

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:	2023/60/92734/W
Site Address:	adj, 15, Golcar Brow Road, Meltham, Holmfirth, HD9 5LD
Description:	Outline application for residential development
Recommending Officer:	Lucy Taylor

DECISION – CONDITIONAL OUTLINE PERMISSION

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

Julia Steadman

AUTHORISED OFFICER

Date: 31-Oct-2023

Officer Report

The application relates to the side garden associated within 15 Golcar Brow Road, an end terrace property constructed from stone and render with a tiled roof. The land under consideration as part of this permission, has a frontage facing onto the highway and is bounded in by a stone boundary wall. To the rear of the site is a large, detached garage. Pedestrian and vehicular access can be taken from the front boundary onto Golcar Brow Road.

The site and the wider area are dominated by residential properties, most of which vary in design and form. However, the common construction material is stone.

Description of Development

The applicant is seeking outline permission for the erection of a detached dwelling. The existing garage within the curtilage of the site would form part of the new residential development, to be assigned over to the new dwellinghouse.

Although all matters are reserved, the proposal gives indicative details of the potential footprint, size and scale of the dwelling. The plans indicatively show the building to sit flush with the front elevation of No. 15 Golcar Brow Road and to sit slightly further back into the plot, compared to No. 11 Golcar Brow Road.

The indicative elevational plans show the dwelling to be two storeys high, and to not exceed the ridge roof line of No. 15 Golcar Brow Road.

With regards to access, this is likely to be shared with No. 15 Golcar Brow Road. The plans also show the existing garage to the rear of the site to be retained and to be used by the occupiers of the new dwelling. A separate garage has been shown on the indicative plans for No. 15 Golcar Brow Road.

The applicant details that materials will be coursed local natural stone, flat profile grey concrete roof tiles and Upvc windows and frames.

The application is a repeat of a previously approved scheme under application number 2020/93251, which expires 21st December 2023.

History of Negotiations/Amendments Received

No negotiations took place, and no amended plans were sought or submitted.

Relevant Planning History

At the application site:

- 2020/93251 – Outline application for erection of residential development. *Granted Conditional Outline Permission.*

- 2017/92917 – Outline application for detached dwelling with detached garage. *Granted Conditional Outline Permission.*
- 2014/90660 – Outline application for erection of detached dwelling with detached double garage. *Granted Conditional Outline Permission.*
- 2010/92562 – Outline application for erection of one detached dwelling and detached double garage. *Granted Conditional Outline Permission.*
- 2007/93560 – Outline application for erection of one detached dwelling and detached double garage. *Granted Conditional Outline Permission.*
- 2003/91340 – Outline application for erection of detached dwelling and detached double garage. *Granted Conditional Outline Permission.*
- 98/91113 – Erection of detached double garage. *Granted.*

To neighbouring properties:

- 2005/90884 – Adj 9 Golcar Brow Road - Reserved matters application for erection of detached dwelling with garage. *Approved.*
- 2004/92668 – Adj 9 Golcar Brow Road - Outline application for erection of one dwelling. *Granted Conditional Outline Permission.*

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on 26th October 2023 – no representations were received.

Consultation Responses

KC Environmental Health: -

- Contaminated Land: The site has been identified on the Council's GID mapping system as being adjacent to potentially contaminated land. Therefore, Environmental Health recommend conditions in relation to unexpected contamination.
- Electrical Vehicle Charging Points (EVCP): In an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary.

- Construction Noise: Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, for this reason a footnote is necessary to limit the hours of operation for the site.

KC Highways Development Management: - No comments were received in response to the consultation request for this application, however, it is noted that this application is a repeat of 2020/93251 where the following comments were received: *‘Concerns have been raised regarding the location of a third parking space, alongside the need for further clarification regarding the garage door for the new property’*.

KC Meltham Town Council – No comments received.

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 located within an area with a known presence of bats and within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP11 – Housing Provision
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP34 – Conserving and Enhancing the Water Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

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

- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Effective Use of Land
- Chapter 12 – Achieving Well Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

Summary of Principle Planning Issues

The following matters are considered 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) Conclusion

1) Principle of Development

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

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

The 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 up-date 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 in this case is set out in the officers assessment.

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”*.

The application site comprises of a plot surrounded by residential dwellings, and whilst the Local Planning Authority is not able to demonstrate a five-year land supply at this point in time, it is noted that the development of this plot would contribute to the housing supply in the district. Furthermore, the principle of having a dwelling within this location has been established under several previous permissions, with the most recent being the application approved in December 2020 (2020/93251).

It has been calculated that the proposed site is a total of 0.053 hectares. Policy LP7 of the Kirklees Local Plan, and principle 4 of the Housebuilder SPD establishes a desired target density of thirty-five dwellings per hectare. Given that this calculation includes the existing dwelling of 15 Golcar Brow Road, it is considered the density of the proposal is appropriate in this case.

Thus, residential development at the site could be acceptable in principle. An assessment against other material considerations is undertaken below.

1) Impact on Visual Amenity

The NPPF does offer guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states: *“The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”* Policy LP11 of the Kirklees Local Plan sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

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

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

The application is seeking outline planning permission with all matters reserved, whereby limited indicative detail has been provided. However, it has been noted that the site is situated within a predominantly residential area.

As such, it is envisaged that the dwelling could have an acceptable design, subject to it being of an appropriate size and scale.

Principle 5 of the Housebuilders Design Guide SPD states, amongst other things, that the buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. In this case, an indicative plan has been submitted, which shows the dwelling to be in line with the neighbouring property of No. 15 Golcar Brow Road and to have a similar

footprint. The indicative plan also suggests that the proposed new dwelling would sit slightly further back into the plot, compared to No. 11 Golcar Brow Road.

The layout of the site, in relation to visual impact, would be assessed in more detail during the reserved matters, but given the size/scale of the plot, it is considered that one dwelling could be set without appearing cramped or contrived.

Principle 15 of the Housebuilders Design Guide SPD sets out that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and roof types. The application has been submitted with indicative elevations to show the new unit in relation to the street scene. This has indicated the overall potential bulk and massing, whereby a two-storey dwelling has been shown. This information is considered to be acceptable as it sufficiently demonstrates that a new building could be constructed within this location, that will retain the character and setting of the street scene.

With regard to materials and fenestration detailing, Principles 13 and 14 of the Housebuilders Design Guide SPD are relevant, which states:

- Principle 13 - seeks to ensure consideration is given to use locally prevalent materials and finishings to reflect the locality.
- Principle 14 - the design of the windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

Details of external materials have been submitted within the Design Statement, stating that materials will be coursed local natural stone, flat profile grey concrete roof tiles and Upvc windows and frames. To ensure that the materials are in keeping with the neighbouring properties, a condition will be attached to the decision notice accordingly. The existing boundary wall appears to be retained at a height of 1 metre, which will help to retain the character of the local area.

The garage to the rear of the site will be retained and details have been provided for a new garage within the rear amenity space of the host property itself. Subject to the structure being of an appropriate size and scale, no concerns have been raised regarding this.

Garden/amenity areas are indicated to the front and rear of the new dwelling. It is considered that a useable amenity space should be able to be achieved for both the existing dwelling of 15 Golcar Brow Road and the proposed new dwelling.

In conclusion, it is considered that subject to the details provided within the reserved matters application, the plot could be able to accommodate a new dwelling without causing visual harm. As scale, layout, appearance and landscaping are reserved matters, care would need to be taken to ensure that any future dwellings do not appear overbearing in nature in relation to

neighbouring residential dwellings or to constitute overdevelopment of the site. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance.

As such, it is considered that the development meets the requirements of policies within Chapter 12 of the NPPF, by contributing positively to the surrounding area, as well as policies LP11 and LP24 of the Kirklees Local Plan and principles 2, 5, 6, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide could be achieved subject to appropriately designed dwellings being proposed at reserved matters stage.

2) Impact on Residential Amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 21 metres between facing windows of habitable rooms;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- 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 metre distance from the side wall of the new dwelling to a shared boundary.

The current submission is an outline application with all matters reserved, but it can be assessed if a dwelling can be sited on the site without causing undue harm to neighbouring properties. An indicative layout plan has been provided.

The proposal is for the erection of one dwelling, on land currently used as a domestic garden. Given this, it is acknowledged that the presence of a new building could potentially affect the living conditions of the occupants of existing dwellings No.'s 11 and 15 Golcar Brow Road and No. 2 Badger Brow. To the rear of the site is a garage plot.

It is important to note that, the principle of having a new building within this location has also been established under the previous permissions, in which can be afforded weight.

No 2 Badger Brow:

The indicative plan submitted shows that an acceptable separation distance of approximately 22 metres can be retained from the nearest elevation of No. 2 Badger Brow. This separation distance would ensure that any potential overbearing, overshadowing, and overlooking would not have an undue impact upon these neighbour's amenity.

No. 11 and 15 Golcar Brow Road:

Officer's note that the new proposed dwelling would retain a separation distance of approximately 0.9 metres from the shared boundary with No. 11 Golcar Brow Road and a separation distance of approximately 3.4 metres from the siting of this neighbouring dwellinghouse itself.

It would appear that No. 11 Golcar Brow Road does not have any glazing to its western facing elevation, which appears to be solid stone. However, officers do note that the total length of the new dwelling would exceed the rear elevation of No. 11, and as such, careful consideration should be given to ensuring the new dwelling would not result in any materially harmful overbearing, overshadowing or overlooking. Speculatively, this may necessitate strategically placing non-habitable and/or obscure glazed windows. Nonetheless, on the planning balance, officers do not consider any major concerns that would be prohibitive so as to justify refusing the application at outline stage (with all matters reserved).

Officer's note that the new proposed dwelling would retain a separation distance of approximately 4 metres from the nearest elevation of 15 Golcar Brow Road (eastern facing side elevation). Officers have considered that this property does benefit from two openings in its eastern facing elevation, however, given the size, scale and siting of these windows, it is considered that they appear to be secondary windows or to serve non-habitable rooms internally.

Notwithstanding the above, careful design will be required to ensure the dwellings do not result in any materially harmful overbearing or cause overlooking upon neighbouring occupiers. It would be advised that no new windows are inserted within the side elevations of the dwelling unless these are to be obscure glazed. This would protect the amenity of the neighbouring properties from any loss of privacy.

Future Amenity of the Occupiers:

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is*

functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”

It is also important to assess the future amenity of occupiers of the proposed residential development. Officers would wish to draw the applicant's attention to the Government's 'Technical Space Standards', which outlines the minimum gross internal floor areas that dwellings of different sizes should achieve. The Council would wish to see the proposals to meet or exceed these minimum floorspaces within any future reserved matters application. It is also noted that should any living accommodation be provided within the roof space of the dwelling(s) any area with a headroom which is less than 1.5m high will not be counted as useable internal floor area.

In addition, the applicant should ensure that all habitable rooms have access to at least 1 window. Nonetheless, Officers consider that a dwelling which is compliant with the NDSS could be achieved at this site.

In terms of external amenity space, it is considered that should a new dwelling be provided on site (as indicated within the submitted plans), the proposed garden spaces are likely to be appropriate in both size and location and would have areas which are private. However, as these proposals have been made at outline, this would need to be accessed further within a reserved matters application at a later date, but it is considered an acceptable amenity area could be devised at a later stage.

In conclusion, the principal of erecting a dwelling upon land adjacent to 15 Golcar Brow Road could be acceptable from a residential amenity perspective.

3) Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

Whilst access will be formally assessed at reserved matters stage, the site is to share an access with the existing dwelling of 15 Golcar Brow Road, via the existing hardstanding onto the highway of Golcar Brow Road.

Whilst the Council's Highways Team did not provide a formal consultation response for this application, given the repeat nature of the application, it is considered appropriate in this instance to draw guidance from the formal Highways Development Management consultation response to previous application 2020/93251.

In the instance of previous application 2020/9321, Highways Officers raised concerns, as a fourth bedroom was demonstrated to be created within the roof space. The submitted Design Statement for this application states that the new dwelling would have four bedrooms. Given the number of bedrooms proposed, it would be recommended that a three off street parking spaces be clearly shown on plan for the new dwelling.

Alongside this, the photo of the existing garage within the Design Statement suggests that it is a single garage, with access to the front and not to the side. As recommended by Highways Officer's under previous application 2020/93251, it would again be suggested that upon any subsequent submission of a reserved matters application, plans clarify the parking arrangements on site and be dimensioned to allow the proposals to be assessed properly.

Nonetheless, the principle of having this arrangement at the site, has already been established. A condition regarding the surfacing of areas used by vehicles in a permeable surface and the need to demonstrate replacement off street parking for No. 15 Golcar Brow Road and the new dwelling, will also be attached to the decision notice accordingly.

Subject to the conditions as set out above, the proposal would have an acceptable impact on highway safety and would comply with Policies LP21, LP22, LP28 and LP34 of the KLP.

4) Other Matters

Air Quality:

In accordance with government guidance on air quality mitigation outlined within Policies LP24 and LP51 of the Kirklees Local Plan, it is considered reasonable and necessary to seek air quality enhancement as part of this application. Therefore, a condition will be imposed requiring the provision of an electric charging vehicle point within the site.

Foul Sewage:

Upon the submission of any subsequent reserved matters application, it would be recommended that details be provided in writing regarding sewerage for the new dwelling.

Under previous application 2020/93251 the applicant confirmed that the sewerage for the new dwelling would be connected into the main sewers. This was considered acceptable in accordance with Policy LP53 of the Kirklees Local Plan.

Ecology:

The site is an area of existing amenity space associated with the host property, in which is considered to be of low ecological value. Nonetheless, officers consider it necessary to secure ecological enhancement measures, which can be control via condition. This is to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

Contaminated Land:

This site has been identified on the Council's GIS mapping system to be adjacent to potentially contaminated land (garage site). As such, upon any grant of permission, a condition will be imposed regarding the reporting of unexpected contamination. This condition is considered necessary 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.

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures.

In this case, it has been considered that the proposed development would have an acceptable impact on climate change, as the new dwelling would be constructed to modern building standards and could be designed to be thermally efficient and include an orientation which supports solar gain.

5) Representations

None received.

6) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2023/92734

Officer Recommendation: Approve

Conditions and Reasons:

1. Approval of the details of access, the layout, scale, appearance and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.
Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
1. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access, layout, scale, appearance and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
2. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years of the date of this permission.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The details submitted in respect of layout pursuant to Conditions 1 and 2 shall be accompanied by a scheme of details for the provision of storage and collection of waste from the hereby approved dwelling. The approved details shall be provided before the first occupation and shall be thereafter retained. **Reason:** To ensure that a satisfactory layout is achieved at the site which allows for the collection of waste and in the interests of visual amenity and highway safety and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

5. The details submitted in respect of landscaping pursuant to Conditions 1 and 2 shall be accompanied by a scheme of details for the provision of ecological enhancement measures at the site outlined in red on the approved location plan. The details shall be provided for before the dwelling is first occupied and retained thereafter.

Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. The details submitted in respect of landscaping pursuant to Conditions 1 and 2 shall be accompanied by a scheme of details for off street parking for both the new dwelling and no. 15 Golcar Brow Road which allows for manoeuvring within the site.

Reason: In the interests of highway safety and parking to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

7. The details submitted in respect of appearance pursuant to Conditions 1 and 2, shall be submitted with specific details of the dwelling's external facing and roofing materials. The dwelling shall be constructed from these materials, which shall thereafter be retained.

Reason: To ensure that the new dwelling is sympathetic to the surrounding built form, in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. The development shall not be brought into use until all areas to be hard surfaced for access and parking have been and out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking.

Reason: In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan.

9. Prior to the superstructure of the hereby approved dwellinghouse commencing sight lines of 2.4m X site frontage, shall be cleared of all obstructions to visibility exceeding 1m in height above the adjacent carriageway. The sight lines shall thereafter be retained.

Reason: So as to ensure that adequate visibility is available to drivers of vehicles entering or leaving the site in the interests of the safety and to comply with the requirements of Policy LP21 of the Kirklees Local Plan.

10. The stone wall on the southern boundary of the site shall be retained unless required to provide access/visibility improvements referred to in condition 10 above.

Reason: In the interests of visual amenity and highway safety, to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

11. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph No.'s 183 and 184 of the National Planning Policy Framework.

12. Before first occupation, a scheme outlining the specific facilities for charging electric vehicles at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

Note: Contaminated Land

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:

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

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Note: Electric Vehicle Charging Points

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Documents.

Note: Construction Site Working Times

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

07:30 to 18:30 hours Monday to Fridays

08:00 to 13:00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

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

Note: Highways

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference

with the highway without such permission is an offence which could lead to prosecution.

Note: Bats

Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	19.09.23
Proposed dwelling & detached double garage	1540.2C	C	19.09.23
Design Statement	-	-	19.09.23
Climate Change Statement	-	-	19.09.23

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, no negotiations took place.

Report dated:

31.10.23