
Report of the Head of Planning and Development**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 30-Jan-2020****Subject: Planning Application 2019/93445 Demolition of existing bungalow and erection of 3 dwellings with gardens and parking 3, Marsh Gardens, Honley, Holmfirth, HD9 6AF****APPLICANT**Sheraz Shah, Shazam
Developments Ltd**DATE VALID**

21-Oct-2019

TARGET DATE

16-Dec-2019

EXTENSION EXPIRY DATE

26-Nov-2019

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: HOLME VALLEY NORTH

N

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is brought before Sub-Committee for determination on the grounds that it has attracted significant local representation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises a detached single-storey dwelling and its curtilage. It is located on a corner site within a mainly residential area close to Honley village centre. The plot forms a quadrilateral measuring approximately 28m along the north-eastern Marsh Gardens frontage and 26m along the south-eastern highway frontage, which is a spur to Marsh Gardens. There is a vehicular access at the northern corner of the site and a surfaced driveway.
- 2.2 The existing bungalow measures 10.4 by 8.6m and is located close to the junction.
- 2.3 The site is near-level without steep gradients. The nearest neighbouring properties are: a pair of two-storey semi-detached dwellings to the south-west (nos. 5-7); a detached two-storey dwelling to the north-west (no. 1); and a bungalow to the south-east (no. 24). Close to the site on the opposite (north-east) side of Marsh Gardens is a block of modern two-storey apartments (number 6 up to 12a), the doctors' surgery car park, another small detached dwelling (no. 2), and, further to the north-west adjacent to Concord Street, a haulage yard. Marsh Gardens also provides access to a business premise via a driveway on the north-eastern side of the road.

3.0 PROPOSAL:

- 3.1 The proposal is for the erection of 3 no. two-storey townhouses. The new dwellings would form a continuous row 18.2m in length north-west to south-east and 9.35m in width. They would have a simple rectangular footprint with canopy porches being the sole projecting element. They would be positioned 5.0m from the main highway frontage to the north-east, and a minimum of 3.1m from the highway boundary to the south. Vehicular access for the two end plots would be taken to the north-east, by means of a single-width driveway at the

side of each house allowing tandem parking. For the middle dwelling, the driveway would be to the rear, with the access to the south-western spur of Marsh Gardens.

- 3.2 The new dwellings would each have 3 bedrooms, the third being in the attic. The development would have a continuous gable roof, overall height being 8.7m. External materials would be stone and blue slate.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 None.

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

- 5.1 13-Dec-2019: Amended plans including reduction from 4 to 3 dwellings. Also reduces roof pitch and re-arranges car parking. Plans re-advertised (ends 09-01-20).

02-Jan-2020: North elevation and amended bin storage arrangements, also moved the new dwellings 0.5m to the north-east (towards the highway). These plans were not re-advertised because it was considered that they did not result in major changes that would require further public consultation.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

6.2

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 21:** Highway safety and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 31:** Strategic Green Infrastructure Network

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Highways Design Guide SPD adopted 2019

West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

6.4

National Planning Policy Framework

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

National Design Guide (2019)

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Representations received from 21 third parties over the periods of publicity. Of these, 17 object, 2 raise a comment or concern, 2 in support.

Summary of grounds of objection and concerns raised

- i. Marsh Gardens is in a Conservation Area
- ii. Would not be in keeping with local character (height; neighbouring houses are detached or semi-detached not terraced; do not have front canopies).
- iii. Overdevelopment and would not leave enough soft landscaping.
- iv. The site would be ideal for bungalows for retired people, since the location is close to village centre, or smaller houses for first-time buyers.
- v. Would be preferable if they were affordable.
- vi. Other applications 2004/93465 and 2013/93737 were modified or rejected (dormers and vehicular access issues).
- vii. Loss of ecological value.
- viii. Loss of existing bungalow because ground floor living accommodation is in short supply.
- ix. Impact on light.
- x. Possible impact on privacy.
- xi. No north elevation shown.
- xii. Cutting down trees before permission granted – were tree surveys undertaken before this was done?
- xiii. It would exacerbate parking problems, may prevent emergency services and bin wagons getting through.
- xiv. Conflict with pedestrians using the pavement outside. Dropped kerbs will make the journey to the surgery more hazardous to people who use mobility aids or are on mobility scooters.
- xv. Reduction in visibility at junction. Inadequate visibility for cars pulling out because of other cars parked.
- xvi. It is a busy road with a high uptake of on-street parking, and there would be conflict with existing traffic to Surgery and 'Propermaid', also close to pick-up and drop-off point for Honley Junior School.
- xvii. Tandem parking is unrealistic because if someone wants to move the inner vehicle they will have to temporarily park the other vehicle on the highway. Additional hazards from cars reversing out near a blind bend.
- xviii. Driveways may not be wide enough for some modern cars.

- xix. Access on foot for Plot B would be impracticable.
- xx. Impact on wider highway network, especially Marsh Gardens / Westgate junction.
- xxi. Drainage arrangements may not be adequate.
- xxii. Disruption during building works
- xxiii. The existing “terrace” is not comparable as they are flats for over-55s and have internal turning.

Summary of points made in support

- i. It would be good to see the land being put to use.
- ii. The existing highway situation is safe as long as people drive carefully.

Ward Councillor Charles Greaves made the following comments:

- If there are to be more than 2 dwellings I would like it to be referred to Sub-Committee with a site visit. The amended proposal is still an overdevelopment of a tight site. It is not appropriate to this setting does not fit in with the street, and is a very busy pedestrian area. Three exits with reversing and tandem parking may fit your policy rules but will not work in reality. There is limited outside space and I wonder where the bins will go. A pair of semis would fit the plot and blend in well.
- Request that a condition on construction management be imposed if permission is granted.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** There were no statutory consultees.

8.2 **Non-statutory:**

KC Highways Development Management: Acceptable subject to conditions.
KC Lead Local Flood Authority: (no objection)

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 In terms of housing land supply, in the recently adopted Kirklees Local Plan the council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Local Plan was adopted within the last five years the five year supply calculation is

based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013). Paragraph 68 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

- 10.2 The development site forms a small plot surrounded predominantly by residential development. Although the Local Planning Authority can demonstrate a five year land supply, it is noted that the development of this plot would be contribute to the housing supply in the district. However the provision of housing needs to be balanced against all policies and material planning considerations considered below.
- 10.3 The site lies within Strategic Green Infrastructure Network, with which LP31 applies. Within the Strategic Green Infrastructure Network as identified on the Proposals Map, the following objectives apply:
 - i. Development proposals should ensure that the function and connectivity of green infrastructure networks and assets are retained or replaced;
 - ii. New or enhanced green infrastructure is integrated into the development where appropriate;
 - iii. The scheme provides connecting links to the Core Walking and Cycling Network where opportunities exist;
 - iv. Biodiversity and ecological links are protected and enhanced.
- 10.4 The site is already in residential use, and even though the development would increase the overall building footprint on site from 88 to 170sqm, it is considered that this would not affect the function or connectivity of the green infrastructure network. The site does not provide any opportunities for public recreation and would appear to have limited biodiversity value in its present form. The proposal is therefore considered to be in accordance with the aims of Policy LP31.
- 10.5 The principal LP policy relating to the design of new development is LP24, which states that the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings and a high level of sustainability. Policies LP7 (efficient and effective use of land and buildings) and LP11 (housing mix and affordable housing) are also relevant. In addition, the proposal will be assessed against the applicable policies on highway safety and parking (LP21 and 22), drainage (LP28), and all other material considerations.

- 10.6 Under Chapter 11 of the NPPF, planning decisions should support development that makes “efficient use of land” taking into account the need for different types of housing, local market conditions, infrastructure, the prevailing character of the area, the desirability of promoting regeneration or change, and the importance of securing well-designed, attractive and healthy places. The advice in Chapter 12, “Achieving well-designed places”, should also be taken into account.

Urban Design issues

- 10.7 Marsh Gardens is outside the Conservation Area. The street lacks a strong consistency in built form or house type, with both detached and semi-detached two-storey houses, bungalows, and low-rise apartments all in close proximity to each other. But it is noted that average densities on Marsh Gardens are generally lower than those within the central part of Honley, and it is imperative that new development respects the medium-density urban grain that exists at present.
- 10.8 The scheme as originally submitted was for a row of 4 townhouses, occupying a larger footprint than the 3 now shown, and in addition would have had a higher roofline and dormers to the front. The case officer advised the architect that this would amount to overdevelopment on account of the close relationship with property boundaries to the north and south, and with established development, and that furthermore the steeply-pitching roofs and dormers would be out of keeping with their surroundings.
- 10.9 The revised plans now show 3 dwellings. The roof pitch has been reduced from 40 to 35 degrees and the dormers eliminated. The resulting development would be of higher density than that which exists now, but in terms of percentage plot coverage and units per hectare, it would be roughly comparable to the existing developments 5-7 and 9-11 Marsh Gardens. Net density would amount to 52 units per hectare – this exceeds the minimum of 35 per hectare established in LP7 but is considered appropriate for this location.
- 10.10 Roof pitch would still be higher than the 30 degrees found on most neighbouring dwellings, but it is also noted that the eaves height and overall height of the proposed dwellings would be markedly lower than that of no. 1 Marsh Gardens, which the plot adjoins. Built form has been kept simple, so as to respect the appearance of surrounding development.
- 10.11 The development would be set back from the highway boundary by only 5m (500mm less than no. 1, the adjacent dwelling to the north-west) but given the lack of a consistent building line or house type this feature is not considered objectionable in itself. It would maintain an appropriate balance of hard and soft landscaping. It is considered that the proposed dwellings would maintain an acceptable distance both from the highway boundary to the north-east and south-east, and from established development. It is recommended that a condition be imposed regarding proposed boundary treatment along the front elevation of the site. The retention/erection/replacement of a low stone boundary wall would help this development to harmonise with other properties along the road and discourage the parking of vehicles to the front of the properties.

- 10.12 In conclusion, it is considered that the scale, siting, design and density of the development proposed would be in harmony with its surroundings and respect the character of the townscape. It represents an efficient use of previously-developed land as required by LP7. Subject to a condition requiring samples of facing and roofing materials being submitted for approval, the development would thereby accord with the aims of LP24(a) and the relevant parts of NPPF Chapters 11 & 12.

Residential Amenity

- 10.13 Under the Local Plan there are no formal standards for space about buildings. The new dwellings would maintain 20.7m from the dwelling that faces them to the north-east (no. 2), which is considered sufficient to protect privacy.
- 10.14 To the rear of the site, the nearest existing dwelling is 5 Marsh Gardens. The northernmost dwelling (Plot A) would at its closest be 6.4m from the rear site boundary, but the potential for overlooking of the main amenity space for no. 5 would be very limited on account of the presence of a detached garage close to the boundary on no. 5's side. The closest window-to-window distance for these two properties would be approximately 11m, but owing to the two rear elevations being almost at right-angles it is considered that this would not be perceived as intrusive, and the nearest upper floor window in no. 5 appears in any case to be a bathroom.
- 10.15 There is also an upper-floor side-facing window in no. 5, facing the application site. It has not been possible to determine whether this is a habitable room window – it is clear-glazed but its size and position indicate it is more likely to be a landing window. It would be approximately 11m from the rear elevation of the new dwellings, so no undue loss of light or outlook should occur. It is considered that the possibility of mutual overlooking would also be very limited owing to the distance and the fact that no. 5 is set significantly higher. The relationship is therefore judged to be acceptable.
- 10.16 No. 1 Marsh Gardens adjoins the site to the north-west. It is somewhat elevated compared to the application site (by about 600mm based on the submitted streetscene elevation). It has its principal outlook to the north-east and south-west, but also has a ground floor dining room window in the south-eastern elevation facing the application site. This could be considered a secondary window, since it is likely that the room would originally have had its main outlook to the south-west. But as it is one of the principal sources of light to the room (the other is through the rear-facing glazed doors by means of the small rear conservatory) any impact must be given due consideration. The scheme as originally submitted would have had its end wall only 2.6m from this window, which was deemed likely to give rise to an unacceptable impact. On the latest plans the distance would be 4.9m. At present the outlook from this window is not obstructed by buildings at close quarters (the wall of the existing bungalow being about 13m away), although outlook and light are somewhat compromised by the existing high boundary fence and by an evergreen tree on no. 3's side. It is anticipated that the new build would have some impact on light, and in particular would affect the window's ability to receive direct sunlight, especially during the early-to mid-morning in the winter months. However, this effect would be less pronounced in the summer when the angle of the sun is higher, and furthermore any sunlight the window now receives around midday and in the afternoons would be unaffected. It is considered that

overall, the impact on light levels in this room would be slight, and that it would not have a significant effect on the overall level of amenity for occupants of this property. Again, the property would retain an unaffected outlook to the east and west where its main amenity space is located.

- 10.17 The only side-facing windows shown on the plans as proposed are bathroom and shower-room windows, which would presumably be obscurely-glazed (this can be conditioned). The rear and north-east side boundaries are already screened by fences which are on neighbouring land and will presumably be retained, so it is considered that no conditions on boundary treatments (other than low stone walls on the highway frontage) are required. As a precaution it is however recommended that there be a condition that no additional windows are formed in the north-west end elevation at ground floor since the levels difference could potentially allow a line of sight between windows.
- 10.18 The amount of amenity space available for the middle dwelling is somewhat limited, but is on balance deemed adequate for a 3-bedroomed house of this size. It is considered that the new dwellings' ability to receive natural light would also be satisfactory. The amount of internal floorspace is in excess of the recommended minimum for a 3-storey, 3-bedroom dwelling as set out in the Nationally Described Space Standards.
- 10.19 In conclusion, it is considered that the development proposed would avoid harming the amenities of established dwellings and would result in an acceptable standard of living for future occupants, thereby complying with the aims of Policy LP24(b).

Housing issues

- 10.20 The scheme is below the threshold at which an element of affordable housing would be sought, so this consideration does not apply. Policy LP11 encourages developers to provide a mix of housing in terms of size and tenure, but as it is for 3 units only it could be difficult to achieve this aim whilst making efficient use of the site and creating a uniform appearance, and so the 3 dwellings being very similar in terms of layout and floorspace is not considered objectionable.

Highway issues

- 10.21 Marsh Gardens is a residential cul-de-sac that serves approximately 20 residential properties, a B2 (general industrial) unit, and a doctors' surgery. The lower or south-eastern stretch, serving nos. 16-22, is paved but unadopted. Various waiting restrictions are in force. There are single yellow lines along the south-western edge of Marsh Gardens from Concord Street (no waiting 8am to 6pm Mon-Sat) which continue along both sides of the south-western spur leading to the surgery (no waiting 8am-7pm Mon-Fri, 8am-12 noon Sat). There are double yellow lines for a short stretch on the opposite side to prevent parking at or near the entrance to the car park (which is reserved for surgery patients) and the entrance to Proper Maid Cakes. It is possible to park legally on the north-eastern side - there is a parking lay-by with sufficient space for approximately 8 cars, and opportunities to park informally on either side of the street further down. At the time of the case officer's site visit, there was a high uptake on on-street parking, with little spare capacity.

- 10.22 Marsh Gardens does not provide direct vehicular access to Honley C of E Junior School (the vehicular access point being off Jaggar Lane), but the lower end of the adopted part of Marsh Gardens is, according to local residents, used as an informal pick-up and drop-off point by parents of school students.
- 10.23 The carriageway of Marsh Gardens is approximately 7.2m wide. Even where the effective width is limited by cars parked in the lay-by, it is still wide enough for two vehicles to pass each other. Although traffic volumes may be high at certain times of the day (especially at school opening and closing times), traffic speeds are expected to be low. It is considered that the local highway network is of a satisfactory standard to cope with the level of additional traffic generated by the development.
- 10.24 Under the Local Plan there is no formal minimum or maximum level of parking provision set out as standard for new developments. Policy LP22 instead says that provision will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development.
- 10.25 In this instance, the site is deemed to be of moderate to good accessibility, being roughly 180m from a bus stop on Westgate with a twice-hourly service to Huddersfield. Other bus services are available on Woodhead Road and Huddersfield Road roughly 500m away. The latest plans show two designated parking spaces for each dwelling, which is considered an appropriate number for a 3-bedroomed dwelling of the size and in the location proposed. No designated visitor parking is provided. In considering the question of where visitors might park, it is noted that opportunities for safe on-street parking in the vicinity of the site are somewhat limited, but that there is a small public car park roughly 120m away in the village centre. It should also be noted that even under the now-superseded Unitary Development Plan, visitor parking was not normally sought except for developments served by an unadopted road or shared driveway, and then only for 4 or more dwellings. It is considered that overall provision of parking spaces is acceptable in terms of number, and that their layout would allow them to be safely used.
- 10.26 The Highway Officer's latest comments are that the scheme is acceptable in principle but that some revisions to waste storage and collection arrangements will be needed – this can easily be achieved without changing the overall layout. Subject to appropriate conditions – the provision and retention of the parking areas; the road frontages being kept permanently clear of all obstructions to visibility over 1m above the carriageway, the footway being restored after development and not interrupted by kerbs; refuse storage and collection points being provided – the development would ensure that the safety and convenience of highway users are protected and accord with the aims of LP21-22.

Drainage issues

- 10.27 The site is not within an area identified as being at risk of flooding according to Environment Agency data. It is proposed that disposal of surface water is to be by the mains sewer. In general this is not one of the more sustainable methods of drainage, but given the small plot size and proximity to existing buildings, it is unlikely that soakaways would be a realistic option. Details of drainage methods do not need to be conditioned as they would normally be covered under the remit of the Building Regulations.

Representations

10.28 Most of the concerns relating to amenity and highway safety have been addressed earlier in the report, but are summarised here with other issues raised and officer responses.

- i. Marsh Gardens is in a Conservation Area **Response:** The application site is outside the Honley Conservation Area being roughly 40m from the boundary.
- ii. Would not be in keeping with local character (height; neighbouring houses are detached or semi-detached not terraced; do not have front canopies). **Response:** The issue of design and local character has been considered at length in 10.7-10.12.
- iii. Overdevelopment and would not leave enough soft landscaping. **Response:** It is considered that the scheme as modified would amount to an appropriate density of development (see 10.9 above) and would provide sufficient soft landscaping both front and rear.
- iv. The site would be ideal for bungalows for retired people, since the location is close to village centre, or smaller houses for first-time buyers. **Response:** There is a demand for both types of housing, and on a larger scheme it might be appropriate to seek a greater diversity of house type. But judging the scheme against the applicable policies on design and amenity it is considered an appropriate form of development for this site.
- v. Would be preferable if they were affordable. **Response:** This is not a standard requirement for a development of only 4 units (see 10.20 above).
- vi. Other applications 2004/93465 and 2013/93737 were modified or rejected (dormers and vehicular access issues). **Response:** 2004/93465 was for the erection of a pair of semi-detached dwellings on the corner of Marsh Gardens and Concord Street. Dormers have been deleted from the current scheme. 2013/93737 was actually a discharge of condition application for a housing scheme originally granted permission in 2009 (ref. 2008/93588). It appears from the supporting documents that the developer intended the access be to Concord Street, and that this was not a modification made at the Highway Officer's request. In any case it was a Major application, for 14 dwellings, and is therefore not comparable to the scheme now under consideration.
- vii. Loss of ecological value. **Response:** The site is deemed to have very limited ecological value in its present condition, and there are opportunities for enhancement.
- viii. Loss of existing bungalow because ground floor living accommodation is in short supply. **Response:** The loss of a single existing bungalow is not considered to be grounds for refusal, especially in the light of NPPF Chapter 11 and LP7 which recommend making efficient use of land.
- ix. Impact on light. **Response:** This issue has been examined at length in paragraphs 10.13-19 above.
- x. Possible impact on privacy. **Response:** This issue has been examined at length in paragraphs 10.13-19 above.
- xi. No north elevation shown. **Response:** This was an omission on some of the earlier plans that has now been corrected.

- xii. Cutting down trees before permission granted – were tree surveys undertaken before this was done? **Response:** There are no trees covered by a Tree Preservation Order on or adjacent to the site. At the time of the case officer's site visit there were some small trees (mostly conifers) and shrubs on the site which were not deemed to have high amenity value. Their removal would not require any form of consent from the Council.
- xiii. It would exacerbate parking problems, may prevent emergency services and bin wagons getting through. **Response:** After some revisions to the scheme, it is now considered that parking is adequate and it would avoid any adverse impact on highway safety.
- xiv. Conflict with pedestrians using the pavement outside. Dropped kerbs will make the journey to the surgery more hazardous to people who use mobility aids or are on mobility scooters. **Response:** This can be addressed by an appropriate condition – that where driveways cross the footway they be laid out in the same material without kerbing, so as to prioritise the safety of pedestrians and footway users.
- xv. Reduction in visibility at junction. Inadequate visibility for cars pulling out because of other cars parked. **Response:** The proposed new dwellings would not be close enough to the junction to affect intervisibility. Furthermore a standard condition can be imposed to ensure that there are no visibility obstructions within 2m of the carriageway boundary.
- xvi. It is a busy road with a high uptake of on-street parking, and there would be conflict with existing traffic to Propermaid, also close to pick-up and drop-off point for Honley Junior School. **Response:** These factors have been noted by the Planning case officer and Highways Officer; it is officers' assessment that the development, subject to conditions, would not compromise highway safety.
- xvii. Tandem parking is unrealistic because if someone wants to move the inner vehicle they will have to temporarily park the other vehicle on the highway. Additional hazards from cars reversing out near a blind bend. **Response:** Tandem parking may require more manoeuvring than two spaces side by side but it is fairly common for medium-sized family dwellings to have parking provided in this way, and Highways Development Management have raised no objection in principle to this aspect. Given likely traffic speeds and volumes, and the overall scale of the development, the potential for highway safety problems caused by cars reversing is considered to be minimal.
- xviii. Driveways may not be wide enough for some modern cars. **Response:** Minimum driveway width is shown as 2.8m. This is wider than the standard width of a parking space and it is considered that it is sufficient to allow doors to be opened safely and for people to get past parked cars on foot.
- xix. Access on foot for Plot B would be impracticable. **Response:** Future occupants could get to and from their parking spaces either through their own back door or via the driveway and the street, so this is not considered to be problematic.
- xx. Impact on wider highway network, especially Marsh Gardens / Westgate junction. **Response:** Based on the comments of the Highway Officer it is considered that the degree of intensification of this junction arising from the erection of 3 dwellings (a net increase of 2) would not give rise to any significant increase in safety problems.

- xxi. Drainage arrangements may not be adequate. **Response:** Connection to mains is proposed – the details of this would normally be assessed as part of a Building Regulations application.
- xxii. Disruption during building works **Response:** In some cases – especially where there is limited space for parking and materials storage within the site – it may be appropriate to request a Construction Management Plan by condition. It is noted however that the Highways Officer has not proposed such a measure in this instance.
- xxiii. The existing “terrace” is not comparable as they are flats for over-55s and have internal turning. **Response:** 8-12a Marsh Gardens is different in terms of type, design and layout, and therefore has not been used to demonstrate a “precedent” for the current proposal, which has been assessed on its own merits.

10.30 Comments made in support are summarised here with officer responses.

- iii. It would be good to see the land being put to use. **Response:** The proposal would make efficient use of the site in accordance with the aims of NPPF Chapter 11 and LP7.
- iv. The existing highway situation is safe as long as people drive carefully. **Response:** The highway safety aspects of the proposal have been carefully assessed.

10.31 Ward Councillor Charles Greaves has made the following comments, which are responded to here:

- If there are to be more than 2 dwellings I would like it to be referred to Sub-Committee with a site visit. The amended proposal is still an overdevelopment of a tight site. It is not appropriate to this setting does not fit in with the street, and is a very busy pedestrian area. Three exits with reversing and tandem parking may fit your policy rules but will not work in reality. There is limited outside space and I wonder where the bins will go. A pair of semis would fit the plot and blend in well.

Response: For the reasons set out in detail earlier in the report, the density and scale of the scheme proposed is considered to be suitable for the site and officers are satisfied that access, parking and refuse collection arrangements are satisfactory.

- If it is approved there should be a condition on construction management.

Response: As previously stated, the Council has the power to impose such a condition, but the Highway Officer has not deemed it necessary here (see response to objection at point xxii).

Planning obligations

10.32 The scale and nature of the development is not such that would require planning obligations to be entered into.

Other Matters

- 10.33 *Permitted development rights*: Given the small curtilage size it is recommended that permitted development rights for the erection of extensions, including roof extensions, and for the erection of domestic outbuildings, be withdrawn, in the interests of ensuring that extensions and outbuildings do not lead to overdevelopment of any of the plots or negatively affect the privacy of neighbouring dwellings.
- 10.34 *Minerals safeguarding*: The site is within a minerals safeguarded area. But being a relatively small site in a built-up area, mineral extraction would not be practicable and so this factor should not prevent the site being developed.
- 10.35 *Biodiversity*: It is recommended that biodiversity enhancement consists of a single bird nesting feature to be installed on the north-western elevation of the development, integral to the new build. This can be the subject of a prescriptive condition.
- 10.36 *Climate change*.
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 pre-dates 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.
- 10.37 The applicant's Design and Access Statement does not refer to climate change when quoting relevant planning policies, and does not explain how the proposed development would help to address or combat climate change effects. It is noted however that the final version of the elevations shows an array of solar panels installed on the south-west or rear elevation of each new house. This would help to reduce the new dwellings' reliance on carbon-emitting sources of electricity. The installation of the solar panel array is to be controlled by condition.
- 10.38 Furthermore, measures can be imposed to encourage the use of sustainable modes of transport. Adequate provision for electric vehicle charging points would be secured by condition should planning permission be granted. The applicant has also proposed that cycle storage facilities would be provided and this can also be controlled by condition.
- 10.39 A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. The application site is a sustainable location for residential development, as it is readily accessible and is within an existing, established settlement that is served by public transport (as described in 10.25 above) and other facilities. Honley currently has a number of shops (including small supermarkets), pubs, churches, eating establishments and other facilities, such that at least some of the daily, 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.

11.0 CONCLUSION

- 11.1 The site has constraints which have been set out in the 'assessment' section of the report. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage. Approval of full planning permission is recommended, subject to conditions.
- 11.2 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

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

- 1. Commencement of development**
- 2. Development to be in full accordance with plans and specifications**
- 3. Samples of facing and roofing materials**
- 4. Stone boundary wall along highway boundary elevations**
- 4. Ecological enhancement (bird boxes)**
- 5. Parking spaces provided and surfaced**
- 6. Visibility across site frontages maintained**
- 7. Footways to be restored after development and not interrupted by kerbs**
- 8. Refuse storage and collection**
- 9. Side-facing windows ground floor north elevation obscure glazing**
- 10. No additional windows on north-western elevation**
- 11. Electric vehicle charge points**
- 12. Removal of permitted development rights (Classes A, B, E of Part 1, Schedule 2 of the GPDO)**
- 13. Cycle storage**
- 14. Installation of solar panel array**

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93445>

Certificate of Ownership – Notice served on/ or Certificate A signed: