

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:	2024/62/90275/E
Site Address:	Land adjacent, 11, Station Road, Skelmanthorpe, Huddersfield, HD8 9AU
Description:	Erection of detached dwelling
Recommending Officer:	Elenya Jackson

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 12th November 2024

Officer Report

Site Description

The application site is a recently cleared vacant piece of land which is located adjacent to 11, Station Road, Skelmanthorpe, Huddersfield, HD8 9AU.

The site was part of the residential curtilage of no.11 and is located between a newer residential development 'Holly Tree Grange' to the south of the site.

The immediate vicinity of the land is residential in nature, properties within the street scene comprise several house types, however they usually benefit from a small front garden, rear amenity space and are set back from the road. Properties to the east and south of the site are newer in construction compared to the north.

The site is located within a low risk coal.

Description of Proposal

This application has been received for the erection of a detached dwelling.

The dwelling would be set back 5.1m from the pavement, have a depth of 9m and a width of 6.8m. The southern boundary of the site would not run parallel to the dwelling and therefore the dwelling would be located a minimum of 1.6m from the southern boundary and a maximum of 2.3m.

The design of the proposed dwelling draws similarities from the properties along Holly Grange in that it has a gable end facing into the street scene. The dwelling would have a maximum height of 7.9m with an eaves height of 5.6m. The dwelling would be 20cm smaller in height than the projection of no.11.

The dwelling is to be constructed out of stone and would benefit from two parking spaces.

History of negotiations/amendments received

During the course of the application, additional details were requested relating to the access for vehicles and a street scene plan.

Relevant Planning History

2023/91878: Erection of single storey extension and solar panels. Granted.

Representations

The application was advertised by neighbour letters, which expired on 29/03/2024

Three objections were received which raised the following concerns:

- Highway safety
- Overdevelopment of site
- Impact on light
- Proximity to neighbouring dwellings
- No.11 is orientated to face towards the proposal, subsequent impact upon the amenity of occupiers of this property
- Distance sited from no.7
- Distances appear inaccurate
- Basement element risks site stability having regard to supporting structures in proximity to the site.
- The proposal should be for the redevelopment of the amenity space area to provide parking
- A site visit is required to be undertaken from the site and should include viewing the site from Holly Tree Grange

Consultation Responses

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

KC Highways DM: Following alterations to the parking layout on site, no further comments

KC Environmental Health: No objections subject to conditions

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 unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- 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 – Highways Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and Geodiversity

- LP 33 - Trees
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and Unstable Land

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 Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-Designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

Housebuilders Design Guide SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development which now carries full weight in decision making. 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). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework

(NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to highway design

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.

ASSESSMENT

Principle of development:

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-

of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing need. In this case the density of development is considered acceptable and that a higher level of density would lead to issues in relation to parking provision in this case.

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal.

On the basis the development has an acceptable impact upon visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations, the principle of development is considered to be acceptable in this case.

Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

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

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also 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...”

The NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-

making should be produced either as part of a plan or as supplementary planning documents.

In addition to this, the NPPF outlines 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.

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 and illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

Principle 15 of the Kirklees Housebuilders Design Guide SPD states that the design of the roofline should relate well to site context. Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

As previously highlighted, the site is currently undeveloped and is adjacent to two existing dwellings.

There is an established building line within the street scene along station road.

The proposal would not be situated forward of either of the adjoining properties which would reduce the proposals prominence as a later addition in the street scene.

Samples of the materials or specific details have not been provided to support the application; however, the application form states that the intention is for the proposal to be stone. As the area is predominantly stone of varying ages, this is considered acceptable; however, a condition will be added should the application receive permission to ensure the proposed materials appropriately integrate with the context of the site.

It is considered that due to the spacing in the site, it is considered necessary to remove permitted development rights for extensions and outbuildings to the building so as to prevent further increases in scale to the development and ensure sufficient space for parking is retained.

The design of the proposal draws characteristics from the dwellings along the southern boundary opposed to those to the north of the street scene. The proposal would feature a gable end on the elevation which faces the street scene. This is not reflective of the existing development in the plot (no.11)

however, several of the properties in the immediate vicinity and building group feature this and it is therefore considered characteristic of the street scene.

There is not a uniform dwelling within the street scene, rather clusters of developments which are reflective of the time period they were built. For example, north of the site is terrace row, south of the site is a small residential development as is the east. A section has been provided of the site which shows the dwelling being 2m taller than no.7 and inline with the lower section of no.11; as the dwelling would be an infill and transitional between the two dwelling designs, it is considered this is acceptable as it would be a gradual increase to the height of dwellings in the street scene.

As the dwelling would be located between two types of dwellings, it is considered that the use of sympathetic materials and similar characteristics would suffice for the dwelling to integrate in the street scene as a standalone dwelling.

Given the above, the proposal is considered to be in accordance with Policies LP24 of the Kirklees Local Plan, principles within the Housebuilders Design Guide and policies within Chapter 12 of the NPPF.

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, including maintaining appropriate distances between buildings. Further to this, 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."

In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show 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 or have unacceptable impacts on the environment

11 Station Road:

This is the existing dwelling on the plot and is located 4.9m to the north of the proposed dwelling. Overlooking: The proposal would feature one north facing window at ground floor level which would serve a wet room, and one roof light. It is considered that the proposed ground floor window could be

conditioned to be obscured, and the angle of the roof light would be such that no significant issues regarding overlooking would be raised.

Overshadowing/loss of light/overbearing: As previously highlighted, the proposal would be 4.9 away from no.11. The proposed dwelling would be located in front of a window serving the kitchen/dining area. However, from reviewing the recent planning history associated with no.11, officers consider that this room would be multiple aspect and whilst the proposal would be in proximity to no.11 there would be other openings serving no.11 which are not impacted by the proposal and as such a reason for refusal on the basis of overshadowing/loss of light/overbearing could not be substantiated in this case.

7 Holly Tree Grange:

Adjoins the application site to the south.

Overlooking: The proposal would not feature any side facing windows in the main dwelling and would feature two roof lights in the southern elevation. It is considered that due to the angle of the roof lights, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The proposal would be located to the north of .7 which does not feature any side facing windows. It is considered that due to the orientation of the dwellings, the separation between the properties increasing towards the west of the site and fact no.7 does not feature side facing windows, no significant issues would arise regarding overshadowing/loss of light or overbearing.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process. To avoid this, it is recommended that in this instance a footnote is included advising such works to take place between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

A condition will be added which prevents the addition of any additional openings to preserve the amenity of neighbouring residents.

In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: "All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers."

Notwithstanding the above, National space standards require the following gross internal floor area for a two bed one storey dwelling:

- 3 Bedroom, 4-person dwelling set over 3storey's - 90 square metres
- 3 Bedroom, 5-person dwelling set over 3 storey's - 99 square metres
- 3 Bedroom, 6-person dwelling set over 3 storey's - 108 square metres

The proposed floor plans show the proposal would have three bed spaces and therefore is required to have an internal floor space of a minimum of 90m² which the development would comfortably exceed. The proposal is considered acceptable therefore, in this regard.

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

It is noted that the proposal would provided limited amenity space for users of the proposed dwelling and host property. This is weighed against the fact the scheme would see the provision of parking, use of grass create is set out within the plans. Whilst limited, there is areas which can be utilised by occupiers of the dwellings. To ensure these remain a condition is recommended to be imposed removing pd rights for the dwellings. Weight is afforded the fact the proposal would improve parking provision for the host property. The character of the locality is mixed in terms of amenity space provisions.

It is noted a turning manouvre would be undertaken in proximity to the rear of the host property, although this would be by users of either dwelling it is considered the impact of this would not be to such a degree as to warrant refusal and having regard to the fact the proposal would contribute to the provision of housing in the district, and the fact limited areas of private amenity space would be provided it is considered that, on balance, refusal on the basis of the impact of the development upon the amenity of the occupiers of the dwellings could not be substantiated in this case.

The proposed development, subject to conditions, is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policies LP24 and Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design Guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

KC Highways DM have been informally consulted as part of this application as the proposal would intensify the domestic use at the site.

Concerns were initially raised regarding the layout of the site and its access. As a result, amended plans have been received which KC Highways have concluded they accept, having regard to the fact it would see the provision of parking to a dwelling which currently does not benefit from off street parking provision.

There is an existing dropped kerb; however, where alterations are required, a note will be added to the decision notice to this effect.

A condition is also required to be attached to the decision to ensure that the driveway is appropriately surfaced and drained in accordance with standard guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk. This would accord with Policies LP28 and LP34 of the Local Plan.

In addition, details of bin storage and collection of bins on site as this has not been presented on the plans and a condition is required for the details of this to be agreed.

KC Highways DM consider the off street parking to be acceptable and therefore the application can be supported subject to the aforementioned conditions. This is to accord with Policies LP21 and LP22 of the KLP and the Councils Highways Design Guide.

In view of the above it is considered that, the proposal would be acceptable in highway safety terms reasonably satisfying the requirements of Policies LP21 and LP22 of the Local Plan and of the Highway Design Guide SPD (2019) in this regard.

Other matters:

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 pre-dates 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.

The proposal is for the erection of a single detached dwelling. The details provided in the climate change statement are considered sufficient. This would comply with the aims of policy LP24 and LP51 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Bats/ Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

The site is not within a bat alert layer and therefore a bat box and/or further surveys are not considered to be necessary in this case.

Officers note an element of site clearance has taken place prior to officers visiting the site. It is considered appropriate to attach a condition requiring the provision of a bird box on site, this is to provide biodiversity enhancement on site as part of the planning process in line with Policy LP30 of the Kirklees Local Plan.

There have been updates to [Schedule 7A of the Town and Country Planning Act 1990 \(inserted by the Environment Act 2021\)](#), which can result in biodiversity net gain (BNG) being a statutory requirement for development proposals of this type. However, the application was received prior to the implementation of this legislation and therefore the proposal is not subject to the statutory requirement for BNG.

Trees

It is noted that site clearance was undertaken prior to officers attending the site. There were mature trees on site which were not subject to a Tree Preservation Order. Therefore the clearance works were able to be undertaken in any event. As such the proposal is considered acceptable, having regard to the fact trees previously stood at site and Policies LP30 and LP33 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF.

Contaminated land/Coal Mining Legacy:

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The site is located in close proximity to landfill site 128/17, in response to this, the Councils' Environmental Health Service have recommended that a condition is imposed on any approval requiring the developer to submit details relating to contaminated. A condition to this end is therefore recommended.

Subject to the imposition of conditions, it is considered that the proposal will reasonably satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework in land contamination terms.

Drainage:

The application form and proposed states that the proposed foul sewerage connection for the new property is to be tracked back to the existing main and surface. As the proposal is for one dwelling, this been considered satisfactory in relation to the requirements of this application and having regard to the fact drainage would need to be addressed at the Building Control stage. Therefore the proposal is considered to comply with the aims of LP28 of the Kirklees Local Plan.

Representations:

Three objections were received which raised the following concerns:

- Highway safety
Officer response: KC Highways have been consulted on the application and subject to conditions relating to the provision of bin storage being provided, there are no significant concerns raised regarding highway safety.
- Overdevelopment of site
Officer response: Officers have reviewed the application and consider that there would be an acceptable amount of spacing between the application property and neighbouring dwellings and a reasonable amount of amenity space would be retained should the proposal receive permission.
- Impact on light
Officer response: Officers have reviewed the application and consider that the proposal would not raise any unacceptable concerns to the residential amenity of neighbouring residents.
- Proximity to neighbouring dwellings
Officer response: There is existing development either side of the application dwelling. It is considered that an infill dwelling in this location would not cause any terracing effect between dwellings, would not result in any significant harm to the residential amenity of neighbouring residents and would reasonably integrate with the character of the area.

- Basement element risks site stability having regard to supporting structures in proximity to the site.
Officer response: In accordance with paragraph 190 of the NPPF, 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, any matters of concern which may arise would be the responsibility of the developer to rectify.
- No.11 is orientated to face towards the proposal, subsequent impact upon the amenity of occupiers of this property
- Distance sited from no.7
Officer response: This is addressed within the 'residential amenity' section of this report.
- Distances appear inaccurate
Officer response: It is considered the submitted plans and information are sufficient to enable the LPA to determine this application.
- The proposal should be for the redevelopment of the amenity space area to provide parking
Officer response: This application is assessed on its own merits and on the basis of the development proposal the subject of this application.
- A site visit is required to be undertaken from the site and should include viewing the site from Holly Tree Grange
- Officer response: A case officer site visit was undertaken as part of the processing of this application, whereby it was considered they were sufficiently informed of the characteristics of the site / locality to enable them to make a recommendation in relation to the proposal.

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/90275

Officer Recommendation: Approve

Conditions and Reasons

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

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

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, LP21, LP22 LP24, LP28, LP30, LP33, LP43, LP51 and LP52 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition required in order to identify and remove unacceptable risks to human health and the environment at the appropriate time, in accordance with Policy LP53 of the Kirklees Local plan and paragraph 189 and 190 of the National Planning Policy Framework.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition required in order to identify and remove unacceptable risks to human health and the environment at the appropriate time, in accordance with Policy LP53 of the Kirklees Local plan and paragraph 189 and 190 of the National Planning Policy Framework.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: : This is a pre-commencement condition required in order to identify and remove unacceptable risks to human health and the environment at the appropriate time, in accordance with Policy LP53 of the Kirklees Local plan and paragraph 189 and 190 of the National Planning Policy Framework.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. In the event that remediation is unable to proceed in accordance with the

approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

7. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

8. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external walling and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 of the National Planning Policy Framework.

9. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with policy LP22 of the Kirklees Local Plan.

10. 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) no development included within Classes A – G of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.

Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the amenities of surrounding properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Housebuilders Design Guide SPD.

11. A sparrow terrace nest box shall be installed integral to the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained.

Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework.

12. Notwithstanding the submitted plans and information, details of the position, height, and materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: In the interest of visual amenity, in accordance with Policies LP24 and LP33 of the Local Plan as well as the aims of chapters 7 and 9 of the National Planning Policy Framework.

13. Prior to development commencing on the superstructure of the dwelling hereby approved, details of suitable storage, bin presentation points and access for collection of wastes from the dwelling 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 visual amenity and highway safety, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

14. No part of the development shall be brought into use until the existing access from Station Road has been permanently closed [and any redundant footway crossings removed and the footway reinstated] and the new access has been constructed and brought into use in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: To ensure the provision of a safe access, to avoid danger and inconvenience to highway users and to accord with policy LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

15. Prior to occupation of the development hereby approved, the ground floor window in the northern elevation serving a bathroom shall be obscurely glazed to a Pilkington level of four or equivalent and fixed shut to a height of 1.7m. The obscure glazing shall thereafter be retained for the life of the development.

Reason: In the interests of the amenity of the occupiers of neighbouring properties to accord with policy LP24 of the Kirklees Local Plan, the adopted Housebuilders SPD and Policies within Chapter 12 of the National Planning Policy Framework.

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 (Kirklees Street Scene: 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: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

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

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

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	175001 PL A		1/02/2024
Proposed site and block plan	QH11A 01-Rev:C		21/10/2024
Proposed street scene	QH11A-05		21/10/2024

Plan Type	Reference	Version	Date Received
plan east)			
Proposed Floor Plan	QH11A-02 Rev:A		26.09.2024
Proposed South and East Elevations	QH11A-04 Rev:A		26.09.2024
Proposed North and West Elevations	QH11A-03 Rev:A		19.08.2024

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Officers requested alterations to the layout of the site during the application and a street scene plan.