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:	**2023/60/90317/W**
Site Address:	84, Longwood Gate, Longwood, Huddersfield, HD3 4US
Description:	Outline application for erection of residential development and formation of a site access
Recommending Officer:	Tom Hunt

DECISION - REFUSED

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

Teresa Harlow

AUTHORISED OFFICER

Date: 24-Apr-2023

Officer Report

Site Description

2023/90317 – 84, Longwood Gate, Longwood, Huddersfield, HD3 4US

The site comprises of a plot of land between No.s 100 and 84 on the northern side of Longwood Gate. It is approx. 438.85 square metres. It is in a residential area compromising of dwellings of a variety of sizes, ages and designs; most recently a new build residential development to its south was formed. The dominant material palette is stone with grey tile construction used on semi-detached or terraced dwellings forming well defined building lines forming strong boundaries to the street. The partially tarmacked site is on raised ground with stone retaining walls to part of the site to its west facing the highway and the ground rises from southwest to northeast towards the rear of the site with trees beyond on the continuing rising land.

Longwood Gate is a Classified C Road C640. The revised red line boundary excludes Urban Greenspace designated land (in green) to the northeast/rear boundary (under reference UG423), see below:

Description of Proposal

Outline application for erection of residential development and formation of a site access

Specifically, the application form states matters to be considered are Access, Layout and Scale with some (appearance and landscape) matters reserved.

The Site Layout Plan shows two detached two-storey dwellings, one with gable end roof and the other with a side gable roof and a central access road between with a turning point to the front of Unit two. Each has a pedestrian pathway to either side of the plot. Unit one is approximately 6.3m width and 8.8m depth with two bedrooms (one first floor room is undesignated). Unit 2 is approximately 8.8m width and 6.3m depth with three bedrooms. Two 'House Type' Plans sets out indicative floor plans and elevations which are not to scale. It has a Supporting Statement.

Materials proposed are natural stone with slate roof and dry stone walling or timber fencing to boundary. Hardstanding is to be permeable concrete block paving for parking and flagged stone to hard surface elsewhere. A stone retaining wall would be erected to the boundary of the UGS and a drystone wall to the front boundary of the properties. A bin presentation point is allocated per dwellinghouse set behind a landscape strip.

History of negotiations/amendments received

Revised plans were requested to exclude the UGS land to avoid being a technical Departure from the development plan under LP61 if refused, and to have a swept path analysis for vehicles. The agent was notified of concerns around layout and overdevelopment.

Relevant Planning History

2001/93403 – Use of Land for Siting of Container and Storage of Builders Materials. Refused.

2002/94497 – Outline application for Erection of 2 no. Detached Dwellings. Conditional Full Permission.
Officer Note: Permitted Development Rights were removed for buildings or extensions within a hatched area covering the UGS in Condition 10 to prevent close overlooking of adjoining property. It did not state UGS as one of the reasons for protecting this land from development.

2006/90006 – Renewal of Unimplemented Outline Application for Erection Of 2 No Detached Dwellings. Conditional Outline Permission.
Officer Note: Permitted Development Rights were removed for buildings or extensions in Condition 12 to preserve the openness and character of the UGS.

2009/90335 – Reserved Matters application for erection of 2 detached dwellings. Approval Of Reserved Matters.

2011/90374 – Extension to time limit for implementing existing permission number 2006/90006 for Outline Application for erection of 2 detached dwellings. Granted.
Officer Note: Permitted Development Rights were removed for buildings or extensions in Condition 6 to prevent overdevelopment of the site and for visual amenity.

2022/90326 – Outline application for erection of residential development and formation of site access. Refused.

Officer Note: It is important to note that these proposals were related to a larger plot of land in comparison to the proposal to be considered. As such, the previous planning applications are not directly comparable to the present outline application.

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: 29/03/2023
Site Notice Expired: 17/03/2023
Publicity expired: 31/03/2023
As a Departure from the Kirklees Local Plan.

One representation has been received Objecting to the proposal; a summary of the comments received is set out below:

- Urban Green Space – potential future encroachment impacting on valued highly biodiverse land
- Highway safety and parking – traffic and speeding
- Vehicle access/parking arrangements offer insufficient room for vehicles and poor visibility
- Closeness to bus stop could present issues to safety of those users

Officer Note: Those matters raised shall be addressed in the assessment as follows.

Following revised site plans and layout, the proposal was not readvertised due to the site access being altered modestly and the revised site plan avoided the UGS land to the northeast. The development would not longer constitute a Departure from Policy LP61 of the Development Plan.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Highways Development Management – Informally consulted. Concerns raised.
- KC Policy – Confirmed status of UGS land as high value land for biodiversity and position with regard to originally proposed garden within UGS land.

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 site is unallocated for development on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 3 – Location of new development**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 33 – Trees**
- **LP 51 – Protection and improvement of local air quality**
- **LP 52 – Protection and improvement of environmental quality**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance

- Highways Design Guide SPD
- Housebuilders Design Guide SPD
- Waste Management Design Guide for New Developments (Oct 2020, v.5)

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 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

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:

The application red line boundary is located in unallocated land and adjacent to Urban Greenspace (UGS) which is also identified within the Kirklees Wildlife Habitat Network in the Local Plan Allocations. The red line boundary was reduced to exclude any land designated UGS within the Development Plan. The impact of the development, general housing policies along with its impact on highway safety, residential and visual amenity and all other material planning considerations will be assessed as part of this application.

Background

It is noted that the site has previously benefited from outline consent for the erection of two dwellings by applications 2002/94497, 2006/90006 and 2011/90374 (extension of time to implement the outline) with a reserved matters approval granted by application, 2009/90335.

The dwellings approved by those applications had similar positions in relation to each unit and a different red line boundary to that now proposed to avoid the UGS. Whilst these applications do appear to have included land that was designated as Urban Greenspace (UGS), planning policies have subsequently changed since the last decision in 2011 with the issuing of the NPPF and Kirklees Local Plan, along with the Housebuilders Design Guide SPD. The previous planning permissions are thus given limited weight in the assessment of this application.

The Kirklees Local Plan also digitised the boundary of the UGS making it clear as to its extent, with the digitised boundary having been through public consultation and public examination as part of the Local Plan process and then being subsequently adopted by the Council. The digitised boundary of the UGS is therefore considered appropriate to use and any dispute about its extent should have been raised as part of the Local Plan process or should be done when the Local Plan is next reviewed.

To clarify, consultation with KC Policy confirmed that the UGS land is still considered of high value in biodiversity. It is also identified as such in Kirklees Council's Open Space Study 2015 (Revised 2016), this larger area of natural/semi-natural greenspace originally merited UGS allocation on the basis of its wildlife value forming part of the Wildlife Habitat Network and its visual qualities contributing to the open hillside character of Longwood Edge supporting the valuable function of this network. It is therefore still required and is not surplus to requirements.

In relation to the representation, any future development of UGS land would have to address satisfactorily LP61 a, b or c which is supported by paragraph 99 of the NPPF and to outweigh the harm to the Kirklees Wildlife Habitat Network and UGS land in order to be permitted.

Due to being sited outside of the UGS, the proposal would have no conflict with LP61 of the Kirklees Local Plan or para. 99 of the National Planning Policy Framework 2021.

Housing supply
Turning to housing supply, the application would provide 2 residential properties and therefore it is appropriate to consider the LPA's overall housing position.

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 development site forms a small plot surrounded predominantly by residential development, though does, in small part, include UGS land as set out previously. 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. 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.

Principle 4 of Kirklees Council's Housebuilders Design Guide SPD also needs to be considered which 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."

The proposal would provide new housing at an appropriate density and can achieve access to the site and. subject to further consideration. appears to comply with LP7 of the Kirklees Local Plan and Principle 4 of the Housebuilders Design Guide SPD.

Design
With respect to design, layout and scale are sought as part of the outline application. A detailed site plan has been provided showing two dwellings either side of a central access, along with indicative drawings of the appearance of the dwellings with materials detailed in the application form, and formal details of the two storey scale of the dwellings.

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."*

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'.*

With regard to the Housebuilders Design Guide SPD, the following principles need to be considered:

- Principle 2 – residential developments will respect and enhance local character, taking cues from the built and natural environment, creating a positive coherent identity and utilising landscape opportunities.
- Principle 5 - Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, enable important views to be maintained to provide a sense of place and protect amenity.
- Principle 7 – integrate green infrastructure and accessible open space
- Principle 8 – Ensure that new developments transition from urban to open land appropriately.
- Principle 9 – ensure that biodiversity net gain is achieved.
- Principle 10 – site layouts ensure effective connections to existing walking and cycling links.
- Principle 12 – ensure that appropriate parking is provided for the development that is well designed.
- Principle 13 – use appropriate materials of construction.

- Principle 15 – ensure that rooflines relate well to a site's context.
- Principle 17 – ensure that new dwellings have access to private outdoor space that is functional and proportionate to the size of dwelling and the character of the local area.
- Principle 18 – proposals should consider how they will contribute to the Councils ambition to have net zero carbon emissions by 2038.
- Principle 19 – details of waste storage and recycling must be incorporated into the design of schemes.

It has been noted that the site is situated within a predominantly residential area with some new development opposite, and is on a Classified C Road.

The proposed layout would lead to the vast majority of the site being hard surfaced with the submitted plan showing that ~361.6 square metres of the ~438.85 square metre site being either hard surfaced or covered by the dwellings themselves within the amended red line boundary, this would represent a hard surfaced area of 82%. The proposals would have a prominent hard surface turning point to the front of Unit two with a dominant access road in between extending to the rear of the site creating an excessive area of hardsurface visually dominating the properties with minimal space for subsequent landscaping in conflict with Principle 5 and 12 of the SPD. Properties in the locality do not have such a large proportion of their outside amenity space hardsurfaced and the proposal would fail to integrate sympathetically with its locality.

Such a high proportion of hard surfacing highlights that the proposed layout would not represent good design and be out of keeping with the character of the local area and also not support a good transition between urban and open land, a requirement of Principle 8 of the SPD.

An indicative street scene elevation plan and sections of the site and how it sits within the local context was not provided. It is therefore not known whether they would be on similarly elevated positions to the street akin to its two-storey neighbouring properties either side or higher ground. Unit one is approximately 6.3m width and 8.8m depth showing on indicative plans that it would be 2 storey height. Unit two is approximately 8.8m width and 6.3m depth showing on indicative plans that it would be 2 storey height. Both are approximately in line with the dominant building line with a setback of approximately 6m from the highway and would be adjacent to two-storey dwellings at elevated positions. It is not known whether the proposed would also have elevated positions in relation to the highway aiding in the new development appearing integrated within the streetscene.

Given that the approximate width of surrounding dwellinghouses is 5.8m, the indicative appearance of unit 1 at 6.3m width would appear moderately wider in width with a gable end frontage appearing at odds with the prevailing side gable/hipped roof design for the general character of the area. The indicative appearance of Unit 2 would appear substantially wider in width at 8.8m width notwithstanding its side gable roof design to adjacent properties failing to integrate satisfactorily. The proposed retaining wall to the rear and its

potential proximity to the unit types would be a concern, it is not known how high the retaining wall would have to be however with a separation distance from rear elevation to the wall measured at 1.1-1.2m approximately, this may appear overbearing and overly oppressive to the occupants.

In addition, it has been noted that both the adjacent properties have front amenity spaces but are on raised ground. However, it is not known whether the proposed would be similarly set out on higher ground or what the dimensions of the boundary treatment would be given that there are no supplied site sections or elevations of the street scene, these could be controlled within details of appearance and landscape. The provided square metre area of the private outdoor space is very limited in functionality, northeast facing and is not proportionate to the expected size of a garden for an equivalent detached dwellinghouse; Officers consider this to be unacceptable and detrimental to Principle 17 of the Housebuilders Design Guide SPD.

Whilst much of the nearby dwellings are two-storey, the proposed height and scale could be supported however this is dependent on what groundworks are proposed, the height of the retaining walls, with substantial design changes to better integrate the proposals; this would need to be addressed in subsequent reserved matters submissions.

The scale, layout and access arrangements for the proposed development with its mostly hardsurfaced layout, access road/parking arrangement in a streetscene of pre-dominantly semi-detached or terraced properties would appear to be incongruous in form to the area failing to integrate sympathetically with the surrounding development.

In conclusion the layout of the proposed dwellings is not considered to be acceptable as it would lead to an overdeveloped and hardsurfaced site which would be out of keeping with the character and appearance of the local area. The layout would also fail to provide sufficient private amenity space for the two dwellings and fail to provide an appropriate transition to adjacent open land. The proposal would therefore fail to accord with Policy LP24 of the Local Plan and Principles 2, 5, 8, 12 and 17 of the Housebuilders Design Guide SPD.

Residential Amenity
The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”* The Housebuilders Design Guide SPD sets out in Principle 6 that new developments should ensure a high standard of amenity for future occupiers.

The closest properties to be potentially affected by the proposal are no.84 to the south east, no. 100 to the north west and no.s 73-81 opposite to the south.

The proposed unit 1 would be positioned ~1.4 metres from the south-eastern gable wall of No. 100, which is blank other than one small window at ground floor serving a W.C.; it is not known whether the dwellinghouse would be on elevated land or not. The use of the room which this window serves is unknown, however given its small size it is most likely a bathroom, landing or secondary window to a room. Whilst it is acknowledged that the layout proposed would overshadow and overbear this window given its small size and most likely secondary or non-habitable use it is not considered that any impact on this window would be detrimental. With regard to other elements of the layout, the dwelling would be broadly located in the same position as no.100 preventing any detrimental overshadowing or overbearing impact.

In terms of the impact on no.84, unit 2 would be located ~0.8-1.3 metres away from the northwest shared boundary and would have no windows to its southeast elevation facing the neighbour. It is noted that there are two first floor windows in no.84 which appear to serve a bathroom and possibly a landing or form a secondary window. Whilst it is acknowledged that the layout proposed would overshadow and
overbear these windows given that they are most likely secondary or non-habitable, it is not considered that any impact on this window would be detrimental. It is noted that the two-storey element to unit 2 would be in line with the building line at front and site set back behind the rear elevation building line of no. 84 and would have a separation of 2.6 metres from the main body of no.84.

With regard to no.s 73-81 opposite to the south, these are approximately 29 metres from the proposed dwellings which is considered to provide sufficient separation distance to prevent any detrimental overlooking, overbearing or overshadowing impact from the dwellings.

The appearance of the dwellings is not known but it is likely that this could provide for appropriate separation between habitable and non-habitable room windows to meet the standard set out in Principle 6 of the SPD. In addition, any future application providing details of appearance would need to be cognisant of internal space standards as referenced in Principle 16. There is no reason to consider these requirements could not be met.

In terms of impact between the two dwellings, it is considered that sufficient separation distances are achieved to not cause any detrimental impact. However as set out in the design section, the level of private amenity space (Principle 17) would be poor and would not be appropriate for the size of dwellings proposed for future occupants.

In conclusion the proposed is considered to have an acceptable impact on existing
residential amenity for the purposes of the outline application. However, the layout and of the dwellings with the proposed access arrangements would provide a wholly insufficient private amenity space for future residents is set out when discounting the layout of dwellings and the proposed access

arrangements. The proposal would therefore fail to accord with Policy LP24b of the Local Plan and Principle 17 of the Housebuilders Design Guide SPD.

Highways Safety
Turning to highway safety, Policies LP21 and LP22 of the Local Plan have been considered along with the KC Highways Design Guide SPD. The policies seek to
ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

The application's latest iteration has also been assessed by Highways DM Officer. The proposal is similar to a previous application for outline approval on the same site 2022/90326 and the Highways Structures Officer was consulted when considering the likely impacts of the retaining wall adjacent to the highway and the substantial ground level changes within the site to the Highways function and safety. In order to ensure safety, it was agreed that this would be secured by planning condition to have cross section information with design and construction details of all retaining walls adjacent to the highway provided. If the access road is to be adopted, a similar pre-commencement condition for the attenuation tank/pipes/manholes' location and design/construction details would be secured by condition, although this is not likely for this scale of development.

The Highways DM Officer was consulted and access to the site is taken via Longwood Gate onto a proposed private driveway. The access proposed offers sufficient width to accommodate two-way vehicle movements at 5.5m width in the access road . A swept path analysis had been supplied indicating how one vehicle would utilise the turning point to the fore of Unit two however it did not indicate swept path analysis for four vehicles (a minimum of two off street parking spaces is required per proposed unit in accordance with the Highways Design Guide SPD). A swept path analysis is necessary to ensure that vehicles are able to park safely should there be cars present within the parking areas. The swept path analysis does not appear to offer a true swept path and it would encroach on a parking area for Unit one should tandem parking occur. The submitted proposal would therefore not offer adequate provision for off street parking and also a forward gear to enter the Classified road which raises Officers concerns over highway safety and parking provision. It is entirely feasible that without hard surface markings and a condition placed on the area to the front of Unit two that it would be utilised as parking for Unit two restricting the free and safe movement of vehicles on and off the highway. The application nominally serves sufficient parking off street for both dwellings however for the reasons above, this would not be supported.

In conjunction with the swept path analysis, visibility splays have been indicated for the site access onto Longwood Gate yet it is not known whether the properties would have an elevated position to the highway or the boundary treatment. This would be required to adequately improve or secure visibility for pedestrians and vehicles on a Classified road and to ensure that comments on speeding and closeness to bus stops are adequately

considered in full in relation to highway safety. As such, 2.4m x 43m sightlines in line with Manual for Streets should be demonstrated as achievable on a suitable plan accordingly. The submitted drawing insufficiently demonstrates a true sightline for the proposal with the 45m line not meeting the carriageway on plans. Thus it has not be demonstrated that safe access and parking arrangements to serve the dwellings can be provided.

Whilst appearance is reserved, the access to and layout of the access road to provide parking spaces, and its turning point to the front of Unit two would create a visually dominant hard surface, appearing to offer parking to the fore of Unit two and would not comply with Principle 5 and 12 of the SPD and cannot be supported.

There are proposed bins stores marked out in plans however provided that the access road is to remain private and not suitable for waste collection vehicles easily enter, this layout should be able to provide a bin collection point adjacent to Longwood Gate but not onto the pavement itself.

Each dwelling has a pedestrian path separate from the private access road which would enhance safety of access and could provide a suitable point where bins could be presented temporarily for collection.

In terms of sustainability, Longwood Gate has two bus stops nearby under 2 minutes' walk away and hosts two low frequency bus routes approximately per hour whereby Huddersfield could be reached within 30 minutes. The site is in a residential area at some distance from town centres, 8 minutes bus or car journey and 24 minutes' walk to the nearest at Paddock Local Centre. The site would most likely be car dependent given the relatively low frequency bus routes and the distance to amenities.

The submitted layout plans demonstrate that within the hardsurface area shown at least two parking spaces to each dwelling could be provided within the site's access road which would be suitable for dwellings with up to 3 bedrooms as set out in the Highways Design Guide SPD. Parking spaces have not formally be set out however they should have a minimum of 2.6m width and 4.3m depth. However it is insufficiently demonstrated, in the swept path analysis, that the turning point could be adequate enough to serve as sufficient for three to four vehicles to safely park positioned to enter the road in forward gear for highway safety. In addition, as previously highlighted, the turning arrangements are predicated on the area to the front of plot 2 not being used for parking.

It would not be sufficient for a waste vehicle to turn within if cars are already parked within the spaces. In addition, it is noted that should the number of bedrooms be more than 3, an additional parking space would need to be provided.

Taking into account all the above, it is considered that the proposed access arrangements would not be acceptable in terms of access to a Classified C

road and its parking contrary to Policies LP21 and LP22 of the Kirklees Local Plan and Principle 12 of the Housebuilders Design Guide SPD.

5 – Other matters:

Environmental Health
The Environmental Health Officer had previously been consulted with on the similar application 2022/90326 on site in relation to air quality and with the site being within contaminated land.

Paragraph 174 of the National Planning Policy Framework states that planning decisions should prevent new development from "contributing to, being put at
unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality".

On small to medium sized developments new developments, this can be achieved by promoting green sustainable transport through the installation of vehicle charging point to each dwelling. This would also comply with the West Yorkshire Low Emissions Strategy Planning Guidance. This can be secured by planning condition.

In relation to contaminated land being proximate to landfill sites 252/9 and 253/9, before development or groundworks commence the actual or potential land contamination risk at the site should be investigated and then submitted to be approved in writing by the LPA. If further investigation is found warranted, then subsequent intrusive investigations will need to be submitted with a remediation strategy to the LPA. This could be secured by planning condition.

Drainage
As set out in the design section, the proposed layout includes extensive areas of hard surfacing at the site which could lead to high levels of surface water run-off. The submitted application form details that this will be disposed of in the mains sewer. Given the high level of surfacing proposed, it would be essential that some form of attention is provided on site and that the parking areas be adequately drained to prevent the local sewer network from receiving such high levels of surface water. However it is considered that this could be controlled by condition to ensure that the development accords with Policy LP28 of the Local Plan.

Ecology
As set out previously, the site is adjacent to Kirklees Wildlife Habitat Network (KWHN), and it would change from being open and vegetated to be predominately hard surfaced. Policy LP30 needs to be considered which seeks to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife

and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.

No ecological information has been provided and whilst the site is predominately hardsurfaced, the area to be developed has some biodiversity value and therefore the proposal could detrimentally impact on biodiversity at the site, which is further exacerbated by the high levels of hard surfacing at the site. Such a loss needs to be compensated for and an overall net gain provided. No information regarding this has been provided, however it is considered that a planning condition could secure sufficient biodiversity net gain.

Climate Change
When determining planning applications the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPD to embed the climate change agenda to achieve 'net zero' carbon emissions by 2038.

As the application is recommended for refusal and matters of appearance are reserved, no further information was sought in support of the application.

6 – Representations:

One representation had been received objecting to the proposal.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development. The layout of the proposed dwelling is not considered to be acceptable as it would lead to an overdeveloped and hardsurfaced site which would be out of keeping with the character and appearance of the local area. The layout would also fail to provide sufficient private amenity space for the two dwellings and fail to provide an appropriate transition to adjacent open land. The access arrangements would fail to supply adequate turning areas for four vehicles and would unduly impact on parking when considering the supplied swept path analysis.

Recommendation **Refuse**

Decision Authorisation - Delegated

Application Number: 2023/90317

Officer Recommendation: Refuse

1. The layout of the proposed dwellings would represent an overdevelopment of the site, including significant areas of hard surfacing which would be out of keeping with the character and appearance of the local area. The layout would also fail to provide sufficient private amenity space proportionate for the scale of the two dwellings and fail to provide an appropriate transition to adjacent open land that falls within Urban Greenspace. The proposal would therefore fail to accord with Policy LP24 a and b of the Kirklees Local Plan and Principles 2, 5, 8, 12 and 17 of the Housebuilders Design Guide SPD and Policy in Chapter 12 of the National Planning Policy Framework.

2. The access for the proposed dwellings and the parking and turning arrangements shown on the submitted layout would be detrimental to highway safety. These would not provide appropriate visibility for vehicles accessing the C-classified Longwood Gate or allow for vehicles for vehicles to enter and exit the site in a forward gear, as indicated in the swept path analysis, if some of the parking spaces were in use. To approve the development would be contrary to Policies LP21 and LP22 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing No. 1.	C	13/04/2023
Proposed Site Layout.	Drawing No. 10 B.	B	20/04/2023
Proposed Elevation and Floor Plans for Unit One.	Drawing No. 11.	A	30/01/2023
Proposed Elevation and Floor Plans for Unit Two.	Drawing No. 12.	A	30/01/2023
Supporting Statement	Supporting Statement by WHpArchitecture. January 2023	Original	30/01/2023

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 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. The applicant was approached regarding the application's likely refusal but wished it to be determined on the

basis of the amended scheme following submission of further details. For the reasons set out as above, the proposal would be unacceptable and would require significant revisions.

Report Dated: 24/04/2023