

**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: 2020/62/91092/W

Site Address: adj, 81, Common End Lane, Lepton, Huddersfield,
HD8 0AF

Description: Demolition of existing dwelling (no. 81 Common End Lane) to be replaced with a new detached dwelling.

Recommending Officer: Katie Chew

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 24-Sep-2020

Officer Report

Site Description

Adj, 81, Common End Lane, Lepton, Huddersfield, HD8 0AF

The application site currently relates to a semi-detached single storey annexe which adjoins no. 83 Common End Lane in Lepton. The site benefits from garden/amenity space to the front, rear and side and car parking to the north.

Description of Proposal

The application seeks planning consent for the erection of 1 detached dwelling. The property will benefit from 5 bedrooms and integral double garage. Garden areas are to be retained to the side and rear of the property.

The new dwelling is to replace the existing annexe at 81 Common End Lane. The annexe is to be demolished and the new dwelling is to be located approximately 4.3m away from no. 83, which currently adjoins the existing annexe.

Materials proposed within the new dwelling include Yorkshire stone, dark stained brick to match existing and adjacent properties, black treated timber boarding, slate roof tiles, composite doors and black aluminium windows.

History of negotiations/amendments received

Amendments were requested from the applicant's agent in respect to:

- Reducing the main roof ridge line to be in line with no. 83 Common End Lane;
- First floor of garage to be removed;
- Reduce the rear ground floor, first floor and lower floor to be in line with no. 83 Common End Lane (pulled back by approximately 3m);
- Rear balcony to be reduced to 1.5m; and
- Garage roof to be amended to a hip roof.

All of the above alterations were requested to ensure that the proposals would not constitute overdevelopment and that the new dwelling would not appear overbearing in nature or be incongruous in this location.

Relevant Planning History

There is no relevant planning history at this site, but there is relevant history at adjacent properties. Details are provided below.

83 Common End Lane

2020/91040 – Non material amendment to previous permission 2019/93469 for erection of extensions and exterior alterations. Approved 29th April 2020.

2019/93469 – Erection of extensions and exterior alterations. Approved 23rd December 2019.

2014/91448 – Works to TPO(s) 30/79. Approved 29th May 2014.

Adj 83 Common End Lane

2019/92996 – Discharge conditions 3, 5, 6, 11, 17 on previous permission 2019/90144 for erection of detached dwelling. Split decision 14th October 2019.

2019/91757 – Discharge conditions 4, 8, 9, 10, 12 on previous permission 2019/90144 for erection of detached dwelling. Approved 18th July 2019.

2019/90144 – Erection of detached dwelling. Approved 28th March 2019.

2016/91761 – Outline application for erection of one dwelling. Approved 3rd October 2016.

Jumblewood

95/90748 – Erection of garden room extension. Approved 28th April 1995.

87/01728 – Extension to form garden room. Approved 15th May 1987.

Representations

Final publicity date expires:

Neighbour Letters – Expired 4th June 2020.

Officer note: Following the receipt of amended plans a 7 day re-consultation was sent out to consultees and neighbours with the expiry date of 1st September 2020.

Press Notice – Expired 29th May 2020.

Site Notice – Expired 25th June 2020.

7 representations have been received to date in objection to the proposals, comments have been summarised below:

- Question the legitimacy of the Geographical Report as it relates to the former planning application number 2019/90144 therefore it should not and cannot be used for this application;

Officer note: This has been amended to be in line with the correct site.

- In the invalid desk top report conclusion it states that exploration and underpinning of the mining works – were these explorations and also remedies actually carried out?;

Officer note: The Coal Authority were consulted on the proposals and their assessment can be found under the consultation responses section of this report.

- The desk top report also indicates a severe/moderate risk of instability putting neighbouring properties at risk, both in terms of the property and drainage pipework to the underground septic tank;

Officer note: The Coal Authority were consulted on the proposals and their assessment can be found under the consultation responses section of this report.

- With the 30m deep bore hole investigations and also likely resultant tunnel concreting, it is believed that these works will impact on the neighbouring properties land and home particularly the disruption likely to be a contravention of the Party Wall Act as they have not yet received notification under the Party Wall Act;

Officer note: This would be a civil matter if the proposals were to impact on the party wall and would not fall within the planning remit.

- The Coal and Brine Report provided for application 2019/90144 shows a disused mineshaft adjacent to Jumble Wood. This should be considered in any exploration report;

Officer note: Consultation has been undertaken with the Coal Authority and amended reports have been received from the applicant. The Coal Authority's comments can be found in the Consultation Responses section below.

- There appears to be little or no dimensions to the plans (other than the site area of 1500sqm), request additional dimensions to be added to all plans; sections; elevations and perspectives so neighbours can accurately assess the impact upon their home. Without these dimensions' judgements may be inaccurate and impact severely for the planner's ability to assess the application;

Officer note: Whilst no physical measurements are shown on the plans this is not a requirement so long as the scale is shown and provided, which in this case it is.

- Neighbours rights of views will be seriously impacted;

Officer note: Unfortunately, neighbours do not have a right to a view and therefore this cannot be assessed within this application.

- Based on the existing type of local development and in keeping with the local landscape character – and based on like for like property comparisons within the drawings there appears to be serious overdevelopment;

Officer note: Design, scale and size are discussed within the visual amenity section of this report.

- Request site wide sections and 3D perspectives showing the relationship to neighbouring properties;

Officer note: This is not considered to be necessary in this instance in officers opinion.

- It is crucial for the application to provide a site section to provide proof of the minimum view to view distances both on the horizontal (21m) and incline (24m) and also the view to side distances;

Officer note: A site section has been provided within the submitted documents.

- Castle Hill is a Listed Monument;

Officer note: Noted.

- Concerns over right to light, request a 'sun-study' is undertaken;

Officer note: It is in officers opinion that given the location, orientation and separation distances between the application site and neighbouring properties there are no concerns in regards to overshadowing or loss of light in this instance, and therefore a sun-study would not be required.

- Concerns on existing access to and from the Public Right of Way;

Officer note: The Council's Public Rights of Way team have been consulted on the proposals and their comments are provided below.

- Note that although a previous application 2019/90144 required a widening of the existing private driveway entrance onto Common End Lane this has not yet taken place to date impacting on the ability of wagons/cement mixers etc. to enter the drive. The condition was prior to occupation although the new owners are preparing to take residence. The current application should also receive the same planning conditions at the beginning of any development;

Officer note: A similar condition has also been recommended by the Councils highways team for the current application.

- Concerns over the steepness of the site and amount of excavation required. There appears to be a relatively small and severe sloping garden and therefore a disproportionately small amount of outdoor space compared with the large plots typically enjoyed by the surrounding properties;

Officer note: Noted.

- Proposals could affect the underground watercourse in the locality;

Officer note: During construction Building Regulations officers will be assessing the works to ensure that watercourses etc. are not impacted by the proposals.

- It could require further reinforcement of any detailed mining investigations;

Officer note: Consultation has been undertaken with the Coal Authority and amended reports have been received from the applicant. The Coal Authority's comments can be found in the Consultation Responses section below.

- The construction of a building may create tremors within neighbouring properties and may cause substantial problems;

Officer note: noted.

- No Design and Access Statement has been submitted as part of this application and in particular regard to the historic setting of a heritage asset;

Officer note: A design statement was submitted alongside the application on the 26th June 2020, and as the proposals are not located within a Conservation Area and is not considered to impact on the setting of a Listed Building a heritage statement was not required in this instance.

- Concerns that bats are habituating the local trees and have concerns for their well-being;

Officer note: Noted, the Council's Ecology Unit has been consulted on the proposals and provided their comments below.

- This is the third proposed development (2019/90144 & 2019/93469) on a site previously belonging to a single property which adjoins an area of woodland designated by the Council as an area of Urban Green Space (UGS), this application seems to directly contravene the condition placed on an earlier application 2019/93469 which was intended to prevent overdevelopment of the site. The previous decision notice stated that "it is considered that the removal of the annexe

avoids any overdevelopment of the site” and that the previous scheme was acceptable “on balance taking into account the demolition of the annexe”, the removal of the annexe and replacement with a large detached house as proposed would go against this condition;

Officer note: Whilst the above comments are noted, condition no. 4 imposed on application reference: 2019/93469 was added in both the interests of visual amenity and to ensure that any extensions to no. 83 remained subservient to the host dwelling. In this instance the proposals are not for an extension but for a new dwelling which will be set back from no. 83 by approximately 4.3m, in a separate residential curtilage. This is discussed further within the impact on visual amenity section of this report.

- The website shows that an ecological survey has recently been undertaken, it is likely that the survey would have come up with a very different report had it been undertaken a few months ago before the trees had been removed from the site;

Officer note: Noted.

- Bring to the officer’s attention the several significant trees that should warrant protection as part of the setting of Jumble Wood;

Officer note: Noted, the Council’s trees officers have been consulted on the proposals and provide their comments below.

- A response and extension of time was requested until the 4th June to allow neighbours to respond to officers’ comments.

Officer note: Whilst this was not requested, given that additional information and amended plans were required, neighbours had until the 1st September 2020 to make comments on the application.

- An application for multiple properties was made previously and refused, the applicant has built the one house permitted. Nothing has changed to make a further application more acceptable;

Officer note: From looking at the planning history at the site there doesn’t appear to have ever been 1 application for multiple properties, there has however been a number of applications for single dwellings here and on adjacent sites.

- The entrance/exit is extremely narrow and on a stretch of road with no pavement at either side, it is however heavily used by young children as they make their way to and from school. The last thing this section of narrow road needs is construction vehicles during construction and additional traffic entering and exiting the site after construction;

Officer note: The Council's Highways Development Management team were consulted on the proposals, their comments can be found under the consultation responses section of this report.

- The proposed development does not respect local context and street pattern, or in particular the scale or proportions of surrounding buildings;

Officer note: An assessment of the visual impact of the proposals can be found within the impact on visual amenity section of this report.

- Concerns over noise, road closures and inconvenience during construction;

Officer note: The Council's Highways Development Management and Environmental Health teams were consulted on the proposals, their comments can be found under the consultation responses section of this report.

- The application would appear to be out of keeping with other houses in the area;

Officer note: An assessment of the visual impact of the proposals can be found within the impact on visual amenity section of this report.

- The area of Jumble Wood is a rare wild space in the area where there are deer, badgers and woodpeckers. The plans appear to show the destruction of mature broadleaf trees, the construction of the proposed dwelling would appear to endanger wildlife.

Officer note: The Council's Ecology Unit has been consulted on the proposals and provide their within the consultations responses section of this report.

Parish/Town Council comments:

Kirkburton Parish Council – Comments received 16th June 2020.

'The Parish Council strongly objects to the proposed development on the following grounds:

- *Highways, Common End Lane is very narrow and as a result the exit onto Station Road is dangerous. This road currently serves 8 properties with drives on the pinch points, which is already a notified problem. Improvements are needed before it can serve any additional properties / vehicles. When application 2019/90144 was lodged for the erection of 83A Common End Lane, Highways Services requested improvements to this road and junction, but they were not carried out and the property was built. Now permission for a further property is*

being sought, so the improvements are surely even more necessary now.

- *Over-development of the plot*
- *Loss of residential amenity for the existing properties, particularly in terms of the view of Castle Hill*
- *Environmental Concerns: The development would result in a decrease in biodiversity in the local area. Mature trees have already been felled on the site’.*

Officer note: In respect to the above comments, the Council’s Highways Development Management Team and Ecology Unit have assessed the proposals and raise no objections subject to conditions. Unfortunately, residents do not have a ‘right to a view’ and therefore their views of Castle Hill cannot be taken into consideration within this report. In respect to overdevelopment of the plot, the officer’s assessment of this is provided within the scale, design and visual impact section of this report.

Consultation Responses

KC Environmental Health – Comments received 2nd June 2020. Contamination of the site cannot be completely ruled out. Also a coal mining assessment has been submitted and this advises of the potential of former shallow coal mining at the site and recommends further investigation in relation to stability issues. A further investigation may identify contamination land issues. For these reasons a condition relating to unexpected contaminated land is necessary. Additionally, for an application of this nature it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary.

KC Highways Development Management – Comments were received 21st May 2020. The proposed dwelling appears to replace a smaller property attached to No. 83 Common End Lane. Off-street parking is provided in line with the recommendations set out in the Highway Design Guide SPD. Access and servicing arrangements are expected to remain the same. The scheme is acceptable from a highway’s perspective. However, the erection of a detached dwelling to the other side of no. 83 was approved in application 2019/90144. A condition was put in place to improve the access, given the intensification of use of the site. Highways DM would wish to see this condition repeated in this instance.

KC Trees – Comments received 8th July 2020. No objections to the proposals.

KC Ecology – Comments received 22nd May 2020. The officer states:

‘A portion of the site is located within the Kirklees Wildlife Habitat Network, which also includes adjacent woodland habitats. There is potential for

significant ecological harm and for harm to the KWHN due to the development. Therefore, the application will need to be supported by ecological information to ensure it is in accordance with Policy LP30 of the Local Plan.

The applicant should engage with a suitably qualified ecologist to undertake a Preliminary Ecological Appraisal (PEA) in accordance with national guidelines. This work should identify any important ecological features present (species or habitats) or make recommendations for further survey where this is necessary to determine presence/absence of a feature or to what extent a feature is important. The importance of ecological features should be described on a geographic scale.

The results of the PEA, and any additional surveys, should be used to inform an ecological report to support the planning application. The most appropriate report format to support a planning application is an Ecological Impact Assessment (EcIA) (CIEEM, 2017a & 2018). However, in instances where it can be determined that the proposals would have no significant ecological effects, no mitigation is required, and no further surveys are necessary, a Preliminary Ecological Appraisal Report (PEAR) is likely to provide sufficient information to enable planning officers to assess the proposals against the biodiversity policy (CIEEM, 2017b). In all other cases submission of a PEAR in support of an application is likely to result in delays’.

Officer note: The officer has no objections to the submitted PEA, but does recommend a condition requesting the submission of an Ecological Design Strategy prior to any development taking place.

KC PROW – No comments have been received within statutory timescales.

The Coal Authority – Comments received 17th June 2020. The applicant has submitted a Coal Mining Risk Assessment report (June 2016, prepared by RGS Ltd) to accompany the planning application; however, the Coal Authority does not consider that this adequately addresses the impact of coal mining legacy on the proposed development. The Coal Authority therefore objects to the proposal. The Coal Authority’s concerns relate to the fact that the submitted report was produced to inform development proposals on a different parcel of land to the north west of the current application site (considered by the LPA under planning application 2019/90144). The applicant should therefore be advised of the objection and requested to submit an up-to-date, development/site specific Coal Mining Risk Assessment to support their planning application. This should demonstrate to the LPA that the site is, or can be made, safe and stable for the proposed development, as required by paragraphs 178-179 of the NPPF.

Officer note: Further comments were received on the 30th June 2020. The Coal Authority noted that the agent had forwarded additional information in support of the application however, the submitted information is factual only and does not provide any assessment of the potential risks posed by past

coal mining activity to the specific development proposal. The Coal Authority therefore maintained its objection.

Officer note: Further comments were received on the 15th July 2020 following the submission of a Coal Risk Assessment Report. The Coal Authority concurs with the recommendations of the Coal Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. As such, planning permission should be granted for the proposed development and conditions are recommended which relate to intrusive investigations taking place.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but the site is located within a Bat Alert Area and Lepton Neighbourhood Plan Area, the site is also located adjacent to Urban Green Space, and there is a PROW running to the south/south west of the site.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP11 – Housing Mix and Affordable Housing**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 - Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP33 - Trees**
- **LP51 - Protection and Improvement of Local Air Quality**
- **LP53 – Contaminated and Unstable Land**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- 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 – Conserving and enhancing the natural environment.

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters

Principle of Development:

The site is without notation in the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

The application site forms a brownfield piece of land which is currently occupied by a single storey 1 bedroomed annexe which is attached to no. 83 Common End Lane. The application would provide 1 residential dwelling and therefore it is appropriate to consider the Local Planning Authorities overall housing position.

As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 20% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.32 years supply.

As the Kirklees 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). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 68 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".

The application site comprises of a large plot surrounded to the north and west by residential dwellings, further east and south (on the opposite side of Jungle Wood) there are further residential properties, and although the Local Planning Authority can demonstrate a five year land supply, it is noted that the development of this plot would contribute to the housing supply in the district. In this case, the principle of development is considered to be acceptable and the proposal shall now be assessed against all other material planning considerations, including design, visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are 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 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' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.

The existing annexe is currently attached to a 1950's detached dwelling, both the annexe and no. 83 are set within large grounds and are accessed via a long drive coming off Common End Lane. The dwellings are both set down from the road along with limited views of the properties from Common End Road due to the separation distance, topography and mature planting along the road frontage.

Permission has recently been granted for extensions and alterations to no. 83 Common End Lane which are currently underway (app ref: 2019/93469). The approved extensions and alterations will significantly alter the scale, size and appearance of this neighbouring property. The proposed dwelling at the application site will mimic the scale, size and design to be constructed at no. 83, using similar materials to create a modern twist on a woodland property.

Permission has also recently been granted (and constructed) for a detached dwelling to the north west of no. 83 (app ref: 2019/90144). This property is also substantial in scale and size, and whilst it is constructed in more traditional materials it does have a modern design in regards to the rear elevation and window and balcony details.

The above applications therefore show that the construction of new dwellings or creating properties which are of a substantial scale and size has already been established at this site. This is however subject to a number of criteria such as a properties impact on neighbouring dwellings, highways, and design etc. in addition to this, there are a number of residential dwellings within close proximity to the site which are also detached, considerable in scale and size, and set within large grounds. In this instance whilst it is acknowledged that the proposals would provide a large 5 bedroom detached property, it is in officers opinion that due to the overall size of this large plot of land the proposals would not appear as a dominant or overbearing feature and that given the amendments made to the original plans submitted, would not account to overdevelopment in this location. The site is considered to be able to accommodate the proposed dwelling without resulting in a significantly reduced garden/amenity area for no. 83 or the proposed dwelling at no. 81, and therefore is considered to be acceptable in this instance. Taking the above into account however, it is considered reasonable and necessary to remove permitted development rights to allow further control on any subsequent extension or new structure to be erected within the grounds of the application site. This is to prevent overdevelopment of the site in the future.

Turning to materials, the materials proposed include Yorkshire stone, dark stained brick, black treated timber boarding, slate roof tiles, composite doors and black aluminium windows, these materials are all to be similar to what was previously approved at no. 83 Common End Lane under application reference 2019/93469. It is therefore considered that they would be in keeping with surrounding properties, and would not appear incongruous in this location. Furthermore, there are limited views of the site and therefore the proposals should not disrupt the street scene or the character and appearance of the area.

In conclusion, the proposals are considered to be appropriate in size, scale and design in this location, and that they would not appear incongruous or overly dominant in the general context of this site. The proposals therefore accord with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

Impact on no. 83 Common End Lane

This neighbouring property is located to the west of the application site. Whilst it is noted that 1 window is proposed within the western elevation of the proposed dwellinghouse, this window is to be obscure glazed and therefore there are no concerns in respect to overlooking. In respect to overshadowing, it is acknowledged that in the morning there may be some shadowing experienced to the front of the no. 83 over the driveway, and over the windows within the eastern elevation. However, it should be noted that this would be for a short period in the morning and that the windows within the eastern elevation are also benefitted by a number of large windows placed within the southern elevation of no.83. therefore, there should not be a significant loss of light within these rooms. In terms of the proposals appearing overbearing, whilst it is noted that the new dwelling house is going to increase the existing footprint of the property significantly, this will be of a similar size to what currently exists at no. 83 and the new dwelling adjacent to no. 83 to the west. It is therefore considered that the proposals would not appear overly dominant or out of character in this location.

Impact on nos. 85 & 87 Common End Lane

These neighbouring properties are located to the north west of the application site approximately 30m away (to the southern elevation of the dwellings). Given this large separation distance there are no concerns in respect to overlooking, overshadowing or the proposals appearing overbearing in nature, especially as the dwelling will be viewed against the adjacent property no. 83 which is similar in scale, size and design to that proposed at the application site.

Impact on no. 79 Common End Lane

This neighbouring property is located to the north east of the application site approximately 20m away. Given this large separation distance there are no concerns in respect to overlooking, overshadowing or the proposals appearing overbearing in nature, especially as the dwelling will be viewed against the adjacent property no. 83 which is similar in scale, size and design to that proposed at the application site.

The proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Highway Safety:

The application forms state that the site currently benefits from no off-street car parking at the site. However, it is noted that when visiting the site officers were able to park their car outside of the property.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Council's Highways Development Management officers were consulted on the proposals and stated that off-street parking was to be provided in line with the recommendations set out in the Highway Design Guide SPD and that access and servicing arrangements are expected to remain the same. However, a condition is recommended which seeks to improve the access given the intensification of use of the site. It was therefore concluded that the scheme is acceptable from a highways perspective, and that it would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Other Matters:

Air Quality

In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek provision of electric vehicle charging points, one per dwelling on new developments that include car parking. The purpose of this is to promote modes of transport with low impact on air quality.

Coal Mining

The site falls within a High Coal Risk Zone. The application is supported by a CMRA which has been reviewed by the Coal Authority. The Coal Authority concurs with the recommendations of the Coal Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. This is considered reasonable by the Local Planning Authority to address the Coal Legacy.

Biodiversity

Whilst it is acknowledged that the application site is located within a bat alert area and will seek to demolish an existing building to make room for the new dwelling proposed, the Council's Ecologist has no objections to the submitted PEA (Preliminary Ecological Appraisal), but does recommend a condition

requesting the submission of an Ecological Design Strategy prior to any development taking place.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

Whilst no details have been submitted to the Council in respect to climate change however, the site is in an established urban area with nearby amenities and public transport links. The dwellings rear elevation and garden are south facing to maximise solar gain which limits energy needs. Furthermore, the building will be built to modern building regulation standards. These factors are considered to demonstrate that the proposal would not harm the climate change agenda.

There are no other matters for consideration.

Conclusion:

Paragraph 11 of the NPPF advises that Local Planning Authorities should be approving development proposals that accord with an up-to-date development plan without delay. On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore planning permission should be approved.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2020/91092

Officer Recommendation: Approve.

Conditions & Reasons:

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

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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 Policy LP24 of the Kirklees Local Plan.

3. Prior to the hereby approved dwelling being first brought into use, the amended access to Common End Lane as demonstrated in application 2019/90144 shall be formed, and the driveway, other areas to be used by vehicles, and the area for the storage of wastes within the curtilage as shown on the approved plans shall be surfaced and drained. Any new hard surfacing shall be constructed 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, unless satisfactory arrangements have been made and approved under condition (8) to direct surface water to a soakaway, watercourse, or sustainable urban drainage system. These shall thereafter be retained as such, kept clear of obstructions and available for the parking and manoeuvring of vehicles at all times.

Reason: To achieve a satisfactory layout in the interests of highway safety, to ensure that the development does not contribute to flood risk arising from increased water run-off, and to accord with the aims of Policies LP21, LP22 and LP28 of the Kirklees Local Plan and Chapter 144 of the National Planning Policy Framework.

4. Prior to the hereby approved dwelling being first brought into use an ecological design strategy (EDS) addressing mitigation and 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 ecological works.
- b) Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
- c) Details of how lighting design will not impede the function of the adjacent Kirklees Wildlife Habitat Network.
- d) Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
- e) Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
- f) Details of maintenance.

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

Reason: to ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with Policy LP 30 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

5. No development shall commence (excluding the demolition of existing structures) until intrusive investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

6. Where the findings of the intrusive site investigations (required by the condition 5 above) identify the coal mining legacy on the site poses a risk to surface stability, no development shall commence (excluding the demolition of existing structures) until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

7. 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.

8. An electric vehicle recharging point shall be installed within the application site to serve the parking spaces shown on the approved submitted plans. The recharging point shall be provided prior to the first occupation of the dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electrical vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

9. 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) no development included within Classes A, B and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the residential amenity of neighbouring properties and prevent overdevelopment of the site, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy

NOTE: All contaminated reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

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) 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 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: Electric Vehicle Charging Points –

A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof.

Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification – Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of at least 16A (3.5kW) and have Type 2 sockets would be acceptable.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.

The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Level 1	HD-A-697	-	21 st August 2020
Level 0	HD-A-697	-	21 st August 2020
Level -1	HD-A-697	-	21 st August 2020
Front and Side Elevation	HD-A-697	-	21 st August 2020
Rear and Side Elevation	HD-A-697	-	21 st August 2020
Section	HD-A-697	-	21 st August 2020
Proposed Site Plan	HD-A-697-101	4	21 st August 2020
Proposed	HD-A-697	-	30 th April 2020

Location Plan			
Existing Site Plan	HD-A-697	-	30 th April 2020
Design and Access Statement – Supporting Information	HD-A-697	-	26 th June 2020
Coal Mining Risk Assessment – Supporting Information	C902/20/E	-	10 th July 2020
Brine Report – Supporting Information	MDJ/EZR/CLA288/8	-	24 th June 2020
Homebuyers Report – Supporting Information	MDJ/EZR/CLA288/8	-	24 th June 2020
3D Topographical Survey – Supporting Information	20017_3DT	-	8 th April 2020
Drainage and Water Search – Supporting Information	MDJ/EZR/CLA288/8	-	24 th June 2020
Ecology Report – Supporting Information	LC.CE.6.2020	-	15 th June 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 have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to reduce the original proposals down in scale and size, to ensure that the proposals would not constitute overdevelopment and that the new dwelling would not appear overbearing in nature or be incongruous in this location.

Report Dated:

23/09/2020