

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2024/60/92003/W</b>
Site Address:	Land adj, 130, North Street, Lockwood, Huddersfield, HD1 3SQ
Description:	Outline application for residential development with associated parking and soft landscaping
Recommending Officer:	Lucy Taylor

**DECISION – CONDITIONAL OUTLINE PERMISSION**

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

John Holmes

***AUTHORISED OFFICER***

**Date: 30-Sep-2024**

## **Officer Report.**

**Reference:** 2024/92003

**Location:** Land adj, 130, North Street, Lockwood, Huddersfield, HD1 3SQ

**Proposal:** Outline application for residential development with associated parking and soft landscaping

## **Site Description.**

The site relates to land to the south of No. 130 North Street, which currently functions as outdoor amenity space to serve this property. The land occupies a corner plot location, at the junction between the highways of North Street and Northfield Avenue.

The site is located within a residential area.

## **Description of Proposal.**

The application seeks outline planning permission for the erection of residential development with associated parking and soft landscaping.

This application seeks approval for access, with all other matters to be dealt with at reserved matters application stage (appearance, landscaping, layout and scale).

The submitted proposed 'block plan' shows a 3-bedroom dwelling, to be adjoined to the southern elevation of No. 130 North Street.

Within the wider curtilage a front garden and rear garden are proposed, and two on-site parking spaces are proposed to the south east corner of the site.

## **History of Negotiations / Amendments Received.**

None.

## **Relevant Planning History.**

None.

## **Representations.**

Final publicity date expired 29<sup>th</sup> August 2024.

No representations received.

## **Consultation Responses.**

KC Highways Development Management – no objection to a proposed three-bedroom dwelling.

### **Policy.**

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

The site is within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

The application site is located within an area with a known presence of bats.

### **Kirklees Local Plan:**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP30 – Biodiversity and Geodiversity
- LP51 – Protection and Improvement of Local Air Quality

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

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

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

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

- Chapter 15 – Conserving and Enhancing the Natural Environment

#### **Other Material Considerations:**

- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Housebuilders Design Guide SPD (2021)

#### **Assessment.**

##### **1) Principle of Development**

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Policy LP3 of the Local Plan is also of relevance insofar as it required development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set on in NPPF paragraph 11d, this means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this*

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

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

The application site measures 192.13m<sup>3</sup> and seeks outline permission for residential development. The submitted block plan shows one three-bedroom dwelling. One dwelling is considered appropriate in this instance, as more dwellings on the site would likely result in a cramped form of development.

The site is considered to be located within a sustainable location, with residential development already established, located within the vicinity of Lockwood train station and bus stops.

Therefore, in relation to density of development and supply of housing, it is considered that the development sought under this application would meet the requirements of the aforementioned policies.

A more detailed assessment of the proposal's design and its impact on the surrounding environment is undertaken below.

## **2) Impact on Visual Amenity**

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

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

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

LP24 states that proposals should promote good design by ensuring:

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

Paragraph 131 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD, which aims to ensure future housing development is of high-quality design.

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

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

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

Principle 8 sets out that proposals should *“demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings.”*

Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The application is seeking approval for access, with all other matters to be dealt with at reserved matters application stage (appearance, landscaping, layout and scale). Under such an application, officers have to consider

whether residential development on the site could be achieved without causing detrimental harm to the character and appearance of the area.

With regards to design, matters of appearance, layout and scale are reserved matters, an indicative plan indicating the layout and landscaping has been submitted as part of the application.

The submitted planning statement and block plan provide details that residential development at the site would comprise of one self-build three-bedroom family home. The statement sets out that the proposed elevations will follow the established building heights with the plan taking the form of a traditional two storey dwelling.

It is considered that the site could accommodate one dwelling. As well as facilitating one dwelling, the submitted block plan demonstrates areas of outdoor amenity space and on-site parking provisions, with the size / scale of the front and rear garden at the dwelling to replicate the extent of amenity space serving neighbouring properties. This would also be the case for the amended amenity space at No. 130 North Street, which would be reduced as a result of the proposal but would be of the same size / scale as the gardens serving No.'s 132 and 134 North Street.

Therefore, with the above factors taken into consideration, it is considered that there is potential for one dwelling to be accommodated within the site.

This conclusion is drawn on the basis that there is a broad and varied scope for development of the site for one dwelling and, whilst there is scope for development of the site for one dwelling, the scheme which is set out at the Reserved Matters stage would need to be sensitively designed to appropriately sit within the site such that it meets the requirements of the Housebuilders Design Guide SPD.

With regard to Principle 5 of the Housebuilders Design Guide SPD, it is recommended that any dwellings on the site be set back from the highways of North Street and Northfield Avenue. The dwelling should align with the siting of residential dwellings to the north, as shown on the submitted block plan, and should take the siting of neighbouring properties to the east into consideration.

Furthermore, Principle 5 also sets out that buildings should front on to the street with well-designed frontages and prominent front doors. Given that the dwelling would occupy a corner plot, it is recommended that both the south and west elevations host fenestration detailing.

With regard to the siting of built form, Principle 6 of the Housebuilders Design Guide SPD sets out that, for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of a new dwelling to a shared boundary. It is noted that the proposed dwelling is designed to adjoin No. 130 North Street,

however, this separation distance should be considered with regard to the siting of No. 5 Northfield Avenue to the rear.

Also relevant to siting, Principle 6 of the Housebuilders Design Guide SPD sets out that for two storey houses, 21 metres distance should be retained between facing windows of habitable rooms at the back of dwellings. This should be taken into consideration with regard to any windows proposed.

Principle 15 of the Housebuilders Design Guide SPD sets out that the design of rooflines should relate well to the site context, including topography, views and heights of buildings and roof lines. As such, it is considered that development should be the same height as the terrace row to which it would adjoin.

With regard to Principle 15 of the Housebuilders Design Guide SPD, officers consider it reasonable to include a condition upon any grant of approval, which seeks to secure details of finished slab and floor levels of the proposed dwelling, together with corresponding existing and finished ground levels and of surface and land drainage associated with any works

No details of external materials have been submitted, however, to ensure that the materials are in keeping with neighbouring properties and the vernacular of the area, a condition would be attached to the decision notice accordingly.

Indicative details of garden/amenity areas have been provided. It is considered that outdoor amenity space in conjunction with residential developments should be of an appropriate useable size in relation to the level of accommodation proposed and be private. The extent of outdoor amenity space shown on the submitted proposed block plan is considered to be reflective of that provided at other properties in the streetscene.

Details of landscaping are a reserved matter. The indicative submitted block plan shows that the hedge will be trimmed back. Boundary treatments should be in keeping with existing forms established within the streetscene.

With regard to boundary treatments, officers consider it reasonable to attach a condition relating to the forms of boundary treatment proposed at the site, as part of the scheme for residential development. This condition shall seek the submission of a scheme detailing the location, heights and materials of proposed boundary treatments. As well as this condition being imposed for reasons of visual amenity, it is also related to residential amenity, explored in the following section of this officer's report.

In conclusion, it is considered that subject to the details provided within the reserved matters application being of an acceptable design, it can be concluded that the plot could be developed in a manner that suitably accommodates the level of residential development for which permission is being sought without causing visual harm. As scale, layout, appearance and landscaping are reserved matters, care would need to be taken to ensure that the dwelling does not appear overbearing in nature in relation to neighbouring

residential dwellings or to constitute overdevelopment of the site. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance.

As such, with the inclusion of the aforementioned conditions, it is considered that a residential development which is of a high quality and harmonious design to its wider setting could be accommodated within the site such that it has an acceptable impact upon the visual amenities of the locality in accordance with policies LP11 and LP24 of the Kirklees Local Plan and principles 2, 5, 6, 13, 14 and 15 of the Council's adopted Housebuilders Design Guide.

### **3) Impact on Residential Amenity**

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the 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 Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- 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-metre distance from the side wall of the new dwelling to a shared boundary.

The current submission seeks approval for access, with all other matters to be dealt with at reserved matters application stage (appearance, landscaping, layout and scale).

The proposal is for residential development, on land which currently serves as outdoor amenity space for No. 130 North Street.

#### **No. 130 North Street:**

This property is located to the north of the site and the submitted details suggest that residential development would adjoin to this property.

It is considered that, subject to the size/scale and siting of any residential development at the application site, and the location of fenestration detailing, a scheme could be achieved here which would not appear overbearing or have any significant impacts with regards to overbearing, overshadowing or overlooking. This would need to be assessed further within any subsequent reserved matters application.

It is noted that, the extent of outdoor amenity space to serve No. 130 North Street would be reduced as a result of residential development to the proposed site. However, the retained amenity space would be of the same size / scale as the gardens serving No.'s 132 and 134 North Street. The level of amenity space that would be provided is considered to be in keeping with the character of the locality and of a suitably private nature such that it is considered that this reduction would be acceptable with regard to the amenity of occupiers of No. 130 North Street.

#### No. 5 Northfield Avenue:

This property is located to the rear of the site.

With regard to the placement of fenestration detailing to any new dwellings at the application site, consideration should be given to the recommendation set out in Principle 6 of the Housebuilders Design Guide, which states, for two storey houses, a minimum distance of 21 metres should be retained between facing windows of habitable rooms at the backs of dwellings.

In addition, given that the proposed dwelling could project forward of the principal elevation of No. 5 Northfield Avenue, careful consideration should be given to the siting of any new residential development, as to avoid any undue impacts of overbearing and / or overshadowing.

In conclusion, it is considered that subject to the size/scale and siting of any residential development at the application site, and the location of fenestration detailing, a scheme could be achieved here which would not appear overbearing or have any significant impacts with regards to overshadowing or overlooking. This would need to be assessed further within any subsequent reserved matters application.

Upon any grant of permission, a condition shall be imposed regarding forms of boundary treatment to be installed at the site, as part of the scheme for residential development. This condition will request details of location, heights and materials for boundary treatments. In addition, a condition to control the finished slab and floor levels of the dwelling (and therefore subsequent overall height / extent of engineering operations to the ground levels to accommodate the dwelling) is recommended. The inclusion of these conditions is considered to mitigate any potential harm of boundary treatments to the residential amenity of neighbouring properties, ensuring that they do not pose an overbearing impact, or overshadowing.

#### Future Amenity of the Occupiers:

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*

Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

Officers consider that residential development which is compliant with the NDSS could be achieved at this site. In terms of external amenity space, it is considered that, it is possible to provide a suitable private amenity space to serve the dwelling. This would be assessed further at the reserved matters application stage.

In conclusion, the principal of residential development on land adjacent to No. 130 North Street could be acceptable from a residential amenity perspective.

#### **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.

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.

#### **Internal Layout:**

A three-bedroom dwelling is proposed at the site, and the Kirklees Highways Design Guide SPD states that at least 2 on-site spaces are required for dwellings with 2-3 bedrooms.

The submitted proposed block plan shows parking provision for two vehicles, on a driveway to the south east corner of the site.

The approved vehicle parking areas will need to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

[www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens](http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens)

#### Access:

A new vehicle access is proposed onto Northfield Avenue is proposed and this is considered to be acceptable from a highway safety perspective.

The highway works required to provide the new access, will also need to be constructed under the section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution. The applicant is advised to contact the Kirklees Street scene team as soon as possible to determine the exact extent of the works required.

The existing sightlines at the junction of Northfield Avenue and North Street should be maintained.

A bin storage area and collection/presentation point are shown on the plan and are considered to be acceptable.

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

### **5) Other Matters**

#### Air Quality:

Policy LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the NPPF seek to ensure that new development does not result, directly or indirectly, in an increase in air pollution.

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval.

This is now controlled by Part S of the Building Regulations which came into force in June 2022 and would not be repeated as a planning condition.

#### Foul Sewage:

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

Given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development.

### Ecology:

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 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

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.

Given that the site currently functions as outdoor amenity space to serve No. 130 North Street, officers consider it necessary to secure ecological enhancement measures, which can be controlled via condition upon any grant of permission. Subject to condition the proposal is concluded to accord with Policy LP30 of the KLP and Chapter 15 of the NPPF.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation. This exemption is listed in the submitted application form as being applicable.

### 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.

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change, as it would have to be constructed to modern building standards.

## **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 development is acceptable in principle and is therefore recommended for approval.

**Recommendation: Approve**

**Decision Authorisation: Delegated Powers**  
**Application Number: 2024/92003**  
**Officer Recommendation: Approve**

### **Conditions and Reasons:**

1. Approval of the details of Appearance, Layout, Scale and Landscaping of the site (hereinafter called the 'reserved matters') shall be obtained

from the Local Planning Authority in writing before development is commenced.

**Reason:** This is a pre-commencement condition to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to Appearance, Layout, Scale and Landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

**Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

5. 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 Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP30 & LP51 of the Kirklees Local Plan, Principles within the Housebuilders Design Guide Supplementary Planning Document and policies within Chapters 2, 4, 5, 8, 9, 11, 12, 14 & 15 of the National Planning Policy Framework.

6. The residential development hereby approved shall not exceed a maximum of one dwelling.

**Reason:** For the avoidance of doubt as to what is authorised by this permission to ensure that the development conforms to the approved outline planning permission as well as the impact upon residential amenity of neighbouring occupiers and visual amenity of the wider locality to accord with policy LP24 of the Kirklees Local Plan, Principles 2, 6, 16 & 17 of the Council's adopted Housebuilders Design Guide

and policies within Chapter 12 of the National Planning Policy Framework.

7. Development shall not commence until a scheme of details for the provision of ecological enhancement measures at the site outlined in red on the approved location plan has been submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include:
- details of the location, both within the site and upon dwelling(s) and design one integrated swift box per dwelling;
  - the location, both within the site and upon dwelling(s), and design of one integrated bat box per dwelling; and
  - location and design of access holes for hedgehogs (i.e. “hedgehog holes”) within any fences throughout the site.

The details shall be provided for before the dwelling is first occupied and retained thereafter.

**Reason:** This is a pre-commencement condition in the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. Development shall not commence until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which details all materials of construction. The submitted scheme shall include all external facings and roofing materials. The dwelling shall be constructed from these materials, which shall thereafter be retained.

**Reason:** This is a pre-commencement condition to ensure that the new dwelling is sympathetic to the surrounding built form, in accordance with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. Development shall not commence until a scheme detailing the finished slab and floor levels of the dwelling hereby approved, together with corresponding existing and finished ground levels and of surface and land drainage associated with any works, has been submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall be carried out in accordance with the details so approved and the occupation of the dwelling hereby approved shall not take place until the works relating to the building have been completed. The approved levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

**Reason:** This is a pre commencement condition required in the interests of visual and residential amenity to accord with Policy LP24 of the Kirklees Local Plan, Principle 15 of the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

10. The development hereby approved shall not be brought into use until a scheme detailing the installation of all boundary treatments has been submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall include details of location, heights and materials. The boundary treatments shall be installed prior to the development being brought into use. The boundary treatments shall be thereafter retained and maintained for the lifetime of the development.  
**Reason:** In the interests of visual amenity and residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

11. The development shall not be brought into use until all areas to be hard surfaced for access and parking have been and out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking.

**Reason:** In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan.

12. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 186, 190 and 195 and policies within Chapter 15 of the National Planning Policy Framework.

**NOTE:** Contaminated Land

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: Construction Site Working Times**

Noisy construction related activities shall not take place outside the hours of:

07:30 to 18:30 hours Monday to Fridays

08:00 to 13:00 hours, Saturdays

With no noisy activities 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.

**NOTE: Highways**

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	2489 – D – 20 - 001	-	16.07.24
Existing Site Plan	2489 – D – 20 - 002	-	16.07.24
Proposed Site Plan	2489 – D – 20 – 003	-	16.07.24

Climate Change Statement	-	-	16.07.24
Design and Access Statement	-	-	16.07.24

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations took place, and no amended plans were sought or submitted.

**Report dated: 27.09.24**