# KIRKLEES METROPOLITAN COUNCIL
# INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

### Town and Country Planning 1990 (as amended) – SECTION 70

### DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

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| **Reference No:** | **2023/61/93079/W** |
| **Site Address:** | The Old Quarry, Bank End Road, Bolster Moor, Huddersfield, HD7 4JN |
| **Description:** | Reserved matters application pursuant to outline permission 2022/92592 for outline permission seeking access for erection of residential development (one dwelling) and removal of portal framed commercial building and outbuildings and cessation of builders yard/compound |
| **Recommending Officer:** | Lucy Taylor |

**DECISION – Approve Reserved Matters**

**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: 13-Feb-2024**

## Officer Report

## Site Description

The application relates to The Old Quarry, Bank End Road, Bolster Moor, an existing builders' yard and motor vehicle workshop. The site benefits from a number of structures, with the main green cladded building being situated back from the site's frontage. Access is taken from the southern boundary onto Bank End Road, an adopted through road. Boundary treatment to the front consists of drystone walling.

The site is situated within the Green Belt on the Kirklees Local Plan and is surrounded by sporadic development located along the highway. Common construction materials appear to be natural stone. There is also a change in levels within the wider vicinity, whereby land levels fall from West to East. Lastly, to the East is a row of Grade II Listed Cottages (1-6 Bank End).

## Description of Proposal

This is a reserved matters application pursuant to outline planning approval 2022/92592 for the erection of residential development (one dwelling) and removal of portal framed commerical building and outbuildings and cessation of builder's yard/compound. Layout, landscaping, scale and appearance are matters for consideration, with access having been approved under the outline.

The proposed plans show one dwelling oriented north/south. The amenity space would be to the north / rear of the dwelling. There would be hardstanding to the south, with access to the site provided via the existing access.

The layout is similar to that submitted under the outline application 2022/92592, however, it was indicative under this previous outline planning application.

## History of Negotiations/Amendments Received

Negotiations were undertaken between the applicant / agent, case officer and Environmental Health officer with regard to matters of contaminated land.

This resulted in two versions of a Phase I Desktop Study and Preliminary Risk Assessment Report been submitted.

Following the submission of this information, KC Environmental Health were re-consulted formally, concluding that they accept the revised Phase 1 report.

During an informal consultation with KC Conservation & Design concerns were raised regarding the large sections of glazing to the first floor on the front elevations and to the doorway. In addition, KC Conservation & Design

considered the addition of solar panels reasonable, however, requested that these be integrated into the roof plane.

With regard to the design of the dwelling, the case officer recommended that the front projecting gable and integral garage be omitted from the proposal. This recommendation was made as a result of the assessment set out in the officer's report for previous outline application 2022/92592.

In response to the above, the applicant / agent submitted revised proposed plans and elevations and a revised proposed block plan. These revisions form the basis of the determination of this planning application.

Given the nature of these negotiations and amendments, it was not deemed necessary to re-advertise the scheme, with the description of proposal to remain the same and extent of built form to remain largely as originally proposed.

**Relevant Planning History**

*At the Application Site:*

- 2022/92592 – Outline application seeking access for erection of residential development (one dwelling) and removal of portal framed commerical building and outbuildings and cessation of builders yard/compound. *Granted 1st December 2022.*

- 2021/94215 – Certificate of Lawfulness for existing builders yard/store and motor vehicle workshop/garage. *Granted.*

- 2008/93446 – Erection of agricultural building. *Granted.*

- 2004/91120 – Outline application for residential development. *Refused.*

  This application was refused on 23rd April 2004 for the following reasons by the Local Planning Authority:

  - *"'(1) The site lies within an area designated as Green Belt and an Area of High Landscape Value within which it is intended that new development be severely restricted. The proposal is considered inappropriate in this location, it would not take the form of infill of a settlement and nor are there any special circumstances as to why it should be permitted therefore contrary to Policies D8, D13 and NE8 of the Unitary Development Plan.*

  - *(2) The highway network is considered substandard in terms of junction layout, footway provision and carriageway width and is considered unsuitable to serve any additional traffic which would be to the detriment of highway safety and other road users and contrary to Policy T10 of the Unitary Development Plan.*

- *(3) New development on such a greenfield site would also be contrary to the Government`s Planning Policy Guidance Note 3 (PPG3) which gives priority to the release of brownfield land first. Having assessed dwelling supply against the PPG3 list, there are better greenfield sites with more planning merits than this Green Belt site".*

*Surrounding Sites:*

- 2014/93237 – 19 Bank End Road - Change of use of land to domestic, erection of two storey side extension, single storey rear extension and porch. *Granted.*

- 2019/90300 – Laverock, Heath House Lane – Alterations to convert detached garage to dwelling. *Granted.*

**Representations**

This application was advertised via neighbour notification letter, site notice and in the press.

Final publicity expired: 8 December 2023.

In response to publicity, no representations were received.

**Consultation Responses**

KC Ecology – The submitted information is sufficient to ensure that provisions for protected faunal groups are incorporated into the design. As such, in line with Policy LP30 of the Local Plana and Chapter 15 of the NPPF, it is considered that the proposals will bring about an overall enhancement for biodiversity.

KC Highways Development Management – Overall the proposal is considered acceptable from a highways perspective, with the inclusion of a condition regarding surfacing and drainage and visibility.

KC Environmental Health - Accept the revised Phase 1 report by GEOENVIRO Solutions Limited, dated December 2023. As groundworks are necessary at the site and sources of contamination may be discovered during site clearance, upon any grant of approval, a condition should be imposed regarding unexpected contamination.

KC Conservation and Design (informal) – Overall, don't raise any major concerns with the proposals. Having reviewed the plans, not overly convinced regarding the large section of glazing to the first floor on the front elevations and to the doorway. Furthermore, consider the addition of solar panels to be reasonable, however, ask for them to be integrated into the roof plane.

**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 situated within the Green Belt.

The site can be viewed within the setting of a row of Listed terraced properties to the east.

The site is located within an area with a known presence of bats.

**Kirklees Local Plan:**

- LP1 – Presumption in Favour of Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Travel
- LP21 – Highway Safety and Access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP32 – Landscape
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection ad Improvement of Local Environmental Quality
- LP53 – Contaminated and Unstable Land
- LP59 – Brownfield Sites in the Green Belt

**Supplementary Planning Documents (SPD)**

- Highways Design Guide (2019)
- Housebuilders Design Guide (2021)

**National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

**Assessment**

The following matters are considered in the assessment below: -

1) Principle of Development and Visual Amenity (including heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Conclusion

**1) Principle of Development and Visual Amenity**

The principle of development for a single dwelling on this site of two-storeys in height (condition 5), and the means of access, has already been approved. The submission for the approval of 'reserved matters' shall be confined to the remaining issues of appearance, scale, layout and landscape.

*Land Allocation:*

The application site is located within the Green Belt. As such the proposal falls to be assessed by Chapter 13 of the NPPF. Chapter 13 of the National Planning Policy Framework requires Local Planning Authorities to regard the construction of new buildings as inappropriate development. Exceptions to this include: limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than existing development (paragraph 154 (g)).

In relation to paragraph 154 (g) of the NPPF, Policy LP59 of the Kirklees Local Plan echoes this, stating that proposals for the partial or complete development of existing brownfield sites will normally be acceptable provided that:

*b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*

*c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.*

This policy also notes that in all cases, regard should be had to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

In this case, the agent has outlined within their Design and Access Statement that the development would fall to be defined as the redevelopment of a previously developed site (brownfield), due to its current use as a builders yard/compound (established under application ref 2021/94215).

***Whether the Proposal is Inappropriate Development in the Green Belt:***

In this instance, the plans show that a dwelling can be achieved within the site, of a similar size/footprint to that of the existing building which occupies the site. In addition, there are a multitude of smaller dilapidated structures, which are readily visible within the site, that would be demolished as part of this proposal. Therefore, it is unlikely that the re-development of the site would result in a loss of land of high environmental value.

Furthermore, the submitted block plan shows the red line boundary to give the site a relatively modest curtilage, whilst allowing the surrounding field (as shown within the blue line) to remain as open grassland. There is also existing formal hardstanding within the site and therefore, it is considered that no additional engineering works to this effect would be required.

Alongside the above, whilst a domestic dwelling would be more permanent within its construction, Officers consider that there could be some enhancement to the visual appearance of the site, allowing it to be tidied up, given its current state. A garden is also proposed on the block plan, which would retain openness to the rear of the site.

Whilst the dwelling is two-storey in height, following the submission of amendments, it is not considered that the scale, layout and appearance would amount to an undue amount of bulk that would result in the dwelling having a greater impact upon openness of the Green Belt. This is because the amendments achieved, in large, a linear main body, removing the originally proposed projecting gable and instead proposing a traditional catslide roof, projecting forward by only 1 metre.

With regard to boundary treatments (landscape), these comprise of low-level shrubbery planting, considered an acceptable feature within this sensitive rural location.

Vehicle access, parking and turning areas are annotated on the submitted block plan to be surfaced and drained 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). This would align with the wording of condition 6 of the outline permission.

For these reasons, the proposal is considered to appropriately accord with Policy LP59 of the Kirklees Local Plan and paragraph 154 (g) of the NPPF.

***Whether There Would be any Other Harm to the Green Belt, Including Visual Amenity:***

In terms of visual amenity, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states:

*"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

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

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…"*

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

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

Principle 5 of this SPD states that: *"Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography."*

Principle 8 of the SPD is considered relevant given the urban fringe location of the site, and this states the following: *"The transition from urban to open land should be carefully considered where development is located on the edge of the urban area. Proposals should demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design."*

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

The layout, scale and appearance of the  dwelling would be situated further forward into its plot in comparison to the existing structure. However, it would retain a setback of approximately 10 metres from the front boundary of curtilage and the highway and would enable the provision of a rear garden. In addition, the layout of the dwelling within its plot, would help to keep it within the linear ribbon of development found within the wider area; in this case only acceptable as it replaces an existing brownfield development.

Officers consider that the appearance of the proposed dwelling is acceptable, considered to integrate with the rural local vernacular within which it would be erected. The submission of amendments saw the dwelling draw on a more traditional approach to design, replacing the originally projecting gable with a more traditional catslide roof and removing the large expanses of glazing, replaced with regular mullion windows.

In addition, the materials proposed to construct the dwelling respond to the local vernacular, with the submitted Design and Access Statement setting out that the dwelling would be constructed from natural walling stone, with traditional features such as stone heads and cills, corbels and water tabling. In addition, the Statement sets out that the roof would have a stone slate roof covering.

It should be noted that the plans are annotated to demonstrate that the solar panels would be integrated into the roof slope/plane, to minimise the impact.

Access is retained as existing, with a driveway and landscaped area to the front.

With regards to boundary treatments m(landscape), the submitted block plan demonstrates that the guidance, as provided within the officer response to outline application 2022/92592, has been taken into consideration. Boundary treatments around the site appear to be limited to soft landscaping features, including Alpine rockery planning to the eastern side boundary and low-level shrubbery planting to the front elevation. It should be noted that outline application 2022/92592 stated that planting would be encouraged to the front of the site to soften the appearance of the parking area.

Alongside the above, the application has been assessed by the impact it would have on the setting of the row of Listed terraces to the West of the site.

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."* This is echoes guidance in Chapter 16 of the NPPF.

As part of the determination of this planning application, an informal consultation was undertaken with KC Conservation & Design, their comments were as follows:

- Overall, don't raise any major concerns with the proposals. Having reviewed the plans, not overly convinced regarding the large section of glazing to the first floor on the front elevations and to the doorway. Furthermore, consider the addition of solar panels to be reasonable, however, ask for them to be integrated into the roof plane.

Following this informal response, the applicant / planning agent submitted revised plans, replacing the originally proposed glazing with regular traditional windows and annotating on the plans that the solar panels would be integrated into the roof slope/plane, to minimise the impact, noting the nearby Listed Buildings.

In this case, it is important to note that the site is already developed and that the latest set of plans demonstrate a sensitively designed dwelling, in line with Officers comments. Therefore, it is considered that the scheme would allow for harm to be prevented to the significance of the Listed Buildings.

In summary, it is considered that, the layout, appearance, scale and landscape proposals would fall under the exception of Paragraph 154(g) of the National Planning Policy Framework and Policy LP59 of the Kirklees Local Plan, constituting appropriate development in the Green Belt. It is also considered that the design of the scheme avoids any detrimental harm to the visual amenities of the locality, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework. Furthermore, the scheme is considered to accord with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework with regards to heritage significance.

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 135 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."*

The text supporting this principle also states that: *"For two storey houses typical minimum separation distances are advised:*

- *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 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 metre distance from the side wall of the new dwelling to a shared boundary.*

Given the site's rural location, no neighbours directly abut the site. The nearest residential properties are No.'s 19 and 20 Bank End Road and the annex associated with Laverock. More specifically, given the significant separation distances between all of the above dwellings and the application site (over 21 metres), officers are satisfied that the details provided in this submission of reserved matters would not have a detrimental impact to these neighbours' amenity by virtue of overbearing, overshadowing and overlooking. Therefore, the scheme is considered to comply with the above policy and guidance.

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."*

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards as set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least 1 window. Officers therefore consider that the proposed layout and scale of the dwelling would provide an adequate standard of amenity for future occupiers in this regard.

Moving onto amenity areas, in this case, it is considered that the amount of outdoor amenity space provided for the proposed dwelling would be sufficient. Given the garden's orientation, it is considered that the garden would receive adequate levels of sunlight. It is therefore considered that the proposed amenity space would meet the requirements of Principle 17 of the SPD.

Taking into consideration noise and odour pollution, given that the application seeks permission for a three-bedroom dwelling within a rural area where residential development has been established, it is not considered that the proposal would give rise to any noise or odour pollution over and above the existing circumstance of the surrounding area.

To protect the amenity of surrounding residents, an informative which restricts noisy construction activities during construction works has already been included within the decision notice for the outline planning permission.

In conclusion, with the inclusion of the aforementioned informative note, it is considered that the submitted details for reserved matters would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6, 16 and 17 of the Council's Housebuilders Design Guide SPD.

**3) Impact on Highway Safety**

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on 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 SPD 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 SPD 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.

This is a reserved matters planning application pursuant to outline permission (2022/92592) for one dwelling. Access to the site is to be taken via Bank End Road, which is a single-track two-way arrangement subject to a 30-mph speed limit.

The submitted plans indicate sufficient off-street parking and suitable bin storage and collection arrangements, in addition, the boundary treatments to the site frontage will not exceed 1.0m in height, ensuring suitable visibility onto Bank End Road. (condition 15 outline planning permission).

Therefore, overall, the proposal is considered acceptable with regards to its impacts on highway safety, with KC Highways Development Management confirming that the scheme is considered acceptable from a highway's perspective.

Upon any grant of approval, KC Highways Development Management recommend the inclusion of two conditions, one regarding surfacing and drainage and the other to ensure adequate visibility: these are already imposed on the outline planning permission and there is no reason to repeat them.

It is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with the Local Plan Policies LP21 and LP22, Chapter 9 of the National Planning Policy Framework and Principles 12 and 19 of the Housebuilders Design Guide SPD.

**4) Other Matters**

*Biodiversity:*

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

As part of the determination of this application, KC Ecology were formally consulted and made the following comments:

The submitted information is sufficient to ensure that provisions for protected faunal groups are incorporated into the design. This includes a sparrow terrace and swift box indicated on the appearance of the dwelling in accordance with condition 15 of the outline planning permission. As such, in line with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF, it is considered that the proposals will bring about an overall enhancement for biodiversity.

Therefore, given the above, the proposal is considered to appropriately comply with LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

*Drainage:*

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

Under Policy LP28 of the Kirklees Local Plan, all new development should normally be required to demonstrate net run-off reduction. In practice, however, these principles are generally not applied for single dwellings or other housing developments of fewer than 5 units, as they are considered disproportionate.

The submitted Design and Access Statement sets out that *"Given the former uses of the site we consider that soakaways, to deal with surface water would be a suitable method of dealing with surface water runoff"* and *"There is a sewer within the highway which will be connected into to deal with the foul effluent from the proposed dwelling. This will be a separate system with surface water being disposed of on site."* Whilst noting this, this does not comply with condition 7 of the outline planning permission as this is not a reserved matter under consideration in this submission.

Whilst it is noted that the applicant has provided this drainage information, this would not normally be assessed and therefore, there are no further comments regarding this.

*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 applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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

In accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers would seek the provision of an electric vehicle charging point within the curtilage of the site to serve the new dwelling. The purpose of this is to promote modes of transport with low impact on air quality. It is noted that this has already been secured by condition 8 of the outline planning permission.

There are no other matters for consideration.

**5) 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. Policy LP2 of the Kirklees Local Plan sets out that all proposals should address challenges identified in the Local Plan, with Policy LP24 of the Plan stating that good design should be at the core of all proposals in the district.

The details of the reserved matters have been assessed and found to be acceptable.

**Recommendation: Approve**

**Decision Authorisation – Delegated Powers**
**Application Number: 2023/93079**
**Officer Recommendation: Approve Reserved Matters**

**Conditions and Reasons:**

1. The development hereby permitted shall be carried out in complete accordance with the plans and specification schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   **Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP28, LP30, LP35, LP51, LP52, LP53 and LP59 of the Kirklees Local Plan, Principles 2, 5, 6, 12, 13, 14, 15 16, 17, 18, 19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 5, 9, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

2. The external walls of the dwelling hereby approved shall be faced in natural stone and the roof with a stone slate roof covering, in accordance with the details provide in the design and access statement. These materials of construction approved by this permission, shall be thereafter retained.
   **Reason:** In the interests of visual amenity and to accord with Policies LP24 and LP59 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 13 of the Housebuilders Design Guide Supplementary Planning Document.

3. 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 Chapter 15 of the National Planning Policy Framework.

**NOTE:** 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 Scheule: -

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Location Plan | 22/562/01 | - | 24.10.23 |
| Existing Commercial Building Plans & Elevations | 22/562/03 | - | 24.10.23 |
| Block Plan | 22/562/02 | - | 24.10.23 |
| Proposed Block Plan | 22/562/05b | - | 07.02.24 |
| Proposed Plans + Elevations | 22/562/04a | - | 07.02.24 |
| Design & Access Statement | 22/562 | - | 24.10.23 |
| Phase I Desktop Study and Preliminary Risk Assessment Report | 4281-23 PI | V2 | 18.12.23 |

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Negotiations were undertaken and amendments submitted to overcome issues with this submission of reserved matters.

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| Report dated: | 12.02.24 |