

**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:	2023/62/91626/W
Site Address:	adj, 275, Longwood Road, Longwood, Huddersfield, HD3 4EL
Description:	Demolition of outbuilding and erection of detached dwelling
Recommending Officer:	Katie Chew

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.

John Holmes

AUTHORISED OFFICER

Date: 15th August 2023

Officer Report

Site Description

Adj, 275, Longwood Road, Longwood, Huddersfield, HD3 4EL

The application relates to a medium sized parcel of land within the curtilage of the existing dwelling at no. 275 Longwood Road and comprises of the existing two-storey detached dwelling, log store, garden/amenity space and detached single garage. The site is accessed via a private drive off Longwood Road to the north-west of the site. Immediately surrounding the site in all directions are mature trees and planting. Further afield to the north, east, south and west are other residential properties.

The application site is not located within a Conservation Area and is not located in close proximity to any Listed Buildings. However, Officers do note that Milnsbridge Conservation Area is located adjacent to the site to the south.

Description of Proposal

The application seeks planning permission for the demolition of an existing outbuilding and erection of a detached dwelling.

The proposed dwelling is to be constructed to the west of no. 275 Longwood Road within the existing garden/amenity area.

The proposed dwelling would be single storey in height and comprises of 2 double bedrooms, shower room, cloakroom, dog grooming/utility and a large open plan kitchen/lounge and dining area. The dwelling is to have a floorspace of approximately 105sqm, and a ridge height of around 3.8m. The building would be constructed from natural coursed stone, vertical wood cladding with a standing seam effect roof and anthracite grey windows and doors.

Parking would be provided to the east (side) of the dwelling for 2 vehicles. Residential amenity areas are proposed to the rear with outdoor seating areas shown to the south of the dwelling.

The proposal, being within the garden/amenity space belonging to no. 275 would result in the loss of a single detached garage and driveway. Whilst no details have been provided in respect to how this is to be mitigated against, Officers do acknowledge that no. 275 already benefits from a large driveway and turning area which appears to be suitable to accommodate the required number of vehicles.

History of negotiations/amendments received

Following comments received from the Council's Ecologist a bat scoping survey was requested alongside details relating to biodiversity net gain and

impacts on the Kirklees Wildlife Habitat Network. No details were provided by the applicant's agent.

Relevant Planning History

There is no relevant planning history at the application site or at adjacent sites.

Representations

Final publicity date expires:

Neighbour Letters – Expired 14th July 2023.

Site Notice – Expired 13th July 2023.

Press Notice – Expired 14th July 2023.

No representations have been received to date.

Officer note: The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being accessed via Public Right of Way HUD/311/10 and being located adjacent to Milnsbridge Conservation Area.

Consultation Responses

KC Trees – Comments received 10th August 2023. Object as no tree survey information has been provided to allow a full assessment of any direct or indirect impacts on the trees within the site.

KC Environmental Health – Comments received 16th June 2023. No objections to the proposals subject to conditions and informatives relating to land contamination, electric vehicle charging points and construction noise.

KC Ecology Unit – Comments received 3rd July 2023. Requests the submission of a Bat Scoping Survey and that the applicant demonstrate how negative impacts to the Kirklees Wildlife Habitat Network are to be avoided and how a biodiversity net gain is to be achieved post-development.

Officer note: Following receipt of the above comments, a Bat Scoping Survey and information relating to the KWHN and biodiversity net gain was requested from the applicant. No response has been received from the applicants' agents, and given the conclusions drawn by officers in respect to the visual amenity of the proposed dwelling and the level of alterations required to make the scheme acceptable, Officers have moved the application to determination. Nevertheless, it is considered that should the above information have been gathered by the applicant, this could be used to support any subsequent planning application or appeal at the site.

KC PROW – No comments have been received within statutory timescales.

KC Environmental Health (Strategic Waste) – Comments received 9th June 2023. No objections. From the information provided by Strategic Waste, it appears the shallow spike surveys carried out in 2003 detected very low levels of methane (CH₄) at the former landfill sites. Nevertheless, landfill gas can still pose a risk if migrated from the former landfill and exists in significant volumes. Environmental Health comments and their suggested contaminated land conditions are considered to be sufficient to address any potential concerns.

KC Highways Development Management – Comments received 7th August 2023. No objections in principle but Highways Officers do request the submission of additional information in respect of sight lines, emergency vehicle access, storage and collection of waste and details of the width and gradients of the existing driveway. Given the conclusions drawn by officers in respect to the visual amenity of the proposed dwelling and the level of alterations required to make the scheme acceptable, Officers have moved the application to determination without the submission of these additional details. Nevertheless, applicant should note that the above information should be provided should any subsequent application be submitted to the Council.

Parish/Town Council

N/A.

Local Ward Members

None.

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 located within a Bat Alert Area, and is partially within the Wildlife Habitat Network, there are also protected trees running along the southern boundary of the site. It is also important to note that the application site is located adjacent to Milnsbridge Conservation area to the south and is accessed partially by Public Right of Way HUD/311/10.

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
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP33 – Trees
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

- Kirklees Highways Design Guide SPD (2019)
- DCLG: Technical Housing Standards – Nationally Described Space Standard
- MHCLG: National Design Guide
- Housebuilders Design Guide SPD (2021)
- 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
- Chapter 16 – Conserving and Enhancing the Historic Environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 – Principle of Development:

NPPF paragraph 11 and Policy LP1 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”.

Although the Local Planning Authority is likely to be able to 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 policies and material planning considerations considered within the following report.

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 the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Taking the above into account, as the site measures 0.2ha, it is deemed that the site could potentially be capable of provided 7 dwellings.

Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

However, given the nature of the site and the general context of the area, it is considered that a higher density of development of the site would likely lead to issues in terms of design, residential amenity and highway safety issues. It is therefore considered reasonable that one dwelling is proposed to be constructed at this site.

In this case, the application site is on land without notation within the Kirklees Local Plan. Given the existing residential use of the site, it is considered that the principle of residential development in this location is acceptable, subject to the assessment of impacts on visual and residential amenity, highway safety and other matters.

2 – Impact on Visual Amenity and Heritage Assets:

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”.

Paragraph 130 of the NPPF is of relevance, in particular the following parts: -

'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change'.

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.

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 Housebuilders Design Guide SPD stats 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.

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.

Principle 6 of the Housebuilders Design Guide SPD highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'.*

In terms of the layout of the proposed dwelling, the plans submitted indicate the dwelling is to front on to the private driveway and is to be stepped back from the northern elevation (side) of no. 275 Longwood Road. Officers hold the view that the siting and layout of the dwelling is generally acceptable however, it is considered that the dwelling should be reduced in size to the south, to ensure that it does not extend out beyond the rear elevation of adjacent neighbouring property no. 275, this is to retain a coherent building line. Furthermore, it is considered that the design of the dwelling which forms an angled bungalow should be revised to provide a more simple and linear property, which is more reflective of its context and the built-up area surrounding the site.

Moving on to the scale of the proposed dwelling, the plans indicate that the property is to be single storey in height and therefore there are no concerns that the dwelling would appear overbearing in this location. However, Officers do have concerns in respect of the size of the footprint of the dwelling, which given the restricted nature of the site, the dwelling appears visually cramped and is considered to represent overdevelopment of the site. Officers would recommend that the footprint of the dwelling is reduced to provide more space around the dwelling, this would assist with ensuring that the dwelling does not appear overly dominant and is more in keeping with the built form and curtilages provided within the immediate area.

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.

In this instance the proposed dwelling would have a standing seam effect flat roof. This design is not considered to be reflective of the site's context, whereby the proposed dwelling would be viewed against a two-storey traditional dwelling which comprises of a mix of pitched, hipped and flat roof designs. Although Officers acknowledge that there is a small element of a flat roof design at the adjacent property, as this is constructed in traditional materials, this appears to blend in with the surroundings more comfortably. However, when viewing the proposed dwelling the standing seam effect roof and overall design of the building is considered to be overly modern and alien in this location. This is discussed in more detail below.

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.

Looking at the proposed windows and doors within the proposed dwelling, large panels of glazing is proposed on the southern and western elevations. Whilst Officers can acknowledge the benefits to having large panels of glazing on the southern elevation in respect to solar gain, these windows are not considered to be sympathetic and would appear as dominant additions when viewed against the adjacent neighbouring property no. 275. Officers therefore recommend that these be scaled back and be more traditionally placed to

ensure that the new dwelling does not overbear or detract from the traditional setting and appearance of the adjacent neighbouring property.

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

The proposed dwelling is to be constructed from a mix of natural coursed stone, vertical wood cladding, a standing seam effect roof and anthracite windows and doors. Whilst the use of natural coursed stone is welcomed, should planning permission be granted a condition would be attached requiring samples of the stone to be submitted to the Council for approval to ensure that it is complimentary to the adjacent neighbouring property no. 275 Longwood Road. Officers do however have concerns in regard to the proposed vertical wood cladding and standing seam effect roof which is considered to be incongruous and not reflective of the locality. Officers would recommend that the dwelling is constructed in natural stone with a slate roof.

Whilst not overly clear on the submitted plans, it appears that garden/amenity areas are to be provided to the rear with a patio area shown. As outlined above, the dwelling is considered to lead to a development which has a cramped appearance of the site in its current form, therefore, should the dwelling be reduced in size a larger amenity space could be provided for the future occupiers. Whilst it is noted that a significant red line boundary is shown within the plans, this includes a large area to the south which is currently occupied by mature protected trees, a more detailed assessment is provided within the trees section of this report, though removal of these trees as part of the proposals or in the near future would not be considered acceptable and a reduced red line boundary would need to be provided to ensure their retention in the event of any grant of permission.

That being said, minimal, information has been provided in respect of boundary treatments, hard or soft landscaping but Officers do consider that a usable amenity space should be able to be achieved for both the existing dwelling (within which the proposal is in the garden of) and also the proposed dwelling.

In conclusion, for the above aforementioned reasons the proposals are not considered to comply with Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 6, 13, 14 and 15 of the Housebuilders Design Guide and Chapter 12 of the NPPF.

Historic Environment

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Section 72 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm”*.

Paragraph 199 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*. This is further supported by paragraph 202 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

In this instance the proposals are located adjacent to the Milnsbridge Conservation Area (located to the south). Whilst Officers do acknowledge this adjacent heritage asset, given the differences in land levels throughout the immediate vicinity, and the mature landscaping adjacent to Lowergate and Bankhouse Road, the site is not clearly visible from public vantage points and therefore any impact on the character and appearance of this Conservation Area is considered to be minimal.

For these reasons it is considered that the proposals would not harm the setting or significance of this adjacent heritage asset and the development is therefore concluded to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

“Maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of 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 occupiers.

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 Housebuilder Design Guide SPD 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.

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

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on 275 Longwood Road

This neighbouring property is located to the east of the application site, approximately 12m away. As the proposed dwelling is to be single storey in height and set back by around 12m, the property is not considered to appear overbearing or overly dominant on this adjacent 2 storey neighbouring dwelling. Furthermore, whilst the dwelling would result in some additional shadowing when compared to the existing detached garage, this would not be for a prolonged period of the day and would still allow for a large portion of no 275's amenity space to remain out of the shadow.

Therefore, Officers deem this to be acceptable in this instance. Whilst it is acknowledged that 2 habitable room windows are proposed within the side (eastern) elevation facing towards no. 275 and therefore there may be concerns in regard to overlooking and the loss of privacy. Officers consider that should planning permission be granted these windows could be conditioned to be obscurely glazed to protect residential amenity and therefore this will not form a reason for refusal in this instance.

Impact on nos. 247-249 Longwood Road

This neighbouring property is located to the north of the application site, approximately 26m away. Given the large separation distances and differences in land levels the proposed dwelling is not considered to raise concerns with respect of overshadowing, overlooking, or the proposals appearing overbearing on this neighbouring property.

Impact on no. 248 Lower Gate

This neighbouring property is located to the west of the application site, approximately 39m away. Given the large separation distances and differences in ground levels the proposed dwelling is not considered to raise

concerns with respect of overshadowing, overlooking, or appearing overbearing on this neighbouring property.

Amenity of future occupiers of the proposed dwelling

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."

Internally the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore officers are content that the proposed dwelling would provide an adequate standard of amenity for future occupiers. In addition to this, all habitable rooms have access to at least 1 window and therefore outlook and natural light are considered to be acceptable.

Finally, in terms of external amenity space, a garden area is proposed to the south of the dwelling with outdoor seating areas shown on plan. Officers consider the proposed outdoor amenity space to be of a suitable size, private, and given its southern location would receive sunlight throughout the day at all times of the year.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Principles 6, 7, 16 and 17 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

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.

The application seeks approval for the demolition of an existing outbuilding and the erection of a detached dwelling at land adjacent to 275 Longwood Road in Longwood. The information provided shows the location of a 2-bedroom detached bungalow together with details of two off-street parking spaces and vehicle turning. Section 3 of the submitted Design and Access Statement notes that the proposed site will share the existing private drive and that an hourly bus service is available, with the closest bus stops being within 10 metres of the entrance to the private drive.

Highway Officers have been consulted on the proposals and conclude that the submitted information is insufficient to allow them to undertake a full assessment of the scheme. Officers therefore request the submission of additional information in respect of sight lines, emergency vehicle access, storage and collection of waste and details of the width and gradients of the existing driveway. Given the conclusions drawn by officers in respect to the visual amenity of the proposed dwelling and the level of alterations required to make the scheme acceptable, Officers have moved the application to determination without the submission of these additional details.

Whilst it is considered likely that this information could be provided should it be requested, the scheme as submitted has not adequately demonstrated that the proposals would prevent any additional harm in terms of highway safety and as such does not comply with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide and Chapter 9 of the NPPF.

5 – Other Matters:

Foul Sewage

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). In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert).

In this instance within the submitted application forms it states that the dwelling is to be served by connection to the mains sewerage system. The Council's Environmental Health team have been consulted and raise no objections to this.

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

Furthermore, Local Plan Policy LP26 refers to renewable and low carbon energy and states that:

'renewable and low carbon energy proposals (excluding wind) will be supported and planning permission granted where the following criteria are met:

a. the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;

b. the proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;

c. the statutory protection of any area would not be compromised by the development;

d. any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;

e. any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits'.

A Climate Change Statement supports the application, this statement notes that the proposed dwelling would have low energy lighting throughout, and insulation levels within external walls, floor and roofing will be maximised wherever possible. Contractors and materials are also to be locally sourced and ordered when needed to avoid waste.

Given the above, it is not considered reasonable to expect any additional information to be submitted in respect of meeting the Council's climate change agenda in this instance. The development would have its energy sources to reduce reliance on sources of non-renewable energy.

Air Quality

In accordance with Government guidance on air quality mitigation outlined within Policies LP24 and LP51 of the Kirklees Local Plan, it is considered reasonable and necessary to seek air quality enhancement as part of this application. Therefore, a condition is recommended to be imposed requiring the provision of an electric vehicle charging point per dwelling within the site.

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. This policy also sets out that where tree loss is deemed to be accepted, developments will be required to submit a detailed mitigation scheme.

To the south of the application site is a heavily landscaped area which includes several mature and protected trees. Whilst the scheme does not appear to require the removal/pruning of any of these trees, Trees Officers consider that the proposals could impact on existing trees both directly and indirectly during construction and once the dwelling is occupied, through increased pressure to prune or fell the trees. As no information has been submitted by the applicant a full assessment cannot be undertaken by the Council's Trees Officers to ascertain what impacts, if any, the proposals would have on the trees and therefore they object to the proposals as the application conflicts with Policy LP33 of the Kirklees Local Plan.

Given the conclusions drawn in respect to the visual amenity of the proposed dwelling and the level of alterations required to make the scheme acceptable, Officers have decided to move the application towards determination. Nevertheless, should a subsequent planning application be submitted to the Council, it is recommended that the applicant reduce the red line boundary to remove the heavily landscaped area to the south. This is both to ensure that the mature planting is protected in future, and to allow for a more suitably sized residential curtilage to be provided, protective fencing should also be imposed to ensure that the trees to be retained within the site are protected during any construction works.

Contaminated Land

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

The Council's Environmental Health Officers were consulted on the application, whereby they highlighted that their records indicate the site of the proposed development is close to former quarries which may have been infilled and a former landfill site (site refs: 283/9 80m E, 277/9 220m N and 285/9 190m N). In order to protect the amenity of future occupiers they recommend conditions in relation to contaminated land. The implementation of these conditions is deemed to be sufficient to comply with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF. However, given the conclusions drawn by Officers on the development as a whole, confirmation has not been sought from the agent to agree the recommended pre-commencement conditions in writing.

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.

Given the sites location within a Bat Alert Area and the existing mature trees located on site the Council's Ecology Officer was consulted. They requested the submission of a Bat Scoping Survey of the trees on site. Further information was also requested in respect of the applicant demonstrating how

negative impacts to the Kirklees Wildlife Habitat Network are to be avoided and how a biodiversity net gain is to be achieved post-development.

Following receipt of comments from the Council's Ecology Officer, a Bat Scoping Survey and information relating to the KWHN and biodiversity net gain was requested from the applicant. Whilst no response has been received from the applicants' agents, and given the conclusions drawn by officers in respect to the visual amenity of the proposed dwelling and the level of alterations required to make the scheme acceptable, Officers have decided to move the application towards determination.

Whilst such detail may be possible to provide it is considered necessary that any refusal also includes a reason relating to the fact that there is not the submission of the necessary information in this regard.

The proposals are therefore considered to not comply with the aims and objectives of 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 not constitute sustainable development and is therefore recommended for refusal.

Recommendation:

Refuse.

Decision Authorisation – Delegated Powers

Application Number: 2023/91626

Officer Recommendation: Refuse.

Reasons for Refusal:

1. The proposed dwelling, by reason of its siting and modern design, would introduce an unsympathetic, incongruous and cramped form of development that would result in an overdevelopment of the site. This would have a detrimental impact on the visual amenity and character and appearance of the local area and the traditional setting of no. 275 Longwood Road. The proposal would therefore be contrary to Policies LP1, LP2, LP11 and LP24(a) of the Kirklees Local Plan, Principles 2, 5,

6, 13, 14 and 15 of the Housebuilders Design Guide Supplementary Planning Document and policies within Chapter 12 of the National Planning Policy Framework.

2. In the absence of the submission of information relating to whether there are potential impacts to nesting birds and roosting, commuting and foraging bats during and post-development, how negative impacts to the Kirklees Wildlife Habitat Network are to be avoided and a how a biodiversity net gain is to be achieved post-development, a full and proper assessment of the impact of the development upon bats, birds, the Wildlife Habitat Network and Biodiversity cannot be undertaken contrary to Policy LP30 of the Kirklees Local Plan, Principle 9 of the Council's adopted Housebuilders Design Guide SPD and also policies within Chapter 15 of the National Planning Policy Framework.
3. In the absence of the submission of a Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement, or details of existing and proposed land levels, a full and proper assessment of the impact the development upon mature and protected trees to the south cannot be undertaken contrary to Policies LP24 and LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
4. Insufficient information has been submitted regarding access into the site in respect of sight lines, emergency vehicle access, storage and collection of waste and details of the width and gradients of the existing driveway. Without this information, it has not been demonstrated that a safe access exists or could be provided. The proposal is therefore contrary to Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principles 12 and 19 of the Housebuilders Design Guide Supplementary Planning Document.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Location Plan	LOC	-	2 nd June 2023
Existing Site Plan	(100) 01	-	2 nd June 2023
Site Plan & Site Section	(100) 02	-	2 nd June 2023
Ground Floor Plan as Proposed	(100) 03	-	2 nd June 2023
Elevations as Proposed	(100) 04	-	2 nd June 2023
Indicative 3D Views	(100) 05	-	2 nd June 2023
Design & Access Statement – Supporting Information	2847		2 nd June 2023

Climate Change Statement Supporting Information –	-	-	2 nd June 2023
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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. Following comments received from the Council's Ecologist a bat scoping survey was requested alongside details relating to biodiversity net gain and impacts on the Kirklees Wildlife Habitat Network. No details were provided by the applicant's agent.

Report Dated:

10/08/2023