

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:	2023/62/93097/E
Site Address:	Land adjacent to, 196 Wakefield Road, Earlsheaton, Dewsbury, WF12 8AH
Description:	Erection of 5 dwellings (class C3) and ancillary office accommodation, formation of associated access, car parking and landscaping
Recommending Officer:	Nina Sayers

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 21 May 2024

Officer Report

Site Description

Land adj, 196, Wakefield Road, Earlsheaton, Dewsbury, WF12 8AH

The site relates to a section of land to the east of 196 Wakefield Road. The land comprises a grassed area with trees to the southern part of the site, some of which are protected. The site slopes downward from north to south. The site is unallocated within the Kirklees Local Plan and is not within a conservation area or near any listed buildings.

There are residential dwellings to the north and west of the site, predominantly two-storey terraced dwellings, as well as semi-detached bungalows to the south-east. To the east of the site is Earlsheaton Medical Centre and there is a petrol station further north-east. Earlsheaton Park boundaries the site to the south, which is allocated as Urban Green Space within the Kirklees Local Plan.

Description of Proposal

The application is seeking permission for the erection of 5 dwellings (class C3) and ancillary office accommodation, formation of associated access, car parking and landscaping.

The proposed development comprises five, one-bedroom bungalows. Three to the north of the site in a terrace and two in the south-western corner of the site which would be semi-detached. Both buildings would be finished in red brick, with contrasting stepped brickwork features and would have a pitched roof design finished in grey concrete tiled roofing.

Access would be proposed from the south-east corner of the plot, off Park View. Parking provision would be provided for 7 vehicles, including three disabled parking spaces.

History of Negotiations

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 has, 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.

During the course of this application the agent has submitted:

- Acoustic Assessment
- Ecological Appraisal and Preliminary Roost Assessment
- Air Quality Assessment
- Arboricultural Impact Assessment

- Tree Protection Plan
- Arboricultural Methods Statement
- Revised elevations plans showing a marginally (200mm) increase roof height to allow for insulation
- Reconfiguration of the internal layout and additional windows on rear elevation of semi-detached dwellings

These details have all been assessed as part of the application.

Pre-application advice was sought by the applicant and a full response was given.

Relevant Planning History

95/91491 Outline application for erection of detached dwelling. Refused.

2011/93394 Erection of three dwellings. Conditional full permission.

2018/90146 Erection of 5 dwellings. Conditional full permission.

2021/93549 Erection of 5 dwellings. Conditional full permission.

Representations

The application has been advertised by neighbour notification letters. The site was also advertised via site notice due to the history on the site. Publicity expired on 26th April 2024.

No representation was received as a result of the above publicity.

Consultation Responses

KC Environmental Health (EH) – no objections subject to conditions.

KC Highways Development Management (HDM) – no objections subject to conditions.

KC Ecology – no objections subject to conditions.

KC Trees – Raised concerns – comments received after consultation period had ended; addressed below.

KC Lead Local Flood Authority (LLFA) – no objections subject to conditions.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 on land unallocated within the Kirklees Local Plan. The proposal is for residential development.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design

- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 43** – Waste Management Hierarchy
- **LP 47** – Healthy, Active and Safe Lifestyles
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide SPD
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed and Beautiful Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other material planning considerations:

- Nationally Described Space Standards

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1. Principle of Development

NPPF Paragraph 11 and LP1 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 the 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 site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

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

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework.

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
- i. 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.

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate four to five dwellings. Five dwelling are proposed in this instance, which is considered appropriate given the scale of the site. It is also noted that, at the time of this assessment, there is an extant permission of five dwellings on this site (2021/93549). The principle of residential development has previously been assessed and considered acceptable under the previous application.

Paragraph 70 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”.

In respect of the above, the principle and quantum of development is considered acceptable. A more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby 131 provides a principal consideration concerning design which states:

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

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with

the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

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

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD, which aims to ensure future housing development is of high-quality design.

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

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

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, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The application site is a currently vacant site, which is prominent from Wakefield Road. The site is adjacent to a terrace of two-storey dwellings to the west and a health care facility, which is partly two-storey and single storey, to the east, separated by a highway. There is a cul-de-sac of semi-detached bungalows to the west of the site, which are not visible from Wakefield Road.

The existing site forms somewhat of a gap in the development on Wakefield Road. At pre-application stage, officers highlighted to the agent that consideration would need to be given to ensuring the proposal is either in keeping with the existing terraces or set back sufficiently to not be an incongruous addition to the street scene. The applicant has proposed a single storey terrace to the north of the site which would be set back significantly from the highway and, due to the topography of the site, would also be set down significantly. It is clear from the submitted Wakefield Road section that

only part of the roof of the proposed unit would be visible from Wakefield Road. This is further shielded by the introduction of landscaping to the northern boundary of the site. The proposal would therefore not cause any significant harm to the visual amenity of wider Wakefield Road.

The proposal would comprise single-storey pitched roofed structures finished in red brick which would draw on the design of the existing bungalows on Park View. It is therefore considered that the proposed development would be in keeping with the wider character of the area and would comply with Principle 13 of the Housebuilders Design Guide SPD.

The front elevations of both Block A and B would have contrasting stepped brickwork which would add architectural detailing to the front elevation and a more interesting design. Amended plans were received which adds an additional opening to the western elevation of Block B. This would be a welcomed addition as it would also add detailing to the rear elevation.

It is therefore considered that the proposal would be in accordance Policy LP24 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 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 Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* The SPD also provides advised separation distances for two storey dwellings:

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

The residential property mostly likely to be affected by the proposed development is considered to be 196 Wakefield Road. The impact upon this

property will be discussed below. However, the proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect. Of note, whilst there are a number of other properties near the site, the proposed dwellings would all be over 21 metres from the surrounding properties.

Impact on no.196 Wakefield Road

196 Wakefield Road is a two-storey, end-of-terrace dwelling to the east of the site. It would be set ~5.4m from the proposed dwellings. The property has a blank gable elevation which fronts the application site. There are no openings in the side elevation of no.196 and therefore no additional overlooking, overbearing or overshadowing harm are considered to be caused as a result of the proposal. There would be no openings proposed in the western elevation of the proposal.

Amenity of the Proposed Occupiers

Principle 16 of the 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.”*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed garden and patio areas are considered to be a good size for a dwelling of this scale. It is considered the proposed window would have sufficient outlook and natural light for the amenity of future occupants. There would be no openings proposed on the western elevation of the northerly building and as such, no overlooking harm is considered to be caused by users of the adjacent unadopted highway to the west of the site.

An Acoustic Assessment was submitted in support of the application and reviewed by KC Environmental Health (EH) officers. To prevent any harm to the amenity of the future occupiers as a result of noise from Wakefield Road, it shall be conditioned that all works which form part of the sound attenuation scheme as specified in the Acoustic Assessment are completed prior to occupation of the proposed dwellings.

An Air Quality Assessment was also submitted, and reviewed by KC EH. Although it is not anticipated that the development itself will impact on local air

quality, it will be introducing sensitive receptors into an area of poor air quality due to its proximity to the busy A638 Wakefield Road. The submitted report details the impact the development would have on air quality during the construction phase and determines the relevant exposure of future sensitive receptors to pollutants during the operational phase.

Regarding the construction phase, the report concludes that due to the size of the development the overall risk of dust soiling from construction is low and the potential risk to human health is negligible. However, to further reduce fugitive dust emissions the report provides mitigation measures. With regard to the operational use, the report concludes that all predicted pollutant concentrations across the development site would be below the national air quality objectives. The report goes on to recommend appropriate mitigation for minor developments in accordance with The West Yorkshire Low Emissions – Technical Planning Guidance (WYLES) including an Electric Vehicle Charging Point.

KC EH agree with the overall methodology and approach. They concur with the conclusions of the report for the operational phase, that the development would not be introducing sensitive receptors to poor air quality. For the construction phase of the development, KC EH expect the best practice mitigation measures as outlined in the report, titled Fugitive Dust Emission Mitigation Measures, to be implemented. Therefore, a condition would be recommended to control fugitive dust emissions during the construction phase of the development.

Therefore, it is considered the proposed development would not cause significant harm to the residential amenity of the neighbouring or future occupiers and is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 115 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

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

The application comprises the erection of five, one-bedroomed dwellings within the site. In addition, a small office will be accommodated within the scheme, for use by staff visiting residents. This will be located at first floor level above the 3 terraced bungalows. Seven off-street parking spaces are proposed, including three disabled spaces. The site would be accessed via the south-eastern part of the site, off Park View.

KC Highways Development Management (HDM) were consulted on the scheme and have provided the following comments. Park View is a short cul-de-sac serving 12 dwellings and a small health centre. A 'no waiting at any time' restriction is in place on both sides of this road, with a permit holders' only scheme controlling parking. KC HDM consider the sight lines at the junction with Wakefield Road are good in both directions.

KC HDM consider that, as the proposed access is similar to the extant permission (2021/93549), and given the proposal is in accordance with recommended standards, the proposals is considered acceptable from a highways perspective. KC HDM have requested that the condition requiring a 2.0m wide footway and retaining structures to the Park View frontage, which are included within the 2018 and 2021 permissions, are also included for this application. Should approval be recommended officer would recommend these conditions are added to the decision notice.

No details of bin collection or storage have been provided. These can be detailed and secured by condition.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, the Highways Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Ecology

The application site is not located within a Bat Alert layer on the Council's GIS mapping system. The site comprises entirely of semi-natural habitat and from a review of aerial imagery, it is likely the habitats on site comprise of woodland and scrub. A combined Preliminary Ecological Appraisal and Preliminary Roost Assessment (PEA and PRA) has been submitted with the application.

The report details that the habitats at the site comprise mixed scrub and scattered immature trees, whereby the proposed development will result in the loss of approximately 0.4ha of this habitat. The report makes a number of recommendations with regards to tree protection and possible enhancements that could be incorporated into the scheme. These recommendations should be secured via an appropriately worded condition, should permission be granted.

A number of the trees at the site were scoped for their suitability to support roosting bats. The report determined that a number of the trees at the site contained either PRF-M features (suitable for bats on a more regular basis) or PRF-I features (limited number of roosting features). At present, it is stated that there will be no impacts to these trees, however, should this change, then the appropriate pathway will need to be followed in order to determine if bats are roosting within the trees and if an appropriate mitigation licence will be

required, from Natural England. This is outlined within the recommendations within the submitted report.

KC Ecology considered that impacts to other protected species can be adequately safeguarded through appropriately worded planning conditions which would be added to any positive decision. Subject to these conditions, KC Ecology have no objections to the proposal. IT is noted that KC Ecology recommended a condition for a biodiversity Construction Environment Management Plan (CEMP). This was disputed by the agent who outlined that the site has already been cleared of vegetation during the winter months. They suggested that a condition requiring the development adheres to best practice measures set out in Table 6 of the PEA would be more appropriate. Taking this into consideration and noting that a biodiversity CEMP was not conditioned on the previous, extant permission, this is considered acceptable on balance. A precautionary condition would remain advising the applicant of appropriate timeframes and measures if any addition vegetation clearance is required.

Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. Given this, the provision of a bird boxes on the proposed dwelling is to be recommended as a condition should permission be granted.

Contaminated Land

KC Environmental Health (KC EH) were consulted on the proposed scheme. The commented that the Council's records indicate that the site is adjacent to potentially contaminated land. It is important to assess the possible contaminated land legacy at the application site to ensure the safety of future occupiers, therefore KC EH recommend full conditions in relation to contaminated land.

It is noted that the applicant sought formal pre-application advice prior to submitting this application. KC EH were consulted at pre-application stage and at this stage they recommended a condition relating to unexpected contamination but did not request full land contamination conditions. This pre-application advice was provided within the last year and therefore Officers consider on balance that it would be unreasonable to condition full land contamination conditions as this would not be consistent with the advice formally provided. Should approval be recommended, officers would therefore be recommending a condition relating to unexpected land contamination.

The application site falls within the defined Development Low Risk Area. As such the applicant was not required to submit a Coal Mining Risk Assessment and The Coal Authority were not consulted.

The proposal therefore complies with LP51 and LP52 of the Kirklees Local Plan and paragraphs 189 and 190 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 applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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. For residential developments WYLES currently requires a standard EVCP to be provided to every new dwelling that has a dedicated parking. Where the parking provision is not allocated to specific dwellings, a standard EVCP for at least 10% of unallocated parking spaces is required. No specific detail has been provided with the application and therefore this would be secured by condition.

Flood Risk

The site is located within Flood Zone 1 and therefore the principle of residential development is acceptable. The Lead Local Flood Authority (LLFA) were a statutory consultee for this application. They raised no objections to the proposal subject to conditions requiring drainage details, overland flow routing and a construction phase surface water flood risk and pollution prevention plan. As such the scheme complies with the aims of Chapter 14 of the NPPF.

Trees

This application is adjacent to an area of urban green space with a number of historic trees which are protected. Upon request, the applicant has submitted an Arboricultural Impact Assessment, a Tree Protection Plan and an Arboricultural Method Statement to support this application. This outlines that one category C2 tree would be partially felled to facilitate fencing. It also details the protective measures that would be taken to preserve the existing trees.

KC Trees were consulted on the proposal however their comments received after the consultation period had ended. KC Trees have objected to the scheme on the basis that the parking area/hard surfaces would be within the RPAs of the retained protected trees and Block B is proposed under the canopy of T6 (Ash). Ash can lose a lot of twigs and smaller branches in wind and more frequently have canopies with deadwood within them. KC Trees state it is foreseeable the falling deadwood/general detritus and apprehension of the occupants (i.e. the tree is large and overhangs) will lead to pressure to

prune the tree in order to reduce the overhang and/or perceived risk of harm from falling twigs and branches.

As KC Trees comments were received after the consultation period had ended and as such officers had progressed with the assessment of this application. KC Trees comments have however been taken on board, but it is considered unreasonable to request significant changes to the proposed scheme at this stage. Therefore, officers are progressing with the approval of the application subject to conditions that the foundations are designed in accordance with arboricultural advice and the proposed surfacing to be designed in conjunction with an arboriculturist as outlined on the submitted Arboricultural Impact Assessment.

Construction Management Plan

It is noted that on the previous application at this site, members requested a construction management plan due to concerns raised by members of the public. In this instance, no representations have been received and therefore, this condition is not considered necessary for this application.

6 – Representations:

No representations were received.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/93097

Officer Recommendation: Approve

Conditions:

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders Design Guide SPD and Chapters 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Acoustic Assessment, authored by Sharps Redmore, dated 13 November 2023 (Ref: 2322050) shall be completed. Any changes to the approved noise mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

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.

4. Before any construction work commences, the mitigation measures to control fugitive dust emissions during the construction phase of the development shall be implemented in accordance with those detailed in Table 16, pages 31 & 32, of the Air Quality Assessment by Redmore Environmental (ref: 7130r1) (dated: 4th December 2023), and retained for the duration of the construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties
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.

5. Prior to occupation of the dwellings hereby approved, one electric vehicle recharging point shall be installed for at least 10% of unallocated parking spaces. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW)

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained 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 and Chapters 2, 9 and 15 of the National Planning Policy Framework.

6. Notwithstanding the details shown on the hereby approved plans, the development shall not commence until a scheme detailing the provision of a 2.0m wide footway, site access and associated works, including retaining structures, to the Park View frontage of the development site, construction specification, surfacing, drainage and kerbing and associated highway works has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and shall be thereafter retained.

Reason: In the interest of highway safety and to accord with LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the NPPF. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

7. The development shall not be brought into use until all areas indicated to be used for parking on the submitted/listed plan(s) have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any Order revoking or re-enacting that Order), these areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) thereafter.

Reason: In the interests of amenity and highway safety, and to ensure adequate space within the site for vehicle movements and parking. This would accord with LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the NPPF.

8. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interest of highway safety and waste management and to accord with LP24 and LP43 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

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 + climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations and phasing of

drainage provision have 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 the scheme shall include a maintenance and management plan for surface water infrastructure. 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: To mitigate flood risk arising and to ensure the safety of all future occupier and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 12 and 14 of National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk to drainage is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

10. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, 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 (both upstream and downstream of the development), have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To mitigate flood risk arising and to ensure the safety of all future occupier and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 12 and 14 of National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk to drainage is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

11. 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.
- include 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 agreed with the LLFA.

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: To mitigate flood risk arising and to ensure the safety of all future occupier and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 12 and 14 of National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk to drainage is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

12. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a 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 nos. 189 and 190 of the National Planning Policy Framework.

13. The development shall be carried out in accordance with the best practice measures outline in table 6 of the hereby approved Preliminary Ecological Appraisal.

Reason. To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Kirklees Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework.

14. Prior to the commencement of development, details of the following ecological provisions and a timetable for their implementation shall be submitted to, and approved in writing by, the Local Planning Authority:

- the location, both within the site and upon dwellings, and design of one integrated swift box per dwelling
- the location, both within the site and upon dwellings, and design of two integrated bat boxes
- Location and design of access holes for hedgehogs (i.e., “hedgehog holes”) within fences throughout the site

The development shall thereafter be implemented in accordance with the approved details and timetable. The ecological provisions shall thereafter be retained.

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

15. Vegetation clearance should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

Reason: To protect biodiversity during construction by avoiding direct impacts to protected species, and to accord with Kirklees Local Plan Policy LP30 and Chapter 15 of the National Planning Policy Framework.

16. A "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority before operational use of the building. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- a) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework and Chapter 15 of the National Planning Policy Framework.

17. The foundations for the proposed dwelling situated within the RPA of group trees T04, T05 and T06, as demonstrated on the submitted Arboricultural Impact Assessment ref: ArbtechAIA01, shall be designed to an engineering specification in conjunction with arboricultural advice and site investigations.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan.

18. The hard surfacing situated within the RPA of group trees T05, T06 and T10, as demonstrated on the submitted Arboricultural Impact Assessment ref: ArbtechAIA01, shall be designed in conjunction with an arboriculturalist and constructed entirely above the existing soil level.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan.

19. Notwithstanding the submitted details, prior to development commencing, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details:

- Construction details of the new footway
- Frequency of deliveries throughout the construction period
- Likely frequency of road closures, and maximum lengths of time this would take place
- Contingency for pedestrian and vehicle access onto Park View during the works
- Contingency for resident parking when access is compromised
- Assurance deliveries will not take place in peak traffic hours or during local school opening/closing times
- Details of construction staff parking

The approved scheme shall thereafter be operated throughout the construction period.

Reason: To ensure the surrounding road network in the interests of highway safety, and in the interests of the amenity of neighbouring residents, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof

- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: 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: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays.
- 08.00 and 13.00hours, Saturdays.
- With no working Sundays or Public Holidays.

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan	23-023-LP01		26/10/2023
Proposed Site Plan	23-023-P01		26/10/2023
Block A Ground Floor Plan	23-023-P02		26/10/2023
Block B Ground Floor Plan	23-023-P03	Rev.A	30/01/2024
Proposed Site Sections	23-023-P04	Rev.A	30/01/2024
Proposed Site Elevations	23-023-P05	Rev.A	30/01/2024
Proposed Site Elevations	23-023-P06	Rev.A	30/01/2024
Proposed Block A Elevations	23-023-P07	Rev.A	30/01/2024
Proposed Block B Elevations	23-023-P08	Rev.A	30/01/2024
Existing Site Plan	23-023-P09		26/10/2023
Visibility Drawing Plan	23-023-P10		26/10/2023
Proposed First Floor Plan	23-023-P011		26/10/2023
Visuals	October 2023		26/10/2023
Design and Access Statement	October 2023		26/10/2023
Climate Change Statement			26/10/2023

Preliminary Ecological Appraisal (PRE) and Preliminary Roost Assessment (PRA)			05/12/2023
Acoustic Assessment	2322050		05/12/2023
Air Quality Assessment	7130r1		08/12/2023
Arboricultural Impact Assessment	Arbtech AIA 01		24/01/2024
Tree Protection Plan	Arbtech TPP 01		24/01/2024
Arboricultural Method Statement	Arbtech AMS 01		24/01/2024

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 has, 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.

During the course of this application the agent has submitted:

- Acoustic Assessment
- Ecological Appraisal and Preliminary Roost Assessment
- Air Quality Assessment
- Arboricultural Impact Assessment
- Tree Protection Plan
- Arboricultural Methods Statement
- Revised elevations plans showing a marginally (200mm) increase roof height to allow for insulation
- Reconfiguration of the internal layout and additional windows on rear elevation of semi-detached dwellings

These details have all been assessed as part of the application.

Report Dated: 25/03/2024

