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:	**2024/60/92353/E**
Site Address:	42, Church Lane, Thornhill, Dewsbury, WF12 0JZ
Description:	Outline application for Erection of Annex and single detached dwelling including associated demolition and works
Recommending Officer:	Elenya Jackson

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: 01-Oct-2025

Officer Report.

Reference: 2024/92353

Location: 42, Church Lane, Thornhill, Dewsbury, WF12 0JZ

Proposal: Outline application for Erection of Annex and single detached dwelling

Site Description.

42, Church Lane, Thornhill, Dewsbury, WF12 0JZ is currently occupied by a single storey red brick detached dwelling. The site benefits from its own driveway, a large rear garden and is set back from the highway by a small amount of amenity space.

The immediate street scene is predominantly residential in nature with dwellings following a consistent building line. Dwellings in the street scene are not uniform in appearance; however, the material palette is predominantly consistent.

Description of Proposal.

The application seeks outline planning permission for the erection of a residential dwelling and an annex including associated demolition and works.

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

The submitted drawing titled 'Proposed Block Plan' ref P02RevA shows the dwelling would be set back from the highway edge by 5.9m, set 3.1m away from the southern boundary and 2m away from the northern elevation of the dwelling.

The main dwelling would have dimensions of 12m x 10.3m.

The annexe would be located on the south-western boundary of the site, 1.1m away from the rear boundary of the site. This would have dimensions of 9m x 5.8m.

Access would be from the existing access point and an area for vehicular parking would be provided to the front and side of the main dwelling.

History of Negotiations / Amendments Received.

None.

Relevant Planning History.

None.

Representations.

The Application was received on 20th August and publicised in accordance with the Council's adopted Development Management Charter as in force at that time. The DM Charter incorporates the requirements of planning legislation in relation to publicity of applications. In this case the application has been publicised by neighbour letters.

Final publicity date expired 17th October 2024.

Two representations were received which raised the following, summarised, concerns:

- Plans submitted not demonstrating all neighbouring dwellings
- Boundary Treatments
- Tree retention
- Scale of development
- Proximity to neighbouring dwellings.
- Overlooking
- Noise
- Trees/Landscaping/Wildlife
- Drainage
- Boundary Treatment
- Location of annexe

It has been considered necessary to include reference to 'including associated demolition and works' within the description of the development. Whilst not included in the description which has been publicised. It is considered the description as publicised adequately alerted the public to the nature of the development and further publicity of the update description is not necessary.

Consultation Responses.

KC Ecology – Initially a preliminary ecological appraisal was requested during the course of the application. The supplied documents outlined the need for further bat surveys to be undertaken on site. Following discussions between officers and KC Ecology, it has been determined that these additional surveys can be secured via condition in this instance.

KC Highways Development Management – Comments have been received from Highways Dm which state that although the proposal would utilise the existing access, *parking would need to be clarified relating to the numbers of bedrooms, bin storage and collection points would need to be provided, a condition required.*

KC Environmental Health: An informal discussion was held in relation tothis application. It is considered that as the site is not within a high risk coal area or in close proximity to a former landfill site, conditions related to the unexpected discovery of contaminated land would be considered sufficient.

Policy.

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

The site is unallocated in the Kirklees Local Plan

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
- LP35- Historic Environment
- 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 Heathy 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 as it requires 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 approximately 669m^2 and seeks outline permission for residential development. The submitted block plan shows one dwelling; however the number of bedrooms has not been detailed and one annexe.

The principle of retaining the site for the use of one dwelling and an associated annexe building is considered appropriate in this instance as the site is considered to be located within a sustainable location, with residential development already established, located within the vicinity of a bus stop and has a current residential use.

The addition of a granny annexe on site would not significantly increase the density of development on site and would not create a separate dwelling.

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.

1) **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 134 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, whist 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 and site layout with all other matters to be dealt with at reserved matters application stage (appearance, landscaping 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.

Referring back to the policy context for this application, Principle 5 also sets out that buildings should front on to the street with well-designed frontages and prominent front doors. The proposal would be set back from the street scene and the proposed layout demonstrates that the dwelling would be in-line with neighbouring development.

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. The design of the proposed dwelling has not been provided at this stage; however, the dwelling would be over 2m away from the northern boundary and 3m away from the southern boundary. Thus according with principle six of the house builders design guide.

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. Details in relation to scale and appearance are not being assessed or determined at this time. At the reserved matters stage consideration of the requirements of principle 6 will need to be given. A suitably designed scheme which follows the layout with a single storey annexe building and with windows suitably placed in the main dwelling could be achieved to ensured compliance with this principle.

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. The dwelling immediately to the north of the site is single storey in nature; however, there are variances in property design within the wider street scene. Attention to the design of neighbouring dwellings should be taken at reserved matters stage for the design of the dwelling and a street scene plan would be required to be provided.

Officers have reviewed the plans provided in the context of the area. Dwellings within the vicinity typically face onto the street scene and benefit from a reasonable amount of amenity space.

The submitted block plan demonstrates areas of outdoor amenity space and on-site parking provisions, with the size / scale of the rear garden replicating the extent of amenity space serving neighbouring properties. There would be an additional annexe within the garden, although it is considered that this would share the amenity space.

It is considered that there would be sufficient space in the plot for a dwelling and the annexe whilst maintaining acceptable separation distance from neighbouring dwellings. The design of the proposal at reserved matters stage would need to reflect development within the immediate street scene to prevent being read as an unsympathetic later addition.

No formal details of external materials have been submitted; however, the application form states render and red brick. The dwelling to the south of the site does feature a rendered finish although this is not read in the same context as the application site. It is considered red brick materials would be more in keeping with the locality, given materials of construction could form part of the consideration of appearance it is not considered a condition is necessary in this case to require submission of materials of construction to the LPA.

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 rear outdoor amenity space shown on the submitted proposed block plan is considered to be acceptable. It is clear some landscaping is achievable throughout the site, this would be a reserved matter for later consideration. It is considered that to avoid a parking dominated frontage landscaping should be provided to the frontage, it is noted a hedge is indicated on plan, it is considered an increased level of soft landscaping to the frontage would be an improvement to the scheme from that as proposed.

With regard to boundary treatments, officers consider the close boarded boundary fence would be acceptable in the context of the area. Officers will condition details of boundaries to be submitted. 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.

It is considered that layout plans provided demonstrate that, the size of the plot is sufficient to accommodate a dwelling and annexe building in the layout as set out in this instance, as the shape/layout of the plot would allow for sufficient spacing between neighbouring properties and would accommodate sufficient parking.

It has not been clarified if the dwelling would be two storey or single storey; the existing dwelling on site is single storey. As there are variances in the street scene, it may be appropriate for a two storey dwelling to replace the existing dwelling on site; however, it is recommended that a street scene plan is provided at reserved matter stage to assess this. The annexe should be single storey to avoid competing with the host dwelling in terms of scale and appearance and a condition to ensure this is the case is recommended.

Careful consideration should be given at reserved matters stage to ensure the development is in keeping with the local vernacular and that any proposal does not create a cramped/overdeveloped design. Should approval be recommended, as all matters are reserved matters (other than access and layout), care would need to be taken to ensure that any future development does not appear incongruous or overbearing in relation to neighbouring properties. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance. As such, it is considered that residential in principle could be appropriately design to not cause harm to visual amenity to meet the aims of LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

2) **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 and layout with all other matters to be dealt with at reserved matters application stage (appearance, landscaping, and scale).

The proposal is for residential development, on land which currently serves as the residential curtilage of 42 church street.

The application proposal is seeking outline consent with scale, appearance and landscaping reserved, therefore the impact the proposed development would have on the amenities of the occupants of the neighbouring properties cannot be fully assessed at this stage. It is noted that concerns were raised by representation regarding the impact of the dwelling on neighbouring properties.

Given the relationship to neighbouring occupiers' consideration should be given at reserved matters stage to ensuring no openings serving primary inhabited spaces are proposed in the side elevation of the dwelling to prevent overlooking harm to the neighbouring properties.

40 Church Lane

Adjoins the application site to the North. The finalised design of the proposal has not been applied for at this stage. Given that the proposed dwelling is to project beyond the rear of no.42, careful consideration should be given to the scale, mass and details of the residential development, as to avoid any undue impacts of overlooking, overbearing and / or overshadowing. It is considered a development could be achieved which has an acceptable impact upon this dwelling subject to the scale and appearance being suitably designed.

44 Church Lane

Adjoins the application site to the south and is largely screened by vegetation between the dwellings.

The application is currently at outline stage, with appearance, scale and landscaping matters reserved, the specific appearance of the dwelling in the plot is not finalised. Officers consider that the proposal would need to be designed to maintain an acceptable relationship between the occupiers of the new dwelling, the annexe and the occupiers of no.44. It is considered a development could be achieved which has an acceptable impact upon this dwelling subject to the scale and appearance being suitably designed.

2 Frank Lane

Adjoins the application property to the south.

It is considered that dependent on the scale of the proposal, the main dwelling is likely to be of sufficient separation distance to not raise any significant concerns regarding the residential amenity of the occupiers of no.2.

The design of the annexe has not been finalised at this stage, officers consider that the proposal would need to be designed to maintain an acceptable relationship between the occupiers of the new dwelling, the annexe and the occupiers of no.2. This would require the annexe being of a single storey design to ensure no unacceptable levels of overlooking occur and that the annexe is not unacceptably overbearing to the occupiers of this property. A condition to ensure the annexe is single storey is recommended.

Upon any grant of permission, a condition shall be required regarding forms of boundary treatment to be installed at the site, as part of the scheme for residential development. In addition, a condition to control the finished slab and floor levels of the development (and therefore subsequent overall height / extent of engineering operations to the ground levels to accommodate the development) 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 achievable 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.

The development would see an annexe building which utilises the same access, parking and amenity areas in conjunction with the proposed dwelling. This is considered to be an acceptable arrangement provided occupiers of the annexe are connected to those within the dwelling. On this basis the proposal is considered acceptable and a condition to ensure this is the case is recommended for inclusion.

In conclusion, the principal of residential development at 42 Church Street Scholes Lane is acceptable from a residential amenity perspective such that the aforementioned policies would be complied with.

3) 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.

Access:

The existing access from Church Lane is proposed to be utilised.

KC Highways has been consulted on the above application. It is acknowledged that the application is seeking confirmation of access arrangements and layout at this stage.

Revised plans were requested which would allow for the access to be 4.5m wide, three parking spaces are provided on site and the bin storage would be relocated to not obstruct the access.

KC Highways advise that any alterations made to the highway will need to be constructed under the section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges), an informative note to this effect is recommended.

Within the comments received by KC Highways, a condition has been requested to ensure that the driveway is surfaced appropriately. This is considered necessary to avoid the migration of materials or water onto the highway.

Although the proposal would include the replacement of the existing dwelling on site, officers understand there will be existing arrangements on site for bin storage and collection, so no further details are considered to be necessary to require by condition in this instance.

The proposal in considered to be in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

4) 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 & Surface Water Drainage:

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. It would be unreasonable of the LPA to require a scheme of foul / surface water drainage to be submitted as part of this application given the scale of the development proposal.

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 residential curtilage associated with 42 Church Lane and the addition of an annexe, 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 be acceptable in terms of impact upon the ecological value of the site. This view is taken having cognisance of the fact that 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 has been highlighted to be a self build as per the application form submitted which is accepted by the LPA.

The site is in a bat alert layer, as the proposal would require the demolition of the existing dwelling, a preliminary ecological appraisal has been provided to support the application which indicates that further Bat Survey would be required to be submitted to assess the potential of bat roosts.

It has been considered that this can be conditioned in this instance due to the building having low potential and this has been agreed with KC Ecology.

Contaminated Land

The site is located in a low risk coal area. It has therefore not been deemed necessary to request any details at this stage; however, officers will add an unexpected contaminated land condition to the application to ensure the proposal accords with LP53 of the Kirklees Local Plan.

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 application's, 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. Whilst there is a level of carbon

footprint associated with the demolition / new materials required for the replacement dwelling, it is noted the proposal would incorporate an annexe building which provides for higher occupancy density of the site, and in this case given the scale of the development is such that requiring further mitigation would be unreasonable.

Representations:

Two representations were received which raised the following concerns:

- Plans submitted not demonstrating all neighbouring dwellings

Officer response: The information submitted is considered to be sufficient to enable the LPA to determine the application.

- Boundary Treatments

Officer response: The proposal is for layout and access and a condition is proposed for details of all boundary treatments to be provided at reserved matters stage.

- Tree retention

Officer response: Details of landscaping have not been finalised at this stage and would be submitted as a reserved matter.

- Scale of development

Officer response: The application is for layout and the scale of the proposal has not been finalised yet. Officers have reviewed the layout and consider a new dwelling and an annexe could be accommodated subject to conditions.

- Proximity to neighbouring dwellings

Officer response: The proposed appearance / scale of the development has not been finalised at this time. At reserved matters stage, officers would assess this element of the scheme. The layout of the development is considered to be such that it could have an acceptable impact subject to a suitable appearance / scale of development being proposed.

- Overlooking

Officer response: The proposed scale of the development has not been finalised at this time. At reserved matters stage, officers would asses the scale / appearance of the proposal to establish whether the location of any fenestration would result in any significant overlooking relationship whether the scale of the proposal would result in any overbearing impact.

- Noise

Officer response: The proposal is for layout and access currently. The proposed annexe would be ancillary to the host dwelling. The application is assessed on the basis as applied for and its own merits, any use of the development which constitutes a material change of use from that as applied that requires planning permission would see appropriate enforcement action undertaken in the event such a material change of use was unlawfully

undertaken. It would be unreasonable of the LPA to refuse permission on a speculative basis that such a set of circumstances would occur.

- Trees/Landscaping/Wildlife

Officer response: The site is not within a conservation area or protected by a tree preservation order. Therefore, any works to trees could be undertaken without planning permission. Trees outside of the red line boundary of the site are not considered as part of this application. Any damage to neighbouring properties would be a civil matter.

- Drainage

Officer response: 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.

- Boundary Treatment

Officer response: Any impact of the development upon boundary treatments / damage to such treatments would be a civil matter and are not a material planning consideration

- Location of annexe

Officer response: The application is assessed on the basis as applied for and its own merits.

5) 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 materials 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: 2024/92316
Officer Recommendation: Approve

Conditions and Reasons:

1. Approval of the details of Appearance, 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, 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 and one associated annexe building.
   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. The building annotated 'Proposed Annex Building Elderly Parents' upon submitted drawing P02 rev A shall be single storey and shall not be used

for any purpose other than as ancillary accommodation in connection with the dwelling hereby approved annotated 'Proposed Dwelling 4 Bedroom' upon submitted drawing P02 rev A
Reason: In the interests of highway safety and the residential amenity of future occupiers, visual amenity and the residential amenity of neighbouring occupiers to accord with policies LP21, LP22 & LP24 of the Kirklees Local Plan, Principles within the Housebuilders Design Guide and policies within Chapter 12 of the National Planning Policy Framework.

8. Prior to the commencement of development, a detailed Precautionary Working Method Statement (PWMS) in respect of bats shall be submitted to and approved in writing by the local planning authority. The PWMS shall be designed to minimise risk and avoid harm to bats and shall include, but not be limited to:

    - Toolbox talks delivered by a suitably qualified ecologist to all contractors working on site
    - Attendance of an Ecological Clerk of Works (ECoW) as required
    - Careful hand stripping of features with potential for bat roosting

    In the event that a bat is encountered during works, all activity must cease immediately. The ECoW and Natural England shall be contacted for advice on how to proceed lawfully. All contractors must be made aware of this protocol and provided with the contact details of the ECoW. Bat emergence surveys must be completed within the recognised bat survey season (1st May to 31st August inclusive). No development shall commence until these surveys have been completed, a report submitted to the local planning authority, and written approval obtained. Should an EPS (European Protected Species) bat licence be required, it must be obtained from Natural England and submitted to the local planning authority for written approval prior to commencement of works. All licence conditions must be strictly adhered to.

    Reason: To ensure the development complies with policy LP30 of the Kirklees Local Plan and the requirements of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), and to safeguard protected species.

9. Development shall not commence until a scheme of details for the provision of ecological enhancement measures at the site 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 the dwelling of one integrated swift box;
- the location, both within the site and upon the dwelling and design of one integrated bat box; and
- location and design of access holes for hedgehogs (i.e. "hedgehog holes") within any fences throughout the site.

The details shall be completed 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.

10. Development shall not commence until a scheme detailing the finished slab and floor levels of the development 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 development shall be carried out in accordance with the details so approved and the occupation of the development hereby approved shall not take place until the works 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.

11. The development hereby approved shall not be brought into use until a scheme which details of the height, location, design and materials of all boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the development being brought into use and thereafter retained
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.

12. 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.

13. 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: Bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to deliberately capture, injure or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. A grant of planning permission does not constitute consent to proceed with works that may affect bats or their roosts. Where a licence is required to derogate from these protections, it must be obtained separately from Natural England.

NOTE: The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015. The first occupation hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years.

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	P03	-	27.08.24
Proposed turning circles	P02	Rev:A	7.11.2024.
Preliminary ecological appraisal			14.08.2025
Climate Change Statement	-	-	27.08.24
Design and Access Statement	-	-	27.08.24

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. A preliminary ecological appraisal was requested during the course of the application.