

**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:	2022/62/93516/W
Site Address:	adj, 71, Southern Road, Cowlersley, Huddersfield, HD4 5TJ
Description:	Erection of one dwelling with detached garage
Recommending Officer:	Tom Hunt

DECISION – CONDITIONAL FULL 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: 13 – FEB - 2024

Officer Report

Site Description

2022/93516 – adj, 71, Southern Road, Cowlersley, Huddersfield, HD4 5TJ

The application site relates to an area of land located at the head of Southern Road. The land itself currently forms an area of vacant, grassed land which appears un-kept with a partially culverted watercourse falling from southwest to northeast:

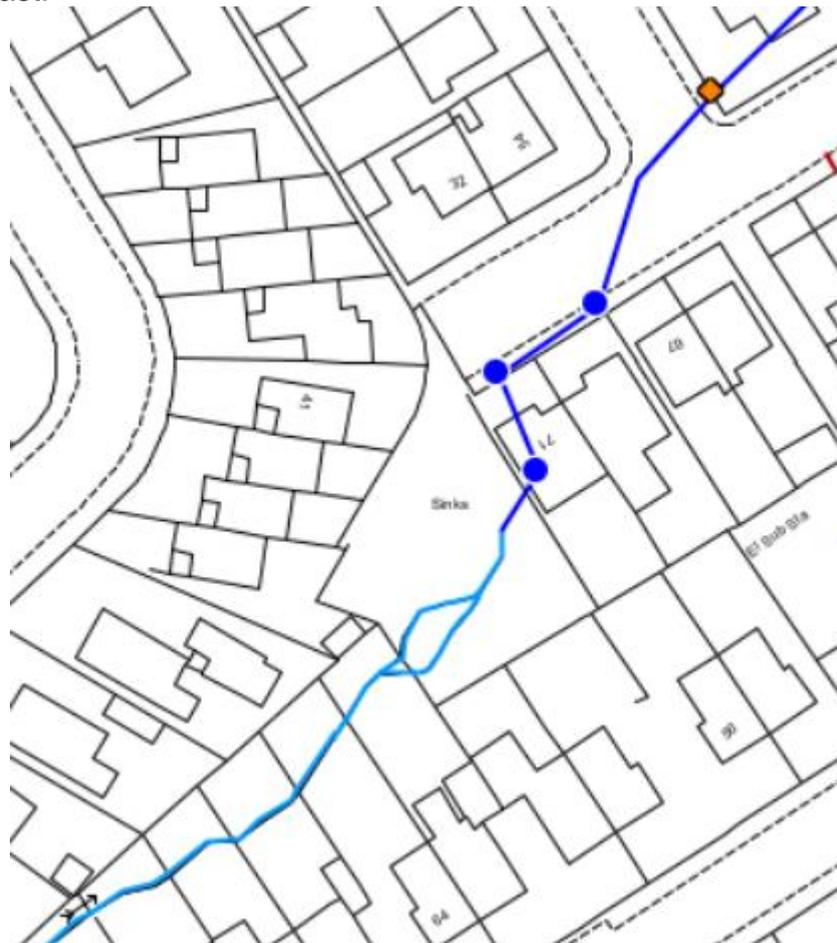


Figure 1: Light blue unculverted stream, dark blue culverted path.

The site is surrounded by dwellings to all sides due to its shape and position. To the northeast, the side elevation to no.71 Southern Road has a single window at first floor level; to the southeast, facing the site are rear elevations and gardens set at a higher ground level to the application site along Avison Road; and to the northwest, on Warneford Road, the terraced properties have their rear elevations with small rear gardens abutting the plot albeit facing towards southeast rather than directly viewing the site.

Access into the site is gained via Southern Road, between no.71 Southern Road and no.39 Warneford Road.

Description of Proposal

Erection of one dwelling with detached garage.

All figures are approximate and in metres unless otherwise stated.

It is proposed to erect a detached, two-storey dwellinghouse in an L-shape configuration with a two-storey rear projection. It would have a maximum footprint of 8.4m depth and a maximum of 7.5m width and an overall maximum roof ridge height of 7.25m with eaves 5.3m from ground level. The two-storey projection would project 1.35m from the rear and be 2.7m wide, matching the eaves of the main dwelling with a set down roof ridge 0.95m from the ridge of the main part of the house.

A distance of over 16m would be achieved to the front boundary of the site, a minimum of 5.6m to the side boundary with no.71 Southern Road; 9m to the rear boundary; and a minimum of 5.4m to the side boundary with the properties along Warneford Road (which would also be separated by the detached garage).

It would be accessed by a new driveway at a width of 2.6m from Southern Road. A single-storey, detached garage would be located to the side of the dwelling, along with a turning head to the front of the dwelling. Garden areas would be located to three sides. A bin store would be located to the rear of the garage.

It would be faced in coursed artificial stone with a concrete tile roof. It would have a small, paved area circulating around both the garage and property.

Openings would be created:-

- Front elevation: two large windows to front elevation and a vertical curtain glazing plus door to the secondary front elevation
- West side elevation (facing Warneford Road): ground floor small window to front gable projection and a vertical window on both storeys of the rear projection only
- Rear elevation: ground patio door to main house only
- East side elevation (facing No. 71's rear garden): three standard windows to each storey of the main body and a vertical window on both storeys of the rear projection.

It is proposed to have the garage set 0.8m from the west side boundary. It would be detached with a mono-pitched roof set at a maximum height of 2.5m and be 6.3m depth and 3.3m width. Internal space specifications would be 3m width by 6m deep. It would be faced with artificial stone, roofed with dark grey single ply membrane and steel painted overhead door. No other openings are proposed. The driveway plus garage could accommodate a maximum of three modern size vehicles off-street.

The development would comprise of three bedrooms - with dining kitchen, hall, W.C., and lounge to ground floor and bedrooms, ensuite, bathroom and landing to first floor. Internally, the bedrooms would have a floor area of

10.3sq.m., 13.2sqm., and 7.2sq.m. within a two-storey 3bed/5person property of 101sq.m. of floorspace. Dedicated built in storage areas have not been set out.

A new 'pond' would be created to the rear boundary where the watercourse enters the site and the existing watercourse would be re-directed to circumnavigate around the proposed dwelling with a minimum separation distance of 3m from the southeast corner of the property. A dwarf wall would be created around the property's rear patio edge.

To the site boundary, there would be a 1.2m height timber fence along the private right of way to the west, a post and panel fence to the remaining side and southwest rear boundary, a block wall and fence and stone wall and fence to the southeast boundary and the retained conifer hedge and post and rail fencing to the eastern boundary. In addition to the eastern boundary there would be a concrete post timber fence with concrete upstand to act as an additional water barrier.

History of negotiations/amendments received

The case officer considered the application on review and requested amended plans to reflect the true scale of the proposal and additional meetings to be carried out between the Lead Local Flood Authority and the agent to mitigate against flood drainage risks.

In addition, the Location Plan was amended following discussion on the red line boundary indicating ownership and submission of information from the agent when these matters were queried. As such, the red line boundary was replotted, the application re-validated and the proposal was readvertised with a new Location Plan.

The agent/applicant agreed pre commencement conditions necessary to ensure that the site would be effectively drained and reduce the risk of localised surface water flooding for its future occupants and neighbours once developed.

Relevant Planning History

2019/91210 – Erection of 2 semi-detached dwellings with associated parking and pedestrian access to the rear gardens. Invalid.

Officer Note: Reference was made within a representation to this proposal which was found invalid and not rejected/refused.

2011/92764 – Erection of detached house with detached garage. Approved.

Officer Note: Permitted Development Rights were removed regarding the insertion of new door and window openings to the elevation and roof of the dwelling and the further erection of buildings or extensions without the written approval of the Local Planning Authority.

2011/90197 – Erection of pair of semi-detached dwellings with detached single garages. Refused.

96/90760 – Use of vacant land as residential garage site. Approved.

Representations

We are currently undertaking 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 with an expiry date of 08/12/2022.

Following discussion with Officers, the proposal was readvertised by site notice and press notice as a potential Departure from the Kirklees Local Plan under LP27:

“Proposals involving building over existing culverts or the culverting or canalisation of water courses will not be permitted unless it can be demonstrated to be in the interests of public safety or to provide essential infrastructure and that there will be no detrimental effect on flood risk and biodiversity. Where feasible, development proposals should incorporate re-opening of culverts, modification of canalised water courses and consideration of mitigation measures to achieve a more natural and maintainable state.”

The new Site Notice expired 17/01/2023 and the Press Publicity expired 21/01/2023 posted in accordance with the Kirklees Development Management Charter.

Amended technical information regarding flood risk was received following intensive engagement with the Lead Local Flood Authority to address their concerns. It was agreed that the proposal would not be a Departure as the improvements to the water flow, drainage and existing culvert would ensure that it would not conflict with policy LP27 of the KLP. This would be discussed further under ‘Other Matters’ in the main assessment below. It was not necessary to have the technical information readvertised due to the information being assessed by the Flood Management & Drainage Team Leader as part of their specialist role.

Amended plans were submitted for the Proposed dwelling plans (floor and elevation) and the Streetscene plans to reflect the correct scaling. As those did not alter the design of the plans or any planning material considerations, Officers did not consider it necessary to re-advertise those plans.

Following issues raised regarding land ownership and the application site red line boundary, the proposal was readvertised when the revised red line application site boundary was submitted. This was advertised via neighbour letters in accordance with the DM Charter and legislation, with an expiry date of 04/12/2023.

During the course of the application, 10 representations have been received Objecting to the scheme; a summary of the comments received is set out below:

- Drainage/Flooding:
 - There is no full insurance policy in place to safeguard neighbours in event of flooding
 - The water flow would not be effective enough to prevent water logging with the removal of trees
 - Land is not adequately drained/waterlogged
 - Development could increase flood risk

Officer Note: Insurance coverage is not a planning material consideration. In relation to the other comments, the impact of the proposed works will be discussed in the 'Other Matters' section of the main assessment.

- Land Ownership:
 - Legal ownership of land disputed at entrance
 - Previous ownership should have been checked by Planners in relation to the applications in 2011
 - Hedge planted within the land by neighbour
 - Fence erected where there is a right of way

Officer Note: Boundary disputes and land ownership are not planning material considerations; planning permission once granted do not override the legal responsibility of the applicant to ensure that proposed works are lawfully carried out, or regarding existing private rights of way that cross land. A footnote has been attached to ensure this is noted.

The Officer contacted the agent to confirm that they believe that they are lawfully in ownership of the land, points are as follows:

- Solicitors have reviewed the red line boundary and have agreed that it is accurate at the access to Southern Road.
- Hedge was unlawfully planted however this is retained at present to keep the peace between neighbours without any legal ownership being transferred
- The private right of way is to be retained with a boundary fence for No.s 41, 43, 45, 47 and would provide secure boundary for all those properties

Additional Officer Note: A small sliver of land adjoining the rear of No. 60 Avison Road was included in the original Location Plan's red line boundary. This was replotted to exclude the sliver of land in question to ensure that the Decision could be issued. The photographs are demonstrated below side by side for reference:



- Access and Parking:
 - No access to the property with erection of fence
 - No large vehicles will be able to access the site safely and legally. Skips and machinery will need road licences consequently. Road sweepers will be required.
 - Neighbour's car is usually parked across the access to the property, so there is no access
 - Highway is oversubscribed with parking due to lack of off-street parking
 - The entrance is not wide enough and uses a public pathway

Officer Note: Submitted Proposed Layout Plans indicate that the access road, including the fence erected for the private right of way, would be 2.6m width which is sufficient for modern vehicles to pass through. Any operation of construction vehicles, equipment or licences required would be the responsibility of the applicant and operators to ensure that continued highway functions are not unnecessarily obstructed and safe operation of machinery in accordance with legislation. Informal parking arrangements are not a planning material consideration, and it is a civil offence to park across driveways so when the site is actively undergoing development, access would be suitably controlled by legislation not planning controls. Other matters relating to Highway Safety are discussed in the relevant section.

- Additional technical information submitted in relation to flood risk:

- This information should not be considered as it was submitted post statutory notice period.

Officer Note: The agent was required to submit further information to the Lead Local Flood Authority to assess the impact to the culvert. This is part of the process to ensure that sound Decisions are being made and plans may be amended at any point before the issue of the Decision. If there would be an additional harmful impact on planning material considerations that this would be re-advertised.

- Residential amenity:
 - Overshadowing/loss of light
 - From garage
 - From dwellinghouse
 - Noise
 - Loss of Privacy/Overlooking

Officer Note: To be assessed in full within the Residential Amenity section of the report as follows.

- Visual amenity:
 - Property will be out of scale with the surrounding properties
 - Not in keeping with properties on Southern Road
 - Not in line with properties building line
 - Cramped development in small plot
 - Property location does not meet government legislation on required separation distance of properties to boundary for all seven existing properties.

Officer Note: Amended plans were received indicating scales correctly and are assessed in full within the Visual Amenity section of the report. There is no Government legislation restricting separation distance to boundaries for properties; Officers would consider the guidance in the Housebuilders Design Guide SPD and impacts on residential amenity when assessing each proposal on its own merits in accordance with the development plan and national policy.

- Climate Change:
 - No information on how the property will be eco-friendly or energy efficient with Electric Vehicle Charging Points
- Officer Note:** To be assessed in full within the Other Matters: Climate Change section of the report as follows. It is noted that this application was submitted prior to the updated Kirklees Council Validations Checklist and did not require a Climate Change Statement to be submitted then.

- Biodiversity:
 - Removal of trees and habitat harmful to biodiversity
- Officer Note:** To be assessed in full within the Other Matters: Biodiversity section of the report as follows.

- Development potential:
 - It was thought that no development could take place due to the stream

Officer Note: The site is not within a protected area for development and is unallocated within the Kirklees Local Plan so the land can be developed subject to full assessment of planning material considerations.

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 Lead Local Flood Authority – Support, subject to conditions attached.
- KC Environmental Health – Support, subject to precautionary condition attached.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated for development on the Kirklees Local Plan. It is within the Strategic Green Infrastructure Network and a low coal risk area for development. The site is within a low probability area for flooding as indicated by the Flood Map for Planning Service; the site is noted on Council records as an area of localised surface water flooding.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 7 – Efficient and effective use of land and buildings
- LP 11 – Housing Mix and Affordable Housing
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 27 – Flood risk
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 33 – Trees
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality

Supplementary Planning Guidance

- Highways Design Guide SPD
- Housebuilders Design Guide SPD (relevant to the new dwellinghouse)
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Kirklees Biodiversity Net Gain Technical Advice Note, 29 June 2021

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivery a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- 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 Kirklees Local Plan. Policy LP1 confirms that the Council will take a positive and proactive approach when considering development proposals to reflect the presumption in favour of sustainable development embedded in the National Planning Policy Framework. 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.

Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement.”

The site is within the Kirklees Rural Sub-Area. The listed qualities will be considered where relevant later in this assessment.

The proposal is required to accord with Policy LP3 of the Kirklees Local Plan, which requires new development to be situated in a sustainable location that provides access of public transport choices and access to local services. This site is within walking distance of Mount Street Local Centre and close to frequent bus stops (255m distance). Therefore, the site is considered to be in a sustainable location close to public transport and local services for residential development.

Under Chapter 11 of the NPPF, planning decisions should support development that makes “efficient use of land” taking into account the need for different types of housing, local market conditions, infrastructure, the prevailing character of the area, the desirability of promoting regeneration or change, and the importance of securing well-designed, attractive and healthy places.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP2 and LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring that the form, scale, layout, and details of all development respects and enhances the character of the townscape and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

LP27 and LP28 of the Kirklees Local Plan is relevant considering the partially culverted watercourse and will be examined in the following assessment as follows.

Also of relevance are NPPF Chapters 14 (opportunities to be taken to prevent development contributing to flooding) and 15 (any potential pollution impacts should be assessed at the planning stage, and biodiversity should be enhanced where possible.)

5 Year Housing Land Supply

Following the recent publication of the NPPF (20th December 2023), paragraph 76 states:

“Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision making purposes if the following criteria are met:

- a) their adopted plan is less than five years old; and*
- b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.”*

Concerning this, the status of Kirklees Local Plan is less than 5-years old until (28th February 2024) and had identified a five year supply of specific deliverable sites by the time its examination was concluded.

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 LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Chapter 11 of the NPPF supports development making efficient use of land subject to achieving appropriate densities.

Taking the above into consideration, the development site forms an irregular plot surrounded by residential dwellinghouses and is considered to be within an existing settlement boundary. It could be considered a relatively sustainable location for new residential development. In addition, its potential density may be able to reflect settlement character if designed appropriately. In terms of parking being adequate, this is discussed in the highways section of this report.

However, the provision of housing needs to be balanced against all material planning considerations outlined below.

2 –Impact on visual amenity:

The National Planning Policy Framework offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places), whereby paragraph 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.”

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.

LP24 states that proposals should promote good design by ensuring:

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

Paragraph 134 of the National Planning Policy Framework sets out that design guides and codes carry weight in decision making. Of note, paragraph 139 of the National Planning Policy Framework 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.

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

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

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

Officers consider that the dwelling would be mostly read in conjunction with the existing dwellings on Southern Road to its east. Whilst the housing type is varied with predominately two-storey semi-detached, and terraced properties, there are very few examples of detached properties. The property would be of similar height and width to semi-detached properties on Southern Road. It would be of wider width and lesser height to the terraced properties on Warneford Road. Therefore, it would satisfactorily fit within the locality by being neither greater in height or footprint to existing development.

It would enjoy a discreet position, tucked away in the site being of minimal impact on the streetscene. To have the property follow the same building line as Southern Road would result in a contrived and cramped development which may appear too overbearing to rear elevations of Warneford Road. It is positioned approximately central within the plot and behind the building line of Southern Road ensuring that it would strike a carefully positioned balance in relation to the existing properties being neither unduly overbearing nor obtrusive to those properties and to the streetscene.

There are also a mix of both new and older build properties throughout, which does result in somewhat varied appearance and character with some use of rough render and natural/cast stone visible facing materials. The proposed dwelling would be considered in keeping with the neighbouring dwellings on

Southern Road and Warneford Road's matching materials found in the locality. The proposed materials, roof and building line are therefore considered to be acceptable subject to being conditioned in the interests of visual amenity.

The proposed dwelling would have a slightly more modern glazed arrangement with the curtain glazing at the front but this would be largely set back from the building line on Southern Road, streetscene and of low visual impact. Additionally, while the fenestration to the side and rear could be described as minimal, those would not appear to have any impact on the streetscene and as such would be in keeping with the area. The fenestration and doors detailing of the proposed dwelling is considered to be acceptable. Regarding the layout and siting of the proposed dwelling, 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 buildings... normally new build developments should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to scale of the dwellings'*. Paragraph 7.19 of Principle 6 states that for two-storey house types there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary. In this instance the scheme would comply in relation to all boundaries and would have sufficient clearance to all boundaries to have a well-proportioned two-storey development in relation to its size which would be acceptable. The proposed single-storey outbuilding would have a separation distance of 0.8m to the nearest boundary however the single-storey design, modest footprint and mono-pitched roof limiting their bulk and massing appearing in keeping with the residential area would be considered acceptable in terms of visual impact.

The proposed dwelling, by virtue of its design, scale, massing and roof line, is considered to be moderately in keeping with the existing development on the site given the constraints of the site. The careful positioning of the dwellinghouse within the site would appear to be a pragmatically designed development avoiding the impression of being too close to existing developments and as such, it is considered that the proposed dwelling would sit comfortably within the existing street scene and against the neighbouring properties.

The proposed boundary treatments would be varied due to the existing boundary treatment by neighbouring occupants and are considered acceptable, taking into account the private right of way, ensuring the boundary would not be oppressive for users.

The submitted site plan indicates that there is to be a driveway and turning head to the front of the property sufficient for at least two vehicles. Although the proposed parking provision would be to the front of the dwelling, this is considered acceptable in terms of visual amenity as it would still allow for a sizable area of front soft landscaped amenity space to soften the approach to the dwellinghouse and for the visual amenity of the streetscene. It is

considered appropriate to recommend a condition requiring details of landscaping to be submitted, should planning permission be granted, to promote good design by ensuring the development enhances the landscape for visual amenity.

Moving on to the proposed private amenity area to the rear, Principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be, in part, able to receive direct sunlight for part of the day, all times of the year and the amenity space proposed would be mostly to the south adequately achieving suitable levels of sunlight. There would be some shadowing due to the increased ground levels to the south in relation to the garden however this would be considered acceptable given the large garden area and context of the site. This arrangement would appear to be the most suitable in this instance and is not considered to substantially detract from the streetscene.

Officers recommend that in light of the limited footprint and amenity space, to avoid an overly cramped design impacting on visual amenity and residential amenity and to prevent the loss of amenity space, that Permitted Development Rights be removed on development included within Class(es) A and E of Part 1 of Schedule 2 Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order). While this is additional to the previous permission, it is considered that the layout has reduced the available useable amenity areas to a degree that makes this a necessary change for the proposal to be considered that the proposed amenity space would meet the requirements of Policies LP24 of the Kirklees Local Plan, Principles 2, 6 and 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework

In conclusion, subject to conditions, the proposals are considered to be appropriate in size, scale and design in this private location, and that they would not appear out of character or overly dominant in the general context of this site. The proposals therefore accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Council's adopted House Builder's Design Guide SPD.

3 – Impact on residential amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing

and employment uses incorporating means of screening where necessary’.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: “Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.” *The SPD also provides advised separation distances for two storey dwellings:*

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

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on nos. 45 and 47 Warneford Road

The proposed dwelling would be set southeast of the neighbours separated by 5.6m to the closest side boundary; this would exceed the recommended 2m separation distances to boundary as set out in the SPD.

It would have one ground floor window serving the lounge, a habitable room, in the gable front projection which would have a maximum window height of 2.2m above ground level and partially obscured by the bulk and massing of the detached garage which is 2.5m height from ground level. This window would be separated 13.3m from the windows of the neighbouring properties not meeting the guidance to have 21m separation distance, this is justified by the screening effect of the detached garage preventing loss of privacy and any overlooking.

There is to be a narrow window to each storey of the rear projection, this is positioned to the far south of those properties with no direct line of sight and only oblique views as a result. Whilst this would serve habitable rooms with the kitchen/diner and the bedroom with a separation distance of 16m, the limited depth of the projection at 1.3m internally and the bulk and massing of the host would further restrict views from those windows and would preserve an adequate level of privacy and avoid undue overlooking. In the interests of residential amenity, it would not be necessary to impose a condition restricting further window openings to this dwelling’s side elevation as this is adequately controlled by existing GPDO legislation and the detached outbuilding. Given the proximity of the garage to the neighbouring properties’ boundary fencing, Permitted Development Rights have been removed on further window openings to the southwest side elevation in the interests of residential amenity.

With regard to overshadowing, any new development may overshadow however this could be carefully mitigated by separation distances to property boundaries, limited dwellinghouse height and careful positioning of the dwellinghouse. There would be the removal of an existing tree set close to the rear boundary of the dwellinghouses which would have some moderate increase in light level availability to those neighbours. Of benefit to reducing impact, the dwelling's height finishes lower than those neighbours which enjoys three storeys at the rear and is approximately 11.6m to the closest rear elevation; assessment of the sun's path found that there would be some restricted overshadowing during the early mornings of March to October with no additional impacts for the rest of the day. The detached, single-storey, windowless garage would be of sufficiently limited height and set at an adequate distance separated by the private right of way to ensure that it would have minimal impacts on overshadowing, overbearing and no impacts to overlooking/loss of privacy. On balance, the effects of the removed tree, the distance and limited height of the dwellinghouse positioned to the southeast of the neighbours and impact of overshadowing restricted to early mornings of some months would adequately ensure that there be neutral impact to those with regard to loss of light and overshadowing. There would be minimal impacts on outlook and no impacts on overbearing or these properties due to the limited height and distance of the property in relation to those neighbours which would exceed minimum requirements for separation distances for the new development.

Impact on nos. 41-43 Warneford Road

Those properties are forward of the proposed dwellinghouse's primary elevation and would overlook the driveway and front amenity space of the dwellinghouse. The proposed front elevation windows would only achieve very oblique views of those neighbour's rear elevations and this would adequately ensure no additional overlooking or loss of privacy to those neighbours. The impacts of the sun's path in relation to this proposed property would have very restricted overshadowing early mornings between October and March. It is proposed that for similar reasons as discussed for nos 45 and 47, that this be acceptable due to its limited impact on overshadowing. There would be minimal impacts on outlook and no impact on overbearing for these properties due to the limited height and distance of the property in relation to those neighbours which would exceed minimum SPD requirements for separation distances for the new development.

Impact on no. 71 Southern Road

This neighbouring property is located to the northeast of the application site with one side elevation window to the first floor. The proposed scheme would have windows facing the rear garden of No. 71 ensuring limited impact on privacy and overlooking; this is partially mitigated by a conifer hedge of sufficient height to screen the garden from the ground windows of the new development. Two of the first floor windows closest to the neighbour serve bathroom functions and so would be obscurely glazed as set out in plans and further secured by condition; in addition, the remaining bedroom window which is furthest away would only overlook the very rear of the neighbouring

garden. This would be considered adequate in terms of limiting overlooking and loss of privacy. The proposed dwellinghouse would be set behind No.71's rear elevation and be 5.6m to the southwest of the neighbour; for these reasons, this would adequately ensure no overbearing or loss of outlook effects to the neighbour and would not be substantially different from the overlooking relationship between existing neighbours. The effect of the sunpath would have very limited impact to the lone side elevation window of this neighbour restricted to mostly one month of the year and therefore acceptable in terms of overshadowing.

Impact on 58, 62, and 64 Avison Road

It is considered that the proposed development would be sited on lower ground with limited ground floor patio doors to other neighbours and be a sufficient distance away from those properties so as to prevent undue harm to these properties in terms of loss of light, overshadowing, loss of privacy or overlooking, or the creation of an overbearing effect. Additional first floor windows to the rear elevation would not create any significant overlooking relationship between neighbours to the rear due to the substantial ground level differences and would not need to be controlled by condition accordingly to ensure residential amenity.

With reference to the representation on noise, a footnote shall be attached to the Decision Notice highlighting the Council's powers over limiting undue impacts of construction for residential amenity and to accord with LP52 of the Kirklees Local Plan. Impacts of noise from one additional dwellinghouse being in use in the locality would be minimal and therefore acceptable in this regard.

Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. With reference to Principle 16 of the Housebuilders Design Guide SPD, internally, the proposed dwelling would have a GIA of approximately 101sqm for a two-storey dwellinghouse. It is acknowledged that every habitable room within the property would have access to at least one window, therefore there would be sufficient outlook and light into these rooms.

When assessed against the minimum space standards set out in the Nationally Described Space Standards (NDSS), it is noted that there would be a minor undersupply of 2.5sq.m. of storage space and one bedroom marginally underspecified/not compliant with a floor area of 7.2sq.m however overall the scheme would have a modest oversupply of 9sq.m. In this regard, Officers propose that this proposal could be acceptable in light of sufficient internal space overall, daylighting, adequate outlook and the generous garden to achieve adequate living standards.

Subject to the condition removing Permitted Development Rights on Class(es) A, AA, B and E) included with reference to Principle 17 of the Housebuilders Design Guide SPD, as previously discussed, officers consider that this would limit the impacts of further overshadowing to neighbours on Warneford Road

and ensure that the amount of outdoor amenity space provided for the proposed dwelling would be adequate.

In conclusion, subject to condition, it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24b) and LP53 of the Kirklees Local Plan in terms of the amenities of neighbouring properties, noise/nuisance and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's Housebuilders Design Guide SPD.

4 – Impact on highway safety:

Paragraph 115 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.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

A 3-bedroom dwelling is proposed at the site, and the Kirklees Highways Design Guide SPD states that at least 2 off-street spaces are required for dwellings with 2-3 bedrooms. The detached garage would be compliant with internal space standards specified for modern vehicles in the Highways Design Guide SPD. Officers note that at least 2 off-street parking spaces are to be provided either in the garage and in the driveway, which is considered acceptable for a dwelling of this size. There would also be a turning point within the site allowing vehicles to enter the highway in forward gear increasing highway safety with improved inter-visibility. In addition, this limited scale of development would not generate high levels of traffic and has adequate provision of off-street parking and turning heads to avoid increased on-street parking demand.

While there appears to be a low kerb present, a s.184 footnote has been added to inform the applicant of their requirement to gain the written permission of the Design Engineer to have a dropped kerb for public safety and to avoid damage to the utilities sited below the pavement.

Principle 19 of the Housebuilders Design Guide SPD sets out how provision for waste storage and recycling should be incorporated into the design of new developments. Details of bin storage and presentation have been provided and positioned to the rear of the garage to both avoid visual clutter from bin storage and be close enough to allow bins to be moved for presentation to waste collection.

As previously mentioned, obstruction of the highway is controlled by legislation and regulatory functions and not planning controls therefore a

condition cannot be attached in this regard under planning practice guidance on conditions.

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

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. As the proposal is for a new dwelling, the provision of electric vehicle charging points is controlled by regulations and does not require a condition to be set, for avoidance of doubt, an informative would be attached to advise the applicant of their duties and to support carbon emission reductions. 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 in relation to energy efficiency and insulation.

Flood risk and Drainage

As indicated previously, the proposal had the potential to be a Departure from the Kirklees Local Plan under LP27 unless it could be demonstrated that public safety is preserved with "*no detrimental effect on flood risk and biodiversity.*"

The proposal has been reviewed by the LLFA and has undergone extensive discussions with the applicant/agent to ensure that impacts to the existing partially culverted watercourse are managed. Additional information was received and reviewed by the LLFA.

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). Kirklees Council understand that there has been a history of drainage concerns and localised surface water flooding within the site which have been raised within representations. As such, it would only be prudent to allow development of the site subject to strict controls to have a marked positive benefit over the existing arrangement as follows.

The application form identified that surface water will be disposed of by the watercourse and that foul water would be disposed by the mains sewer. The LLFA discussions concluded that there would be a need for a condition to have the surface water and foul water drainage systems separated and the design to be approved by the LPA prior to the development commencing. Officers are in agreement that this would be acceptable.

Initially an open watercourse diversion was proposed however this would potentially pose issues with safety to future occupiers and the LLFA signalled

that this could be best managed by condition to strike a careful balance between ensuring safe water flow, drainage and future occupant use. Therefore, additional details of the diverted watercourse and its maintenance scheme following discussions are also to be conditioned and to be discharged prior to any development commencing.

In addition, a condition would be attached to ensure that the driveway and turning head to the side and front would be drained sufficiently and/or made permeable in accordance with Policy LP27 and LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.

Further details are to be provided regarding a full assessment of the effects of blockage scenarios on the ordinary watercourse passing through the site to be submitted to the LPA. It is noted that the watercourse had been blocked in the past through natural blockage with soil and debris creating further issues with the safe and efficient flow of the watercourse. These conditions would have the benefit of improving the efficient flow of the water, drainage, a maintenance schedule and splitting surface water from foul water to improve on the existing arrangement and to avoid additional impacts to surrounding residential development. With this positive approach to improving the natural drainage and function of the watercourse, Officers, subject to those necessary conditions, are able to recommend that the proposal would not be a departure as it would have no detrimental effect on flood risk and would improve the current conditions in relation to localised flood risk to the benefit of neighbours under LP24d)vii), LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Biodiversity and Trees

Whilst considering Biodiversity and the representations, the unkempt and overgrown site itself is not within an identified or designated biodiversity area for protected species in the Kirklees Local Plan. The removal of trees on plans as noted by representations have been noted and an Officer site survey was carried out to assess whether any of those trees were significant trees which may benefit from protection. In this instance, the small and ornamental trees to be removed could not be described as those of significant amenity warranting explicit protection under LP33 of the Kirklees Local Plan.

The proposal is for a new dwellinghouse within the Kirklees Strategic Green Infrastructure Network in which LP30 and LP31 of the Kirklees Local Plan and Principle 9 of the SPD is relevant. In those policies, Officers are directed to seek positive measures for proposed development in the SGIN to improve biodiversity and habitat within this area and to ensure that new development integrates green infrastructure in the area.

As part of this scheme in relation to biodiversity, there would be a new habitat in the form of the natural attenuation pond as set out on the proposed site plan. The previously approved and similar development proposal (ref: 2011/92764) attached a soft landscaping condition and Officers recommend that to be consistent and to aid in the enhancement of biodiversity within the Strategic Green Infrastructure Network, that a soft landscaping scheme using native plants be similarly conditioned in the interests of Principle 9 of the SPD,

LP25h), LP30 and LP31 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Contaminated and unstable land

With reference to the ground works and dwellinghouses along Avison Road, set on elevated ground level, there may be potential for some ground disturbance close to retaining walls. Policy LP53 of the Kirklees Local Plan and paragraph 189c), Chapter 15 of the NPPF is relevant. Further guidance on the NPPG regarding Land Stability has also been considered in the assessment of this application.

Due to the localised scale of the proposed development, close examination of the ground levels and as the site does not impact on a public highway in order to proceed with the application, Officers are satisfied that this development would have limited impact and could be adequately managed without conditions necessary to ensure public safety and ground stability. This is with the proviso that an informative is attached to the Decision Notice advising the applicants of their private and lawful responsibility to carry out any groundworks in a safe and responsible manner to avoid affecting the retaining walls of Avison Road.

In addition, following formal review by Kirklees Council Environmental Health, the site is not on land identified as potentially contaminated on KC mapping systems or surveys. The proposed development will involve ground works therefore it will be necessary to recommend a precautionary condition relating to unexpected ground contamination if discovery should occur. This should satisfactorily strike a careful balance between enabling development and the minimal risk of ground contamination involved in accordance with LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

6 – Representations:

Ten representations had been received. They have been summarised and addressed in the 'representations' section of this report as well as the main assessment above.

The representation has been carefully considered within the report with conditions attached to ensure that the development of the site will improve the natural state of the site with regard to surface water flooding, drainage, and biodiversity.

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

Application Number: 2022/93516

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP03, LP07, LP11, LP21, LP22, LP24, LP27, LP28, LP30, LP31, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, Principles 1-19 of Housebuilders Design Guide SPD, and Policies within Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Prior to development commencing, details of how the site shall be developed with separate systems of drainage for foul and surface water on and off site, shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details prior to the dwelling first being occupied.

Reason: In the interests of drainage, flooding, residential amenity and public safety and to accord with Policy LP24b), LP27, LP28 and LP53 of the Kirklees Local Plan and Chapter 12 and 14 of the NPPF.

4. Development shall not commence until a scheme finalising the detail of the piping of the watercourse within the site, including inlets, outlets and trash screens, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the piped and open sections of watercourse and works for the lifetime of the site. No part of the development shall be brought into use until the watercourse piping works and comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented thereafter.

Reason: In the interests of drainage, flooding, residential amenity and public safety, to have a long-term maintenance strategy to reduce the impacts of localised surface water flooding and to accord with Policy LP24b), LP27, LP28 and LP53 of the Kirklees Local Plan and Chapter 12 and 14 of the NPPF.

5. Development shall not commence until an assessment of the effects of blockage scenarios, on the ordinary watercourse passing through the site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include methods of mitigating risk to the proposed and existing adjacent houses as part of a scheme to manage flood risk. The dwelling shall not be occupied until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: In the interests of drainage, flooding, residential amenity and public safety, and to accord with Policy LP24b), LP27, LP28 and LP53 of the Kirklees Local Plan and Chapter 12 and 14 of the NPPF.

6. Prior to the construction of the dwelling hereby approved above slab level, details of all the external facing materials of the walls of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be erected in accordance with the approved details and retained as such.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

7. Prior to the commencement of the dwelling hereby approved above slab level, details of the external roofing material of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be carried out in accordance with the approved details and retained as such.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

8. Prior to first occupation of the dwelling hereby approved, full details of the height, materials, and position of all boundary treatments to be erected, or existing ones to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be erected or constructed before the dwelling is first occupied and shall thereafter be retained.

Reason: In the interests of visual and residential amenity, and to comply with Policy LP24 (a&b) of the Kirklees Local Plan, Principles 5 and 13 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

9. The dwelling hereby approved shall not be occupied until all areas indicated to be private drive and parking areas on 'Proposed Site Layout.

Drawing No. 0702. P04.' are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan, Principle 12 of the Kirklees Housebuilders Design Guide SPD and Chapters 9, 12 and 14 of National Planning Policy Framework.

10. The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the planting of native trees, shrubbery and hedgerows, including suitable native pond/aquatic plants. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of healthy trees, hedgerows and shrubs in the interests of amenity and providing biodiversity measures to meet Principle 7 and 9 of the Housebuilders Design Guide SPD, Policies LP24, LP30 and LP31 of the Kirklees Local Plan and Chapters 12 and 15 of the NPPF.

11. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order (with or without modification)) no new window openings shall be formed in the southwest elevation of the garage without the prior written approval of the Local Planning Authority.

Reason: So as to protect the residential amenity of the neighbouring occupants in accordance with Principle 6 of the Housebuilders Design Guide SPD, Policies LP24b) of the Kirklees Local Plan and Chapter 12 of the NPPF.

12. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that

Act or Order with or without modification) all east first floor windows other than the first-floor bedroom window shall be non-opening or top-opening only and shall be fitted with grade 5 obscure glazing before the development is first brought into use.

Reason: To protect the privacy of the occupants of the proposed and neighbouring dwellings and to accord with the aims of Policy LP24(b) of the Kirklees Local Plan, Principle 6 of the Housebuilders' Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

13. 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 Class(es) A, AA, B and 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 interest of visual amenity, residential amenity to ensure that adequate amenity space is retained and to comply with Policies LP24a) of the Kirklees Local Plan, Principles 2, 6 and 17 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

14. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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.

Groundworks in the affected area shall not recommence until either:

- (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or
- (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved 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 that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been 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 no. 183 and 185 of the National Planning Policy Framework

FOOTNOTE: Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there

may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

FOOTNOTE: Building Regulations (2021 edition) control the provision of Electric Vehicle Charging Points for new residential buildings under Approved Document S 'Infrastructure for the charging of electric vehicles'. Building work must meet all relevant requirements of the Building Regulations. To comply with the Building Regulations, it is necessary both to follow the correct procedures and meet technical performance requirements for building work to be found acceptable.

FOOTNOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

FOOTNOTE: Whilst the grant of planning permission is given, the applicant are reminded that it is their sole private and lawful responsibility to ensure that any groundworks or development next to retaining walls are safely carried out without disturbance or weakening of those structures. This is set out in paragraph 184 of the NPPF.

FOOTNOTE: All bin presentation points are required to be:

- Located close to, but not on, an adopted highway at the boundary of the curtilage no more than 25m from the storage point and not in a location requiring bins to be manually moved through a building, car park or passed parked vehicles.
- Sited away from windows and doors in case of fire/arson attack to enable safe emergency exit
- A hardstanding, situated to allow convenient, level and unobstructed access for collection crews, with dropped kerbs where necessary.
- Positioned with consideration for minimising 'bin blight' on collection day – large groups of bins outside windows or blocking driveways or footpaths create a nuisance for residents and highway users.
- In conformity with Building Regulations 2010 Part H6 which states that the route between storage and presentation points should not require bins to be moved up/down slopes of more than 1:12 or multiple steps.

FOOTNOTE: 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 13.00 hours, 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.	Drawing No. 0101.	P03.	13/11/2023
Existing Site Layout.	Drawing No. FBA_232_Cowlersley.	Revision: Unamended.	28/10/2022
Proposed Site Layout.	Drawing No. 0702.	P04.	15/06/2023
Proposed Site Layout/Drainage Plan.	Proposed Site Layout/Drainage Plan by RWO Consulting Engineers. Drawing No. DWGNO.	REV.	28/10/2022
Proposed Streetscene Elevations with Sections.	Drawing No. 0000.	P01	29/08/2023
Proposed Floor and Elevation Plans for Garage.	Drawing No. 0703.	P03.	28/10/2022
Proposed Floor and Elevation Plans for Detached Dwelling.	Drawing No. 0702.	P04.	29/08/2023
Supp Info – Flood Risk Assessment	Flood Risk Assessment and Drainage Strategy by RWO. Reference: RWO/FRADS/Y21220. Dated: June 2022.	Version 1.	28/10/2022
Supp Info – Flood Risk Assessment	"Storm Sewer Design by the Modified Rational Method" Supplementary information on drainage and flooding by RWO Associates. Dated:10/05/2023	Original	11/05/2023

Plan Type	Reference	Version	Date Received
Supp Info – Flood Risk Assessment	Schematic Drainage Layout by RWO Associates Ltd. Drawing No. DSK1000. Revision: 2.	Original	11/05/2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer considered the application on review and sought further information to be supplied to evaluate measures to mitigate against drainage and flooding. Subject to conditions, the proposal would have an improvement over the existing relationship with drainage and localised flooding of direct benefit to neighbouring properties and had been recommended on this basis.

Furthermore, subject to the inclusion of the conditions set out on this decision notice, the proposed dwelling and detached garage are considered acceptable and would accord with relevant national and local planning policy.

The pre-commencement conditions have been agreed by the applicant/agent to ensure the site would be effectively drained and reduce the risk of localised surface water flooding for its future occupants and neighbours once developed.

Report Dated:

08/02/2024