

**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:	<b>2023/62/92340/E</b>
Site Address:	adj, 124, Hartshead Lane, Hartshead, Liversedge, WF15 8AJ
Description:	Erection of 2 detached dwellings
Recommending Officer:	Nicole Helliwell

**DECISION - REFUSE**

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date:** 24 November 2023

## **Officer Report**

### **Site Description**

The application relates to a parcel of land adjacent to 124 Hartshead Lane, Hartshead, Liversedge. The topography changes from north to south and the site is accessed via Hartshead Lane. The majority of the site is unallocated on the Kirklees Local Plan and is located within an established residential development, however, the southern area of the site allocated as Green Belt. The surrounding area is characterised by predominately stone built dwellings of varying ages, sizes and styles. The site is not within a conservation area, nor are there any Public Rights of Way (PROW) within close proximity. However, the site is located close to 119, 120 and 121 Hartshead Lane, a group of Grade II listed buildings.

### **Description of Proposal**

The applicant is seeking permission for the erection of two detached properties which would be located north of the application site. The submitted plans confirm that the dwellings would be separated from each other by a distance of approximately 3m. Plot 1 would be located west of the site and would have a width of approx. 12.85m, a depth of approx. 10.25m and an overall height of approx. 8.06m due to changes in topography. Plot 2 would be positioned east of the site and would have a width of approx. 12.9m, a depth of approx. 15.05m and an overall height of approx. 8.27m due to changes in ground level. The proposed dwellings would be predominately constructed in coursed stone with Plot 2 also featuring chalk render and would incorporate a dual pitched roof finished in greys artstone slates. Off road parking is proposed to the front of the development and areas of private outdoor amenity space would be provided to the rear which would be enclosed by a 1.2m high post and rail fence and the existing drystone wall.

### **History of negotiations/amendments received**

No amendments or additional plans have been sought or received during the course of the application.

### **Relevant Planning History**

- **2022/92155**: Erection of one detached dwelling. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2020/91835**: Discharge conditions 3 (materials), 9 (drainage), 10 (boundary treatment) on previous permission 2019/91438 for erection of detached dwelling with integral garage. [Planning application details | Kirklees Council](#) – Discharge of Condition(s) Approved

- **2019/92343:** Erection of extension over existing garage and external alterations including rear patio and porch. [Planning application details | Kirklees Council](#) – Conditional Full Permission

### **Representations**

The application was publicised by site notice, press advertisement and neighbour notification letters, which expired on 10<sup>th</sup> October 2023. As a result of the above publicity, no representations have been received.

### **Parish/Town Council Comments**

Not Applicable.

### **Local Ward Members**

Not Applicable.

### **Consultation Responses**

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

KC Conservation & Design – Objection

KC Environmental Health – No objections subject to recommended conditions

KC Ecology – No objection subject to recommended conditions

KC Highways Development Management – No objection subject to recommended conditions

### **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 27<sup>th</sup> February 2019).

The site is predominately UNALLOCATED on the Kirklees Local Plan, however, the southern area of the site is located within the designated Green Belt. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land and Buildings
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking

- **LP 24** - Design
- **LP 26** - Renewable and Low Carbon Energy
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 35** - Historic Environment
- **LP 51** - Protection and Improvement of Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 58** - Garden Extensions

### **National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 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 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 13** - Protecting Green Belt Land
- **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

### **Other Guidance Documents:**

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards
- National Design Guide
- 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)

## **Assessment**

### **1. Principle of Development**

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

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 2023 up-date of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF Paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost 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 proposal seeks to erect two detached properties within Liversedge and would assist in meeting the housing needs of the Council. This would be ‘in line’ with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

The application site is located in close proximity to 119, 120 and 121 Hartshead Lane, a group of Grade II listed buildings. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is also mirrored in Chapter 16 of the National Planning Policy Framework and LP35 of the Kirklees Local Plan.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

## **2. Impact on Green Belt**

The southern area of the site is located within the designated Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP58 and Chapter 13 of the NPPF.

Policy LP58 of the Kirklees Local Plan states *“proposals to change the use of land in the Green Belt to a domestic garden will not normally be permitted. Where it can be shown that very special circumstances exist*

*that would warrant allowing the proposal, consideration will need to be given to the following;*

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

In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect.

The southern portion of the site is located within the Green Belt. This, however, currently forms the curtilage of Sherwood and aerial photos demonstrate that this has had the established character of a residential garden for a period in excess of 18 years, with pre-1980 historic maps consistent with this. As such, the use of this part of the site as garden to serve the new dwellings would not amount to a material change of use. It would be reasonable and necessary to impose a condition, should permission be granted, removing permitted development rights for the erection of outbuildings within the red line boundary in order to preserve the openness of the Green Belt, in accordance with guidance contained within Chapter 13 of the NPPF.

### **3. Impact on Visual Amenity and Historic Environment**

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Kirklees Local Plan Policies LP1, LP2 and LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning

documents such as design guides and codes. Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 202 of the NPPF goes on to state that:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

The proposed dwellings would be two storeys in height and would be predominately faced in coursed stone which would harmonise well with the surrounding townscape. The plans confirm that the single storey element at Plot 2 would also incorporate chalk render. Whilst this would introduce a contemporary addition, this would reflect the appearance of the adjacent dwelling (Sherwood) and would be acceptable in this regard. Furthermore, the dwellings would also incorporate a dual-pitched roof finished in Greys Artstone Slates. Although the design would not be entirely in keeping with

the neighbouring properties, it is considered that the material palette would be appropriate to the context of the site.

The proposed dwellings would not adjoin to an existing building line on site. They would be set forward of the existing dwelling (Sherwood) and would be set a considerable distance behind 120 Hartshead Lane, however in line with the recently approved and built dwelling to the east of No.124. With regard to footprint and massing, the proposed dwellings would not be out of keeping with the neighbouring properties given that there is already a degree of variation with regard to design.

Details of the proposed boundary treatments have been provided with the application. The submitted plans confirm that a 1.5m high close-boarded timber fence would be erected along the boundary between the existing and proposed dwellings and 1.2m high post and rail fencing would be erected along the remainder of the boundaries. Furthermore, the existing dry stone walls along the western and southern boundaries of the site would be retained. Notwithstanding these details, in the interest of visual amenity and to ensure that a satisfactory appearance of development is achieved upon completion, a condition will be imposed requiring details of the position, height, and materials of all boundary treatments to be submitted to and approved in writing by the Local Planning Authority before development commences. A condition will also be added requiring a landscaping scheme to be submitted, should be application be approved.

The proposed dwellings would be located on the outside of the settlement of Hartshead. To the immediate west of the site is 120 Hartshead Lane, a Grade II listed property and to the north-west, are 119 and 121 Hartshead Lane, a pair of Grade II listed dwellings.

The proposal is for the erection of two detached dwellings to the immediate east of Grade II, 120 Hartshead Lane. When considering the setting of 120 Hartshead Lane, it is evident that the development of existing dwelling (Sherwood) did impact on the setting of the listed asset. However, given the placement of the building in the 1950's, the sense of openness and connection to the rural aspect was retained. It is also noted that the additional recent development further east of the site has impacted upon the character of the area and the setting of the listed buildings.

The proposed development would appear cramped which would have a detrimental impact on the setting of 120 Hartshead Lane. The proposal would threaten the sense of openness and the ability to fully appreciate

120 Hartshead Lane. Furthermore, due to its proximity to the Grade II Listed building, the proposals would be adding to this creeping development. Although it is noted that there will be some impact on the setting of 119 and 121 Hartshead Lane, this would be limited.

Whilst it would be possible to erect Plot 2 as previously approved (2022/92155) given that this would have a lesser impact on the setting, KC Conservation and Design would still retain an objection to the development of Plot 1. It appears that the proposal would be trying to shoehorn development which would have a cumulatively harmful impact on the setting of 120 Hartshead Lane. Whilst the degree of harm caused is judged less than substantial, it has not been demonstrated that this would be outweighed by a public benefit

On this basis, it is considered that the proposal would detract from the character and appearance of the Grade II listed building and would fail to accord with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of Section 66 the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

On this basis, it is considered that the proposal would detract from the character and appearance of the Grade II listed building and would fail to accord with Policies LP24(a) and LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF, Principle 2 of the Kirklees Housebuilders Design Guide SPD and the requirements of Section 66 the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

#### **4. Impact on Residential Amenity**

Section B and C of LP24 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 users.

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

The SPD also provides advised separation distances for two storey dwellings:

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

The submitted plans confirm that no properties located to the rear of the application site would be affected by the proposed works.

#### Impact on 120 Hartshead Lane

120 Hartshead Lane is a Grade II listed property located west of the application site. The plans confirm that the proposed dwellings are set back approximately 18.8m from the neighbouring property and would not directly face one another. Therefore, given the offset relationship between the properties, it is considered that the proposed dwellings would not cause any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

#### Impact on 123, 125, 127 and 129 Hartshead Lane

123, 125, 127 and 129 Hartshead Lane are a row of terraced properties located north of the application site. The submitted plans confirm that a separation distance of approximately 42m would be retained between Plot 1 and the neighbouring dwellings. Furthermore, it is noted that approximately 42.1m would be maintained between Plot 2 and the neighbouring properties. Therefore, officers are satisfied that the proposal would not cause any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

#### Impact on 124 Hartshead Lane

124 Hartshead Lane is a two storey detached property located east of the application site and would be orientated towards the proposed dwellings. The submitted plans confirm that the Plot 2 would be positioned approximately 1.25m from the common boundary shared with no.124. It is noted that the neighbouring property contains fenestration at ground and first floor level within its side elevation. The approved plans relating to planning application reference no. 2019/92343 confirm that the neighbour's ground floor windows would serve a utility and a kitchen and the first floor windows serve a master bedroom, dressing room, ensuite, bathroom and bedroom 4. Although some of the windows would serve habitable rooms, the plans confirm that the fenestration within the side

elevation would be of secondary use and therefore would not warrant the same protection. Therefore, it is considered that there would be no significant harm with regard to loss of light and overshadowing. Furthermore, the dwellings would be of a similar height and are not considered to be overbearing. For these reasons, it is considered that any impact would be minimal and would not be so significant to warrant a refusal.

#### Impact on 133 Hartshead Lane

133 Hartshead Lane is a two storey detached property located north of the application site. The plans confirm that Plot 2 would occupy a position approximately 43.8m from the front elevation of no.133. Given that the separation distance retained would be substantial, it is considered that there would be no significant detrimental impact on the amenity of 133 Hartshead Lane as a result of the proposed development.

It is considered that once occupied the dwellings are unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process. Therefore, should the application be approved, a footnote will be imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 130 (f) of the National Planning Policy Framework.

#### **5. Impact on Residential Amenity of Future Occupiers**

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

*'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.*

National described space standards require the following gross internal floor area for a two storey dwelling:

- 3 Bedroom, 4-person dwelling set over 2 storeys - 84 square metres
- 3 Bedroom, 5-person dwelling set over 2 storeys - 93 square metres
- 3 Bedroom, 6-person dwelling set over 2 storeys - 102 square metres

The proposed floor plans show that both dwellings would have three bed spaces and therefore are required to have an internal floor space of 84m<sup>2</sup>. Plot 1 would have an internal floor space of 179m<sup>2</sup> and Plot 2 would have an internal floor space of 240.6m<sup>2</sup> which would exceed the guidance for a two storey dwelling. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, areas of private outdoor amenity space are proposed to the rear and off road parking would be located to the front of the dwellings. For these reasons, it is considered that the proposal would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers in accordance with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 130 (f) of the National Planning Policy Framework.

## **6. Impact on Highway Safety**

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application is for the erection of two detached dwellings at land adjacent to 124 Hartshead Lane. As such, KC Highways Development Management have been formally consulted as part of the application, as the proposal would intensify the domestic use at the site.

The application site is located on land south of Hartshead Lane and is currently part of a substantial garden to the existing dwelling at 124 Hartshead Lane. The proposed site plan shows two detached dwellings, plots one and two on land to the west of the existing dwelling. The proposals now show each of the proposed dwellings to have driveways 4.5m wide at the access. Plot 1 has an attached single garage and plot 2 has an attached double garage, both have sufficient space in front to allow for additional off-street parking. Given the previous permission and that sufficient off-street parking is shown to be provided, these proposals are considered acceptable to Highways Development Management.

Principle 19 of the Housebuilders Design Guide SPD outlines how provision for waste storage and recycling should be incorporated into the design of new developments. The submitted plans demonstrate that waste Storage and collection points will be provided, which are considered acceptable.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

## **7. Other Matters**

### 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.

The proposal is for the erection of two detached dwellings. To ensure it contributes positively to mitigating the impact of climate change and air quality, a condition will be added to the decision notice should the application be approved requiring electric vehicle recharging points be provided within the site for the future occupants of the dwelling. This is to comply with the aims of Policies LP24 and LP51 of the KLP and Chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

### Contaminated Land

This site has been identified on our mapping system as potentially contaminated land due to the presence of an historic sandstone quarry circa 180m SE (our site ref:78/4) and an historic sewage works in a similar location (our site ref: 77/4), the quarry appears on the 1955 map as being used as a refuse tip. In light of the above, KC Environmental Health

recommend contaminated land conditions to demonstrate that all potential contaminated land and ground gas risks have been fully assessed at the proposed site.

#### Construction Noise

There is a potential for loss of amenity to the occupiers of nearby properties from noise and vibration from the construction phase of the development. Therefore, it is necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

#### Drainage

Policy LP28 of the KLP establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The applicant states in the application form that the surface water is to be discharged via a soakaway; however, no supporting justification has been provided to confirm that the hierarchy of drainage solutions has been considered. In this instance, it is considered reasonable to impose a condition requiring the drainage strategy for the site to follow the hierarchy of sustainable drainage, in accordance with Policy LP28 of the KLP.

#### Ecology

An Ecological Impact Assessment (EclA) has been submitted with the application. Overall, the habitats were not considered to be of greater than site level importance to nature conservation. The assemblage of species which use the site was not considered likely to be of greater than site level importance to nature conservation. A biodiversity net gain assessment has been included within the submitted EclA, using the DEGRA Metric 4.0. The development is projected to result in a net gain of 0.24 Habitat Units (a 23 % gain), with a gain of 1.54 Hedgerow Units (no existing hedgerow on site). Therefore, KC Ecology have no objections to this application, however, a condition has been recommended to ensure that biodiversity net gains at the site are achievable, in line with the recommendations in section 6.4 of the submitted EclA.

There are no other matters considered relevant to the determination of this application.

### **8. Representations**

No representations have been received following the statutory publicity.

### **9. 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 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. Therefore, the application is recommended for refusal.

**Recommendation: Refusal**

**Decision Authorisation: Delegated Powers**  
**Application Number: 2023/92340**

**Officer Recommendation: Refuse**  
**Reasons for Refusal**

1. The cumulative impact of the proposed development by virtue of its location, scale and layout would materially detract from the character and appearance of 120 Hartshead Lane, a Grade II listed building. Whilst the degree of harm caused is judged to be less than substantial, it has not been demonstrated that this would be outweighed by a public benefit. The proposal is therefore contrary to the aims of Policies LP24(a) and LP35 of the Kirklees Local Plan, Principles of the Kirklees Housebuilders Design Guide SPD and Chapter 16 of the National Planning Policy Framework.

**Plans and specifications schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Location Plan	-	-	16/08/2023
Proposed Plans & Elevations (Plot 1)	17-017-46	-	16/08/2023
Proposed Plans & Elevations (Plot 2)	17-017-47	-	16/08/2023
Block Plan	-	-	16/08/2023
Proposed Site Plan	17-017-SP02-3	D	16/08/2023
Ecological Impact Assessment	MBE/ECO/2023/10/01	-	16/08/2023
Heritage Statement	TJC2023.69	3.0	16/08/2023
Planning Statement	-	-	16/08/2023

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. It was considered that no amendments could be made to overcome the reason for refusal outlined above.

**Dated: 21/11/2023**

