KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE DISTRICT-WIDE

31 OCTOBER 2024

Planning Application 2024/91202 **Item 13 – Page 117**

Erection of eight dwellings with associated access and external works

Land off, Marsh Lane, Shepley, Huddersfield, HD8 8AS

Yorkshire Water Consultation

Section 8 of the Committee Report does not refer to consultation with Yorkshire Water. For clarity, Yorkshire Water were consulted on the proposal and raised no objection subject to conditions as discussed in section 10.44 of the Committee Report.

Biodiversity Net Gain

It should be noted by members that BNG is a statutory Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021. The preferred sequential method for providing BNG is as follows:

1. On-site
2. Local Habitat Bank
3. Other land within applicant's ownership (local)
4. National habitat bank
5. Statutory credits

As discussed in section 10.45 of the Committee Report, the applicant has outlined that the BNG cannot be provided on site as it would be difficult to meet the required density, when taking into consideration the required hardstanding for access and internal roads, whilst provided the 10% BNG. The applicant has chosen not to inform officers of the chosen off-site contribution method at this stage. As outlined in the Committee Report, Officers are recommending the decision is delegated to determine the appropriate mechanism to secure the necessary BNG. It should be noted that BNG is a mandatory requirement through regulatory functions outside the planning system.

Additional Representations

Three additional representations, from two individuals, have been received since the Officer's report was published. They raise the following additional comments (duplicate comments addressed in sections 10.50 and 10.51 have not been included):

Number of units proposed

- Discrepancies in the number of dwellings referred to making it 'impossible to understand what the applicant wishes to develop'.

Officer response: The number of proposed units has changed since the application was initially submitted, as discussed in section 10.8 of the Officer's report. Where appropriate, the relevant information has been updated to reflect the changes in proposed number of units Officers recommendation, as outlined in the Committee Report, is based on the proposal for eight dwellings with associated access and external works.

- Discrepancies in the number of dwellings would affect consultation responses.

Officer response: It is considered that the proposed changes to the number of dwellings would not significantly alter the consultation responses for the following reasons:

  - *KC Highways provided comments based on the proposed eight dwellings.*
  - *KC Environmental Health and LLFA have both been informed of the increased number of dwellings and have confirmed that there are no changes to their initial responses as a result.*
  - *KC Trees most recent response was based on nine dwellings and the section of land adjacent to the trees has not been changed since the scheme was revised to eight dwellings.*
  - *Yorkshire Water provided a response based on nine dwellings and therefore the reduction in one dwelling is considered to not cause any additional harm.*

- Changes to number of dwellings should have been reconsulted.

Officer response: The application was re-advertised for a period of 7 days following receipt of amended plans and revision of the number of proposed dwellings from seven to nine. The scheme was then reduced to eight dwellings, no re-consultation was considered necessary as this was a reduction to the previously advertised nine dwellings. This is in accordance with the Kirklees Development Management Charter where it sets out that it is the officers discretion whether to re-advertise an amended proposal.

Principle of Development

- Does not provide the required 20% affordable housing.

Officer response: As outlined within LP11 of the Kirklees Local Plan, the requirement for affordable housing and housing mix is triggered by 10 or more dwellings. The proposed scheme is under this threshold. As discussed in section 10.8 of the Officer's report, officers requested a mixture of house types.

- Contradicts purposes of green belt.

Officer response: The application site is not within the Green Belt.

Highway Issues

- Bin storage. Road not long enough for bin wagon.

Officer response: This has been reviewed and assessed by KC Highways, as outlined in the Highway Safety section of the officer's report.

- Crashmap data shows residents would likely travel through areas with historic accidents.

Officer response: The relevant information regarding crash data has been assessed by KC Highways and is considered acceptable.

- Eastern visibility splay cannot be achieved due to gate post in neighbour's ownership – this could not be secured by condition as it's within third party land;
- On-street parking with interfere with visibility splay;
- Will wall at no.129 interfere with visibility splay;
- Measurement of visibility splay.

Officer response: The visibility splay has been demonstrated on the relevant submissions. The achievable visibility is considered acceptable from a highways perspective, whilst its acknowledged the splay cuts across the adjacent wall by approximately 150mm, this has been considered and the setback can be reduced to 2.0m if circumstances permit, to which in this case is not required given the minimal shortfall.

- No turning provision for Plot 1.

Officer response: This is not dissimilar to the existing arrangement on site for the neighbouring properties.

- Normal highway width standards have not been provided. Formal footways not provided.

Officer response: The applicant has chosen a shared surface arrangement. Shared space aims to improve pedestrian movement and comfort by reducing the dominance of motor vehicles and enabling users to share the space rather than follow the rules implied by more conventional road priority management systems. Using shared space on streets in residential neighbourhoods (where there will be minimal vehicular traffic) can help to create streets that are welcoming for children, pedestrians and the community as a whole. The intention is to design streets as places instead of simply corridors for vehicular movement. There is no such thing as a definitive shared space design as every site has uniquely individual characteristics.

Other Matters

- Landowner not contacted neighbouring occupants. Neighbours have not been considered in plans.

Officer response. It is not a statutory requirement for the applicant/agent to contact the agent.

- Comment period only readvertised for 6 days.

Officer response: This is noted. Statutory publicity has been conducted.

- Officers should visit the site.

Officer response: A site visit was undertaken by officers.

- Festival takes places on application site.

Officer response: This is not a material planning consideration.

- How the site will be drained has not been addressed in the officer report.

Officer response: This has been addressed in the other matters section of the officer's report. The LLFA and Yorkshire Water have been consulted on the proposal and do no object, subject to conditions.

- The crown/root spread of the tree differs from that shown on the Tree Survey.

Officer response: As outlined in sections 10.46-10.48 of the Committee Report, the submitted arboricultural surveys conclude that 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 the retained trees.
