

**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: 2019/62/93278/E

Site Address: adj, 43, Edge Road, Thornhill Edge, Dewsbury, WF12 0QA

Description: Erection of detached dwelling

Recommending Officer: Olivia Roberts

DECISION – CONDITIONAL FULL 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.

Rebecca Drake

AUTHORISED OFFICER

Date: 24-Jan-2020

Officer Report

Site Description

The application relates to an area of undeveloped land adjacent to 43 Edge Road in Thornhill Edge. The land appears to be currently unused, containing areas of dense shrubbery. The topography of the land steps down from the adjacent property to the west due to the natural slope of the surrounding area. There is a bank at the rear of the site which is covered with a range of trees and slopes upwards towards a Public Right of Way footpath which runs along the rear of the site. The area of land to the eastern boundary of the site also falls within the ownership of the applicant.

The site is located at the edge of a predominantly residential area which comprises properties of a range of types, styles and designs. The predominant materials of construction within the street scene are stone, brick and render. The Green Belt extends to the north, east and south of the site.

Description of Proposal

The application seeks planning permission for the erection of a detached dwelling which would be located to the east of no 43 Edge Road. The dwelling would be three storey in nature, with the front elevation forming a gable end which would face onto the highway. A two storey element including a double garage at ground floor level would project from the eastern elevation. The dwelling would have an 'L' shaped footprint measuring 14.50 by 17.00 metres. It would be designed with dual pitch roof forms finished in slate with the external walls faced in stone and render. The three storey element of the dwelling would have an eaves height of 7.00 metres and a ridge height of 10.00 metres. Internally, the proposed dwelling would accommodate four no. bedrooms, kitchen, dining and living rooms and a garage.

Access would be created onto Edge Road with a large driveway and garden area to the front of the property. A garden area would also be located to the rear of the dwelling, which would then slope away towards the adjacent footpath as existing.

This application is an identical submission to a previously approved application 2016/93208 which has not yet been implemented.

History of negotiations/amendments received

Amended elevation plans were sought from the agent to show a hipped roof form to the rear in accordance with the submitted site plan. The redline boundary of the site was also reduced to exclude the area to the north east which forms part of the Green Belt. The agent also confirmed that the rear garden would be as shown on the submitted site plan with the remainder of the land within the redline boundary sloping back to the adjacent footpath as existing.

Due to nature of the proposed amendments to the dwelling and the reduction in size of the submitted redline boundary, it was not considered necessary to advertise the amended plans in this instance.

Relevant Planning History

2016/93208 – Erection of detached dwelling. Conditional Full Permission.

2014/91790 – Erection of one detached dwelling. Withdrawn.

2006/92888 – Erection of detached dwelling with integral garage. Conditional Full Permission.

2006/91760 – Erection of detached dwelling with integral garage. Withdrawn.

2004/95691 – Outline application for erection of detached dwelling and garage. Conditional Outline Permission.

2001/92679 – Outline application for erection of detached dwelling, garage and access. Conditional Outline Permission.

Representations

The application has been advertised by site notice and neighbour letter. Due to the location of the site adjacent to a Public Right of Way, the application has also been advertised in the press. Final publicity expired on the 11th December 2019.

As a result of the above publicity, no representations have been received.

Parish/Town Council comments – not applicable.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- K.C. Ecology – Informal discussion, raised no concerns subject to conditions.
- K.C. Highways Development Management (HDM) – No objections raised subject to conditions.
- K.C. PROW – Raised no concerns to the proposal based on the submitted plans.
- K.C. Trees – Raised no concerns based on the submitted plans.
- The Coal Authority – No objections raised subject to a condition requiring intrusive site investigations to be carried out prior to development.

Policy

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

The site is unallocated on the Kirklees Local Plan.

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 pre-dates 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.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 21 – Highways safety and access

- LP 22 – Parking
- LP 23 – Core walking and cycling networks
- LP 24 – Design
- LP 30 – Biodiversity
- LP 33 – Trees
- LP 51 – Protection and improvement of local air quality
- LP 53 – Contaminated and unstable land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, and 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 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Planning permission is sought for the erection of a detached dwelling which would be located to the east of no 43 Edge Road.

Since the previous approval (which was still extant at the time of submission) on this site, the Kirklees Local Plan has been adopted and as such the proposal should now be considered against the relevant policies within the plan.

When considering development proposals, there is a presumption in favour of sustainable development contained in the NPPF. Policy LP1 of the Kirklees Local Plan is applicable and suggests that proposals that accord with the policies in the KLP (and where relevant, with policies in neighbourhood plans) will be supported subject to other material considerations.

Policy LP24 of the KLP suggests that proposal should promote good design by ensuring (amongst other considerations) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Chapter 12 of the NPPF reiterates that local planning authorities should ensure the issue of 'design' and the way a development will function are fully considered during the assessment of the application.

The proposal is required to accord with policy LP3 of the KLP that requires new development to be situated in a sustainable location that provides access to a range of transport choices and access to local services.

The site is unallocated on the Kirklees Local Plan adjacent to an existing dwelling and on the edge of an existing built up area and close to local amenities. As such, the site is considered suitable for the proposed residential development, provided that there are no undue detrimental impact on visual and residential amenity and highway safety.

Providing that other relevant issues, as raised in the policies above, are considered or can be made acceptable, the principle of development is considered acceptable.

2 – Impact on visual amenity:

The scale of the building is considered acceptable for one detached dwelling with the provision of adequate amenity space and off-street parking. As such, it is not considered that the proposal would amount to an overdevelopment of the site. It is considered that the contemporary design of the dwelling would be acceptable in this location given the variation in the design of the properties within the street scene. The dwelling would be set back from the access road in line with the neighbouring properties and would be designed with a gable end facing onto the highway which would correspond with existing dwellings in the area. It is considered that the use of local stone and a

complimentary render would harmonise with the materials of construction of the properties within the street scene. The use of dry stone walling to the boundary would further enhance the appearance of the development.

The land within the blue line boundary on the site location plan falls within the Green Belt. As such, any use of this land for domestic purposes is unlikely to be supported. The site plan submitted as part of the application shows a physical boundary between the curtilage of the new dwelling and the adjacent land. The application has been assessed on the basis that the land within the blue line boundary would not be used in connection with the new dwelling.

With the inclusion of appropriate conditions, the proposal are considered acceptable from a visual amenity perspective and would accord with the aims of policies LP24 of the Kirklees Local Plan as well as the aims of the NPPF.

3 – Impact on residential amenity:

The application site is located to the edge of an area of existing residential dwellings with the nearest properties being 43 and 94 Edge Road.

Impact on 43 Edge Road

43 Edge Road is a detached two storey dwelling which is located to the west of the application site. It is sited at an elevation position with an integral garage below. The proposed dwelling would be set in from the boundary shared with the property by 1.40 metres with the main three storey structure located to the east of the site away from the property. Due to the topography of the surrounding area, the ridge height of the proposed dwelling would not exceed that of the neighbouring property. It is therefore not considered that the dwelling would have a significant overbearing impact. The block plan indicates that the proposed garage would be located behind the conservatory and dormer window at the property, with a driveway extending to the front, along the shared boundary. Whilst the dwelling may result in a degree of overshadowing, given the layout of the dwelling and its location due east of the property, it is not considered that this would be significantly detrimental to residential amenity. Openings on the western elevation facing 43 Edge Road serve a hallway at ground floor level and a landing/gallery at first floor level. As such, it is not considered that the proposal would result in harmful overlooking into the property which benefits from habitable room openings on the eastern elevation. Given the elevated position of 43 Edge Road, it is not considered that future openings in this elevation at ground floor level would result in harmful overlooking.

Impact on 94 Edge Road

94 Edge Road is located to the south of the application site. The proposed dwelling would sit in line with the amenity space associated with the property, which due to the topography of the surrounding area, is set at a lower level. Taking this into consideration, along with the distance that would be retained between the two dwellings, it is not considered that the proposal would have a significant impact on the residential amenity of the occupiers of the property.

It is considered that sufficient distance would be retained between the proposed dwelling and the properties located to the north of the site to prevent the development from having a significant impact on residential amenity.

In all, the proposal is therefore considered to maintain an acceptable level of residential amenity, and as such, would accord with policy LP24 of the Kirklees Local Plan and paragraph 127 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

Vehicle access would be created from the application site onto Edge Road as part of the development. A large driveway which is considered sufficient to provide two parking spaces would lead to the double integral garage, which would accommodate a further two parking spaces at the site. K.C. Highways Development Management (HDM) have been consulted and consider there to be sufficient parking provision for the property. As such, they have raised no objections to the proposal subject to conditions relating to visibility and the surfacing of the proposed driveway.

Subject to the above conditions, the proposed development is considered to comply with the aims of policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters:

PROW

Public Right of Way footpath DEW/39/10 runs across the rear of the site. The Public Right of Way officer reviewed the submitted plans during the course of the application. No concern was raised to the proposal however, a footnote has been recommended regarding obstruction of the footpath. The proposal is therefore considered to comply with Policy LP23 of the KLP.

Ecology

The site is located within a bat alert layer and currently comprises an area of undeveloped land covered with dense shrubbery and vegetation. The Ecology officer was consulted during the course of the application and has raised no concerns subject to conditions requiring the provision of an Ecological Design Strategy and the removal of hedgerow and shrubs. Subject to conditions, protected species issues are addressed in accordance with policy LP30 of the KLP and Chapter 15 of the NPPF.

Coal Mining Legacy

The Coal Authority have reviewed the proposal and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth.

The planning application is supported by a Coal Mining Risk Assessment prepared by Haigh Huddleston & Associates. This report has been informed by an appropriate range of sources of information including; historic maps, geological maps, borehole data and a Coal Mining Report.

Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment concludes that there is potential risk to the development from past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. The findings of the intrusive site investigations should inform any remedial measures which may be required.

As such, conditions relating to the above are recommended in order to ensure that the proposal complies with the aims of Policy LP53 of the KLP and Chapter 15 of the NPPF.

Trees

There are a number of trees located along the banking to the rear of the site. The applicant's agent has confirmed that rear garden to the property would be as shown on the submitted site plan with the banking retained. The Trees officer has informally viewed the submitted plans and have raised no

concerns to the proposal. As such, the proposal is considered to have an acceptable impact on trees and is compliant with the aims of Policy LP33 of the KLP.

Carbon Budget

The proposal relates to a minor development for the erection of a single dwelling. In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of an electric car charging point is recommended. This would be in accordance with the aims of Policies LP24 and LP51 of the KLP and Chapter 9 of the NPPF.

Conditions

Relevant conditions are referred to in the main body of this report. Some conditions would be pre-commencement and as such, agreement has been sought from applicant's agent prior to issuing the decision.

6 – Representations:

No representations have been received during the course of the application.

7 – Conclusion:

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

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

Recommendation: **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2019/93278

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. Samples of all external walling and roofing materials to be used in the construction of development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwelling. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

4. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwelling hereby approved, full details of all boundary treatments, including a continuous stone wall, as indicated on the submitted plans, along the east side boundary of the application site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: In the interests of visual amenity and to ensure that the curtilage of the new dwelling does not encroach into the adjacent land within the blue line boundary which falls within the Green Belt and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 and 13 of the National Planning Policy Framework.

5. Nothing shall be permitted to be planted or erected within a strip of land 2.00 deep measured from the carriageway edge of Edge Road along the full frontage of the site which exceeds 1.00 metre in height above the level of the adjoining highway.

Reason: To ensure adequate visibility in the interests of highway safety and in accordance with policies LP21 and LP24 of the Kirklees Local Plan.

6. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

Reason: In the interests of amenity and traffic safety and to ensure adequate space within the site for vehicle parking and in accordance with Policies LP21, LP22 and LP28 of the Kirklees Local Plan and Government policy in the National Planning Policy Framework.

7. The land within the blue line boundary on the site location plan shall at no time be used for domestic purposes.

Reason: For the avoidance of doubt as to what is being permitted, to prevent any adverse impacts on the openness of the Green Belt, and to accord with the aims of Chapter 13 of the National Planning Policy Framework.

8. An electric vehicle recharging point shall be installed within the dedicated parking area of the approved dwelling before it is first occupied. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging point so provided shall be retained.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with policies LP24 and LP51 of the Kirklees Local Plan and the sustainability principles of the National Planning Policy Framework.

9. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from coal mining features and hazards in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, development shall not commence until a Remediation Strategy 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 identify and remove unacceptable risks to human health and the environment from coal mining features and hazards in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. 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 works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, 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 identify and remove unacceptable risks to human health and the environment from coal mining features and hazards in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from coal mining features and hazards in accordance with Policy LP53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it could affect the method of construction of the dwelling.

13. The ridgeline of the dwelling hereby permitted shall be no higher in relation to the adjacent property (43 Edge Road) than as shown on drawing number 106C.

Reason: For the avoidance of doubt as to what is being permitted, and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

14. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. **Reason:** to prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with policy LP30 and the requirements of section 15 of the National Planning Policy Framework.

15. No development shall take place until an ecological design strategy (EDS) addressing enhancement has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a. Purpose and conservation objectives for the proposed works.
- a. Review of site potential and constraints.
- b. Detailed design(s) and/or working method(s) to achieve stated objectives.
- c. Extent and location/area of proposed works on appropriate scale maps and plans.
- d. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- f. Persons responsible for implementing the works.
- g. Details of initial aftercare and long-term maintenance.
- h. Details for monitoring and remedial measures.
- i. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: to ensure a scheme has an acceptable impact on biodiversity in line with policy LP 30 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council's Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Public footpath DEW/39/10 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's Public Rights of Way unit may be contacted by telephone on 01484 221000 and ask for Sharon Huddleston. Public rights of

way is based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan (as amended)	0001_TH_0_100		23/01/2020
Proposed Site Plan	101	C	25/10/2019
Ground & First Floor Layout	102	C	25/10/2019
Second Floor & Roof Layout	103	B	25/10/2019
Proposed Elevations	104	C	23/12/2019
Proposed Roadside Elevations	106	C	25/10/2019
Coal Mining Risk Assessment prepared by Haigh Huddleston and Associates dated 21 st July 2014	E14/6166/MD/001		25/10/2019

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.

Amended plans were sought and received from the agent during the course of the application to address officer concerns relating to the proposal.

Report Dated: 24/01/2020

