

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:	2023/62/92033/W
Site Address:	Hoyle Ing Dyeworks Former, Hoyle Ing, Linthwaite, Huddersfield, HD7 5QS
Description:	Erection of 6 bungalows with ancillary staff area (within a Conservation Area)
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.

Teresa Harlow

AUTHORISED OFFICER

Date: 6th December 2023

Officer Report 2023/92033

Former Dyeworks, Hoyle Ing, Linthwaite

Site Description

The site comprises a tract of cleared, levelled and terraced land within a predominantly urban setting, the site of the former dyeworks. It is bounded by the steeply sloping Hoyle Ing to the south-west and Manchester Road to the north-west. Other developments, either nearing completion or recently completed, are located within the lower part of the former dyeworks close to the Manchester Road frontage. To the south-east of the site is a high brick retaining wall. To the south-east, uphill from the development, is a row of detached dwellings, and further back from the Hoyle Ing frontage a small area of woodland. Other premises in industrial or distribution use are located on the opposite side of Hoyle Ing.

Description of Proposal

The proposal is for the erection of 6 no. single-storey dwellings with an ancillary staff area (office / washroom).

The application site sits within a larger site that has been subject to two previous planning approvals. These have resulted in the development of 4 no. bungalows on the Manchester Road frontage and the conversion of a building at the corner of Hoyle Ing / Manchester Road to 9 no. apartments.

The current proposals have been designed in partnership with Kirklees Council's learning disability commissioning team.

The proposals would comprise:

- A row of four bungalows (designated nos. 19-22) built as two pairs of semi-detached houses, linked by an office / WC in the middle, with simple rectilinear footprint placed in the eastern corner of the site along the south-eastern boundary. Overall dimensions 23.8m by 7.1m;
- A pair of semi-detached bungalows (17-18) near the centre of the site at a lower level and an area for parking and turning of vehicles which would take access to Hoyle Ing. The bin store would also be placed near the southern corner of the site.

The outward-facing (north-western) elevations would be faced in coursed stone, the remainder in brick, the roof in slate.

Details of the proposed materials have been provided within the application form:

- Soft Red handmade brick by Traditional Brick and stone;
- Natural Slate: SVK Montana Slate 600 x 300 Textured Surface Riven Edge - Blue/Black.

A solar array would be attached to the south-eastern roof slope.

History of negotiations/amendments received

19-Sep-2023: Arboricultural report / impact assessment; Amended elevations and site layout.

23-Oct-2023: Further amendment to elevations to show underbuild.

These were not re-publicised since they were not considered to raise substantial new planning issues.

Relevant Planning History

2011/90931 – Demolition of part of industrial mill, conversion of mill buildings into ten dwellings and erection of four new dwellings with associated parking. Conditional full permission.

2014/91813 – Demolition of part of mill, alterations to convert mill building into 6 dwelling and erection of 11 dwellings with associated parking (within a Conservation Area). Conditional full permission.

2015/93424 – Demolition of part of mill, alterations to convert mill buildings into 3 dwellings and erection of 10 dwellings with associated parking (within a Conservation Area). Conditional full permission.

Representations

Final publicity date expires: 15-Sep-2023. Publicity by site notice and press advertisement in addition to neighbour letter in accordance with the requirements of the Development Management Procedure Order as the site is in a Conservation Area.

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 Lead Local Flood Authority – Acceptable subject to conditions.

- KC Highways Development Management – (informal response). Access arrangements are on balance acceptable.
- KC Highways Structures – Acceptable subject to condition.
- KC Environmental Health – Acceptable subject to conditions.
- KC Designing Out Crime Officer – Acceptable in principle.
- KC Conservation & Design – Acceptable subject to conditions.
- KC Arboricultural Officer – Was consulted but did not respond within the time available.

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 within Linthwaite Conservation Area on the Local Plan proposals map.

The site is also within the Strategic Green Infrastructure Network and a Source Protection Zone.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **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 52:** Protection and improvement of environmental quality
- **LP 53:** Contaminated and unstable land.

Supplementary Planning Documents:

- Housebuilders Design Guide Supplementary Planning Document
- Linthwaite Conservation Area Appraisal
- Highways Design Guide.
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

These documents can also be viewed in [G:\Planning\SPDs & Guidance Notes](#).

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 5th September 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 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk 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
- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) 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.”

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 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement for application, where applicable, will be set out in the officers' assessment.

The site lies within the Linthwaite Conservation Area and the Strategic Green Infrastructure Network.

Under Policy LP31, development proposals should ensure:

- i. The function and connectivity of the green infrastructure network is retained or replaced;
- ii. New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate;
- iii. The scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;
- iv. The protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.

The development would lead to a net increase in built footprint and the amount of hardstanding, but it would not result in the loss of any existing green infrastructure and would not intrude into the adjacent woodland. It is considered therefore that it would not affect the function or connectivity of the network. The scale and layout of the development would not be conducive to providing new green infrastructure or new connecting links to the Core Walking and Cycling Network. The development is therefore considered to be appropriate in principle under LP31. Implications for trees and biodiversity will be considered in detail later in the Assessment.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. This is also reflected in NPPF Chapter 16 and LP35 which require that development should not be permitted if it would give

rise to loss of significance of heritage assets, unless there is a proportionate justification for the harm caused.

The proposal will be further 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.
- 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.
- LP52 – Potential noise and other pollution impacts should be considered at the planning stage.
- LP53 – Potential contamination should be remediated or measures incorporated to ensure it does not cause harm.

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. The advice in Chapter 12, “Achieving well-designed places”, should also be taken into account, in particular that planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments.

Also of relevance is Chapter 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.)

The application would result in a net density of 56 per hectare as opposed to that set out in Policy LP7 which looks to achieve 35 dwellings per hectare. Given that higher densities already exist adjacent to the site, and that the

Manchester Road frontage is intensively developed, this is regarded as acceptable and represents an appropriate and efficient use of land.

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 following Principles within the Housebuilders' Design Guide SPD are highlighted as being particularly relevant for the purposes of this report:

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

Principle 5 – Development should maintain open space and residential amenity.

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.

According to the Appraisal, this part of the Conservation Area, and Manchester Road generally, are characterised by two and three storey mills, two and three storey dwellings, with small gardens framed by dwarf stone boundary walls, and more generally by ribbon development giving rise to an urban grain within a rural setting. The site is not considered to form an important gateway into the Conservation Area, although being on a steep hillside, any development on this site will be prominent. The site does not lie close to any of the core historical settlements (or nucleated settlements) mentioned in the Appraisal, nor is it close to any Listed Building.

The proposed development would consist of single-storey dwellings in an area in which most development is two-storey or higher. However, the alignment and built form would resemble that of development lining Manchester Road which generally has a linear built form. It is considered that the changes to the topography of the site, and the balance of hard and soft landscaping, would reflect the pattern of surrounding residential development which tends to be high-density with small gardens.

Following the previous response by the Conservation and Design Team, amendments and clarification have been submitted. The external masonry for the north-west elevations of both bungalows has been amended to stone on the proposed elevation drawings. Conservation & Design now support conditional approval and recommend that stone matches that used in the Phase I bungalows, that stone gutter corbels are incorporated into the design, and that details of the boundary treatments and bin stores should be submitted, by condition.

For the sake of simplicity, it can be conditioned the stone used matches that used in the Phase I development. The proposed roofing material is considered an acceptable substitute for the blue or Welsh slate widely used in the local area. A specific brick product has not been put forward, so it can be conditioned that a sample is supplied before work commences on the superstructure. It is recommended that gutters should be supported by corbels instead of a fascia board since this is typical of the late 19th and early 20th century development that characterises the local area.

A Landscaping Masterplan was submitted with the application but must be regarded as indicative only because it shows a now-superseded parking arrangement and will therefore not form part of the approved documents. The use of timber fencing for internal boundaries is judged acceptable. It also shows an 800mm high stone wall to the back of the visibility splay as the front boundary treatment. This is considered a suitable boundary treatment in principle but a full landscaping scheme will need to be conditioned and this can include boundary treatments. Further conditions on the bin storage areas are not judged to be necessary since these would be discreetly located, with very limited visibility from the adopted highway or other dwellings.

Subject to the above conditions it would accord with the aims of LP24a, LP35, the relevant parts of the HDG SPD, and Chapter 16 of the NPPF.

3 – Impact on residential amenity:

Privacy, outlook and space:

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. 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. These are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).

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.

In the case of the four bungalows, the bedroom windows would face the rear boundary / retaining wall at a distance of about 2m. The front-facing lounge windows would have an unrestricted outlook. As they would face north-west their ability to receive direct sunlight would be limited, especially in the winter, but the falling land would ensure a good outlook and all the overall receipt of light to be satisfactory.

For the twin bungalows, the outlook from the living area would be to the north-west; this is perhaps not ideal as they would only be able to receive direct sunlight in the summer, and in the case of no. 17 would face towards a high building. The bedroom windows would however be side-facing and would thereby have an unrestricted outlook, with no. 17 able to receive direct sunlight.

Privacy would be somewhat compromised, in as far as no. 17 would have one of its lounge windows facing directly towards habitable room windows in the nearby apartment building to the north-west, at a distance of 13m. It appears from the sections that it would be impossible to provide effective screening; a 2m fence would go some way towards limiting overlooking but would not wholly block it. Such a large departure from the recommended standard of 21m would not normally be viewed as acceptable. It is however noted that both sites are in the same ownership, and future occupants would be aware of this situation before moving in. The only alternative would be to have the main windows looking out on to the car-parking spaces. Again, the development would play a positive role in contributing to specialist housing in a sustainable location and thereby contribute towards meeting the aims of LP11. Placing appropriate weight on these factors, and on the tilted balance resulting from the current under-supply of housing land, it is considered that the relationship between windows can be accepted in this instance.

It is considered that the development, owing to its scale, layout, and its relationship with the local topography, would not affect the amenities of any properties lying outside the application site to the north-east or south-east.

The provision of outdoor amenity space would be very limited for 19-22, and it would in effect be shared or communal space since the layout of the block and the position of external doors would not allow each house to have its own independently accessed plot. The layout would allow a greater amount of outdoor space to be provided close to 17-18, but an annotation on the plans

indicates that this would also be communal. Given the nature of the accommodation proposed (for people with special needs), and since it is in an area in which it is not uncommon for terraced houses to have only very small garden plots or yards, provision is on balance considered acceptable.

In conclusion, it is considered that the internal and external layout of the properties, and their relationship with established development, would allow them to enjoy an acceptable standard of living whilst not unacceptably compromising that of neighbouring development, thereby according with the aims of LP24(b).

Noise

The Environmental proposed development is near to an existing busy highway and existing industrial premises, noise from which could have an adverse impact on future occupiers of the site. The case officer accepts that a noise assessment is necessary.

It is understood from the Combined Stage 1/Stage 2 Geo-Environmental Report authored by ARP Geotechnical Ltd, dated 12th March 2021 (ref: HIG/01r1) that piled foundations are 'likely to be required.' It is considered reasonable in the circumstances, having regard to the aims of LP52, to impose a condition for a construction environmental management plan.

Residential amenity: Conclusion

It is considered that subject to the above, the development would provide an acceptable standard of living for future occupants whilst not harming the amenities of neighbouring properties, thereby according with the aims of LP24(b) and LP52.

4 – Impact on highway safety: The proposed development would make use of an historic access. From aerial photographs and other online images, it has not been possible to determine whether it was the main vehicular entrance point; there was also a concrete area at the corner of Manchester Road and Hoyle Ing which was used for parking of cars and other vehicles. The latest plan shows that the standard sight lines of 43m in each direction cannot be achieved, and the existing sight line to the south-east crosses third party land and its future availability therefore cannot be guaranteed. Any assessment should however take into account the fact that vehicle speeds at this point will be significantly below the 30mph speed limit, on account of the narrowness of the carriageway, the presence of parked cars, and in the case of downhill traffic, motorists slowing down in preparation for the junction with Manchester Road. Considering these factors and the historic use of the site, it would be difficult to substantiate an argument that the development now being proposed would give rise to a materially increased risk of accidents.

The proposed layout incorporates eight parking spaces. This would give each dwelling a single parking space and provide a further two for visitors. Parking would therefore be provided at a rate lower than that generally recommended by the Highway Design Guide (2 per dwelling in most instances). But taking

into account the accessible location, very close to a bus route with a frequent service, and the fact that the intended occupants are likely to have a lower car ownership rate than the national average, provision is deemed adequate. The plans show that cars would be able to turn within the site.

Storage space for 8 refuse containers is provided within the site, which would also double as a collection point. This would amount to fewer than one per dwelling, but it is understood that the bins would be used on a communal basis rather than one being strictly allocated to each dwelling, and, given the small size of the houses, overall capacity is deemed sufficient. It would mean that residents would have to walk up to 40m to deposit waste but would not have to drag bins to or from the collection point, and being close to the highway boundary it would not present any difficulties for refuse collection workers. The arrangements are judged acceptable having regard to the aims of LP24(d).

Electric vehicle charge points are not shown on the drawings. It is not clear whether or not the spaces are going to be formally allocated to a dwelling. It is standard practice to request one per ten unallocated spaces, or one per space if they are allocated. Charge points are however more crucial for residential than non-residential development since the former will imply more overnight or all-day parking. The applicant has proposed that up to four charge points could be provided, which in the case officer's view is a reasonable level of provision. This can be the subject of a prescriptive condition.

Cycle storage is not shown. In view of the nature of the housing to be provided, it is considered that cycle storage provision can be left to the discretion of the developer in this instance.

Subject to the areas to be used by vehicles and for the storage of refuse bins being provided before first occupation and thereafter retained, the development would avoid any impact on the free and safe use of the highway and accord with LP21-22.

5 – Other matters:

Drainage:

The application form states that surface water drainage will be to the main sewer. The applicant has however submitted a Drainage Strategy drawing showing geo-cellular storage within the site. The Lead Local Flood Authority (LLFA) confirms that this could form the basis of an acceptable scheme subject to further details (full drainage scheme and overland flow routing) and a scheme for temporary water drainage during construction to prevent blockage and contamination of existing drainage systems.

Subject to the conditions it would comply with the aims of LP28 and NPPF Chapter 14 in ensuring that the most sustainable method of drainage reasonably practical is used.

LLFA also recommend that a Section 106 Agreement Unilateral Undertaking to set up a management company to carry out an approved maintenance and management scheme and that such an undertaking can cease if, and when, the infrastructure is formally adopted by the Statutory Undertaker and/or Highways Authority. The case officer's view are that a legal agreement would be unnecessary in this instance. Given the type of accommodation proposed, it is a reasonable assumption that a company will be in place for the day-to-day management and upkeep of the properties in perpetuity who will thereby be responsible for drainage issues. The drainage works shown do not involve works outside the application site or to land outside the applicant's ownership.

Climate Change:

The Climate Change Statement confirms that solar panels will be installed on the south-eastern roof slope of each building as shown on the plans. Whilst their effectiveness might be compromised by the sharp rise in ground levels to their rear as well as the trees on adjoining land, this is still to be welcomed.

Other measures highlighted in the statement include timber-framed construction and the use of locally-sourced materials.

It is therefore considered that the development demonstrates acceptable levels of sustainability from the point of view of promoting carbon reduction, subject to the solar array on each building being conditioned, and would support the aims of LP24(d) and Principle 18 of the HDG SPD.

Trees:

There are trees close to the south-eastern boundary of the site which are not at present under a Tree Preservation Order, but have protection via conservation area status.

The Arboricultural Impact Assessment observes that tree cover at the site consists mainly of overhanging crowns from a large semi-mature woodland group, 'G1' which is situated beyond the boundary fence at a higher ground level than the site itself by approximately 2 metres. The report concludes that the only direct impacts of the development would be pruning of overhanging branches. Some of the access works are within the root protection zone, but realistically it is extremely unlikely that there will be tree roots extending under the site given the sharp difference in levels.

It is considered that that no conditions are required in order to safeguard trees and that it would comply with LP33.

Ecology:

The site is in the Bat Alert Layer and twice buffer zone. It is also close to two stretches of Wildlife Habitat Network.

The applicant did not submit a preliminary ecological assessment or bat survey. The site is however considered to have no ecological value in its present condition so these are not deemed necessary in the circumstances.

Under the Biodiversity Net Gain (BNG) technical advice note, the requirement to demonstrate 10% BNG using the Metric is not imposed for Minor housing applications except on particularly sensitive sites. Under Policy LP30, however, ecological enhancement should still be delivered wherever reasonably practicable.

The installation of bat boxes would not be advisable since it would not be possible to install them in such a way that they would be both 4m or more above ground and not directly above windows or doors.

The Landscaping Masterplan (which, as previously stated, cannot be regarded as up to date as it does not conform to the main site plan) shows beech and cherry trees to be planted within the site and some native shrub planting near the south-eastern boundary. It is recommended that a detailed landscaping scheme should be conditioned in the interests of visual amenity and enhancing the biodiversity of the site. It is considered that a modest level of BNG, sufficient to fulfil the aims of LP30 and NPPF Chapter 15, would thereby be achieved.

Land contamination:

The site is recorded as potentially contaminated from its former use. A combined Phase I / Phase II contamination report has been submitted. Environmental Health comments advise that the Phase I report is acceptable, but that further clarification is required regarding Phase 2, which can however be addressed by a condition requiring a modified Phase 2 report.

Subject to the above it is considered that the requirements of LP53 would be satisfied in so far as they relate to contaminated land.

Land stability:

Paragraphs 174 and 183 of the NPPF highlight potential land instability as a legitimate planning concern; paragraph 184 however states that the responsibility for the safe occupation of a site lies with the developer. The Highway Structures team made the following comments:

“The above application would appear to include proposal for the construction of a retaining wall adjacent to an existing turning head located to the NW of the site. It is not clear whether this turning head is to remain private or be adopted. If the turning head is to become an adopted highway, then please arrange for the inclusion of the following condition:

- 1) Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new retaining walls adjacent to the proposed adoptable highways shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development”

The lack of a footway, the proposed gate, and the annotation – “private drive” – indicate that adoption is not the developer’s intention. The submitted documents from Bland & Swift indicate that recent remedial works have been carried out to the lower retaining wall within the Hoyle Ing site but these do not form part of the current application. Any additional loading on the retaining wall will not affect third party land, and it is considered that the applicant has taken reasonable steps to safeguard land stability. It is therefore considered that no conditions relating to land stability need to be imposed.

Crime and security:

The Designing Out Crime Officer has asked the applicant to confirm that they will supply the necessary security measures as requested in the previous consultation response. Not all of these are applicable to the proposed development (e.g. communal entrance doors). The site is however to be gated to discourage unauthorised access and the applicant has also confirmed that outdoor lighting and a CCTV scheme would be installed. It is considered that these measures would be beneficial given the very limited passive surveillance of the site. Details of the CCTV scheme and lighting should be conditioned in the interests of promoting the security of future residents and ensuring that glare and light spill do not cause harm to visual or residential amenity. Subject to this it would support the aims of Chapter 8 of the NPPF.

6 – Representations: No representations have been made

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2023/92033

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.

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: 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, 2, 21, 22, 24, 28, 30, 33, 35, 52 and 53 of the Kirklees Local Plan and Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders' Design Guide Supplementary Planning Document (SPD) and Policies of the National Planning Policy Framework.

3. Notwithstanding the submitted Phase II report, groundworks (other than those required for a site investigation report) shall not commence until an amended Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This information is required pre-commencement so as to ensure that the possibility of landfill gas migration from close landfill sites in the vicinity of the development site is investigated and appropriate mitigation measures taken.

4. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (3) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This information is required pre-commencement so as to ensure that the possibility of landfill gas migration from close landfill sites in the vicinity of the development site is investigated and appropriate mitigation measures taken.

5. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (4). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

6. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures 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 nos. 183 and 184 of the National Planning Policy Framework

7. Before construction work commences above foundation level a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic and commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

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

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with

the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- (i) Noise & vibration arising from all construction related activities (including piling activities). This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- (ii) A communications plan detailing the responsible person, their contact details and how this will be communicated to local residents and the Local Authority must be included.

The approved plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan. This information is required pre-commencement so as to ensure that the disturbance associated with construction at the site is managed in an acceptable way.

9. Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 rainfall event, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, attenuation construction details / design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. No part of the development 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 and retained thereafter.

Reason: In the interest of providing a satisfactory surface water drainage scheme which does not detrimentally impact on the site, future occupiers, or the water environment, in accordance with Policies LP27, 28 and 34 of the adopted Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure drainage details are agreed and are incorporated into the development at an appropriate stage.

10. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision, including methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the

critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise approved in writing by the Local Planning Authority.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: In the interest of providing a satisfactory surface water drainage scheme which does not detrimentally impact on the site and surrounding area during the construction phase, in accordance with Policies LP27-28 of the adopted Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This is pre-commencement to ensure detailed designs are available to enable implementation as part of the construction program.

11. Before first occupation of any new dwelling, four electric vehicle charging points shall be installed within the proposed parking spaces shown on the approved site plan. 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 points so installed shall thereafter be retained.

Reason: In the interest of supporting and encouraging the use of means of transport with low impact on carbon emissions, to comply with the aims and objectives of Policies LP20 and LP24(d) of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

12. Samples of the brick to be used in the exterior of the new development shall be left on site for the inspection and approval in writing by the Local Planning Authority before work on the superstructure of the dwellings commences and the development shall be implemented using the approved materials. The stone used in any exterior work shall match in all respects that used on the exterior of the new build Phase 1 development, reference 2021/94664.

Reason: In the interests of visual amenity, to ensure that the development conserves and enhances the character of the Linthwaite Conservation Area, and to accord with the aims of Policy LP24(a) and LP35 of the Kirklees Local Plan, Principle 13 of the HDG SPD and Chapter 16 of the National Planning Policy Framework.

13. Gutters shall be supported by stone corbels and not fixed to a fascia board.

Reason: In the interests of visual amenity, to ensure that the development conserves and enhances the character of the Linthwaite Conservation Area, and to accord with the aims of Policy LP24(a) and LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

14. Before the new dwellings are first brought into use, all areas to be used for the parking and turning of vehicles shall be laid out with a permeable hardened and drained surface. Thereafter these areas shall be retained free of any obstruction to their use by vehicles.

Reason: To ensure a satisfactory layout in the interests of highway safety, and to accord with the aims of Policies LP21-22 and Policy LP28 of the Kirklees Local Plan Principles 10-12 of the Housebuilders' Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

15. The areas to be used for the storage and collection of wastes as indicated on the approved site plan shall be provided and laid out with a permeable hardened and drained surface before any part of the development is first brought into use, and thereafter retained free of obstructions to its use.

Reason: To ensure that suitable facilities are provided and retained for the separation, storage and collection of wastes, in the interests of visual amenity and highway safety, in accordance with the aims of Policy LP24(a&d) and LP21 of the Kirklees Local Plan and Principle 19 of the HDG SPD.

16. Before any new dwelling is first occupied, details of new outdoor lighting, including a Lighting Design Strategy, and closed-circuit television to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. The above measures shall be installed and made operational before any new dwelling is first occupied, or in accordance with a phasing approved in writing by the Local Planning Authority, and lighting shall not be installed or operated other than in accordance with the approved Lighting Design Strategy.

Reason: To ensure that future residents are protected, as far as reasonably practicable, from crime or fear of crime, to ensure that inappropriate lighting does not adversely affect the visual amenity of the area or the amenities of nearby residents arising from light spill or light trespass, and to accord with the aims of Policies LP24 and 52 of the Local Plan, and Chapters 8 and 15 of the National Planning Policy Framework.

17. Before any new dwelling is first brought into use, a comprehensive scheme for the landscaping of the site including boundary treatments and an ecological design strategy (EDS) addressing mitigation and enhancement shall be submitted to and approved in writing by the local planning authority, which shall include the following.

- a. Purpose and conservation objectives for the proposed ecological works.
- b. Details of the design of all new and retained boundary treatments.
- c. Planting schedule and planting plan including timescale for proposed planting showing the inclusion of native species of tree and shrub to be included within and at the boundary of the application area, and how this achieves the stated purpose.
- d. timetable for all works
- e. Details of future maintenance.

The approved landscaping scheme and EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. In the event that any tree or shrub dies or becomes diseased within five years of the implementation of the landscaping scheme

having been substantially completed, it shall be replaced with others of the same species and type, unless the Local Planning Authority gives it written consent for any variation.

Reason: In the interests of visual amenity, to ensure that the development conserves and enhances the character of the Linthwaite Conservation Area, to enhance the biodiversity of the site, and to accord with the aims of Policies LP24(a), LP30(ii) and LP35 of the Kirklees Local Plan, Principles 7-9 of the Kirklees Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

18. The solar array shown on the approved plans and elevations shall be installed on each dwelling and made operational before the dwelling to which it relates is first occupied, and shall thereafter be retained as such.

Reason: To ensure that the development contributes to the aims of minimising carbon emissions in accordance with the aims of Policy LP24(d) of the Local Plan, Chapter 14 of the National Planning Policy Framework, and the Council's net zero aims.

Note – Contamination reports:

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021.

Reports must be prepared in accordance with the following guidance:

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

Note – Noise reports:

All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

Note – construction noise:

It is recommended that no construction-related noise should be audible beyond the site boundary outside the hours of:

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

With no construction-related noise audible beyond the site boundary on Sundays or Public Holidays.

Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" Version 1.1 2014 provides detailed information regarding dust control.

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			07-Jul-2023
Planning statement			07-Jul-2023
Geo-environmental report			12-Jul-2023
Remediation statement			12-Jul-2023
Climate change statement			17-Jul-2023
Retaining wall drawings	12546 (1-12)		01-Aug-2023
Retaining walls overview	Bland & Swift		01-Aug-2023
Photograph of lower part of site			18-Oct-2023
Proposed floorplans and elevations	HA-MRLWPH2-P001	B	23-Oct-2023
Proposed site plan	HA-MRLWPH2-P002	E	10-Nov-2023
Location plan	HA-MRLWPH2-P003	A	17-Jul-2023
Drainage strategy	HA-MRLWPH2-P004	A	18-Oct-2023
Phase 1 / Phase 2 Geo-environmental report	HIG/01r1		12-Jul-2023
Planning statement			07-Jul-2023
Climate change statement			17-Jul-2023
Retaining wall calculations	12546		01-Aug-2023
Retaining walls and sections overview			01-Aug-2023
Arboricultural survey	AWA5574		19-Sep-2023
Photograph of lower part of site			18-Oct-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 entered into

negotiation with the applicant, seeking amended plans in the interests of delivering a scheme that would conserve and enhance the character of the Linthwaite Conservation Area and so the highway safety implications of the proposal could be adequately understood. Pre-commencement conditions were agreed in writing with the agent.

Report Dated:

06-Dec-2023