

---

**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 07-Mar-2019**

**Subject: Planning Application 2018/93326 Demolition of existing dwelling and erection of 5 detached dwellings with garages Corby, Birkby Road, Birkby, Huddersfield, HD2 2DR**

**APPLICANT**

Armitage Developments  
UK Ltd

**DATE VALID**

09-Oct-2018

**TARGET DATE**

04-Dec-2018

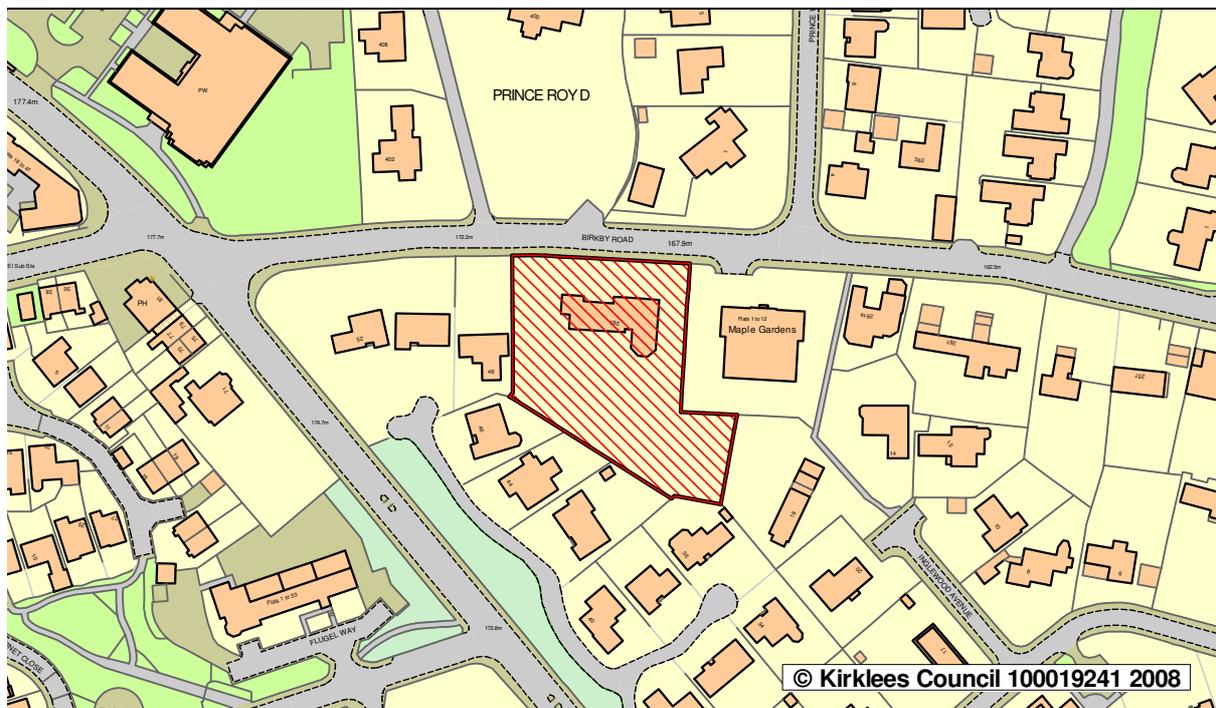
**EXTENSION EXPIRY DATE**

---

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

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

**LOCATION PLAN**



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

---

**Electoral Wards Affected: Lindley**

No

Ward Members consulted

---

## **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.

### **1.0 INTRODUCTION**

- 1.1 The application seeks the demolition of one dwelling and the erection of five detached dwellings, with garages.
- 1.2 The application is brought to the Huddersfield Planning Sub-Committee at the request of Cllrs Burke and Eastwood who oppose the amended planning application and consider that it still constitutes over development of the site, despite being reduced in scale.
- 1.3 The Chair of the Sub-Committee has confirmed the Ward Councillors reason for making this request is valid having regard to the Councillors' Protocol for Planning Committees.

### **2.0 SITE AND SURROUNDINGS**

- 2.1 Corby is large a detached two storey dwelling faced in stone with red tile roofing. The dwelling fronts onto Birkby Road, with a high stone wall and iron gate along the frontage. The house has a generous garden that includes several protected and non-protected trees, although many have been felled recently.
- 2.2 This section of Birkby Road is predominantly characterised by large detached dwellings. To the east of the site is a three storey apartment building. To the south and west of the site are dwellings served off Inglewood Avenue. This are also typically large detached dwellings.

### **3.0 PROPOSAL**

- 3.1 The existing dwelling is to be demolished. Five detached, two-storey five-bed dwellings are to be erected. Each has an attached garage, with the exception of unit 3 which has a detached garage.

- 3.2 The dwellings are to be faced in natural stone with blue slate roofing. Each plot is individually designed, although they share a number of common features.
- 3.3 Plots 1 and 2 would front onto Birkby Road. A private drive is to run between them to serve plots 3, 4 and 5. All plots, bar plot 1, are to be accessed from the private drive. Each plot has a minimum of 3 off-road parking spaces, with one visitor parking space provided off the access drive. On-site turning is provided for plot 1, which connects straight to Birkby Road.
- 3.4 External works include soft landscaping to the site's boundary alongside 1.8m timber boundary fencing. Plots 3 and 4 are to have a 1.0m stone front boundary wall. The site's front stone boundary wall is to be lowered to 1.0m where required to enable sightlines, where else it will retained as existing.

#### **4.0 RELEVANT PLANNING HISTORY**

##### **4.1 Application Site**

88/00472: Outline application for 1 no. dwelling – Refused

89/05986: Outline application for erection of residential development – Refused

90/01022: Outline application for residential development – Refused

99/93513: Erection of swimming pool extension – Conditional Full Permission (Implemented)

2016/94066: Work to TPO(s) 46/90 – Granted

##### **4.2 Surrounding area**

*263, Birkby Road*

2004/91796: Demolition of dwelling and erection of 12 no. apartment – Conditional Full Permission

2005/92990: Demolition of dwelling and erection of 12 no. apartment (revised scheme) – Conditional Full Permission

*18, Inglewood Avenue*

2003/95139: Erection of extension to existing detached garage to form double garage – Conditional Full Permission

2009/91245: Erection of single storey extension to side – Permitted Development

*44, Inglewood Avenue*

2009/91420: Erection of rear sun lounge and first floor extension over garage (Within a Conservation Area) – Refused (Appeal upheld)

2014/90101: Erection of ground and first floor extensions (within a Conservation Area) – Conditional Full Permission

2014/90107: Works to TPO(s) 17/85 within a Conservation Area – Granted

*46, Inglewood Avenue*

2002/92514: Erection of two storey extension (within a Conservation Area) – Conditional Full Permission

*48, Inglewood Avenue*

2015/93269: Erection of single storey extensions to rear, first floor extensions to front and side, conversion of existing garage and new attached garage to front (within a Conservation Area) – Conditional Full Permission

2018/92244: Erection of single storey rear extension, two storey front and side extensions and car port (within a Conservation Area) – Conditional Full Permission

#### 4.3 Planning enforcement

None on site and none within the area considered relevant to this specific application.

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

5.1 The application initially sought six dwellings. This raised concerns with officers regarding overdevelopment, impact on the visual character of the area and the residential amenity of future occupiers and neighbours. Other concerns included the proposed boundary treatment, impact on protected trees and ecology.

5.2 The above concerns were expressed to the applicant. This led to a reduction to five plots, reducing the scale of the dwellings, repositioning and the submission of further ecological and arboricultural details which were considered to overcome officer concerns.

5.3 The site has a culvert. The initial method to address this was considered unacceptable by the LLFA. This led to further discussions an amended scheme being provided. Because the surface water is to discharge into the culvert, which is proposed to be improved, there would be an increase in flood risk further along the culvert, albeit minor. This is still being considered, with an update to be provided within the Committee Update.

### 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 48 of the National Planning Policy Framework (2019). 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 (2019), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan, its published modifications and Inspector's final report dated 30 January 2019 are 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 Inspector's Report of 30/01/2019 concluded that the draft Local Plan provides an appropriate basis for the planning of Kirklees, provided that modifications are made to it. Given the conclusions of the Local Plan Inspector, adoption of the draft Local Plan is to be considered by Council on 27/02/2019. If Council resolve to adopt the Local Plan at that meeting, the Local Plan would carry full weight as the statutory development plan (effective immediately), and the UDP policies listed below would need to be disregarded.

6.3 The site is Unallocated on the PDLP Proposals Map.

6.4 The site is adjacent to the Edgerton Conservation Area.

6.5 Kirklees Publication Draft Local Plan

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place sharpening
- **PLP3** – Location of new development
- **PLP7** – Efficient and effective use of land and buildings
- **PLP11** – Housing mix and affordable housing
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP28** - Drainage
- **PLP30** – Biodiversity and geodiversity
- **PLP33** – Trees
- **PLP35** – Historic environment
- **PLP51** – Protection and improvement of local air quality

6.6 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D2** – Unallocated land
- **NE9** – Retention of mature trees
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Building materials
- **BE12** – Space about buildings
- **T10** – Highways accessibility considerations in new development
- **H1** – Housing (Strategy)

## 6.7 National Planning Guidance

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision making
- **Chapter 5** – Delivering a sufficient supply of houses
- **Chapter 11** – Making effective use of land
- **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
- **Chapter 16** – Conserving and enhancing the historic environment

## 6.8 Supplementary Planning Guidance / Other Documents

- DCLG: Technical housing standards – Nationally Described Space Standard
- Kirklees Local Plan Supplementary Planning Document Consultation Draft: Highway Design Guide

## 7.0 **PUBLIC/LOCAL RESPONSE**

7.1 The application has been advertised via site notice, press notice and through neighbour letters to addresses bordering the site. This is in line with the Councils adopted Statement of Community Involvement. The end date for the initial publicity was the 16.11.2018. The application was subject to a second round of publicity, following the amendments detailed within paragraph 5.2. The period of publicity expired 22<sup>nd</sup> of February, 2019.

7.2 32 representations have been received. The following is a summary of the comments made;

- 6 houses is too many and will result in overdevelopment that harms the area's visual amenity, road safety issues, local ecology and flooding.
- The dwellings are too large, being in essence three storeys.
- The site is too small for five units and will be out of keeping with the surrounding building plots.
- Note that the LLFA objects to the development and that they recommend it is improved in 3<sup>rd</sup> party land.
- Reducing the development to five units does not overcome previous concerns. Five units is still an overdevelopment.
- The proposal (amended) harms the amenity of neighbouring residents through overbearing and overlooking.
- The proposal (amended) detracts from the visual amenity of the area.
- Planning applications on site have been refused in the past. One was refused as it represented back land development and would harm the amenity of neighbours.
- Another was refused due to the culvert on site and flooding concerns.
- The developer felled trees before seeking planning permission. These benefitted from an area TPO. This has harmed local ecology.
- While there is a housing shortage, the approval of five units will not change that.
- The proposal will result in an unacceptable increase in traffic in the area. A past application was refused as suitable sightlines could not be achieved.

- Any new planting should benefit from a TPO.
- The development should be considered in the context of Halifax Road improvements. More traffic will cause more noise and pollutant.
- The council should not consider an application just in the name of greed.
- The proposal will cause odour pollution.
- 1.8m high timber fencing does not provide sufficient privacy. Hedging would be more welcomed.
- One was refused as it represented back land development and would harm the amenity of neighbours.
- The proposal will lead to parking on Birkby Road, which has numerous drives / roads connecting in close proximity. The garages are too small.
- There are insufficient services, inc. doctors and schools, in the area.
- The existing house is fine and does not need to be demolished. It complements the Edgerton Conservation Area.
- Loss of trees and green space in the wider area.
- The proposal would harm the Edgerton Conservation Area.
- There is a covenant on the land preventing additional dwellings.
- The survey was done at the wrong time of year.
- The proposal will lower local house prices and affect their views. Construction will cause noise and dirt pollution.

#### *Local member interest*

- 7.3 Cllrs Burke and Eastwood expressed concern early within the process and wished to be kept informed. They were appraised of the amendments, however the members did not consider them to overcome their concerns of overdevelopment of the site.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

K.C. Highways: No objection subject to condition.

### **8.2 Non-statutory**

K.C. Conservation and Design: No objection.

K.C. Ecology: No objection subject to condition.

K.C. Lead Local Flood Authority: Have provided feedback on the surface water drainage and guidance for the applicant. Have expressed concerns due to flood risk, but on balance do not object to the proposal.

K.C. Trees: No objection subject to condition.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban Design
- Residential Amenity
- Highway
- Other
- Representations

## 10.0 APPRAISAL

### Principle of development

#### *Sustainable Development*

- 10.1 Sustainable Development NPPF Paragraph 11 and PLP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

#### *Land allocation*

- 10.2 The site is without notation on the PDLP Policies Map or the UDP Proposals Map. PLP2 of the PDLP states that;

*All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...*

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

#### *Residential development*

- 10.3 Policy H1 of the UDP, PLP11 of the PDLP and Chapter 5 of the NPPF establish a general principle in favour of residential development. Furthermore, the council is unable to demonstrate a five-year housing land supply. Therefore, additional weight is afforded to the provision of housing at a time of general shortage, which provides an environmental, social and economic role.
- 10.4 PLP7 establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site could accommodate twelve dwellings. Five are sought, which represents a clear shortfall. However, PLP7 states this target should be 'where appropriate'. The area is characterised by large detached dwellings, set in moderate sized gardens. Therefore a higher number of smaller plots would not respect the local character. It is also noted that the site is domestic garden; the redevelopment represents a net gain of four plots. Therefore, in principle, the quantum of development is considered acceptable although a more detailed assessment of the proposal's design is undertaken below.

## Urban Design

- 10.5 First considering layout, the proposal seeks large dwellings with relatively generous curtilages. This is in keeping with the established urban grain of the area, although it is noted that the plot sizes are below that of those adjacent on Inglewood Avenue. Concerns have been expressed in representations that the site represents an overdevelopment. As noted above however, by PDLP standards this is not the case, although local character is important. The NPPF addresses this by stating;

*Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.*

- 10.6 On adoption of the local plan the council will be able to demonstrate a five year housing supply. However this will not be the case in perpetuity and requires approx. 1/3 of new units to be sourced on unallocated land (windfall sites). As such, without appropriate densities, the LPA can anticipate a shortage of land. This is considered to be supported by Paragraph 127(c), which states;

*Planning policies and decisions should ensure that developments: are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

- 10.7 Accordingly, while it is acknowledged that the proposal represents a moderately higher density than the surrounding area, that sought is not considered materially out of keeping with the area to cause harm, with the layout overall considered to correspond well with that of adjacent streets.

- 10.8 Turning to the specific design of each of the proposed dwellings, each are broadly unique with shared architectural features and appearances resulting in an acceptable and interesting mixture of dwellings which suitably harmonises with each other. Dwellings are visually two storeys, with some rooms in roof spaces served by roof lights. Primary openings are predominantly arranged front / rear, with fenestration being traditionally designed. The design of the dwellings are considered to correspond well with Inglewood Avenue and Birkby Road, which likewise host large dwellings of varied designs that form a coherent whole.

- 10.9 Some initial concerns were held over the development being close to Birkby Road, which is defined by its verdant character and dwellings being set back in their plots. This did lead to amendments, specifically to plot 2 and its garage. Following discussions the garage's projection and height were reduced and further details on the front boundary were provided that limit its prominence. These amendments, plus that its set back 8m from the site boundary, lead to the conclusion that it would not harm the character of Birkby Road. Plot 1, while in line with the garage, has a more traditional design which with its separation distance is also not deemed harmful.

- 10.10 Facing materials are to be natural stone with blue slate roofing. These are welcomed and considered acceptable within the area, although samples are to be condition ensure suitable end products.
- 10.11 Full details on boundary treatments have been provided. This includes the stone wall to the front being retained, bar where it must be lowered to achieve sightlines. Within the site boundaries will predominantly be 1.8m closed boarded timber fences, which is welcomed. Limited details on landscaping have been provided at this time. To ensure suitable landscaping is undertaken, with appropriate maintenance arrangements, if minded to approve officers propose a condition for a Landscaping Scheme.
- 10.12 The site is on the edge of the Edgerton Conservation Area, with the site's west and south boundary to the properties on Inglewood forming the Conservation Area's edge. While not within the Conservation Area, close by development can affect their settings. Nonetheless, consultation has been undertaken with K.C. Conservation and Design, who do not consider the proposal harmful to the Conservation Area's setting, having a neutral impact. Officers share this assessment.
- 10.13 Officers consider the proposed development's design acceptable and, subject to the listed conditions, deem the proposal to comply with the aims and objectives of D2, BE1, BE2 and BE11 of the UDP, PLP24 and PLP35 of the PDLP and Chapters 11, 12 and 16 of the NPPF.

#### Residential Amenity

- 10.14 The area is residential in nature, with 3<sup>rd</sup> party dwellings in each direction of the application site. Consideration is required as to whether the proposal would cause undue harm to the amenity of occupiers of 3<sup>rd</sup> party dwellings.
- 10.15 The dwellings to the north, across Birkby Road, are a suitable separation distance to not raise concerns.
- 10.16 To the south of the site are the rear elevations of nos. 36, 42, 44 and 46 Inglewood Avenue. These dwellings currently face into the large garden space of Corby, which previously hosted mature trees prior to their felling and would be considered a pleasant view, which would be impacted upon via the development. However there is no right to a view in planning. Consideration must be given to whether the development would harm occupier's amenity through overbearing, overshadowing or overlooking.
- 10.17 The closest of the aforementioned dwellings and the new units is no.46 and plot 3, although these dwellings are noted to be at a slight angle to one another and therefore not directly facing. The closest distance between no.46 and plot 3 is 17.75m although this is between no.46's two storey rear and plot 3's single storey rear. While this is below the desired distance of 21m from BE12, because of the level differences between the sites, with plot 3's ground floor is circa 1.5m lower than no.46's, the impact is considered mitigated. BE12 does allow shortfall where ground levels permit it, which is deemed the case. At first floor level the distance increases to a minimum separation of 20m, although this is a small area and quickly increases to being in excess of 21m due to the angle between dwellings. Again giving weight to the level differences and the layout of the dwellings, on balance the proposal is not considered to cause harmful overbearing or overlooking upon no.46. As the site is due north overshadowing is not a concern.

- 10.18 No.44 to Plot 4 and 42 to Plot 5 have similar arrangements to that considered above, however with separation distances typically in excess of 25m and with the existing dwellings on higher ground levels. The relationship between these dwellings is considered acceptable.
- 10.19 To the west is no.48 Inglewood Avenue. Plot 2 would be located to the side and rear of no.48. Plot 2's two storey section would project 7.2m beyond no. 48's rear, however due to the separation, angle of layout and level differences it would not be prominently visible to cause overbearing. While the single storey front section would be visible, being single storey and on a lower level it too is not considered detrimental to no.48's residents through overbearing. Being to the north-east overshadowing is not a concern. While plot 2 has no primary habitable room windows facing towards no.48's land, all windows that do are to be obscure glazed via condition.
- 10.20 To the south-east is no.18 Inglewood Avenue. While plot 5 sits on a slightly higher land level, given the separation distance of 27m officers are satisfied that the proposed development would not cause harmful overbearing, overshadowing or overlooking of no.18's dwellinghouse. Plot 5 would be sited at its closest 5.5m from the shared boundary, and therefore close to the garden space of no.18, although because of the boundary's layout this increases to 10.0m. A 1.8m boundary fence is to be installed, with the boundary currently hosting tall and thick mature vegetation which would be an effective screen to prevent overlooking or overbearing. While subject to death or removal, given the amount of vegetation this is not anticipated. Therefore, on balance, officers do not consider the relationship between plot 5 and no.18's garden to be materially harmful.
- 10.21 To the east of the site are Flats 1 to 12 of Maple Gardens. The application site is on a notably higher ground level, however the two closest plots, 1 and 5, each have side elevation facing the flat complex. The side elevations do not host primary habitable room windows. Plot 1 has a separation distance of 19.0m (with intervening TPO'd trees) while plot 5 18.75m. Despite the land levels, officers are satisfied there would be no harmful overbearing, overshadowing or overlooking upon the residents of Maple Gardens.
- 10.22 Consideration must also be given to the amenity of future occupiers. Each dwelling is a suitable size, based off the number of bedrooms sought, with garden spaces being commensurate to the dwellings they serve. All habitable rooms would be served by windows that would provide an acceptable outlook and level of natural light.
- 10.23 Concluding on the above, officers are satisfied that, subject to conditions, the proposed development would not cause material harm to the amenity of neighbouring residents. Furthermore future occupiers would have an acceptable standard of amenity. The proposed development is deemed to comply with the aims and objectives of D2 and BE12 of the UDP, PLP24 of the PDLP and Chapter 12 of the NPPF.

## Highway

- 10.24 First considering the impact on the local network, there was no trip generation information supplied with the application, however using an acceptable trip rate of 0.8 two way trips per dwelling, this would generate an average of 5 trips in the peak hours. This is not expected to have a severe impact on the operation of the local highway network.
- 10.25 Two new accesses to the site are to be formed onto Birkby Road (via S184 Agreement). The first, to replace the dwelling's existing access, is to be a private road serving units 2 – 5. The second is to serve plot 1 only and be a private driveway; the driveway has on-site turning, allowing plot 1's vehicles to leave in a forward gear. Each access has acceptable sightlines, which can be secured and protected via condition.
- 10.26 Vehicle parking is policy compliant for all dwellings, with each unit having three on-site parking spaces. One visitor parking space is indicated within the site, which is acceptable. This parking provision is securable via condition. Swept path analysis has been provided internally on the private road serving plots 2 – 5, confirming acceptable access for refuge and emergency service vehicles, although a waste collection point is shown to the site's front allowing refuge services to not need to access the site. Its provision is to be secured via condition.
- 10.27 Given the busy nature of Birkby Road, officers would seek a construction management plan via condition to ensure appropriate arrangements are in place during the construction period.
- 10.28 The application has been reviewed by Planning and Highways Development Management officers, who conclude subject to conditions the proposal would not harm the safe and efficient operation of the Highway, in accordance with T10 and PLP21.

## Other

### *Trees*

- 10.29 Several un-protected young trees are to be removed on site, which is not opposed by officers of K.C. Trees.
- 10.30 There is a grouping of TPO'd Trees along the east boundary of the site. These are to be preserved, with minor pruning works, and not removed via the proposal. An Arboricultural Method Statement has been submitted with the application that has been reviewed by K.C. Trees. K.C. Trees support the details submitted and, subject to a condition ensuring works are done in accordance with the Arboricultural Method Statement, do not object to the proposal. The development is deemed to comply with NE9 and PLP33.

### *Permitted Development*

- 10.31 The application has been assessed on the details submitted. Post development the dwellings would benefit from Permitted Development rights. This is a cause for concern, due to possible overdevelopment and harm to visual and residential amenity. Therefore it is proposed to removal all permitted development rights for extensions and outbuildings.

### *Drainage*

- 10.32 Waste drainage is to be via sewer, which is acceptable.
- 10.33 Surface water is to be discharged into a culvert crossing the site which is considered acceptable in principle. The culvert, which is currently in a poor state of repair, is to be rerouted and improved through the site which is welcomed. However, as the site's surface water will be going into the culvert there would be an increase in water into the culvert, which will continue to flow into neighbouring land. The culvert in neighbouring land is presumed to be in a similar poor state of repair to the existing culvert on site.
- 10.34 There are recorded flood events on the application site and neighbouring land, sourced from a chamber on the application site. As such, any increase of water through the culvert will result in an increase flood risk in extreme weather events.
- 10.35 Upon inspection of the chamber in the adjacent property, it was noticed that the inlet into this chamber was much smaller than expected. This would cause a restriction in more intense flows and lead to the culvert backing up. Considering the location of the flooding surcharge point, the LLFA assume the system below, up to the chamber with the restricted inlet, is the cause of the issue. As the riparian owner of this section of the watercourse, it is the resident's responsibility to maintain the culvert. Details of works that have taken place in the adjacent land is currently unknown. Any works that have been undertaken on this section of the culvert has gone unbeknown to the council and therefore unauthorised.
- 10.36 While there would be an increase in water into the culvert, it is to be limited to 3litres a second. The culvert is anticipated to currently accommodate 400 litres a second, which is considered to be a very limited increase. On balance, considering the improvement works proposed to the culvert and the minor flow rate of 3litres a second, on balance officers and the LLFA do not object to the proposed arrangement.
- 10.37 The impact this may cause is being considered at this time alongside the Lead Local Flood Authority who have expressed objections to any increase in flood risk (regardless of how minimal), along with the wider planning balance, with a final assessment to be provided within the committee update.
- 10.38 Notwithstanding this, it would be welcomed if the applicant and neighbouring land owners could discuss an alternative and improvement of the culvert within 3<sup>rd</sup> party land ownership. This is currently being explored.

## *Ecology*

- 10.39 The site is within a bat alert area and the nature of development has the potential to impact on any local protected species. Accordingly, the application was supported by an Ecological Appraisal. The appraisal summarised that the site had 'moderate' roosting potential.
- 10.40 The Ecological Appraisal has been reviewed by K.C Ecology, who concur with its findings and recommend conditions for further investigation works be imposed. They also support the proposed enhancement strategies, however note they will need updating within the further investigation works' report. Accordingly, subject to conditions, officers are satisfied that the proposed development would not harm local ecology and would provide a net benefit, in accordance with PLP30 and Chapter 15 of the NPPF.

## *Air Quality*

- 10.41 In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within PLP24 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm.
- 10.42 Given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.

## Representations

- Six houses is too many and will result in overdevelopment that harms the area's visual amenity, road safety issues, local ecology and flooding.
- Reducing the development to five units does not overcome previous concerns. Five units is still an overdevelopment.
- The site is too small for five units and will be out of keeping with the surrounding building plots.

**Response:** Officers shared the opinion that six units was an overdevelopment. The number of units was reduced to five and their scale lowered. On balance, for the reasons given in paragraphs 10.5 – 10.7, the amended proposal is not considered to represent an overdevelopment.

- The dwellings are too large, being in essence three storeys.
- The proposal (amended) detracts from the visual amenity of the area.

**Response:** The dwellings are two storeys, with rooms in the roof space served by Rooflights. There are no second floor dormers. Officers consider the visual impact to be acceptable on the planning balance.

- Note that the LLFA objects to the development and that they recommend it is improved in 3<sup>rd</sup> party land.

**Response:** The LLFA did express initial objection to the proposal and advised that the applicant explore improvements on 3<sup>rd</sup> party land. While this recommendation remains, following further discussions and negotiations the LLFA on balance no longer object to the proposal, giving weight to the site wide improvements and the limited increase of 3litres a second.

- The proposal (amended) harms the amenity of neighbouring residents through overbearing and overlooking.
- 1.8m high timber fencing does not provide sufficient privacy. Hedging would be more welcomed.

**Response:** An assessment of the proposal's impact on neighbouring residents has been undertaken within sections 10.14 – 10.23. It was concluded that, on balance and subject to conditions, the proposal would not cause material harm to the amenity of neighbouring residents.

- Planning applications on site have been refused in the past. One was refused as it represented back land development and would harm the amenity of neighbours.
- Another was refused due to the culvert on site and flooding concerns.
- One was refused as it represented back land development and would harm the amenity of neighbours.
- The proposal will result in an unacceptable increase in traffic in the area. A past application was refused as suitable sightlines could not be achieved.

**Response:** Each application is assessed on its own merits. The referred to applications are historic and carry limited weight. The issues raised have been addressed within the above report, with this proposal being materially different.

- The developer felled trees before seeking planning permission. These benefitted from an area TPO. This has harmed local ecology.

**Response:** The felled trees were determined not to benefit from a TPO by K.C. Trees officers.

- While there is a housing shortage, the approval of five units will not change that.

**Response:** This is noted, however the proposal is not relying on the provision of housing at a time of shortage to establish the principle of development.

- The development should be considered in the context of Halifax Road improvements. More traffic will cause more noise and pollutant.
- The proposal will lead to parking on Birkby Road, which has numerous drives / roads connecting in close proximity. The garages are too small.

**Response:** The Halifax Road improvements are noted, and while close by will not be prejudiced or impacted upon via the proposed development. The works are to enhance capacity and efficiency on the Highway Network and will not conflict with the development. Each dwelling has three parking spaces, which is considered acceptable for their scale and should not lead to parking on Birky Road. This is giving weight to the garage sizes.

- The proposal will cause odour pollution.

**Response:** As residential development, this is not anticipated by officers.

- There are insufficient services, inc. doctors and schools, in the area.

**Response:** As part of the development of the Local Plan evidence base, an ongoing infrastructure planning process has considered the impact of future growth on health infrastructure, summarised in the Infrastructure Delivery Plan (IDP) 2015 and IDP Addendum 2016. This is an on-going process and will be monitored and updated alongside the Local Plan. It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population, with direct funding provided by the NHS for GP practices/health centres based on an increase in registrations. Notwithstanding the above, given the small scale of the scheme it is not considered reasonable in this instance to require a contribution towards health infrastructure.

- Loss of trees and green space in the wider area.
- Any new planting should benefit from a TPO.

**Response:** While the loss of the garden is noted, it is not public green space. A landscape strategy is to be sought via condition. While officers could not impose TPOs on new Trees, newly planted vegetation would benefit from five years of protection via the condition.

- The existing house is fine and does not need to be demolished. It complements the Edgerton Conservation Area.
- The proposal would harm the Edgerton Conservation Area.

**Response:** While it is noted that the existing house does not 'need' to be demolished, this is not a material planning consideration. Its removal, and the proposed development, are not considered to prejudice the special character and interest of the wider Edgerton Conservation Area, which they are adjacent to.

- The tree survey was done at the wrong time of year.

**Response:** The Survey has been reviewed by K.C. Trees who find the methodology and findings acceptable.

- The council should not consider an application just in the name of greed.
- There is a covenant on the land preventing additional dwellings.
- The proposal will lower local house prices and affect their views. Construction will cause noise and dirt pollution.

**Response:** The above are not material planning considerations, being private matters for the developer. Construction noise and dirt would principally be an issue for Pollution and Noise, although the Construction Management Plan will part address this.

## 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 site is unallocated land and partly brownfield land. As the proposal seeks to increase the density of residential development, at a time of shortage, the principle of development is considered acceptable.
- 11.3 While a higher density than the surrounding development, this is on balance not considered unreasonable and would not materially harm either the visual amenity of the area or the amenity of neighbouring residents. The access and Highway arrangements would not prejudice the safe and efficient operation of the Highway, with a good internal layout for vehicles. The protected trees on site are to be retained and ecological and air quality enhancements are to be achieved. Final discussions are taking place regarding Drainage and are to be reported within the update.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute 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 Strategic Investment)**

1. Time Limit
2. In accordance with plans
3. Materials
4. Charging points
5. Landscape details
6. Footway reinstated before use
7. Sightlines to be provided and protected
8. Construction management plan
9. Ecological Impact Assessment
10. Development in accordance with Arboricultural Method Statement
11. Material
12. Landscaping
13. Windows to be obscured
14. Drainage done in accordance with plans
15. Remove Permitted Development rights

**Background Papers**

*Application and history files*

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/93326>

*Certificate of Ownership*

Certificate B signed. Notification served on; Mr D. Taylor.