KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2021/60/93399/W**
Site Address:	Land Adjacent to, 569 , New Hey Road, Mount, Huddersfield, HD3 3XN
Description:	Outline application for demolition of agricultural and storage buildings and erection of residential development (& dwellings)
Recommending Officer:	Stuart Howden

DECISION – CONDITIONAL OUTLINE PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 15-Nov-2022

Officer Report

Site Description

Land Adjacent to 569 New Hey Road, Mount, Huddersfield, HD3 3XN

The application site comprises agricultural land with 4 agricultural buildings, grassed areas as well as hard surfaced areas. The site sits to the south of New Hey Road, which it is also accessed from, and wraps around to the rear of the residential properties of No.563, No.567 and No.569 New Hey Road. To the east of the site, closer to the access, there are 3 buildings (a two storey brick barn with a sizeable lean to extension, a single storey blockwork building under a mono-pitched corrugated roof and a single storey rendered building under a dual pitched corrugated roof). At the western end of the site is a single storey blockwork stable building which adjoins the rear boundary of the site and runs adjacent to the west side boundary of the site. The site falls from the front (north) to the rear (south).

To the rear of the site is open countryside, where the land falls further, and this is allocated as Green Belt. The vast majority of the site itself is not within Green Belt land apart from a very small corner to the south west. To the west side of the site is residential garden land, whilst to the east side are the residential properties of No's. 547 and 549 New Hey Road. Development to the south side of New Hey Road has a largely linear pattern with some set back from the highway, and housing the locality tends to vary in type, scale and type, but the majority of dwellings are two storey and constructed from stone.

The site is not within a Conservation Area and there are no listed buildings within close proximity to the site. There are a number of protected trees on and adjacent to the site.

Description of Proposal

Outline planning permission is sought for the for demolition of agricultural buildings and erection the of residential development. Access and layout are the only matters for determination at this stage with all other matters reserved for approval at a later stage (i.e. appearance, scale and landscaping).

All 4 agricultural buildings on the site are proposed to be demolished to make way for the proposed development.

Access is proposed to be taken from New Hey Road with the existing access from this road being widened and improved. The access lane would run to the rear of No.569 and No.571 New Hey Road, and there would be a footpath running along the south side of this lane. At the west end of the site, the lane would turn into a turning area, with access being made available to the field to the south of the site. Two visitor parking spaces are also proposed to the north of the lane.

The layout, which has been amended during the processing of this application, displays five detached dwellings accessed from the singular lane into the site, with them in a row with their principal elevations appearing to face in a northerly direction towards this access lane. The dwellings would all therefore be set back from New Hey Road, with the 3 most westerly plots (3-5) being set behind No's. 569 and 571 New Hey Road. Plots 1-4 would be set slightly back from the access road with their parking areas to the south of this lane, whilst plot 5 would have its driveway to the west side of the track. Plots 1, 2 and 4 would appear to and integral garages to their side, whilst plot 3 appears to have a detached garage to its side and plot 5 has a detached garage to its front. Private amenity areas are proposed to the rear of each dwelling. A landscaped area is proposed between the north of the access track and New Hey Road boundary.

Whilst scale and appearance are reserved matters, indicative sections have been provided. This appears to display that some of the dwellings would be split level (e.g. Plots 1 and 3 as a result of the topography of the site, with these dwelling appearing to be 2 storey to the front and 3 storey to the rear.

History of negotiations/amendments received

Officers requested amended plans to reduce the amount of built development so that the development was more sensitive to its context. Officers also raised concerns in relation to the impact upon trees on the site as a result of the development and highways safety, as well as requested an Air Quality Impact Assessment to ensure future occupiers would benefit from an adequate living environment.

Following discussions with the applicant's agent, a revised layout with a reduced number of dwellings has been provided which is considered to integrate with the existing development. An amended Arboricultural Impact Assessment was submitted to support the altered layout and Officers are content with the findings of this. An Air Quality Impact Assessment has also been submitted which has addressed the concerns of Officers. The highways safety concerns have also been resolved following discussions between KC Highways Development Management and the applicant's agent.

Relevant Planning History

Application site

None.

Neighbouring Land

Rear of 575 New Hey Road – 94/91284 – Outline application for residential development (2 bungalows) – Refused on 16th June 1994.

569 New Hey Road – 95/90209 – Outline application for erection of one dwelling with garage – Approved on 14th March 1995.

569 New Hey Road – 98/90732 – Erection of detached dwelling with integral double garage – Approval of reserved matters on 10th May 1998.

569 New Hey Road – 2004/91216 – Erection of conservatory over existing garage – Approved on 13th May 2004.

571 New Hey Road – 2015/92948 – Erection of detached dwelling – Approved on 11th November 2015.

Representations

Initial publicity date expiry:
Neighbour letters expired on 12th October 2021. Site notice expired on 7th October 2021.

In relation to the initial submitted plans, 1 letter was received objecting to the proposal. This letter has been signed by 19 individuals. The comments raised are summarised below (full comments are available to view on the Council's Planning Website):

- Unsustainable to demolish existing buildings and erect new buildings.
- Site is not previously developed land as claimed by applicant.
- The site in combination with adjacent Green Belt land was rejected in the land allocation process and reasons given are still relevant, i.e. prominent in the long distance.
- Development could be seen to merge the historically separate properties at Upper Hirst and Lower Hirst which would be undesirable.
- Development would harm openness and visual amenities.
- Would set a precedent for housing on Green Belt land to rear or this land to be allocated for housing.
- Would future residents be able to purchase part of Green Belt land to increase the size of their gardens?
- Very Special Circumstances are required in relation to land in the planning application which falls within the Green Belt.
- Scale and massing of plots 5-7 completely out of character with the other buildings on site.
- No other building is three storeys in height in the immediate vicinity and this would be dominant in the landscape.
- Impact on amenity of properties to west of the site in terms of overdominance and overlooking.
- Amenity would be maintained if the buildings were of a similar scale and location as the farm buildings.
- Concerns regarding drainage.
- Ecology department need to be satisfied with findings of reports.
- Noise from M62 impacting upon future residents.
- If permission granted, the wall on the shared boundary with No. 575 New Hey Road should be retained. This acts as a retaining wall and could have an impact upon trees if removed.

- If permission granted, the wall should be retained along the boundary of No. 549 New Hey Road.
- Concerns with access. Vehicles park on the road and could block sightlines. There is also a bus stop and vegetation that could affect visibility.
- Concerns with impact upon protected trees. Should permission be granted, the Council should ensure adverse effects during construction are suitably controlled by condition including fencing around protected trees and minimising disruption to neighbouring properties, along with usual noise pollution conditions.

Amended plans were submitted along with further arboricultural information and an Air Quality Impact Assessment, and following this re-consultation was carried out on 11th August 2022, which expired on 25th August 2022. 1 representation was received raising concerns about the impact to trees as a result of the proposal. The comments raised are summarised below (full comments are available to view on the Council's Planning Website):

- Errors in the amended tree reports:
    - Root protection area of T17 has been deleted; it shows a single detached garage over the roots plus hard landscaping, driveway etc. with no explanation of how the tree roots will be protected.
    - Protective fencing should be required T16, T17 and G18.
    - Fencing not correctly indicated around T9 and T10.
    - Ground protection should be in place.
    - Proposed garage is on root protection area (RPA) of T17 despite what is noted in the submission and concerns this would harm this tree. Also believe crown of T17 is wider than that displayed in the report. Would omitting the garage and plot 5 be a better solution as a result.
    - Plot 5 will encroach into the RPA of G18, but this is not shown as the area of G18 has been incorrectly recorded.

Consultation Responses

KC Drainage: No objections in principle. Soakage tests, flooding routing, construction phase temporary drainage and long-term maintenance of the drainage can be dealt with in the reserved matters.

KC Ecology: No comments received.

KC Environmental Health: No objections subject to conditions.

KC Highways Development Management: No objections subject to conditions.

KC Highways Structures: No objections subject to conditions.

KC Trees: No objections subject to conditions.

Yorkshire Water: No objections subject to a condition.

The above is a summary of the consultation responses received. Full responses from consultees can be viewed on the Council's Planning Webpage.

Policy

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).

The majority of the site is unallocated on the Kirklees Local Plan Proposals Map, although a small area of the south west corner of the site is within the Green Belt.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP11** – Housing Mix and Affordable Housing
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 27** – Flood Risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 43** – Waste Management Hierarchy
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land
- **LP 58** – Garden Extensions

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **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 Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Kirklees Housebuilders Design Guide SPD (2021).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021).
- Kirklees Climate Change Guidance for Planning Applications (2021).
- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology
6) Representations
7) Conclusion

1 – Principle of development:

1.1 – Sustainable Development

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan (KLP) outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 of the NPPF concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is without notation on the KLP Policies Map. Policy LP2 of the KLP 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.

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

Policy generally seeks to support residential development upon unallocated sites. Of note, Paragraph 69 of the NPPF states that: "*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly."* This paragraph goes onto note that to promote the development of a good mix of sites, Local Planning Authorities should: *"support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes."*

Thus, residential development at the unallocated part of the site could be acceptable in principle. However, Policy LP7 of the KLP establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 8 dwellings. However, Policy LP7 states this target should be 'where appropriate' and in the policy justification set out in paragraph 6.40 notes that the policy allows for lower 'densities where a site would not be compatible with its surroundings'. 5 dwellings are proposed in this instance, following Officer concerns that 7 dwellings at the site (initially proposed) would result in an overdevelopment of the site it is concluded that the quantum of development could be acceptable in this instance.

The above noted, the acceptability of the proposal is also subject to other considerations, which will be discussed below. One such consideration is the principle of part of the development in the Green Belt.

1.2 – Principle of the Development in the Green Belt

A very small section of the site falls within the Green Belt, this being an area to the south west of the site.

Paragraph 149 of the NPPF states that LPAs should regard the construction of new buildings as 'inappropriate' in the Green Belt. Paragraph 147 of the NPPF sets out that: *"Inappropriate development is, by definition, harmful to the Green*

Belt and should not be approved except in very special circumstances." In addition to this, Paragraph 148 of the NPPF notes that: *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt."*

Paragraphs 149 and 150 of the NPPF provide exceptions as to where development in the Green Belt could be appropriate. Of note, Paragraph 150(e) of the NPPF states that material changes in the use of land could be acceptable provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within Green Belts.

Policy LP58 of the Kirklees Local Plan relates to changing the use of land in the Green Belt and sets out that consideration should be given to the following:

a. *"the degree, location and orientation of the enclosure, which should cause least harm to the openness of the Green Belt; and that*
b. *the means of enclosure is appropriate to its setting and is of a high quality of materials and design."*

This policy goes onto note that*: "Permitted development rights for structures such as garages, sheds, greenhouses or other ancillary or incidental buildings or structures may be removed if it is considered that they would subsequently result in an unacceptable intrusion of urban character into their Green Belt setting."*

The very minor section of the site within the Green Belt is displayed as garden space in the proposed plans, therefore no built development is proposed on this area of Green Belt. It should be noted, that this area of Green Belt mainly consists of hardstanding, and is predominantly bound by a stone wall where it adjoins land outside the site boundary. Given the above factors, it is considered that harm to the openness as well as conflict with the purposes of including land within Green Belts could be prevented, but this is subject to appropriately worded conditions regarding the removal of permitted development rights for new boundary treatments (excluding those apart those approved at the reserved matters stage), and extensions and outbuildings to this plot.

It is therefore considered that the proposal would constitute appropriate development in the Green Belt, in accordance with Chapter 13 of the NPPF.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

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.

Policy LP24 of the KLP states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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."*

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."*

Principle 8 of the SPD is considered relevant given the urban fringe location of the site, and this states the following: *"The transition from urban to open land should be carefully considered where development is located on the edge of the urban area. Proposals should demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design."*

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, whist Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Layout and access are for consideration under this outline application, whilst scale, appearance and landscaping are reserved matters. Nonetheless, Officers will pass comment on the matters reserved, especially given indications have been given on the scale and some of the landscaping.

In terms of the siting and layout, the residential development on the south side of New Hey Road tends to be linear ribbon development in pattern. However, the proposed development would introduce a form of 'backland development'. That being said, the buildings within the site do currently sit to the rear of residential dwellings and the proposal would be re-using this land (even if it is deemed agricultural), whilst to the east of the site is a residential dwelling (No.547 New Hey Road) set behind another residential dwelling (No.549 New Hey Road). Given these circumstances, 'backland development' on this site could potentially be acceptable.

The dwellings would all roughly face northwards, with plots 1-4 addressing the lane proposed through the site and plot 5 facing its driveway area. Whilst plots 1-3 would be set back from New Hey Road, they would also somewhat address this road which is welcomed by Officers. The site would benefit from a relatively soft frontage adjacent to New Hey Road with trees retained and a grassed area, which therefore helps to preserve the pleasant edge of town character of the locality. That being said, details in relation to the management of the grassed area need to be addressed at the reserved matters stage.

It is considered that the density of development would be acceptable with regard to development in the locality. The dwellings would have a footprint in keeping with those in the immediate locality, and would benefit from sufficiently sized rear gardens. There is also scope for soft landscaping to the front of the dwellings to prevent the properties being dominated by hard surfacing to their front.

To ensure that development is sensitive within the locality, it is considered necessary to condition finished floor levels.

The garages for plots 1-4, whether detached or attached would be set back from the main body of the dwellings so that they can be subordinate elements. Whilst there is a garage to the front of the dwelling at plot 5, this is towards the end of the development and would therefore help to round off/terminate the proposed development, so is therefore considered acceptable in this instance.

Given the above, the proposed access and layout of the development are considered acceptable from a visual amenity perspective.

It is noted that there are third party concerns in relation to the scale of the proposed development, but scale is a reserved matter not for consideration under this application. That being said, it is noted that indicative sections have

been submitted and these appear to display that some of the dwellings would be split level (e.g. plots 1 and 3) as a result of the topography of the site, with these dwellings appearing to be 2 storey to the front and 3 storey to the rear. Whilst it is acknowledged that the three storey height to the rear would increase the prominence of the buildings within the landscape, it is considered that such an approach could potentially be acceptable in principle (i.e. some dwellings being no more than two storey to the front, and no more than 3 storey to the rear). This is due to the height of development in the immediate vicinity, with the next door neighbouring properties to the west being two storey the front and three storey to the rear.

However, the overall height of the dwellings should not be greater than those neighbouring properties to ensure that they sympathetically integrate with the built development in the locality and given that they would be closer to the open countryside. Of note, Officers do have concerns with the overall height of the dwelling at plot 5 displayed on the indicative sections as this would appear higher than the dwelling at No.569 (the dwelling it would sit behind) whilst also being on lower land to this dwelling, and it is considered that this part of the scheme requires revisiting.

The detached garages at plots 3 and 5 will be expected to be subordinate in scale to the dwellings they are to serve and they should not exceed 1 storey in height.

In terms of appearance, the form of the dwellings appears that they would be relatively simple when viewing the layout plan, with dwellings benefitting from a linear main body, but with some subordinate projections at the dwellings at Plots 1, 2, 4 and 5. Whilst the adjacent dwellings to the site tend to have linear front walls with no projections, there are some dwellings with projections to the front within the immediate vicinity of the site. In addition, the dwellings would be set back from New Hey Road, and this would also help to reduce the prominence of such elements. Therefore, provided projections off the main body are subordinate to the main body of the dwellings, this could be acceptable.

Details in relation to materials are limited, but Officers consider that the dwellings could be developed in a manner which responds to local vernacular. It is noted that natural stone is the predominant construction material for walls in the locality. It is also considered that natural slate is used for the exterior of the roofs. As appearance is a reserved matter it is not considered necessary to include a condition upon any grant of outline permission as this matter remains reserved for consideration at the Reserved Matters application stage.

Care will need to be taken with detailing, notably openings. Mass expanses of glazing, especially to the rear of dwellings, should be avoided given the topography of the locality and the sensitive urban fringe location of the site. It is strongly recommended that openings are traditional in appearance.

In terms of landscaping, this is a reserved matter, but as discussed above Officers consider that the development can be devised in such a way that would

not appear dominated by hard surfacing, with a pleasant green frontage off New Hey Road and gardens to the front of the dwellings.

Care will need to be taken with boundary treatments at the reserved matters stage, especially to the rear of the site given the transition to open countryside. Closeboard fencing to the rear would unlikely be supported and it is recommended the boundary treatment is soft and/or a stone wall of modest height or post and rail fencing is used instead.

It is therefore considered that, subject to conditions and further design details, the proposal would not result in the overdevelopment of the site, nor would it cause detrimental harm to the visual amenities of the locality. The proposed development is therefore considered to comply with Local Plan Policy LP24 and policies within Chapter 12 of the National Planning Policy Framework, as well as guidance contained within the Housebuilders Design Guide SPD

3 – Impact on residential amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."*

The text supporting this principle also states that*: "For two storey houses typical minimum separation distances are advised:*

- *21 metres between facing windows of habitable rooms at the backs of dwellings;*
- *12 metres between windows of habitable rooms that face onto windows of a non-habitable room;*
- *10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and*
- *for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.*

It is considered that the properties most likely to be affected by the proposed development are those adjacent to the site, these being No's. 547, 549, 563, 567, 569 and 571 New Hey Road. The impact upon these properties will be discussed below. It is considered that the proposed dwellings could be sufficiently sited so as to prevent undue harm to the amenity of any other

neighbouring properties in terms of loss of light, loss of privacy or overlooking, loss of outlook or the creation of an overbearing effect.

No's.547 and 549 New Hey Road

These are two separate detached two storey properties to the east side of the site. No.549 is the most northerly with three windows facing towards the site, and to the south of this is No.547 with a blank gable wall facing towards the site.

Whilst the north elevation of No.547 would only be ~17 metres from the rear wall of the dwelling proposed at plot 1 and this neighbouring dwelling is on lower land, the north wall of No.547 is set at an oblique angle to the rear elevation of the dwelling at plot 1 and already has its outlook heavily restricted by the dwelling at No.549 to the north. No.547's garden area is predominantly to the south, away from the application site. Given the above factors, it is considered that the undue harm to No.547 in terms of loss of light, loss of outlooking, loss of privacy or overlooking, overshadowing or the creation of an overbearing effect could be avoided.

In terms of No.549, as noted above, three of its windows overlook the site and the nearest one would be ~11.5 metres away from the rear wall of the dwelling at plot 1. However, as the dwelling at plot 1 would sit slightly further to the north than the dwelling at No.549, the two storey main body of the existing dwelling would not be in a direct line as taken from these 3 west facing windows. Given this, and its orientation to the north of these windows, it is considered that this would help to prevent an undue loss of light and overshadowing to these windows, as well as an undue loss of outlook, but this is subject to the dwelling being of an appropriate scale (a split level 2 storey to the front, 3 storey to the rear could potentially be acceptable, but this is subject to further details). Whilst the garage element of this proposed dwelling is at ~14.5 metres from the nearest west facing window and would be in a direct line from this window, it is envisaged that this garage is to be single storey in height and such a distance could be considered acceptable to prevent undue harm in terms of loss of outlook and light. The west facing windows would also be over 21 metres away from the dwelling at plot 2 (~23.6 metres).

Due to the set off of the dwelling at plot 1 from this the dwelling at No.549 and that it is slightly angled away from the north elevation of No.549, it is considered that undue harm to the north facing windows could be avoided in terms of loss of light and loss of outlook. There is a conservatory within the north elevation of this dwelling, but the separation distance of ~10m is considered acceptable to prevent an undue loss of light, especially given the boundary wall to its west and the trees to the north reduce some of the light it receives as well as its outlook already.

The main garden area of No.549 appears to be to the north of this dwelling, and the proposed dwelling at plot 1 would be in relatively close proximity to this garden area. Given this, there is potential for an overbearing impact upon this garden as well as overshadowing in the later hours of the day. However, the

main bulk of this garden appears to be to the east side, away from the site therefore the impact from an overbearing and overshadowing perspective could be acceptable subject to the dwelling being of an appropriate scale.

Windows in the rear elevation of plot 1 would be set an oblique angle to those in the west and north elevations of No.549 so as to prevent clear views into these neighbouring windows. However, windows in east side elevation of the dwelling at plot 1 could result in detrimental overlooking into the north garden area of No.549 therefore above ground floor windows in this elevation should be restricted and fixed shut, as well as obscurely glazed.

No's.563 and 567 New Hey Road

These residential properties are in a semi-detached building directly to the north of the site. The building faces the highway of New Hey Road, with the garden areas to the rear, adjacent to the site.

The nearest proposed dwellings to the rear of this neighbouring semi-detached building are plot 3, which is over 21 metres away (~21.7m), and plots 4, which is ~24.8 metres away. These dwellings would also not be directly in line with the rear wall of this existing building and would be on lower land. Whilst there is a proposed garage (plot 3) directly in line to this building, this is envisaged to be single storey and is over 25 metres away. Thus, provided the front of these proposed dwellings is no greater than two storeys in height, the separation distances between the proposed buildings and the semi-detached building are considered acceptable so as to prevent an undue loss of light and loss of outlook to No's. 563 and 567, as well as an undue loss of privacy.

All the proposed dwellings would be set off some distance from the rear gardens enjoyed by these neighbouring properties too, with the closest relationship being between the dwelling at plot 3 and the garden area (~9.3 metres). The separation distances between the proposed buildings and this garden area are considered acceptable so as to prevent undue harm in terms of overshadowing, the creation of an overbearing effect and overlooking, but this is provided the buildings are no greater than two storeys in height to the front.

No's.569 and 571 New Hey Road

No.569 is a detached split level dwelling, being 2 storey to the front and 3 storey to the rear, and is located to the north of the site. Its front elevation faces towards New Hey Road, with its rear elevation facing towards the site, with a rear external amenity area. The dwelling at No.571 is set within relatively similar building line to the dwelling at No.569, and is located to the west of this dwelling.

The dwelling at plot 5 and its detached garage would be directly to the rear of the dwelling at No.569, but at an oblique angle to the rear of No.571. The dwelling at plot 5 would be on lower land to both dwellings at No's. 569 and 571, and over 21 metres away from the rear elevation of No.569 (21.7 metres)

as well as over 25 metres away from No.571, and subject to being a suitable scale (advise no more than two storey), it is considered that the dwelling would be a sufficient distance away to prevent an undue loss of light or outlook to these dwellings, as well as a detrimental loss of privacy. The set off could also be acceptable to prevent an undue overbearing and overshadowing effect on the gardens serving these neighbours as well as detrimental overlooking, but again this is subject to the height of the dwelling.

The detached garage would be close to the rear boundary shared with No.569, as well as the rear boundary of No.571. However, subject to this being of an acceptable single storey height, it is considered detrimental harm to No.569 and No.571 could be avoided in terms of loss of light, loss of outlook, overshadowing or the creation of an overbearing effect given that this would partially replace an existing stable building, it is on lower land to No's.569 and No.571 and the separation distance of ~13.7 metres to the rear of No.571. However, this should be single storey in height.

No.575 New Hey Road

The rear garden of this property shares its east side border with the west side boundary of the site. Whilst the dwelling at plot 5 and the garage serving it would have the potential to overbear part of this garden, as well as overshadow part of it in the earlier hours of the day, this garden is sizeable therefore it is considered the impacts upon the amenity of this neighbour would be fairly modest and acceptable, but this is subject to these buildings being of an acceptable height.

Land to the rear

There is undeveloped land to the rear of the site and Plots 2, 3 and 4 would have dwellings that would likely fall short of the minimum recommended 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land (advised in the Housebuilders Design Guide SPD). However, the land to the rear is undeveloped land within the Green Belt therefore the potential for development on this land in the nearby future is considered to be limited. This relationship is therefore considered acceptable.

Amenity of future occupiers of proposed dwellings

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

Thus, internally, it would be expected that all new dwellings are compliant with the Nationally Described Space Standard. Externally, all the dwellings are displayed to have garden areas which are south facing, but whether these are proportionate to the dwellings proposed will be dependent on the scale of the dwellings proposed at the reserved matters stage. That being said, the depth of the garden for plot 3 is relatively modest and it is considered that permitted development rights should be removed for outbuildings and extensions at this plot to preserve a good sized garden and prevent the overdevelopment of this plot.

Environmental pollution

Paragraph 185 of the NPPF outlines that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

The development is within close proximity to New Hey Road, which is a busy main road between the M62 and Huddersfield centre. As the development is introducing sensitive receptors close to an area of poor air quality, KC Environmental Health requested an Air Quality Impact Assessment to determine the impact of air quality on any future residents and to determine the mitigation measures required to offset that exposure prior to the determination of the application.

Following these comments, an Air Quality Assessment (AQA) by Redmore Environmental was submitted. The report details the impact that the development will have on existing air quality, and how this will impact existing and future sensitive receptors during construction and operational phases, whilst also considering if the development will be exposing future residents to poor air quality.

From the assessment carried out in relation to the operational phase, the AQA concludes that during the operational phase the impact of the development is predicted to be 'not significant' in accordance with the Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017) guidance. The AQA concludes that the operational phase of the development will not impact on existing air quality, nor will it be exposing future residents to poor air quality.

In relation to the construction phase, the AQA concludes that there is the potential for air quality impacts due to fugitive dust emission from the site, but that these impacts could be controlled by the implementation of good practice dust control mitigation, with these measures being outlined in the AQA.

KC Environmental Health have stated that they agree with the methodology of the AQA, as well as concur with the conclusions. KC Environmental Health have stated however, that for the construction phase of the development they expect the best practice mitigation measures as detailed in the report to be implemented and therefore have requested a condition to control fugitive dust emissions during the development during the demolition/construction phase. This can be conditioned should permission be granted to safeguard the amenities of the occupiers of nearby properties.

It is therefore considered that the proposal would not cause undue harm to existing or future occupiers in terms of poor air quality.

As the site is in close proximity to the busy New Hey Road, KC Environmental Health have stated that this could cause high levels of road traffic noise that would affect the amenity of the future occupiers. As a consequence, KC Environmental Health have therefore requested a noise assessment as a condition and such a condition has been attached to protect the amenities of future occupiers.

KC Environmental Protection have also requested a condition in relation to construction hours to prevent harm to existing occupiers in terms of noise but given the scale of the development and that construction noise can be controlled by other regulations, an informative is recommended to be attached instead.

Given the above, subject to conditions, it is considered that the proposed development would not lead to undue harm to residential amenity, and is therefore compliant with Local Plan Policies LP24 and LP52 and policies within Chapters 12 and 15 of the National Planning Policy Framework, as well as principles 6, 16 and 17 of the Housebuilders Design Guide SPD.

4 – Impact on highway safety:

Paragraph 111 of the NPPF states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* This is echoed in Policy LP21 of the Kirklees Local Plan.

Principle 12 of the Housebuilders Design Guide SPD states that at the outset of the development, applicants should identify the need for car parking, and that any car parking provision should not dominate street frontages through parking arrangements that place cars at the front of all dwellings with overly dominant integral garages at the front of dwellings. Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene.

Principle 19 of the Housebuilders Design Guide states that: *"Provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development."*

The Kirklees Highways Design Guide SPD provides recommendations in relation to the number of on-site parking spaces per dwelling. Of note, it recommends that 2-3 bedroom dwellings are allocated at least 2 car parking spaces and that 4 plus bedroom dwellings are allocated at least 3 car parking spaces.

Without full details of the dwellings proposed, it is not possible to provide detailed analysis on the proposed parking provided, but that being said there is space dedicated to parking at each property, with the garages appearing to be proposed too. The garages appear to be of sufficient scale to accommodate vehicles, but the parking area to the front of the garage at plot 3 is rather limited in scale being less than 5 metres deep. Reference to the above guidance should be made to the parking guidelines within the Highways Design SPD, but it appears that adequate parking could be provided at the site. The two visitor spaces to the north of the site are considered acceptable for a development of this scale.

Space for turning for a larger vehicle (refuse vehicle for example) is provided in between plots 3 and 4 so that such a vehicle can enter and exit the site in a forward gear.

A footway is proposed adjacent to the access lane to allow for safe pedestrian access into the site.

Kirklees Highways Development Management have requested a condition that no development shall take place until a scheme detailing arrangements and specification for layout and parking have been submitted to and approved in writing by the Local Planning Authority. A similarly worded condition could be attached to achieve a suitable layout, but also to ensure suitable drainage too.

Kirklees Highways Development Management have stated that as the development is for 5 dwellings, the applicant must contact the Highways Department to discuss road adoption agreements under Section 38 of the Highways Act 1980. Should permission be granted an informative will be attached noting this.

The access into the site is proposed to be widened and improved. Kirklees Highways Development Management are satisfied that suitable visibility from the access could be achieved, but that these sightlines of 2.4 x 43 metres shall be clear of all obstructions to visibility exceeding 1 metre in height and that these shall be retained free of any such obstruction. This could be conditioned should permission be granted.

The site plan outlines the position for the storage of bins at each property (apart from plot 5) and the siting for these is considered to be adequate so as to be

convenient, but not overly dominant. There is also considered space on plot 5 to achieve an adequate storage area. However, collection details are not provided. Thus, Kirklees Highways Development Management have requested that before development commences, details of suitable storage, bin presentation points and access for collection of wastes shall be submitted to and approved in writing by the Local Planning Authority. This could be conditioned should permission be granted.

KC Highways Structures have assessed the application and consider that a condition is required to protect highways safety. Of note, KC Highways Structures have requested the location and cross section information together with the proposed design and construction details for all new retaining walls/building retaining walls adjacent to the existing and proposed adoptable highways, including any modifications to the existing wall on New Hey Road. Should permission be granted, this matter could be conditioned

Thus, subject to conditions, it is considered that the proposed development would not cause detrimental harm to highways safety and that the proposed development is considered to be in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principles 9 and 12 of the Kirklees Housebuilders Design Guide SPD.

5 – Other matters:

Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

In addition to this, Principle 9 of the Kirklees Housebuilders Design Guide sets out that:

"Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development. At the outset of the design process the wildlife habitat network and Habitats of Principal Importance should be considered in addition to protected species and the maintenance and management arrangements for any wildlife spaces need to be clearly set out."

The site is not within a bat alert layer on the Council's mapping system, but the proposal does involve the demolition of buildings with potential for protected species, notably bats, and there are a number of trees within and surrounding the site as well as shrubbery.

A Preliminary Ecological Assessment (PEA) has been submitted alongside the application. This outlines a desk study and field study were undertaken by a qualified ecologist to assess the potential of the site to support protected habitats and species, and species of conservation concern.

The PEA notes that the removal of some trees, areas of shrub and the buildings on the site would have negative impacts to birds on the site due to the removal of foraging and nesting. A footnote in relation to protecting nesting birds can be attached to a decision notice should permission be granted.

In relation to bats, the PEA states that only one of the buildings on the has some ('low') bat roosting potential (referred to as 'building 2'). However, the removal of this building has the possibility to cause injury and/or death to any potential bats. In addition, it is noted that building 2 is close to two dwellings within the vicinity of the site that have moderate potential for roosting bats, and that the construction phase of the development as well as the removal of building 2 have the potential to impact upon commuting roots and potentially affect roosting and foraging behaviour.

The PEA outlines that inappropriate lighting in the vicinity of bat roosts can cause disturbance to bat populations and the PEA provides recommendations to aid in the lighting scheme limiting the impact that lighting may have on local bat populations. Officers consider that a detailed lighting scheme for the development can be provided at the reserved matters stage. The PEA also recommended further survey work for building 2 to scope out the potential impacts to any foraging or roosting bats on site.

Following this recommendation, a Bat Emergence and Re-Entry Survey Report has also been submitted alongside this application. This notes that a field survey was undertaken by a qualified ecologist in July 2021 to identify any bat use of the building. However, the survey found no roosting bats within the building on site and limited foraging and commuting behaviour. The report states that as no bats were identified during the surveys, works can go ahead with no disturbance to roosting bats. These findings are accepted by Officers. That being said, it is recommended that lighting guidance within the PEA and Emergence and Re-Entry Survey Report is adhered to in relation to the construction stage of the development.

Despite the above, the proposal provides no details of biodiversity enhancement measures at the site. However, it is considered that this matter can be addressed at the reserved matters stage, and that a method statement for enhancement biodiversity at the site will be expected alongside a reserved matters application. This should include details of the purpose and conservation objectives for the proposed ecological works, details of habitat boxes, details of how the design of boundary treatments will not obstruct the movement of

hedgehogs, planting schedule and plan showing the inclusion of native species and details of maintenance.

Given the above, it is considered that harm to protected species can be avoided and that sufficient enhancements can be achieved at the site (secured at the reserved matters stage). The proposal is therefore considered to be in accordance with policies within Chapter 15 of the NPPF, Policy LP30 of the KLP and Principle 9 of the Housebuilders Design Guide SPD.

Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. This Policy goes on to note that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. This Policy states that proposal will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction, and that where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

Policy LP24(i) states that proposals should promote good design by ensuring the retention of valuable or important trees, and where appropriate, the planting of new trees and other landscaping to maximise the visual amenity and environmental benefits.

Paragraph 131 of the NPPF also stresses the importance of trees noting that they contribute to the character and quality of environments and that existing trees should be retained wherever possible.

The site houses a number of mature trees of significant public amenity, which the Council's Tree Officer states should be retained where at all possible so that they can provide amenity value and add to the character of the area. A new TPO (ref: 13/21) has also been served to the front of the site to ensure trees are considered within the planning process.

Initially, the proposal was for 7 dwellings, and an Ariboricultural Impact Assessment (AIA) was submitted alongside the application. The Tree Officer stated that the entrance to the site is where the main impact on tree cover would be noticed. The Tree Officer stated that the loss of trees T2, T3 and T4 were of concern and that they form part of the new TPO. However, the removal of T1 was accepted by the Tree Officer due to its poor form.

Following this, the Tree Officer stated that the design should be amended to allow for the retention of at least T4 and mitigation planting to be incorporated on the road frontage between T4 and T5, and near T1. The Tree Officer advised that this could be possible by adjusting the location of the dwelling at Plot 1.

Following these comments, and other concerns with the proposal, a revised scheme was submitted displaying 5 dwellings, instead of 7. A revised tree retention plan was also submitted following this alteration to the layout.

In relation to this amended information, the Tree Officer noted there were positives. This being the retention of T4. However, the Tree Officer noted that they remained unconvinced that it would be successful if the footway and wall were to be installed as displayed in the layout plan. The Tree Officer therefore noted that it would be likely that T4 would be significantly affected if the access cannot be widened to the east as advised previously.

The amended layout referenced a pile and raft foundation for the detached garage serving plot 5, which was welcomed by the Tree Officer. The Tree Officer also stated that the plans identified the intention to retain the existing hardstanding and work above that on the northern boundary to protect tree roots.

The Tree Officer noted that they had concerns of the finished levels on the layout which displayed approximately 30cm excavation around T17 and T11. The Tree Officer noted that if the levels of site cannot be reworked to achieve retention of the existing ground level around these trees, then significant harm would be caused.

Following this, a revised site layout plan was submitted on 23rd June 2022, this being the layout drawing now under consideration by Officers. This resulted in plot 1 and the access road being slightly relocated as advised by the Tree Officer (therefore the retention of T2, T3 and T4), and the levels around T17 and T11 being raised. The Council's Tree Officer noted that they were satisfied in principle with the solution provided within the revised scheme, but that a revised AIA was required to reflect the development and that Arboricultural Method Statement (AMS) should be provided (which could be conditioned).

Following this, an amended AIA was submitted along with an AMS. Neighbouring properties were consulted following the submission of these documents and the current layout plan and this has resulted in a representation raising a number of concerns in relation to the impact upon trees. In summary, these concerns from the third party are as follows:

- Errors in the amended tree reports:
    - Root protection area of T17 has been deleted; it shows a single detached garage over the roots plus hard landscaping, driveway etc. with no explanation of how the tree roots will be protected.
    - Protective fencing should be required T16, T17 and G18.
    - Fencing not correctly indicated around T9 and T10.
    - Ground protection should be in place
    - Proposed garage is on RPA of T17 despite what is noted in the submission and concerns this would harm this tree. Also believe crown of T17 is wider than that displayed in the report. Would omitting the garage and plot 5 be a better solution as a result.

- Plot 5 will encroach into the RPA of G18, but this is not shown as the area of G18 has been incorrectly recorded.

Following this, the Council's Tree Officer has reviewed the revised tree information and the above comments from the third party.

The Tree Officer noted that they were content with the AMS based on an understanding that the design has taken into account the roots that may be within this area. The Tree Officer has stated that the finished ground levels around this area have been raised to allow for no-dig construction of the driveway/parking areas. The Tree Officer goes on to state that the garage was to be constructed in such a way to have minimal impacts on the roots and that Officers have to take into account the existing site which comprises low outbuildings and compacted ground or hardstanding along this boundary. The Tree Officer notes, with all these matters taken into account and the tree information provided, they are confident that the proposals are unlikely to result in significant impacts to the trees.

The Tree Officer notes that the AMS does not include any of the tree protection and measure around T17, but Officers consider that this can be addressed by means of requiring, by condition, the submission of a revised AMS to be agreed in writing with the LPA.

The Tree Officer also notes that the rooting area of T17 has been altered to take into account the likely rooting spread of the tree which is noted to be acceptable according to BS5837. The Tree Officer notes that the retaining wall and existing ground conditions are likely to have inhibited root growth into the site from T17.

In relation to the third party concerns with regard to T9 and T10, the Tree Officer notes that these have arisen due to some confusion that the existing tarmac is to be retained to protect T9, T10 and T11, so no protective fencing is considered necessary around these trees. The Tree Officer notes that the details around the replacement of the tarmac is missing from the AMS though, and it is considered that this matter could be addressed by a condition for a revised AMS.

In relation to the overhang of G18, whilst the Tree Officer acknowledges that the is misrepresented in the tree information, the trees are not significant from a public amenity perspective and probably could be pruned back to the boundary line without adverse affects.

Given the above, Officers are satisfied that the proposal would not result in significant harm to trees subject to a condition requiring a revised AMS. The application is therefore considered to accord with Policies LP24(i) and LP33 of the Kirklees Local Plan and Chapter 12 of the NPPF in relation to trees.

Drainage

The site is within Flood Zone 1, that is land at the lowest risk of fluvial flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding).

The majority of the site is identified as being at a very low risk of surface water flooding according to Environment Agency data. However, information held by Kirklees Council indicates that there is potential for surface water flooding at the south western boundary with a predicted depth of up to 1.2 metre for the 1 in 100 year rainfall event.

The application form outlines that discharge of surface water is proposed to be by soakaways. Disposal to ground has the highest ranking in the hierarchy of disposal methods in CIRCA C753 SuDS Manual (Section 3.2.3) and therefore KC Lead Local Flood Authority (LLFA) encourage this where suitable.

The LLFA note that underlying soils may be suitable for soakaways, but that the developer will need to provide the evidence of the soakage rate at the location/s using the BRE Digest percolation testing method with a minimum of 3 successful tests per trial pit location. The LLFA go on to state that the trial pits' depth should be at least at the base of any proposed soakaways.

The LLFA do not recommend that soakaways are sited on slopes steeper than 1 in 10 to reduce the risk of re-emergence of flows at the surface further down the slope.

The LLFA state that the developer should ensure that external flooding into the site and internal flooding due to exceedance events within the site do not enter the curtilage of new or existing properties.

The LLFA note that details of a scheme to control surface water during the construction phase following site strip will be required. They state that discharge from the site during construction will be limited to 2.5 l/s for the 1 in 2 year rainfall event.

The LLFA note that details of how the soakaway/s and the shared surface water drainage system will be maintained for the life of the development or until adopted by Yorkshire Water (if adoptable) will be required.

The LLFA consider that the above matters (including soakage tests, flood routing, construction phase temporary drainage and long term maintenance of the drainage) can be dealt with at a later stage. KC LLFA have therefore raised no objections to the outline proposal and there are no in principle concerns in relation to surface water flooding. Officers consider that these matters can be conditioned should permission be granted.

KC Highways Structures have stated that new storm water attenuation tanks/pipes/culverts with internal diameter/spans exceeding 0.9m must be located off the adoptable highway, and if not, any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report. Whilst KC Highways Structures have requested details

of new surface water attenuation pipes located within the proposed highway footprint, it is considered that this matter can be addressed under a drainage scheme, which shall be recommended as a condition as noted above.

Yorkshire Water have requested a condition that the site shall be developed with separate systems of drainage for foul and surface water on and off site. However, it is not in Yorkshire Water's jurisdiction to prohibit surface water connections to the public sewer when this may be the most feasible option. Yorkshire Water are not responsible for land drainage. Thus, it is not considered necessary to attach such a condition.

Climate Change

Principle 18 of the Housebuilders Design Guide SPD sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

It is considered that one electric vehicle for each proposed dwelling should be provided to aid in the contribution to climate change and this can be conditioned should permission be granted. In addition to this, at the reserved matters stage it is expected that a statement on how climate change, its causes and impacts, have been considered within the proposal is submitted.

Contaminated Land

KC Environmental Health have stated that due to the historic use of these buildings for agricultural purposes, there is the potential for ground contamination. In addition, they have stated that their records indicate that there has been a sandstone quarry to the western corner of the site, and as such there is potential for ground contamination and ground gas due to made ground. For these reasons, KC Environmental Health have requested phased contaminated land conditions, which the applicant's agent has raised no objections to.

6 – Representations:

In relation to the initial submitted plans, 20 representations have been received objecting to the proposed development. A number of concerns raised have been addressed within the above assessment. Any remaining concerns raised will be addressed below:

- Third Party Comment: Unsustainable to demolish existing buildings and erect new buildings.

  Officer Response: There is no policy to prevent this, but as noted above, at the reserved matters stage it will be expected that a statement on how climate change has been considered.

- Third Party Comment: Site is not previously developed land as claimed by applicant.

  Officer Response: Whilst this may potentially be the case, the majority of the site is unallocated therefore development on such a site could potentially be acceptable. Whilst a minor part of the site is within the Green Belt, as discussed above, it is considered that harm to the Green Belt can be avoided in this instance (subject to conditions).

- Third Party Comment: The site in combination with adjacent Green Belt land was rejected for land allocation process and reasons given are still relevant, i.e. prominent in long distance.

  Officer Response: A limited section of the application site was part of this much larger rejected site for the Local Plan referred to above (H668). This larger site included open countryside to the rear of the site and was partly rejected for being inappropriate development within the Green Belt. However, the application site is mostly unallocated and even where a minor part of the site does fall within the Green Belt, it is considered that such development could be acceptable (as discussed in the assessment section above).

- Third Party Comment: Development could be seen to merge the historically separate properties at Upper Hirst and Lower Hirst which would be undesirable.

  Officer Response: The site is to the north of both of these aforementioned places therefore it is not considered to result in the merging of these entities. It is considered that such a third party comment arises from text in the rejected sites document for the local plan relating to a much larger site than the application site.

- Third Party Comment: Would set a precedent for housing on Green Belt land to the rear or this land to be allocated for housing.

  Officer Response: Officers do not believe this to be the case, and each proposal would is assessed on its own merits.

- Third Party Comments: Would future residents be able to purchase part of Green Belt land to increase the size of their gardens?

  Officer Response: This matter is not material to the consideration of this specific application.

- Third Party Comment: Very Special Circumstances are required in relation to land in the planning application which falls within the Green Belt.

  Officer Response: It is considered that the proposed development would constitute appropriate development in the Green Belt as discussed above, therefore Very Special Circumstances do not need to be demonstrated.

- Third Party Comment: The ecology department need to be satisfied with findings of reports.

  Officer Response: Officers have analysed the reports authored by a qualified ecologist and are content with the findings. More of a discussion of this is provided above.

- Third Party Comment: Noise from M62 impacting upon future residents.

  Officer Response: A noise impact assessment has been recommended at the reserved matters stage. However, it is considered that the living environment could be made acceptable for future occupiers, especially as it would be sited amongst other residential dwellings, some of which are even closer to this motorway.

- Third Party Comment: If permission is granted, the wall should be retained along the boundary of No.549.

  Officer Response: Landscaping is a reserved matter, and this includes hard landscaping such as boundary treatments as set out in the Development Management Procedure Order.

- Third Party Comment: If permission is granted, the wall on the shared boundary with No.575 New Hey Road should be retained. This acts as a retaining wall and could have an impact upon trees if removed.

  Officer Response: Landscaping is a reserved matter, and this includes hard landscaping. The matter of land stability rests with the developer as set out within the NPPF.

7 – Conclusion:

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.

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

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2021/93399
Officer Recommendation: Approve
Conditions and Reasons

1. No development shall be commenced until full details of the scale, appearance, and the landscaping of the site (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority.
Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2. In the case of the reserved matters, the application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the access and layout details of the development hereby approved shall be carried out in accordance with the plans and specifications schedule listed in this decision notice.
Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with policies LP1, LP2, LP3, LP11, LP7, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP33, LP43, LP51, LP52, LP53 & LP58 of the Kirklees Local Plan, the Kirklees Highways Design Guide, Kirklees Housebuilders Design Guide and policies within Chapters 2, 4, 5, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework

5. Prior to the commencement of development, excluding demolition, a scheme of details of finished floor levels of each dwelling, together with corresponding finished ground levels and of surface and land drainage associated with any

works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details so approved and no dwelling shall be occupied until the works relating to that property have been completed. These shall be so retained for the lifetime of the development.
Reason: To ensure the development is in character with its surroundings and to avoid adverse impacts to adjacent land/property and in accordance with Policy LP24 of the Kirklees Local Plan, policies within Chapter 12 of the National Planning Policy Framework and Principles 2 and 8 of the Council's adopted House Builders Design Guide SPD.

6. Notwithstanding the details displayed on the approved layout plan 2120-01 revision C, no development (excluding demolition) shall take place until a scheme detailing arrangements and specification for layout and parking have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details displayed on the approved plans and retained thereafter.
Reason: To ensure a suitable access and layout in the interests of highway safety, to mitigate flood risk arising from surface water run-off and in accordance with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, policies within Chapters 9 and 14 of the National Planning Policy Framework, Principle 12 of the Council's adopted Housebuilders Design Guide SPD and the Council's adopted Highways Design Guide SPD.

7. Prior to the commencement of development, the sightlines of 2.4m x 43 metres shall be cleared of all obstructions to visibility exceeding 1 metre in height and thereafter these shall be retained free of any such obstruction.
Reason: To ensure adequate visibility in the interests of highway safety in accordance with Policy LP21 of the Kirklees Local Plan, policies within Chapter 9 of the National Planning Policy Framework and the Council's adopted Highways Design Guide SPD.

8. Prior to the commencement of development of the dwellings and garages above slab level, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the dwellings hereby approved and shall be retained thereafter.
Reason: In the interest of visual amenity and highways safety, to provide adequate waste storage and collection arrangements and to accord with Policy LP24 (d(vi)) of the Kirklees Local Plan, Principle 19 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapters 9 and 12 of the National Planning Policy Framework

9. Prior to the first occupation of any of the dwellings hereby approved, one electric recharging point shall be installed within the dedicated parking area of each dwelling hereby approved. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a

maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework and Principle 18 of the Council's adopted Housebuilders Design Guide SPD.

10. Before the development commences, a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highways including any modifications to the existing retaining wall on A640 New Hey Road, as well as a timetable for such works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the timetable for such works and thereafter retained.
Reason: In the interests of protecting highway safety and to ensure the appropriate stability of banking within and adjacent to the site and to accord with Policies LP21, LP24 and LP53 of the Kirklees Local Plan and Policies in Chapters 9, 12 and 15 of the National Planning Policy Framework. This is a pre commencement condition as specific design details need to be approved before works commence as they could influence the overall construction of the whole site.

11. Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 1 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced with others of similar size and species.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 2 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

12. Notwithstanding the submitted plans and information, including the Arboricultrual Method Statement by JCA Arboricultural & Ecological Consultants Limited (ref: 17231-C/AJB) received on 28th June 2022, prior to the commencement of development a revised Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted and approved in writing by the Local Planning Authority. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.
Reason: So as to protect to viability of the protected mature trees within and adjacent to the application site, in the interest of visual amenity and to accord with Policies LP24(i) and LP33 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the proposal protects trees of high amenity

value and protected trees before any demolition works or other development commences.

13. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is required as a pre-commencement condition to ensure any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

14. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 13, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.
Reason: This is required as a pre-commencement condition to ensure any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework

15. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 14, further Groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
Reason: This is required as a pre-commencement condition to ensure any unidentified contamination is established and to identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

16. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 15. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

17. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site and to accord with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

18. Prior to the commencement of development (excluding demolition), a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

a) Determine the existing noise climate
b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development (this is for housing think whether there would be alternative wording for other uses)
c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The dwellings shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.
Reason: To ensure future occupants of the development benefit from a good standard of amenity in accordance with policies within Chapter 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

19. Prior to the commencement of development hereby approved (including any demolition work), the mitigation measures to control fugitive dust emissions during the demolition and construction phase of the development shall be implemented in accordance with those detailed in Table 18 of the Air Quality Assessment by Redmore Environmental (ref: 5499r1) (dated: 11th April 2022) and retained for the duration of the demolition and construction period.
Reason: To ensure any development, including demolition, does not result in undue harm to the living environment of the occupiers of nearby properties in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

20. Prior to the commencement of development (excluding demolition), a scheme detailing foul, surface water and land drainage, (including off site

works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, percolation tests, and long term maintenance of drainage, where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well being and to prevent flood risks on site and elsewhere to accord with Policies LP27, LP28 and LP52 of the Kirklees Local Plan and policies within Chapters 14 and 15 National Planning Policy Framework.

21. Prior to the commencement of development (excluding demolition), a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in strict accordance with the approved scheme and phasing. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well being and to prevent flood risks on site and elsewhere to accord with Policies LP27, LP28 and LP52 of the Kirklees Local Plan and policies within Chapters 14 and 15 National Planning Policy Framework.

22. Prior to the commencement of development (excluding demolition), an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the development.
Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well being and to prevent flood risks on site and elsewhere to accord with Policies LP27, LP28 and LP52 of the Kirklees Local Plan and policies within Chapters 14 and 15 National Planning Policy Framework.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, D or E of Part 1 of Schedule 2 to that Order shall be carried out at Plots 3 and 5 without the prior written consent of the Local Planning Authority.
Reason: To safeguard the special character and openness of the Green Belt, to prevent the overdevelopment of the site which could materially harm the visual amenities of the locality and compromise the amenity for future occupants and to comply with Policies LP24 and LP58 of the Kirklees Local Plan, Principles 2 and 17 of the Council's adopted Housebuilders Design Guide SPD and Chapters 12 and 13 of the National Planning Policy Framework.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Class A of Part 2 of Schedule 2 to that Order (apart from any means of enclosure expressly allowed by the reserved matters permission in relation to 'landscaping' with respect to condition 1) shall be carried out without the prior written consent of the Local Planning Authority.
Reason: In the interest of visual and residential amenity, to preserve the special character and openness of the Green Belt and in accordance with Policies LP24 and LP58 of the Kirklees Local Plan, Principles 2 and 6 of the Council's adopted Housebuilders Design Guide SPD and Chapters 12 and 13 of the National Planning Policy Framework.

24. The residential development hereby approved shall not exceed a maximum number of 5 dwellings.
Reason: For the avoidance of doubt as to what is authorised by this permission and to ensure that the development conforms to the approved outline planning permission and stays within the assessed level of development in accordance with policies LP1, LP2, LP3, LP11, LP7, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP33, LP43, LP51, LP52, LP53 & LP58 of the Kirklees Local Plan, the Kirklees Highways Design Guide, Kirklees Housebuilders Design Guide and policies within Chapters 2, 4, 5, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or

'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

NOTE: All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants http://www.association-of-noise-consultants.co.uk/ (020 8253 4518) or the Institute of Acoustics http://www.ioa.org.uk (0300 999 9675) for a list of members.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	314750	-	25th August 2021
Site Layout Plan	2120 01	C	27th June 2022
Site Sections	2120 02	B	27th June 2022
Planning Supporting Statement by Robert Halstead Chartered Surveyors and Town Planners	-	-	25th August 2021
Appendix A – Site Photographs	-	-	25th August 2021
Appendix B – Location of Site Photographs	-	-	25th August 2021
Preliminary Ecological Appraisal by JCA Limited Arboricultural & Ecological Consultants dated 15/06/21	17231a/INIT	-	31st August 2021
Bat Emergence and Re-Entry Survey Report by JCA Limited Arboricultural & Ecological Consultants dated 15/07/21	17231b/FS	-	31st August 2021
Air Quality Impact Assessment by Redmore Environmental dated 11th April 2022	5499	r1	11th April 2022
Arboricultural Report and Arboricultural Impact Assessment by JCA Limited Arboricultural & Ecological Consultants	17231/AJB	-	28th June 2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers requested amended plans to reduce the amount of built development so that the development was more sensitive to its context. Officers also raised concerns in relation to the impact upon trees on and around the site as a result of the development and highways safety matters. In addition, Officers requested an Air Quality Impact Assessment to ensure future occupiers would benefit from an adequate living environment.

Following discussions with the applicant's agent a revised layout with a reduced number of dwellings has been provided which is considered to integrate with the existing development. An amended Arboricultural Impact Assessment was submitted to support the altered layout and Officers are content with the findings of this. An Air Quality Impact Assessment has also been submitted which has addressed the concerns of Officers. The highways safety concerns have also been resolved following discussions between KC Highways Development Management and the applicant's agent.

The applicant's agent has agreed to the pre-commencement conditions attached.

Report Dated: 11.11.2022