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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 08-Feb-2018**

**Subject: Planning Application 2017/90955 Outline application for residential development with details of layout and access only Land at, Forest Road, Dalton, Huddersfield, HD5 8EU**

**APPLICANT**

Diocese of Leeds

**DATE VALID**

16-Mar-2017

**TARGET DATE**

11-May-2017

**EXTENSION EXPIRY DATE**

09-Feb-2018

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

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

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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## Electoral Wards Affected: Almondbury

Yes

Ward Members consulted  
(referred to in report)

### RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. To provide as a community benefit five x 3 bedroom affordable housing units.

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

### 1.0 INTRODUCTION:

- 1.1 The application is brought to Committee following deferral on 5<sup>th</sup> October 2017. Members raised issues relating to the accuracy of the levels shown on the submitted 'anticipated' section drawings and sought for further clarity on siting of retaining structures/walls along with requiring accurate existing and proposed site level details to make an informed decision. This report sets out a response to these issues within paragraph nos. 3.3, 7.1, 10.16, 10.24, 10.25 and 10.26.

### 2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to an area of land equating to approximately 0.18ha located off Forest Road. Land levels within the site rise sharply from the road frontage in a southerly direction towards the rear of the site. A number of trees that form part of a wider woodland hang over the rear of the application site. The site is bordered by residential properties and roads to three sides with woodland to the rear along the southern boundary. The woodland is designated as a wildlife habitat network on the Publication Draft Local Plan. A stone wall bounds the site to the front along the road with a stone walling separating the site from the woodland area to the rear.
- 2.2 The site is currently used as grazing land, accommodating a number of dilapidated structures

### **3.0 PROPOSAL:**

- 3.1 The application is submitted in outline seeking the principle of development for nine dwellings with details of layout and access to be considered at this stage. Appearance, scale and landscape are matters reserved for later consideration.
- 3.2 The proposed layout indicates four pairs of semis and one detached dwelling. Five vehicular access points are to be provided onto Forest Road. Whilst scale and appearance is a reserved matter the submitted details include a floor plan specifying the dwellings to be three storey with an integral garage for each dwelling.
- 3.3 Amended and revised detailed plans have been received following deferral of the application which includes details of:
- Siting of proposed retaining wall/s within the application site,
  - details of gabion retaining wall/structures,
  - accurate existing (topographical survey) and proposed finished ground levels throughout the site, and
  - sections through the site from Forest Road through to the southern boundary

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

- 4.1 None relevant

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

- 5.1 Officers initially raised concerns relating to the principle of residential development on an area of Urban Green Space for residential development as it would conflict with Policy D3 of the UDP and advice in the NPPF. In light of this, the applicant has made further submissions and offer of a community benefit in the form of five affordable housing units. The principle issue to determine is whether the offer of additional affordable housing, also at a time when the Council is unable to demonstrate a 5 year housing land supply outweighs the loss of this part from the wider area of Urban Greenspace.
- 5.2 Revised tree survey - received 06/07/17  
Revised planning statement - received 01/09/17  
Revised design & access statement – received 01/09/17  
Agreement to amend description & extension of time  
Amended plans and accurate site level details – 03/01/18

### **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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies,

proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 6.2 The site is Urban Green Space on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D3 – Urban Greenspace  
BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
EP11 – Ecological landscaping  
NE9 – Retention of mature trees  
T10 – Highway safety  
T19 – Parking standards  
H10 – Affordable housing  
H12 – Arrangements for securing affordable housing

Kirklees Publication Draft Local Plan (PDLP):

PLP1 – Presumption in favour of sustainable development  
PLP 2 – Place Shaping  
PLP 21 – Highway Safety and Access  
PLP 22 – Parking  
PLP 24 – Design  
PLP 30 – Biodiversity & Geodiversity  
PLP33 – Trees  
PLP 53- Contaminated and unstable land  
PLP61 – Urban Greenspace

National Planning Guidance:

Chapter 4 - Promoting sustainable transport.  
Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring good design  
Chapter 8 - Promoting healthy communities  
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change  
Chapter 11- Conserving and enhancing the natural environment

Other Documents:

Kirklees Playing Pitch Strategy & Action Plan September (2015) – Part of the Evidence Base for the Publication Draft Local Plan

Kirklees Open Space Study 2015 (revised)

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

- 7.1 The revised plans have been advertised with a further round of publicity with the expiry date of 31<sup>st</sup> January 2018. To date no further representations are received. Any received subsequent to writing this report shall be considered and reported in the update or on the day of committee.

The following is a summary of the three representations received previously from local residents:

- Existing highway safety, traffic congestion and lack of parking spaces on Forest Road, which will be exacerbated on a bend
- Previous permission together with this application will increase highway safety concerns
- Green belt land
- Loss of light to no. 56 Forest Road
- Adverse impact on bats, owls and other wildlife and their habitat on adjacent sites
- Is utilities infrastructure equipped for additional development
- Drainage issues from wooded area to the south

**None planning matters**

- Loss of view

Ward Councillors were informed of the application/proposals. No comments are received to date.

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

K.C Highways Development Management – support subject to conditions

Forestry Commission – Standing Advice, to be included as an advisory note

**8.2 Non-statutory:**

K.C Environmental Services – support subject to conditions

K.C Arboricultural Officer comments – support principle and layout subject to further information

K.C Ecology - support subject to a condition to require enhancement measures including bat and bird boxes.

K.C Strategic Drainage – support subject to condition

**9.0 MAIN ISSUES**

- Principle of development & Planning Balance
- Urban design issues
- Residential amenity
- Highway issues
- Landscape/Trees & ecological issues
- Representations
- Other matters

## 10.0 APPRAISAL

### 10.1 **Principle of development & planning balance:**

The starting point for consideration is the Kirklees Development Plan which is the Kirklees UDP. The site is identified as Urban Greenspace on the Kirklees Unitary Development Plan and is on the western edge of a larger Urban Greenspace (UGS) allocation. It forms an integral part of a larger area of UGS categorised as natural and semi-natural greenspace in the Kirklees Open Space Study 2015 (revised). The majority of which is woodland. The application site alone has been assessed independently from the larger UGS in the Kirklees Open Space Study (KOSS) and has been identified as having low value open space but is recognised as an integral part of the wider UGS. The KOSS also identifies there being sufficient provision of natural and semi natural greenspace in the Almondbury Ward when compared against minimum local standards of 2ha per 1,000 people for natural and semi natural greenspace.

10.2 The application site is retained in the Publication Draft Local Plan for UGS. The site adjoins an area of the Kirklees Habitat Network to the south as designated on the publication draft local plan. This could be impacted on particularly through the process of engineering works and introduction of retaining structures within the application site to accommodate the proposals on this sloping site. The Local Plan policies can now be afforded considerable weight but will not carry full weight until the local plan is adopted and consequently Policy D3 of the UDP is a key consideration in this case.

10.3 Policy D3 sets out at part (i) that on Urban Greenspace sites planning permission will not be granted unless the development is necessary for the continuation and enhancement of the established uses or is a change of use to alternative open land uses, or would result in a specific community benefit (whilst protecting visual amenity, wildlife value and opportunities for sport and recreation). Or, as in part (ii), it includes an alternative provision of Urban Greenspace equivalent in both quantitative and qualitative terms to that which would be developed.

10.4 The community benefit element of the policy is not considered to be consistent with the considerations of the National Planning Policy Framework, particularly paragraph 74. However, the majority of the policy is in accordance with the National Planning Policy Framework. As such Policy D3 should be afforded significant weight as it is not out of date for the purpose of paragraph 49 of the NPPF which sets out:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites”*

10.5 The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. These roles are highlighted as being mutually dependant and not to be taken in isolation. It is recognised that there are economic, environmental and social benefits to developing this site and as such the development is sustainable having regard to the NPPF. However, the loss of this part of the wider area of UGS is an important factor to be weighed against this taking into account the Council’s current position on housing supply of

being unable to demonstrate a 5 year supply of land for housing. Officers have highlighted these in the planning balance below.

***Planning Balance:***

- 10.6 The proposals are for residential development where no alternative provision of greenspace is included within the scheme. The proposals would not be a continuation, enhancement of established uses nor an alternative open land use and would not provide any opportunities for sport and recreation. With regards to visual amenity and wildlife value, the application site although forming an integral part of the larger area of UGS, due to the topography and the obvious physical separation from the wider area of UGS, it is reasoned that it is viewed separately from the larger area of UGS but more importantly due to its current condition officers are of the opinion it holds limited amenity and wildlife/ecological value.
- 10.7 The applicant states in the supporting statement that the Council cannot currently demonstrate a five year housing land supply and this should weigh in favour of the submitted proposals. The applicant also states the site can be removed from the UGS without harming the overall function of the greenspace and contends that little weight can be given to the allocation of the application site in the context of the NPPF. A number of planning references are quoted by the applicant where the applicant claims permission for residential development has been granted by the Council on other UGS sites for residential development due to the lack of a five year housing land supply.
- 10.8 Undeniably, the Council has historically on occasions approved developments on UGS sites where it has been demonstrated that the loss of the UGS is outweighed by the benefits of a specific replacement community scheme. Furthermore, and more recently an appeal decision at land Off White Lee Road Batley (15/92944) was dismissed on UGS where the Inspector concluded amongst other matters that Policy D3 is not out of date for the purposes of paragraph 49 of the NPPF. Importantly the Inspector's opinion was that Policy D3 allows flexibility of the decision maker to consider the merits of a case particularly if community benefits are deemed to exist.
- 10.9 The scheme will deliver nine new dwellings at a time of general housing need when the Council does not have a 5 year supply of deliverable housing sites. This is not an accepted justification to permit such development on an area of UGS, nor does this set a precedent for the development on areas of UGS. The proposals are for nine open market dwellings which falls below the threshold for seeking any planning gains, however the applicant has put forward an offer of 5 affordable units as a community benefit to accord with Policy D3 (i).
- 10.10 The Strategic Housing Market Assessment identifies a clear need for affordable 1- 2 bedroom homes and a greater need for affordable 3+ bedroom properties and affordable 1-2 bedroom homes for older people, specifically in the area of Huddersfield south.
- 10.11 Reflecting on paragraph 14 of the NPPF, development should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. Provided there are no significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the framework taken as a whole, the principle of developing this site can be considered to be acceptable.

- 10.12 The site is sustainably located being close to a number of local services and facilities and could provide local construction, employment opportunities. Officers are of the opinion due to the current low amenity value of the site, which has been recently assessed as low value open space in the KOSS together with the fact there is sufficient open space without the application site in the area, the proposals would bring social, economic and environmental benefits. Furthermore, in view of the identified affordable housing need in the area Officers advised the applicant in order for a specific community benefit to be accepted, the offer would need to be increased. Consequently the applicant has agreed to offer five of the proposed (3 bedroomed) dwellings as affordable housing alongside enhancing biodiversity interests (bat/bird boxes) and landscape enhancements with a range of native trees and shrub planting within the site.
- 10.13 The principle of developing this part of the UGS together with the community benefits put forward is considered would outweigh the harm caused by the loss of this low valued part of the wider UGS in an area where there is currently sufficient provision of natural and semi natural greenspace, in accordance with Policy D3 of the UDP. Should Members be minded to accept Officers recommendation, given layout is now a matter for consideration, it is considered appropriate and reasonable to seek the offer of community benefit of five (3 bedroom) dwellings through a formal S106. The applicant/agent is agreeable to this.
- 10.14 **Urban Design issues:**  
Proposals for new development should respect the architectural qualities of surrounding development and their materials of construction with particular regard also given to local identity and the topography of the site and surroundings to conserve and enhance the natural environment, in accordance with section 11 of the NPPF.
- 10.15 Also of relevance is UDP Policies are BE1 and BE2 state that the layout of buildings should respect any traditional character the area may have. Infill development must respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. The characteristic and appearance of the area, the proposed layout represents a row of dwellings which would be in keeping with the urban pattern of development on both sides of the road. This would preserve the visual amenity of the street scene and in the opinion of officers not cause harm to the character or appearance of the surrounding area.
- 10.16 Given the sloping nature of the site, extensive engineering operations would be required to accommodate the proposed nine dwellings together with the requirement of retaining structures internally within the site. Following deferral of the application in October, the revised layout and section drawings now demonstrates how the site would be developed to incorporate retaining walls to support the dwellings, level driveway areas within the site and gabion structures along the southern boundary. Whilst scale is a reserved matter the sections indicate the dwellings to be three storey high to the front and two to the rear. The sections and proposed block plans demonstrate the existing retaining wall along the road frontage to be retained except where the proposed driveways are shown to serve the new dwellings and new retaining walls internally to the proposed driveways. The proposals would also include a section of new retaining wall in the north east corner, adjoin the site of no. 56 Forest Road.

The submitted plans indicate from the rear wall of the dwellings, approximately 2m deep patio areas with 3m high gabion structures to run along on the edge of the proposed patio areas, across the full length of the site and would retain land which rises steeply up towards the southern boundary.

- 10.17 This arrangement is not too dissimilar from the properties to the north east where limited amenity area is available to the rear of properties. In visual amenity terms, the layout is considered to follow the urban grain and general pattern of development along this side of the road. All plots are shown to provide off road parking with enclosed garden areas. Provision for waste bins would also need to be provided for each plot and can be conditioned. Officers are of the opinion that, the principle of developing this site for residential development based on the layout submitted is acceptable. However, landscape, scale and appearance of the development needs careful consideration on any subsequent applications, to ensure the proposals do not appear out of context and appear in keeping with the scale of the surrounding development.
- 10.18 The gabion structures would be mainly hidden from the street view by the proposed dwellings. In relation to the retaining walls to the proposed driveways, it is considered appropriate to impose a condition to agree the details (facing materials & height) in the interests of visual amenity.
- 10.19 As the application is only seeking the principle of developing this site with details of layout and access only, appearance details would need to form part of any subsequent reserved matters application. It is noted the surrounding area consists of dwellings faced in render, stone and brick with no one prevailing facing material in the area. Nonetheless, the dwellings on this site would occupy a predominant location on the street and would be viewed from long distant views from the north. The dwellings would be seen against the backdrop of the woodland to the rear and more importantly the existing dwellings to the east and west which are faced in stone and render. Careful consideration should be given on the external facing materials on any subsequent applications.
- 10.20 Particular regard would also need to be given to the advice of the Ecology Officer (discussed below) where the provision of native tree/ shrub species should form part of the landscape proposals. Notwithstanding this Officers are of the opinion that a development on this site can be achieved without harm to visual amenity in accordance with policy PLP 24 of the publication draft Local Plan and UDP Policies BE1 and BE2 as well as guidance in the NPPF.
- 10.21 **Residential Amenity**  
Policy BE12 of the UDP sets out the recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.
- 10.22 Whilst scale and appearance are reserved matters, habitable openings are likely to be included in the north front elevation and as shown on the indicative floor plans. In the main a distance of 21m would be achievable between plot

nos. 6-9 and existing facing dwellings on the opposite side of the road. The distance achievable from plot nos. 1-5 to facing dwellings (which are single storey to the road front) on the opposite side of the road would be approximately 19m. Whilst this falls short of the required 21m between facing habitable rooms officers are satisfied that a scheme could be provided on this site which would safeguard the residential amenity of future occupants as well as those that are located within close proximity to the application site, in accordance with Policy BE12 of the UDP.

- 10.23 Turning to the level of external amenity areas, an adequate area would be achieved around the dwellings. To the rear a 2m wide patio area is shown with an elevated area beyond to retain the existing land levels to ensure development is restricted outside the root protection zones of the mature trees on the adjacent woodland, beyond the southern boundary. Officers are of the opinion a practical solution can be designed to allow access to the elevated amenity areas which would need to form part of any future reserved matters application.
- 10.24 Turning to other amenity issues which could potentially unstable land within the site and adjoining neighbouring land from carrying out development on this steeply sloping site, Members on 5<sup>th</sup> October committee requested accurate details to demonstrate where and how the site could be developed, particularly with regards to retaining land on this steeply sloping site. Additional information received includes calculations/ details of the proposed gabion structure/wall to the rear of the proposed dwellings and as well as the siting of other proposed retaining walls/structures within the site. No details are provided for the proposed retaining walls to the front of the dwellings adjacent to Forest Road.
- 10.25 Policy PLP 53 of the Publication Draft Local Plan advises submission of appropriate land instability risk assessment would need to form part of the submitted information. Paragraphs 120 and 121 of the NPPF clearly state that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity.....should be taken into account. Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Furthermore, these issues could form part of a building regulations application, in particular if any retaining walls would be supporting land and form part of the dwelling. Similarly, details of retaining walls would be required by the Council's Highway Structures team for retaining walls that would retain land adjacent to a highway, as in this case for the proposed retaining walls to the front adjacent to Forest Road.
- 10.26 However, it is essential to point out it is the developer/ applicant's responsibility for ensuring that adequate site investigation information is obtained, prepared by a competent person, to demonstrate that the site can be developed without unacceptable risks to the future occupiers of the proposed dwelling, existing occupiers of neighbouring properties and users of any adjacent land from land stability issues. As the proposals would include retaining walls to the front of dwellings adjacent to a public highway (Forest Road) it is considered appropriate and necessary to condition details of such structures to be submitted to and approved in writing by the Local Planning Authority to ensure the proposals can be developed without causing harm to existing users of

adjacent land and future users of the site and the environment, in accordance with advice in the NPPF and Policy PLP 53 of the publication draft Local Plan.

10.27 **Effect on Highways & road safety:**

UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network ...”. Policy T19 addresses car parking in relation to the maximum standards set out in Appendix 2 to the UDP.

10.28 On assessment of the proposals, Highway Officers raise no concerns. The proposals would provide direct access for each dwelling onto Forest Road with provision for on- site parking and could accommodate adequate space to accommodate waste bins. (To be conditioned). In the layout proposed, Officers are of the opinion the proposals subject to conditions would not adversely create or materially add to highway safety or environmental problems on the surrounding highway network, in accordance with Policy T10 of the UDP.

10.29 The cumulative impact of the more recent permissions along Forest Road has also been considered by Highway Officers, who conclude the addition of nine dwellings, where it is demonstrated that safe and suitable access to the site can be achieved, the residual cumulative impacts of development together with other recent permissions along Forest Road would not cause severe highway concerns on the surrounding highway infrastructure, in accordance with UDP policies, the NPPF and Publication Draft Local Plan Policy PLP 21

10.30 **Landscape, trees & ecological issues:**

Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity” by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments. UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. This is reiterated in Policy PLP 30 of the draft LP which seeks to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designed wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network (KWNH).

10.31 Whilst the application site itself has little ecological value, it adjoins an area designated as a KWNH on the PDL to the south. Therefore the potential for significant ecological impacts arising as a result of development is limited. The KWHN designation has a dual function of protecting existing ecological networks and identifying strategic locations for enhancing these networks. This designation is not intended to prevent development instead it identifies areas where special consideration needs to be given to green infrastructure. Based on this the Biodiversity Officer advises landscape proposals by which the green infrastructure network (identified as KWHN) can be enhanced by development of the site. This should include the use of native species in a landscape scheme and the enhancement of habitat integral to the dwellings in the form of bat and bird boxes. This is a matter to be given consideration on any subsequent application as details of landscape is a reserved matter.

10.32 Turning to the long term impact of the mature trees on the adjacent site UDP Policy NE9 seeks to retain mature trees. PDLP Policy PLP 33 states permission will not be granted which directly or indirectly threaten trees or woodland of significant amenity.

10.33 The Council's Arboricultural officer has confirmed some the trees shown to be felled to accommodate the proposals are of limited value. However there are trees which form part of the wider woodland area and as such a tree survey was requested with details of root protection zones. The arboricultural tree survey identifies a number of trees to be felled and some to be pruned back to accommodate the proposals. These trees lie outside the application site and form part of the wooded area to the south. Consultation with the forestry commission has been undertaken who have raised no objections and provided standard advice which will be included as an advisory note.

10.34 Officers are satisfied that development can be accommodated on this site, subject to a tree method statement demonstrating how the works are to be carried out without significant damage to the tree roots and so as not to compromise the embankment. As such full details of retaining walls/structures to ensure the long term viability of mature trees and the embankment will need to accompany any future applications to accord with Policies NE9 and PLP 33 and guidance in the NPPF, in particular paragraphs 120 and 121.

10.35 **Representations:**

Three representations received in total. In so far as where they have not been addressed above:

- Green belt land

Response: the site is designated as Urban Greenspace not within the greenbelt

- Loss of light to no. 56 Forest Road

Response: the layout demonstrates an adequate distance (4m) to be achieved between the side of plot no. 9, this being the nearest to no. 56 Forest Road. With regards to loss of privacy and overlooking further consideration will need to be given to the impact on the amenities of no. 56 Forest Road, when assessing scale and appearance details at reserved matters stage.

- Drainage issues from wooded area to the south
- Is utilities infrastructure equipped for additional development

Response: There are no known drainage issues in close proximity of the application site. The Strategic Drainage Officer has raised no objection subject to the inclusion of a condition. Furthermore, in line with the Councils standard advice for minor application it is not normally necessary to impose any drainage conditions. This is because drainage details would need to be considered on a building regulation application requiring the adequate provision of water to serve dwellings. However, with regards to surface water, in this instance it is still considered necessary to condition all areas indicated to be used for vehicles on the submitted plans to be laid out with a hardened and drained surface in accordance with the communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13<sup>th</sup> May 2009 (ISBN 781409804864) as amended or any successor guidance. This is to limit run-off associated with these hard surfaced areas.

With regards to the rest of the utilities this will also be considered outside the remit of planning and in association with the relevant utilities and authorities.

## 10.36 **Other Matters:**

### **Air quality:**

Although there are no known air quality issues in this specific location, in order to improve air quality throughout Kirklees and in accordance with the West Yorkshire Low Emissions Strategy, Policy PLP 24 of the Publication Draft Local Plan and paragraph 124 of the NPPF, Officers encourage the use of electric and low emissions vehicles. In light of this it is recommended that each dwelling provides access for a charging point for electric and ultra- low emissions vehicles. A condition to this effect would be imposed on any future permission, should the principle of developing this site be established.

## 11.0 **CONCLUSION:**

11.1 For the reason set out above the principle of developing this part of an UGS site is on balance considered acceptable by Officers. The proposal would accord with the Kirklees Unitary Development plan by virtue of compliance with policy D3 (i). The development will secure the provision of affordable housing within the scheme as a specific community benefit within the area where there is an identified need for such housing. This weighs significantly in favour of the proposal. The layout of the scheme will also ensure visual amenity is maintained in accordance with the UGS policy. All other material planning considerations not deliberated at this stage in assessing the principle, access and layout would need to be addressed on any subsequent application.

11.2 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.

11.3 Having regard to the surrounding development in the area and the relevant provisions of the development plan and the National Planning Policy Framework, the principle of developing this site would be in accordance with the development plan as it is sustainable development. Furthermore, on receipt of the additional and revised plans which demonstrates the siting of retaining structures and proposed finished land levels within the site, officers are of the opinion in the siting shown the developing of this site would preserve the character of the street scene and visual amenity of the area. The proposals are therefore recommended for approval.

## 12.0 **CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Approval of details of the appearance, landscaping, and scale (standard O/L condition)

2. Plans and particulars of the reserved matters (standard O/L condition)

3. Application for approval of the reserved matters (standard O/L condition)

4. The timeframe for implementation of the development (Standard O/L condition)

5. All conditions required in association with highway works /parking areas/

## Access

6. Details of retaining structures adjacent to highway including facing materials
7. Bin storage for each plot
7. Electric charging point
8. Details of a scheme for the rate of surface water discharge from the site to a maximum of 5 litres per second
9. All areas indicated to be used for vehicles to be laid out with a hardened and drained surface in accordance with the communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens

### **Note:**

Please view the following link to the Forestry Commission and Natural England's standing advice in relation to ancient woodland and veteran trees.

<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

Should you require bespoke advice in relation to this planning application, please let us know.

### **Background Papers:**

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90955>

Certificate of Ownership

Certificate B served on Mr R Wooler

