

**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: 2021/60/93779/W

Site Address: adj, 136, Laund Road, Salendine Nook, Huddersfield,
HD3 3TY

Description: Outline application for erection of residential
development with parking and private landscaped
gardens

Recommending Officer: Lucy Taylor

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: 03-Dec-2021

Officer Report.

Reference: 2021/93779

Location: adj, 136, Laund Road, Salendine Nook, Huddersfield, HD3 3TY

Proposal: Outline application for erection of residential development with parking and private landscaped gardens

Site Description.

The application relates to the driveway and side garden of 136 Laund Road, a terrace property constructed from stone and render with a tiled roof. The land under consideration as part of this permission, has a frontage facing onto the highway and is bounded in by a stone boundary wall. To the rear of the site is a large, detached garage. Pedestrian and vehicle access is taken from the front boundary onto Laund Road.

The site and the wider area is dominated by residential properties, most of which have a similar design and form and the common construction materials are stone and render.

The application site is Unallocated in the Kirklees Local Plan and land to rear, which is allocated to be developed for housing, is currently under development with recently constructed dwellings in place.

Description of Proposal.

The applicant is seeking outline permission for one dwelling (including access).

Although all other matters of appearance, landscaping, layout and scale are reserved, the proposal gives indicative details for routes of access to the site from Laund Road.

A block/site layout plan was submitted to demonstrate proposed methods of access to the site following development which details two parking spaces for the existing dwelling (no.136) and the proposed dwelling.

Access to the site will be shared with No. 136 Laund Road, with the existing boundary stone wall to be partly demolished to widen access from the highway to both properties. Widening the access will allow two-way vehicular movement. A swept-path analysis sufficiently demonstrates that vehicles can enter and exit the site in forward gear from all the proposed parking spaces.

Widening access will require works to extend the dropped kerb.

The following Reserved Matters are not seeking permission under this application:

- Appearance

- Landscaping
- Layout
- Scale

History of negotiations/amendments received.

None.

Relevant Planning History.

No relevant planning history on site.

Relevant planning history within the wider streetscene:

- **2019/93903** - 122A, Laund Road, Salendine Nook, Huddersfield, HD3 3TY - Erection of one dwelling and associated works. *Approved 2021.*

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 12th November 2021 – two representations were received.

The two representations raised the following concerns:

- concerned for traffic on Laund Road. There are already far too many cars on Laund Road and the parking is appalling and often dangerous due to the amount of cars, lack of parking and individuals speeding. Adding another household will inevitably add more congestion and pollution onto Laund Road.
- There are lots of children in the local area with the schools, college and local shopping centre, so adding more people and vehicles is very alarming.
- privacy/overlooking
- overshadowing
- loss of outlook
- dwelling complying with Nationally Described Space Standards and provide adequate distances from neighbouring properties

The concerns raised are addressed within the 'Assessment' section of this report.

Consultation Responses.

KC Highways Development Management – considers the outline application with access to be acceptable, with the inclusion of a condition and footnote regarding access sightlines.

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 application site is Unallocated in the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP3** – Location of New Development
- **LP7** – Efficient and Effective Use of Land
- **LP11** – Housing Provision
- **LP21** – Highway Safety
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage

Supplementary Planning Documents:

- Housebuilders Design Guide (adopted June 2021).

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, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Assessment.

The Following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 7) Conclusion

1. Principle of Development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The application would see the formation of a residential dwelling upon land adjacent to 136 Laund Road, therefore, the council’s housing land supply is a key consideration. As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 20% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply.

As the Kirklees Local Plan was adopted within the last five years, the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority’s should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Policy LP11 of the Local Plan also supports the provision of new dwellings.

Paragraph 69 of the NPPF recognises 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. 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.”

The development site forms a small plot surrounded predominantly by residential development. Although the Local Planning Authority can demonstrate a five-year land supply, it is noted that the development of this plot would contribute to the housing supply in the district. However, the provision of housing needs to be balanced against all material planning considerations.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. The site is approx 333m² which provides a housing density of 30 dwellings per hectare. The site, being a side garden / driveway between two existing dwellings is considered to be constrained in terms of the ability to development with more than one dwelling and given the level of density which would be achieved the proposal is concluded to be acceptable in this regard given the circumstances against which the site would be developed.

Principle 4 of Kirklees Council's adopted House Builders Design Guide states that *"the density of homes and their parking and servicing requirements needs to be balanced against the need of being able to achieve a highway layout that is of an adoptable standard."*

Therefore, the key considerations for the proposal are whether the principle of developing the site for a single dwelling is acceptable and whether the proposal would have an adverse impact on highway safety. Other matters in relation to the principle of developing the site will also be considered, along with all other material planning considerations and representations received.

1. Impact on Visual Amenity

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states: *"the creation of high-quality 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."*

Local Plan Policies LP1, LP2 and most importantly LP24, are all relevant and seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

LP24 of the Local Plan sets out to secure good design in all developments, by ensuring that they respect and enhance the character of the townscape and protect amenity, with LP24(a) promoting good design through ensuring *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

Policy LP11 of the Kirklees Local Plan sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. Consideration of the use of locally

prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Whilst the proposal would see a level of parking to the front, there would be the retention of areas of greenery and front amenity space too. This would be considered further at the Reserved Matters stage given these indicative green areas relate to soft landscaping.

With regards to design, matters of appearance, landscaping, layout and scale have been reserved, whereby limited indicative detail has been provided. However, it has been noted that the site is situated within a predominantly residential area, with a detached garage currently situated to the rear of the site.

As such, it is envisaged that the principle of erecting a dwelling could be achieved on the site, subject to being of an appropriate size and scale. The specific design of the dwellinghouse is a Reserved Matter and therefore, will require further consideration at the Reserved Matters stage. However, based on the indicative details submitted, erecting a detached dwelling upon the land adjacent to No. 136 Laund Road could be done so whilst also appropriately complying with the national and local policies listed above, as well as the guidance within the House Builders SPD.

With regards to access, this is only a small-scale element of the scheme and as proposed on plan, is considered to fit into the wider streetscene visually. Therefore, access as proposed is considered to comply with relevant national and local policies regarding good quality design, in keeping with the overall development and local area.

Having taken into account the above, it is considered that an acceptable layout, appearance, scale and forms of landscaping could be achieved at the reserved matters stage for the proposed dwelling adjacent to 136 Laund Road, and that the proposed access is acceptable visually. In conclusion, the application is considered to comply with Chapter 12 of the NPPF, Local Plan policies LP1, LP2, LP24 and LP11 and Key Design Principles 5, 12, 13, 14 and 15 of the House Builders SPD.

2. Impact on Residential Amenity

A core planning principle as set out in Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings.

This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan.

“...they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary.”

Principle 6 of the House Builders Design Guide sets out 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.

Principle 7 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

Given the size of the site, it is considered that a suitably designed dwelling which meets the requirements of the Nationally Described Space Standards document could be achieved as well as including a usable area of private amenity space. This would be considered further at the Reserved Matters stage.

In this case, the application is at outline stage with all other matters aside access reserved. Therefore, the impact the proposed development would have on the amenities of the occupants of the neighbouring properties cannot be fully assessed.

However, upon submission at the reserved matters stage, impacts to the immediately neighbouring properties of 136 Laund Road, 134 Laund Road and 4 & 6 Laund Croft would need to be assessed in depth, with regard to potential for overbearing, overbearing or impeding neighbouring privacy. As well as any other neighbouring properties that may be affected following the submission of more in-depth plans.

The proposed routes of access to the site within this application are not considered to pose detriment to the residential amenities of surrounding properties by way of creating significant impacts to overbearing, overbearing or neighbouring privacy.

In summary, officers have concluded that the principal of erecting a dwelling upon land adjacent to 136 Laund Road would be acceptable from a residential amenity perspective, subject to an acceptable design, scale and layout being submitted at the reserved matters stage.

It is therefore concluded a suitably designed scheme could be submitted at Reserved Matters stage which meets the requirements of the aforementioned policies having

The proposed access is considered to be acceptable from a residential amenity perspective and is in accordance with the relevant national and local policies by way of residential amenity.

3. Impact on Highway Safety

As this application seeks outline permission for access, policy LP21 of the Kirklees Local Plan, is relevant. This policy states that: *“all proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users,”* and goes on further to say: *“new development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.”*

Chapter 9 of the NPPF, paragraph 111 outlines that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

The Council’s adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders Design Guide seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Principle 12 of the House Builders Design Guide states that any car parking provision should:

- not dominate street frontages through parking arrangements that place cars at the front of all dwellings and with overly dominant integral garages at the front of dwellings
- be provided in a mix of different formats including on street car parking, parking in mews courts, parking courtyards and under-croft / underground as well as within the curtilage of properties
- 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
- where car parking is accommodated outside the curtilage of dwellings, it should be well-integrated into the street scene with landscaping; discouraging anti-social parking and within the view of properties
- ensure that any garages are set back from the front door of the house or are carefully designed in terms of materials so that they are not the dominant feature; any garage must be large enough to accommodate a large family car following guidance set out in the Highway Design Guide SPD.

Upon formal consultation with KC Highways Development Management, the proposed access was considered acceptable. This is predominately because, the widened access (to 6.5 metres) is sufficient in allow 2 vehicles movement.

The submitted swept path analysis sufficiently demonstrated that vehicles can enter and exit the site in forward gear, from all of the proposed parking spaces and Highways DM considered the submitted visibility splays of 2.4m x 43m in both directions to be acceptable.

However, Highways Development Management have recommended a pre-development condition that requires the sightlines of 2.4m x 43m to be cleared of all obstructions exceeding 1 metre in height, for reasons of highway safety.

It is noted that the access arrangements would create a shared driveway which would allow access to two spaces, with potential that a third space for each dwelling (no.136 and the proposed dwelling) being possible by blocking in the other two vehicles. As such there is potential for up to 3 cars to park off street for both the existing and proposed dwelling.

Policies LP28 and LP34 of the Kirklees Local Plan seek, amongst other things, that sustainable drainage systems are incorporated as part of developments. Therefore, a condition will be included within the decision of this application to ensure that any associated hard surfacing is completed in a permeable material to allow sufficient levels of surface water drainage.

Subject to conditions it is considered that the proposal would have an acceptable impact in terms of access and highway safety in accordance with the aforementioned policies.

4. Other Matters

Climate Change

Principle 18 of the Housebuilders Design Guide 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 application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, it has been considered that the proposed development would have an acceptable impact on climate change, as the new dwelling would be constructed to modern building standards and could be designed to be thermally efficient and include an orientation which supports solar gain. In turn, complying with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

Ecology & Protected Species

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The site is an area of existing amenity space associated with residential property 136 Laund Road, in which is considered to be of low ecological value. Nonetheless, officers consider it necessary to secure ecological enhancement measures are submitted at the reserved matters stage, which can be control via condition. This is to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

The application site lies within the bat alert layer on the Council's GIS system. Although the application site is currently open amenity space in conjunction with 136 Laund Road, as a cautionary measure, a note will be added to the decision notice stating that if bats are found, development shall cease, and advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

5. 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 materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation: Approval
Decision Authorisation - Delegated Powers
Application Number: 2021/93779
Officer Recommendation: Approve

Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Application for approval of all the reserved matter(s) shall be made before the expiration of three years from the date of this permission.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. Development shall not commence until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority: - Layout, Landscaping, Scale and Appearance.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan, Principles 4, 5, 6, 7, 12, 13, 14, 15, 16 and 19 of the Councils adopted House Builders Design Guide, the Council's adopted Highways Design Guide and the policies within Chapters 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework
5. The residential development hereby approved shall not exceed a maximum number of one dwelling.
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.
6. Development shall not commence until the sightlines of 2.4m x 43 metres have been cleared of all obstructions to visibility exceeding 1 m in height which shall be retained free of any such obstruction thereafter.
Reason: To ensure adequate visibility in the interests of highway safety and to accord with policy LP21 of the Kirklees Local Plan, the Council's adopted Highways Design Guide and policies within chapter 9 of the NPPF.
7. The development shall not be brought into use until all areas to be hard surfaced for access and parking have been and out with a hardened

and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking thereafter.

Reason: In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan.

8. The details submitted in respect of landscaping pursuant to Conditions 1 and 2 shall be accompanied by a scheme of details for the provision of ecological enhancement measures at the site outlined in red on the submitted drawing 003. The details shall be provided before the dwelling is first occupied and retained thereafter.

Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Site / Block Layout	2245-D-20-002	-	28.9.21
Location Plan	2245-D-20-001	-	28.9.21
Proposed Site / Block Layout	2245-D-20-003	-	28.9.21
Design and Access Statement	-	-	28.9.21

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 Planning 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. No negotiations took place and no amended plans were sought or submitted.

Report Dated: 29/11/21

