KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	**2024/70/91673/W**
Site Address:	Land adjacent to, 152 , Somerset Road, Almondbury, Huddersfield, HD5 8HY
Description:	Variation of condition 2 (plans) on previous permission 2023/91327 for erection of detached dwelling
Recommending Officer:	Katie Chew

DECISION – VARIATION OF CONDITION APPROVED

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: 18-Sep-2024

Officer Report

Site Description:

Land adjacent to, 152 Somerset Road, Almondbury, Huddersfield, HD5 8HY

The application site relates to a portion of land located in between nos. 148 and 152 Somerset Road in Almondbury. The site is bounded by dry stone walling to the front, with other timber and brick structures located along the northern and southern boundaries. The site is currently open to the west and sits adjacent to single storey detached garages.

The site has recently been cleared of vegetation. The application site is not located within a Conservation Area or in close proximity to any Listed Buildings.

Description of Proposal:

The application seeks consent for the variation of condition 2 (plans) on previous permission 2023/91327 for erection of detached dwelling.

Condition 2 of application 2023/91327 states the following:

'2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
***Reason:** For the avoidance of doubt as to what is being permitted and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP30 and LP51 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, 18 and 19 of the Housebuilders Design Guide Supplementary Planning Document'.*

The proposed alterations are outlined below:

Front Elevation:

- A larger dormer window is proposed within the front roof slope than previously approved.
- 2 new rooflights are proposed within the front roof slope of the dwelling.
- An altered window arrangement is proposed to the front of the dwelling, with an overall reduction in windows.
- Originally approved stepped entranceway to the front has been removed with the door opening out onto the driveway.

Rear Elevation:

- Removal of two windows to the rear.

- Alterations to the size and design of the previously approved dormer window.

Side Elevation (North):

- Altered layout of 3 previously approved side windows.

Side Elevation (South):

- Reduced number of windows within side elevation.

In addition to the above, internal alterations are also proposed however, the footprint/height of the dwelling is to remain the same as previously approved and 4 bedrooms are to be provided (and new store).

The applicant's agent has confirmed that the garage and driveway is to the previously approved design.

History of negotiations/amendments received

Amendments were sought in respect of removing the proposed increase to the cat slide roof to the rear, in the interests of residential amenity. Officers also requested the garage and garage door to be reverted back to the previously approved design to ensure that safe and suitable access can be provided at the site for 3 vehicles.

Relevant Planning History

2023/91327 – Erection of detached dwelling. Approved 6th February 2024.

2020/91049 – Erection of detached dwelling. Withdrawn 11th April 2023.

Planning Enforcement

COMP/23/0139 – Alleged commencement of development prior to decision 2020/91049.

Representations

Final publicity date expires:

Neighbour Letters – Expired 1st August 2024.

4 objections have been received; comments are summarised below.

- 100% against the building of this property

Officer note: Noted.

- This application is only minor changes but the new drawings by the new architect don't show any definition as to where the driveway will be and how wide, the elevation drawing is showing boundary lines not dropped kerb width.

Officer note: Noted. The submitted plans are considered sufficient to allow the LPA to determine this application.

- Impact upon access and highway safety, including parking.
- This application has reduced the garage to a single car width, renamed bedroom 2 from the previous plan as a store (this will never be used as a store and will inevitably become an additional bedroom), introduced an office room (this will likely be yet another bedroom), which will increase the amount of cars parking at the site (despite the known issues regarding parking).

Officer note: Noted. Following discussions with the applicant's agent the garage, driveway and garage door have been reverted back to the previously approved design under application ref: 2023/91327. Whilst it is noted that the proposed office room and store could be changed into bedrooms in the future, the Kirklees Highways Design Guide outlines that as an initial point of reference for residential development, 4+ bedroom dwellings should provide 3 off street parking spaces. In this case the proposed dwelling would provide 3 off street parking spaces and therefore is acceptable.

- Planning have also previously dismissed comments regarding the property boundary however, the councils own land assets records show that the boundary of the land in question stops short of the (councils own) garage plot at the rear of the property. The boundary line does not run up to the garage as shown but in fact continues in a straight line following the rear boundary of 152 and the other adjacent properties. There is a passage along the side of the garage which is not owned by the developer. This is required for both access to the garage and for maintenance. If the developer has provided records which contradict this then the discrepancy should be investigated by the council because, as per my email, a mistake has presumably been made either within the Land Registry or the council.

Officer note: Noted. As previously advised planning permission does not override legal covenants on properties or Private Rights of Way as these are private matters that fall outside the remit of the Local Planning Authority. The applicant will need to ensure that the relevant land ownership is respected and that the works carried out are lawful. The Local Planning Authority was previously satisfied that the red line boundary reflected land ownership of the application site and given the nature of this S73 application, which relates to the red line boundary of permission 2023/91327 this will not be investigated further within this report.

- There is no wheelie bin provision on these plans.

Officer note: Noted. This is covered by the previously approved landscape drawing, shown in within the plans list and condition 2 of this application.

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. Whilst it is acknowledged that amended plans were received throughout the planning process, it was not considered necessary to reconsult with neighbours given the nature of these amendments which sought to remove the proposed extended cat slide roof to the rear, and revert the size of the proposed garage and garage door back to that previously approved, it was not considered that these changes would significantly impact neighbouring properties and would in some cases, improve their amenity. These changes simply reverted the proposals back to a design which has previously been assessed and approved.

- What will the impact be to local residents / environment

Officer note: This is addressed in the assessment section of this report.

- No access shown to area, how will access be gained

Officer note: The submitted plans are considered to show access arrangements.

- Traffic lights on this road would have a huge impact
- Construction site traffic impact

Officer note: It is considered the impact of the development during the construction phase is a matter which cannot be revisited in light of the extant permission in place (2023/91327)

- Altering conditions undermines the integrity of the original decision

Officer note: S73 of the Town and Country Planning Act allows for an application to vary / remove conditions upon a planning permission. The LPA assesses such applications on the basis of their own merits.

- Visually out of character with existing Victorian terraced houses

Officer note: This is addressed within the assessment section of this report.

Consultation Responses

No technical consultations required.

Parish/Town Council

N/A.

Local Ward Members

None.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The application site is located within a Bat Alert Area.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient Use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP51 – Protection and Improvement of Local Air Quality

Other Guidance Documents:

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

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 6 –** Building a strong, competitive economy
- **Chapter 9 –** Promoting sustainable transport
- **Chapter 11 –** Making effective use of land
- **Chapter 12 –** Achieving well-design 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
2) Scale, design and visual impact of the proposed development
3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
4) Impact on highway safety
5) Other matters
6) Conclusion

1 – Principle of Development:

This application is made under S73 of the Town and Country Planning Act 1990, which allows for the 'determination of applications to develop land without compliance with conditions previously attached'. In addition to removing conditions, S73 enables the varying of a condition's wording. The effect of a granted S73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. Conversely, the time limit for development to commence cannot be extended through a S73.

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight. The principle of erecting a residential dwelling at this site was established under permission 2023/91327. As such, it is considered that the principle of development remains established by the way of the previous application. The assessment will therefore deal with the merits of the proposed variations only.

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".

Paragraph 135 of the NPPF is of relevance, in particular the following parts: -

'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change'.

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

LP24 states that all proposals should promote good design by ensuring the following:

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

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details…".

The below principles of the Housebuilders Design Guide are relevant:

Principle 2 - New development should take cues from the character of the natural and built environment and complement the surrounding built form
Principle 5 – Regards the layout and siting of a proposed dwelling.
Principle 13 - Materials should be appropriate to the site's context.
Principle 14 - Design of windows and doors should relate well to the street frontage and other neighbouring properties.
Principle 15 - The design of the roofline should relate well to the site context.
Principle 17 – Refers to private outdoor amenity spaces.

The application seeks to vary condition 2 relating to the previously approved plans and specifications. Alterations include changes to the previously approved window and door arrangements.

To the front, 2 new rooflights are proposed within the front roof slope of the dwelling. As rooflights can be found within the front roof slopes of dwellings located along Somerset Road, this addition is not considered to be incongruous and therefore is acceptable. Also, to the front, the originally approved stepped entranceway has been removed with the door now opening out onto the driveway, as this arrangement is not uncommon within the area, Officers have no concerns in respect of this change. A larger dormer window is proposed within the front roof slope than previously approved, whilst Officers did initially raise concerns with the applicant's agent, they did confirm that the original dormer size would not be possible to build as it did not allow for the thickness of the wall required for current regulations. Officers therefore consider this to be acceptable on this occasion. Finally, an altered window arrangement is proposed to the front of the dwelling with an overall reduction in windows. This arrangement is considered to better reflect adjacent neighbouring properties and therefore is welcomed by Officers.

To the rear, two windows are to be removed and alterations are proposed to the size and design of the previously approved dormer window. Officers have no concerns in respect of the removal of windows and consider the changes made to the rear dormer to be acceptable given its location and that the external materials to be used within the dormer windows is conditioned.

To the side of the property (north), an altered layout of the 3 previously approved side windows is proposed, whilst this arrangement is off centre to the ridge of the dwelling, given their location Officers do not have any significant concerns in respect of visual amenity. Furthermore, a reduced number of windows are proposed within the southern side elevation, and this is deemed to be acceptable.

No changes are proposed to the footprint/height of the dwelling and just 4 bedrooms are to be provided as previously approved.

It is therefore considered that the proposals would still be in accordance with Chapter 12 of the National Planning Policy Framework, Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Principles 2, 5, 13, 14, 15 and 17 of the Housebuilders Design Guide SPD.

3 – Impact on Residential Amenity:

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

"…maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers."

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

The following principles within the Housebuilders Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light;
Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards;
Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

In respect of the proposed alterations to the previously approved application ref: 2023/91327, the proposals seek to reduce the overall number of windows within the property, and whilst altered window arrangements and 2 new rooflights are proposed within the front roof slope of the dwelling, these are not considered to result in any additional overlooking than previously anticipated. The side windows will again be conditioned to be obscurely glazed in the interests of residential amenity. Furthermore, the proposed amendment to the stepped entranceway is not considered to impact on any of the adjacent neighbouring properties. Furthermore, no changes are proposed to the overall footprint or height of the dwelling and therefore there are no concerns in respect of overshadowing, or the proposals appearing overly dominant when compared to the previously approved scheme.

Given the above, it is considered that the proposal complies with Local Plan Policy LP24, Chapter 12 of the National Planning Policy Framework and 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. Furthermore, 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.

The following principles within the Housebuilders Design Guide are also of particular importance:

Principle 12 – parking to serve dwellings should not dominate streets and should be to the side/rear of the dwelling;
Principle 19 – 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.

The means of access to the site, integral garage and driveway remain unchanged. The four bedroomed house would provide 3 off-street parking spaces which would meet with the recommended standards. The proposed changes are not considered to in any way compromise the safety or convenience of highway users and therefore the proposals are considered to

comply with LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

In terms of the above Principles, parking is shown within the integral garage and to the front of the dwelling within the driveway area. This was previously assessed, and it was considered that whilst not in line with the above guidance, examples of this layout can be found throughout Somerset Road and therefore would not appear as an incongruous or overly dominant addition to the streetscene. The location of these spaces is therefore deemed to be acceptable in this instance. Furthermore, there would be areas of soft landscaping provided to the front and the front amenity space would not be solely dominated by hard standing. Officers have no reason to believe that the same assessment cannot be undertaken in this instance as there are no changes proposed to this element of the scheme.

Furthermore, Principle 12 was previously assessed, with Officers noting that no details were provided in respect of bin storage however, it is considered reasonable that bins could be stored within the amenity space to the front, and that sufficient space has been provided for such facilities. Collection points are also shown to the front of the site within the driveway area (on drawing no. MIL-001-05), of which the Council's Highways team did not object. As no changes are being proposed to the existing access/driveway or landscaped amenity space to the front it is considered that previously approved drawing no. MIL-001-05 is still relevant and therefore the proposed waste storage arrangements are still acceptable and accord with Principle 12.

Also of note, it is acknowledged that the previously discussed 'informal' disabled parking bay outlined to the front of the application site, directly in front of the proposed access is still in situ and therefore Officers previous recommendations under application 2023/91327 still remain in respect of the proposed access and this 'informal' disabled parking bay.

Given the above, it is considered that the proposals would still be in accordance with LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the NPPF.

5 – Other Matters:

With regard to other matters that were assessed as part of the previous planning permission – climate change, land stability and biodiversity, the proposal is unchanged in relation to these aspects and any conditions imposed in regard to these matters to make the development acceptable will be repeated as part of this application.

<u>Conditions Review</u>

As the application is a Section 73 application to vary conditions, it is necessary to re-impose all conditions which remain relevant.

The application form states that the development has not yet commenced on site and therefore condition 1 is still relevant. Whilst the plans have been updated within the plans table to reflect the amendments applied for, the wording of condition 2 will remain unchanged.

As no other applications have been determined at the application site, and no conditions formally discharged, all of the originally imposed conditions are to remain.

6 – Conclusion:

The proposal is a Section 73 Variation of Condition application to vary Condition 2 (plans) on previous permission 2023/91327. This amendment is required to accommodate minor changes to a previously approved scheme, to allow for modifications to the originally approved window and door arrangements and internal layout of the property. As set out above, in determining a S73, the Local Planning Authority must only consider the 'disputed' condition that is the subject of the application – it is not a complete reconsideration of the application. As such, it is a consideration of condition 2 only. As detailed within the report, given the minor modifications sought by this proposal, which is reflected in the plan numbers associated with condition 2, the minor variation is considered to be acceptable.

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. The proposal would remain in accordance with the development plan and there are no material considerations to indicate otherwise. The development would therefore constitute sustainable development and it is recommended for approval.

Recommendation: Grant Variation of Condition.

Decision Authorisation: Delegated Decision

Application Number: 2024/91673

Officer Recommendation: Approve.

Conditions and Reasons:

1. The development hereby permitted shall be begun prior to the 6th February 2027.
   Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP30 and LP51 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, 18 and 19 of the Housebuilders Design Guide SPD.

3. Notwithstanding the approved plans and information, 1 new bat box similar to the Schwegler 1WI Bat Box, shall be installed integral to the new dwelling during the period of construction on the southern (side) elevation, at least 7m above ground level and not directly above any doors or windows. Thereafter the bat box shall be retained.
   Reason: To provide an enhancement to biodiversity in line with LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and Principle 9 of the Housebuilders Design Guide SPD.

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
   Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders Design Guide SPD and Chapter 14 of the National Planning Policy Framework.

5. 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) no development included within Classes AA, A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the previously approved 'Existing Site Plan' drawing no. MIL-001-01 Rev P01, received 5th May 2023 without the prior written consent of the Local Planning Authority.
   Reason: To avoid any future alterations which may lead to impacts upon adjacent neighbouring properties in respect of overshadowing and appearing overbearing in nature, as well as future amendments having the potential to 'dilute' the overall appearance of the dwelling hereby approved or result in overdevelopment of the site. To accord with Policies LP24 of the Kirklees Local Plan, Principles 2 and 6 of the

Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

6. Windows located on the northern and southern elevations (side) of the dwelling hereby approved shall be fitted with obscure glazing 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 adjacent neighbouring properties, 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.

7. A scheme detailing the external materials to be used in the construction of the dormer windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above first floor level. The development hereby approved shall not be brought into use until it is completed in accordance with the approved scheme which shall be retained thereafter.
   Reason: In the interests of visual amenity and to ensure that the materials of construction are appropriate to the site and the wider context and to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

8. Notwithstanding the plans submitted, a scheme detailing the external materials of construction of development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction of the building above slab level. The submitted scheme shall include details of the natural stone, white render and natural grey slate roofing tile to be used, as well as all the colour finish of all rainwater goods, doors and windows. The areas of the dwelling where natural stone and render is intended to be used shall be accurately demonstrated. The development hereby approved shall not be brought into use until it is completed in accordance with the approved scheme which shall be retained thereafter.
   Reason: In the interests of visual amenity and to ensure that the materials of construction are appropriate to the site and the wider context and to accord with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework.

9. The integral garage shown within the dwelling hereby approved, shall not be used for any purpose other than the parking of vehicles incidental to the dwelling to which they hereby relate.
   Reason: To ensure that sufficient off-street parking is provided for future occupiers and 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.

10. Notwithstanding the details of access to the site from Somerset Road shown on previously approved landscape plan ref MIL-001-05 P04, the point of access to Somerset Road is not approved. Before any dropped crossing is formed into the site from Somerset Road, and before first occupation of the dwelling, a revised scheme shall be submitted to, and approved in writing by, the Local Planning Authority which details the point of access into the site. The development shall not be brought into use until the approved scheme has been completed which shall be retained thereafter.
    Reason: To ensure that access into the site can be provided to accord with Policy LP21 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework, and Principle 12 of the Housebuilders Design Guide SPD.

NOTE: In relation to Condition 10, the 'informal' disabled parking bay along Somerset Road to the front of the site would need to be demonstrably relocation/removed or an alternative point of access demonstrated. This is to ensure that a suitable and safe access can be provided to the dwelling hereby approved and having due regard to the Equality Act 2010.

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: The applicant/developer's attention is drawn to the requirements of Paragraph 184 of the National Planning Policy Framework which states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Plans and Specifications Schedule:

Plan Type	**Reference**	**Web ID**	**Date Received**
As submitted under application 2024/91673			
Proposed Plans	772-001	F	12th September 2024

Proposed Elevations	772-002	E	12th September 2024
Proposed Street Elevation	MIL-001-06	P04	17th September 2024
As submitted under application 2023/91327			
Existing Site Plan	MIL-001-01	P01	5th May 2023
Existing Site Plan	MIL-001-02	P01	5th May 2023
Proposed Landscape Plan	MIL-001-05	P04	18th November 2023
Parking Response – Supporting Information	-	-	10th July 2023
Climate Change Statement – Supporting Information	-	-	17th May 2023

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought in respect of removing the proposed increase to the cat slide roof to the rear, in the interests of residential amenity. Officers also requested the garage and garage door to be reverted back to the previously approved design to ensure that safe and suitable access can be provided at the site for 3 vehicles.

Report dated:

17th September 2024.