

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2025/60/90294/W</b>
Site Address:	41, Quarmby Road, Quarmby, Huddersfield, HD3 4EA
Description:	Outline application for the erection of residential development (3 dwellings), with all matters reserved except access and layout
Recommending Officer:	Kerri Simpson

**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: 02-Apr-2025**

## **Officer Report – 2025/90294**

### **Site Description**

The 0.21ha application site is located on the southern side of the unclassified Quarmby Road, a predominantly residential area. It is situated to the rear and side of No.41 Quarmby Road (semi-detached dwellinghouse), comprising a large expanse of residential amenity space, afforded access via an existing driveway. The topography of the site declines from the northeast to the southwest, it is currently overgrown with low lying shrub centrally and a number of low quality (Category C1 and U) trees occupy the site's boundaries.

The site is bounded to the north by No's 49 and 51, Quarmby Road, to the east by No's 35 to 43 (excluding No.37), to the southeast by No.37, and to the south by No's 230 to 254 (evens) Longwood Road.

The site is subject to the following planning policy designations and constraints:

- Historic Landfill Sites 200m buffer
- Bat Alert Zone
- Low risk zone identified by the Mining Remediation Authority

### **Description of Proposal**

#### *The Scheme*

The applicant is seeking outline permission for the construction of 3 dwellings (with all matters reserved except access and layout). The proposal seeks to retain the existing access point, although it would be widened to circa 5.2m for at least 4m in depth, taking a section of the existing front garden to No.41. The internal access would be in a Y-shape arrangement serving off-street parking to each dwelling and providing occupants and emergency vehicle turning area.

The proposed layout consists of 3 detached dwellinghouse, situated in the southwestern area of the site arranged in a semi-linear fashion (west/east). Each dwelling plot would be afforded rear amenity space comprising useable lawn space and neutral grassland habitats. Each dwelling would be served with 2 car parking spaces on a driveway and the equivalent parking provisions for the existing Barn and dwelling of No.41 which are denoted within a blue line boundary. The proposal also seeks associated bin storage to the front of dwellings and a bin collection point adjacent the access.

#### *Supporting Information*

In addition to the submitted plans the following documents have been submitted to support the application to support the application:

- Design and Access Statement (Prepared by Northern Design Partnership, dated January 2025)

- Preliminary Ecological Assessment and BNG Initial Assessment (Prepared by Quants Environmental, dated 29<sup>th</sup> October 2024, reference no. 2018 Rev 1)
- Arboricultural Survey (Prepared by Quants Environmental, dated 30<sup>th</sup> September 2024, reference no. 2018 Rev 1)
- Statutory BNG Metric
- Climate Change Statement

During the course of the assessment of the application, the following amended plan was submitted for consideration:

- Site Location Plan (received 31<sup>st</sup> March 2025).

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

31<sup>st</sup> March 2025 – An amended red line boundary (site location plan) was requested during the course of the application to ensure that all elements of the development proposed for consideration at this stage were fully contained within the application site. The original red line excluded the proposed bin collection point, which forms part of the access and servicing arrangements for the development. As the red line defines the extent of land to which the permission would relate and ensures clarity over what is within the applicant's control, its amendment was necessary to meet the requirements of Article 5 of the Development Management Procedure Order and ensure the proposal could be lawfully implemented as intended.

Re-consultation was not required as the amended red line boundary did not introduce any new development or materially alter the proposal. The amendment ensured that the bin collection point was correctly included within the application site and did not affect neighboring land or third-party interests.

### **Relevant Planning History**

There is no planning history for the application site, however it is reasonable to highlight relevant planning applications on neighboring sites:

Address: No.35 Quarmby Road  
 Application Reference No: 2014/92990  
 Description: Erection of detached dwelling and detached garage  
 Decision: Conditional Full Permission (17.01.2015)

### **Representations**

Publication of the application has been undertaken in accordance with the Council's Development Management Charter.

The application has been publicised as a on the Council's website and by site notice. The expiry date of the publicity period was the 19<sup>th</sup> March 2025.

### *Letters of Objection*

One comment of objection was received raising concerns about:

- The design and appearance of the proposed dwellings
- The impact on property values
- Pressure on local infrastructure and traffic generation
- Loss of privacy and sunlight to neighbouring properties
- The lack of S106 agreement to deliver community benefits
- Further development in an already well-developed area

### *Letters of Support*

No letters of support were received.

### *Letters of Comment*

No letters of comment were received.

## **Consultation Responses**

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Highways Development Management (Verbal comments) – Officers advised that the proposed access arrangements were acceptable. The existing access to be widened to 5.2m for a depth of at least 4m, would allow two vehicles to pass without obstructing Quarmby Road. The width of the internal road would be sufficient. Visibility splays of 2.4m x 43m can be achieved and the boundary wall would be no higher than 900mm, although it would need to be conditioned as such. The proposed parking space for the plots would be acceptable based on 3 bedroom units, officer to confirm the number of bedrooms in existing properties to ensure spaces for No.41 Quarmby Road and converted barn are sufficient. The internal turning head is acceptable, provided this is for the use of emergency vehicles and servicing and not bin/refuse trucks. No objections were raised to the proposed layout, access or parking subject to conditions and officer clarification.

Officer comments: *These matters are addressed in the highways section of this report.*

KC Environmental Health (Verbal Comments) – No objection, officers acknowledge the sites position within the 200m historic land fill buffer and advise a suite of contaminated land conditions including a Phase 1 desktop study prior to commencement.

KC Ecology and Biodiversity (Written Comments) –

6<sup>th</sup> March 2025 – Bat emergency surveys are required due to the potential roosting features on existing buildings and should be carried out during the

optimal survey period (May – August). Current Biodiversity Net Gain (BNG) calculations show a net loss on site with no viable mitigation plan. A revised BNG assessment and viable plan are required, potentially involving more on-site land, and should be submitted and approved prior to determination. Suggested conditions are to follow pending information.

Officer Comment: *The Council's Biodiversity Officer initially raised concerns as noted above, however given that the application is in outline with landscaping in particular a reserved matter, they confirmed that it would be acceptable to secure a revised BNG plan by condition, for submission and approval prior to determination of reserved matters.*

*The buildings identified as having bat roost potential lie outside the application site and are not affected by the proposed development. As such, bat emergence surveys from these buildings are not required. A Construction Environmental Management Plan (CEMP) condition will be attached to the decision, which will seek to secure measures that avoid and minimize the impacts of construction on habitats and protected species (including bats).*

KC Tree Officer (Written Comments) – No objection. The retained Category B trees can be incorporated into landscaping and there are no issues with the removal of the Category C or U trees.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

### **Allocation and Policy**

The site is unallocated within the Kirklees Local Plan (adopted 2019).

The following legislation, policy and guidance is considered relevant to the determination of this application: -

#### *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 and Access
- LP22 Parking
- LP24 Design
- LP28 Drainage
- LP30 Biodiversity and Geodiversity
- LP33 Trees
- LP51 Protection and Improvement of Local Air Quality
- LP52 Protection and Improvement of Environmental Quality
- LP53 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 December 2024, 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 5 Delivery a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

## *Supplementary Planning Documents and Guidance*

- Kirklees Highway Design Guide (adopted November 2019)
- Housebuilders Design Guide SPD (adopted June 2021)
- The Biodiversity Net Gain Technical Advice Note

## *Legislation*

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- Section 17 of the Crime and Disorder Act 1998 (as amended)
- The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

## **Assessment**

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area
3. Impact upon residential amenity
4. Impact upon highway safety
5. Impact upon Ecology and Biodiversity
6. Pollution Control
7. Climate Change
8. Other Matters

- 9. Representations
- 10. Conclusion

## **1 – 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 explored.

### Housing Matters

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.

Policy LP7 of the Kirklees Local Plan supports the efficient and effective use of land and buildings including the re-use of previously developed land, underused properties, priority to despoiled, degraded, derelict and contaminated land,

particularly in a sustainable location and if it is not of high environmental value. The policy also seeks to ensure that developments achieve a minimum net density of 35 dwellings per hectare where appropriate, particularly in sustainable locations. Higher densities are encouraged near town centres and public transport hubs, while lower densities will only be excepted where justified, for example to reflect local character, address viability, or meet specific housing needs.

The proposed development would deliver a density of approximately 14.3 dwellings per hectare (dph), which falls below the minimum 35 dph required by Policy LP7 of the Kirklees Local Plan. However, LP7 allows for lower densities where necessary to ensure compatibility with local character, address site constraints, or meet specific housing needs. The site located within an established residential area where existing development is low-density with generous garden spaces, and the proposal respects this prevailing character. Additionally, as a backland site, achieving higher density would risk overdevelopment, compromise residential amenity, and reduce the quality of layout, access and parking arrangements.

In terms of sustainability, the site is reasonably well-connected to local services and public transport options. The nearest bus stops are approximately 0.2 miles away on Reinwood Road, providing hourly to half-hourly services to Huddersfield, Longwood, and Mount, with an additional evening service connecting reasonable public transport accessibility for commuting and daily needs. The site is also within walking distance of key amenities, including Royds Hall, A Shared academy (secondary school) and Luck Lane, A Share academy (primary school) (0.4 mile, an 8-minute walk) and Marsh Local Centre (0.8 miles, an 18 minute walk or 4 minute drive), which provides access to convenience shops and essential services. While not immediately adjacent to a high-frequency public transport route, the location is not isolated and is considered a sustainable location for residential development within an existing built-up area.

On balance, the proposed density is considered acceptable, as it achieves an efficient use of land while, as discussed below, maintains a design that respects local character and provides reasonable access to public transport and local services, in accordance with Policies LP7 and LP24 of the Kirklees Local Plan.

## **2 – Impact on character and appearance of the area**

### *Visual Amenity*

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities.

Paragraphs 134 and 135 of the NPPF set out the requirements for high quality, beautiful and sustainable buildings and places. Paragraph 137 states that planning decisions should ensure developments are sympathetic to local

character while not preventing innovation or change. Paragraph 140 highlights the importance of layout and building form in contributing to a strong sense of place.

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.

Local Plan Policies LP1 and LP2 are also relevant. These policies underpin Policy LP24 and seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 of the Kirklees Local Plan requires all proposals to promote good design by ensuring layout, scale and density and appearance respects the character of surrounding development and landscape. It also expects development to provide adequate outdoor space and be visually attractive. Policy LP59 is also relevant due to the Green Belt context as set out in the principle of development section in this report.

The Kirklees Housebuilder Design Guide SPD sets out 'Principles' and expectations for development to respond positively to topography, existing building lines, and settlement patterns. It also seeks to ensure that new development integrates well with surroundings, with appropriate spacing, layout and massing that reflects local character.

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.

Principle 6 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.

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The application seeks outline planning permission with layout and access under consideration for the construction of three detached dwellings on land to the rear of existing properties on Quarmby Road. The proposal represents a form of backland development, bringing forward housing on land currently used as garden space. The site lies within an established residential area, where the surrounding pattern of development consists of detached and semi-detached dwelling with relatively generous plot sizes and garden depths, contributing to a relatively low-density character.

The proposed layout introduces a small cul-de-sac arrangement comprising three units positioned around a central turning area. The dwellings are orientated to face onto the shared access drive, creating active frontages and providing natural surveillance. The layout reflects the shape and constraints of the site, and the number of units proposed ensures that spacing between buildings remains generous and the overall character of the area is maintained, while integrating with the emerging residential context behind the longstanding dwellings on Quarmby Road. The layout is considered to avoid overdevelopment and respect the grain of development found within the immediate area.

Each dwelling would be served by its own private driveway and garden space, with plot sizes proportionate to those in the surrounding area. The positioning of buildings and driveways allows for soft boundary treatments and planting to be incorporated, which would help soften the visual impact of the development. Although no details pertaining to appearance are presented, the orientation of the dwellings suggests the proposal avoids blank side elevations and would allow for good levels of enclosure and legibility, consistent with the principles of good design.

The sites slightly irregular shape and sloping topography have been taken into account in the proposed layout, with dwellings sitting on a lower portion of the site and maintaining sufficient distance from the existing dwellings to the north as to avoid a cramped appearance. Parking is provided on-plot for each dwelling and is located to the front in a manner that avoids a visually car dominated environment, owed to an area of soft landscaping adjacent.

While access and servicing form part of the overall layout, detailed highways considerations including refuse arrangements, turning provisions, and parking standards are assessed separately under Policy LP21 amongst other relevant policies and guidance, in the Highways section of this report.

Although appearance, scale and landscaping are reserved matters, the submitted layout provides an acceptable foundation for the delivery a well-integrated and visually appropriate form of development. The proposal is considered to make efficient use of land while respecting local character and ensuring a functional and legible arrangement of space. As such, the layout is considered acceptable and compliant with Policies LP1, LP2 and LP24 of the Kirklees Local plan and Principles set out in the Housebuilders Design Guide SPD.

Whilst boundary treatments for the site, finished floor levels of the dwellings and materials of construction are considered necessary details to be provided to ensure an acceptable impact of the development upon visual amenity, given that scale and appearance are reserved matters and the potential for the details to be submitted (or required by condition) at that stage it is not considered necessary for conditions to be in place upon any grant of outline permission.

### **3. Impact on Residential Amenity**

Policy LP24 of the Kirklees Local Plan requires all development to provide a high standard of amenity for future and neighbouring occupiers. This includes appropriate levels of privacy, light, outdoor space and internal living conditions. The policy also seeks to ensure that development retains appropriate distances between buildings to avoid harmful impacts such as overshadowing and loss of privacy to neighbouring properties.

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.

Principles within the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD), where relevant, are referred to in the following consideration of the impact of the development upon residential amenity.

#### Residential Amenity – Future Occupants

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

Although scale and appearance are reserved matters, the submitted Design and Access Statement sets out that the proposed layout demonstrates that the topography promotes 2 storey front and 3 storey rear, 4-bedroom dwellings. While the final floor plans and internal arrangements will be assessed at reserved matters stage, it is considered that there would be sufficient space within each plot to accommodate a four-bedroom dwelling without compromising the functionality or overall quality of the living accommodation. It is considered that the submitted detail demonstrates that three dwellings which can achieve the required space standard could be developed having regard to the layout the subject of this proposal.

Each dwelling would benefit from a private garden amenity space of approximately 90-110sqm, which is considered sufficient and proportionate for four bedroom dwellings. Areas of "neutral grassland for new habitats" are also shown within plot boundaries; however, it is unclear whether these would form part of the private gardens or be managed separately for Biodiversity Net Gain

purposes. In any case, should the areas be excluded, each plot would retain sufficient usable amenity space. The biodiversity value of these areas will be addressed separately under the relevant policy for biodiversity and ecology.

Each Plot would have side elevations largely parallel to one another and benefit from sufficient separation that would allow for privacy, outlook and avoid overshadowing, subject to detailed design of the dwellings. For the reasons set out above, it is therefore considered the proposals would comply with Policy LP24 in this regard.

#### Residential Amenity (Impact on existing occupiers)

The proposed dwellings would lie to the rear of Nos. 41 and 43 Quarmby Road, with neighbouring residential properties No's 35 to 43 to the east, No.37 to the southeast and No's 230 to 254 (evens) Longwood Road to the south.

Given the applicant has outlined within the application the clear potential for 2 storey front and 3 storey rear dwellings, it would be reasonable to assess the proposed dwellings against Principle 6 of the Kirklees Housebuilders Design Guide SPD, which states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking. Whilst scale is a reserved matter, it is likely that two storey dwellings would be proposed as this would be in keeping with the surrounding built form. For two storey houses, his SPD recommends minimum separation distances of:

- 21 metres between facing windows of habitable rooms at the back 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

#### *Nos. 41 and 43 Quarmby Road*

The proposed dwellings would have a front-to-rear elevation relationship with the main dwellings at No.41 and No.43 Quarmby Road. The detached Barn to the rear, which has been subsequently converted to a dwelling, would have a front to side elevation relationship with Plot 1.

While appearance and scale are reserved matters, the proposed dwellings Plot 1, and Plot 2 would retain a separation distance of 43m from these neighbors, while Plot 3 would not be adjacent any of these neighbours. With regards to the converted barn, Plot 1 would retain a minimum separation distance of circa 22m from the side elevation. The respective plots would exceed the minimum separation distances set out in Principle 6 of the Housebuilders Design Guide SPD and subject to detailed design would avoid significant overlooking, overshadowing, or overbearing impacts to neighbours at No.41 and No.43, as well as the barn conversion.

### *No's 37 Quarmby Road*

This property is a two-storey front and three storey rear, single family dwellinghouse, granted permission under reference number (2014/92990). The proposed dwelling at Plot 3 would have a side elevation adjacent the side elevation of this neighbour, however, would maintain a separation distance of circa 15m between. Subject to detailed design in relation to the scale / appearance of the development, it is considered that the proposal would not have a significant impact on the amenity of this neighbour.

### *No's 230 to 254 (evens) Longwood Road*

The rear elevations of the proposed dwellings would face the rear of properties on Longwood Road, which include single-storey bungalows and two-storey blocks of flats. Due to the sloping topography, these neighbouring dwellings are situated at a lower level than the proposed development and mature trees along the boundary offer a degree of visual screening.

A separation distance of circa 32m would be maintained, which exceeds minimum standards. While the proposed dwellings may be up to three storeys in height (to the rear), they are positioned to the north of the Longwood Road properties outside the sun's trajectory. Given the levels and orientation, it is considered that it is unlikely that the proposed dwelling would result in unacceptable levels of overshadowing, significant overlooking, or loss of privacy. The separation distance is sufficient to ensure that residential amenity would be preserved.

### *No's 35 & 39 Quarmby Road and proposed access*

The layout also incorporates a shared access that would pass between No's 41 and side boundary of No's 35 and 39. While this could generate some additional comings and goings, the scale of the development is modest, and any impacts from noise or light associated with vehicle movement would not be so significant that it would be considered harmful to the amenity of these neighbours. Future details, such as boundary treatments and surfacing materials would be secured by condition to minimise these impacts.

### *No's 49 and 51 Quarmby Road*

The rear elevations of these neighbouring properties are positioned at an oblique angle to the side elevation of Plot 1. As such, subject to detailed design at reserved matters stage, it is not considered that the proposal would result in significant overlooking or loss of privacy between habitable rooms. A separation distance of circa 13m would be retained between the nearest corner of Plot 1 and the rear elevations of these neighbours, which is considered to be acceptable in this context so as not to harm the amenity of the dwellings themselves.

It is acknowledged that the proposed dwellings would be located to the south/south-east of these neighbouring properties and therefore fall within the

general sun path. While this could give rise to some overshadowing of the rear garden areas, the topography of the site and area means that the proposed dwellings would be set at a lower ground level. This level difference is considered to mitigate the potential impact, particularly in the event that split level designs are brought forward. Overall, it is not considered that the level of overshadowing to these garden spaces would be so significant as to result in demonstrable harm to the amenity of these neighbouring properties.

While the detailed design, scale and appearance of the dwellings are reserved matters, the submitted layout demonstrates that the development could be accommodated on the site without resulting in significant harm to the amenity of existing neighbouring occupiers. The separation distances, site levels and orientation provide a reasonable basis to ensure that future reserved matters can be designed to avoid unacceptable impacts in terms of privacy, overshadowing or overbearingness. The layout also allows for sufficient private amenity space and achievement of appropriate internal floor areas. Subject to further consideration at reserved matters stage, the proposal is considered to accord with Policy LP24 (b) and (c) of the Kirklees Local plan.

Whilst boundary treatments for the site, finished floor levels of the dwellings and materials of construction (including surfacing materials) are considered necessary details to be provided to ensure an acceptable impact of the development upon residential amenity, given that scale and appearance are reserved matters and the potential for the details to be submitted (or required by condition) at that stage it is not considered necessary for conditions to be in place upon any grant of outline permission.

#### **4. Impact on Highway Safety**

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required based on dwelling size.

## *Access*

Access to the development would be taken between Nos 41 and No.45 Quarmby Road via the existing access in the street frontage. The access is proposed to be widened to 5.2m for a depth of at least 4m, allowing two vehicles to pass at the entrance without obstructing the highway. This arrangement is considered to be sufficient to support safe entry and egress to and from Quarmby Road and prevent vehicle conflict at the access point.

The access would then narrow to a consistent width of 4.2m along the shared private drive, which is acceptable for a development of this scale and would not be required to become adopted. Visibility splays of 2.4m by 43m can be achieved in both directions of the 30mph Quarmby Road, and the existing front wall is to be reduced to 900mm in height to preserve visibility. These measures can be secured by condition to ensure highway safety.

## *Internal Layout and refuse*

The internal layout incorporates a shared turning area sufficient for users of the site and for the safe entry and exit of emergency vehicles. The access road would remain private, and its design is considered acceptable for the modest number of dwellings proposed. Each dwelling would be served with bin storage areas; however, a bin collection point has been sited near the site entrance for ease of collection by refuse services without obstructing the highway.

## *Parking*

Each of the three new dwellings is shown to have two on-plot parking spaces upon private driveways. While the Design and Access Statement refer to dwellings likely to be four bedrooms, scale and appearance remain reserved matters, and the final number of bedrooms has not been confirmed. The Kirklees Highways Design Guide recommends that dwellings with four or more bedrooms should provide three parking spaces. However, as scale and internal layout are not fixed at this stage, the level of provision shown is considered acceptable in principle, subject to consistency with the final number of bedrooms. Should larger dwellings come forward at reserved matters, any parking shortfall would need to be addressed through a revised layout or reduced scale. A visitor parking space is also provided and a total of 4 retained spaces (2 each) for the existing dwellings, which is an appropriate provision for the number of dwellings proposed.

No dedicated cycle parking is currently shown within the layout; however, given the size of the plots and the potential for rear garden access, it is considered feasible for secure cycle storage to be accommodated within each curtilage. Therefore, a condition will be attached to the decision to ensure compliance with national and local planning policy in this respect.

The proposed access, internal layout and parking provision are considered acceptable. The widened access and visibility splays meet the required

standards, and the internal turning area is sufficient for emergency and service vehicles. Two parking spaces per dwelling, along with a visitor space and retained parking space for existing dwellings subject to condition, are considered appropriate at this stage. While cycle parking is not detailed, there is sufficient space for provision within each plot, which is to be secured by condition. The development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, the Kirklees Highways Design Guide SPD and Chapter 9 of the NPPF.

## **5. Biodiversity and Ecology**

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

A Preliminary Ecological Appraisal (PEA) has been submitted, which confirms that parts of the site offer potential for bat roosting, with medium potential identified in one of the existing buildings. The Council's Biodiversity Officer advises that bat emergence surveys will be required, with a minimum of one dusk emergence survey for the most-eastern building and two for the most-western building, undertaken during the optimum season (May -August). Since the buildings with bat roost potential are outside the red line boundary, no development (demolition or alterations) to those buildings is permitted under this outline application, as such, there is no planning justification to require bat emergence surveys in this instance. The development proposed within the red line boundary is not considered likely to give rise to adverse impacts on protected species, subject to construction management measures secured by condition.

In terms of Biodiversity Net Gain, an initial calculation indicates a new loss of habitat on site, with no clear mitigation strategy currently proposed. While some areas of neutral grassland are shown to the south of the site along with other methods of enhancement such as hedgerows and planting; no site management strategy has been provided. The Biodiversity Officer has confirmed that these areas cannot be relied upon to deliver BNG long-term. Notwithstanding the BNG information within application documents, a BNG plan and full metric will be secured by pre-commencement condition. This will

allow for appropriate on-site or off-site measures to be identified at reserved matters stage, when landscaping is brought forward in full.

Additionally, a Construction Environmental Management plan (CEMP) for Biodiversity will be required to avoid ecological harm during construction, including measures for protection zones, timing of works, and any required mitigation for invasive species.

Subject to conditions to secure a BNG Plan, and a CEMP for biodiversity, the development is considered capable of complying with Policy LP30 of the Kirklees local Plan and Chapter 15 of the NPPF.

### Trees

Policy LP33 of the Kirklees Local Plan seeks to ensure that development proposals retain any valuable or important trees where they make a significant contribution to the character and visual amenity of the area.

The Council's Tree Officer was consulted on this application, advising that there are no protected trees on this site and due to the low value of the existing trees they would not warrant protection going forward. Officers note that there are two category B trees on site T7 and T11 and a group G2 the remainder are all cat C or U, if all Cat B trees are retained there would be scope for 3 dwellings while incorporating these into the landscaping design. The removal of Cat C or U trees would be acceptable for removal to facilitate the development, as such Tree Officers raise no objection to the proposal in this respect.

The proposal is therefore concluded to be acceptable, having regard to impact upon trees.

## **6. Pollution Control**

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or result in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediated to ensure that sites are suitable for their intended use.

The site comprises garden land associated with existing residential dwellings in an established residential area, however it falls within a 200m buffer of a historic landfill site. Although the site is not identified on the Council's constraints mapping as potentially contaminated land; the Council's Environmental Health Team have advised that a precautionary approach should still be taken and recommended a Phase 1 Desk Study to assess the sites suitability for residential use and determine whether further site

investigations and mitigation is necessary. This will be secured by a suitably worded pre-commencement condition.

The site is not located within a designated Air Quality Management Area, as such no specific air quality measures are required in this instance. Given the scale of development and location, the proposal is not expected to give rise to significant impacts from air quality.

Subject to conditions, the development is considered acceptable in relation to contaminated land risk and environmental protection and would comply with Policies LP51 and LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

## **7.Climate Change**

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

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

This application seeks outline consent for layout and access only, with all other matters reserved. As such, many detailed sustainability measures such as building fabric, energy efficiency and renewable energy provision will be addressed at the reserved matters stage. However, in line with Climate Change Guidance Note, a Climate Change statement has been submitted in support of the application.

The applicant has confirmed that the proposed dwellings will be designed to meet Building Regulations and include measures to reduce energy demand and accommodate renewable technologies in accordance with SAP and EPC standards. Construction materials will be locally sourced where possible, and hardstanding removed from the site is sought to be reused on driveways, limiting embodied carbon during development. The site is not located within an area of Flood Risk; however it would be expected that drainage matters are dealt with through reserved matters.

Given the scope of the application at this stage, the submitted information and measures are considered acceptable. Specific sustainability matters relating to building design, energy use, surface water management, and biodiversity net gain would be expected to be addressed at the reserved matters stage.

## **8. Other Matters**

### Flood Risk and Surface Water Management

The site is not located within a designated Flood Zone and is not identified as being at risk from surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this case. However, in accordance with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 4 of the NPPF, new development should still incorporate sustainable drainage solutions to ensure that surface water is managed appropriately and does not exacerbate flood risk on or off site. Given the scale of the development is it considered it would be unnecessary of the LPA to require this detail to be submitted as part of this application taking account of the requirement for building regulations approval in relation to the development, and the requirements of building regulations in relation to drainage.

## **9. Representations**

One letter of objection was received, raising the following concerns, which are also addressed as follows:

- The design and appearance of the proposed dwellings
- The impact on property values
- Pressure on local infrastructure and traffic generation
- Loss of privacy and sunlight to neighbouring properties
- The lack of S106 agreement to deliver community benefits
- Further development in an already well-developed area

### *Officer Comments*

The concerns raised regarding the design, layout, access and impact on neighboring amenity have been considered in detail within the relevant sections of this report. The proposal has been assessed against adopted local and national planning policies, as set out below.

It is acknowledged that the objector raises concerns about potential impact on property values; however, this is not a material planning consideration and cannot be taken into account when determining the application.

In regard to the requests for a Section 106 agreement to deliver community benefits, this is not considered necessary or justified in this case. Planning obligations can only be sought where they are considered necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests

are not met in this instance, taking account of the scale of the development insofar as permission for less than 10 dwellings is sought. .

## **10. Conclusion**

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

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

**Recommendation**

**APPROVE**

**Decision Authorisation: Delegated Powers**

**Application Number: 2025/90294**

**Officer Recommendation: APPROVE**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of all the reserved matter(s) shall be made 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, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

3. Development shall not commence until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority: - Landscaping, Scale and Appearance.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The residential development hereby approved shall not exceed a maximum number of three dwellings.

**Reason:** For the avoidance of doubt as to what is authorised by this permission and to ensure that the development conforms to the approved outline planning permission and stays within the assessed level of development.

5. The front boundary wall adjacent to the site access with Quarmby Road shall not be raised above 900mm in height above ground level. The wall shall be retained at or below this height thereafter.

**Reason:** To ensure adequate visibility for vehicles entering and exiting the site, in the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

6. 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 13<sup>th</sup> 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.

7. Prior to the first occupation of any dwelling hereby approved, details of secure and covered cycle parking facilities for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided in full prior to the occupation of the dwelling they serve and shall thereafter be retained for the lifetime of the development.

**Reason:** To promote sustainable travel choices and ensure adequate cycle parking provision in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

8. Prior to the first occupation of any dwelling hereby approved, the two parking spaces annotated "Parking 41" on submitted drawing no.03 titled 'Site Layout and Section as Proposed' shall be laid out in full. These spaces shall be clearly marked or otherwise identified for the sole use of occupants of No.41 Quarmby Road, HD3 4EA, and shall thereafter be retained, kept clear of obstruction, and used solely for the parking of vehicles by the occupants of that property.

**Reason:** To ensure the continued provision of off-street parking for No.41 Quarmby Road, Quarmby, Huddersfield, HD3 4EA, in the interests of residential amenity and highway safety, in accordance with

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework 2024.

9. Prior to the first occupation of any dwelling hereby approved, the two parking spaces annotated "Parking Barn" on submitted drawing no.03 titled 'Site Layout and Section as Proposed' shall be laid out in full. These spaces shall be clearly marked or otherwise identified for the sole use of occupants of the property annotated "existing converted barn" on submitted drawing no.03 titled 'Site Layout and Section as Proposed', and shall thereafter be retained, kept clear of obstruction, and used solely for the parking of vehicles by occupants of that property.

**Reason:** To ensure the continued provision of off-street parking for an established residential use within the wider site, in the interests of residential amenity and highway safety, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework 2024.

10. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- a) Identification of "biodiversity protection zones"
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements) including a pre-works check for invasive non-native species undertaken by a suitably qualified ecologist and any additional measures required to manage and control any invasive species present.
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of biodiversity and in accordance with LP30 of Kirklees Council and NPPF15. To prevent the potential spread of Schedule 9 non-native invasive species in compliance with the Wildlife and Countryside Act 1981 (as amended).

11. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

12. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 11 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

15. Prior to the commencement of development, a Biodiversity Net Gain plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- A completed Biodiversity Metric Calculation (using the most up-to-date version approved by Natural England) demonstrating how a minimum 10% Biodiversity Net Gain will be achieved;
- Details of the habitat types, locations, creation and enhancement measures, and 30-year management and monitoring arrangements;
- Where off-site units or biodiversity credits are proposed, full details and evidence of how these will be secured.

The development shall be carried out in accordance with the approved Plan, and the biodiversity enhancements shall be implemented prior to occupation and maintained for a minimum of 30 years.

**Reason:** To ensure the development delivers measurable biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the NPPF, and the Environment Act 2021.

**NOTE:** The applicant is advised that any works to create or alter a vehicular access to the public highways, including the installation or alteration of dropped kerbs, will require a separate application to the Council as the Local Highways Authority. Approval under the Highways Act 1980 must be obtained prior to any such works commencing.

**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.

**NOTE:** The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mra.gov.uk/)

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan			31/03/2025
Site Plan	NDP/396/SP	-	04/02/2025
Site Layout and Section As Proposed	03	-	04/02/2025
Tree Constraints Plan	2018	Rev 1	04/02/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Amendment to the red line boundary (site location plan) was requested during the course of the application to ensure that all elements of the development proposed for consideration at this stage were fully contained within the application site.

**Report Dated:**

1 <sup>st</sup> April 2025
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