

**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:	2023/62/91337/W
Site Address:	Acre House, Acre Street, Lindley, Huddersfield, HD3 3EA
Description:	Erection of 4 detached dwellings (within curtilage of a Listed Building)
Recommending Officer:	William Simcock

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.

John Holmes

AUTHORISED OFFICER

Date: 23rd August 2023

Officer Report 2023/91337

Acre House, Acre Street, Lindley, Huddersfield

Site Description

The application site comprises land within the grounds of the Grade II listed Acre House, which is located on a corner site, bounded by Acre Street to the west and Victoria Street to the north. The principal listed building, used as office space for the NHS, and its associated outbuildings, are located in the north-western corner of the grounds and do not form part of the present application site.

Towards the north-eastern corner of the site is a large car park which serves the existing office development. To the south and east the site consists mainly of soft landscaping used to provide amenity space with a small car park that gains access off Acre Street.

Several mature trees are located across the site on the boundary with Victoria Street, Acre Street and on the southern and eastern boundaries. Outside the application site to the north are residential properties, to the west is a public house and a car park associated with the wider hospital site. To the south, just outside the site boundary, is a public right of way and doctors' surgery with the wider hospital site further to the south. To the east are residential properties and an office building accessed off Acre House Avenue.

Description of Proposal

The proposal is for the erection of 4 no. detached dwellings and associated works.

Dwellings no. 1 and 2 would be sited close to the northern boundary of the site facing towards Victoria Street and would be accessed by means of a private drive coming off the existing Victoria Street entrance. Dwellings 3 and 4 would be placed in the southern half of the site, with their main elevations facing west and east.

Plots 1, 3, and 4 would be built to the same design. They would be primarily two-storey, with only the garage and rear garden room as single-storey structures, and would contain 4 no. bedrooms at first-floor. Plot 2 would also have 4 bedrooms but would not incorporate an integral garage – instead it would have a detached double garage. All the houses would have hipped roofs.

The design of the dwellings incorporates bay windows, quoin and corbel features to hold rainwater goods.

Relevant Planning History

2022/92776 Listed Building Consent for conversion and subdivision of existing buildings to form 6 dwellings and demolition of link building – Pending consideration.

2019/91934 Listed Building Consent for alterations to existing building to form 6 apartments and 4 dwellings and erection of 4 dwellings – Granted.

2019/91933 Alterations to existing building to form 6 apartments and 4 dwellings and erection of 4 dwellings (Listed Building) – S106 full permission.

2022/92775&92776 – Conversion and subdivision of existing buildings to form 6 dwellings and demolition of link building (Planning permission and Listed Building Consent). Approved.

Representations

Final publicity date expires: 11-Aug-2023: Publicity was by site notice and press advertisement in addition to neighbour letter because the application was deemed to affect the setting of a Listed Building and of a Public Right of Way.

No representations have been made.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Environmental Health – No objection subject to conditions
- KC Arboricultural Officer – Generally acceptable but would prefer to have the position of one plot amended.
- KC Highways Development Management – Were consulted but have not responded to date.
- KC Legal Services – Did not issue a formal response. However, the case officer took informal advice from Legal Services in the form of a telephone conversation which is summarised below, under “Other issues: Affordable housing”
- KC Conservation and Design – No response received

In addition, the following other services and teams were consulted on the 2019 application for new dwellings and conversion of the original building and made the following observations:

- KC Highways – No objection
- KC Waste and Recycling Service – No objection. Details of bin store for plots 5-14 to be conditioned.
- KC Lead Local Flood Authority – No objection subject to condition KC Conservation and Design – No objection following the amendment to the site layout which re-orientated plots 3 and 4.

- KC Trees – The Arboricultural Method Statement needs updating to reflect the revised site layout and further information is required for the works within the root protection area of trees T4-T7.
- KC Ecology Unit – No objection subject to condition
- KC PROW Officer - The application does not give details of the rear boundary, but PROW would not wish to see the height of this rear boundary increased. Standard footnote to be added to decision notice.
- KC Strategic Housing – No objection to the affordable housing offer (two social rent and one Starter Home provided on site).
- KC Landscape Section – Off-site contribution of £5,000 required towards local play opportunities
- Police Architectural Liaison Officer – The proposed site layout makes this permeable to intrusion. The pedestrian entrance from Acre Street allows unrestricted entry onto the site grounds with little surveillance from properties. To address this, advice has been provided on boundary treatments, external lighting, soft landscaping and general security measures.

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 land without designation within the Local Plan Proposals Map. Within or immediately adjacent to the site are two Listed buildings or structures:

- 64 Acre Street HUD 27/112.
- HUD 27/113

A Public Right of Way, HUD/349/10, runs along the southern boundary of the site.

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 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees
- **LP 35:** Historic environment
- **LP 53:** Contaminated and unstable land

Supplementary Planning Documents:

- Housebuilders' Design Guide SPD
- KC Highways Design Guide 2019
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Policies and Guidance:

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

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

- Chapter 6 – Delivering a wide choice of high-quality homes
- Chapter 12 – Requiring good design
- Chapter 14 – Planning for Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic 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: Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive approach

that reflects the presumption in favour of sustainable development contained in the NPPF. LP1 goes on further to stating that:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”. Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years’ supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authorities 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.

Paragraph 69 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”.

Although the Local Planning Authority can demonstrate a five-year housing land supply, it is noted that the development of this plot would contribute to the housing supply in the district. However the provision of housing needs to be balanced against all policies and material planning considerations considered below.

The proposal will be assessed according to the following policies:

- LP7 - encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and appropriate housing densities to ensure that land is used efficiently.
- LP11 – Housing must aim to provide a mix in terms of size and tenure.
- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
- LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
- LP24 – the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings and a high level of sustainability.
- LP28 – Sustainable urban drainage systems to be used where possible.
- LP30 – Development to incorporate biodiversity enhancement measures.
- LP33 – Trees and woodlands of significant amenity should be protected.
- LP35 – Heritage assets should be conserved and any harm not allowed without a proportionate justification.
- LP53 – seeks to ensure land quality is maintained as part of new development.

The proposed dwelling would be located close to one or more grade II listed buildings. When making decisions on planning applications for development that affects the setting of a listed building there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, where a development proposal would affect a Listed Building or its setting, have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore Chapter 12 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

The most recent application for new housing on this site, 2019/91933, was assessed and determined under the Local Plan, but before the adoption of some of the SPDs that are relevant to applications of this type. The recent permission, which expired 1st April 2023, will therefore be deemed to carry weight as a material consideration and the principle of housing on this site is considered to be established. A full assessment of the proposal against the aims of the various Local Plan policies and relevant sections of the NPPF will however be undertaken.

The site would be classed “previously developed” within the meaning of the NPPF if all the land is assumed to comprise part of the curtilage of the principal building. This does not imply that a development making “efficient use” of land will necessarily be acceptable – this will be assessed having regard to its compatibility with local character (see part 2 below).

The application would result in four dwellings on a site of 0.5ha opposed to that set out in Policy LP7 and Principle 4 of the Housebuilders Design Guide seek to achieve 35 dwellings per hectare. Given the constraints of the site, and in particular the need to respect the setting of the Listed Building, it is considered that a higher density would be unachievable without introducing other issues which may have a harmful impact.

The development is therefore considered appropriate in principle subject to an assessment of amenity, highway safety, environmental and other criteria, to be examined in detail below.

2 –Impact on visual amenity: The proposal will be considered having regard to the aims of LP24a, and also those of the House Builders’ Design Guide, in particular:

Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.

Principle 8 – Transition to open land to be carefully considered.

Principle 13 – Materials should be appropriate to the site’s context.

Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.

Principle 15 – The design of the roofline should relate well to the site context.

It is considered that the amount of development, its footprint, and the placement of units within the site, which would be substantially set back from the Acre Street frontage and other site boundaries, and would allow the conservation of much of the semi-natural landscaping within the site, would give rise to a pattern and layout of development appropriate to its setting. The hipped roofs and other design details such as the bay windows and string courses would reflect that of Acre House, the materials – stone and blue slate – would be suitable for the site, and it is considered that other aspects of detailed design, including fenestration, would be appropriate.

Acre House would remain the visually dominant building on site. Consultation took place with the Conservation Officer at the time of the 2019 application and it is considered that the development proposed would not be significantly different to that previously granted permission and it is concluded that as such the proposal would not have an adverse impact on the setting of any listed building. The case officer’s view is that this remains the case now.

In the interests of ensuring that the development conserves the setting of designated heritage assets, the following should be regulated by condition –

the materials used for the surfacing of the access road; the installation of a gate at the proposed pedestrian access from Acre Lane in place of the bollard; the removal of permitted development rights for extensions and outbuildings. This is in addition to a condition requiring inspection of facing materials.

Subject to this, the application is concluded to accord with Policies LP24, LP35, the relevant parts of the Housebuilders' Design Guide, Chapter 16 of the NPPF, and the Council's duties under the Act.

3 – Impact on residential amenity: The following principles within the Housebuilder Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 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.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards (NDSS). The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

The separation distances between Plots 3 and 4 and those dwellings they would face on Acre House Avenue are in excess of the 21m normally demanded (being approximately 28m and 23.5m). Plots 1-2 face north towards Victoria Street. Their own north-facing elevations are 14m from the highway boundary and a similar distance would be maintained from the near kerb to the nearest facing elevations of established development on Victoria Street, meaning that the combined distance would be well in excess of 21m. In both cases the new development would be at a similar height to the established development and the relationship is judged acceptable. There would be no significant mutual overlooking between the new dwellings.

Internal space would be 193sqm per dwelling except for Plot 2 which would contain 191sqm. In each case, the recommended minimum floorspace for a two-storey, 4-bedroom dwelling (As set out within the NDSS) is exceeded. It is considered that the amount and distribution of outdoor amenity space is satisfactory given the likely number of occupants and the character of the local area.

The site is close to the hospital and there is a public house on the opposite side of Acre Street. It also lies along a busy road. The application is supported by a noise report. The proposed noise mitigation measures however apply only to the conversion of the main building to apartments, which does not form part of the proposal now under consideration. It is noted the Environmental Health Team have confirmed, in their consultation response, they have no objection to the proposal.

Within their response they recommend a condition relating to hours of construction. Given the scale of the proposal and other powers available to the Council provided by separate legislation it is not considered necessary to restrict the construction hours by condition although an informative note would be included drawing the applicant's attention to this matter.

In conclusion, it is considered that the proposed development would deliver an acceptable standard of living to future occupants whilst not detrimentally affecting the living conditions of occupiers of existing dwellings and would thereby accord with the aims of LP24(b), LP53, Chapter 15 of the NPPF and the above-quoted parts of the Housebuilders' Design Guide SPD.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The access and parking arrangements are the same as those approved for application 2019/91933. It is considered that safe access to the public highway network would be achieved and that the internal layout is acceptable. The Highway Officer's comments on application 2019/91933 state that three off-street parking spaces per dwelling would be provided (including garages). From the scaled measurements it appears that there would in fact be room to park two cars externally and the internal width of each garage is also acceptable. One visitor space is provided near the entrance which is in accordance with the Highways Design Guide SPD.

Refuse storage and collection arrangements are the same as those previously approved and are considered satisfactory in terms of location having regard to

the aims of LP24(d). The layout of the proposal is such that it would not lead to a parking dominated street scene, with incorporation of front amenity space provided, as such the proposal would meet the requirements of principles 12 and 19 of the Housebuilders SPD.

Subject to the relevant areas being surfaced and drained before the new dwellings are occupied, the development would provide a safe means of access to the public highway and would accord with the aims of the aforementioned policies.

It is however recommended that a further condition be added removing the right to convert integral garages since these form part of the standard parking provision.

5 – Other matters:

Affordable housing:

Application 2019/91933 was approved subject to a S106 Agreement which secured three of the new dwellings as affordable. The requirement to contribute to affordable housing, as set out in Policy LP11, only applies to developments of more than 10 homes. As it is now the developer's intention to break the development down into two separate developments, one for new build and one for the conversion of the existing building, it would be unreasonable to expect the current proposal to make a contribution to affordable housing supply or to ask the developer to enter into a supplemental agreement to ensure that the affordable housing contribution is carried forward. The case officer took advice from the Council Solicitor before arriving at this conclusion.

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 including LP24(d). 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.

A Climate Change Statement, which has since February 2023 formed part of the standard validation requirements, has been submitted. It contains the following measures:

- Smart energy metering and efficient lighting and gas boiler controls;
- Materials to be sourced locally where possible;
- More glazing on the south and south-western elevations to allow passive solar heating and lighting;
- Extra insulation to be considered for walls.

It is noted that the site is in a very sustainable location, since there is a bus stop adjacent to the site with a frequent service to Huddersfield Town Centre. In the circumstances, and in view of the very recent permission for 4 new dwellings plus the conversion of Acre House, it is considered that the applicant has taken adequate steps to ensure that the development contributes to the above carbon reduction aims.

To promote sustainable means of transport in accordance with government guidance on air quality mitigation and reducing greenhouse gas emissions, in accordance with the aims outlined within Planning Practice Guidance, Policy LP20 and LP21(g) of the Local Plan and Chapter 14-15 of the National Planning Policy Framework, it should however be conditioned that one new electric vehicle charging point be installed before each dwelling is occupied.

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 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The site is on the edge of the Bat Alert Layer but does not lie within or adjacent to any other zone designated for biodiversity conservation nor is it close to extensive semi-natural habitat. It concluded that there would be no unacceptable loss of habitat. A Preliminary Ecological Appraisal was submitted with application 2019/91933. Given that the survey is quite recent, it is considered that it would not be reasonable or proportionate to require the applicant to undertake a further survey.

A condition requiring the submission of a plan for the improvement and maintenance of biodiversity within the site should however so as to ensure that biodiversity net gain is delivered. Subject to this it is concluded that the proposal would comply with the aims of policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders SPD and policies within Chapter 15 of the NPPF.

Trees:

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. The position of the protect trees within the site was raised as a concern by the Arboricultural Officer in application 2019/91933 but in the final assessment it was considered acceptable subject to an amended Arboricultural Method Statement and permitted development rights being withdrawn. An updated Arboricultural method statement has been provided with this application.

The Arboricultural Officer's latest comments are:

'Detailed AIA and Tree Protection Method statement have been provided. Thought has been given to the protection of the trees in relation to the potential impact from the dwellings and construction works. Proposed tree removals are minimal and are acceptable. All TPO trees have been retained with adequate space. My only concern is that the garden and rear elevation of plot 2 will be shaded by the existing trees. I would like to see the proposed dwelling moved further north, with no dig construction used for the driveway within the RPA's of trees T4 to T7. Moving the dwelling forward will also provide greater space between the proposed dwelling at the canopies of T1 and T2.'

However, it is noted that that the relationship between Plot 2 and the trees is exactly the same as previously approved. Whilst it is noted that the rear of Plot 2 would be somewhat affected by shade cast, as shown on the original Arboricultural Impact Assessment, the Arboricultural Officer did not raise this as a concern at any stage in the process. It is therefore considered that in this case it would be unreasonable of the LPA to insist that the plans be revised.

As before it is recommended that permitted development rights for extensions and outbuildings to the four new-build dwellings (Plots 1-4) should be removed to ensure that any such additions do not compromise the root protection areas of the adjacent protected trees or bring the dwellings in such close proximity to the trees that there is pressure to fell/prune them in the future. Subject to this it would comply with the aims of LP33 and Principle 7 of the HDG SPD. A condition requiring an additional Arboricultural Method Statement is no longer necessary.

Drainage:

Policy LP28 of the Kirklees Local Plan, and policies within Section 14 of the NPPF require that developments have regard to impact in terms of foul / surface water arrangements. Policy LP28 requires new development to take into account the hierarchy of drainage in the design of development.

The application form states that disposal of surface wate will be to the main sewer via attenuation. This is more sustainable than direct disposal to mains and is considered to be acceptable and in keeping with the aims of LP28 and Chapter 14 of the NPPF. To ensure that the option chosen will be practical

and capable of being implemented, it is recommended that the same condition on drainage should be re-imposed, requiring a detailed scheme.

Public Right of Way:

There is a public right of way abutting the southern boundary of the site. The existing boundary treatment to the public right of way is a fairly low metal rail fence and it is proposed to replace this with a 2m high timber fence. Part of the path is already enclosed on one side by a building (doctors' surgery) and so a 2m fence would be somewhat imposing. It is considered that revised details of this boundary treatment should be provided and this can be secured through a condition in the interests of maintain the setting and useability of the PROW, as was done on previous applications.

Security issues:

As was observed in the assessment of previous applications, it is considered that the layout of the site would make the site vulnerable to intrusion especially because the pedestrian entrance from Acre Street allows unrestricted entry onto the site grounds with little surveillance. As before it is considered that the installation of a gate instead of the proposed bollard at the Acre Street access would be sufficient to address this and this can be secured by condition.

Contaminated land

Land on the opposite site of Acre Lane is registered as potentially contaminated owing to its former uses. Taking a precautionary approach in accordance with the aims of LP53 and Chapter 15 of the NPPF, it is recommended that the standard condition on actions to be taken if unexpected contamination is found, should be imposed.

6 – Representations:

No representations have been made.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation – Delegated Powers

Application Number: 2023/91337

Officer Recommendation: CONDITIONAL FULL PERMISSION

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, as amended by the Planning and Compulsory Purchase Act 2004.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP28, LP30, LP33, LP35 & LP53 of the Kirklees Local Plan, Principles 2, 6, 7, 8, 13, 14, 15, 16, 17, 18 & 19 of the Housebuilders' Design Guide SPD and policies within Chapters 6, 12, 14, 15 & 16 of the National Planning Policy Framework.

3. Samples of the facing and roofing materials shall be left on site for inspection, and a scheme submitted to, and approved in writing by, the Local Planning Authority before works to construct the superstructure of any of the plot commences. The development shall be undertaken in accordance with the approved scheme and thereafter retained.

Reason: In the interests of visual amenity, to ensure that the setting of the Listed Building is conserved and enhanced, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

4. Details of the surfacing of the access road within the site shall be submitted to and approved in writing by the Local Planning Authority before any of the dwellings are first occupied. The access road shall be surfaced in accordance with the approved details before any dwelling is first occupied and shall thereafter be retained as such.

Reason: In the interests of the setting of the Listed Building and highway safety and to accord with Policies LP35 and LP21 of the Kirklees Local Plan and policy within Chapter 16 of the National Planning Policy Framework.

5. A scheme detailing foul, surface water and land drainage, (including any off-site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) shall be submitted to and approved in writing by the Local Planning Authority

before development commences. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development (or each agreed phasing of the development). The approved drainage scheme shall thereafter be retained as such.

Reason: This is a pre-commencement condition to ensure the provision of adequate and sustainable systems of drainage at the construction stage in the interests of environmental well-being and the mitigation of flood risk and to accord with Policy LP28 of the Kirklees Local Plan and policy within Chapter 14 of the National Planning Policy Framework.

6. A biodiversity management plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction of Plots 1-4 above foundation level. The content of the BMP shall include the following:-

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The BMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body / bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders' Design Guide SPD and policies within Chapter 15 of the National Planning Policy Framework.

8. In the event that contamination 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 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 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 unacceptable risks to human health and the environment have been addressed and to accord with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

9. Notwithstanding the approved site layout plan, revised details of the boundary treatment to the southern site boundary (adjacent public footpath Huddersfield 349) shall be submitted to and approved in writing by the Local Planning Authority before works to construct Plot 4 commence. The boundary treatment so approved shall be provided before Plot 4 is occupied and shall thereafter be retained as such.

Reason: In the interests of the amenity of users of the public footpath and to accord with Policies LP20 and 24 of the Kirklees Local Plan.

10. One electric vehicle recharging point shall be installed within the dedicated garage or parking area of the hereby approved dwelling before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To mitigate the impact of the development on air quality and climate change and to accord with Policy LP24(d) of the Kirklees Local Plan and policies within Chapter 14 of the National Planning Policy Framework.

11. The private vehicle parking areas and the areas shown to be provided for the storage and collection of wastes on the approved site plan shall be surfaced and drained before the dwelling to which they relate is first occupied and shall thereafter be retained as such.

Reason: In the interests of highway safety and to accord with Policy LP21 and LP22 of the Kirklees Local Plan and Principles 12 and 19 of the Housebuilders' Design Guide SPD.

12. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no buildings or extensions falling within Classes A-E of that Order shall be erected within Plots 1-4 at any time.

Reason: To ensure that extensions and additions to these plots do not result in a form of development that would harm the setting of the adjacent listed building or would prejudice the viability of protected trees within/adjacent to

the site, to accord with Policies LP35 and LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

13. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the integral garages to Plots 1, 3 and 4 shall be retained for vehicular parking only and shall not be converted to living accommodation or used for any other purpose.

Reason: To ensure that adequate parking is retained at all times in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Principle 12 of the Housebuilders' Design Guide SPD.

14. Notwithstanding the submitted site plan, the bollard to the pedestrian access on Acre Street is not approved. Design details of a gate to be erected to this point of access shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is first occupied. The gate shall be provided in accordance with the approved details before any dwelling is occupied and thereafter retained as such.

Reason: To preserve the significance of the designated heritage asset and to enhance the security of the development. This is to accord with Policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			17-May-2023
Location plan	21D17-0101-P02		17-May-2023
Plot 2 floorplans and elevations	21D17-0702-P03		17-May-2023
Plots 1-3 floorplans and elevations	21D17-0703-P04		17-May-2023
Garage floorplan and elevations	21D17-0704-P02		17-May-2023
Site plan as existing	FBA_204_Acre House		17-May-2023
Proposed site layout	21-D17-0701-P03		17-Jul-2023
Heritage and Planning Statement	21D17		17-May-2023
Climate Change Statement			17-May-2023
Tree Survey	AHH/BS/01		17-May-2023
Preliminary Tree Survey	AHH/ML21		17-May-2023
Arboricultural Impact Assessment	190429 AIA		17-May-2023
Amended Arboricultural Method Statement	190304c MS		17-May-2023

Plan Type	Reference	Version	Date Received
Noise Report	NIA/8513/19/8402/v1/Acre House		17-May-2023
Climate Change Statement			17-May-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 did not request changes to design but requested an amended site plan for the purposes of clarification.

