
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

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

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report 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 6th October 2022. Details

regarding foul and surface water and flood management has also been received on the 30th November 2022. Amended plans to show the final layout were received on the 6th January, along with updated elevations (and street scenes) to take into account the topography of the site. These were received on the 19th 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 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th 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 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- 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 17th 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 along 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, ensuite, 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.