

**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:	2024/62/91524/W
Site Address:	Land at Old Lane /Taylor Lane, Scapegoat Hill, Huddersfield, HD7
Description:	Erection of two detached dwellings
Recommending Officer:	Katie Chew

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 24-SEP-2024

Officer Report

Site Description

Land at Old Lane /Taylor Lane, Scapegoat Hill, Huddersfield, HD7 4ND

The site relates to an open piece of land adjacent to Old Lane/Taylor Lane. It appears that works have commenced to clear the overgrown shrubbery and to level the land, given the vast changes in levels within the vicinity. The aforementioned roads run parallel with the south-east and south-west boundaries of the site, with residential properties beyond. East of the site is a burial ground. Beyond the northern boundary lies mainly detached residential properties.

The application site is not located within a Conservation Area or located adjacent to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the erection of two detached dwellings.

The proposals relate to the construction of 2 detached three storey dwellings, each comprising of integral single garage, cycle store, cloakroom/boots room, open plan kitchen/dining area, utility/W.C, lounge, 4 bedrooms, main bathroom, and 2 en-suites.

Off-street parking is provided within the integral garage and driveway to the front of the properties, with access taken from both Old Lane and Taylor Lane to the south.

The dwellings are to be constructed utilising pitched face stone to the external walls and slate roof tiles.

History of negotiations/amendments received

Additional information and amended plans were submitted following receipt of comments from the Council's Environmental Health and Highways Teams.

Relevant Planning History

2021/90309 – Variation condition 2 (plans) on previous permission 2015/92476 for erection of three detached dwellings. Approved 29th April 2021.

2020/94403 – Non-material amendment to previous permission 2015/92476 for erection of three detached dwellings. Refused 25th January 2021.

2020/91916 – Discharge conditions 3, 5, 6 on previous permission 2015/92476 (APP/Z4718/W/17/3180494) for erection of 3 detached dwellings. Approved 21st August 2020.

2018/92336 – Discharge of Condition 4 (Road Widening Scheme), 7 (Ecological Design Strategy) and 12 (Landscaping) on previous permission 2015/92476 (APP/Z4718/W/17/3180494) for erection of three detached dwellings. Split decision 2nd August 2018.

2016/94061 – Erection of two dwellings. Refused 9th May 2017. Appeal Upheld 24th November 2017.

2015/92476 – Erection of three detached dwellings. Refused 10th May 2017. Appeal Upheld 24th November 2017.

Planning Enforcement

COMP/22/0537 – Breach of Condition 5 of 2015/92476.

COMP/20/0212 – Commencement of development prior to discharge of preconditions. No Further Action – Resolved.

COMP/20/0137 – Alleged breach of condition. No Further Action – Application approved.

Consultation Responses

KC Highways Development Management – Comments received 19th August 2024. Whilst the application is considered acceptable in principle Highway Officers raised several concerns including:

‘1, Parking to plot 2a. This is a 4 bedroomed dwelling, and 3 off-street parking spaces are therefore required to meet recommended standards. The integral garage and driveway which scales only 9 metres in length are not likely to be sufficient to accommodate 3 vehicles.

2, The 2015 and 2016 permissions included a condition requiring the widening of Old Lane to 4.8m and Taylor Lane to 5.0m. Based on the existing Site Layout drawing number 1483/EX -001 these works have not been fully implemented and they are not shown on the proposed Site Layout Plans. These works need to be shown.

3, Sight lines need to be shown from the proposed driveways onto Old Lane and Taylor Lane and 2.4m x site frontage at the Old Lane/Taylor Lane junction’.

Officer note: Following receipt of the above comments, the applicant’s agent sought to submit a revised site layout plan to provide a widened driveway to Plot 2a to accommodate an additional parking space, the widening of Old Lane and Taylor Lane and 2.4m sight lines added from the proposed

driveways onto Old Lane and Taylor Lane. Highways Officers consider these changes to be acceptable subject to conditions and informatives relating to the submission of a scheme for road widening, submission of a schedule of the means of access to the site for construction traffic, details of any retaining structures, provision of sightlines and that the granting of planning permission does not authorise the carrying out of works within the highway.

KC Environmental Health (ENVH) – Comments received 24th July 2024. ENVH Officers note that the 1965 map shows the site of the proposed development as a burial ground. They therefore require clarification regarding the historic land use and details of burial plots (if any) on the proposed development site. This information is to be provided prior to determination of the application. ENVH Officers have also requested conditions and informatives in relation to land contamination and noise, should the application be approved.

Officer note: Following receipt of the above comments the applicant's agent sought to submit a Phase I and Phase II Geo-Environmental Investigation Report, along with ground gas monitoring results. They also confirm that the site is historically unused and has never been used as a burial ground, a burial ground is located adjacent to the site but will be unaffected by the development. ENVH Officers note that in support of the application a report titled Phase I/II Geo-Environmental Assessment Report Project Number: - JS/ST/40706-Rp001, dated 3rd May 2018, has been submitted. The report presents a site history and site walkover, dated the 14th of March 2018. The history presented does not indicate the site is affected and no visual reference to burials has been annotated in the report. Should permission be granted the applicant is reminded that there is a legal duty to report to the authorities should any suspicious materials be encountered during construction.

In addition to the above, whilst the Phase I/II Geo-Environmental Assessment Report Project Number: - JS/ST/40706-Rp001 contains useful information it is now some 6 years out of date, additional contamination may have been introduced to site since this time, indeed the report itself in section 1.6.3 informs: *"The conclusions and recommendations presented in this report are based on site specific information obtained during the desk study, ground conditions encountered and laboratory analysis and are considered reasonable on the basis of available information at the time the assessment was carried out. They should not necessarily be relied upon to represent site conditions at a substantially later date."*

The report was incomplete as it did not contain any ground gas monitoring information or assessment of the results. The report failed to acknowledge features included in our earlier comments such as nearby landfill. The Council's ENVH team therefore question the remediation proposed as they considered that some further testing would be more appropriate to thoroughly ensure 'hotspots' of contamination exist or whether more widespread contamination is present at the site before an appropriate remediation strategy is proposed. For the reasons given above ENVH Officers cannot

accept the report, and whilst they do not object to the proposed development, they recommend that contaminated land conditions remain.

KC Ecology Unit – No comments have been received within statutory timescales.

KC PROW – No comments have been received within statutory timescales.

Parish/Town Council

N/A.

Local Ward Members

None.

Representations

Final publicity date expired on:

Neighbour Letters – Expired 20th August 2024.

1 objection has been received; comments are summarised below.

- Broadly in favour of the site being developed, as the undeveloped site is an eyesore however, since the 2016 application was approved a group of local people have submitted an application to have some footpaths on the site added to the Kirklees Definitive map of Public Rights of Way (PROW), whilst investigation has been undertaken, six years on this matter has still not been resolved. The footpath situation should be resolved prior to a decision being made on this application.

Officer note: Noted. However, this Definitive Map Modification Order (DMMO) application appears to fall outside of the proposed red line boundary and therefore bears little weight on the principle of developing this site for housing. Nevertheless, the Council's PROW Officers have been consulted and they have raised no concerns on the proposals.

- Concerned that the Environmental Survey which was carried out as part of the original planning application resulted in the 2018 Biodiversity Enhancement plan was inaccurate. Whilst the site now appears to have little merit from an Environmental point of view it seems that all the requirements of this plan have been ignored. Bird, bat and insect boxes have not been installed; landscaping has not been carried out as per the previous plan etc. Concerned that the original Environmental Report, Biodiversity Enhancement plan and planting plan are neither useable nor relevant now that the site has changed so much.

Officer note: Noted. However, each application is based on its own merits and therefore this current application will be assessed as such. Biodiversity is discussed in more detail further into the report.

- Who checks on completion of building work to see if the environmental work is actually carried out and maintained as per the Biodiversity Enhancement Plan?

Officer note: The onus is on the applicant/landowner/developer to ensure that the necessary works are undertaken. Should planning permission be granted and necessary works not be undertaken, enquiries can be made to the Planning Enforcement team who can investigate this further if required.

Officer note: We are currently undertaking the legal 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 only, details of which are outlined above.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications 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 in the Kirklees Local Plan. It is also important to note that there is a Definitive Map Modification Order (DMMO) ref: COL/dmmo app207/10 which runs to the north of the site from Old Lane to the west onto Taylor Lane however, this DMMO does run outside of the red line boundary.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Transport
- LP21 – Highways and Access
- LP22 – Parking
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 - Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

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

National Policies and Guidance:

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

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

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

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact of the proposed development upon visual amenity
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 – Principle of Development:

1.1 – Sustainable Development

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

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

1.2 – Housing Density/Delivery

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 Officer’s assessment.

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. 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 needs.

As the application site measures 904sqm, it is deemed that the site would need to provide 3 dwellings to meet the density figures. However, given the nature of the site and the general context of the area it is considered reasonable that 2 dwellings are proposed. A greater density of development would likely impact in terms of other constraints such as highway issues. As such, in this case, the principle of redevelopment of the site for 2 dwellings is acceptable with regard to the proposed density of development, this is also supported by the previous approval at the site for 2 dwellings under application ref: 2016/94061.

In this case, the application site is on land without notation within the Kirklees Local Plan and would contribute to the housing supply in the district at a time when the Council is currently unable to demonstrate a five-year housing supply. The principle is therefore considered to be acceptable, subject to an acceptable assessment of the proposals against all other material planning considerations, including design, visual and residential amenity, as well as highway safety (amongst other matters).

These issues along with other policy considerations will be addressed below.

2 – Impact on Visual Amenity:

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

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

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

Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

LP24 states that proposals should promote good design by ensuring:

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

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it

fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

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

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

Regarding the layout and siting of the proposed dwellings, Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

The application site is surrounded by dwellings in all directions, with properties typically comprising of two-storey/three-storey detached properties. Materials of construction include differing types of stone with a mixture of roof slates which are typically grey in colour.

In this instance Plot 2a is to face out onto Old Lane and the junction between Old Lane and Taylor Lane, with Plot 2b facing out onto Taylor Lane. Both dwellings are to be set back from the public highway. Whilst the dwellings are to be stepped forward from adjacent neighbouring property no. 4 Old Lane, this is due to the restricted nature of the site and to enable private amenity spaces to be provided the properties need to be located further forward in the site. Whilst this is not the optimum design, this relationship is not uncommon arrangement in the immediate vicinity of the site which follows no strict building line. Officers therefore consider the proposed layout on this occasion to be acceptable.

Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

The proposed dwellings are both to be three-storeys in height and benefit from a pitched roof design. Within the surrounding area there are a mixture of roof types and designs however, the majority are pitched. Gable frontages can also be found. In terms of the scale and size of properties in the area, this varies throughout, but in the immediate vicinity there are typically two/three storey dwellings. In this instance, the proposed dwellings would be viewed against existing three-storey properties located directly to the west and north of the application site, with those properties to the north being set at a

significantly higher ground level, thus ensuring that the proposed dwellings would not appear overly dominant or out of character with the area. Given the above, Officers conclude that the proposed dwellings would be sympathetic to, and reflective of the surrounding area and therefore would accord with Principle 15 of the above SPD.

Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials.

The proposed windows and doors on this occasion appear to be of a traditional and simple appearance with stone surrounds, and although there are larger panels of glazing provided to the rear and within the front balconies, this type of contemporary style is not considered to overpower or detract from the properties overall design, and reflects the appearance of directly adjacent properties to the north and west of the site which also provide balconies on the front elevations of the properties. The proposals are therefore considered to accord with Principle 14 of the above SPD.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

The proposed dwellings are to be constructed utilising pitched face stone to the external walls and slate roof tiles. As stone is prominent in the area, in a mixture of designs, it is considered that this type of stone may be acceptable in this location. In addition, the slate roof tiles may be appropriate subject to their colour and finish. It is therefore considered reasonable that should planning permission be granted a condition be attached which requires the applicant to submit samples to the Council for assessment prior to their installation. This is in the interests of visual amenity and to ensure that the scheme would provide a sympathetic palette of materials.

Principle 6 of the Housebuilders Design Guide SPD highlights that '*the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings*'.

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary. In this instance a 2m+ separation distance would be provided on all elevations of the dwellings to the shared boundary; therefore, Officers consider that the proposals meet the requirements of Principle 6.

In conclusion, the proposed dwellings are considered to be of an acceptable size, scale and design in this location, and that they would not appear out of

character or overly dominant within the general context of the area. On this basis, the proposals are deemed to accord with the requirements of Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principles 2, 5, 6, 13, 14 and 15 of the Housebuilders Design Guide SPD.

3 – Impact on Residential Amenity:

Sections B and C of LP24 state 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 sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

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

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

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on no. 4 Old Lane

This neighbouring property is located to the west of the application site, approximately 5.2m away from Plot 2a. Whilst it is acknowledged that several windows are proposed within the western elevation of Plot 2a, these windows relate to non-habitable rooms and should planning permission be granted these would be conditioned to be obscurely glazed in the interests of residential amenity. Whilst the proposed dwelling will result in some additional overshadowing within the morning/early afternoon, this would not be for a prolonged period of the day and would not cover the majority of the properties outdoor amenity space. In addition, whilst the proposed dwelling is to be three-storeys in height and stepped slightly forward of no. 4, this dwelling also

comprises of a three-storey detached structure which is set at a higher ground level than the application site, given the change in land levels on to Old Lane. Officers therefore do not consider the proposed dwellings to appear overbearing or overly dominant on this neighbouring property.

Impact of no. 6 Old Lane

This neighbouring property is located to the north of the application site, approximately 23+ metres away from the proposed dwellings. Given this large separation distance and the differences in ground levels between the application site and this neighbouring property, Officers have no concerns in respect of overshadowing, or the proposals appearing overbearing in nature. Finally, whilst it is acknowledged that habitable room windows are proposed within the rear elevation of the new dwellings, these windows would not have any direct views into windows belonging to no. 4 given the differences in land levels and the existing retaining wall that will provide some screening of the properties. Officers therefore have no concerns in regard to overlooking or the loss of privacy.

Impact of no. 4 Vermont Place

This neighbouring property is located to the north of the application site, approximately 21m away from the proposed dwellings. Again, given this large separation distance and the differences in ground levels between the application site and this neighbouring property, Officers have no concerns in respect of overshadowing, or the proposals appearing overbearing in nature. Finally, whilst it is acknowledged that habitable room windows are proposed within the rear elevation of the new dwellings, these windows would not have any direct views into windows belonging to no. 4 given the differences in land levels and the existing retaining wall that will provide some screening of the properties. Officers therefore have no concerns in regard to overlooking or the loss of privacy.

Impact on no. 46 Taylor Lane

This neighbouring property is located to the south-east of the application site, approximately 30 + metres away. Given the large separation distances and the properties southern location, Officers have no concerns with regard to overlooking, overshadowing, or the proposals appearing overbearing in nature, as the dwellings would be viewed amongst other three-storey properties which are built into the landscape at differing ground levels.

Impact on no. 23 Old Lane

This neighbouring property is located to the south of the application site, approximately 30 + metres away. Again, given the large separation distances and the properties southern location, Officers have no concerns with regard to overlooking, overshadowing, or the proposals appearing overbearing in nature, as the dwellings would be viewed amongst other three-storey properties which are built into the landscape at differing ground levels.

Amenity of future occupiers

Consideration must also be given to the amenity of future residents of the proposed dwellings. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwelling would have a GIA that would meet the minimal space standards set out in the Nationally Described Space Standards (NDSS). All habitable rooms will also have access to at least 1 window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers.

In terms of amenity space, Principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character/context of the site area. In this instance the garden/amenity spaces are to be provided to the front, sides and rear of the dwellings and are considered to be of an acceptable size given the scale and massing of the dwellings proposed and the context of the area. These amenity spaces will also receive sunlight throughout the day; therefore, it is considered that the proposed amenity spaces would meet the requirements of Principle 17 of the above SPD.

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

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

In respect to potential impact arising from noise, the Council's Environmental Health Officers were consulted on the proposals and requested an informative be included should planning permission be granted, which restricts the hours of operation of the site. This is considered to be sufficient to mitigate any concerns relating to noise.

In conclusion, subject to the recommended conditions and informatives, it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also in accordance with Principles 6, 16 and 17 of the Housebuilders Design Guide SPD.

4 – Impact on Highway Safety:

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 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 sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear. The proposals seek to provide parking within the integral garaging and on the driveway to the front of the properties. Whilst this is not the recommended arrangement, it is clear that the provision of parking spaces to the front of properties is not uncommon in the area, and therefore it is not considered that this would appear incongruous or out of context in this instance. Furthermore, soft landscaping is proposed to the front of the dwellings to help soften the level of hardstanding. The proposals therefore accord with Principle 12 of the above SPD.

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. Within the submitted plans bin storage points are shown to the side of the dwellinghouses with dedicated spaces for 3 bins. Whilst no details have been provided in regard to presentation points on bin collection days, Officers consider that there is sufficient space to the front of the site for bins to be taken on those days and therefore this is considered to be acceptable.

This application seeks approval to the erection of two detached 4 bedrooled dwellings with single integral garages at land at Old Lane /Taylor Lane, Scapegoat Hill, Huddersfield. There have been previous approvals on this site including the following: 2015/92476 for 3 dwellings and 2016/94061 for 2 dwellings. The 2016 permission has been partially implemented with the construction of plot 2. This proposal shows 2 plots on the area which was plot 1 on the 2016 permission.

Plot 2a is shown to have an access onto Old Lane and plot 2b has an access onto Taylor Lane.

Given the nature of the proposals, the Council's Highways team have been consulted. They considered the principle of development to be acceptable but did raise some initial concerns in respect of the number of off-street parking spaces provided at plot 2a. The provision of sight lines was requested to be shown from the proposed driveways onto Old Lane and Taylor Lane, and the imposition of a condition which requires the widening of Old Lane and Taylor Lane. Amended plans were submitted by the applicant's agent taking into consideration all of the above points, thus Highways Officers confirmed that the proposals were acceptable subject to conditions and informatives relating

to the submission of a scheme for road widening, submission of a schedule of the means of access to the site for construction traffic, details of any retaining structures, provision of sightlines and that the granting of planning permission does not authorise the carrying out of works within the highway.

Officers do consider however, that it is reasonable and necessary to remove permitted development rights from the dwellinghouses in respect of the conversion of the integral garaging into additional living accommodation. This is to ensure that suitable off-street parking spaces can be provided in the future for both residential properties, in the interests of highway safety and to avoid the need for on-street parking on Old Lane or Taylor Lane.

Taking the above into account, it is considered that subject to conditions, the proposed scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Chapter 9 of the NPPF and Principles 12 and 19 of the Housebuilders Design Guide SPD.

5 – Other Matters:

Biodiversity

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

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD is also of relevance.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

Within the submitted application forms, the applicant states that the proposals would be exempt from Biodiversity Net Gain (BNG) conditions as the development site currently has less than 25m² of habitat and therefore the de minimis exemption is applicable. Officers note that previous consents on site appear to have commenced with Plot 2 of application 2016/9406 being completed. This does mean that there would be no loss of habitat and therefore Officers consider the proposals to be exempt from BNG, of which the proposals do not need to provide details in respect of a biodiversity metric.

Contaminated Land

With regard to land quality, Chapter 15 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan are relevant and seek to ensure that land quality is maintained as part of new development.

The applicant has submitted the below documents in support of the application:

- Phase I/II Geo-Environmental Assessment Report Project Number: - JS/ST/40706-Rp001, dated 3rd May 2018.

It is also noted that the Council's ENVH team did initially raise concerns in respect of the adjacent burial ground and its relationship with the application site. The applicant's agent sought to provide some clarification on this matter and confirmed that the site is historically unused and has never been used as a burial ground. The above submitted report also provides no visual reference to burials at the site. However, should planning permission be granted the applicant is reminded that there is a legal duty to report to the authorities should any suspicious materials be encountered during construction. ENVH Officers also conclude that the above document is 6 years out of date and that additional contamination may have been introduced since this time. The report is also incomplete and does not contain any ground gas monitoring information or assessment of the results. For the reasons given above and within the consultation responses section of this report, ENVH Officers cannot accept the report, and whilst they do not object to the proposed development, they recommend that contaminated land conditions remain.

Officers have no reason to dispute this request when viewed in respect of the current application and therefore the suggested land contamination conditions will be attached to a decision notice, should planning permission be granted.

Climate Change

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

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

The application is supported by a Climate Change Statement, this statement outlines (amongst other things), that the proposed materials are to be sourced from local quarries/suppliers together with local trades within the area, water butts are also to be installed to re-use rainwater and PV panels will be incorporated to provide renewable energy. Furthermore, a sustainable drainage system is to be incorporated with soakaways and permeable paving installed where possible to reduce the waterflow to the existing drainage system. Boundary fences are to include hedgehog holes to encourage foraging, native hedging, trees and grassland are also to be provided alongside the introduction of bird/bat boxes to each of the dwellings.

Taking the above into account, it is not considered reasonable to expect any additional information to be submitted in respect to meeting the Council's climate change agenda in this instance.

There are no other matters for consideration.

6 – Conclusion:

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

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

Recommendation: Approve.

Decision Authorisation – Delegated Powers

Application Number: 2024/91524

Officer Recommendation: Approve with conditions.

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion and to accord with Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP23, LP24, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17 and 18 of the Housebuilders Design Guide SPD.

2. Windows within the western side elevation of Plot 2a hereby approved, to serve the utility/WC on the upper ground floor and bathroom and ensuite of bedroom 1 at first floor level, shall be first fitted with obscure glass minimum grade 4. Notwithstanding the provisions of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the windows shall thereafter be so retained obscurely glazed.

Reason: To protect the amenity of the adjacent neighbouring property, in accordance with Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 6 of the Housebuilders Design Guide SPD.

3. No development above foundation levels shall take place until a scheme detailing the proposed external walls and roofing materials to be used in the construction of the hereby approved dwellings has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved. The external walls and roofing materials approved by this condition shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development on completion in the interests of visual amenity, to accord with Policies LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Housebuilders Design Guide SPD, as well as Chapter 12 of the National Planning Policy Framework.

4. Prior to the development being brought into use, areas to be used by vehicles/pedestrians shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on 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 and to achieve a satisfactory layout, to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Groundworks 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) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7, further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. 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 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. 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person 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 have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

10. Prior to development commencing, a detailed scheme for the provision of a road widening scheme to Old Lane and Taylor Lane and all associated works as shown on indicative plan reference 1483/P-001 rev A shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: This pre-commencement condition is required to ensure that a suitable access and layout is agreed at an appropriate stage of the development in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

11. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: This pre-commencement condition is necessary to ensure that suitable access can be gained to the site for construction traffic and that this is agreed at an appropriate stage of the development in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

12. Prior to the commencement of development the design and construction details of all temporary and permanent highway retaining structures including any modifications to the existing highway retaining

wall to Old Lane and Taylor Lane shall be submitted to and approved in writing by the Local Planning Authority; such details shall incorporate a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be constructed in accordance with the approved details before the development is occupied and shall be retained as such thereafter.

Reason: This pre-commencement condition is necessary to ensure that details relating to any temporary and permanent highway retaining structures are devised and agreed at an appropriate stage of the development process in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

13. Prior to the development being brought into use, the sightlines of 2.4m x site frontage as shown on indicative plan reference 1483/P-001 rev A shall be cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order) the garages hereby permitted shall not be converted into additional residential accommodation without the prior written approval of the Local Planning Authority.

Reason: This is to ensure that suitable off-street parking is provided for each dwellinghouse and to avoid the need for on-street parking in the interests of highway safety, to accord with Policy LP22 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and Principle 12 of the Housebuilders Design Guide SPD.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership, and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

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) regarding 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: No construction related noise shall be audible beyond the site boundary outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

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

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Site Location Plan	1483/SLP	A	11 th June 2024
Existing Site Layout	1483/EX-001	-	29 th May 2024

Proposed Site Layout and Cross Sections	1483/P-001	A	6 th September 2024
Proposed House Type – Floor Plans	1483/P-101	-	29 th May 2024
Proposed House Type - Elevations	1483/P-201	-	29 th May 2024
Phase I/II Geo-Environmental Investigation Report – Supporting Information	JS/ST/40706-RP001	-	26 th July 2024
Climate Change Statement – Supporting Information	-	-	12 th June 2024
Technical Note – Supporting Information	8742/001/01	-	29 th May 2024
Phase 1 Habitat Survey Report – Supporting Information	12769/JoC	Rev 2	29 th May 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 has, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Additional information and amended plans were submitted following receipt of comments from the Council's Environmental Health and Highways Teams.

Report Dated:

18th September 2024.

