

**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:	<b>2024/62/91091/W</b>
Site Address:	Land Adj, 6, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP
Description:	Erection of detached bungalow
Recommending Officer:	Tom Hunt

**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:** 20<sup>th</sup> June 2024

## **Officer Report**

### **Site Description**

2024/91091 – Land Adj, 6, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP

The site is a rectangular area of land located off Reinwood Avenue situated between two pairs of semi-detached properties to its northwest and southeast. The site is situated on a gently sloping ground level falling from northwest to southeast with the northwest properties appearing more prominent than the southeast properties. The site is approximately 369sqm in size. Its existing use is as garden and driveway with single-storey detached garage for no. 6 Reinwood Avenue.

The streetscene consists of two-storey, semi-detached, residential properties with a prevailing material palette of natural stone, render and a mixture of roofing materials. The properties either flank side of the proposed dwellinghouse are in arts and crafts architectural styles with prominent gable front features and low eaved, steeply pitched, side gable roofs using red tile. No.s 2 and 4 have a strong group value with consistent white roughcast render appearance and red roofs and No.s 6 and 8 have a more divergent appearance unified by use of neutral/buff coloured render. The size, scale and roofing forms however remain consistent. The properties to the northeast and northwest side of the road enjoy a strong sense of openness with generous side gardens/property gaps to flank boundaries providing a pleasant expanse of greenery supported by the Urban Greenspace (UGS) designated land to their rear.

Until recently the streetscene had a very strong mixed boundary of approximately 1m height from ground hedging, fencing and stone walls providing a pleasant sense of enclosure and defined spaces; the development of no. 6 and its adjacent garden space removing those boundary features has eroded this pleasant sense of openness with hard surfacing and loss of green landscaping. Nonetheless, considering the streetscene, eras of development are clearly distinguished by attractive groupings of architectural styles and materials, i.e., the side gable roofed, semi-detached, chalet style properties to the 'top' of the street with their flat roofed, front dormers and the semi-detached, properties with prominent double height bay window features built with natural stone with hipped grey tile roofs. Local properties have in the main sought to minimise hard surfacing by siting driveways to the side with attractive soft landscaping.

### **Description of Proposal**

Erection of detached bungalow

*All figures are approximate and in metres.*

It is proposed to erect a single-storey, detached bungalow with a footprint 7.6m wide by 11.2m depth. The overall height of its gable fronted roof would be 6.4m with eaves 3.6m from ground (due to the sloping ground level, those figures are maximums).

It would have main openings to the front and rear both with small windows close to the ridge and smaller secondary openings to the side elevations with small rooflights either roof plane. It would have living, kitchen/dining, utility, W.C. and storage space to the ground floor and one double bedroom with one bathroom and storage to the first floor within the roof. This would have ~80sqm to ground floor and 29.8sqm to attic floor with a useable headroom (as set by Nationally Described Space Standards (NDSS)); the bedroom floorspace would have 16.8sqm of which 11.7sqm would achieve 2.3m headroom.

Materials would be of K render with ashlar stone surrounds to windows, red tile to the roof and dark grey uPVC windows.

It would have a driveway to its side and landscaping area to the front with a turning point, external access paths either side and a rear garden.

### **History of negotiations/amendments received.**

The case officer considered the application on review and sought amendments to the proposal to meet LP policies on visual and residential amenity and to accord with NDSS. The Officer requested an updated proposed site layout to show the rooflights to match the supplied elevations.

### **Relevant Planning History**

2023/90524                      No. 6 Reinwood Avenue  
Erection of single storey extension to rear and engineering works to form retaining wall and garden area and cladding to external rear wall of dwelling (retrospective)  
*Approved 13<sup>th</sup> June 2023*

2023/91963                      Land Adj, 6, Reinwood Avenue, Quarmby, Huddersfield, HD3 4DP.  
Outline application for erection of detached dwelling.  
*Refused 10<sup>th</sup> October 2023 for the following reason*

*1. The proposed development is of a visually cramped appearance, leading to an incongruous feature within the street failing to harmonise with its character and that of the wider locality. This would be further exacerbated by the provision of parking to the front within this site which would be visually*

*harmful and lead to a dominance of parking to the front of the site and adjacent land. To approve the development would cause unacceptable visual harm contrary to policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 2, 5, 6 and 12 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.*

*2. The proposed development's layout and scale would lead to a structure with significant bulk and massing, which is upon elevated ground, closely sited to no. 4 Reinwood Avenue leading to an unacceptable level of overbearing and detrimental loss of outlook to this neighbour. To approve this development would cause detrimental harm to the residential amenity of no.4 Reinwood Avenue, contrary to Kirklees Local Plan Policy LP24, policies within Chapter 12 of the National Planning Policy Framework, and Principle 6 of the Council's Housebuilders Design Guide SPD.*

2023/93326

Outline planning permission for the erection of detached dwelling.

*Approved 15<sup>th</sup> February 2024 .*

The scheme the subject of this application is considered to be materially different to that of the previous refusal. The previously refused scheme was for a two storey dwelling with parking to the frontage of the site. The scheme as submitted has revised the development to a single storey design with rooms in the roof space, and has amended the parking arrangements as well as the layout of the site. Cognisance is had in relation to the previous refusal in the assessment of this application.

## **Representations**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, which had a final expiry date of 31/05/2024.

One representation has been received, Objecting, a summary of the comments received is set out below:

- Overlooking.
- Drainage. Soakaways would not prevent localised flooding.
- Proposed floor and elevation plans do not correspond to each other
- Dormers would be out of keeping with the area and would lead to a cramped appearance. The outline permission agreed to remove Permitted Development Rights on dormers for any reserved matters application.

- The footprint is larger than the Outline application leading to greater massing and form close to neighbouring properties.
- Blue slate would be out of character with the area.

## **Consultation Responses**

No technical consultees required.

## **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 27<sup>th</sup> February 2019).

It is within a low Coal Risk Area for development and is not within a high probability area for flooding. It is within the bat alert layer and nearby to important habitats for wildlife designated as Urban Greenspace designated land (UGS) and Kirklees Wildlife Habitat Networks. The site is within identified contaminated areas for landfill and gas.

## **Kirklees Local Plan (LP):**

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 7 – Efficient and effective use of land and buildings
- LP 11 – Housing Mix and Affordable Housing
- LP 20 – Sustainable Travel
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity & Geodiversity
- LP 33 – Trees
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

## **Supplementary Planning Guidance and other considerations**

- Highways Design Guide SPD
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

### **Legislation**

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004
- Conservation of Habitats and Species Regulations 2017

### **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 – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

#### **1 – Principle of development:**

##### *1.1 Sustainable Development*

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that *“good design should be at the core of all proposals in the district”*.

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.

### *1.2 Housing Supply*

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.”

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. The judgement in this case is set out in the officers’ assessment.’

Policy generally seeks to support residential development upon unallocated sites. However, Policy LP7 establishes a desired target density of 35 dwellings per hectare unless the individual site characteristics dictate a lower density of development. This is further clarified by Principle 4 of the Housebuilders Design Guide which states that densities lower than 35 per hectare are only permitted in line with Local Plan Policy LP7.

Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

The site – a garden plot, with a small area of hardstanding and with a single-storey detached garage – is adjacent to UGS land and nearby to Kirklees Wildlife Habitat Networks however would not be considered to be of high environmental value despite being PDL. Taking sustainability into consideration, reflecting on whether the application site may be sustainable despite the relatively low density, it is located approximately 400m (as the crow flies) to New Hey Road/Acre Street Local Centre within comfortable walking distance and is close to frequent public transport links along Reinwood Road. The site reusing PDL could be considered to be a sustainable site with access to services / amenities and public transport links. The site is only able to accommodate 1 dwelling and as such, it is therefore considered that the principle of redevelopment of the site for one dwelling could be acceptable with regard to the proposed density of development, however the provision of housing needs to be balanced against all material planning considerations. The judgement for application, where applicable, will be set out in the officers' assessment.

## 2 –Impact on visual amenity:

In terms of visual amenity, design considerations are set out in Policy LP02 & LP24 of the Local Plan, and policies within Chapters 12 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape and protect amenity.

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

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

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

Amongst other considerations, Principle 6 sets out that *“for a new dwelling located in a regular street pattern that is two storeys or above, there should*

*normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.”*

Principle 8 guides Officers to carefully consider the transition from urban to open land and how the development would *“make a positive contribution to the character and function of the landscape through sensitive siting and good design.”*

Relating to Parking, Principle 12 requires Officers to have regard towards good design by providing visually well integrated parking with landscaping to screen its appearance and not to appear as overly dominant hardsurfaced features in the streetscene.

In addition to this, 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 proposal would be in line with the strong building line established by nos 4 and 6 and not forward of no. 4. This would be acceptable.

Officers consider that the bungalow's lesser scale in comparison to its two-storey larger neighbours and exceeding the 2m recommendation to one flank boundary would, on balance, sufficiently retain an adequate level of visual openness in the streetscene with regard to Principle 6. It is also noted that the bulk and massing of no.6 is also especially close to the flank boundary and despite the difference in ground levels, any further increase in scale and massing of this proposal close to this would appear incongruous in the streetscene. Officers recommend that to ensure that the design does not appear overly cramped within such a narrow plot with limited property gaps to boundary, a condition should be applied to limit Permitted Development Rights for dormers, additional storeys, front and rear extensions. This would aid in the design continuing to make a positive contribution to the character and function of the locality by being well integrated within the streetscene with regard to scale, design and building line.

The host would have its parking to the side and supported by a turning point, however this harsh hardstanding would be ameliorated by the proposed landscaping, ensuring that the scheme would not appear car dominated and would allow the scheme to mirror the existing neighbours' landscaping layout and thus sit well within the locality.

It is noted that the roofline would be substantially lower in the streetscene to neighbours providing a modestly incongruous housing scheme however it aims to deliver an integrated scheme by not appearing overly cramped, and to reflect the existing material palette of its neighbours by use of red tile and

render. The colour of the render is recommended to be white or off white however Officers recommend conditions to be attached for visual amenity in relation to tiles and render colouring to ensure it would sit well in the streetscene.

Openings would appear to be of standard domestic design with stone surrounds to aid in being visually integrated to neighbours and therefore acceptable. The rooflights would be of low profile and therefore low visual impact in order to be acceptable.

The proposal would also retain sufficient garden space to ensure that the scheme does not represent an overdevelopment of the site. Officers recommend that given the differences in ground levels that landscaping details should be submitted, of fences and walls to boundaries and gates, to ensure that visual amenity is adequately protected.

Subject to conditions, the proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area and be acceptable and accord with Policy LP02 and LP24 of the Local Plan, the Principles of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

### 3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan states that alterations to existing buildings should:

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

Principle 6 of the Housebuilders Design Guide SPD seeks to ensure that housing maintains high standards of residential amenity by setting the relevant recommended separation distances:

- 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;
- 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

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

*No. 6 Reinwood Avenue*

The proposal would have one small window and doorway facing this neighbour serving a utility room and no.6 has a minimal array of windows to its ground floor side elevation. There is a difference in ground levels with no. 6 being raised ~1.3m and as such there would be very oblique views possible between the two neighbours. There would be two rooflights to this adjacent facing roof plane serving a storage area. As such, Officers are satisfied that there would be an acceptable degree of privacy and no significant overlooking between those neighbours. The limited single-storey scale of the proposal would be situated southeast of no. 6 however its single-storey and gable fronted design on a lower ground level would have the main bulk and massing set away from the boundary limiting impact and would not substantially overshadow or harm outlook to habitable windows (those affected being W.C and hallway). As such, overbearing and overshadowing to no 6 would be suitably avoided due to the layout, single-storey design and topography.

#### *No. 4 Reinwood Avenue*

No.4's degree of rotation relative to the proposed layout would sufficiently limit rear and side views to be very oblique of the flank elevation of the proposed and the proposed facing window serves a cupboard (which is a non-habitable room). In addition, the rooflight to this facing roof plane would serve a staircase with very restricted views to a non-habitable room. As such the scheme would avoid significant loss of privacy/overlooking to no.4's windows. There would be the removal of a single-storey garage/outbuilding close to the shared boundary and the layout indicates that there would be a 3.2m separation distance to boundary for the bungalow design, as such this would adequately reduce the impression of overbearing/loss of outlook.

As previously noted, it is recommended to limit extensions so that the impact on visual openness could be sufficiently controlled to have a well-integrated design in the streetscene; Officers also have regard for the impact on residential amenity for any extensions in that a side dormer could create an undue impression of overlooking/loss of privacy being on raised ground relative to no.4 and its garden. In addition, Officers consider it reasonable to limit new openings to the southeast elevation in order to prevent an undue impression of overlooking between neighbours given the close proximity of no. 4 for residential amenity.

#### *Other Residential Properties*

It is considered that the proposed development would be sited a sufficient distance at 26.4m away from any other neighbouring properties not referred to above so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

#### *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. 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 bedroom to the first floor which would meet Nationally Described Space Standards (NDSS) for its bedroom floorspace, daylighting via its two large windows and would have over 75% of its floorspace with a headroom of 2.3m and a large bathroom (again with adequate headroom) with adequate storage and living quarters below. The level of accommodation for two people supported by a proportionate garden for privacy would be satisfactory in this regard.

As per the previously recommended condition on landscaping, this would also be of use in relation to preserving residential amenity for privacy and avoidance of overlooking.

Subject to the recommended conditions, the proposal would therefore be in general conformance with LP24b of the Kirklees Local Plan, the Key Design Principles relating to residential amenity of the House Extensions and Alterations SPD and Chapter 12 of the NPPF.

#### 4 – Impact on highway safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. 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.

Principle 12 of the Housebuilders Design Guide states that at the outset of the development, applicants should identify the need for car parking, in addition this principle requires the provision of cycle storage and to avoid parking arrangements that place cars at the front of all dwellings and with overly dominant integral garages at the front of dwellings.

Principle 12 goes on to set out that where car parking is included within the curtilage of a dwelling, creative design solutions should ensure that car parking can be accommodated at the side of buildings or to their rear to avoid dominating the street scene at front.

Principle 19 of the above Guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a

way that it is convenient for both collection and use whilst having minimal visual impact on the development.

As previously stated, the proposal would meet the requirements of Principle 12 in creating a balance between parking provision and visual amenity. It would adequately provide sufficient off street parking for the level of accommodation desired. Cycle storage have not been set out however the proposal has storage facilities that could accommodate this as well as a private garden to the rear; as such it would be overly onerous to insist on formal cycle storage areas for the purposes of Principle 12. Bins would be stored behind the driveway and there would be sufficient space to move bins to a satisfactory presentation point to the front of the driveway.

The proposal may require changes to the access within the adopted highway fronting the property which would need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). A footnote has been attached to the permission with regard to obtaining approval of the construction specification for the safe functioning of the highway. Interference with the highway without such permission is an offence which could lead to prosecution.

Gates have not been set out in plans, as per the previously recommended condition on landscaping, this would also be of use in relation to highway safety. An additional condition is recommended to ensure that any gates will be installed to open inwards to avoid obstructing the safe function of the highway and to avoid stopping vehicles close to the junction.

The proposed development would adequately comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 5, 11 and 12 of the Housebuilders Design Guide SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF

## 5 – Other matters:

### *Climate Change*

When determining planning applications, the Council will use the relevant Local Plan policies, the NPPF and guidance documents/SPDs to meet targets to achieve net zero carbon emissions.

Policy LP24 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals. Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals. The application is supported by a Climate Change Statement which outlines that the dwelling is to have an air source heat pump, rooms orientated to achieve solar gain,

soakaways and efficient insulation. At a minimum the proposed dwelling would be built to modern building regulations to aid in the contribution to climate change and for specific details of how the development will respond to climate change.

As the proposal is for a new dwelling, the provision of electric vehicle charging points is controlled by building regulations and does not require a condition to be set, for avoidance of doubt, an informative would be attached to advise the applicant of their duties and to support carbon emission reductions. Given these considerations, Officers are satisfied that the building would not harm the climate change agenda on this occasion. The proposed development would therefore comply with Policies LP24 and LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

### *Drainage*

Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework are considered to be relevant in terms of foul/surface water drainage.

The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding). In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert).

Considering the driveway to the side with turning point, a condition is recommended to be applied to ensure adequate drainage through permeable surfaces or via soft landscaping in accordance with Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864).

Officers note the third part submission that the proposal would affect drainage otherwise to a neighbouring garden. Drainage in this instance would be a private matter outside the control of the Planning application and the applicant's responsibility to ensure that they do not unacceptably cause damage to another property. An informative has been attached to confirm this.

### *Biodiversity and Trees*

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

Principle 9 of the Housebuilders Design Guide highlights that net biodiversity gains should be provided through good design and considered at an early stage to ensure biodiversity enhancements and habitat creation are incorporated and the function of the wildlife habitat network is safeguarded and enhanced.

In addition, Policy LP30 of the Kirklees Local Plan is relevant. The site is considered to have the potential to contribute to net gains in particular being sited in or close to sensitive areas for biodiversity within a bat alert layer, UGS and Kirklees Wildlife Habitat Networks. Principle 9 requires proposals to consider incorporating net gains. It is considered that here is the opportunity to provide net gain by the provision of facilities such as bat boxes, bird boxes, hedgehog holes and enhanced landscaping with the planting of native species. The submitted Climate Change Statement has proposed tree planting and bird/bat boxes to be installed which would be of benefit to increasing habitat potential and support for wildlife.

As the site has recently been cleared of mature vegetation and this appears to have been to make way for residential development, the starting point for assessing the ecological value of the site was as it previously appeared. Officers recommend a condition be placed on any forthcoming consent that will allow a biodiversity enhancement at the site in line with national and local planning policies.

As discussed above there is opportunity to provide net gain by the provision of facilities such as bat boxes, bird boxes, and enhanced landscaping with the planting of native species. To ensure that these are provided a condition will be attached to the decision notice in relation to these issues. This would be in line with LP24h) and LP30 of the Kirklees Local Plan, Chapter 15 of the NPPF and Principle 9 of the Housebuilders Design Guide SPD.

Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodland of significant amenity such as those northwest of the site within UGS land. LP24i) of the KLP supports this aim seeking to retain and enhance planting of new trees.

It is acknowledged that there are a number of mature trees located adjacent to the site and that none of these trees are protected by Trees Preservation Orders. The proposed dwelling is sited 13.8m southwest of the rear boundary and the trees and this appears to be adequately accurate in relation to tree canopy. The separation distance adequately serves to ensure the impact to those trees canopy or rooting area would not be significant and therefore would be in keeping with LP24i) and LP33 of the Kirklees Local Plan.

*Contaminated and unstable land*

The site is within a historic landfill and gas buffer area for development, indicating that there may be a likelihood of land contamination. As such, precautionary conditions are recommended in the event of unexpected discovery of land contamination in order to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development for the public interest, in accordance with Chapter 15 of the National Planning Policy Framework and LP53 of the Kirklees Local Plan.

#### 6 – Representations:

One representation had been received. Insofar as the objections raised are not addressed elsewhere in this report they are addressed as follows:

- Proposed floor and elevation plans do not correspond to each other

It is considered sufficient information has been submitted to enable the LPA to determine this application.

#### 7 – Conclusion:

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

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

**Recommendation**

**Approve**

**Decision Authorisation - Delegated**

**Application Number:** 2024/91091

**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 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 to accord with Policies LP01, LP02, LP03, LP07, LP11, LP21, LP22, LP24, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, the Principles of the Housebuilders Design Guide SPD, and Policies within Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework

3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external materials including walls, roofs and colour finishes 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 and to accord with Policy LP02 and LP24 of the Kirklees Local Plan, the Principles of the Housebuilders Design Guide SPD, and policies within Chapter 12 of the National Planning Policy Framework.

4. Prior to the development being brought into use, the areas to be used for the parking and manoeuvring of vehicles as indicated on 'Drawing no. 01. Revision: E' shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. These shall thereafter be retained and kept clear of all obstructions to their use for the parking and turning of vehicles.

**Reason:** To achieve a satisfactory layout in the interests of highway safety, to mitigate flood risk and to accord with the aims of Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Chapters 9 and 14 of the National Planning Policy Framework, Principle 12 of the Housebuilders Design Guide SPD.

5. The development shall not be brought into use until a scheme of measures relating to the provision of habitat for wildlife and biodiversity enhancement has been submitted to the Local Planning Authority. The submitted scheme shall set out the existing biodiversity value of the site and propose sufficient biodiversity-led features to provide biodiversity net gain and include the provision of the following measures: - (i) Provision of bat tubes, (ii) provision of bird boxes, (iii) provision of hedgehog holes within boundaries and (iv) planting of native species including trees across the site. The development shall not be brought into use until the approved scheme has been implemented. The approved scheme shall be thereafter retained and maintained for the lifetime of the development.

**Reason:** To provide ecological enhancement in accordance with the requirements of LP24h) and LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and policies within Chapter 15 of the National Planning Policy Framework.

6. Notwithstanding the details on the approved plans, before the new dwelling is first occupied, full details shall be submitted to and approved in writing by the Local Planning Authority of all new or retained screen walls or fences to the boundaries of the site and of any other measures to prevent overlooking of neighbouring land from windows facing the boundaries. The details shall include the location, design and height of fences or other boundary treatments, and shall indicate how they relate to finished ground levels within the site and outside it. The approved walls, fences, and any other privacy measures shall be erected, constructed, or incorporated into the design of the dwellings before the dwelling is first occupied and thereafter retained.

**Reason:** To ensure that the development safeguards the privacy of future and existing residents and to accord with the aims of Policy LP24(b) of the Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back a minimum of 1m from the carriageway edge of Reinwood Avenue and shall be hung as to only open inwards. So long as such gates or barriers are in position, they shall be retained to only open inwards.

**Reason:** In the interests of highway safety and to avoid the need for vehicles to wait in the Highway. This is to accord with Policy LP21 of the Kirklees Local Plan and policy contained within Chapter 9 of the National Planning Policy Framework.

8. In the event that contamination 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 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 Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or reenacting that Order) no development included within Class(es) A, AA, B, and D of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of residential and visual amenity in accordance with Policy LP24 of the Kirklees Local Plan, Principle 6 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Policies within Chapter 12 & 13 of the National Planning Policy Framework.

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 further doors, windows or any other openings shall be created in the south eastern (side) elevation of the dwellinghouse hereby approved.

**Reason:** In the interests of the amenity of the occupiers of neighbouring properties to accord with LP24b) of the Kirklees Local Plan, Principle 6 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

**FOOTNOTE:** 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.

**FOOTNOTE:** The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). 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. Interference with the highway without such permission is an offence which could lead to prosecution.

**FOOTNOTE:** Building Regulations (2021 edition) control the provision of Electric Vehicle Charging Points for new residential buildings under Approved Document S 'Infrastructure for the charging of electric vehicles'. Building work must meet all relevant requirements of the Building Regulations. To comply with the Building Regulations, it is necessary both to follow the correct procedures and meet technical performance requirements for building work to be found acceptable.

**FOOTNOTE:** Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected, including the impact of works to affect drainage and that the works carried out is lawful.

**FOOTNOTE:** The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan.	Drawing no. 02.	Unamended	18/04/2024
Existing and Proposed Block Plans.	Drawing no. 01.	E	20/06/2024
Proposed Floor Plans.	Drawing no. 03.	E	12/06/2024
Proposed Elevation Plans.	Drawing no. 04.	B	29/05/2024
Design and Access Statement	Design and Access Statement by Northern Design (Oldham) Ltd. Date: April 2024	Unamended	18/04/2024
Climate Change Statement	-	-	18/04/2024

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. The case officer considered the application on review and sought amendments to the proposal to meet LP policies on visual and residential amenity and to accord with NDSS.

**Report Dated:** 20/06/2024