

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:	2024/60/92430/E
Site Address:	Adj, 6, Springfield Avenue, Clayton West, Huddersfield, HD8 9HJ
Description:	Outline application for erection of detached dwelling with parking
Recommending Officer:	Edward Cheseldine

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: 14-Nov-2024

Officer Report

2024/92430 - Adj, 6, Springfield Avenue, Clayton West, Huddersfield, HD8 9HJ

Site Description

Land adjacent to 6 Springfield Avenue is part of a residential garden associated with the existing dwellinghouse. The plot is ~7.00m(w) x ~25.00m(d). It is currently a grassland amenity space with 6 trees within the redline boundary. The adjacent building is a two-storey detached dwelling, constructed with stone exterior walls and concrete roof tiles. To the south-east and south-west of the site is designated Green Belt land which falls within the curtilage of 6 Springfield Avenue. The redline boundary of the proposed dwelling indicates land within the Green Belt would be retained as residential garden space.

Springfield Avenue is a residential area with two-storey, detached and semi-detached dwellings. Properties are constructed in a variety of stone and render materials. The road is used to access The Nortonthorpe Sports Club.

Description Proposal

The application is seeking outline permission for the erection of residential development at land adjacent to 6, Springfield Avenue. The applicant seeks approval for access, appearance, scale and layout. Notwithstanding the submitted plans, although the areas of landscaping have been provided, they are purely indicative at this time.

The dwelling will be a detached, two-storey structure with pitched sandstone on the principal elevation with off-white render on the sides and rear elevation. The roof would have a hipped style with blue or black natural slates.

Dimensions of the dwelling will be ~5.65m(w) x ~9.65m(d), with an eaves height of approx 5m. The dwelling would be of a hipped roof design, 7.7m in height to the topmost part of the roof. The submitted detail includes a street scene drawing which indicates the site is at a slightly higher land level which would see the eaves of the dwelling 0.6m higher than that of the adjacent property, although the proposed dwelling would have a ridge height at the same level as the ridge of the adjacent dwelling.

Negotiations/Amendments

Amended plans were requested and submitted which have demonstrated the following:

- Moving the dwelling to create a 1.00m side space to the boundary
- Amending floorplans to illustrate a side window that is present on the elevation drawings
- Amend the internal floorspace to meet the requirements of Nationally Described Space Standards.

The amendments to the scheme have not altered the development proposal to such a degree as to warrant readvertisement of the application and it is considered the scheme as advertised adequately alerted the public to the nature of the development. Therefore the amendments have not been further advertised.

Consultation Responses

KC Trees – No objection to the felling of the tree set out in the submitted tree survey, subject to a condition requiring mitigation which would be the replanting of No1 sycamore tree within 2 years of the existing tree being felled in this case.

KC Environmental Health – No objection, subject to conditions relating to the submission of a noise assessment report and mitigation scheme, and a condition relating to unexpected land contamination.

Denby Dale Parish Council – No objection.

Relevant Planning History

2023/93048 – Erection of side extension, front and rear dormers and external alterations – Full permission granted.

Applications for residential development of 1 dwelling have been granted for land to the side of no.6, dating back to the 1990s.

Public Representations

Neighbourhood notification letters were distributed to advertise the application, which expired on 11-Oct-2024. As a result of the publicity, 2 representations were received.

- The proposed dwelling is very close to the existing property
- The proposed access to the property is on to private land
- There is no need for an additional dwelling on the road

- The planning application states that there is also space for two off road parking spaces. Currently at weekends and evenings the road is fully occupied with vehicles and no room for more
- The access is on private land with no right of access exists beyond the entrance point. If the application is approved where will all the additional vehicles for the construction of the dwelling park.
- Springfield Avenue is an unadopted road that is already in a poor state. The addition of more vehicles for a extra dwelling will add to this. As well as the extra and heavy vehicles required in order to build the property
- The land at the moment takes the rainfall away, however if the dwelling was built it would increase the impact of the rainwater as it as no where else to go.
- There would be an increase in traffic and construction noise throughout the construction of the dwelling.
- For the dwelling to be built several existing mature trees will need to be removed. Trees are needed for climate changes and carbon by removing the trees this will also affect wildlife.
- It should be noted that the proposal requires the creation of an access over private land and no consultation or permission has been requested.
- The proposed dwelling is not in keeping with the street and detracts from its character and appearance.
- The proposal squeezes a very small dwelling very close to the existing property. This creates a density and massing on the street that does not exist and therefore will alter its character.
- Though the proposal shows off street parking it does not make allowances for the fact that the dwelling is at the end of the street and turning is required.
- Springfield Avenue is a none adopted road and water run off impacts the road and the adopted Spring Grove.

These comments will be assessed in the *Assessment* section of the report, with a section of the report.

Policy & Legislation

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 the Strategic Green Infrastructure Network on the Kirklees Local Plan Proposals Map and falls within an area where there is a known presence of great crested newts. The site is within an area at low risk of ground

movement as a result of former mining activity, as identified by the Coal Authority.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance

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

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health 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

The following matters are considered in the assessment below –

- 1) Principle of Development
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Environmental Matters
- 5) Conclusion

Principle of Development

Sustainable Development

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

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

Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the

required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment.

In this case, one additional unit would make a small contribution to that supply. Good design is a key aspect of sustainable development which contributes to creating better places. Therefore, a balance will be formed, within this assessment, against the benefits a single dwelling would bring.

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. It is considered that the proposal would increase the overall density of the development by 1 dwelling, and a greater increase has potential to impact in relation to amenity space provision / highway and access safety issues including parking provision. Therefore, the density is appropriate for the size constraints of the site, when taking into account access and suitable outdoor space for one dwelling.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal’s design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

Impact on Visual Amenity

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

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

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

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 2021, which aims to ensure future housing development is of high-quality design.

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

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

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line

and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

The application seeks outline planning permission for residential development for access, appearance, layout and scale with reserved matters of landscaping. Hard and soft landscaping are purely indicative; thus, the details are not being assessed or determined at this time. However, consideration must be given as to whether residential development on the site could cause detrimental harm to the character and appearance of the area.

The site is an end plot on Springfield Avenue. Views from the south and south-east are currently restricted by shrubs and mature trees at the adjacent site. The site is relatively tucked away due to its position. Although land to south-east and south-west is designated Green Belt, it is part of The Nortonthorpe Sports Club. The dwelling therefore sits between a row of residential dwellings and a private sports field complex. There would be therefore be limited views of the building from the Green Belt with the property appearing as a continuation of the property line of Springfield Avenue.

In terms of the layout of the site, the dwelling sits within the building line of Springfield Avenue with the forward protrusion being similar to No. 6. The plot is confined due to its size. The block plan indicates cars will sit to the front of the dwelling. Typically, on the street driveways run down the side of dwellings, however vehicles for No. 6 sit to the front of the property. In consideration of layout, Principle 12 states, vehicles should not dominate streetscenes. The plot is not highly prominent giving the prevailing character of the street. Consideration has been given to the placement of the dwelling and the potential alterations, however given the confines of the plot, the impact to the streetscene is acceptable. In terms of spacing, Principle 5 states buildings should be aligned to create a coherent building line. The building is set ~1.00m from the boundary. Properties on the west side of Springfield are set ~1.00m - ~1.50m, to which the spacing of the proposed property is not distinctly different.

The scale of the dwellinghouse should be a suitable size so it does not disadvantage future occupants. Due to the layout of the plot, the outdoor residential space is confined. Principle 17 of the Kirklees House Builders Design Guide states, *'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 plot is rectangular in shape with a depth of ~25.00m. The rear garden space will have a depth of ~11.60m with a width of ~6.00m at points. When considering the outdoor plots of buildings on the street, the rear garden would be of a similar footprint to the semi-detached properties north-east of Springfield Road when excluding space to the side of the properties. The dwelling would contain 3 bedrooms, the size of the outdoor space is therefore acceptable in terms of scale and appearance. In terms of the dwelling, there is a mix of housing on the street when considering scale. Properties on the north of the road are smaller semi-detached dwellings in comparison to properties on the south of the road. The dwelling will appear small when set beside No.6, which is much larger, however given the positioning of the dwelling such a scale would not introduce an unacceptable building within the streetscene.

The property would appear as a detached dwelling with coursed sand-stone principal elevation and hipped roof clad in natural blue/black roof slates. The materials are similar to details on the building on the east of Springfield Avenue, naturally extending the building line. The fenestration is simplistic, feature includes stone cills and lintels. In terms of the roof shape, there will be a change of form from the pitched roof of other properties on the east side of the street, however, given there is a distinctive difference in terms of scale, mixed building group of the street and the placement of the dwelling, it is not considerate that the change in roof style would cause a negative impact to the streetscene. Although hard and soft landscaping plans are purely indicative at this time, the applicant has specified the front car parking spaces will be paved with Brindle block paving. The material is considered to be sympathetic creating a pleasant appearance to the front of the property.

There is access to the side of the property for bin storage.

In conclusion, it is considered that subject to the details provided within the reserved matters application being acceptable in relation to landscaping, the proposed dwelling would have an acceptable impact upon the character of the area.

It is considered that a development which meets the policies of Chapter 12 of the NPPF, by contributing positively to the surrounding area, as well as policies LP1, LP2 and LP24 of the Kirklees Local Plan and principles of the Council's adopted Housebuilders Design Guide is set out in the submitted detail and the proposal is acceptable in this regard.

Impact on Residential Amenity

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

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

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

Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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 SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and

Within the submission for outline details are elevation drawings with proposed window openings and the area of private outdoor amenity space.

Considering the distances between other dwellings in on the street, the only neighbours effected will be the occupiers of No 6 Springfield Avenue.

Impact on 6 Springfield Avenue

In terms of privacy, there will be one side window on the first-floor elevation of the proposed building which will face directly towards the property. The window will light a stairway which is classed as a non-habitable room. On the side elevation of No.6 there are two secondary windows at the ground-floor level. Given the relationship between the windows, there would not be a direct view towards the windows of No.6. Two first-floor level windows will be introduced on the rear elevation of the building that will have a view of the neighbouring private amenity space. The windows project past the property by ~2.00. In terms of the relationship, the windows would not have a direct relationship with the neighbouring garden space. The garden space is overlooked by No. 4a, which has a similar relationship to the property. Given the existing relationship, the overlooking impact will not be detrimental to private amenity.

The relationship between the two building is close, with a separation distance of 2.05m. In terms of a loss of light and outlook, there are secondary windows on the side elevation of the dwelling. Previous plans indicate these windows are secondary to the main openings to allow for more natural light. Given this, the relationship is acceptable. The agent has also indicated a 45oC angle of outlook will be observed from windows from the rear of No.6. In terms of the structure being overbearing, the proposed dwelling will extend the linear street layout, with the main proportion of the building being parallel to the side space of No. 6. This section is used for access and is not useable space, therefore there will not be an overbearing impact.

The outlined details accord with Principle 6 of the Kirklee Housebuilders Design Guide and Policy LP24 b) of the Kirklees Local Plan.

Amenity of Future Occupiers

Policy LP24 b) of the LP which requires proposals to provide a high standard of amenity for future occupiers.

Principle 16 of the 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.”*

Guidance as to the suitable standards for internal space are set out in the House Design Guide SPD, which states in paragraph 9.1, ‘The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers’.

It is noted amended internal floorplans were received due to officer concerns regarding internal floorspace and bedroom sizes. Floor plans indicate the dwelling will have 3 bedrooms and two habitable floors. Nationally Described Space Standards (NDSS) provide guidance for appropriate internal floor space and bedroom space. The building would have an internal floorspace of 86.56m². The main bedroom would have an internal floorspace of 11.83m². NDSS's indicate a dwelling with three bedrooms over two floors should have an internal floorspace of 84m², one of the double bedrooms should be 11.50m² with a width of 2.75m, which the floor plans accord with.

Notwithstanding this, an assessment should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. Habitable rooms are rectangular with operational spaces, plan indicate the bedrooms could be furnished whilst allowing for a walkway.

It is considered that the property would be sufficient in terms of natural light, due to the amount and size of the windows. There is an enjoyable outlook towards the proposed residential space and outdoor area which would be satisfactory.

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

The formation of residential curtilage includes an outdoor area to the rear of the property, which will be ~11.60m deep with a width of ~6.00m at points. Due to the linear nature of the street, the outdoor area ensures there is suitable private amenity space. The size is suitable for the maximum number of occupants. It is noted that details relating to boundary treatments are reserved matters. Given the residential nature of the street, 1.80-2.00m closed panelled would be suitable for the boundaries to the rear.

The outlined details are therefore considered to accord with Principle 16 & 17 of the Kirklees Housebuilders Design Guide SPD, Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework subject to the suitability of proposed boundaries which are reserved matters.

Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Springfield Avenue is an unadopted road,. Access onto the road will be provided to the front of the dwelling, removing a section of the existing boundary wall. As the road is not adopted, permission from the Council to alter the curb is not required. In terms of safety and parking, it is noted that objections state the top of the road is used for parking and turning of vehicles. The development would remove some on-street parking by forming a new opening, however the site would create two off-street parking bays for the occupants. In terms of

manoeuvring, there is no turning head within the pattern of the road, cars should be able to turn within the road space as before.

Key Design Driver 20 of the Kirklees Highways Design Guide SPD outlines that 2 off-street parking spaces should be provided for a 3 bedroom dwelling which the plans indicate.

The surfacing of the car parking spaces should be constructed in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing which will be conditioned.

Bin storage areas can be accommodated within the site, to either the front / rear of the dwelling. Parking provision within the site is in accordance with that set out in the aforementioned policies. Having regard to the nature and scale of the development proposal and subject to condition relating to surfacing of areas of hardstanding it is considered the proposal would accord the relevant policies set out within this section of the report and the development would be acceptable with regard to access.

Environmental Matters

Noise

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

The proposed development is in the immediate vicinity of the sports facility. Therefore, the proposal introduces sensitive noise receptors close to a potential noise source. Consequently, a condition for a noise assessment report will be set.

Times restricting construction within noise sensitive hours have been recommended by Environmental Health, however controls in relation to noise are covered by other legislation, and given the scale of the development proposal in this case it is not considered necessary to impose a planning condition restricting construction hours.

Unexpected Land Contamination / land stability

With regard to land quality / stability, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan

which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

Although the site is not indicated to be within an area of known land contamination, such instance may arise where contamination is uncovered during ground works, therefore a cautionary condition will be attached to the permission.

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response.

The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 180 and 189 of the National Planning Policy Framework.

Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

A Tree survey has been submitted noting the removal of 1 mature tree. KC Trees have been consulted who had no objection, subject that No1. Sycamore tree is planted within 2 year to replace the felled tree, which will be conditioned.

Subject to inclusion of the recommended condition it is considered the impact of the proposal upon trees would not be to such a degree to substantiate a reason to refuse permission in this case and the proposal is considered to be acceptable in this regard.

Ecology

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission for minor sites

granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The agent has stated the application falls under the 'self-build' exemption category within the application forms and complies with the Self-build and Custom Housebuilding Act 2015, and the officers has no reason to dispute this, therefore the application is exempt from a statutory requirement for BNG uplift.

Nonetheless, Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD, the Biodiversity Guidance Note, and Chapter 15 of the National Planning Policy Framework state that biodiversity net gain is required for all development. To create this net gain, a condition to secure a bird box into the external walls of the new dwelling is recommended to be added to the decision notice. This mitigation will ensure that the proposal minimises the impact on biodiversity and provides a net biodiversity gain through good design by incorporating biodiversity enhancements.

The Conservation of Habitats and Species Regulations 2017 protect, by law, the habitat and animals of certain species including newts, bats and badgers. It is noted the site is in an area where there is potential for migrating newts across the site. Whilst it is considered this likelihood is low given the fact the site is in use as a garden, it is considered appropriate to include an informative note drawing the legislative requirements to the applicants attention should they be encountered.

Subject to condition / informative note, the proposal is considered to have an acceptable impact having regard to ecology, in accordance with the aforementioned policies.

Electric Vehicle Charging

The implementation of EV chargers is covered by Building regulations. It is not considered necessary to supplement the installation of these with a planning condition.

Representations

It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

Material weight has been considered for the following, assessments are concluded in the paragraphs above;

Principle of Development

- There is no need for an additional dwelling on the road

Officer Comment: The supply of 1 dwelling has been weighed against the impact the development would have on the character of the street in the assessment. It is considered that, as there will be no harm to the existing streetscene, the provision of 1 additional dwelling will benefit current housing supply.

Visual Amenity

- The proposed dwelling is very close to the existing property
- The proposal squeezes a very small dwelling very close to the existing property. This creates a density and massing on the street that does not exist and therefore will alter its character.

Officer Comment: Spacing to the dwelling relates to the streetscene on the east of the street, which has been assessed within the Impact on Visual Amenity section of the report.

- The proposed dwelling is not in keeping with the street and detracts from its character and appearance.

Officer Comment: See Impact on Visual Amenity section of the report for details relating to character and appearance.

Residential Amenity

- The proposed dwelling is very close to the existing property

Officer Comment: The application has been assessed against relevant policy and does not impact neighbouring occupants to a level that would be unacceptable. Further details are displayed within the Impact on Residential Amenity section of the report.

Highway Safety

- It should be noted that the proposal requires the creation of an access over private land and no consultation or permission has been requested.

Officer Comment: The applicant would need to seek permission from the landowner in order to alter the highway. Statutory public advertisement of this application has been adhered to.

- The access is on private land with no right of access exists beyond the entrance point. If the application is approved where will all the additional vehicles for the construction of the dwelling park.
- There would be an increase in traffic and construction noise throughout the construction of the dwelling.

Officer Comment: Due to the number of houses being developed, construction traffic / noise is a matter which is not afforded significant weight within the consideration of this application given the scale of the proposal and relatively short construction phase that would be relevant for the site.

- Springfield Avenue is an unadopted road that is already in a poor state. The

addition of more vehicles for one extra dwelling will add to this. As well as the extra and heavy vehicles required in order to build the property

Officer Comment: The road is not within the ownership of the council, the maintenance of the road is a private matter and it would not be reasonable of the Council to refuse permission on the basis of additional impact to this road given the maintenance is a matter which would be dealt with separately / is a civil matter in this case.

- The planning application states that there is also space for two off road parking spaces. Currently at weekends and evenings the road is fully occupied with vehicles and no room for more vehicles

Officer Comment: The development would remove some on-street parking by forming a new opening, however the site would create two off-street parking bays for the occupants, therefore the number of spaces associated with the road would not be significantly impacted to a degree for which it would be possible to substantiate a reason for refusal in this case.

- Though the proposal shows off street parking it does not make allowances for the fact that the dwelling is at the end of the street and turning is required.

Officer Comment: In terms of manoeuvring, there is no turning head within the layout of the road. Cars would be able to turn within the road space / parking area.

Environmental Matters

- For the dwelling to be built several existing mature trees will need to be removed. Trees are needed for climate changes and carbon by removing the trees this will also affect wildlife.

Officer Comment: It is recommended to be conditioned that the mature tree required to be felled will be replaced. In terms of ecology, an uplift will be provided as per LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD.

- The land at the moment takes the rainfall away, however if the dwelling was built it would increase the impact of the rainwater as it has nowhere else to go.
- Springfield Avenue is a non-adopted road and water run off impacts the road and the adopted Spring Grove.

Officer Comment: In terms of drainage, details relating to hard and soft landscaping are reserved matters. However, it is not considered that the impact of 1 dwelling will cause a detrimental impact to the existing drainage system. Surface and foul drainage would be a matter which would be dealt with by building regulations stage in this case. Given the scale of the proposal it is not considered reasonable to insist upon a scheme of foul / surface water drainage arrangements to be submitted given the requirements of building regulations.

Conclusion

This application for outline planning permission for the erection of residential development at land adjacent to 6 Springfield Avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework 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 indicative access, appearance layout and scale is acceptable. The proposed

development, in strictly outline, it would therefore constitute sustainable development and is recommended for approval.

Recommendation: **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2024/92430

Officer Recommendation: Approve

Conditions

1. Approval of the details of landscaping, (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.

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.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to 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. Notwithstanding the submitted plans, details of the soft and hard landscaping to the front of the dwelling must be submitted, and approved, at reserved matters stage.

Reason: In the interests of visual amenity and to accord with Policies LP24 of the Kirklees Local Plan, Principle 8 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

6. The front exterior walls shall be constructed in natural course sandstone with off-white render for the side and rear exterior walls. The roofing materials of the building shall be natural slate in black or blue.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the Kirklees House Extensions and Alterations SPD (2021) and the aims of chapter 12 of the National Planning Policy Framework.

7. Prior to the occupation of the dwellings, an integral bird box (Schwegler 'woodcrete' type or similar) shall be located away from sources of light and be sited at least 4 metres above ground level. The bird boxes shall be provided prior to first occupation of the dwellings and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

8. Within two years from the date the tree annotated T1 within the submitted tree survey (Arbtech survey ref: TSR 01) is felled a replacement tree consisting of one Sycamore between 1.5 – 2m in height when shall be planted, within the site. Any new tree becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

Reason: In the interests of visual amenity to accord with the requirements of Policy LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

9. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on Drawing No. 2303-SI-03A are laid 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 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space

within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

10. Before any enabling or construction work commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including any commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a. Determine the existing noise climate;
- b. Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development; and
- c. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

11. If 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. 189 and 190 of the National Planning Policy Framework.

NOTE: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: All Great Crested Newts and their habitat, Bats and their roosts and Badgers and their setts are fully protected under the EC Habitats Directive, transposed into UK legislation by the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017 (as amended). It is an offence to A) Kill, injure or take a bat/newt/badger. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat/newt/badger. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats/newts/badgers or evidence of bats/newts/badgers be found at site. All contractors on site should be made aware of this requirement.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and Specifications Table:-

Plan Type	Reference	Version	Date Received
Grouped plans and elevations	100-A	RevA	6 th November 2024
Tree survey	TSR 01	-	27 August 2024
Supporting statement	-	-	27 August 2024
Climate change statement	-	-	27 August 2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local 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. Amended plans were requested and submitted to address matters raised in relation to design.