properties in the same roof plane where relevant.

10.13 It is considered that a high standard of design in relation to dormer roof additions should be reflected, especially where they are within a Conservation Area. In this case it is noted that the rear dormer would be seen from public viewpoints due to the rear access lane which is open to public vehicles and pedestrians. 10 Cecil Street is an unlisted mid-terraced dwelling dating to the mid/late-19<sup>th</sup> century and located within the Springwood Conservation Area. It backs onto the rear of another terrace, where the houses and a former works building are Grade II listed. The building is characteristic of the terraced houses within this Conservation Area, two storeys in height and constructed in coursed

natural stone with a slate roof and chimney stacks. The roofscape within this Conservation Area, both on front and rear elevations, retains its original simplicity and continuity. These are the principal elements that contribute to the Conservation Area's significance.

- 10.14 In this instance, the dormer proposed is large in scale and is considered to be an alien feature within the street scene where no other dormer openings are located within the rear roof slopes of this row of properties. Furthermore, the proposal is not considered to respect or enhance the character of the townscape contrary to Key Design Principle 1 of the Council's adopted House Extensions and Alterations SPD and Policy LP24 of the Kirklees Local Plan.
- 10.15 Several Listed Buildings are to the north of the site which is within Springwood Conservation Area. The proposal is of the same design, virtually the same scale as a previous refusal. The comments of the Conservation Team in relation to that refusal stated that inserting a large flat roofed dormer on the rear roof pitch will lead to less than substantial harm to the significance of the conservation area (the designated heritage asset) by introducing a large, dominant element in a roofline which is otherwise simple in nature. These comments are considered to be equally relevant to the consideration of this case. The design, scale and materials of the proposal are not considered to preserve or enhance the character of the Conservation area. In this case it is concluded that the rear dormer if approved, whilst being the first dormer on this row of properties, would not have an impact on the setting of the adjacent listed buildings, given the separation distance.
- 10.16 The proposed construction materials for the dormer would be clad with composite cladding. This is a synthetic alternative to timber, usually formed of wood fibre and plastic. This material is also considered to be unacceptable within the Springwood Conservation Area, as well as the size and scale of the proposal which would encompass almost all of the rear roof. The material would further exacerbate the incongruous appearance of the dormer within the Conservation Area.
- 10.17 The harm caused to the significance of the Conservation Area in this case is considered to be less than substantial, but under paragraphs 199-202 of the NPPF even "less than substantial harm" must be justified by a public benefit, including, where appropriate, securing its optimum viable use. No such public benefit, have been put forward or demonstrated.
- 10.18 The proposed rear dormer should also be taken in context with the existing rear 2-storey extension. The cumulative impact of this, combined with the proposed dormer extension, would result in a development which would not be subservient to the host property due to the overall size, scale and massing with the works. This would result in an unsympathetic, over-dominant and incongruous form of development which would harm the character and appearance of the host building. To permit the development would be contrary to Policies LP24 of the Kirklees Local Plan, Key Design Principles 1 and 2 and detailed guidance in section 5 of the Council's adopted House Extensions and Alterations SPD and policies within Chapter 16 of the National Planning Policy Framework.

## Residential amenity

10.19 Sections B and C of policy LP24 of the KLP states that alterations to existing buildings should:

*“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”*

10.20 Further to this, Paragraph 130 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.

10.21 The Council’s adopted House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal’s impact on residential amenity. These include:

- Principle 3 - that *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”*
- Principle 4 - that *“extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light, and outlook.”*
- Principle 5 - that *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”*
- Principle 6 - that *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*
- Principle 7 - that *“extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”*

10.22 The application site is a mid-terrace property with the attached neighbours to the east & west, No’s. 8 & 12 Cecil Street.

10.23 With regards to overlooking, the existing established separation distances would not be reduced as a result of the proposed dormer extensions, retained at a distance of 28 metres, which exceed the 21 metres as advised within Key Design Principle 3 of the SPD and therefore there are minimal concerns.

10.24 In terms of the impact on the attached neighbours either side of the property from the proposed dormer extensions, this would be limited due to the dormer being located within the confines of the existing roof slope.

10.25 In terms of the amenity of existing/future occupiers of the dwelling, the additional accommodation would provide more scope and flexibility for its occupants and help to achieve the potential of a ‘lifetime’ home. Whilst the Local Planning Authority have considered the private benefits of the proposal this approach has to be proportionate. The benefits to the occupiers of the dwelling do not outweigh other considerations in this case, including those set out within the previous section of this report, which conclude that the proposal would impact negatively on the built environment.

- 10.26 Key Design Principle 7 of the SPD requires that extensions ensure that appropriately sized and usable areas of outdoor space are retained. In this instance, there are no proposed alterations to the footprint of the building and therefore the works would retain the outdoor amenity space, as existing. It is therefore considered that the development would comply with this principle.
- 10.27 It is considered the impact of the development in regard to residential amenity of neighbouring and future occupiers would be acceptable.

#### Highway safety

- 10.28 Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. Principle 15 of the Council's adopted House Extensions and Alterations SPD states that: "*Extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking.*" Principle 16 seeks to ensure adequate bin storage arrangements are in place.
- 10.29 The submitted floor plans indicate that the size of the property would increase from being a 3-no. bedroom property to a 4-no. bedroom property.
- 10.30 Key Design Driver 20 of the Highways Design Guide SPD states that:

*Kirklees Council has not set local parking standards for residential and non-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:*

- *dwellings of 4 or more bedrooms have at least three off-street spaces*

- 10.31 The works to the property would not increase the footprint of the property with all the works being located above ground floor level. As such, there would be no alterations to the existing parking arrangements. Albeit the property does not benefit from any off-street parking, Cecil Street is residents permit only. Furthermore, the property is highly accessible being close to the edge of the Town Centre, it is considered unlikely that the increased living accommodation would lead to an increase in parking demand.
- 10.32 The waste storage arrangements for the dwelling would remain unaffected by the development, and the impact in this regard is not considered to be significant, in accordance with key design principle 16 of Council's adopted House Extensions and Alterations SPD.
- 10.33 Therefore, the current situation is considered to be acceptable, and the proposal is concluded to be acceptable having regard to policy LP22 of the Kirklees Local Plan, Key Design Principles 15 and 16 of the Council's adopted House Extensions and Alterations SPD and Key Design Driver 20 of the Council's adopted Highways Design Guide SPD.

## Other Matters

### *Climate change*

- 10.34 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.
- 10.35 Principle 8 of the Council’s adopted House Extensions and Alterations SPD relate to planning for climate change. Principle 8 (Energy Efficiency) states: *“Extensions and alterations should, where practicable, maximise energy efficiency.”*
- 10.36 Due to the nature of the proposal, it is not considered reasonable to require the applicant to put forward any specific measures to be incorporated. Given the nature of the development for which consent is being sought, and the requirements of building regulations for development of this nature it is considered the development would likely lead to a small-scale improvement in relation to the insulation to, and thereby reduce heat loss from, the roof. This is considered acceptable and in accordance with Chapter 14 of the NPPF as well as Key Design Principle 8 of the Council’s adopted House Extensions and Alterations SPD.

### *Coal Mining Legacy*

- 10.37 The site is located within area which is at high risk of ground movement as a result of past mining activities. Whilst falling within a high-risk area the Coal Authority was not notified given that the proposal was for a rear dormer extension and is a development identified by the Coal Authority as being exempt from the requirement for a coal mining risk assessment to be undertaken.

## **11.0 CONCLUSION**

- 11.01 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.
- 11.02 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the application of policies in the NPPF that protect area or assets of particular importance provides a clear reason for refusing the development proposed.

11.03 The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

**Background Papers:**

Application and history files.

[Link to planning application](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F93251)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F93251>

Certificate of Ownership – Certificate A signed.

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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 02-Feb-2023

Subject: Planning Application 2022/93846 Erection of first floor extension above existing garage 29, Oldfield Road, Honley, Holmfirth, HD9 6NL

#### APPLICANT

K Sohal

#### DATE VALID

25-Nov-2022

#### TARGET DATE

20-Jan-2023

#### EXTENSION EXPIRY DATE

10-Feb-2023

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

[Public speaking at committee link](#)

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral wards affected: Holme Valley North**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION: Refuse**

1. The proposed extension, by virtue of its size and scale, and due to other previous additions to the property, would result in a disproportionate addition to the original dwelling and therefore constitute inappropriate development in the Green Belt. In addition, the proposed development would have a detrimental impact upon the spatial and visual openness of the Green Belt. Very special circumstances to clearly outweigh the identified substantial harm to the Green Belt have not been demonstrated, therefore the development is contrary to Policy LP57 (a) of the Kirklees Local Plan and Policies contained within Chapter 13 of the National Planning Policy Framework.

2. By reason of its large scale and massing, form and relationship with the host dwelling, and taking into consideration previous extensions and additions to the dwelling, the proposed development fails to represent a subservient and harmonious addition to the dwelling, introducing an unsympathetic, incongruous and overly dominant addition which detracts from the original dwellinghouse. The development would therefore cause detrimental harm to visual amenities of the locality, contrary to Policies LP24(c) and LP57(d) of the Kirklees Local Plan, Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document, Policy 2 of the Holme Valley Neighbourhood Development Plan and Policies contained within Chapter 12 of the National Planning Policy Framework.

3. The proposed extension, by reason of its scale, proximity to No.31 Oldfield Road and protrusion beyond the rear wall of No.31 Oldfield Road, would result in an undue overshadowing and overbearing impact on the rear windows and amenity space of this adjacent property, as well as an undue loss of light and outlook to the rear windows, thereby detrimentally affecting the residential amenity of its occupants. To permit the extension would be contrary to Policy LP24 (b and c) of the Kirklees Local Plan, Principles 5 and 6 of the Council's adopted House Extensions and Alterations Supplementary Planning Document, Policy 2(10) of the Holme Valley Neighbourhood Development Plan and Policies contained within Chapter 12 of the National Planning Policy Framework.

**1.0 INTRODUCTION:**

1.1 This is an application for full planning permission for the erection of a first-floor extension above the existing garage at 29 Oldfield Road, Honley, Holmfirth, HD9 6NL.



- 1.2 The application is brought before Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation at the request of Councillor Greaves for the reason outlined below:

*"The reason for the referral is so that the committee can consider if the extension would be appropriate development in the Green Belt, and whether it would cause harm to the visual amenity of the area or the amenities of neighbours".*

- 1.3 The Chair of Huddersfield Sub-Committee has accepted the reason for making this request as valid having regard to the Councillor's Protocol for Planning Committees.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site relates to 29 Oldfield Road, Honley, Holmfirth, HD9 6NL. The application site accommodates a two-storey detached dwelling constructed from stone under a tiled roof. The site appears to occupy a large plot benefitting from a driveway, small, landscaped area to the front, and private amenity space to the rear. Pedestrian and vehicular access can be taken directly onto Oldfield Road (which is an adopted road). Boundary treatments consist of mature hedging, stone walls and timber fencing.

- 2.2 The site is located within the Green Belt and neighbouring dwellings consist of a mixture of semi-detached and detached properties. To the rear of the site is open countryside.

## **3.0 PROPOSAL:**

- 3.1 The application seeks planning permission for the erection of a first-floor extension above the existing garage.

- 3.2 The proposed first floor extension is to be located above the existing garage on the western side of the dwelling. The proposed extension will measure approximately 9.2m x 5.4m, with a ridge height of around 6.9m. The extension would result in the west side of the dwelling have a gabled frontage. The walls of the first-floor extension would be largely flush with that of the garage, but a two-storey element is proposed to the rear of the garage, which would infill an area between the east side wall and rear wall of the garage. The proposed extension will provide an additional bedroom, en-suite and office.

- 3.3 The proposed materials include stone and concrete roof tiles, all to match the host dwelling.

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

- 4.1 2022/92659 – Erection of first floor extension above existing garage. Refused on 29th September 2022. The application was refused for the following reasons:

1. *“The proposed extension, by virtue of its size and scale, and due to other previous additions to the property, would result in a disproportionate addition to the original dwelling and therefore constitutes inappropriate development in the Green Belt. In addition, the proposed development would have a detrimental impact upon the spatial and visual openness of the Green Belt. Very special circumstances to clearly outweigh the identified substantial harm to the Green Belt have not been demonstrated, therefore the development is contrary to Policy LP57 (a) of the Kirklees Local Plan and Policy contained within Chapter 13 of the National Planning Policy Framework.*
  2. *By reason of its large scale and massing, form and relationship with the host dwelling, and taking into consideration previous extensions and additions to the dwelling, the proposed development fails to represent a subservient and harmonious addition to the dwelling, introducing an unsympathetic, incongruous and overly dominant addition which detracts from the original dwellinghouse. The development would therefore cause detrimental harm to visual amenities of the locality, contrary to Policy LP24c of the Kirklees Local Plan, Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document, Policy 2 of the Holme Valley Neighbourhood Development Plan and Policy contained within Chapter 12 of the National Planning Policy Framework.*
  3. *The proposed extension, by reason of its scale, proximity to No.31 Oldfield Road and protrusion beyond the rear wall of No.31 Oldfield Road, would result in an overshadowing and overbearing impact on the rear windows and amenity space of this adjacent property thereby detrimentally affecting the residential amenity of its occupants. To permit the extension would be contrary to Policy LP24 (b and c) of the Kirklees Local Plan, Principles 5 and 6 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document, Policy 2 of the Holme Valley Neighbourhood Development Plan and Policy contained within Chapter 12 of the National Planning Policy Framework.”*
- 4.2 2022/90757 – Erection of first floor extension above existing garage. Refused on 17th May 2022. This application was refused for similar reasons as 2022/92659 referred to above.
- 4.3 2021/92630 – Prior approval for enlargement of dwellinghouse by erection of additional storey. Refused on 25th August 2021. Appeal dismissed on 21st February 2022. This related to adding a third storey to the main body of the dwelling. This application was refused by the Local Planning Authority for the following reason:
- ‘1. The proposed additional storey is considered overly dominant and harmful to the proportions, appearance and design of the principal elevation contrary to fundamental core aims of good design as set out in Chapter 12 of the National Planning Policy Framework, policies LP24 and LP57 of the Kirklees Local Plan and guidance within Kirklees Household Design Guide Supplemental Planning Document and National Design Guide’.*
- 4.4 2021/91049 – Erection of first floor extension above existing garage. Withdrawn on 31st May 2021.

- 4.5 2020/92453 – Non-material amendment to previous permission 2019/92309 for erection of single storey rear extension. Approved on 10th September 2020.
- 4.6 2019/92309 – Erection of single storey rear extension. Approved on 24th October 2019.
- 4.7 2019/91854 – Prior notification for a single storey extension. Prior Approval Not required on 9th July 2019.
- 4.8 2019/91335 – Prior notification for a single storey extension. Refused on 29th May 2019.
- 4.9 2004/91522 – Proposed pitched roof over garage to replace existing flat roof. Approved on 26th May 2004.
- 4.10 89/04095 – Erection of single storey extension to form kitchen and shower room. Approved on 15th September 1989.

#### Pre-application Advice

- 4.11 2020/20551 – Pre-application for extension above garage. The Local Planning Authority concluded that if a similar scheme were to be submitted as an application, it would be unlikely that the application would be supported, due to the concerns regarding the impact upon the Green Belt and residential amenity.

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

- 5.1 No amendments have been sought as the proposals are deemed to be wholly unacceptable in this instance. Officers have substantial concerns with the proposal. It should be noted that concerns were expressed at the pre-application advice stage in relation to the submission of a similar scheme and under planning application 2021/91048 which was subsequently withdrawn, as well as within the delegated officer reports for refused application 2022/90757 and more recently refused application 2022/92659.

### **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) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).
- 6.2 The application site is located within the Green Belt, Bat Alert Area, Holme Valley Neighbourhood Development Plan Area and partly within the Strategic Green Infrastructure Network.

#### Kirklees Local Plan (2019):

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP24** – Design

- **LP30** – Biodiversity & Geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP51** – Protection and Improvement of Local Air Quality
- **LP57** – The Extension, Alteration or Replacement of Existing Buildings

Holme Valley Neighbourhood Development Plan (2020-2031)

- 6.3 The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. The policies most relevant to this application are listed below:

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley

*“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”*

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

*“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”*

Policy 11: Improving Transport, Accessibility and Local Infrastructure

*“New development...should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.*

Policy 12: Promoting Sustainability

*“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.*

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

*“All development proposals should demonstrate how biodiversity will be protected and enhanced”.*

- 6.4 The application site is within Landscape Character Area 5 - Netherthong Rural Fringe. Key landscape characteristics of the area are:

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.
- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

Key built characteristics of the area are:

- In Netherthong and Oldfield buildings are grouped around courtyards to provide protection from the elements whilst Deanhouse has a predominantly linear plan.
- Vernacular buildings largely comprise farmhouses, barns and two and three storey weaver's cottages of millstone grit with stone mullioned windows.

Supplementary Planning Guidance / Documents:

- Kirklees Highways Design Guide (2019)
- Kirklees House Extensions and Alterations Supplementary Planning Document (2021)

National Planning Policies and Guidance:

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

6.6 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Protecting Green Belt land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Neighbour Letters – Expired 5<sup>th</sup> January 2023.

7.2 1 representation has been received raising comments on the application. This is summarised below with full comments available to view on the Council's website.

- Since the last application a number of the tall trees have been removed which has reduced the overlooking.

**Officer note:** Noted, and overlooking will be addressed in the assessment below.

- No scaffolding will be able to be provided within the rear garden of No. 31 Oldfield Road due to the stability of the ground.

**Officer note:** Noted, but this is not a material planning consideration.

- Concerns over the boundary line.

**Officer note:** Noted. This would be a civil matter that would need to be resolved outside of this planning application should it be approved.

- No indication on plans for guttering.

**Officer note:** Noted. As Officers are looking to recommend refusal of the application discussions have not been had with the applicant/applicant's agent in relation to guttering, however, if approved details on guttering could be requested by condition.

- Concerns that the proposed extension will appear overbearing on adjacent neighbouring properties.

**Officer note:** Noted. This is discussed in more detail within the residential amenity section of the assessment below.

- Any falls coming from the roof would go directly into neighbouring properties.

**Officer note:** This would be a civil matter that would need to be resolved outside of this planning application should it be approved.

**Officer note:** We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above.

### **7.3 Parish/Town Council**

Holme Valley Parish Council – Comments received 18<sup>th</sup> January 2023. Defer to Kirklees Officers. Plans were...poor.

## **8.0 CONSULTATION RESPONSES:**

8.1 No technical consultations were required.

## **9.0 MAIN ISSUES**

- Principle of development (including principle of development in Green Belt and visual amenity)
- Residential amenity
- Highway issues
- Other matters

## 10.0 APPRAISAL

### Principle of development

#### Sustainable Development

- 10.1 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted.

#### Land Allocation (Green Belt)

- 10.3 The site is allocated as Green Belt in the Kirklees Local Plan.
- 10.4 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, with one such purpose being to 'assist in safeguarding the countryside from encroachment'. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances'.
- 10.5 Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 outlines that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building.
- 10.6 Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF. Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. Policy LP57(a) states that in the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57(c) also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57(d) states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

#### *Whether the proposal is inappropriate development within the Green Belt*

- 10.7 As a starting point it is important to understand what constitutes the 'original building'. The glossary within the NPPF defines 'original building' as: "A building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally".

- 10.8 A review of historic maps and previous planning decisions has been undertaken to ascertain what can be considered the original building at the site. In this case, it is considered based on the information available, that the original building is the main two storey structure with the dual pitched roof. All other elements are considered to be extensions to the original building. These include the porch, the single and two storey extensions (to the side and rear), and the double garage.
- 10.9 These additions need to be assessed against whether the existing and proposed extensions to the original building would cumulatively constitute a disproportionate addition. The floor area of the original building is considered to be approximately 137.64 sqm ( $7.4\text{m} \times 9.3\text{m} = 68.82 \times 2$ ), whilst the cubic volume of the original building is considered to be approximately 846.486 cubic metres ( $137.64 \times 5.5\text{m} = 757.02\text{m}^3 + 7.4\text{m} \times 9.3\text{m} \times 2.6 / 2 = 89.466\text{m}^3$ ).
- 10.10 The existing additions to the original building are considered to have increased the floor area of the building by approximately 249.17sqm ( $5.69\text{sqm} + 50.88\text{sqm} + 65.1\text{sqm} + 53.78\text{sqm} + 63.86\text{sqm} + 9.86\text{sqm}$ ) and 687.399 cubic metres ( $5.69\text{sqm} \times 3.3\text{m} = 18.777\text{m}^3 + 50.88\text{sqm} \times 2.5\text{m} = 127.2\text{m}^3 + 65.1\text{sqm} \times 3.1\text{m} = 201.81\text{m}^3 + 53.78\text{sqm} \times 3.3\text{m} = 177.474\text{m}^3 + 63.86\text{sqm} \times 2.4\text{m} = 153.264\text{m}^3 + 9.86\text{sqm} \times 0.9\text{m} = 8.874\text{m}^3$ ).
- 10.11 The extension proposed to the building under this application would have a floor area of approximately 54.13 metres squared ( $5.19\text{sqm} + 48.94\text{sqm}$ ). The cubic volume of the proposed extension would be approximately 184.265 cubic metres ( $5.19\text{sqm} \times 2.5\text{m} = 12.975\text{m}^3 + 48.94\text{sqm} \times 2.7\text{m} = 132.138\text{m}^3 + 48.94\text{sqm} \times 1.6\text{m} / 2 = 39.152\text{m}^3$ ).
- 10.12 Therefore cumulatively, the proposed and existing extensions would increase the floor area of the original building by approximately 303.3sqm, equating to an increase of approximately 220.5% to the original building. In terms of volume, cumulatively, the proposed and existing extensions ( $184.265\text{m}^3 + 687.399\text{m}^3$ ) would increase the original building by approximately 871.664 cubic metres, equating to an increase of approximately 103% to the original building.
- 10.13 Whilst it is acknowledged that the assessment into whether additions to a building are disproportionate is more than just an arithmetic exercise, it is considered that a 220.5% increase in the floorspace of the original building and 103% increase in the volume of the original building represents a substantial increase to the original building. It is also noted on the submitted plans that a previous application for a rear extension previously approved under prior notification (application reference: 2019/91854) has now been commenced, and this would have a floor area of around 56.88sqm. However, it is noted that the commencement of the above application could also result in the implementation of a previously approved application (approved under application reference: 2019/92309) for a larger single storey rear extension. Officers have therefore assessed the scheme against this larger extension as this could still be built out. This additional rear extension would result in an additional floorspace of around 65.1sqm (which has taken into consideration within the above assessment).



- 10.14 From a visual perspective, as a result of this proposal, the two storey additions to the front of the dwelling (cumulatively) would be greater in width than the original front wall of the dwelling. The two bulky gables to either side of the original dwelling would also significantly complicate the form of the original dwelling, would compete in prominence with this original dwelling and would result in the character and design of the host property being lost.
- 10.15 It is therefore considered that the proposal would represent a disproportionate addition to the original building, thereby not according with Local Planning Policy LP57(a) and constituting inappropriate development in the Green Belt. As outlined in paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF also states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 10.16 Given this conclusion, an assessment is required into whether the proposal would cause any other harm to the Green Belt and whether very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness, as well as any other harm to the Green Belt

*Whether there would be any other harm to the Green Belt, including visual amenity*

- 10.17 In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. As outlined above, the proposal would increase the amount of built development therefore there would impact upon the openness of the Green Belt as a result of this.
- 10.18 From a visual amenity perspective, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration 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”.*

- 10.19 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity.

- 10.20 Policy LP24 of the Kirklees Local Plan states that all proposals should promote good design by ensuring the following:

*“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

and

*‘c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...’.*

10.21 Policy 2 of the Holme Valley Neighbourhood Development Plan states that *'designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties... Materials must be chosen to complement the design of the development and add to the quality or character of the surrounding environment. Local millstone grit and stone flags should be used where these are the prevailing material'*.

10.22 Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality. Specifically stating the following: -

- Key design principle 1 (Local character and street scene) – *'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'*.
- Key design principle 2 (Impact on the original house) – *'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 detail'*.

10.23 Paragraph 5 of the House Extensions and Alterations SPD provides guidance on specific extensions and alterations, with Section 5.3 relating to side extensions. This states that:

*"Side extensions should be located and designed to minimise the impact on the local character of the area. The design should reflect the design of the original building in terms of roof style, pitch materials and detailing."*

10.24 Paragraphs 5.21 and 5.22 contained within Section 5.3 SPD relate to two-storey and first floor side extensions, and note the following:

*"Spaces between houses, including driveways, are important in providing a sense of space, local character and attractive appearance of an area and should be retained. Two-storey and first floor side extensions can cause a negative impact on the street when used to close the gap between semi-detached or detached houses. This can create a terracing effect in a non-terraced street..."*

*...Two-storey and first floor side extensions should:*

- *ideally be visually smaller in relation to the original house;*
- *be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house;*
- *have a roof design that follows the form of the existing roof; and*
- *retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens."*

- 10.25 In this instance the proposed extension would be set back by approximately 0.3m from the front of the original house and would provide a gap between boundary walls of at least 1m. It is also noted that the proposed extension is to have a lower ridge height and eaves height than the original dwelling and would be constructed from similar materials to the existing building.
- 10.26 The above said, and there being some compliance with the SPD, the proposed extension with its bulky front gable, would further complicate the form of the dwelling along with the existing two storey side extension, and would not have a roof form that is harmonious with the form of the existing roof of the host dwelling. It is considered that such an extension would appear as a dominant feature within the site and would ultimately result in the character and design of the host property being lost, especially given the previous extensions undertaken at the site. It is therefore considered that the extension would be an unsympathetic addition to the dwelling that would cause detrimental harm to the visual amenities of the area. It is also noted that the applicant seeks to utilise pitched roofs and a front gable end at first floor level as this reflects what is currently found with another extension at the site. However, such justification is not considered to be sufficient in overcoming the above concerns raised by Officers, given that Officers consider another side gable extension further complicates the appearance of the building and erodes the character and design of the original dwelling.
- 10.27 In conclusion, the proposal is therefore considered to be inappropriate development in the Green Belt. The harm to the openness of the Green Belt and the visual amenities of the locality add to the substantial harm by virtue of the development being inappropriate in the Green Belt. The NPPF outlines that applications should not be approved except in very special circumstances, and this is assessed in more detail below.

*Whether the harm by reason of inappropriateness, and any other harm identified, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*

- 10.28 No justification has been provided within the submission to overcome concerns raised by Officers. Therefore, Officers conclude that no very special circumstances have been demonstrated by the applicant, or more generally exist which would clearly outweigh the harm by reason of inappropriateness of development within the Green Belt as well as the other harm identified.
- 10.29 In conclusion, the proposed extension is considered to represent a disproportionate addition to the original dwelling, thereby constituting inappropriate development in the Green Belt. The harm to the openness of the Green Belt and the visual amenities of the locality add to the substantial harm by virtue of the development being inappropriate in the Green Belt. Very special circumstances have not been demonstrated to outweigh this identified harm. The proposal would therefore fail to accord with Policy LP57(a) of the Local Plan and Chapter 13 of the NPPF.
- 10.30 In addition to this, the proposal in terms of its large scale, and complicated form and design is not considered to represent a subservient or harmonious addition to the host dwelling (especially when considering previous additions) and would introduce an unsympathetic, incongruous and overly prominent addition to the

building. The proposal would therefore cause detrimental harm to the visual amenities of the locality, contrary to Policies LP24 and LP57(d) of the Kirklees Local Plan, Chapter 12 of the NPPF, Principles 1 and 2 of the House Extensions and Alterations SPD and Policy 2 of the Holme Valley Neighbourhood Development Plan.

### **Residential Amenity**

10.31 Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

*“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers’.*

10.32 Further to this, Paragraph 130 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.

10.33 Policy 2(10) of the HVNDP also states that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes.

10.34 Principle 3 of the House Extensions and Alterations SPD highlights that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

10.35 Principle 4 of this SPD relates to habitable rooms and side windows and seeks to ensure that design and layouts of habitable and non-habitable rooms reduce conflict between neighbouring properties relating to privacy, light and outlook.

10.36 Principles 5 and 6 of this SPD relate to overshadowing/loss of light and overbearing impact. The above principles will all be discussed in more detail within the assessments below.

10.37 Principle 7 requires development to ensure an appropriately sized and useable area of private outdoor space is retained, and Officers are satisfied that the property would still have a rear garden of good size as a result of the proposal

10.38 The neighbouring property most likely to be affected by the proposed development is considered to be No.31 Oldfield Road. It is considered that the extension would be sufficiently sited so as to prevent undue harm to the amenity of any of the other neighbouring properties.

#### *Impact on no. 31 Oldfield Road*

10.39 This neighbouring property is located to the west of the application site. As no windows are proposed within the western elevation of the extension there are no significant concerns in respect of undue overlooking or loss of privacy. Views from rear facing first floor windows would also only be oblique ones over this neighbour's rear garden, not too dissimilar to the existing views from the property.

- 10.40 Taking into account Principles 5 and 6 of the aforementioned SPD, the proposed extension is to be set back from the rear elevation of No. 31 and sat adjacent to the boundary between these properties. Whilst the extension has been stepped away from the boundary by approximately 1m, officers deem there to be a close relationship with this neighbouring property. The proposal is considered to be overbearing and overly dominant on both rear habitable room windows of No. 31 and the amenity space to the rear. In addition, the proposals would not pass the 45-degree guideline as outlined within the SPD and therefore there are also significant concerns in respect to loss of light and outlook.
- 10.41 Whilst it is acknowledged that the existing single storey garage would also not currently meet the 45-degree rule, the proposals would significantly increase the overall bulk and massing of this portion of the dwelling, thus drastically increasing the loss of outlook and light from No.31. It is therefore concluded that the proposal would have adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be unacceptable.
- 10.42 It is therefore concluded that the proposal does not accord with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, Policy 2(10) of the Holme Valley Neighbourhood Development Plan and Principles 5 and 6 of the House Extensions and Alterations SPD.

### **Highway issues**

- 10.43 Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.44 Policy 11 of the HVNDP states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (parking) and the Council's latest guidance on highways design.
- 10.45 Principle 15 of the House Extensions and Alterations SPD states that extensions and alterations should maintain appropriate access and off-street 'in curtilage' parking. With Principle 16 going on to say that proposals should maintain appropriate storage arrangements for waste.
- 10.46 1no. additional bedroom is to be created as a result of the proposal, taking the dwelling to a 5 bedroomed property, therefore 3 off-street parking spaces should be provided to be in accordance with the Kirklees Highways Design Guide. In this instance 2 spaces are available within the attached double garage, with a large driveway and parking area to the front of the dwelling. It appears that one space would be lost in the garage as a result of the proposed works but it is not fully clear given the lack of a proposed ground floor plan. However, should the application be approved, this detail could be conditioned. Should at least one car parking space remain within the garage, it is considered that sufficient parking space would be available to accommodate 3 vehicles on site.

- 10.47 In addition, it is reasonable to presume that the existing waste storage and collection points will remain the same, in compliance with Principle 16 of the House Extensions and Alterations SPD
- 10.48 Given the nature of the proposals and that sufficient car parking could be provided within the site, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the Council's House Extensions and Alterations SPD, Policy 11 of the Holme Valley Neighbourhood Development Plan and the guidance contained within Chapter 9 of the National Planning Policy Framework.

## **Other Matters**

### Biodiversity

- 10.49 Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Development Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats. Policy 13 also seeks biodiversity net gains.
- 10.50 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.
- 10.51 Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.
- 10.52 Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.
- 10.53 Whilst it is acknowledged that the application site is located within a Bat Alert Area on the Council's mapping system, given the nature and scale of the proposal and that the host dwelling appears to be well sealed to the eaves, it is considered unlikely that roosting bats will be found during construction works on site. However, should planning permission be granted it is recommended that an informative is included which provides information for the applicant should roosting bats be found during construction works.
- 10.54 In accordance with local and national policy, as well as Principle 12 of the House Extensions and Alterations SPD, a condition is recommended should planning permission be granted requesting that 1 bat roosting feature be incorporated into the new walling of the extension on the western elevation, at least 4 metres above ground level and not directly above any windows or doors.
- 10.55 Subject to the proposed informative and condition, the proposal is considered to be in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework, Principle 12 of the House Extensions and Alterations SPD and Policy 13 of the Holme Valley Neighbourhood Development Plan.

## Climate Change

- 10.56 On 12<sup>th</sup> 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.
- 10.57 Policy 12 of the HVNDP sets out that all new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions.
- 10.58 Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.
- 10.59 The proposal is for a small-scale domestic development to an existing dwelling. As such, no special measures are considered to be 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.
- 10.60 Taking the above into account, the proposed development is therefore considered to comply with Policy LP51 of the Kirklees Local Plan, Principles 8, 9, 10 and 11 of the House Extensions and Alterations SPD, Policy 12 of the Holme Valley Neighbourhood Development Plan and Chapter 14 of the National Planning Policy Framework.
- 10.61 There are no other matters for consideration.

### 11.1 **CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal.

- 11.3 The proposed extension is considered to represent a disproportionate addition to the original dwelling, thus resulting in inappropriate development in the Green Belt, whilst also causing harm to the openness of the Green Belt and the visual amenities of the locality which adds to the substantial harm by reason of inappropriateness. Officers consider that very special circumstances to clearly outweigh the identified harm to the Green Belt have not been demonstrated.
- 11.4 Furthermore, the proposal in terms of its large scale, and complicated form and design is not considered to represent a subservient or harmonious addition and would introduce an unsympathetic, incongruous and overly prominent feature to the host property.
- 11.5 Finally, given the scale of the proposed extension and its proximity to No 31. Oldfield Road, the proposal is considered to result in an undue overshadowing and overbearing effect on the rear windows and amenity space of this neighbouring property, as well as undue harm in terms of loss of light and outlook to this property, thereby detrimentally affecting the residential amenity of its occupants.
- 11.6 It is therefore considered that the proposal would be contrary to Policies LP1, LP2, LP24 and LP57 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Principles 1, 2, 5, and 6 of the Council's adopted House Extensions and Alterations SPD and Chapters 12 and 13 of the National Planning Policy Framework. There are considered to be no material considerations which outweigh this conflict with the development plan.

### **Background Papers:**

#### Application and history files.

Available at:

[Link to planning application](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93846)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93846>

#### Certificate of Ownership

Certificate A signed.



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## Report of the Head of Planning and Development

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 02-Feb-2023

Subject: Planning Application 2022/93520 Outline application for residential development adj, 47, Stile Common Road, Newsome, Huddersfield, HD4 6DE

#### APPLICANT

M Sarwar

#### DATE VALID

21-Nov-2022

#### TARGET DATE

16-Jan-2023

#### EXTENSION EXPIRY DATE

10-Feb-2023

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

[Public speaking at committee link](#)

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral wards affected: Newsome**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION: Refuse**

1. The application site comprises a prominent open garden area supported by retaining walls at the junction of Newsome Road with Stile Common Road. Due to its: prominent location, shape and site constraints; built development here would appear cramped, contrived and incongruous and fail to sympathetically integrate with the character and appearance of the area. In addition, due to the constraints of the site, any development could not form a coherent building line with surrounding development. The proposal would therefore fail to reinforce or enhance local distinctiveness contrary to Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 5 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.
2. The proposed development, due to its siting on a prominent, exposed, narrow and steeply sloping site, would fail to provide an adequate standard of useable, proportionate and private outdoor amenity space for future occupiers. This would be further constrained by the proximity of a busy road junction and bus stop. This would result in a poor living environment to future occupiers, contrary to Policy LP24(b) of the Kirklees Local Plan, Principle 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

**1.0 INTRODUCTION:**

- 1.1 This is an outline planning application for the erection of a detached residential development with all matters reserved. Details of indicative site access have been provided.
- 1.2 The application is brought to the Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation as the planning application has been submitted by an elected member of the Council.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site relates to part of the domestic curtilage of No. 47 Stile Common Road, Newsome. It is a narrow, triangular plot which measures approximately 0.025ha, between Stile Common Road and the C996 Newsome Road. The narrowest part of the site is formed where the junction of the aforementioned roads converges.

- 2.2 The host dwelling, which is not part of the application site but indicated to be in the control of the applicant, is an extended two-storey detached property which has hard surfacing to the Stile Common Road frontage used for parking. There is a conservatory to the southeast side elevation and garden space to its north-east and south-east. It is prominently elevated above Newsome Road with a terraced garden and close boarded fencing fronting this road. There is a retaining wall supporting the site along Newsome Road. The application site forms part of the garden for the host property and is at a considerably lower ground level, accessed via a set of steps. The application site is also partly supported by the retaining wall fronting Stile Common Road.
- 2.3 The ground levels within the application site fall steeply from northeast to southwest. The rising and open nature of the land, and its position at a road junction, means it is in a prominent location within the highway when approaching from the south and southeast.
- 2.4 The site is laid out as a garden with ornamental trees, shrubs and patio. It is bounded by a stone wall and has streetlights and telegraph poles and other street furniture immediately adjacent to the stone walls. There is a bus stop on the Newsome Road side served by high frequency bus service.
- 2.5 The area is predominantly residential with semi-detached dwellinghouses north along Stile Common Road and detached dwellings to the north along Newsome Road. There is a block of student accommodation at 'The Beacon' to the southwest, a block of flats 'Stile 24' to the southeast and predominately semi-detached and terraced dwellinghouses to the south. Across Newsome Road to the east is a large playing field designated as Urban Greenspace.
- 2.6 The application site is not located within a Conservation Area nor located in close proximity to any listed buildings. The site is within a development high risk coal mining area. It is unallocated for development within the Kirklees Local Plan. It is within a Bat Alert layer and within the Strategic Green Infrastructure Network.

### **3.0 PROPOSAL:**

- 3.1 The planning application is submitted in outline with all matters (access, scale, layout, appearance and landscaping) reserved for subsequent approval. Details of indicative access have been provided.
- 3.2 No indicative site layout plan has been submitted, only a 2.5m wide indicative access point from Stile Common Road to the northwest of the site.

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

#### **4.1 At the application site:**

2006/92886 Erection of extension and alterations to dormer bungalow to form 2 storey dwelling – Planning Permission Granted and implemented.

#### 4.2 Surrounding Area:

2020/91228 – Location: 48, Stile Common Road: demolition of existing dwelling and erection of residential development to form student accommodation with associated access and parking – Planning Permission Granted and implemented

2020/92067 – Location: former, Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF. Erection of 30 dwellings – Planning Permission Granted.

4.3 No pre-application advice was sought for the application site.

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

5.1 None necessary.

#### **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) and the Holme Valley Neighbourhood Development Plan (adopted 8<sup>th</sup> December 2021).

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

6.2 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP43 – Waste management hierarchy
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

## Supplementary Planning Guidance / Documents:

### 6.3 Relevant guidance and documents are:

- Kirklees Highways Design Guide SPD (2019)
- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

## National Planning Guidance:

### 6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th 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

### 6.5 The following national guidance and documents are also relevant:

- National Design Guide (2019) - The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. This would be pertinent at Reserved Matters stage, if outline planning permission is secured.

### 6.6 Climate change

On 12/11/2019 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.

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

7.1 The application was advertised via letters delivered to addresses adjacent to the application site in accordance with Table 1 of the Kirklees Development Management Charter.

The period of publicity expired on 28/12/2022. As a result of the above publicity, no representations have been received.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

KC Highways Development Management – No objections subject to conditions that nothing shall be planted or erected within a strip of land 2.4m deep measured from the carriageway of the site that exceeds 1.0m in height above the level of the adjoining highway. In addition, details of storage and access for collection of wastes from the premises to be approved prior to first occupation. Structural engineering measures will be required to ensure the public highway is not compromised. Site of the proposed 2.5m wide access point is located as far as possible from the Newsome Road and Stile Common Road Junction which would be the only acceptable point of access into the site.

Coal Authority – No objections subject to a pre-commencement condition requiring a scheme of intrusive investigations to be carried out on site to identify any risks and necessary remediation/mitigation works arising from coal mining legacy.

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

KC Highway Structures – No objections subject to further information supplied detailing the location and cross-sectional information together with the proposed design and construction details of all new retaining walls and/or modifications to existing retaining walls. Furthermore, there should be an easement strip of no less than 2.0m wide retained between the proposed buildings and the existing highway retaining walls for future maintenance/reconstruction.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- 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 NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.
- 10.3 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.
- 10.4 The site is not allocated for development on the Kirklees Local Plan Policies map. Policy LP2 of the Kirklees Local Plan states that:
- “All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*
- 10.5 This site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.
- 10.6 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. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.7 The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-

year supply position. 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. The supply of one housing unit would make a minor contribution to the housing delivery targets of the Local Plan. The application site is considered to be a brownfield site and, in accordance with paragraph 69 of the NPPF, support should be given to the development of windfall sites, "giving great weight to the benefits of using *suitable* sites within existing settlements for homes".

- 10.8 Policy LP7 of the KLP requires development to achieve a net density of at least 35 dwellings per ha, where appropriate. The application proposes 1 dwelling, which is a density of 40 dwellings per ha. This quantum of development could be said to be acceptable in principle but as will be discussed further in the report, Officers have significant concerns in relation to the site constraints and the suitability of the site for development.
- 10.9 In terms of the acceptability of the residential development within the site, this will be discussed below.

#### Sustainability and climate change

- 10.10 An assessment of the proposal's impact on climate change is limited given that it is an outline application with all matters reserved for future consideration. It is appreciated that the construction of new buildings has a footprint in terms of CO2 emissions. However, at this stage, no information in respect of the form of construction is provided. If approved, then at reserved matters stage, consideration could be given to the life cycle of building materials and whether it could be specified through the development contract that materials have a low embodied impact.
- 10.11 Energy efficiency would also be considered at the reserved matters stage for design and appearance. It is likely that as a minimum, a fabric-first approach would be adopted for the development.
- 10.12 In terms of access to public transport, the site is well served by frequent bus services, and approximately 820m distance to Newsome Local Centre and over 1 kilometre distance to Huddersfield Town Centre and Aspley Local Centre. It could be considered to be in a sustainable location using bus routes and the proximity of local facilities and amenities. This might be hampered by the topography of the area.
- 10.13 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. Details of design, materials, and other more detailed aspects of the proposal relevant to climate change would be considered at Reserved Matters stage to assess how it would meet the aims of net zero, Principle 18 of the Housebuilders SPD, LP24d) of the Kirklees Local Plan and Chapter 14 of the NPPF.



## Urban Design issues

- 10.14 This application seeks approval of the principle of development only. As such, if outline approval was obtained reserved matters of access, layout, scale, appearance and landscape would be submitted for consideration at a later date.
- 10.15 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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”.*
- 10.16 Relevant design policies include LP2 and LP24 of the Local Plan. These policies seek for development to harmonise and respect the surrounding environment, with LP24(a) stating; *“Proposals should promote good design by ensuring: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape”.*
- 10.17 Paragraph 129 of the NPPF states that design guides, such as the Council's Housebuilders Design Guide SPD, carries weight in decision-making and is a material planning consideration.
- 10.18 In addition to this, Paragraph 134 of the NPPF outlines that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. The equivalent reference sources would be the Kirklees Housebuilders Design Guide SPD and the National Design Guide.
- 10.19 Significant weight would be given to designs that comply with the SPD or are outstanding or innovative designs that promote high levels of sustainability or the standard of design in the area as long as they are still in keeping with the form and layout of their surroundings.
- 10.20 Principle 2 of the Housebuilders Design Guide SPD sets out 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.
- 10.21 The application site here is relatively constrained by its exposed, narrow and small triangular configuration which is steeply sloping both within the site and its wider context. It is in a visible and prominent location on a Classified C road junction. It is presently an open garden with mature shrubbery at its edges and a visual openness adding a softening effect to the predominately hard surfacing

of the surrounding roads. It is surrounded by existing two storey, large built forms set back from the highway situated on higher ground, or more recently built 4-storey apartment blocks.

- 10.22 Considering the topography within the immediate site, any proposed dwelling would, by necessity, need to be sited at a lower ground level with a design contrived to respond to site constraints, rather than a response to good design. It would appear visually jarring within the context of surrounding development.
- 10.23 Principle 5 of the Housebuilders Design Guide SPD states that buildings should be aligned and set-back to form a coherent building line. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with its site topography.
- 10.24 The building line of Stile Common Road is consistent as is the building line of Newsome Road (north). The existing no. 47 largely respects this arrangement with its garden to the south culminating at the point where the two roads converge. This allows for landscape features to be viewed at the end of these streets working with its site topography in compliance with guidance in the SPD. The properties to the west side of Newsome Road leading north have landscaped gardens providing a continuation of this pleasing landscaped appearance aiding in No.47 to be an integrated development within the streetscene. The removal of this open land would obliterate this softening effect increasing both the prominence of no. 47 and further residential development within its garden.
- 10.25 To achieve a coherent building line with both road frontages, a proposed new residential dwellinghouse, if this could be designed, would appear considerably narrower and of smaller proportions to No.47 and the more recent apartment blocks close to the site. This would lead to a dwelling of overly cramped and constrained design within its small triangular plot. This would appear as an incompatible form of built development within the site failing to sympathetically integrate with the rest of the existing development within the locality and would appear visually jarring.
- 10.26 Given that the layout is a reserved matter, detailed considerations including the relation to townscape, layout, landscaping and other design matters, would be considered as part of a future reserved matters application. As noted above, there significant concerns with the principle of the proposed residential development at the cramped plot for the site.
- 10.27 To conclude, the site is prominent, constrained and limited in size. Development here would not sympathetically integrate with the character and appearance of the area and its landscape. The proposal would fail to reinforce or enhance local distinctiveness. The proposal is therefore contrary to Policy LP24(a) of the Kirklees Local Plan, Principles 2 and 5 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

## Residential Amenity

- 10.28 Section B of LP24 of the Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Further to this, Paragraph 130 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.
- 10.29 Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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.”*
- 10.30 As all matters are reserved, the layout, appearance and scale of the development would need to be designed to ensure that the proposal would not harm the outlook, privacy and natural light currently enjoyed by neighbouring residents, in particularly properties to the west and the east of the site at the Beacon and Stile 24. Given its position and adequate separation distances to these properties, a scheme could be designed to avoid material harm to the occupiers of these properties. If it is sensitively designed, this may be similarly of low impact to No. 47 to the north. In addressing these matters, this may affect how the proposal would visually integrate with other built development thereby emphasising its contrived nature. This would be assessed at reserved matters stage to ensure compliance with Policy LP24, Principle 6 of the SPD and Chapter 12 of the NPPF.
- 10.31 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development anticipated, this would not unacceptably impact on the amenities of nearby residents.
- 10.32 With regards to the future amenity of the occupiers, considering the potential impacts of noise from the adjacent bus stop served by frequent bus routes on Newsome Road and its vehicular traffic, this could impact on amenity. As such, a noise report would be required to be submitted with a detailed scheme to determine the existing noise climate, predict noise climates in gardens, bedrooms and other habitable rooms and to provide attenuation/design if necessary, to protect the amenity of the future occupants from road traffic noise.
- 10.33 In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards (NDSS), these are not currently adopted in the Kirklees Local Plan.”* Although the Government’s NDSS standards are not adopted in Kirklees, they are recognised as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

- 10.34 Officers consider that there may be space on the site to accord with Principle 16 of the Kirklees Housebuilders Design Guide SPD so that the future occupiers benefit from an adequate standard of amenity internally subject to submission of reserved matters. In designing a dwelling to comply with the NDSS, this could exacerbate the incongruous appearance of development on this prominent and constrained site.
- 10.35 Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“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. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*
- 10.36 With regard to Principle 17, the proposal would result in the loss of garden space for No.47 however it would still retain proportionate terraced rear garden. For the new dwelling, considering the context of the exposed and steeply sloping nature of the site and the requirement to limit the height and position of boundary treatment along Stile Common Road for highway safety reasons, it is considered that a usable and private amenity space would be difficult to achieve. Its position adjacent to a high frequency bus stop may also offer a poor sense of privacy for the future occupiers. As such, any dwellinghouse on this tight and narrow plot would likely fail to achieve any functional, proportionate and useable private outdoor amenity space on either side given its context and setting.
- 10.37 The proposed development, by virtue of its siting on a prominent, exposed, narrow and steeply sloping site, would fail to offer an adequate standard of useable, proportionate and private outdoor amenity space which cannot achieve adequate screening due to its position at a junction between Stile Common Road and Newsome Road adjacent to a busy bus stop. This would result in inadequate levels of privacy and will provide a poor living environment to future occupiers. The proposal is therefore contrary to Policy LP24(b) of the Kirklees Local Plan, Principle 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

#### Highway issues

- 10.38 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 would 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. NPPF Chapter 9 requires the Council to consider the potential impacts of development on transport networks, and encourages walking, cycling and public transport use.
- 10.39 The proposed development would be located on a residential garden plot site adjacent to No. 47 Stile Common Road with indicative access off the same road. West of the site is The Beacon, a student accommodation block, and its driveway. The indicative access point is not directly opposite this driveway.

- 10.40 The indicative access point would be 2.5m wide and located as far away as possible from the junction of Stile Common Road and Newsome Road, off Stile Common Road.
- 10.41 KC Highways DM have raised no objection to the indicative access in principle, considering it to be the only acceptable point of access to serve the site. Specific details of the access would be required at reserved matters stage. This would include detail on the size and precise location of the access point, the layout of parking space, turning points and manoeuvring within the steep slope. Should permission be granted, this could be conditioned appropriately. Such conditions would be in accordance with Policies LP21 and LP22 of the Local Plan, Principle 12 of the Housebuilders Design Guide SPD and Chapter 9 of the NPPF.
- 10.42 KC Highways DM considers a condition would be required to prevent anything that exceeds 1.0m in height above the level of the adjoining highway to be planted or erected within a strip of land 2.4m deep measured from the carriageway edge of Stile Common Road. This would be along the full frontage of the site. This would maintain adequate visibility for highway safety and access. This would be reasonable and necessary in the interests of highway safety.
- 10.43 Details for the storage and access for the collection of wastes would also be required by condition in accordance with Principle 19 of the Housebuilders Design Guide SPD. This would be both in the interests of highway safety and visual amenity.
- 10.44 The KC Highway Structures team have been consulted as there is a retaining wall adjacent the highway on Newsome Road. In addition, the boundary to Stile Common Road could also provide a form of retaining structure to Stile Common Road itself. Pre-commencement conditions are recommended to support the continuing and safe function of the retaining wall(s) and in compliance with Policy LP53 of the Local Plan and Chapter 15 of the NPPF.
- 10.45 The recommended conditions require, in short, the design and construction details of retaining walls, and modifications to existing retaining walls to be submitted and approved before development commences.
- 10.46 KC Highways Structures also recommend an easement strip of not less than 2.0m wide be retained between any built development and the existing highway retaining wall on Newsome Road to facilitate access for their future maintenance and reconstruction.
- 10.47 These recommended conditions would serve to further restrict the available developable land within the site, in addition to land required for access and parking.
- 10.48 The number of vehicular journeys for one dwelling would be of low impact and the site benefits from convenient and regular public transport service via bus. The topography of the site may deter occupants from walking to Local Centres, however bus links may aid increased use of public transport. The provision of cycle storage facilities and an electric vehicle charging point, could be secured via condition in accordance with Policies LP20, LP51 and LP24 of the Local Plan.

- 10.49 It is considered that an acceptable scheme could be achieved on the site in the interests of highway safety, in principle, although the requirements to achieve this may further exacerbate the incongruous form and appearance of development on the site. In principle the scheme might comply with Policies LP20, LP21, LP22, LP24 (d), LP51 and LP53 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD, the Council's Highway Design Guide and Chapter 9 of the NPPF.

### Representations

- 10.50 No representations have been received on this proposal with access to be considered and all other matters to be addressed at the reserved matters stage.

### Other Matters

#### *Coal*

- 10.51 This site is within a defined development area at high risk from previous coal mining activities. As such, a Coal Mining Risk Assessment was submitted and assessed by the statutory consultee: The Coal Authority.
- 10.52 The Coal Authority raise no objections but recommended that no development shall commence until a scheme of intrusive investigations have been carried out to establish site specific risks and any recommended actions to undertake in terms of mitigation or remediation measures necessary to be reviewed.
- 10.53 In addition, The Coal Authority recommended that a signed statement or declaration is prepared by a suitably competent person to confirm that the site is or has been made safe and stable for the approved development is submitted with the findings and methods of the intrusive site investigations.
- 10.54 With these recommended conditions in place, the risks posed by coal mining legacy within a high development risk area could be sufficiently managed for public safety and to comply with LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

#### *Trees*

- 10.55 There are no trees of significant amenity for the locality within the site and no tree within the site is formally protected.

#### *Biodiversity*

- 10.56 A net biodiversity gain would need to be demonstrated in accordance with Local Plan Policy LP30, Principle 9 of the Housebuilders Design SPD and chapter 15 of the NPPF. Given this is an outline application with all matters reserved, such a biodiversity net gain has not yet been demonstrated by the applicant. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. The site is within the Strategic Green Infrastructure Network. Policy LP31 states, inter alia, that in the SGIN priority will be given to enhancing the green infrastructure networks.

10.57 Given the scale of proposed development within the Bat Alert Layer and Strategic Green Infrastructure Network, a biodiversity net gain would need to be demonstrated at the reserved matters stage through details of landscape and appearance and potentially by a stand-alone condition attached to the outline planning permission. With this, the development could comply with Policies LP30 and LP31 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF.

## **11.0 CONCLUSION**

11.1 The application site is unallocated for development within the Kirklees Local Plan. Whilst the principle of residential development could be supported, the question here is whether it would be considered a sustainable form of development given its site constraints.

11.2 To conclude, while weight has been afforded to the supply of one housing unit and the minor contribution to the housing delivery targets of the Local Plan, this would not outweigh the conflict with Principles 2, 5, and 17 of the Kirklees Housebuilders Design Guide SPD and the National Design Guide, Local Plan Policy LP24 and Chapter 12 of the NPPF. It would not constitute a sustainable form of development, failing to achieve good standards of design. It would not achieve a good standard of private amenity space for future occupiers due to its exposed nature within a narrow plot adjacent to a frequent use bus stop and this cannot be mitigated due to highway and retaining wall conditions necessary to ensure safety and visibility on the highway. The proposal is therefore recommended for refusal.

### **Background Papers:**

Application and history files.

[Link to planning application](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93520)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93520>

Certificate of Ownership – Certificate A signed and dated.

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