Originator: Nina Sayers

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Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 31-Oct-2024

Subject: Planning Application 2024/91202 Erection of eight dwellings with associated access and external works Land off, Marsh Lane, Shepley, Huddersfield, HD8 8AS

APPLICANT
Halstead Homes

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
29-Aug-2024	24-Oct-2024	26-Sep-2024

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

Public speaking at committee link

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Kirkburton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

1) Biodiversity – Contribution towards off-site measures to achieve biodiversity net gain.

In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

1.1 This application is brought to the District-Wide Planning Sub-Committee due to receiving a significant number of representations contrary to the officer recommendation, as per the Council's Scheme of Delegation. Through the initial notification process, 43 representations were received, 41 in objection and 2 general comments. Following the re-advertising of the application, 24 representations were received, 23 in objection and 1 as a general comment.

1.2 This application is brought to the District Wide Planning Committee due to receiving a significant number of representation contrary to officer recommendation in accordance with the Council's Scheme of Delegation

2.0 SITE AND SURROUNDINGS:

2.1 The site relates to a plot of land to the rear of 119 – 129 Marsh Lane which is accessible off Marsh Lane, adjacent to nos.127 and 129. The site comprises a grassed area of land which abuts open green fields to the south and residential boundaries to the north. There are no existing structures on the site.

2.2 The site is unallocated within Kirklees Local Plan, however it is noted that the site is directly adjacent the Green Belt boundary. There are five mature trees along the southern boundary of the site which are covered by Tree Preservation Orders.

3.0 PROPOSAL:

3.1 The application is seeking permission for erection of eight dwellings with associated access and external works.

3.2 The proposed dwellings would consist of one pair of semi-detached dwellings and six detached dwellings. One detached dwelling (plot 1) would be located fronting Marsh Lane adjacent to no 129 Marsh Lane. The other dwellings would be located within the site in an L-shape orientation with an internal estate road providing access and turning.

3.3 The proposed dwellings vary in terms of design but are primarily two-storey, pitched roofed structures with gable end features. A number of the properties have contemporary glazed features incorporated into the design. The dwellings would be finished in natural stone walls, under slate roofing. Some of the properties have aspects of darker timber and aluminium cladding and glazed features.

3.4 All the properties have off-street parking provided and plots 5-9 also have either a detached or integral garage.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2017/94299 Outline application for erection of 3 detached dwellings. Conditional Outline Permission.

2017/90272 Outline application for erection of residential development (2 dwellings). Conditional Outline Permission.

2000/93239 Outline application for erection of 2 dwellings. Refused.

99/91477 Erection of 4 no. Detached houses with garages. Conditional full permission.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 On receipt of the plans as originally submitted, officers raised concerns regarding the density of the proposal and the scale of the houses in comparison to the existing built form. They also raised concerns regarding the amenity space of some of the dwellings, particularly those to the southern boundary. Amended plans were received which incorporated one pair or semi-detached dwellings, on a similar footprint to initially proposed detached dwellings which increased the number of dwellings from 7 to 8.

5.2 Officers raised concerns regarding the internal road layout and requested that it was demonstrated that refuse vehicles could turn within the site. An amended Transport Plan was received.

5.3 It is noted that there is a mature tree with a TPO which has not been included within the submitted arboricultural information. Updated arboricultural information was requested but none has been provided.

5.4 The applicant submitted a statement in response to the representations received which addressed the concerns raised in public representation.

5.5 The application was re-advertised via neighbour notification letters and online following the above changes and further fees were requested and secured.

6.0 PLANNING POLICY:

6.1 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).

Kirklees Local Plan (2019):

6.2 LP1 – Achieving sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP7 – Efficient and Effective Use of Land and Buildings
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP30 – Biodiversity and Geodiversity
LP33 – Trees
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

6.3 Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and alterations and open space, to be used alongside existing SPDs previously adopted. They are now being considered in the assessment of planning applications, with full weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note
- Highways Design Guide SPD
- Housebuilders Design Guide SPD

National Planning Guidance:

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport

- Chapter 11 – Making efficient use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by neighbour notification letters and online. Final publicity expired on 4th September 2024.

7.2 43 representations were initially received, 39 in objection and 2 as general comments. They raised the following comments:

- Site was previously green belt
- Previous applications were for smaller development
- Detrimental to outlook and amenity of neighbouring properties
- Site is agricultural and used for crops, not vacant
- Zinc sheet is more industrial than residential and not in keeping with the surrounding area
- Highway safety issues
- Bus service is infrequent so development will rely on cars
- Smaller houses are needed, not the size proposed
- Too many houses in Shepley already
- Houses are disproportionately large
- Intrusive and invasion of privacy
- Attempt to deceive planners by using old photos
- Significant glazing to the rear of neighbouring properties
- Block natural light
- Negatively impact on air quality, services and schools
- Lessen the value of existing houses
- Look unsightly
- More traffic in the village
- Impact on wildlife and trees
- Environmental impact of houses on green field
- Further houses are planned above the initial 7
- Other development in the area remains unsold
- Increase in noise, air pollution, light pollution, drainage
- Not enough parking provision
- Request for drainage information
- Speed bumps on Marsh Lane would be welcomed
- The area of proposed internal road could be used as access onto the land to the south in the future - do not want to see land within blue line developed in the future
- Reduce the number of houses and make them affordable
- Not a need for larger family homes
- Doctors surgery is at capacity
- Smaller houses needed
- Internal road not wide enough
- Tree missing on the Tree Survey
- Plans do not include conservatory at adjacent property
- 107a Marsh Lane missed off site plan
- Tree missing on plans and Tree Survey
- Previous application refused on highway safety grounds for less dwellings

- Visibility splay not achievable
- Only one visitor space - doesn't comply with Highways Design Guide
- Queries the LLFAs response as the slight slopes
- Does not meet 10.5 separation between plots 4-7 and undeveloped land
- garden space is small and not in keeping with the character
- Transport Statement refers to 8 homes and a different applicant
- Ground nesting birds
- What school would the residents attend?
- Not consistent with pre-app advice
- Farmer uses the site to access the field to the rear

7.3 The application was readvertised following amended plans being received, and an additional 24 representations were received, 23 in objection and 1 as a general comment. They raised the following additional comments:

- Nine dwellings would be too cramped
- Increases the density
- New semi-detached dwellings would be significantly taller - three stories
- Trees not included on plans
- Bins would attract flies
- Need updated additional information to include 9 dwellings
- Additional traffic
- Impact on existing residents - overlooking and overshadowing
- Number of dwellings should be reduced
- Pressure on schools and nurseries and GPs
- Black cladding will be an eyesore
- Detrimental impact on wildlife
- Large detached dwellings only which young people can't afford
- Impact on protected trees
- Existing homes struggling to sell
- affordable homes are required
- A new application should have been submitted
- Agent/Applicant have not consulted with the neighbours
- Stone posts for visibility are within third party land
- Increasing demand for electricity
- previous objections still stand
- Question whether the road would be suitable for adoption
- Additional direct access onto Marsh Lane
- Potential for plot 2 to install boundary treatment which would restrict visibility
- Concerns regarding drainage
- More hardstanding along Marsh Lane
- Small gardens

7.4 These comments will be addressed in section 10.50 and 10.51 of this report.

8.0 CONSULTATION RESPONSES:

These comments are based on the most recent plans submitted:

8.1 KC Highways Development Management – No objections subject to condition.

8.2 KC Environmental Health – No objections subject to condition.

8.3 KC Ecology – No comment received.

8.4 LLFA – No objections subject to condition.

8.5 KC Trees – No objections subject to condition.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development

10.1 NPPF paragraph 12 and Policy LP1 of the Kirklees Local Plan outlines 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.

10.2 The dimensions of sustainable development will be considered throughout the 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.

10.3 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.

10.4 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%)

10.5 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, 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.

10.6 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 officer's assessment below.

10.7 Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate twelve dwellings. Eight dwellings are proposed in this instance.

10.8 Initially seven dwellings were proposed however, officers had concerns that the development was providing solely large detached dwellings and requested a greater variety. The detached units were subsequently amended to semi-detached dwellings to increase the density without significantly changing the footprint or layout. Following discussions, nine dwellings were proposed by the agent, as two of the detached units were altered to provide semi-detached dwellings, as discussed. However, following discussions with highways, and requirements for the width of the access, this was reduced back down to eight. When assessed against LP7, the proposed density is considered appropriate given a proportion of the site is required for access and that additional dwellings elsewhere on the site to compensate for this would likely result in a cramped form of development that would fail to sympathetically integrate with existing development in the locality.

10.9 Taking the above into consideration, in the broadest form, the principle of residential development on this site is considered acceptable in accordance with Local Plan Policies LP1, LP2 and LP7. However, the development must now be assessed against all material considerations.

Impact on visual amenity

10.10 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby 131 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.".

10.11 Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also 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.

10.12 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…"

10.13 Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 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. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

10.14 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."

10.15 Principle 13 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. Further to this, Principle 15 states that the design of the roofline should relate well to site context.

10.16 The application site is adjacent to the existing dwellings on Marsh Lane. Plot 1 would form part of the street scene of Marsh Lane whereas the other plots would be set behind the existing development.

10.17 Principle 5 of the Housebuilder's Design Guide SPD highlights the importance of buildings following a coherent building line. In this instance, the majority of the dwellings would be set to the rear of the existing properties and would therefore not align with the existing building line. It is noted there have been other developments in the vicinity also set behind the main building line, such as those to the rear of 103-107 Marsh Lane and 107a Marsh Lane which is adjacent to the application site. It is also noted that the principle of residential development on this site has already been established in 2017, albeit for less dwellings. Taking this into consideration, and as a precedent has already been set within the surrounding area, the location of the proposed dwellings is considered acceptable in this instance.

10.18 Plot one would front Marsh Lane, adjacent to 127 Marsh Lane. The front of plot one would align with the existing building line thus complying with Principle 5 of the Housebuilder's Design Guide SPD.

10.19 It is noted that concerns were raised in public representation regarding the number of houses proposed and the type of dwellings. The comments raised concerns that the site could be overdeveloped and that the dwellings are too big to meet the required market demand. Instead, representations outlined that more smaller houses should be proposed. Officer's raised concerns regarding the proposed density and the scale of the proposed houses and as a result, a pair of semi-detached dwellings were proposed. Whilst this increases the total number of dwellings, it does not result in overdevelopment of the site as the dwellings would be on a similar footprint to the previous proposed detached dwelling. It is noted that the ratio of semi-detached to detached dwellings is similar to that already existing on Marsh Lane.

10.20 The existing development on Marsh Lane hosts a variety of design, scale and roof types but are primarily two-storey structures finished in natural stone and red brick. The proposed dwellings would all be two-storey with a pitched roofed design with gable features. The dwellings would vary in terms of design however this would be in keeping with the existing grain on Marsh Lane.

10.21 The proposed dwellings would be finished in natural stone walls, under slate roofing which would be in keeping with the existing development. Some of the properties have aspects of darker timber and aluminium cladding however this would be to the rear of the dwellings which would not be prominent from Marsh Lane and it is also noted that the dwellings would back onto Green Belt agricultural land and therefore the proposed timber and aluminium features would not be out of character with the rural setting.

10.22 It is therefore considered that, on balance, the proposed dwellings would not cause significant harm to the visual amenity of the surrounding area. The proposal is therefore considered to be in accordance Policy LP24 of the Kirklees Local Plan, the aims of the House Builders Design Guide SPD and Chapters 12 of the National Planning Policy Framework.

10.23 Having taken the above into account, the proposed development is considered to be in keeping with the local character of the area and would therefore not cause significant harm to visual amenity, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout, Principle 2 of the Housebuilders Design Guide SPD and the aims of chapter 12 of the National Planning Policy Framework.

Residential Amenity

10.24 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."

10.25 Further to this, Paragraph 135 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.

10.26 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."

10.27 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.

10.28 The residential properties most likely to be affected by the proposed development are considered to be nos.107a, 127 and 129 Marsh Lane. The impact upon these properties will be discussed below. However, the proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or

loss of privacy, or the creation of an overbearing effect. Of note, whilst there are a number of other properties near the site, and it is noted that public representation has raised concerns regarding the impact on the dwellings adjacent to the site, the proposed dwellings would be >21 metres from the surrounding properties thus exceeding the recommended distances as outlined within the Housebuilders Design Guide SPD.

Impact on 107a Marsh Lane

10.29 No 107a Marsh Lane is located east of the application site and shares a boundary with the proposed plot eight. There would be a separation distance of 14.3m between no.107a and the proposed plot eight. This is considered a sufficient distance to prevent any harmful overshadowing or overbearing harm. In the eastern elevation of the proposed plot eight, there would be two openings at ground floor, a window serving a utility and a doorway to the garage. At first floor level there would be two windows both serving bathrooms. As such no overlooking harm is considered to be caused to the occupants of either properties as a result of the proposal.

Impact on 119-127 Marsh Lane

10.30 Properties 119-127 Marsh Lane are located to the north of the application site. 127 Marsh Lane is located to the east of the proposed access. There would be 15.5m between the side elevation of no.127 and the proposed plot one. There would be a minimum of 21m separation distance between the rear elevation of 119-127 Marsh Lane and the primary inhabited openings in the proposed dwellings. It is noted that the glazed feature to the front of plot 6 would have a separation of 20.5m, however the glazed feature would serve a hallway which would not be a primary habitable space and whilst it would be marginally under 21m, this is considered acceptable. The separation distances are considered sufficient to prevent any significant overlooking, overbearing or overshadowing harm and would be in keeping with Principle 6 of the Housebuilder's Design Guide SPD.

Impact on 129 Marsh Lane

10.31 No.129 Marsh Lane would be located adjacent to the proposed plot one. There would be a separation of 3.3m between the side elevations of plot 1 and no.129, which would be similar in height and depth. This is considered a sufficient separation distance and is similar to the existing breaks in building groups within the street scene. The proposed dwelling would align with no.129 so no additional significant overshadowing or overbearing harm is considered be caused to occupants as a result of the proposed plot one. There is one opening in the eastern side elevation of no.129 however from a site visit and desk top analysis, this appears to serve a bathroom, which is not a primary habitable space.

10.32 Plot two would be located to the rear of no.129 which serves a number of primary inhabited openings. Plot two would be oriented east, with the side elevation facing no.129. Plot two would be set 12m from the first floor elevation of no.129. It is noted that no.129 has a small extension which would leave a 10.5m separation at ground floor level. The proposed separation distance is considered acceptable given plot three would be set further east than no.129 and so there would only be a small section of plot three which is directly to the rear of no.129. It is also noted that the applicant has designed the roof type of plot two to reduce the vertical emphasis of the dwelling on no.129. There would be one opening proposed in the side elevation of plot three which would serve a bathroom so no overlooking harm is considered to be caused.

10.33 Principle 16 of the 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."

10.34 The proposed dwellings exceed the minimum recommendations as set out within the NDSS for a dwellings. Whilst some of the garden areas are considered to be small for the proposed dwellings, it is noted that to increase these spaces would be at the detriment of separation distances between dwellings and therefore the proposed amenity space is considered acceptable on balance.

10.35 Taking the above into consideration. It is considered that the proposed dwelling, would not cause any significant harm to visual amenity of the neighbouring or future occupants. The proposal would therefore comply with LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and the aims of Chapter 12 of the NPPF.

<u>Highway issues</u>

10.36 Local Plan Policy LP21 states that "*All proposals shall*:

a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network…

e. Take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;"

10.37 This is supported by Chapters 9 and 12 of the NPPF and guidance within the Highways Design Guide SPDs. KC Highways Development Management (KC HDM) have also been consulted as part of this application and their comments are summarised below.

10.38 The proposal is for eight dwellings with an internal road and access off Marsh Lane. The access shall be built to adoptable standards as set out in the Highways Design Guide SPD and Highways Guidance Note – Section 38 Agreements. There are existing bus stops within the recommended distance for sustainable modes of accessibility.

10.39 The TRICS database has been used to estimate related trips. The trip rates have been derived from the TRICS database for 'Residential Houses Privately Owned' land use for AM and PM peak period. The forecasted traffic generation is 4 vehicle movements in AM and PM. The proposed development is therefore considered not to have any detrimental impact on the existing network and therefore is considered acceptable with a priority give way arrangement onto Marsh Lane.

10.40 Following discussions with KC HDM, the internal layout has been amended to achieve a better arrangement in terms of access for service vehicles. KC HDM also raised concerns regarding the access for fire services and the applicant has proposed that plot 8 at the end of the survey would incorporate a fire suppression system internally. This has been demonstrated on the submitted plans and would be secured through the building control process. Officers have had sight of discussions between the agent and West Yorkshire Fire and Rescue, who raised no concerns with the proposed.

10.41 KC HDM raised no objections to the proposed application subject to conditions requiring appropriate surfacing and drainage, details of the new estate road, visibility splays clear from obstruction, details of adoptable estate roads, construction access and defects survey. It is noted that representation raised concerns regarding the gateposts adjacent to the access. It would be conditioned that the visibility splays are cleared of any obstruction. Therefore, subject to these conditions, the proposed scheme is considered acceptable in terms of highway safety and it would comply with LP21 and LP22 of the Kirklees Local Plan.

Other Matters

Land Contamination

10.42 The application site is not shown to be on land identified as potentially contaminated by its previous use. KC Environmental Health (KC EH) have been consulted on this proposal and recommend a condition in relation to unexpected land contamination. The proposed scheme therefore could comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Drainage

10.43 The application site is located within Flood Zone 1 on the EA flood risk mapping which is an area with the lowest probability of flooding. The Lead Local Flood Authority (LLFA) have been consulted on the proposal. The proposed site is within a greenfield location, therefore surface water run-off should be limited to the equivalent GFRO rate of 5 l/s per hectare subject to the flow control outlet's minimum size of 75mm.

10.44 The LLFA raised no objection to the proposal subject to conditions relating to drainage details, overland flow routing and Construction Phase Surface Water Flood Risk and Pollution prevention plan. These would be added to any positive decision notice. Yorkshire Water were also consulted on the proposal and raised no objections subject to conditions. The recommended information is primarily covered by the conditions recommended by LLFA or alternatively are outside the remit of planning. Subject to condition the proposal is considered to not result in any significant harm to drainage.

Ecology

10.45 The applicant has submitted a Biodiversity Net Gain (BNG) Metric and Assessment, which concludes that there would be a 74.9% loss in biodiversity as a result of the proposed works. The applicant has chosen to deliver the BNG off-site as given the constraints of the site and the recommended density requirements, along with the quality of the existing land, the 10% BNG would be difficult to achieve. The applicant is instead proposing to provide the required 4.07 A1 units and 0.05 H units off-site to achieve the required BNG. The applicant has confirmed that this would be provided through an off-site financial contribution. This would likely require to be secured via a S106 agreement (as set out in the recommendation) however officers are reviewing the recent legislation and best practice as to the mechanisms available to best obtain the BNG off-site contribution. This shall be reported in the committee update.

Trees

10.46 There are 5 trees within close proximity to the southern boundary of the site which are protected by Tree Preservation Orders (TPOs). LP33 of the Kirklees Local Plan states "the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity".

10.47 The applicant has submitted an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Survey. It is noted that initially the submitted arboricultural information did not include one of the protected trees, however this has since been updated. The submitted information concludes that no trees will be removed as part of the proposal. Within the root protection areas of two of the protected trees a new parking area is proposed. This parking area covers less than 20% of any root protection area and can therefore be constructed using a cellular confinement system. It also concludes that land use and living conditions will not be adversely affected by retained trees.

10.48 Other than the parking area, which can be constructed from cellular confinement system, all development will take place outside root protection areas and will have no impact on the health of retained trees. KC Trees were consulted on the proposal and raised no objections. The scheme therefore complies with LP33 of the Kirklees Local Plan.

10.49 The application was advertised by neighbour notification letters and online. Final publicity expired on 4th September 2024.

10.50 43 representations were initially received, 41 in objection and 2 as general comments. They raised the following comments:

<u>Use of the site</u>

- Site was previously green belt
- Site is agricultural and used for crops, not vacant

Officer response: This site is unallocated within the Kirklees Local Plan and the principle of development has been assessed on this basis. Officers have visited the site and are aware of the site context.

<u>Site history</u>

- Previous applications were for smaller development

Officer response: Officers are aware of the history of development at the site. This application is for eight dwellings and has been assessed accordingly in line with national and local planning policy.

<u>Residential Amenity</u>

- Intrusive and invasion of privacy
- detrimental to outlook and amenity of neighbouring properties
- Block natural light

Officer response: The impact on residential amenity is a material planning consideration and has been carefully considered within the impact on residential amenity section of this report.

- Houses are disproportionately large
- Not a need for larger family homes
- Smaller houses are needed, not the size proposed
- Smaller houses needed

Officer response: Officers have sought and received amended plans to include smaller, semi-detached dwellings within the scheme.

- Significant glazing to the rear of neighbouring properties

Officer response: Officers have visited the site and are aware of the current site context.

- Increase in noise, air pollution, light pollution

Officer response: the proposal is for eight residential dwelling and is set within an existing residential area. Therefore, there is not considered to be a significant increase on noise, air or light pollution over and above the existing arrangements.

- Does not meet 10.5 separation between plots 4-7 and undeveloped land
- garden space is small and not in keeping with the character

Officer response: This has been considered within the impact on residential amenity section of this report.

Visual amenity

- Zinc sheet is more industrial than residential and not in keeping with the surrounding area
- Look unsightly

Officer response: The impact on visual amenity is a material planning consideration and has been carefully considered within the impact on visual amenity section of this report.

Highway Safety Issues

- Highway safety issues
- More traffic in the village
- Internal road not wide enough
- Previous application refused on highway safety grounds for less dwellings
- Visibility splay not achievable
- Only one visitor space - doesn't comply with Highways Design Guide
- Not enough parking provision
- Bus service is infrequent so development will rely on cars

Officer response: The impact on highway safety is a material planning consideration and has been carefully considered within the impact on highway safety section of this report.

- Speed bumps on Marsh Lane would be welcomed

Officer response: This is noted. The impact on highway safety has been reviewed and this is not considered necessary to support highway safety.

- Transport Statement refers to 8 homes and a different applicant

Officer response: an updated Transport Plan has been received.

Density

- Too many houses in Shepley already
- Reduce the number of houses and make them affordable

Officer response: Density is a material planning consideration and has been carefully considered within the principle of development and impact on visual amenity section of this report.

Local Services

- Negatively impact on air quality, services and schools
- What school would the residents attend?
- Doctors surgery is at capacity

Officer response: For a development of this scale, no contribution towards local services or schools is required.

Environmental Impact

- Impact on wildlife and trees
- Environmental impact of houses on green field

Officer response: The impact of the proposal on biodiversity and trees has been assessed within the other matters section of this report.

- Queries the LLFAs response as the slight slopes
- Request for drainage information

Officer response: The LLFA and Yorkshire Water have been consulted on the proposal and any additional information required would be secured by condition.

- Tree missing on the Tree Survey
- Tree missing on plans and Tree Survey

Officer response: This has been raised with the agent who is seeking revised arboricultural information.

- Ground nesting birds

Officer Response: The submitted Preliminary Ecological Assessment (PEA) concludes that "no evidence of nesting birds was found on-site during the surveys".

Other matters

- Attempt to deceive planners by using old photos

Officer response: Officers have visited the site and are aware of the current site context.

- Lessen the value of existing houses

Officer response: This is not a material planning consideration so no further comment will be made.

- Further houses are planned above the initial 7

Officer Response: This application is for eight dwellings and has been assessed as such.

- Other development in the area remains unsold

Officer response: this is not a material planning consideration.

- The area of proposed internal road could be used as access onto the land to the south in the future - do not want to see land within blue line developed in the future

Officer response: The land to the south is not being considered under the current application so no further comment will be made.

- Plans do not include conservatory at adjacent property
- 107a Marsh Lane missed off site plan

Officer response: Amended plans were received which show the relationship with 107a and neighbouring properties conservatory.

- Not consistent with pre-app advice

Officer response: officers are satisfied that the applicant has taken on board pre-application advice.

- Farmer uses the site to access the field to the rear

Officer response: This is not a material planning consideration so no further comment will be made.

10.51 The application was readvertised following amended plans being received, and an additional 24 representations were received, 23 in objection and 1 as a general comment. They raised the following additional comments, which were not raised during initially representation (addressed above):

Density

- Nine dwellings would be too cramped
- Increases the density
- Only large detached dwellings which young people can't afford

Officer response: As outlined within the principle of development section of this report, the number of dwellings was increased but the footprint did not significantly change. This was to provide some smaller housing within the proposed detached dwelling to increase the housing mix.

Residential Amenity

- New semi-detached dwellings would be significantly taller - three stories

Officer response: The proposed dwellings would still be set at a lower height than the existing dwellings on Marsh Lane and the required separation distances would be retained.

- Bins would attract flies

Officer response: the proposed development is for residential dwellings and would not result in abnormal bin provision or storage in comparison to the existing residential use in the area. However, it should be noted that any issues occurring would be covered by other regulatory functions.

Highway Safety

- Stone posts for visibility are within third party land
- Potential for plot 2 to install boundary treatment which would restrict visibility
- Question whether the road would be suitable for adoption
- Additional direct access onto Marsh Lane

Officer response: This is noted. The proposed access, and the impact on highway safety has been carefully considered in the highway safety section of this report.

Visual Amenity

- More hardstanding along Marsh Lane

Officer response: This has been taken into consideration during the assessment of the impact on residential amenity.

Other Matters

- Need updated additional information to include 9 dwellings

Officer response: officers are satisfied that significant information has been provided to assess the application.

- Agent/Applicant have not consulted with the neighbours

Officer response: this is not a statutory requirement.

- Increasing demand for electricity

Officer response: This is not a material planning consideration for a development of this scale.

- Previous objections still stand

Officer response: This is noted.

11.0 CONCLUSION

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

12.0 Conditions

1. Time scale for commencing development
2. In accordance with plans
3. Unexpected land contamination
4. Materials
5. Drainage details
6. Overland Flow Routing
7. Construction Phase Surface Water Flood Risk and Pollution Prevention Plan
8. Areas to be surfaced and drained
9. Details of junction of new estate road
10. Visibility splays clear from obstruction
11. Internal adoptable estate roads
12. Construction access
13. Defects survey

Background Papers:

Application and history files.

Planning application details | Kirklees Council

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024%2f91202

Certificate of Ownership – Certificate A signed.