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:	**2021/60/94408/W**
Site Address:	South Side Works, South Street, Paddock, Huddersfield, HD1 4UG
Description:	Outline application for redevelopment and change of use of industrial site to residential development
Recommending Officer:	Katie Chew

DECISION – Conditional Outline Consent

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 23-Feb-2022

Officer Report

Site Description

South Side Works, South Street, Paddock, Huddersfield, HD1 4UG

The application site comprises of a two-storey stone built property with several single storey lean to extensions and a tall side extension. The building is currently in use for industrial purposes and benefits from an existing 2m high metal fence which surrounds the site providing security for the existing business.

The site is set within a predominantly residential area, with traditional two-storey stone built terraces houses located to both the north and east of the site. To the west are a number of bungalows and to the south there are a number of other residential properties. The site is accessed to the west from South Street.

Description of Proposal

The application seeks outline permission for redevelopment and change of use of industrial site to residential development. The application seeks approval for access, scale and layout at this stage. Landscaping and appearance are intended to be matters to be dealt with at reserved matters application stage.

The proposal seeks to develop the site to create a total of five dwellinghouses. A block of three terraced houses are proposed to the north, with a pair of semi-detached properties proposed to the south. The properties are to be two-storeys in height, but it appears as though the roof space is to be utilised. Garden/amenity areas are proposed to the rear, with some dwellings benefiting from small front garden areas.

10 parking spaces are shown on the submitted site plan with an area for visitor parking. Two spaces per dwelling are provided with a small landscaped area adjacent to the access. The existing site access is to be retained and utilised with bin collection points shown to the front of the site.

History of negotiations/amendments received

Following receipt of comments from Highways officers amended plans and additional information in respect to visibility and access were provided by the applicant's agent.

Relevant Planning History

2010/92806 – Outline application for residential development. Approved 24th November 2010.

99/92717 – Change of use of vacant land to car parking, storage of machine parts and siting of skip for machine turning associated with engineering business and erection of 2 metre high boundary security fence. Approved 14th August 2001.

95/90708 – Outline application for residential development. Approved 28th April 1995.

88/05282 – Erection of workshop extension. Approved 10th March 1989.

Pre-application Advice

2010/20417 – Proposed residential development. Withdrawn.

Representations

Final publicity date expires:

Neighbour Letters – Expired 5th January 2022.

1 objection has been received; comments are summarised below.

- The plans submitted do not give any indication of proposed windows on plots 3, 4 and 5 that would overlook the existing terrace housing and that would result in a loss of privacy to existing residents.

Officer note: Noted. As this application is submitted in outline with landscaping and appearance to be assessed through a reserved matters application, no details relating to window locations etc. are necessary in this instance. An opportunity to comment on this detail will be provided at reserved matters stage in a second application.

- The proposed development will see an increase in vehicles, providing a more hazardous environment for residents. This increase will also bring with it an increase in disturbance and noise and loss of already limited residential parking in the area.

Officer note: Noted. The Council's highway officers were consulted on the proposals and raised no objections to the scheme. This is assessed in more detail within the impacts on highway safety section of this report.

- The proposed development does not indicate the disposal of foul sewage/drainage. This may have a detrimental effect on the existing sewage system and access to existing sewage system may/will impact existing properties.

Officer note: Noted. The applicant's agent has confirmed that they would wish to connect to the existing main sewer. A condition has been attached to ensure that the site is developed with separate systems of drainage for foul

and surface water on and off site, with further details to be submitted prior to the development being brought into use.

- The proposed development does not give any indication on boundary treatments during and after construction.

Officer note: Noted. As this application is submitted in outline with landscaping and appearance to be assessed through a reserved matters application, no details relating to boundary treatments are necessary in this instance.

Officer note: We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, details of which are outlined above. The amended plans were not re-advertised as these sought to address a technical highway matter demonstrating vehicle manoeuvring.

Consultation Responses

KC Environmental Health – Comments received 23rd December 2021. No objections subject to conditions.

KC Highways Development Management – Comments received 21st February 2022. No objections to the proposals subject to conditions.

KC Strategic Waste – Comments received 25th January 2021. There are no closed landfill sites within 250m of application address.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is unallocated in the Kirklees Local Plan but is partly located within Paddock Local Centre.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP11 – Housing Mix and Affordable Housing**
- **LP15 – Residential Use in Town Centres**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP28 – Drainage**
- **LP33 - Trees**
- **LP51 – Protection and Improvement of Local Air Quality**
- **LP52 – Protecting and Improvement of Environmental Quality**
- **LP53 – Contaminated and Unstable Land**

National Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- National Design Guide
- DCLG: Technical Housing Standards – Nationally Described Space Standards

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

1) Principle of development

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

1 - Principle of Development:

1.1 – Sustainable Development

NPPF paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout this proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The Council's housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy generally seeks to support residential development upon unallocated sites. However, LP7 establishes a desired target density of 35 dwellings per hectare. This is further supported by Principle 4 of the Housebuilders Design Guide. As the application site measures 0.1265ha, it is deemed that 4 dwellings on this site would meet the requirements of LP7. 5 dwellings are proposed in this instance, which given the context and nature of the site and surrounding area, coupled with the site being located in a sustainable location with close public transport links, is considered to be acceptable in this location.

Paragraph 68 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 would therefore contribute to this aim of the NPPF, further supporting the proposal.

It is noted that a small portion of the site to the rear is located within the Paddock Local Centre. The boundary is relatively broad and encompasses buildings used both for commercial purposes but also residential dwellings within close proximity to the main shopping street of Church Street. It is noted that Policy LP15 of the Local Plan supports residential development in defined town centres subject to a number of criteria that protect the function of the town centre. However given that the proposal is within a local centre it is not considered that Policy LP15 needs to be considered. None the less the impact of the development on the Local Centre has been considered. The portion of land in the local centre is minimal and is shown to form part of the rear gardens of plots 3, 4 & 5 (as indicated on the submitted plans). In addition, the site is surrounded by residential dwellings to the north, east and west and therefore a residential scheme in this area would not be considered to be out of character or detrimental to the local centre in this instance.

In conclusion on principle, the application site comprises of a medium plot surrounded predominantly by dwellings. Although the Local Planning Authority can demonstrate a five-year land supply, it is noted that the development of this plot would contribute to the housing supply in the district. In this instance the principle of development is considered to be 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 Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 124 provides a principal consideration concerning design which states:

"The creation of high-quality 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 significantly LP24 all also seek to achieve good quality, visually attractive, suitable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

Policy LP11 of the Kirklees Local Plan sets out that all proposals for housing including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

The application proposal is seeking outline consent to approve access, layout and scale. The plans provided show a block of three terraced houses to the north and a pair of semi-detached properties to the south. This layout is the same as the 2010 permission. No details are provided in respect to the number of bedrooms although the dwellings are to be two-storeys in height whilst also utilising the roof space. Garden/amenity areas are shown to the rear, with some dwellings benefiting from small front garden areas. 10 parking spaces are shown on the indicative plan with an area for visitor parking. The existing site access is to be retained and utilised with bin collection points shown to the front of the site.

Firstly, looking at layout and siting of the proposed dwellings, Principle 5 of the Housebuilders Design Guide SPD states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. In this instance, the proposals would provide a new cul-de-sac off of South Street, this is due to the nature of the site being stepped back from the public highway and tucked behind existing residential dwellings. Proposed plots 3, 4 & 5 are to replace the existing industrial building at the site, with Plots 1 & 2 facing towards the street, stepped back from the existing building line of adjacent terrace properties. Whilst officers did consider the possibility of amending the layout to move plots 1 & 2 closer to the public highway to be more in line with the existing and adjacent terrace to the north east, this would result in a loss of additional trees, the need to reorganise the parking at the site with the potential for compromised garden areas to the rear whilst also reducing natural overlook of the spaces. Furthermore in terms of residential amenity moving the dwellings forward in the site would have an adverse impact to the properties on the opposite side of South Street. On balance, the proposed layout is deemed to be acceptable given the varied layouts throughout the immediate area.

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

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of a new dwelling to a shared boundary. In this instance (as shown on the site plan) there would be a separation distance of between 1.1m – 9m between the proposed dwellings and adjacent shared boundaries. With regard to those boundaries which fall short of the recommended 2m distances, these relate to

the south of the site whereby the proposed dwellings and existing dwellings would also be separated by an existing track which would provide an extra 2m separation. It is therefore considered that on this occasion the proposals would meet the requirements of Principle 6.

Moving on to scale, the indicative plans indicate that the dwellings are to be 2 storeys in height with sufficient roof space (which is likely to be utilised). The dwellings are to have ridge heights of approximately 9m, which would be in line with adjacent terraced properties and therefore the scale of the dwellings are considered to be acceptable.

Principle 15 of the Housebuilders Design Guide SPD states that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and roof types. Principle 14 goes on to say that the design of the windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

It is noted that appearance is a reserved matter, however the submitted plans show dwellings with pitched roofs with gable ends which would reflect the roof design of adjacent neighbouring properties. In addition, the submitted application forms highlight that local sandstone is to be used in the external walls of the properties. Officers would recommend that the applicant seek to use matching/similar materials found within the area to ensure that the proposals are sympathetic in character and appearance and would not appear incongruous in this location.

Garden/amenity areas are shown to be provided to the rear of all dwellings proposed, with some dwellings benefitting from small front amenity areas. The plans also show proposed tree planting indicated throughout the site; this would need to be considered further at reserved matters stage given that these garden areas relate to soft landscaping. However, it is considered that useable amenity spaces could be achieved for the proposed dwellings.

In conclusion, it is considered that subject to the details provided within the reserved matters application the site would be able to accommodate 5 dwellings which could be designed so as to contribute positively to the local character of the area. As landscaping and appearance are reserved matters, care would need to be taken to ensure that the dwellings sit comfortably within the site and utilise materials which are sympathetic to the existing area, windows and doors shall be installed which are of a similar design and style to adjacent properties to ensure consistency. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance.

As such, it is considered that a development which meets the aims of Chapter 12 of the NPPF, by contributing positively to the surrounding area, as well as policy LP24 of the Kirklees Local Plan and principles 5, 6, 7, 13, 14 and 15 of

the Housebuilders Design Guide could be achieved subject to appropriately designed dwellings being proposed at the reserved matters stage.

3 - Impact on Residential Amenity:

Sections B and C of LP24 state 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 Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Principle 7 of the Council's adopted Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The current submission is an outline application with landscaping and appearance reserved, therefore the impact of the proposed development can be assessed in so for as layout and scale but the scheme will need to be assessed again further within any reserved matters applications.

The proposal is for the erection of five dwellings on land that is currently in use for industrial purposes. The existing two-storey property is to be demolished to allow for the proposed development.

Impact on nos. 14-20 South Street

These neighbouring properties are located to the east of the application site and are most likely to be impacted by proposed plot 3, which is to be located approximately 12m away. As no details are provided in respect to the placement of windows, it is recommended that no habitable room windows are installed within the eastern elevation of Plot 3 to ensure that there are no concerns in regards to overlooking or loss of privacy. In addition, the proposed dwellings are to be two storeys in height albeit the ridge height of the properties are to be somewhat larger than the existing ridge height of the two-storey industrial building. However, there is currently a separation distance of around 7.5m between the existing building and these adjacent properties, the proposed dwellings will have an additional 4.5m between them and therefore it is not considered that the proposals would appear overbearing or overly dominant in this instance. Finally, whilst some overshadowing will arise from the proposals this would be within the late afternoon/evening and therefore would not be for a prolonged period of time, it is also acknowledged that this would not be sufficiently worse than what already exists at the site.

Impact on nos. 23-27 South Street

These properties are located opposite the site and are 27 metres away. The separation distance is considered to be sufficient to ensure that there would be no detrimental impact from the dwellings. The proposal would utilise the existing access and therefore it is not considered that the use of this point of access would be detrimental to the amenity of these properties.

Impact on nos. 2-10 Croft Street

These neighbouring properties are located to the north of the application site and are most likely to be impacted by plots 3, 4 & 5. Given the large separation distance of around 25m, it is considered that should habitable room windows be installed within the rear elevations of these dwellings, there would be a sufficient enough distance to ensure that there are no concerns in respect to overlooking or loss of privacy. In addition, the majority of shadowing would fall within the application site, or towards the edge of these dwellings' amenity areas. Therefore, no habitable rooms would be impacted. Finally, whilst the proposed dwellings will see an increase in ridge height to the existing building, it is considered that the impact arising from this would be slight, especially when coupled with the large separation distance, there are therefore no concerns in regards to the proposals appearing overbearing or overly dominant in this instance.

Impact on nos. 13-21 Clough Lane

These neighbouring properties are located to the west of the application site and are most likely to be impacted by Plots 1, 2 & 5. There will be a separation distance of around 18-20m between the proposed dwellings and these adjacent properties. Given this large separation distance it is considered unlikely that there would be any concerns in regards to overlooking should habitable room windows be installed within the rear elevations of plots 1 &2, or within the western elevation of Plot 5. In addition, whilst there may be some overshadowing in the morning/early afternoon, this would not be for a prolonged period of the day and would not impact on any habitable room windows of 13-21 Clough Lane. Finally, whilst the site will see some additional development to what is currently there, it is not considered that the proposals would appear overbearing given the large separation distances between these properties and the site.

Impact on The Nab

This neighbouring property is located to the south of the site and is most likely to be impacted by proposed Plot 1. As no details are provided in respect to window openings, it is recommended that no habitable room windows be provided within the southern elevation of plot 1 to avoid any unnecessary overlooking or loss of privacy. Whilst the proposed dwelling is to be two-storeys in height compared to The Nab which is a bungalow, it is considered that proposals would be viewed within the context of the surrounding area which is made up of two-storey properties, and given the access track which

separates the sites, it is considered that there is a sufficient distance and buffer between the properties to ensure that the proposals do not appear overbearing in nature. Finally, given the southern location of The Nab to the application site, there are no concerns in regards to overshadowing and loss of light.

Future Occupiers

Whilst specific details of the appearance of the dwellings have not been provided, the footprint of the dwellings are 45 square metres which would be sufficient if spread over 2 or 3 floors, would meet the minimum technical space standards. Sufficient outdoor amenity space would also be provided for the dwellings. Environmental Health have also advised that due to the sites location within proximity to the railway line that a noise report should be submitted to protect the amenity of future occupiers. This can be secured by condition.

In conclusion, the principle of erecting dwellings within this location could be acceptable from a residential amenity perspective, subject to the approval of appearance and landscaping, in particular the location of habitable room windows, and other conditions set out above. This would need to be assessed at reserved matters stage and pick up the points raised within this report. The proposal would therefore accord with Policy LP24 of the Local Plan and Policies in the House Builders Design Guide.

4 - Impact on Highway Safety:

Local Plan Policies LP21 and LP22 and the Council's adopted Highways Design Guide are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, principles 12 and 19 of the Housebuilders Design Guide seeks to ensure that acceptable levels of off-street parking and waste storage are provided. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Access has been applied for as part of this outline application. The proposal seeks to utilise the existing access from South Street but widen it to approx. 5m. The indicative plans show that 2 off-street parking spaces are proposed for each dwelling. The location of these spaces do vary with some spots

located to the front of dwellings, and others provided in tandem to the side. Dependent on the number of bedrooms proposed within the dwellings, will depend how many car parking spaces should be provided. As just 2 spaces are shown per dwelling, this would be sufficient for up to a 3 bedroomed house. Should any additional bedrooms be provided, additional parking would be required and given the limited nature of the site it is not considered that this would be possible unless a reduced number of properties were to be provided. In regards to bin storage and collection, a large collection point is shown to the front of the site and whilst no details are shown on plan for bin storage at each individual property, it is considered reasonable to assume that bins could be stored to the front or side of these dwellings without impacting on highway safety.

The Council's Highways officers raised no concerns in principle although they did request some further information in respect to visibility, access for construction traffic and deliveries and access for a fire tender. The applicant's agent provided additional information and amended plans of which the Highways officer deemed to be sufficient to recommend approval of this application subject to conditions. A condition is recommended for a construction managed plan to be submitted, however, given the size of the site its existing use and that the local highway network is adequate of accommodating construction vehicles it is not considered necessary to require such detail. As such, it is concluded that the scheme would not represent any additional harm in terms of highway safety and would therefore comply with Local Plan Policies LP21 and LP22, Principle 12 and 19 of the Housebuilders Design Guide SPD and the guidance contained within the National Planning Policy Framework.

5 - 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 pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

Due to the nature of the scheme, it is considered that one electric vehicle charging point should be provided per dwelling to aid in the contribution to climate change. Furthermore, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

Drainage

The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding). In addition to this there are no specific drainage risks associated with the site (e.g. river, culvert).

Policy LP28 of the Kirklees Local Plan, Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul/surface water drainage.

The agent has confirmed via email that foul sewerage is to be disposed of by the mains sewer and that they propose to connect to the existing drainage system. No specific details have been provided with respect to surface water, in light of the lack of information provided it is considered appropriate and necessary to require details to be secured by condition in accordance with Policy LP28.

Trees

Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Whilst there are some mature trees located around the periphery of the application site, these trees are not subject to a tree preservation order and are not considered to be worthy of a protection order. Although it is acknowledged that some trees are to be retained within the site and this is welcomed by the Council. Details of trees to retained would be assessed as part of the reserved matter in relation to landscaping.

Biodiversity

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 9 of the Housebuilders Design Guide highlights that net biodiversity gains should be provided through good design and considered at an early

stage to ensure biodiversity enhancements and habitat creation are incorporated and the function of the wildlife habitat network is safeguarded and enhanced. There is opportunity to provide net gain by the provision of facilities such as bat boxes and enhanced landscaping. These details would need to be submitted as part of details submitted at reserved matters stage for appearance and landscaping. To ensure that these are provided a condition will be attached to the decision notice in relation to these issues. This would in line with Local Planning Policy LP30, Chapter 15 of the NPPF and Principle 9 of the Housebuilders Design Guide.

Contaminated Land

Environmental Health have advised that the site is potentially contaminated due to its current industrial use and former use a quarry. To ensure that this matter is fully assessed in accordance with Policy LP53 and Chapter 15 of the NPPF a full sweet of contaminated land conditions will be attached to the decision notice to protect future occupiers.

6 - Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

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

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2021/94408

Officer Recommendation: Approve

Conditions and Reasons

1. No development shall be commenced until full details of the appearance and the landscaping of the site (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority.
   Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority. This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended)

2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
   Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
   Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to this permission and unless otherwise approved by the Local Planning Authority, the development hereby approved shall be carried out strictly in accordance with the plans and specifications schedule listed in this decision notice.
   Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

5. Plans and particulars of the Reserved Matters related to 'appearance and landscaping' shall include details to demonstrate a biodiversity net gain. The details should set out the existing biodiversity value of the site and propose sufficient biodiversity-led features to provide biodiversity net gain.
   Reason: To provide ecological enhancement in accordance with the requirements of Local Planning Policy LP30, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

6. Before the hereby approved dwellings are brought into use, one electric vehicle recharging point shall be provided per dwelling within the dedicated parking area to serve each dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.
   Reason: To encourage ultra-low emission vehicles in the interests of air quality and to accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy, Policy LP24 of the Kirklees Local Plan and Principle 18 of the Housebuilders Design Guide.

7. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre commencement condition to ensure that contaminated land matters are fully addressed before works commence.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
   Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre commencement condition to ensure that contaminated land matters are fully addressed before works commence.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (8), further groundworks shall not commence until a Remediation Strategy by a

suitably competent person 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 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 groundworks in the affected area (except 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.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person 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 have been completed for (that part of) the site 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

12. Prior to the development being brought into use, the approved vehicle parking areas shall be marked out and surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superceded; and thereafter retained.
Reason: In the interests of highway safety and to achieve a satisfactory layout and to ensure that the areas are appropriately

drained, in accordance with policies LP21 and LP22 of the Kirklees Local Plan.

13. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of South Street 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 LP21 and LP22 of the Kirklees Local Plan.

14. Prior to the first occupation of the any of the hereby approved dwellings, a report specifying the measures to be taken to protect the dwellings from noise from all significant noise sources that are likely to affect the proposed dwelling including road traffic/railway noise shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

    a) Determine the existing noise climate
    a) Predict the noise climate in the gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
    b) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

    None of the approved dwellings shall be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.
    Reason: In the interests of amenity of the occupiers of these properties and to accord with the requirements of Policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Specific details of surface water drainage, including any balancing works and off-site works shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. The drainage works approved by this condition shall be completed in accordance with the approved details prior to the dwellings first being occupied and thereafter retained.
    Reason: In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance -

- Land Contamination Risk Management (LCRM)

- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

NOTE: Electric Vehicle Charging Points –

- A standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). a 32A (7kW) is however more likely to be futureproof.
- Standard charging points for single residential properties that meet the requirements specified in the latest version of *"Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)"* by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: Noisy construction related activities shall not take place outside the hours of -

- 0800 to 1830hrs Mondays to Fridays
- 0800 to 1300 hours Saturdays
- With no noisy activities on Sundays or Public Holidays

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Site Plan & Section	3472(0-)01	B	27th January 2022
Fire Appliance – Turn in turning head	HDC-08-01	-	27th January 2022
Fire Appliance - Reverse Out	HDC-08-02	-	27th January 2022

Design & Access Statement – Supporting Information	3472	-	23rd November 2021
Supporting Statement (Highways) – Supporting Information	-	-	27th January 2022

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Following receipt of comments from Highways officers amended plans and additional information in respect to visibility and access were provided by the applicant's agent.

Report Dated:

22/02/2022