

**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: 2020/60/90367/E

Site Address: adj, 111, Marsh Lane, Shepley, Huddersfield, HD8 8AS

Description: Outline application for part demoltion of existing building and erection of detached dwelling

Recommending Officer: Katie Wilson

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.

Paul Dowd

AUTHORISED OFFICER

Date: 30-Sep-2020

Officer Report – 2020/90367

Site Description

The site comprises a relatively large rectangular area of land currently maintained as garden to the rear of 111 Marsh Lane, Shepley. It has border planting and several mature trees to two sides of the perimeter and expanse of lawn in the centre. There is also access to this area via a single-width track from Marsh Lane.

111 Marsh Lane is a two-storey semi-detached house dating from the early part of the late 19th Century. It is within a row of houses that line the southern side of Marsh Lane. It has driveway to the side and largely paved area immediately at the back, which opens onto the larger garden space that is the application site.

The application site also contains a large detached outbuilding, built in red brickwork, appearing to date from the Victorian era to early 20th century. It has a rectangular footprint approximately 20m long x 6m deep. It is partly two-storeys high and overlaps the boundary between the rear garden of 111 Marsh Lane and the application site.

The whole site is relatively level and to the east is a small residential cul-de-sac of more recent housing, whilst to the west is land with outline planning permission for two houses. To the south are open fields.

Description of Proposal

Outline planning permission is sought for erection of one house. The details to be considered at this stage are access and layout, whilst scale, appearance and landscaping are reserved matters.

Access:

Access taken from Marsh Lane is via a single-width track with parking and a turning area for two cars to the front and, potentially, an integral double garage.

111 Marsh Lane would retain its existing driveway and access to Marsh Lane. It would also retain and utilise an existing garage.

Layout:

The site is a roughly rectangular-shaped plot, measuring 39.5m x 28m, with an existing single-width access track at the northern corner linking to Marsh Lane. The vehicular turning and parking area would be to the north-eastern side of the building, and bins would be stored adjacent to the north-western boundary.

There would be new gate between the application site and the garden at 111 Marsh Lane for emergency services and a 'dry-riser' installation from the highway to the proposal site, via the driveway at 111 Marsh Lane.

The building footprint would be roughly T-shaped, which could be sub-divided into three rectangles. The largest is in the middle (approximately 12m x 9m). This is flanked by the medium section (approximately 7m x 6.5m) to the north-west and the smallest (3.5m x 6.5m) to the south-eastern side.

The combined proposed footprint is slightly off-centre towards the south-western side and would be replacing some of the footprint of the existing building.

It would retain minimum distances to the boundaries of approximately 17.0m to the north-eastern boundary; 4.5m to the north-western boundary; 5.0m to south-eastern boundary and 10.5m to south-western boundary

History of negotiations/amendments received

Negotiations took place to retain more of the existing building and its features and lessen the impact upon the character of the area. This is shown on dwg no 19084D-02-P05.

Relevant Planning History

2019/20322 – pre-application for erection of dwelling.

Neighbouring property 115, Marsh Lane:

05/92605 – erection of single storey extension. Granted conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2005%2F92605>

Neighbouring land to the east:

07/93232 – Outline application part demolition of existing bungalow and outline application for erection of 2 detached dwellings with integral garages. Granted (access and layout).

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2007%2F93232>

08/91215 – reserved matters application for erection of 2 no detached dwellings. Granted.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2008%2F91215>

09/90936 – erection of one dwelling (modified house type). Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2009%2F90936>

Neighbouring land to the west:

99/91477 – erection of 4no detached houses with garages. Conditional full permission

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=99%2F91477>

00/93239 – Outline application for erection of 2 dwellings. Refused.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2000%2F93239>

02/90734 – erection of 1no 5 bedroomed detached house with integral garage. Conditional full permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2002%2F90734>

2017/90272 – Outline planning permission for two dwellings. Granted conditional outline permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2F90272>

2017/94299 – outline application for erection of 3 detached dwellings. Conditional outline permission.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2F94299>

Representations

The final publicity date expired: 19th March 2020. Five representations were received.

A summary of the comments received is set out below:

- Overlooking impact
- Adverse impact on buildings adjoining the existing building to be demolished.
- Overshadowing impact
- Loss of view
- Land may overlap adjacent boundary.
- Access for emergency vehicles through 111, Marsh Lane may be dangerous.
- No bin collection point
- Distance of 16m from rear windows to proposed windows would not be acceptable.
- Amenity space for 111, Marsh Lane unacceptable for future occupants.
- Access points too narrow for emergency vehicles.
- Existing building is of historic importance and does not merit being destroyed.
- Shepley needs affordable houses not large family homes.
- It will add to existing drainage problems

- It will spoil character of the area
- Visibility splay crosses third party land where PD rights would allow walls to 1.0m high and vegetation, which may affect safe access at this point.

Kirkburton Parish Council comments – Objects on highways grounds, narrow land, poor sight lines, inadequate access for emergency vehicles.

Cllr John Taylor – expressed reservations about access to the property and potential alterations to the existing outbuildings to the property.

Consultation Responses

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

- K C Highways Development Management
No objections subject to conditions
- K C Environmental Health:
No objections subject to electric vehicle charging points
- K C Trees section:
No objections
- K C Conservation & Design: No objection subject to retaining entire two storey building and steps at north west end.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** – Design
- **LP 27** – Flood risk
- **LP 28** – Drainage

- **LP 30** – Biodiversity and geodiversity
- **LP 33** – Trees
- **LP 35** – Historic environment
- **LP 51** – Protection and improvement of local air quality
- **LP 52** – Protection and improvement of environmental quality (including pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution to soil.

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, 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 1 – presumption in favour of sustainable development
- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conservation and enhancement of the natural environment
- Chapter 16 – Conservation and enhancement of the historic environment

Assessment

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.

- Land allocation

The site is without notation on the KLP Policies Map. 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 site is within the Kirklees Rural Sub-area. The listed qualities will be considered where relevant later in this assessment.

- Residential development

In the recently adopted Local Plan the Council has demonstrated 5.32 years supply of deliverable housing capacity (including a 20% buffer). As the Local Plan was adopted within the last five years, the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).

Recent amendments to National Planning Practice Guidance have revised the Housing Delivery Test measurement for local planning authorities and a technical note on the process used in its calculation. Results for 2018 (published 19th February 2019) show that housing delivery in Kirklees over the period 2015-2018 was 75% of the number of homes required by the test. This means that the Council must produce an Action Plan within six months of the test results being published and continue to apply a 20% buffer to the five-year housing land supply requirements. In summary, the Council can currently demonstrate a 5-year supply of deliverable housing sites, with an appropriate buffer.

Notwithstanding the above, windfall sites contribute to housing delivery and there is no objection to the redevelopment of this site for housing in principle. The Local Plan and NPPF both include policies for the efficient and effective use of land. The scale of the land is considered commensurate to one dwelling. Accordingly, the principle of development is considered acceptable.

2 –Impact on visual amenity:

Chapter 12 of the NPPF states that decisions should ensure that, amongst other things, developments are sympathetic to local character, including the surrounding built environment (para.127). Policy LP24 of the KLP expands on this further, setting out that good design should be at the core of all proposals in the district and in point a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;

The application seeks outline permission for a detached house with layout (and access detailed in section 4 below) only being considered at this stage.

A block / layout plan (dwg ref: 19084D-02-P05) has been submitted with the application. It shows the site is in an established residential area and so the

form of development is considered to respect the prevailing residential character of the area. The footprint of the building within the site is also considered comparable to the size of several other houses on neighbouring land to the north east at 103a, 105a, & 105b, Marsh Lane, that form a small residential cul-de-sac off Marsh Lane.

It is also noted that, whilst the plot size is slightly larger than these neighbouring properties there are numerous other individual residential properties lining Marsh Lane, that have similarly proportioned gardens to that at the application site and so, in this instance, it is considered that the size of the plot and the footprint of the proposed house respect and enhance the character of the area.

Although scale, appearance and landscaping are reserved matters, it is considered that it would be possible to build a detached house on the footprint submitted which could reflect the scale of other detached houses nearby, which are a variety of single or two-storeys high or a combination of both. There is also a mixture of external materials used in the construction of other houses in the area, including natural stone, red and brown brickwork, zinc and brown cladding, and render. Roofs are also predominantly dual-pitched and surfaced in stone or grey / blue slates, or red and brown tiles. Within this context, it is thought that it would be possible to construct a house using matching or harmonising materials and roof design. There may also be an opportunity to recycle some of the brickwork from the demolished part of the building.

The proposal would also retain a significant part of the existing building and, as such, this would respect the character of the area. Details of this are discussed below in section 5.

Accordingly, it is considered that the proposal complies with chapter 12 of the NPPF and policy LP24 of the KLP.

3 – Impact on residential amenity:

Policy LP24 of the KLP goes on to say in point b. that proposals should promote good design by ensuring that (amongst other things) they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

In this instance, the application site has existing neighbouring properties to the north-east and north-west, and to the south-west is land that has extant outline planning permission for housing. The impact upon the occupants of these neighbouring properties is discussed below:

105b Marsh Lane,

This is a relatively recently built largely two-storey detached house to the north-east. Its facing side elevation is predominantly blank, apart from three

small windows and a door at ground floor level, with three small windows at first-floor level.

The layout and footprint of the proposed house shown on dwg number 19084D-02-P05 leaves a gap of at least approximately 21.5m between the nearest facing elevations. Whilst scale and appearance are reserved matters, given this separation distance it is considered that there would be very limited impact upon residential amenities of the occupants of either dwelling.

109 Marsh Lane,

This is a two-storey semi-detached house, and its rear elevation faces on to the application site. It is also attached to the eastern side of the house at the application site (within the blue line boundary).

However, the submitted layout drawing shows that there would be a distance of around at least 23.0m between the nearest part of each building and, given this gap, it is considered that there would be no significant overbearing, overshadowing or overlooking impacts.

115 Marsh Lane,

This is a two-storey semi-detached house to the north-west. Its rear elevation also faces onto the application site.

Here again, the submitted layout drawing indicates that there would be a separation distance of at least 18.5m between the rear of this house and the nearest part of proposed dwelling and, at that point, there would be no significant potential for direct overlooking. In this instance, much of the proposed house would be screened by the existing two-storey outbuilding that is to be retained.

As such, it is considered that the impact upon the residential amenities of the occupants of this neighbouring property would be very limited.

117 Marsh Lane,

This is a two-storey semi-detached house attached to the western side of 115 Marsh Lane and its rear elevation faces onto the back garden at the application site.

It is slightly further away, with a separation distance, at its closest point, of approximately 19.5m. The impact upon the residential amenities of the occupants of this property would be very similar to those at 115 Marsh Lane

Land to the south-west of the site

Open land to the south-west of the application site is subject to extant outline planning approval 2017/90272, for the erection of a residential development (two dwellings) with only access considered at outline stage. The site area is

roughly rectangular and approximately 71m x 26m in area. Although layout, scale, and appearance are reserved matters, it is considered that it would be possible to build two houses on this site without prejudicing the residential amenities of a potential house at the application site.

Furthermore, the submitted layout plan indicates that there would be a distance of at least 10.5m between the south-west facing elevation of the proposed house and the mutual boundary with this neighbouring undeveloped land. This separation distance is considered acceptable in terms of residential amenity.

Land to the south-east of the application site

There are open fields beyond the south-eastern boundary of the application site, which are on land that is allocated Green Belt on the KLP.

The submitted layout drawing indicates that there could be a distance of 5.2m from the nearest part of the footprint to this boundary. Given this distance and the policy restrictions on development within the Green Belt, it is considered that there would be very limited impact upon this land.

To conclude, there is potential for a house on the proposed layout and footprint, which could provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. This is compliant with policy LP24 of the KLP.

4 – Impact on highway safety:

The application site is accessed from Marsh Lane, via a single-track lane and the proposed layout indicates that part of the footprint would be for an integral double garage with a parking area in front, along with a turning area, which would allow vehicles to enter and leave the site in a forward gear.

The amended plan (dwg no 19084D-02-P05) indicates that the existing house at 111 Marsh Lane would retain its own access and utilise part of the two-storey outbuilding as a garage, with further parking and a turning area in the rear garden.

Concerns have been raised in representations and from Cllr John Taylor and Kirkburton Parish Council regarding visibility splays and access for emergency vehicles. These are addressed by the consultation response from the Council's Highways development management officers. They commented that the submitted plans show a bin collection point adjacent to the public highway, and a dry riser arrangement being installed to allow adequate facilities for the fire service. They note that, whilst not being considered at this stage, there should be a clear route from the bin storage point to the collection point. This would be shown on a landscaping plan.

They go on to say that a double garage is shown with parking and turning to the front, and that a reserved matters application should demonstrate off-

street parking in line with the recommendations in Kirklees Design Guide SPD. Although gates are not shown, should they wish to install them, these should be set back 6.0m from the carriageway of Marsh Lane.

They also note that visibility splays of 2.4m x 43m have been dimensioned on the submitted drawing and that this is commensurate with the 30mph speed limit on Marsh Lane.

They finish saying that although a number of elements will require further clarification at reserved matters stage, this scheme is acceptable from a highways perspective for the points being considered, subject to a condition relating to surfacing and draining parking areas in accordance with government guidance on permeable surfaces, any gates being set back from the edge of a carriageway a certain distance, and method of storage / access for waste.

As such the proposal is acceptable in terms of policies LP21, LP22 and LP24 of the KLP.

5 – Other matters:

Impact upon historic interest and character of the area

The proposal includes demolishing part of the existing building on the site. This building is not a listed building, nor is it within a conservation area.

It has a rectangular footprint which straddles the north-western boundary of the site and, from historic maps on the Kirklees mapping system database, it appears that much of the two-storey element may date from the mid to late Victorian era, with remaining elements from later Edwardian era.

It is a combination of single and two-storeys high, with an external flight of steps to one side of the older section. The external walls are red brickwork and it has dual-pitched roofs, and a mono-pitched roof, all surfaced in grey / blue tiles.

Issues raised in representations, and from Cllr John Taylor, refer to the proposal having an adverse impact upon this building's historic interest as a higglers workshop used by local tailors.

The Council's conservation and design officers have been informally consulted and have addressed these concerns. They commented that the building could be considered a non-designated heritage asset and that it contributes to the character of the village.

Chapter 16 (para 197) of the NPPF requires the LPA to take into account the effect of an application on the significance of a non-designated heritage asset, necessitating a balanced judgement between the scale of any harm and the significance of the heritage asset. LP35 of the KLP reflects this approach.

Conservation and design officers go on to welcome retention of a section of this historic brick building, due to its apparent local historic interest and its interest as a late 19th century vernacular building. They would prefer the entire two-storey building and external steps to be retained, with the later single-storey extension to the south-east demolished.

In this instance, the proposal would have a direct impact upon the existing building. However, after negotiations, the scale of the harm has been greatly reduced by keeping the entire two-storey element and external staircase. This retains a significant amount of its historical and vernacular interest and the contribution it makes to the character of the village.

Furthermore, whilst scale and appearance are reserved matters, it is considered that it would be possible for the external materials of the proposed dwelling to reflect the building materials in the surrounding area, include the existing outbuilding, possibly by recycling some bricks. It is also recommended that details for making good the lower part of the two-storey gable-end on the south-eastern elevation, if necessary, should be agreed at reserved matters stage and that this can be secured by condition.

As such, the proposal is considered compliant with policy LP35 of the KLP and chapter 16 of the NPPF.

Carbon Budget

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.

The proposed dwelling would be located within a sustainable location within an existing built up area of Shepley, where there is good access to local amenities and public transport. The proposed building would also be constructed to modern building standards helping to ensure that it is energy efficient.

Trees

There are several established trees along the north and south eastern boundary of the site.

Policy LP33 of the KLP requires proposals to retain any valuable or important trees where they contribute to public amenity, the distinctiveness of a specific

location or contribute to the environment.

In this instance, the Council's arboriculturalists have been consulted and commented that there are no protected trees affected by this proposal and none that meet the criteria for a new order to be served. On that basis, there are no objections.

Given the above, it is considered that the aims of policy LP33 are satisfied.

Drainage

The site is not within an area which is known to be at risk from flooding.

The application form states that foul sewage will be disposed of via the mains sewer and the line of a new foul drainage pipe, to connect to the existing system, is shown on the submitted drawing. The application form also states that surface water would be disposed of using a sustainable drainage system and soakaway. However, there are no further details of a drainage system for the site.

As such, a condition will be imposed requiring a full drainage scheme for the site to be submitted, which will require surface water disposal to be investigated in accordance with the hierarchy of drainage.

This is considered appropriate to meet the requirements of policy LP28 of the KLP.

Land stability:

The site is some distance from areas where there is reported contamination and is in a Coal mining development low-risk area. Environmental Health officers have recommended the use of a condition relating to reporting unexpected contamination, should a subsequent planning application be acceptable and, in this instance, a Coal Mining Risk Assessment would not be required.

This would be in keeping with chapter 15 of the NPPF and policy LP53 of the Kirklees Local Plan.

Air quality:

The application has been assessed by the Council's Environmental Health officers, who comment that an application of this nature is expected to provide facilities for charging electric vehicles and other ultra-low emission vehicles. Therefore, a condition requiring charging points is necessary. Subject to this, the proposal would meet the requirements of policies LP24 and LP51 of the KLP and the aims of the NPPF.

Ecological issues

The site is outside a bat alert area and not under any other special ecological designation. However, it contains a relatively old detached building which would be partly demolished to enable development to take place. This may provide bat-roost opportunities.

As such, the Council's Ecologist for the associated pre-application, suggested that a preliminary bat survey should be undertaken prior to demolition taking place. Provided that a condition to this effect is applied, together with ecological enhancements such as bat roosting and bird nesting opportunities, the proposal would accord with policy LP24 (h) of the KLP and the aims of chapter 15 of the NPPF.

Procedural matter

During consideration of the application, negotiations took place to alter the footprint of the proposed dwelling and retain the two-storey element of the existing outbuilding. This involved slightly altering the red and blue line boundary along the north-western edge of the application site, so that the footprint of the two-storey element was removed from the red line, but was retained within the ownership of the applicant, encompassed by the blue line boundary. As such, it is considered that this would not be prejudicial to any other parties and would not require further advertisement.

6 – Representations:

Five representations were received.

A summary of the comments received is set out below:

- Overlooking impact

Response: Scale and appearance are reserved matters. However, consideration of the potential overlooking impact of a dwelling on the submitted footprint, upon all nearby housing has been addressed in section 3 above and is considered acceptable.

- Adverse impact on buildings adjoining the existing building to be demolished.

Response: The two-storey element is to be retained and there are no building adjoining the single-storey elements that are to be demolished and, as such, there would be no adverse impact.

- Overshadowing impact

Response: details of scale are a reserved matter. However, the footprint of the proposed dwelling is a significant distance from neighbouring buildings and this has been assessed in detail in section 3 above and is considered to be acceptable.

- Loss of view

Response: Unfortunately, there are no rights to a view and this is not a material planning consideration.

- Land may overlap adjacent boundary.

Response: This would be a civil matter. As a precaution a footnote is recommended relating to private legal rights.

- Access for emergency vehicles through 111, Marsh Lane may be dangerous.

Response: The application has been assessed by the Council's highway design engineers and found to be acceptable. Access by emergency vehicles has also been considered and found to be acceptable.

- No bin collection point

Response: A bin collection point is shown on the submitted layout drawing and has been assessed by the Council's highway engineers and is considered acceptable subject to condition.

- Distance of 16m from rear windows to proposed windows would not be acceptable.

Response: The submitted plans indicate the proposed dwelling would be more than 16m from any facing elevation. A full assessment of the impact of the proposal on residential amenities of the neighbouring properties is given in section 3 above and considered to be acceptable.

- Amenity space for 111 Marsh Lane unacceptable for future occupants.

Response: The proposed amenity space associated with 111 Marsh Lane is similar, if not slightly larger than those of other semi-detached houses in the area and, as such, it is considered that this is in-keeping with the existing pattern of development and would provide acceptable outdoor amenity space for the occupants of 111 Marsh Lane.

- Access points too narrow for emergency vehicles.

Response: The application has been assessed by the council's highways engineers, who note that a dry riser arrangement would be installed to allow adequate facilities for the fire service, and this is acceptable from a highway perspective.

- Existing building is of historic importance and does not merit being destroyed.

Response: The impact of the proposed development upon the existing building has been assessed in section 5 above and found to be acceptable, with the retention of the two-storey element.

- Shepley needs affordable houses not large family homes.

Response: This is noted. However, the scale of the site and proposal does not meet the threshold for consideration of affordable housing.

- It will add to existing drainage problems

Response: the proposed drainage arrangements have been assessed in section 5 above and are found to be acceptable, subject to conditions.

- It will spoil character of the area.

Response: Details of scale, appearance and landscaping are reserved matters. However, it is considered that it would be possible to erect a building on the site which is in-keeping with character of the surrounding area.

Furthermore, a substantial proportion of the existing building (its two-storey element) is to be retained, including exterior steps. It is considered that the scale of the harm to this building and the surrounding area has been reduced significantly by retaining the two-storey element and its contribution to the character of the village.

- Visibility splay crosses third party land where PD rights would allow walls to 1.0m high and vegetation, which may affect safe access at this point.

Response: Access details from Marsh Lane, shown on the submitted plan, have been assessed and considered by the Council's Highways officers and found to be acceptable.

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 – Outline approval be granted

Decision Authorisation - Delegated Powers

Application Number: 2020/90367

Officer Recommendation: Conditional outline approval

Conditions and Reasons

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

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the scale, appearance and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

5. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP27, LP28, LP30, LP33, LP35, LP51 & LP52 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

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 Agencies (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to comply with policy LP21 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back a minimum of 6.0m from the carriageway edge of Marsh Lane and shall be hung as to only open inwards. So long as such gates or barriers are in position they shall be retained to only open inwards.

Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the highway, in accordance with policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: To incorporate adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste, meeting the requirements of policy LP24 part d(vi) and the aims of the National Planning Policy Framework.

9. A scheme detailing foul, surface water and land drainage (designed in accordance with the Hierarchy of Drainage) shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwellings hereby approved. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway that is an effective means of drainage of surface water on the site. The dwellings shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

10. Prior to occupation of the dwelling an electric vehicle recharging point shall be installed to serve the dwelling. The cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicles charging point shall be thereafter be retained.

Reason: To accord with the aims of Policy LP24 and LP51 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and the aims of the West Yorkshire Low Emissions Strategy.

11. In the event that contamination not previously identified by the developer prior to the granting of this planning permission is encountered during the

development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy 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. Therefore, 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 Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation 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. 178 and 179 of the National Planning Policy Framework.

12. Before demolition works begin a preliminary bat survey should be undertaken and report submitted to the local planning authority for approval. Any subsequent surveys or measures shall be implemented in accordance with the approved scheme of works.

Reason: In the interests of protecting endangered species in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

13. The details submitted in respect of scale and appearance pursuant to conditions 1 and 2, shall include details of bat roosting and bird nesting opportunities. The details shall be provided for before the dwelling is first occupied and retained thereafter.

Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

14. The details submitted in respect of appearance pursuant to Conditions 1 and 2, shall be submitted with specific details of the dwelling's external facing (including any re-cycled brickwork) and roofing materials. The dwelling shall be constructed from these materials, which shall thereafter be retained.

Reason: To ensure that the new dwelling is sympathetic to the surrounding built form, in accordance with Policy LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework

15. The details submitted in respect of scale and appearance pursuant to conditions 1 and 2, shall include details of a scheme for making good the lower part of the south-east facing, two-storey gable end of the existing

outbuilding. This should be agreed in writing with the Local Planning Authority, prior to demolition of the single-storey element commencing.

Reason: In the interests of visual amenity and preserve the integrity of the existing building for its historic and vernacular interest. In accordance with policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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 as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) to obtain 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: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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 13.00 hours, 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 work may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. 19084D-02-P05		10.09.2020
Proposed site layout	Dwg no. 19084D-02-P05		10.09.2020
Design and access statement dated 17 th January 2020			04.02.2020
Press advert			04.02.2020

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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Negotiations took place to retain more of the existing outbuilding and its features and lessen the impact upon the character of the area.

Report Dated: 29.09.2020