

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

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

Reference No:	<b>2025/70/90846/W</b>
Site Address:	2, Poplar Avenue, Thongsbridge, Holmfirth, HD9 7TL
Description:	Variation of condition 2 (plans) on previous permission 2024/92908 for demolition of existing garage, removal of concrete hardstanding and erection of detached dwelling with associated parking
Recommending Officer:	Danielle Cooper

**DECISION – APPROVE VARIATION OF CONDITION 2**

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

Date: 19-May-2025

## Officer Report

2025/90846

## Site Description

2 Poplar Avenue, Thongsbridge, Holmfirth, HD9 7TL

The application site relates to the land adjacent to the rear of the no. 2 Poplar Avenue which consists of hard standing, a double garage and soft-landscaped areas currently used by No. 2. Boundary treatment consists of fencing.

The site can be accessed off of Woodlands Avenue.

The immediate area is residential in character and consists of bungalows and two storey properties which are constructed from a mix of materials including cladding, render, brick and stone.

Mature trees are located adjacent the application site.

## Description of Proposal

Planning permission is sought for the variation of condition 2 (plans) of previous permission 2024/92908 for demolition of existing garage, removal of concrete hardstanding and erection of detached dwelling with associated parking.

Condition 2 of previous permission 2024/92908 reads as follows:

*“2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.*

**Reason:** *For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP21, LP22, LP24, LP28, LP30 and LP33 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 2, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.”*

The revised plan show 2 off-street car parking spaces for the proposed dwelling only. Off-street parking for No 2 Poplar Avenue is now shown to the front of No. 2 Poplar Avenue. As a result, the boundary wall along the north side elevation has been extended and No. 2 retains further garden space to the rear.

The plans also show the removal of the approved bi-folding doors to the north elevation and the insertion of a high-level window within to the south elevation of the proposed dwelling, which would be obscurely glazed.

## History of negotiations/amendments received

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2024 encourages negotiation/engagement between Local Planning Authorities and agents/applicants.

No negotiations/amendments sought.

## Relevant Planning History

2024/92908 - Demolition of existing garage, removal of concrete hardstanding and erection of detached dwelling with associated parking – Approved 3<sup>rd</sup> Feb 2025.

2025/90419 - Discharge of details reserved by Condition 7. (Phase 1 Desk Study Report) of permission 2024/92908 for Demolition of existing garage, removal of concrete hardstanding and erection of detached dwelling with associated parking – Approved 11<sup>th</sup> March 2025.

## Representations

Final publicity date Expires: 1<sup>st</sup> May 2025.

The application was advertised by site notice. One representation has been received. Their comments have been summarised below:

- The letter received has questioned why they have not been notified of the submitted application.

**Officer comment:** The application was advertised in accordance with the Kirklees Development Management Charter 2024 and a site notice was erected on the 10<sup>th</sup> April 2025, outside of the application site.

- Concern of overlooking impact.

**Officer comment:** Concern of overlooking has been assessed under planning approval: 2024/92908. The proposed high-level window to the south elevation will not overlook any residential properties and therefore raises no concern to the loss of privacy.

- Building work has commenced.

**Officer comment:** The applicant is able to commence groundworks as per planning approval: 2024/92908 and discharge of condition approval: 2025/90419.

Holme Valley Parish Council – Support

## Consultation Responses

KC Highways: The approved details are revised with the previously proposed parking area to the adjacent property omitted given that 2 Poplar Avenue now

has off street parking in place. Given that sufficient off-street parking is retained to 2 Poplar Avenue Highways Development Management have no objection to these proposals.

## **Policy**

The site is not allocated 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
- LP21** Highway and Access
- LP22** Parking
- LP24** Design
- LP26** Renewable and low carbon energy
- LP27** Flood risk
- LP28** Drainage
- LP30** Biodiversity and Geodiversity
- LP32** Landscape
- LP33** Trees
- LP46** Waste disposal

### *National Policies and Guidance*

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance.

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**

### *Supplementary Planning Documents / guidance*

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

### Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

**Policy 1** – Protecting and Enhancing the Landscape Character of Holme Valley.

**Policy 2** – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

**Policy 6** – Building homes for the future

**Policy 13** – Protecting Wildlife and Securing Biodiversity Net Gain.

### *Legislation*

The Town & Country Planning Act 1990 (as amended).  
The Planning and Compulsory Purchase Act 2004.

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
  1. Impact upon the character and appearance of the area
  2. Impact upon residential amenity
  3. Impact upon highway safety
  4. Other matters
  5. Representations
  6. Conclusion

#### **1 – Principle of 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.

The site is not displayed as allocated on the KLP Policies Map. 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.’

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 69 of the NPPF recognises

that: “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

Policy 6 of the Holme Valley Neighbourhood Development Plan sets out the requirement of sets out that developments will be expected to demonstrate that densities make best and efficient use of land.

The principle of a new dwelling has already been established under application 2024/92908 and the applicant would not change the principle which is therefore acceptable in this instance. The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

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

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. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies 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.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’*.

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 13 of the Kirklees Housebuilders Design Guide SPD states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

Policy 1 of the Holme Valley Neighbourhood Development Plan sets out that development proposal should demonstrate how they have been informed by

the key characteristics of the Local Character Assessment (LCA), in this case River Holme Settled Valley Floor (LCA 4). Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

This application is to vary condition 2 (plans) on the previously approved scheme 2024/92908. The proposed changes show a 2 off-street car parking spaces for the proposed dwelling only. Off-street parking for No 2 Poplar Avenue is now shown to the front of No. 2 Poplar Avenue. As a result, the boundary wall along the north side elevation has been extended and No. 2 retains further garden space to the rear. The plans also show the removal of the approved bi-folding doors to the north elevation and the insertion of a high-level window within to the south elevation of the proposed dwelling. All other aspects of the development have been assessed and considered acceptable under 2024/92908. Therefore, officers will now assess the impact of the proposed changes only.

The LPA consider the proposed off-street parking area to be acceptable for the proposed dwelling and at No. 2 Poplar Avenue to be acceptable, raising no visual concern.

The proposed new high-level window is considered visually acceptable and will match those already approved on the proposed dwelling.

The removal of the bi-folding doors to the north elevation raise no concern to the character and appearance of the proposed dwelling.

For these reasons the proposed bungalow and associated parking is considered acceptable and will not adversely affect the character and appearance of wider street scene, preserving the wider visual amenity. The proposal therefore accords with policies LP1, LP2 and LP24 of the Kirklees Local Plan, principles 2 and 13 of the Council's adopted Housebuilders Design Guide, and policies 1 and 2 within the Holme Valley Neighbourhood Development Plan, as well as guidance with the National Planning Policy Framework.

### **3 – 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.”*

Policy 2 of the Holme Valley Neighbourhood Development Plan sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light

pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

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;

This application is to vary condition 2 (plans) on the previously approved scheme 2024/92908.

The plans also show the removal of the approved bi-folding doors to the north elevation and the insertion of a high-level window within to the south elevation of the proposed dwelling. All other aspects of the development have been assessed and considered acceptable under 2024/92908. Therefore, officers will now assess the impact of the proposed changes only.

The proposed obscurely glazed high-level window to the south side elevation will not overlook any residential properties and as such raises no concern to the loss of privacy. It is noted that a clear glazed window in a similar position was previously removed at the time of the original application due to overlooking concerns, however subject to the imposition of a condition (amendment to condition 5) requiring this to be obscurely glazed prior to occupation, no loss of privacy would arise.

No. 2 Poplar Avenue will retain sufficient rear garden amenity space and as such raises no concern.

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.

#### **4 – 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

Guides seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

This application is to vary condition 2 (plans) on the previously approved scheme 2024/92908. The proposed changes show a 2 off-street car parking spaces for the proposed dwelling only. Off-street parking for No 2 Poplar Avenue is now shown to the front of No. 2 Poplar Avenue.

KC Highways have reviewed the revised parking layout and have raised no highway safety concerns. They concluded that the approved details are revised with the previously proposed parking area to the adjacent property omitted given that 2 Poplar Avenue now has off street parking in place. Given that sufficient off-street parking is retained to 2 Poplar Avenue, there are no objections.

It is noted that in order to facilitate this parking provision, the existing access located off of Woodland Avenue will be widened, and a dropped kerb is required, and a section 184 agreement will need to be entered by the applicant.

The proposal therefore complies with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

#### **5 - Other matters:**

Matters relating to ecology, climate change, and trees have been assessed under planning approval: 2024/92908 and as such no further consideration is required.

Land contamination

Information has been submitted for the discharge of details reserved by Condition 7. (Phase 1 Desk Study Report) of permission 2024/92908, under planning application 2025/90419. This application was reviewed by KC Environmental Health and was deemed acceptable and therefore approved on the 11<sup>th</sup> March 2025.

The Environmental health officer concluded the following:

Having reviewed the desk top Phase 1 Desk Study Report by Ashton Bennet, Ref: Report HVE 3607, they recommend the discharge of condition 7. However Environmental Health did note that Radon protection measures are recommended and the applicant should ensure this is carried out and bring to the attention of their building control provider.

As such, condition 7, 8, 9, 10, 11 are no longer required to be conditioned. However the following condition will be attached to ensure that if any unexpected land contamination is encountered during the development, all works shall cease and the LPA will be notified in writing within 2 working days.

Matters relating to climate change, ecology, and trees have been assessed and considered acceptable under 2024/92908. As such no further assessment is required.

## **6 – Representations:**

One letter of representation has been submitted. The comments have been addressed below:

- The letter received has questioned why they have not been notified of the submitted application.

**Officer comment:** The application was advertised in accordance with the Kirklees Development Management Charter 2024 and a site notice was erected on the 10<sup>th</sup> April 2025, outside of the application site.

- Concern of overlooking impact.

**Officer comment:** Concern of overlooking has been assessed under planning approval: 2024/92908. The proposed high-level window to the south elevation will not overlook any residential properties and therefore raises no concern to the loss of privacy.

- Building work has commenced.

**Officer comment:** The applicant is able to commence groundworks as per planning approval: 2024/92908 and discharge of condition approval: 2025/90419.

## **7 – Conditions:**

As this is a S73 (variation of condition) application, a review of all conditions upon the original consent is required to be undertaken. The following conditions were added to the previous permission 2021/90942/:

1. The development hereby permitted shall be begun within three years of ~~the date of this permission~~ 03-Feb-2028.

*This condition is recommended to be amended to align with the date of the original permission.*

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

*This condition shall remain as worded.*

3. The approved dwelling will be constructed with Marshalls Cromwell weathered pitched faced stone and concrete interlocking roof tiles as detailed within the submitted 'Materials Schedule', received 10/10/2024, and thereafter retained as such.

*This condition shall remain as worded.*

4. The approved rear dormer will be constructed from 'horizontal composite cladding – Cladco woodgain' stone grey as detailed within the submitted 'Materials Schedule', received 10/10/2024, and thereafter retained as such. *This condition has been reworded as a materials schedule was accompanied with this application.*

5. The development shall not be occupied until the first floor ensuite, front study and bathroom windows of the hereby approved scheme has been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained. *This condition shall remain as worded.*

6. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on ~~Drawing No. 2460 - 0301 REV P04, received 27/01/2025~~, 2460 - 0301 REV P05, received 27/03/2025 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.

*As the proposed area of hardstanding has been altered, the wording of the above condition shall be reworded.*

7. 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. 189 and 190 of the National Planning Policy Framework

*Information has been submitted for the discharge of details reserved by Condition 7. (Phase 1 Desk Study Report) of permission 2024/92908, under planning application 2025/90419. This application was reviewed by KC Environmental Health and was deemed acceptable and therefore approved on the 11<sup>th</sup> March 2025. This condition is therefore no longer required and will be replaced with a condition which relates to unexpected land contamination as explained.*

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7 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. 189 and 190 of the National Planning Policy Framework.

*Condition no longer required as explained above.*

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**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.

*Condition no longer required as explained above.*

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. 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. 189 and 190 of the National Planning Policy Framework.

*Condition no longer required as explained above.*

11. 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 (that part of) 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. 189 and 190 of the National Planning Policy Framework.

*Condition no longer required as explained above.*

An additional condition requiring the proposed first floor window within the south elevation serving bedroom 2 to be obscurely glazed to a privacy level of

4 or equivalent on the Pilkington Scale is considered to be necessary to prevent overlooking to No.2.

## **7 – Conclusion:**

This application for variation of condition 2 (plans) of previous permission 2024/92908 for demolition of existing garage, removal of concrete hardstanding and erection of detached dwelling with associated parking at 2 Poplar Avenue, Thongsbridge, Holmfirth, HD9 7TL 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 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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and it is, therefore, recommended for approval.

**Recommendation:** Approve.

Decision Authorisation - Delegated Powers

Application Number: 2025/90846

Officer Recommendation: Approve.

## **Conditions and Reasons:**

1. The development hereby permitted shall be begun before 03 February 2028.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP21, LP22, LP24, LP28, LP30 and LP33 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 2, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. The approved dwelling will be constructed with Marshalls Cromwell weathered pitched faced stone and concrete interlocking roof tiles as detailed

within the submitted 'Materials Schedule', received 10/10/2024, and thereafter retained as such.

**Reason:** In the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The approved rear dormer will be constructed from 'horizontal composite cladding – Cladco woodgain' stone grey as detailed within the submitted 'Materials Schedule', received 10/10/2024, and thereafter retained as such.

**Reason:** In the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The development shall not be occupied until the first floor ensuite, front study, window to Bedroom 2 (southern elevation) and bathroom windows of the hereby approved scheme has been obscurely glazed (to a minimum Grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4) shall thereafter be retained.

**Reason:** To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

6. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on Drawing No. 2460 - 0301 REV P05, received 27/03/2025, 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.

7. 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. 196 and 197 of the National Planning Policy Framework.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Highways Asset Management Team at [vehicle.crossing@kirklees.gov.uk](mailto:vehicle.crossing@kirklees.gov.uk) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution

**NOTE:** No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited

**NOTE:** We note that parking is proposed at this development. We would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions

Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

Approval of EVCPs under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

**Plans and specifications schedule:-**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	2460 - 0101	P01	10/10/2024
Proposed site sections	2460 - 0401	P02	27/03/2025
Proposed group plans and elevations	2460 - 0301	P05	27/03/2025
Design and Access Statement	2460		10/10/2024
Materials schedule	2460		10/10/2024

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought.

Report Dated: 15/05/2025