

**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: 2018/60/93786/E

Site Address: Land at, Elm Street, Skelmanthorpe, Huddersfield,
HD8 9BH

Description: Outline application for erection of 2 dwellings

Recommending Officer: Nia Thomas

DECISION – CONDITIONAL OUTLINE PERMISSION

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

Julia Steadman

AUTHORISED OFFICER

Date: 30-Jan-2019

Officer Report

Site Description

The application site comprises of land at Elm Street, Skelmanthorpe, Huddersfield. An area of vacant land, previously used as a garage site, situated within a mixed use area. There are industrial premises to the north and east of the site and residential to the west and south. The site has a gentle slope from south to north with the industrial units to the rear being set at a significantly lower level. The residential properties in this area are predominantly two storey natural stone cottages. The site is partially bounded by dry stone walling with temporary fencing along other boundaries. There is a new dwelling adjacent to the site which appears to now be substantially complete.

Description of Proposal

Outline approval is sought for the erection of one pair of semi-detached dwellings, with all matters to be reserved for a future reserved matters application. The submitted plans indicate that the development would be sited in line with the adjacent new dwelling to the west. Two parking spaces to serve each dwelling would be located to the front of the development, accessed off Elm Street.

Relevant Planning History

2015/92377 – Outline application for the erection of two dwellings
APPROVED (unimplemented)

2012/91880 – Renewal of unimplemented permission for erection of one pair of semi-detached dwellings – Approved (unimplemented)

2009/91648 – Outline application for erection of one pair of semi-detached dwellings – Approved (unimplemented)

Representations

The application was publicised by site notice and neighbour notification letter. No representations have been received as a result of site publicity.

Denby Dale Parish Council – “No objections but concerns expressed over parking provision, the existing parking and narrowness of street already affects accessibility for emergency vehicles”.

History of Negotiations/Amendments

The case officer has confirmed that the applicant is in agreement to the pre commencement conditions. No amendments to the proposed development.

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 Environmental Services: No objections subject to imposition of conditions

KC Ecologist (formerly the Environment Unit): No objections (previous consultation)

The Coal Authority: Following receipt of Coal Mining Risk Assessment, confirmed it has no objections, subject to imposition of conditions

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and unallocated on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Materials
- **BE12** – Space about buildings
- **T10** – Highway Safety
- **T19** – Parking Standards
- **EP4** – Noise Sensitive Development

Kirklees Publication Draft Local Plan:

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP21** – Highway Safety
- **PLP22** – Parking Provision
- **PLP 24** – Design
- **PLP27** – Flood Risk

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 12** – Achieving well designed places
- **Chapter 14** – Meeting the challenge of climate change, coastal change and flooding
- **Chapter 15** – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

The principle of development is considered to have already been established through the previous two outline applications, the most recent being 2015/92377.

2 - Layout and Design

The application is in outline form with all matters reserved. Therefore consideration of layout, scale and appearance are reserved for a subsequent reserved matters application.

However, given that a layout plan has been submitted, this has been assessed. This layout plan is as previously approved. Although it is acknowledged that the National Planning Policy Framework (2018) has been introduced since this approval, the layout of the scheme is still considered to be acceptable and is considered to add to the overall character of the area, complying with Chapter 12 of the National Planning Policy Framework.

The position of the properties retains similar building lines to the front and rear as the approved dwelling at the adjoining plot which ensures that the layout is consistent with the surrounding context. It is proposed to provide parking spaces to the front of the properties and retain the rear as amenity space which slopes away from the properties. This arrangement is considered to be acceptable and in accordance with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

An indicative plan was provided with the application to demonstrate how the properties could be designed and the relationship between this plot and the neighbouring site. The overall scale and massing of the development appears appropriate, providing two modestly size dwellings in line with the surrounding context. Although the layout is considered acceptable full details of levels would need to be provided to ensure that the overall height would be acceptable in relation to the neighbouring unit and the overall street scene, which can be dealt with at reserved matters stage.

The predominant material in this area is natural stone thereby the proposals which specify natural stone would be acceptable in accordance with Policy BE11.

In all, the proposal is considered acceptable from a visual amenity perspective and in accordance with the aims of policies D2, BE1 and BE2 of the UDP, policy PLP24 of the PDLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The indicative layout of the development is such that it would achieve sufficient separation distances between the new dwelling on the adjoining plot and the industrial unit (in use as a children's play centre). The site does not directly face any other residential properties thereby not creating any overlooking. The proposals would thereby not create any detrimental impact in terms of residential amenity in accordance with Policies BE12 and D2 of the UDP, Policy PLP24 of the PDLP and guidance contained within the National Planning Policy Framework.

4 – Impact on highway safety:

There has been no change in legislation with respect to highway matters since the previous 2015 approval and therefore Highways DM have no objection subject to conditions imposed on the previous permission relating to no planting within 2 metres of the carriageway, hardstanding to be permeable and a scheme to widen the footway has been approved. These conditions have once again been suggested to be added to the decision notice. There is good visibility in both directions and access and parking is considered to be in accordance with Policies T10 and T19 of the Kirklees Unitary Development Plan and Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan.

5 – Other matters:

Coal Mining Legacy -

The site is located within a High Risk Area as defined by the Coal Authority and in such instances a Coal Mining Risk Assessment is required to be submitted by the applicant. In this case the applicant has submitted a revised Coal Mining Report through the course of the application and the Coal Authority has confirmed that it concurs with the recommendations set out within this report. A series of conditions requiring site investigation works and subsequent scheme and implementation of remedial works is required to be imposed, should permission be granted.

The proposal complies with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

Ecology (assessment from previous permission):

The site comprises mainly disturbed ground with piles of rubble/stone and grassland. It is not clear whether the mature trees fronting Elm Lane lies within the site or the neighbouring garden. If it is within the site the tree should be retained although the site is unlikely to have any other significant biodiversity interest.

The Council's Ecologist has previously had no objection to the development subject to the imposition of a condition requiring the submission of a biodiversity mitigation and enhancement plan. This would ensure that the proposals accord with the aims of Chapter 15 of the NPPF and Policy PLP30 of the PDLP.

Pre-commencement conditions:

The applicant has given their written agreement to the pre-commencement conditions.

6 – Representations:

None received

7 – 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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2018/93786

Officer Recommendation: Approve

Conditions and Reasons

1. Approval of the details of the access, layout, appearance, landscaping and scale (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: No details of the matters referred to have been submitted they are reserved for the subsequent approval in writing by the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access, layout, appearance, landscaping and scale shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matters referred to have been submitted they are reserved for the subsequent approval in writing by the Local Planning Authority.

3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or in the case of approval of different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that any future extensions / outbuildings do not result in harmful overlooking or being overbearing to neighbouring property and to accord with Policies BE2, D2 and BE1 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance contained within the National Planning Policy Framework.

6. Detailed plans indicating the existing and proposed site and road levels and proposed finished floor levels related to Ordnance Datum or an identifiable temporary datum, shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: These details are required 'pre-commencement' so as to ensure that the development shall harmonise with its surroundings and to accord with Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance contained within Chapter 12 of the National Planning Policy Framework.

7. Actual or potential land contamination at the site shall be investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: This information is required 'pre-commencement' as it is fundamental in order to ensure that the site is safe and stable to accommodate development, in accordance with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, and pursuant to the recommendations set out with the Coal Mining Risk Assessment dated 30 October 2015, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required 'pre-commencement' as it is fundamental in order to ensure that the site is safe and stable to accommodate development with respect to the historic use of the site, and also taking into account the impact of coal mining legacy, in accordance with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: This information is required 'pre-commencement' as it is fundamental in order to ensure that the site is safe and stable to accommodate development with respect to the historic use of the site, and also taking into account the impact of coal mining legacy, in accordance with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site

investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: This information is fundamental in order to ensure that the site is safe and stable to accommodate development with respect to the historic use of the site, and also taking into account the impact of coal mining legacy, in accordance with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

11. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Elm Street measured along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

12. The areas to be used by vehicles and/or pedestrians shall be surfaced and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority prior to the development being occupied

Reason: These details are fundamental, in the interests of highway safety and to achieve a satisfactory layout, in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP27 of the Kirklees Publication Draft Local Plan and guidance contained within the National Planning Policy Framework.

13. Notwithstanding the submitted plans and information, a scheme to widen the footway to the Elm Street site frontage to 1.5m to current standards including works to kerbing, footway surfacing, edging, re-siting existing street lighting, and alterations to statutory undertaker's apparatus shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented before the development is brought into use and retained thereafter.

Reason: This information is required 'pre-commencement' as it is fundamental in order to achieve a satisfactory road layout in the interests of highway safety, in accordance with Policies D2 and T10 of the Kirklees

Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan and guidance contained within the National Planning Policy Framework.

14. A biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority before development commences, and the approved measures shall be implemented before first occupation and retained thereafter. The Plan shall include:

- Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.
- One bat box, in the form of a Schweglar type 1FR bat box or similar, shall be installed integral to the new dwelling within the site.
- A sparrow terrace nest box shall be installed, integral to the new dwelling within the site.
- A simple landscaping scheme to compensate for the loss of existing vegetation using native trees and shrubs.
- Notwithstanding the provisions of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)), no boundary walls or fences shall be erected that would impede or obstruct the free movement of hedgehogs.

Reason: This information is required before development commences to ensure that the development provides adequate biodiversity mitigation and enhancement measures in accordance with the requirements of Policy PLP30 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

15. No development shall take place with regard to the construction of the dwellings until details of siting, design, and materials to be used in the construction of walls or fences for boundaries or screens have been submitted to and approved in writing by the Local Planning Authority. The approved walls/fences shall be erected before the development hereby approved is occupied and shall thereafter be retained.

Reason: In the interests of visual amenity to accord with Policy BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and guidance contained within the National Planning Policy Framework. This information is required 'pre-commencement' so as to ensure that a suitable landscaping scheme can be achieved.

NOTE: To aid the free movement of hedgehogs you should provide at least one 15cm x 15cm hole at the base of the wall or fence, and where that wall or fence demarks more than one boundary edge, to provide like holes to each.

NOTE: Notwithstanding the information on the application form and submitted plans, any 'reserved matters' application relating to appearance shall ensure that the development is constructed using natural materials.

NOTE: Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):
www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1:1250	-	20.11.2018
Coal Mining Risk Assessment	30.10.15	-	20.11.2018
Design and Access Statement	-	-	20.11.2018
Proposed elevations and floor plans (and location plan and block plan)	May 2019	-	20.11.2018

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Leeds City Region Development Management Pledge and otherwise actively engaged with the applicant in dealing with the application. The case officer has received

confirmation that the applicant is in agreement with the pre-commencement conditions.

Report dated: 29.01.2019