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:	**2022/60/93971/W**
Site Address:	adj, 320, New Hey Road, Oakes, Huddersfield, HD3 4GQ
Description:	Outline application for erection of residential development
Recommending Officer:	Katie Chew

DECISION – Grant 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.

Stuart Howden

AUTHORISED OFFICER

Date: 02-Feb-2023

Officer Report

Site Description

Adj, 320, New Hey Road, Oakes, Huddersfield, HD3 4GQ

The application relates to a small parcel of land which is currently in use as a residential garden for no. 320 New Hey Road. The site benefits from an existing shared access up from New Hey Road, and this access is currently shared by 4 dwellings in total. The application site is surrounded by residential dwellings to the north, south and east.

The application site is not located within a Conservation Area and is not located within close proximity to any Listed Buildings.

Description of Proposal

Outline Planning permission is sought for the erection of residential development. All matters (access, scale, layout, appearance and landscaping) are reserved.

Notwithstanding, indicative plans have been submitted. The submitted details indicate 1 detached medium-sized dwelling, which would be 2 storey in height with an attached single garage. The indicative plans display the dwelling to have a footprint of around 73sqm and a height of approximately 8.8m. 2 off-street external parking spaces are displayed as well as a garage attached to the dwelling. Garden/amenity areas are shown to the front, rear and sides of the property, with no details submitted in regard to materials or the design of the dwelling.

History of negotiations/amendments received

Officers requested the submission of an amended covering letter as the originally submitted letter related to a different application site within the Kirklees District. The applicant's agent has agreed to the pre-commencement conditions attached.

Relevant Planning History

2019/91141 – Outline application for erection of one detached dwelling. Approved 22nd October 2019.

2016/90141 – Outline application for erection of one dwelling. Approved 14th March 2016.

2012/93585 – Outline application for 1 no. dwelling. Approved 15th January 2013.

2008/93224 – Outline application for the erection of 1 detached dwelling. Approved 29th May 2009.

86/04288 – Erection of pair of dormers to front elevation plus external staircase to side elevation. Approved 31st October 1986.

Representations

Final publicity date expires:

Neighbour Letters – Expired 17th January 2023.

3 representations have been received, with 1 comment and 2 objections.

1 comment has been received; this is summarised below:

- Please can you confirm the drainage for this new house? Where is the toilet waste pipe, rain drainage channel going to be installed? How will you ensure that the rain water will not flood into other houses in the area?;

Officer note: The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding) and in an area identified at very low risk from surface water issues. In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert). It is therefore considered that the risk of flooding is low, but driveway details can be conditioned. Further to this, drainage will also be assessed under building regulations.

- Are builders going to pay for any damage made to the shared driveway from large lorries and tracks?;

Officer note: Noted. Unfortunately, this would be a civil matter that would need to be dealt with outside of this planning application should planning permission be granted.

- A 6-foot fence should be installed between the new house and the neighbouring properties;

Officer note: Noted. As this application is for outline permission with all matters reserved no details on boundary treatments have been provided, this information would be required and assessed at reserved matters stage.

- If trees are to be removed this will make other trees unstable and prone to be blown down by strong wings or movement in the ground. Has a survey been done about this?;

Officer note: Noted. The Council's Tree Officer has been consulted on the proposals; their comments can be found under the consultation responses section of this report. The impact upon trees is discussed within the assessment section of the report.

2 objections have also been received in respect of the proposals; these objections are summarised below:

- The dwelling would appear overbearing and have significant impacts on the remaining private amenity space of immediate properties to the east and south.

Officer note: Noted. Residential amenity is discussed in more detail within the residential amenity section of this report.

- Concerns in respect of overlooking from the proposed dwellinghouse.

Officer note: Noted. Potential impacts from overlooking are discussed in more detail within the residential amenity section of this report.

- Concerns regarding the removal of trees and their contribution to the visual amenity of the area.

Officer note: Noted. The Council's Tree Officer has been consulted on the proposals; their comments can be found within the consultation responses section of this report. The impact upon trees is discussed within the assessment section of the report.

- Concerns over rainwater run-off into the garden and down the driveways of nos. 330 and 328 New Hey Road and onto a busy main road. Issues will be exacerbated from the removal of any trees and the introduction of impermeable hardstanding. A more in-depth drainage and attenuation proposal should be required at this early stage or be conditioned prior to any and all work being undertaken.

Officer note: The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding) and in an area identified at very low risk from surface water issues. In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert). It is therefore considered that the risk of flooding is low, but driveway details can be conditioned. Further to this, drainage will also be assessed under building regulations.

- The removal of trees and low-level shrubs and bushes will have an impact on the ecology of the site, an ecology report and bat survey should be condition and measures be taken to prevent any felling, pruning or topping of any trees within the specified nesting season.

Officer note: Noted. Biodiversity is discussed in more detail within the other matters section of this report. Should planning permission be granted a condition will be imposed requiring the submission of an Ecological Design Strategy prior to external site clearance, landscaping or groundworks taking place.

Officer note: We are currently undertaking the legal 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.

Consultation Responses

KC Trees – Comments received 27th January 2023. Object to the proposals as the information shown on the indicative plans is not deemed to be accurate and would in fact result in the loss of an Ash tree in the centre of the site, the trees offer a reasonable level of amenity to the surrounding area and it is visible from the surrounding properties and main road below that there has been no mitigation measures offered that would offset the potential tree loss for this development.

KC Highways Development Management – Comments received 25th January 2023. No objections subject to conditions and informatives relating to surfacing and drainage and the carrying out of works within the highway.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Planning Policy Background

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 within the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP11 – Housing Mix and Affordable Housing**
- **LP20 – Sustainable Travel**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP28 – Drainage**
- **LP30 – Biodiversity & Geodiversity**
- **LP33 – Trees**

- **LP51 – Protection and Improvement of Local Air Quality**

Other Guidance Documents:

- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Highways Design Guide SPD (2019)
- DCLG: Technical Housing Standards – Nationally Described Space Standard
- MHCLG: National Design Guide
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving Well Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

1) Principle of development
1) Impact upon visual amenity
2) Impact upon residential amenity
3) Impact on highway safety
4) Other matters
5) Conclusion

1 – Principle of Development:

NPPF paragraph 11 and Policy LP1 of the Kirklees Local Plan 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 this proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

The Housing Delivery Test results are directly linked to part of the five year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five year supply position. 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.

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 application site comprises of a small plot surrounded by residential dwellings, and whilst the Local Planning Authority appears to be able to demonstrate a five-year land supply at this point in time, it is noted that the development of this plot would contribute to the housing supply in the district.

Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare, and this proposal would be at an appropriate density with that in mind. Furthermore, the application site has a plethora of previously approved applications for residential development upon

this site, with the oldest application dating back to 1986 and the most recently approved application being from 2019, and whilst 'recently expired' this can be attributed weight in the decision-making process (i.e. it is a material consideration).

It is therefore considered that the principle of development is acceptable, on the basis the proposal is concluded acceptable when assessed against all other material planning considerations, including design, visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on Visual Amenity:

The NPPF does offer 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 seeks 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 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…"

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 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."

The application proposal is seeking outline planning permission with all matters reserved. The indicative submitted display show a detached property within a small plot of land. Whilst no details are provided on plan in respect to the number of bedrooms proposed within the dwelling, within the submitted application forms it is indicated that 3 bedrooms are to be provided. The submitted plans also make reference to a dwelling which is two-storeys in height. Off-street external car parking is also displayed for 2 vehicles with, with another space on site within a garage and driveway. Modest garden areas are displayed to the front and sides of the dwelling, with a larger garden/amenity area indicated to rear on the plans.

Firstly, looking at layout and siting of the proposed dwelling Principle 5 of the Housebuilders Design Guide SPD 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.

It is noted that layout is a reserved matter and therefore the plans submitted can only be used indicatively, however given the location of the site, the proposed dwelling would be set behind other dwellings fronting New Hey Road. Whilst the development would technically 'backland' development it is considered that this is acceptable given the pattern of development in the immediate context, and like No.318 which would be next door, it also sits behind dwellings fronting New Hey Road and to the front of No.320 and has a similar plot size to No.318.

The proposed dwelling is shown to be fronting onto the shared access to the north facing towards no. 320 New Hey Road. Although the site is somewhat restricted, alternative layouts could be provided should the dwelling be positioned further to the east within the site, with the garage located on the western boundary. Layout will be assessed in more detail during the reserved matters, but it is considered a dwelling could be sited on the plot without appearing cramped or contrived. Again, it is especially worth noting that the outline permission was granted relatively recently for such development at the site in 2019 and this is a material consideration that should be given weight in the assessment of this application.

Whilst it is acknowledged that the application has scale and appearance as reserved matters, it is important to highlight the below principles from the Council's adopted Housebuilders Design Guide SPD as these will need to be taken into consideration within any subsequent application at the site.

Principle 15 of the above SPD sets out that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and roof types.

Principle 14 goes on to say that the design of the windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

In respect to scale, the dwelling shown on the indicative plans submitted is to be 2-storey in height with a ridge height of approximately 8.8m. Given the proposed location of the dwelling, and design of neighbouring properties it is considered reasonable to require any reserved matters application be no more than two storeys in height, although this would still need to be supported by a section drawing showing the difference in land levels between the proposed dwelling and neighbouring properties nos. 318, 328 & 330 New Hey Road which are located to the south and east of the site. This is in the interests of both visual and residential amenity (discussed in the following section of this report).

In regard to appearance, the dwelling is shown to utilise a pitched roof with a protruding gable elevation to the front. This roof design is reflective of dwellings located to both the north and east which are all located within this cul-de-sac location off of New Hey Road, although no further details have been provided in respect to appearance. It is noted however that whilst dwellings fronting onto the carriageway of New Hey Road are similar in design, those accessed via the private road (nos. 318, 32 and 3222) are each unique in appearance and therefore there is no standard uniform design within the area. Moving on to materials, no details have been provided although officers would suggest the use of natural stone and stone slate roof tiles within the proposed dwelling to ensure that the materials are sympathetic to their surroundings and would not detract from the character and appearance of the area.

Garden/amenity areas are indicated to the front, rear and sides of the dwelling although some details in respect to the retention and removal of trees has been provided on the submitted site plan, it is considered that this information may not be entirely accurate (as discussed within the trees section of this report), and is considered to be minimal, with no information provided in respect of boundary treatments, hard or soft landscaping. That being said, it is considered that a usable amenity space should be able to be achieved for both the existing dwelling (within which the proposal is garden of) and also the proposed dwelling. Further landscaping details, including hard landscaping would need to be assessed at the reserved matters stage.

In conclusion, it is considered that subject to the details provided within the reserved matters application taking account of the issues identified in relation to the scheme shown indicatively as part of this application, the plot could be able to accommodate one dwelling which could be designed so as to contribute positively to the local character of the area. As scale, layout, appearance and landscaping are reserved matters, care would need to be taken to ensure that any future dwelling does not appear overbearing in nature in relation to neighbouring residential dwellings or to constitute overdevelopment of the site. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance. As such, it is considered that a development which meets the policies of Chapter 12 of the NPPF, by contributing positively to the surrounding area, as well as policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan and principles 2, 5, 6, 13, 14 and 15

of the Council's adopted Housebuilders Design Guide could be achieved subject to an appropriately designed dwelling being proposed at reserved matters stage.

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 Housebuilders 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.

The text supporting Principle 6 of the Kirklees Housebuilders Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

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

The current submission is an outline application with all matters reserved, but it can be assessed if a dwelling can be sited on the site without causing undue harm to neighbouring properties. An indicative layout has been provided. An indicative section drawing has also been provided outlining how a two-storey dwelling would appear when viewed in context of adjacent neighbouring properties. Officers do have some concerns that the proposals could appear overbearing or overly dominant within the streetscene and on neighbouring dwellings and therefore something of a smaller scale may be required in this location.

The proposal is for the erection of a detached dwelling on land that is currently used as a domestic garden. Given this, it is acknowledged that the presence of a new building could potentially affect the living conditions of the occupants of existing dwellings nos. 318, 320, 328 and 330 New Hey Road. The residential amenity impact of this development is addressed below.

Impact on no. 318 New Hey Road

This neighbouring property is located to the east of the application site which is a relatively new detached dwelling. The rear elevation of no. 318 faces out towards the south end of the site which as indicated on plan would be the new

dwelling's rear garden area. Whilst the location of windows and doors within the proposed dwelling are not shown on the indicative plans, it is considered possible that any windows installed within the eastern elevation of the dwelling would and could relate to non-habitable rooms such as hallways or W.C's/bathrooms whereby conditions could be implemented to obscurely glaze these windows should overlooking be a potential concern, this will be assessed in more detail at reserved matters stage. In respect to overshadowing, or the proposals appearing overbearing in nature, the submitted indicative plan shows a dwelling positioned to the north of the site and set off from the proposed shared boundary and not directly in line with rear facing windows within No.318. It is likely (subject to matters of scale and layout which will be assessed at reserved matters stage), that a dwelling in this location could be able to be constructed without causing detrimental shadowing or loss of outlook of the rear elevation/amenity space of no. 318 New Hey Road, or appearing overly dominant on this adjacent neighbouring property.

Impact on no. 320 New Hey Road

The development under consideration is to be located within the vicinity of the garden of this neighbouring property. This neighbouring is located to the north-east of the application site, approximately 24m away. In respect to overlooking, given the relatively large separation distance, orientation of both dwellings to one another, that the dwelling would face the driveway and not the rear garden of No.320, differences in land levels and the amount of mature boundary treatment that lies between the site and no. 320, Officers consider that undue harm to No.320 in terms of loss of outlook, overshadowing, or the proposals appearing overbearing in nature on this property.

Impact on nos. 328 and 330 New Hey Road

These neighbouring properties are located to the south of the application site and front New Hey Road, with the dwelling approximately 12-16m away (measured from their rear elevations to the indicative rear elevation of the proposed dwelling). These properties are set at a lower level to the application site, which does increase the possibility for the proposal to appear overbearing and overly dominant. Officers hold some concerns over the proximity of the dwellings to the site, alongside the indicative scale of the dwelling. However, in mitigation, No.330 is at an angle to the indicative position of the dwelling, which would be to the side as opposed to directly sited to the rear. Furthermore, there is noted to be mature vegetation on the boundary; officers consider, based on the currently submitted details, a combination of screening and appropriate building design could suitably mitigate detrimental overbearing and/or loss of privacy or overlooking. It is also worth noting that permission has been granted for such a scheme in 2019 and this is a material consideration which also needs to be given weight. Finally, given that these neighbouring dwellings are located to the south of the site, officers have no significant concerns with regards to overshadowing or the loss of light.

Notwithstanding the above, careful design will be required to ensure the dwelling does not result in any materially harmful overbearing or cause

overlooking upon 328 and 330 New Hey Road. Speculatively, this may necessitate a single storey dwelling or having no habitable room windows to the rear. Nevertheless, on the planning balance, officers do not consider the concerns expressed to be prohibitive so as to justify refusing the application at outline stage (with all matters reserved).

Future amenity of the occupiers

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."*

It is also important to assess the future amenity of occupiers of the proposed residential development. Officers would wish to draw the applicant's attention to the Governments 'Technical Space Standards', which outlines the minimum gross internal floor areas that dwellings of different sizes should achieve. The Council would wish to see the proposals to meet or exceed these minimum floorspaces within any future reserved matters application. It is also noted that should any living accommodation be provided within the roof space of the dwelling(s) any area with a headroom which is less than 1.5m high will not be counted as useable internal floor area.

In addition, the applicant should ensure that all habitable rooms have access to at least 1 window. Nonetheless, Officers consider that a dwelling which is compliant with the NDSS could be achieved at this site.

In terms of external amenity space, it is considered that should 1 dwelling be provided on the site (as indicated within the submitted plans), the proposed garden spaces are likely to be appropriate in both size and location and would have areas which are private and would receive sunlight throughout the day. However, as the proposal is made at outline, this will need to be assessed further within a reserved matters application at a later date, but it is considered an acceptable external amenity area could be devised at a later stage.

In conclusion, the principal of erecting a dwelling upon land adjacent to 320, New Hey Road, could be acceptable from a residential amenity perspective. Any subsequent application should seek to address the concerns raised in relation to the indicative plans.

4 – Impact on Highway Safety:

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above 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.

Whilst access will be formally assessed at reserved matters stage, access would be taken off New Hey Road and from an existing shared driveway. The Council's Highways Officers have been consulted at this stage to provide advice on whether the principle of residential development at the site could be acceptable, and if so, as to what may or may not be acceptable should a subsequent application be submitted. The indicative plan shows a detached dwelling, with the submitted application form highlighting that the dwelling would have 3 bedrooms. The indicative plans also show an attached single garage and driveway.

In this case highway officers raised no concerns with the principle of the proposals as the submitted plans indicate that 2 off-street parking spaces could be provided which is sufficient to confirm to local guidance for a three-bed dwelling. Should the number of bedrooms increase at reserved matters stage, additional parking spaces would be required, and it should be in accordance with guidance in the Highways Design Guide SPD

The proposed access from New Hey Road currently serves 4 dwelling including nos. 318, 320, 322 and 324 New Hey Road. This proposal will result in a total of 5 dwellings being served from an existing shared private driveway. Given the previous approval at the site (application reference: 2019/91141), and that this proposal will result in only 5 dwelling being served by the existing private driveway Highways Development Management have no objection to these proposals and have no wish to resist the granting of planning permission. They do however recommend a condition relating to parking areas being surfaced and drained in accordance with the Communities and Local Government and Environment Agencies guidance, and a footnote relating to works being carried out within the highway.

5 – Other Matters:

<u>Drainage</u>

Policy LP28 of the Kirklees Local Plan and Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework are considered to be relevant in terms of foul/surface water drainage.

Policy LP28 of the Kirklees Local Plan states that the presumption is that Sustainable Drainage Systems (SuDS) will be used to assist in achieving the following on each site:

a) for proposals on greenfield sites, typical greenfield run-off rates should not be exceeded;
b) for proposals on brownfield sites there should be a minimum 30% reduction in surface water run-off where previous positive surface water connections from the site can be proven. New connections will be subject to at least greenfield restrictions;
c) No negative impact on local water quality and improvements in water quality where practicable;
d) Consider whether proposed open spaces and green infrastructure within sites can contribute to the sustainable drainage of the site.

The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding) and in an area identified at very low risk from surface water issues. In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert). It is therefore considered that the risk of flooding is low, but driveway details can be conditioned. Further to this, drainage will also be assessed under building regulations.

Climate Change

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.

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 resilience on sources of non-renewable energy. Proposals should also seek to design water retention into proposals.

Due to the nature of the scheme, it is considered that one electric vehicle charging point should be provided per dwelling to aid in the contribution to climate change. Furthermore, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Trees

Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

The application site hosts a number of mature trees within its parameter. It is acknowledged that the Council's Tree Officer is not supportive of the proposal, noting that the submitted information does not appear to be accurate and would include the loss of an Ash tree within the centre of the site, with no mitigation measures offered to offset the potential tree loss.

Officers understand the concerns of the Council's Tree Officer and the removal of several trees is likely as a result of the proposal, but it should be noted that previous permissions, including one from 2019, have accepted the principle of residential development at the site and site circumstances are not to have significantly changed since this last approval. In addition to this, whilst the trees are considered to be amenity value, this value is localised to the plot and surrounds, and it is not considered that the trees on the site would be worthy of a Tree Preservation order. The majority of trees are also displayed to be retained on the indicative plan and it is considered that a layout can be achieved that results in the retention of a number of trees.

It is considered that further details regarding the retention of trees as well as any mitigation planting can be dealt with at the reserved matters stage.

In principle, subject to a further assessment within any reserved matters application, the development is deemed acceptable at this stage, and complies with Policy LP33 and Chapter 15 of the NPPF.

Biodiversity

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.

Principle 9 of the Housebuilders Design Guide highlights that net biodiversity gains should be provided through good design and considered at an early stage to ensure biodiversity enhancements and habitat creation are incorporated and the function of the wildlife habitat network is safeguarded and enhanced.

Notwithstanding the above, Policy LP30 of the Kirklees Local Plan sets out that development should provide a biodiversity net gain.

The site is a managed garden with mature vegetation. Whilst the Council's Ecologist has not been consulted on this application, they were previously consulted on approved application reference number 2019/91141 at the site, where they stated that the site is of limited ecological value and therefore pre-determination surveys and assessment would not be required. There is considered to be no significant change in site circumstances since then. However, planning policy does seek for all development to secure enhancements for local ecology. Therefore, if minded to approve the application, as with the previously approved application (2019/91141), a condition is to be imposed requiring the submission of an Ecological Design Strategy. This would be required as a pre-commencement condition, given the need to ensure appropriate enhancements are implemented from the start. This is to comply with the aims and objectives of Policy LP30 of the KLP, Principle 9 of the Housebuilders Design Guide and Chapter 15 of the NPPF.

6 - 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 the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Grant Outline Permission

Decision Authorisation – Delegated Powers

Application Number: 2022/93971

Officer Recommendation: Grant Outline Permission

Conditions and Reasons:

1. No development shall be commenced until full details of the access, layout, 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. Plans and particulars of the reserved matters referred to in Condition 3, relating to access, layout, scale, appearance and landscaping of the site, shall be submitted in writing the Local Planning Authority and shall be carried out in full accordance with the approved plans.
   Reason: No details of the matters referred to have been submitted. They are reserved for the subsequent approval in writing of the Local Planning Authority.

5. The residential development hereby approved shall not exceed a maximum of one dwelling that is no more than 2 storeys in height.
   Reason: For the avoidance of doubt as to what is authorised by this permission, to ensure that the development conforms to the approved

outline planning permission, and in the interests of visual amenity and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles 2, 6 and 15 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

6. Prior to external site clearance, landscaping or groundworks taking place, an Ecological Design Strategy addressing ecological enhancement shall be submitted to, and approved in writing by, the Local Planning Authority. The Ecological Design Strategy shall include, but not be limited to, the following:

   a) Purpose and conservation objectives for the proposed works.
   b) Review of site potential and constraints.
   c) Detailed design(s) and/or working method(s) to achieve stated objectives.
   d) Extent and location/area of proposed works on appropriate scale maps and plans.
   e) Type and source of materials to be used where appropriate, e.g., native species of local provenance.
   f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
   g) Persons responsible for implementing the works.
   h) Details of initial aftercare and long-term maintenance.
   i) Details for monitoring and remedial measures.
   j) Details for disposal of any wastes arising from works.

   Prior to the hereby approved development being brought into use, the Ecological Design Strategy shall be implemented in accordance with the approved details. Thereafter all approved features of the Ecological Design Strategy shall be retained in that manner thereafter.
   Reason: In the interest of preserving and enhancing the ecological environment, to comply with the aims and objectives of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

7. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
   Reason: In the interests of highway safety and to achieve a satisfactory layout and adequate drainage, and to accord with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Framework.

8. Prior to the first occupation of the dwelling hereby approved, 1 electric vehicle recharging point shall be installed to serve one of the dedicated parking spaces of the dwelling hereby approved. Cable and circuity ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging point so installed shall thereafter be retained.
   Reason: In the interest of supporting and encouraging low emission vehicles in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapters 2, 9 and 14 of the National Planning Policy Framework.

9. 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 Chapter 12 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: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.

Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: Noisy construction related activities shall not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays
- With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and Specifications Schedule:

Plan Type	**Reference**	**Web ID**	**Date Received**
Location Plan	1895-01	C	9th December 2022
Site Plan	1895-02	C	9th December 2022
Front Elevation Indicative Heights	1895-03	-	9th December 2022
Street Elevation from New Hey Road	1895-05	-	9th December 2022
Covering Letter by Acumen dated 2nd December 2022	HG/JC/1895	-	13th January 2023

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 has, 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 the submission of an amended covering letter as the originally submitted letter related to a different application site within the Kirklees District.

Report Dated: 31/01/2023