
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Feb-2023

Subject: Planning Application 2022/90928 Erection of 2 detached dwellings and detached garage adj, The Willows, Hallas Road, Kirkburton, Huddersfield, HD8 0QG

APPLICANT

S Joyce

DATE VALID

28-Apr-2022

TARGET DATE

23-Jun-2022

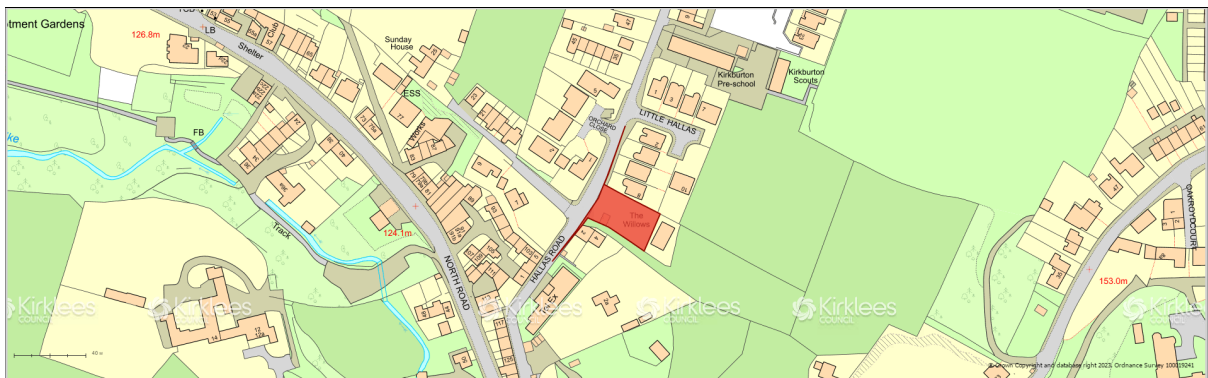
EXTENSION EXPIRY DATE

23-Dec-2022

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[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 This application is brought to the Heavy Woollen Planning Sub Committee due to a significant volume of local opinion (24 representations received). This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to an area of land to the front of The Willows, Hallas Road, Kirkburton. The site slopes uphill from Hallas Road to The Willows, which is a detached bungalow. Hallas Road slopes uphill to the northeast. There is currently hardstanding parking and a detached garage to the front of the site, a sloped garden set back from the road, with the dwellinghouse occupying an elevated position to the rear of the site.

2.2 The site is located in a predominantly residential area. The surrounding dwellings are varied in age, style, and size. The predominant material of construction is stone.

2.3 The site is adjacent to the Kirkburton Conservation Area. There are no listed buildings or Public Rights of Way (PROW) within close proximity to the site.

3.0 PROPOSAL:

3.1 The applicant seeks permission for the erection of two detached dwellings and a detached garage. The dwellings would replace the existing parking, garage, and garden at the site.

3.2 Plot 1 would be a two-storey dwelling adjacent to the south-western site boundary. It would have a hipped roof form. It would measure approximately 9.8m deep and 6.6m wide, with an overall height of 7.2m and an eaves height of 5.2m. There would be a two-storey element with a feature gable, which would project beyond the front elevation by approximately 0.3m. There would be a single-storey element which would project beyond the rear elevation by approximately 2.4m.

- 3.3 Plot 2 would be a three-storey dwelling adjacent to the north-eastern site boundary. It would have a hipped roof form. It would measure approximately 9.8m deep and 6.6m wide, with an overall height of 9.9m and an eaves height of 7.8m. There would be a two-storey projecting element with a feature gable, set forward of the front elevation by approximately 0.3m. There would be a single-storey element which would project beyond the rear elevation by approximately 2.4m. This dwelling would benefit from an internal garage.
- 3.4 The dwellings would be faced in stone, with flat-profiled grey concrete tiles for the roof. Each dwelling would have off-street parking to the front, and a garden to the rear.
- 3.5 The detached garage would serve The Willows and would be located to the rear of Plot 1. It would be accessed via a driveway which would run between the two proposed dwellings. It would measure 6.0m x 3.0m internally. It would have a pitched roof with an overall height of 3.6m and an eaves height of 2.5m.
- 3.6 There would be associated engineering operations to facilitate the development. These would consist of the digging out of the site to form a more level base for the proposed dwellings and the formation of a retaining wall between the proposed detached garage and The Willows. Existing retaining walls to the northern and southern boundaries would be retained.

4.0 RELEVANT PLANNING HISTORY:

4.1 At the application site:

2003/92321 – Erection of pitched roof to replace flat roof on garage. Conditional full permission.

2019/20477 – Pre-application for residential development.

4.2 At neighbouring properties:

89/07351 – Outline application for erection of 3 no detached houses with garages. Refused. [Land to rear of The Willows].

91/00572 – Outline application for the erection of 2 detached dwellings and 1 detached garage. Refused. [Land to rear of The Willows].

98/91728 – Erection of 9 no detached dwellings with integral garages. Conditional full permission. [Little Hallas].

2013/92716 – Erection of 4 detached dwellings and erection of extension to existing dwelling. Conditional full permission. [Orchard Close]

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following the KC Highways Development Management consultation response, an amended site plan was received demonstrating a widened turning head to allow additional space for internal vehicle turning. This was considered acceptable by KC Highways Development Management. Plans and elevations for the proposed garage were requested and received. Minor amendments

were made to the front elevation to be in keeping with the local vernacular. Amendments were requested and received to the internal layout to ensure the nationally describe space standards were met. The description was changed with the agent's permission to reflect the proposed development more accurately.

- 5.2 The proposal as initially submitted included 2 three-storey dwellings. Officers (including the Conservation and Design officer) raised concerns that this would cause harm to the Conservation Area and would be out of character with the local area. Amended plans were submitted showing Plot 1 reduced to two storeys, with Plot 3 remaining at three storeys in order for a progression in height from 2 and 4 Hallas Road to 8 Little Hallas. This was considered acceptable by officers.

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).

- 6.2 The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan (2019):

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 20 – Sustainable travel
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and geodiversity
- LP 33 – Trees
- LP 35 – Historic environment
- LP 51 – Protection and improvement of air quality
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications for new dwellings. The SPDs indicate how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the street scene and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

6.4 In this case the following SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- Highways Design Guide (adopted 4th November 2019)
- Housebuilders Design Guide (adopted 29th June 2021)

National Planning Guidance:

- **Chapter 2** – Achieving sustainable development
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by neighbour letter, site notice, and press advert (due to the site's location adjacent to a Conservation Area), giving until 16th June 2022 to comment on the initial plans. As a result of the above publicity, 11 representations have been received from 10 addresses. These have been published online. The material considerations raised are summarised as follows:

- Three-storey dwelling out of keeping with local character
- Out of keeping with adjacent Conservation Area
- Overlooking/loss of privacy
- Overshadowing
- Overdevelopment
- Highway safety/parking
- Former use of site as quarry

7.2 Amended plans were advertised by neighbour letters giving until 27th September 2022 to comment. 6 further representations were received (5 from the same addresses as the initial publicity and 1 from an additional address). These representations have also been published online. The following additional material consideration was raised:

- Biodiversity

7.3 A final round of amended plans publicity (via neighbour letters) gave until 16th December 2022 for comments. 7 further representations were received (all from the same addresses as the previous rounds of publicity); however, no new material considerations were raised. These representations have also been published online.

7.4 Other matters raised in the representations are not material planning considerations and as such will not be discussed further.

7.5 Kirkburton Parish Council – Confirmed they had no comment.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The Coal Authority – no objection.

8.2 Non-statutory:

KC Conservation & Design – requested amendments to height and design. Comments discussed further within the report.

KC Environmental Health – no objection subject to conditions.

KC Highways Development Management (HDM) – no objection subject to conditions.

KC Trees – no objection.

9.0 9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity and the historic environment
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.
- 10.2 The proposal is required to accord with Policy LP3 of the Kirklees Local Plan, which requires new development to be situated in a sustainable location that provides access to a range of transport choices and access to local services. This site is within walking distance of Kirkburton District Centre and bus stops on North Road. Therefore, the site is considered to be in a sustainable location close to public transport and local services. Officers consider the site is in a sustainable location for residential development.
- 10.3 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.

- 10.4 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 National Planning Policy Framework clearly identifies that Local Authorities 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.
- 10.5 Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 69 of the NPPF recognises that:
- 10.6 *“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”.*
- 10.7 Although the Local Planning Authority can demonstrate a five-year land supply, it is noted that this development would contribute to the housing supply in the district. However, the provision of housing needs to be balanced against other policies and material planning considerations.
- 10.8 In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring *inter alia* that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.
- 10.9 In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

Impact on visual amenity and the historic environment

- 10.10 General design considerations are set out in Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

- 10.11 Officers consider that the proposed dwellings would likely be read in conjunction with 2 Hallas Road to the southwest, The Willows to the rear, and 8 Little Hallas to the north. The proposed dwellings would be faced in stone, with grey flat-profiled tiles for the roof covering, which is in line with the neighbouring dwellings. The materials of construction could be secured by condition, should members be minded to approve. To ensure that the dwellings would sit comfortably within the street scene, it is considered appropriate to impose a condition requiring samples of materials to be submitted.
- 10.12 The detailing includes traditionally styled and proportioned openings to the front elevations, similar to those found on the neighbouring 2 Hallas Road and 1 Orchard Close, and as such would not be out of character with the area. The dwellings would have a hipped roof form, similar to The Willows and other dwellings in the wider area. The detailing is considered to be acceptable.
- 10.13 The application site is of a sufficient size to support two dwellings, as proposed with parking areas to the front and modest amenity spaces to the rear. In terms of footprint and massing, the proposed dwellings would not be out of keeping with the neighbouring dwellings, which are varied in design and size. It is noted that the general character of the local area is two-storey dwellings. Therefore, the three-storey dwelling could be slightly out of character. However, officers consider that a two-storey dwelling on Plot 2 would be “dwarfed” by 8 Little Hallas, which is located at a significantly higher elevation. The proposal as designed allows a progression in height from 2 and 4 Hallas Road to 8 Little Hallas, as shown on the submitted site sections. This allows an acceptable relationship between the proposed and existing properties, including The Willows to the rear, as well as a sympathetic relationship to the gradient of Hallas Road. The scale is considered acceptable. However, whilst two dwellings may be acceptable, it is recommended to include a condition removing permitted development rights for any additions to ensure the site does not become overdeveloped.
- 10.14 The proposed dwellings, by virtue of their design and scale line, are considered to be in keeping with the existing built form and as such, it is considered that the proposed dwellings would sit comfortably within the existing street scene and against the neighbouring properties.
- 10.15 The submitted plans provide little information regarding the proposed boundary treatments. It is recommended to impose a condition requiring details of the proposed boundary treatment before the development commences in the interest of visual amenity (should members be minded to approve).
- 10.16 Although the proposed parking would be to the front of the dwellings, this is considered acceptable in terms of visual amenity as the existing situation on site has parking/hardstanding to the front.
- 10.17 In terms of the proposed detached garage, it is considered that this would be subservient in footprint and scale to the existing dwelling. It would be finished in natural stone with grey flat-profiled tiles for the roof covering, which is in line with the existing neighbouring dwellings and the proposed dwellings. It would be screened by the proposed dwelling at Plot 1 and would be minimally visible from Hallas Road. As such, although the proposed garage would be set forward of the front elevation of the host dwelling, it would have no significant impact on the street scene. The proposed detached garage is therefore considered acceptable from a visual amenity perspective.

- 10.18 The proposal is considered acceptable from a visual amenity perspective and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.
- 10.19 The site is neighbouring the Kirkburton Conservation Area. KC Conservation & Design were consulted and requested amendments to the design to take account of the local vernacular, which were received. They also requested that both dwellings be reduced to two storeys in height to avoid projecting above historic dwellings on Hallas Road. Although only one dwelling has been reduced in height, given that this is the closest to the Conservation Area and that the submitted site sections show a gradual increase in height from 2 and 4 Hallas Road to 8 Little Hallas, Officers consider this acceptable on balance. Therefore, on balance, the proposal would not result in harm to the Kirkburton Conservation Area in line with Policy LP35 of the Kirklees Local Plan.

Impact on residential amenity

- 10.20 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.
- 10.21 KC Environmental Health were consulted and highlighted that the proposed development is within a residential area where noise from construction activities has the potential to impact the amenity of nearby residents. Therefore, a condition restricting construction working times is recommended, should members be minded to approve.
- 10.22 Principle 6 of the Housebuilders Design Guide SPD states *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* It continues by setting out typical minimum separation distances. These are as follows:
- 21 metres between facing windows of habitable rooms at the backs of dwellings;
 - 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
 - 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
 - for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.
- 10.23 Impact on The Willows, Hallas Road – this is the existing dwelling to the rear (southeast) of the application site. This is a bungalow with habitable room windows to the front elevation. The submitted site sections show that these windows would look over the proposed two-storey dwelling at Plot 1 and would predominantly look onto the roof of the proposed three-storey dwelling at Plot 2. Although a separation distance of only 17m would not be maintained, taking the above into account, the separation distance is considered acceptable in this instance. It is considered that there would be no detrimental impacts on

the privacy of The Willows as a result of the proposed development. It is considered that there would be no overbearing or overshadowing impacts on this neighbour, given the separation distance that would be maintained and that the proposed dwellings would be significantly set down in relation to The Willows. The proposed garage would be set below the proposed retaining wall and would therefore have no impacts on this neighbour. The Willows would retain an acceptable level of amenity space to the side and rear. Officers are satisfied that there would be no significant impacts on the residential amenity of The Willows, Hallas Road.

- 10.24 Impact on 8 Little Hallas – this is the neighbouring dwelling to the north of the application site. The proposed two-storey dwelling at Plot 1 and the proposed detached garage would be located on the opposite side of the application site and would therefore have no impacts on this neighbour. The side elevation of this dwelling faces towards the application site and has no windows. Therefore, there would be no overlooking impact as a result of the proposal. The proposed three-storey dwelling at Plot 2 would be set down in relation to 8 Little Hallas by approximately 2.1m. Therefore, it is considered that there would be no overbearing or overshadowing impacts on this neighbour as a result of the proposal. Officers are satisfied that there would be no significant impacts on the residential amenity of 8 Little Hallas.
- 10.25 Impact on 2 & 4 Hallas Road – these are the neighbouring dwellings to the southeast of the application site. These dwellings occupy a lower elevation relative to the application site. The proposed three-storey dwelling at Plot 1 would be located on the opposite side of the application site and would therefore have no impacts on this neighbour. Only one window in these neighbouring dwellings faces the application site, which appears to be a small, secondary window. There would be two windows in the south-western side elevation of the two-storey dwelling at Plot 1; these would both serve the staircase, which is a non-habitable space. Therefore, there would be no significant overlooking impact on these neighbours as a result of the proposal. A separation distance of approximately 8.0m would be maintained. Although the proposed two-storey dwelling would have an overall height approximately 3.6m greater than 4 Hallas Road, given the separation distance, the lack of habitable room windows to the rear, and that the principal amenity space for these dwellings is to the southwest (opposite side to the application site), it is considered that there would be no significantly detrimental overbearing impact. The proposed two-storey dwelling would be located to the north of these neighbours; therefore, there would be no significant overshadowing impact. A separation distance of approximately 20m would be maintained to the proposed garage; therefore, this would have no significant impacts on these neighbours. Officers are satisfied that there would be no significant impacts on the residential amenity of 2 & 4 Hallas Road.
- 10.26 Impact on 1 Orchard Close – this is the neighbouring dwelling to the front (northwest) of the application site, on the opposite side of Hallas Road. This is an L-shaped dwelling with three storeys to the rear (southwest). The garden of this dwelling is directly in front of the application site. On the dwelling, there is a blank gable closest to the application site, with windows on the elevation further northwards. From reviewing the planning history (2013/92713), these windows serve a WC, en-suite, and bedroom (furthest north away from the application site). A separation distance of 22.4m is maintained from the three-storey dwelling at Plot 2 to the dwelling at 1 Orchard Close, and 24.2m from

the two-storey dwelling at Plot 1. This exceeds the minimum distances set out in the Housebuilders Design Guide SPD. A distance of approximately 20.3m would be maintained from both proposed dwellings to the garden at 1 Orchard Close. Given that a garden is not a primary habitable space, an acceptable separation distance would be maintained. Therefore, it is considered that there would be no significant overlooking impact on 1 Orchard Close as a result of the proposed dwellings. Given the separation distance that would be maintained, it is considered that there would be no significantly detrimental overshadowing or overbearing impacts on this neighbour as a result of the proposed dwellings. The proposed garage would be located to the opposite side of the proposed dwellings, approximately 44m away, and would therefore have no detrimental impact on the amenities of this neighbour. Officers are satisfied that there would be no significant impacts on the residential amenity of 1 Orchard Close.

- 10.27 Impact on future occupiers of the dwellings - The application has been considered against the Government's Technical housing standards – nationally described space standard for new dwellings. The Council recognises the nationally described space standards as best practice to ensure that new homes can meet basic lifestyle needs and provide high standards of amenity for future occupiers.
- 10.28 The two-storey dwelling at Plot 1 would have a gross internal area of approximately 119 sqm, thereby exceeding the minimum gross internal area and built-in storage standards for a 2-storey, 3-bedroom, 4-person dwelling (84sqm). Bedroom 1 exceeds the floor area for a double bedroom, whilst Bedrooms 2 and 3 exceeds the floor area for a single bedroom.
- 10.29 The three-storey dwelling at Plot 2 would have a gross internal area of approximately 177.6sqm, thereby exceeding the minimum gross internal area and built-in storage standards for a 3-storey, 4-bedroom, 5-person dwelling (103sqm). Bedroom 1 exceeds the floor area for a double bedroom, whilst Bedrooms 2, 3 and 4 exceed the floor area for a single bedroom.
- 10.30 Principle 17 of the Housebuilders Design Guide SPD sets out how all new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. However, no size criteria for amenity space are set out in the Housebuilders Design Guide SPD or Policy LP24 of the Kirklees Local Plan.
- 10.31 The proposed dwellings would benefit from external amenity space to the rear. The amenity space at Plot 1 would be approximately 69sqm, and the amenity space at Plot 2 would be approximately 57sqm. The amenity space at both dwellings would be east-facing. As discussed above, it is considered appropriate to remove permitted development rights for any additions, so extensions/buildings reducing the area of amenity space would need to be approved by the LPA. Therefore, the proposal is considered to provide a sufficient level of external amenity space for future occupiers of the property.
- 10.32 Having considered the above factors, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of neighbouring occupants and would provide a high standard of amenity for future occupiers, thereby complying with Policy LP24 of the Kirklees Local Plan, Principle 6, 16, and 17 in the Council's Housebuilders Design Guide SPD, and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety

- 10.33 KC Highways Development Management (HDM) were consulted. Their response notes that the application site is the existing garden to the frontage of an existing detached house, The Willows, located on the eastern side of Hallas Road approximately 140m from the junction with B6116 North Road. The proposal is for two dwellings, plots 1 and 2, consisting of detached houses, one four-bedroomed and one three-bedroomed. The proposed four-bedroom dwelling would have a single integral garage with further space for parking for two vehicles on a driveway to the front. The proposed three-bedroom dwelling would have parking for two vehicles on a driveway to the front. 2.4 x 43m sight lines are shown from the proposed access onto Hallas Road. These are created by removing an existing wall and extending a footway across the site. A bin collection point is shown at the site access. A replacement detached garage with additional parking opposite is shown for the existing dwelling. The applicants have provided revised site layout plan showing a widened turning head to allow space for internal vehicle turning, which is considered acceptable.
- 10.34 For a development of this scale, visitor parking would not be required. As per the Council's Highways Design Guide SPD, in most circumstances, one visitor space for every four new dwellings is considered appropriate.
- 10.35 Given that sufficient off-street parking is proposed for both the new and existing dwellings and that sightlines of 2.4 x 43m are shown at the site access, the proposal is considered acceptable to Highways Development Management. Conditions are recommended relating to footway to be provided (pre-commencement) and turning facilities to be provided, should members be minded to approve.

Other Matters

- 10.36 Contaminated land - This site has been identified on the Council's mapping system as potentially contaminated land due to its previous use as a quarry (Site 90/16). KC Environmental Health were consulted and have no objection to the application. However, the dwellings are permanent structures that may involve significant groundworks. As such, they recommend contaminated land conditions, should members be minded to approve. These would include submission and approval of a Phase 1 Preliminary Risk Assessment Report (pre-commencement); submission and approval of a Phase 2 Intrusive Site Investigation Report (pre-commencement); submission and approval of a Remediation Strategy (pre-commencement); implementation of the Remediation Strategy; and submission and approval of a Validation Report. It is also noted that paragraph 184 of the National Planning Policy Framework states that, where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner. Officers consider that the proposal would accord with the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

- 10.37 Coal mining legacy - The Coal Authority were formally consulted. Their response highlights that the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that the site is likely to have been subject to unrecorded underground coal mining at shallow depth. The Coal Authority response notes that the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site; including information from BGS geological mapping and borehole data. This information has been used to inform the Coal Mining Risk Assessment which accompanies the planning application. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.
- 10.38 Trees – KC Trees were consulted. They consider that, given the engineering works that have previously taken place on site and the existing retaining structures, any level difference as a result of the proposal would be highly unlikely to impact on the roots of the trees within the Conservation Area to the south of the application site. It is noted that at least some of the trees are located at a lower elevation relative to the application site. Furthermore, the proposed dwellings are set further forward and would be unlikely to impact the trees due to their location. Moreover, the location of the proposed garage would help avoid conflict resulting from overshadowing of garden areas or habitable room windows. Therefore, officers are satisfied that there would be no detrimental impact on the trees in the Conservation Area as a result of the proposal, in accordance with Policies LP33 and LP35 of the Kirklees Local Plan.
- 10.39 Carbon budget - the proposal is a minor development for the erection of two dwellings and a detached garage. In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of electric car charging points is recommended, should members be minded to approve. The proposal therefore complies with Policies LP20, LP21, LP24, LP51, and LP52 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.
- 10.40 There are no other matters considered relevant to the determination of this application.

Representations

- 10.41 Following the initial round of publicity, 11 representations were received from 10 addresses. The material considerations raised are summarised as follows:
- Three-storey dwelling out of keeping with local character
 - Out of keeping with adjacent Conservation Area
 - Overlooking/loss of privacy
 - Overshadowing
 - Overdevelopment
 - Highway safety/parking
 - Former use of site as quarry

10.42 **Officer comment:** The above material considerations have been addressed within the report.

10.43 Following the first round of amended plans publicity, 6 further representations were received. The following additional material consideration was raised:

- Biodiversity

10.44 **Officer comment:** The above material consideration has been addressed within the report.

10.45 Following the final round of amended plans publicity, 7 further representations were received; however, no new material considerations were raised.

11.0 CONCLUSION

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

11.2 The proposed erection of two detached dwellings and a detached garage is considered to constitute an acceptable form of development which would have no adverse impact on residential or visual amenity, or highway safety.

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

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

1. Time to implement
2. In accordance with plans
3. Construction materials to be natural coursed stone and stone slates
4. Samples of materials to be submitted
5. Removal of permitted development rights for Classes A-E
6. Details of proposed boundary treatments, including retaining features (pre-commencement)
7. Construction site working times
8. Footway to be provided (pre-commencement)
9. Turning facilities to be provided
10. Submission of a Phase 1 Preliminary Risk Assessment Report (pre-commencement)
11. Submission of a Phase 2 Intrusive Site Investigation Report (pre-commencement)
12. Submission of a Remediation Strategy (pre-commencement)
13. Implementation of the Remediation Strategy
14. Submission of a Validation Report
15. Electric vehicle charging points
16. Plan providing full details of existing and proposed land levels relating to identifiable datum (pre-commencement)

Background Papers:

The application can be found online here:

[Planning application details | Kirklees Council](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90928>

Certificate of Ownership – Certificate A signed