
Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 19-Sep-2024

Subject: Planning Application 2024/90881 Erection of two dwellings Land Adjacent, 155, Longwood Road, Paddock, Huddersfield, HD3 4EH

APPLICANT

Faz Sadiq, Longwood
Property Management
(UK) Ltd

DATE VALID

25-Mar-2024

TARGET DATE

20-May-2024

EXTENSION EXPIRY DATE

06-Aug-2024

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: Golcar

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.

1.0 INTRODUCTION:

1.1 This application is brought before the District Planning Committee for determination under the terms of the Delegation Agreement owing to significant local objection having been made, and officers being minded to approve the application. The objections received are as follows:

- 14 representations have been received with one of those being a received petition with 37 signatures and one duplicate representation.
- Following assessment, it is considered that there are a significant number of representations against the officers recommended decision

2.0 SITE AND SURROUNDINGS:

2.1 The site forms a rectangular piece of vacant land located between nos. 155 and 173 Longwood Road. The site is covered by a mix of grass and vegetation, most of which appears to be self-seeded. The land to the rear (south) of the site drops away with elements of under build/lower ground floor levels to the existing properties.

2.2 Longwood Road is a C classified road, C640, which connects Paddock to the Longwood and forms a regular bus route which is also used extensively for on street parking for the adjacent dwellings.

2.3 To the rear, south of the site, is a wooded area, with a Public Right of Way (HUD/313/10), 20 metres south. The site, including the wooded area, is within the Kirklees Wildlife Habitat Network.

2.4 The local area is residential in nature with stone-built dwellings either side and to the north with the prevailing material being natural stone.

3.0 PROPOSAL:

3.1 The application is seeking planning permission for the erection of two dwellings.

- 3.2 It is proposed to have two detached, two-storey dwellings with two, off street parking spaces each to the front and rear gardens. Those would have an understorey as the land falls from the highway/north to south. Both dwellings would have part of their rear elevation at lower ground level as a covered patio area.
- 3.3 The dwellings would be finished in natural stone to the front elevation and artificial stone to the side and rear elevation with a concrete roof slate pitched roof. Fenestration would be domestic style to front and rear only.
- 3.4 In between properties, there would be an external, shared, stepped access route to the rear garden. Bins would be to the front of the property boundary with an Electric Charging Vehicle Point for each of the two off street parking spaces per property.

3.5 *Plot One*

Plot one's dwelling would be 70.7sqm in overall footprint. It would appear as 7.5m overall height to ridge and 5.25m to eaves from the highway ground level; at rear, it would appear as 10.25m overall height with eaves at 8m height from ground level. It would be 9.6m width and 7.4m depth.

Internally, it would offer kitchen and dining rooms to lower ground, living room, snug, study and W.C to ground floor, and three double bedrooms (one with ensuite) and a bathroom to the first floor.

3.6 *Plot Two*

Plot two's dwelling would appear as a two-storey dwelling with a single-storey side projection set back 0.3m from the primary elevation. It would be 70.8sqm in overall footprint to the main body and 16.7sqm footprint to the side projection. It would appear aligned to Plot one as 7.5m overall height to ridge and 5.25m to eaves from the highway ground level; at rear, it would appear as 10.25m overall height with eaves at 8m height from lower ground level. It would be 9.6m width and 7.4m depth.

The west elevation's side projection would be 2.4m wide and 7.1m depth with an overall height of 4.7m and eaves height of 2.6m from ground level at highway level. It would have an understorey at rear, finishing 7.5m in height to ridge and 5.3m height from lower ground level.

Internally, it would offer kitchen, dining and garden rooms to lower ground, living room, snug, utility and W.C to ground floor, and three double bedrooms and a bathroom to the first floor.

3.7 Boundary treatments include:

- Front: low level natural stone wall with metal railings limited to 0.9m in height overall from ground level.
- Front flank: low level natural stone wall with close boarded timber fence limited to 1.8m height overall from ground level.
- Outer flank rear: artificial stone-faced retaining wall with close board timber fencing over. Maximum height 1.8m overall from ground level.

- Rear and inner flank: close boarded timber fence 1.8m height from ground level.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2016/93544 Outline application for residential development.
Conditional Outline Permission

4.2 No Enforcement History.

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

5.1 The agent was requested to re-check that the correct Certificate of Ownership was submitted and confirmed after their checks that Certificate A was valid. Officers accept this matter in good faith and further investigation into land ownership is not considered to be appropriate / necessary in this case.

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 Kirklees Local Plan (2019):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 7 – Efficient and effective use of land and buildings
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 33 – Trees
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

6.3 Supplementary Planning Guidance / Documents:

- Highways Design Guide SPD
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- National Design Guide
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

6.4 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

6.6 Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- The Conservation of Habitats and Species Regulations 2017

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised in accordance with statutory publicity requirements via neighbour notification letters.

7.2 The site was initially advertised as 'adj. 153 Longwood Road', while this is still accurate, for clarity following comments received, the application was re advertised with the site referenced as 'adj. 155 Longwood Road' as the site is immediately adjacent to no. 155. Plans were retitled to reference no. 155. This revised publicity date had a final expiry date of 30/05/2024.

7.3 Final revised publicity date expired: 30/05/2024

7.4 In response to publicity, 14 representations have been received objecting with one of those being a received petition with 37 signatures and one duplicate representation. The concerns raised within these representations are summarised as follows:

Biodiversity

- Impact on biodiversity/protected species/trees disputed

Highway Safety

- Impact on traffic and congestion from four additional cars
- Entrance would be close to a bollard with harm to highway safety
- Building work would harm highway safety

Ownership and impact on private land

- Application would encroach on easement present on the land (to the west side) and is not under sole ownership.
- Use of heavy machinery and spoil will affect my land.

Public Right of Way

- The building works would impact on the PROW (ref: HUD/313/10).

Residential Amenity

- Construction Noise

7.5 *In relation to ownership:*

The Certificate of Ownership had been re-confirmed with the agent and is accepted in good faith by the Local Planning Authority. This was confirmed by the agent as a true record. In the event that planning permission is approved, an informative would be added to any grant of permission advising the applicant that land ownership is a legal matter which is not overridden by any grant of planning permission.

7.6 *Cllr B Armer (Kirkburton Ward):* A comment was received regarding terraced housing on Longroyd Bridge and bats being affected by potential roof repair. Ecology matters are addressed in the report below.

8.0 CONSULTATION RESPONSES:

8.1 Below is a summary of the consultee responses. Where appropriate, these are expanded on in the main assessment.

8.2 Non-statutory:

KC Highways Development Management – No objections.

KC Trees – No objections.

KC Environmental Health –No objections.

KC Ecology – Support. Recommended EDS following second site appraisal (following representations received).

KC Highway Structures – No objections.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on Residential amenity
- Housing issues
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 10.2 Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.
- 10.3 The Principles in the Housebuilders Design Guide SPD have been used as a guide in considering the proposal’s visual amenity impact on the streetscene and host.
- 10.4 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.

Housing Supply

- 10.5 The 2024 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).
- 10.6 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 10.7 The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment.’
- 10.8 Policy generally seeks to support residential development upon unallocated sites of which this site is unallocated for development.

- 10.9 However, Policy LP7 establishes a desired target density of 35 dwellings per hectare unless the individual site characteristics dictate a lower density of development. This is further clarified by Principle 4 of the Housebuilders Design Guide which states that densities lower than 35 per hectare are only permitted in line with Local Plan Policy LP7.
- 10.10 In addition, LP7 echoes Chapter 11 of the National Planning Policy Framework in supporting efficient use of land using previously developed land not of high environmental value, however it also notes that land used for housing should be in keeping with the character of the area and the design of the scheme.
- 10.11 Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.
- 10.12 The application site measures 500.89sqm with a rectangular narrow site running parallel to the highway; a higher density would lead to issues in relation to parking / amenity space provision and would likely lead to overdevelopment of the site. It is deemed that 2 dwellings on this site would meet the requirements of LP7, be compatible with the surrounding development density and therefore is acceptable. The site is close to frequent public transport links and 310m to Paddock Local Centre within easy walking distance which ensures the site is a sustainable location.
- 10.13 However, the provision of housing needs to be balanced against all material planning considerations outlined below.

Impact on visual amenity

- 10.14 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby paragraph 131 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.”*
- 10.15 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.
- 10.16 LP24 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...”*
- 10.17 Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 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.

- 10.18 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.”*
- 10.19 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.”*
- 10.20 Amongst other considerations, Principle 6 sets out that *“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.”*
- 10.21 Principle 8 guides Officers to carefully consider the transition from urban to open land and how the development would *“make a positive contribution to the character and function of the landscape through sensitive siting and good design.”*
- 10.22 Relating to parking, Principle 12 requires Officers to have regard towards good design by providing visually well integrated parking with landscaping to screen its appearance and not to appear as overly dominant, hard surfaced feature in the streetscene where possible.
- 10.23 In addition to this, 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.
- 10.24 The proposal would be modestly below with the similar roofline and behind the strong building line established by terraced housing rows to the west and be behind nos. 153 and 155 to the east. It is noted that nos. 133 and 135 further east have a similar building line to the proposed and therefore the proposal would appear in keeping with the modestly varied building line to be acceptable.
- 10.25 The proposed dwellinghouses would be separated by ~0.86m to both flank boundaries with a separation distance of 1m between the new dwellings. This would not comply with Principle 2 which aims to ensure that there be a sense of openness between neighbours however it is considered that the streetscene is dominated by terraced housing with examples of more recent development being semi-detached or detached with minimal property gaps to boundary.

- 10.26 Development within the existing open area would remove a degree of existing openness within the streetscene as raised in third party comments. However, it would achieve a setback of 6m to the footway in keeping with existing development and achieve some openness with the set back and reduced roofline of the side projection to Plot 2, adjacent to single-storey structures and would not appear cramped or incongruous on the streetscene.
- 10.27 If the neighbouring single-storey structures are replaced by two-storey side extensions, the single-storey side projection will adequately ensure that there would be no terracing. For these reasons, the proposal would be characteristic with its surrounding dense development and would retain a satisfactory level of openness.
- 10.28 The general design of the dwellings would be of a scale and roofline similar to that of adjacent properties, allowing the dwellings to sit comfortably within the street scene. The recessed rear element of the properties would visually be of low impact to the streetscene and therefore acceptable with some benefits in providing some additional sheltered outdoor amenity space for the future occupiers.
- 10.29 The use of natural stone to the frontage and artificial stone to the side and rear is on balance considered to be acceptable given that the site is not within a Conservation Area or near any Listed Building. To ensure that the two different materials match well to each another, in the event that planning permission is approved, a condition is recommended to be attached in the interests of visual amenity. The design of the properties carries through similar sized window proportions to that on the adjacent properties which would be in keeping with the local character.
- 10.30 The properties would have its parking to the front with hard surfacing part screened by a low natural stone wall with metal railings atop to provide visual interest and be in keeping with its setting. Whilst soft landscaping strips would have been preferred to soften the front amenity space, it is noted that this would have an excessively restrictive impact on safe parking and highway safety by minimising the space useable for manoeuvring to enter the highway in forward gear on a classified road. In this limited instance, Officers propose that this would be acceptable as it would appear visually in keeping with the streetscene existing hard surfaced front amenity spaces
- 10.31 The proposal would retain sufficient garden space at rear to ensure that the scheme would appear to have a rear garden curtilage similar to its neighbours and the boundary treatment would be in keeping with the locality and be acceptable.
- 10.32 With the inclusion of the aforementioned conditions, the proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policies LP02 and LP24 of the Local Plan, the Principles of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

Residential Amenity

10.33 Sections B of Policy LP24 of the Kirklees Local Plan states that proposals should:

“...provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”

10.34 Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

10.35 Principle 6 of the Housebuilders Design Guide SPD seeks to ensure that housing maintains high standards of residential amenity by setting the relevant recommended separation distances:

- 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;
- 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

10.36 *No. 173 Longwood Road*

This property has a blank side elevation to the host and two single-storey structures both with no side windows, appearing as garaging facilities. The single-storey structures are marked as no. 171 on the proposed site plan but are not recorded as a dwelling on Council records. Plot 2 has no windows to its side elevations to overlook no. 173 in this regard.

The Proposal would have a single-storey structure adjacent which would be of an overall height more than 4m, however it would still appear of limited single-storey height and would not appear visually overbearing. Overall, the single-storey projection and the host height positioned to the east of no. 173 would not provide significant overshadowing to this neighbour aided by no. 173's blank side elevation.

10.37 *No. 155 Longwood Road*

This neighbour has a single-storey structure projecting forward of the host building with a small window to the host's first floor, two windows to ground floor of the single-storey projection and one small window to the under storey of the projection at the side elevation. During the site appraisal, the windows to the projection appeared to be for storage and a discussion with the tenant confirmed that it was for 'cellar' use; examination of property sales records suggest the last sale of the property was circa 2021 but no floor plans were supplied to fully assess this.

Plot 1's side elevation would be separated from this property's closest side elevation by 2.5m and would be set back behind no. 155 significantly; this would still retain a 45 degree field of outlook to the window closest to the highway and be acceptable in this regard.

From the site appraisal, the small first floor window appears to serve a bathroom and would be adequately separated by ~4.8m to the new dwelling positioned west of the neighbour to not appear overbearing and to have very restricted overshadowing effects in order to be acceptable. The lower ground window being below highway level would not have significant additional impacts to outlook and overshadowing from the proposed dwelling. It is noted that the remaining ground floor window is given over to storage use; this would be separated by 2.5m to dwelling and would have a limited overbearing impact. In this instance, the non-habitable room use with outlook affected to one window indicates that the impact of the dwellinghouse sited to the west, in terms of overshadowing, overbearing and loss of outlook, would be limited enough to be acceptable.

10.38 *Nos. 110, 116, 118, 122 and 124 Longwood Road*

The properties would be sited ~23.5m to the south of those neighbours and would therefore exceed recommended minimum separation distances between habitable windows as set out in Principle 6 of the SPD. The distance would also adequately ensure that there would be no overbearing or overshadowing to those neighbours from the proposal.

10.39 *Lower Gate*

The proposed development would comfortably exceed minimum separation distances away from any other neighbouring properties on Lower Gate to the south on lower ground so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

10.40 Comments have been received in representations of the issue of noise during construction. These matters are outside the remit of the planning system and regularised by separate legislation. However, in the event that planning permission is approved, it is recommended that an advisory note is added to any decision providing information on the recommended methods and hours of construction.

10.41 Officers recommend a condition on finished floor levels for avoidance of doubt for residential amenity. Subject to this condition, the proposal would therefore comply with Policies LP24 of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

Biodiversity/Tree issues

10.42 In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the minor sites exemption as set out by The Biodiversity Gain

Requirements (Exemptions) Regulations 2024 (as the application was received prior to April 2024) and there is no requirement for BNG to be provided in respect of the aforementioned legislation.

- 10.43 Notwithstanding this point, consideration of Biodiversity and Trees is a requirement of Principle 9 of the Housebuilders Design Guide SPD, LP30 and LP33 of the Kirklees Local Plan is relevant.
- 10.44 Whilst it is acknowledged that the site is located within an identified bat alert area and the Kirklees Wildlife Habitat Network, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. Whilst the site may be used by bats for travel / foraging, it is considered the buildings proposed would not prevent this continued movement, and that a level of ecological features could be retained which compliment the use of the site for foraging.
- 10.45 A representation raising concerns regarding bats to a terraced row nearby were received, however, following review by the Council's Ecology Officer in two site appraisals, Officers concur that, for the scale of this development, in the event that planning permission is approved, an informative in relation to the requirements of law relating to bats would be sufficient in this case. The inclusion of an informative making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward is therefore recommended.
- 10.46 The Council's Ecology Officer reviewed the site and does not object to the scheme. They recommended the inclusion of a condition to ensure wildlife and biodiversity enhancement. Following receipt of representations and their content the site was further discussed with the Council's Ecology Team, who reviewed the site further in terms of a desk top analysis including review of photographs of the site which were taken in April 2024.
- 10.47 They have confirmed they remain of the view that subject to condition, the proposal would not have a significant impact upon the Kirklees Wildlife Habitat Network and would satisfy the aims of policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and policies within Chapter 15 of the National Planning Policy Framework.
- 10.48 The site was reviewed by the Council's Trees Officer in relation to the mature trees present to the south of the site. The ground changes to the rear gardens to level those out have not been assessed as significant and would not affect the trees root protection areas below the existing ground level. It is also noted that whilst some trees are of mature growth, they are not protected specifically for their amenity value under Tree Preservation Orders or by being in a Conservation Area and were not considered as potential future candidates for Tree Preservation Order status.
- 10.49 In this instance, given the separation distance of the buildings and the lower ground level of the trees, Officers advise that in the event that planning permission is approved, an Arboricultural Method Statement is secured via condition to ensure the protection of those trees would not be required for the aims of LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.

10.50 Taking account of the responses of consultees, it is considered that the proposal would have an acceptable impact upon ecology and biodiversity, subject to inclusion of a condition requiring a level of biodiversity enhancement / mitigation the proposal is considered to meet the requirements of the aforementioned policies. Those are Policies LP30 and LP33 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD, and Chapter 15 of the National Planning Policy Framework.

Highway issues

10.51 Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

10.52 For 3 bedroom dwellings, they should have a minimum of 2 off street parking spaces to achieve this aim. Confirmed by the Highway Development Management Officer, each property benefits from two off-street parking spaces, and the drawings submitted show that turning within the site is available for vehicles enter and exit the site in forward gear, which is acceptable.

10.53 Third parties have commented that the impact on traffic and congestion from four additional cars would be detrimental to highway safety however it is noted that the expected traffic generation for two properties on a classified road would not be excessive and would have its impacts adequately limited by the parking areas. The bollard location was reviewed by the Highway Development Management Officer in an informal review and is considered to be situated at a sufficient distance so as to not detract from highway safety.

10.54 The proposal would require changes to the access within the adopted highway fronting the property which would need to be constructed under a Section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). In the event that planning permission is approved, a footnote is recommended to be attached with regard to obtaining approval of the construction specification for the safe functioning of the highway. Interference with the highway without such permission is an offence which could lead to prosecution.

10.55 The approved vehicle parking areas will need to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

10.56 Bin storage have been sited away from the properties and still allows for an adequate visibility splay from the central access. In addition, it is noted that the metal railings and low stone wall to the front would be limited to 0.9m overall height from ground and that this would achieve sufficient visibility for vehicles using the parking area to be acceptable. Nonetheless officers recommend an informative to the Decision to ensure that developers are aware of their responsibilities to reduce fire risk and to make minor modifications to bin presentation points in this regard.

- 10.57 With regard to building work obstructing the highway, for this small-scale development, the works would be adequately managed by legislation and regulations on highways and safety. This would not need to be conditioned.
- 10.58 The Highway Structures Officer was formally consulted and advised that a condition be attached to any approval to ensure the continued safety of the highway for the construction works. Officers recommend that in the event that planning permission is approved, this be attached.
- 10.59 Subject to conditions, the proposed development would therefore comply with Policies LP21 and 22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD, the KC Highway Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

Drainage issues

- 10.60 Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework are considered to be relevant in terms of foul/surface water drainage.
- 10.61 The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding). In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert).
- 10.62 Considering the parking areas and manoeuvring spaces, a condition would be recommended to ensure adequate drainage through permeable surfaces or via soft landscaping in accordance with Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' to comply with Policy LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.

Land Ownership

- 10.63 Representations have been made regarding lawful land ownership and easements.
- 10.64 The Certificate of Ownership had been re-confirmed with the agent and is accepted in good faith by the Local Planning Authority. This was confirmed by the agent as a true record. In the event that planning permission be approved, an informative is recommended to be added advising the applicant that land ownership is a legal matter which is not overridden by any grant of planning permission.

Public Right of Way (PROW)

- 10.65 Representations have been made regarding the PROW and the impact of development on this. There is a registered PROW (ref: HUD/313/10) which would have the rear boundary of the development sited 20m north of the PROW and is on higher ground. Any works are considered to be at a sufficient distance to avoid impact to the PROW.

Highway Structures

- 10.66 The site is sloped and adjacent to a highway and Highway Structures had been formally consulted. There are no retaining walls/structures proposed other than what is necessary within the houses themselves to be sited on sloping land and to provide the rear understorey. In the event that planning permission is approved, it is recommended to include a Highway Structures condition to ensure the safe running of the highway with regard to any erection of permanent or temporary retaining walls/structures within the development prior to the development commencement. This would satisfy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Representations

- 10.67 14 representations have been received with one of those being a received petition with 37 signatures and one duplicate representation. Those have been considered within the assessment of this application and are addressed in the relevant sections in the report above and summarised as follows:

Biodiversity

- Impact on biodiversity/protected species/trees disputed
Officer response: This is addressed at paragraphs 10.41 to 10.49.

Highway Safety

- Impact on traffic and congestion from four additional cars
- Entrance would be close to a bollard with harm to highway safety
- Building work would harm highway safety
Officer response: This is addressed at paragraphs 10.50 to 10.58.

Ownership and impact on private land

- Application would encroach on easement present on the land (to the west side) and is not under sole ownership.
- Use of heavy machinery and spoil will affect my land.
Officer response: This is addressed at paragraphs 10.62 and 10.63.

Public Right of Way

- The building works would impact on the PROW (ref: HUD/313/10).
Officer response: This is addressed at paragraph 10.64.

Residential Amenity

- Construction Noise
Officer response: This is addressed at paragraph 10.40.

Planning obligations

- 10.68 N/A

Other Matters

- 10.69 N/A

11.0 CONCLUSION

- 11.1 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practise.
- 11.2 The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development and therefore is 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 limit to commence development
2. Plans list
3. Approval of materials
4. Highway structures
5. Boundary treatments
6. Finished floor levels to be in accordance with plan
7. Drained surfaces for parking
8. Biodiversity enhancement plan
9. Land contamination phase 1
10. Land contamination phase 2
11. Remediation Strategy
12. Works to be carried out in accordance with Remediation Strategy
13. Verification of Remediation Strategy

Background Papers:

[Planning application details | Kirklees Council](#)

Application and history files.

[Website link](#)

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