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:	2020/60/92388/W
Site Address:	adj, 14, Netheroyd Hill Road, Fixby, Huddersfield, HD2 2LP
Description:	Outline application for erection of detached dwelling
Recommending Officer:	Laura Yeadon

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.

Emma Thompson

AUTHORISED OFFICER

Date: 16-Dec-2020

Officer Report

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92388

Site Description

14 Netheroyd Hill Road is located within an area without notation of the Kirklees Local Plan. The site forms part of the domestic curtilage to the east of No. 14 and is currently used as a lawned garden area with mature shrubs and is set at a lower gound level. A stone wall bounds the site frontage and the area to the east beyond the site boundary is a Council owned woodland. Surrounding development is predominantly residential to the north, south and west and the comprised of mainly detached and semi-detached dwellings.

Description of Proposal

Permission is sought for the Outline Planning Permission for the erection of one detached dwelling with all matters reserved. The submitted application form indicates that the property would be a 3 no. bedroom dwelling. Indicative details of an access and the layout of a dwelling have been submitted. This shows the dwelling sited centrally within the plot with vehicular access taken directly from Netheroyd Hill Road with space for off-street parking and internal turning. It also shows a tree removed from the site to accommodate the development which appear to be located within the adjacent woodland however would encroach into the site boundary.

History of negotiations/amendments received

None

Relevant Planning History

2002/92208 Outline application for erection of detached dwelling
Conditional Outline Permission

2005/93052 Renewal of unimplemented outline permission for erection of one dwelling
Conditional Outline Permission

2008/92666 Outline application for erection of 1 detached dwelling
Conditional Outline Permission

2011/91994 Outline application for erection of one detached dwelling
Conditional Outline Permission

2014/92650 Outline application for erection of one detached dwelling
Conditional Outline Permission

2017/92689 Outline application for erection of one detached dwelling

Conditional Outline Permission

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired: 11th September 2020 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

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

K.C. Trees – no objection

K.C. Highways Development Management – no objection subject to the imposition of conditions and notes to be added to decision notice

Policy

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

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP 24** – Design
- **LP 30** - Biodiversity
- **LP 33** – Trees

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 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

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 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 National Planning Policy Framework. LP1 goes on further to stating that:

"The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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.

As cited within the most recent approval of Outline Planning Permission, the principle of developing the site has been considered acceptable with a number of previous applications granted approval of Outline Permission. The previous report cited the following:

"…..The proposal is considered to be sustainable in principle because:

- *The site is considered to be in a sustainable location which offers good access to jobs, key services and infrastructure;*
- *The proposal would make an effective use of the site and would assist in the delivery of housing within the district;*

- *The indicative layout of the dwellings would also be similar to the pattern of development in the local area and would be of a similar density."*

It was also previously considered that the value of the site as a green space (garden area) does not outweigh the benefits of housing provision within a sustainable location and therefore the principle of housing development on the site is considered to be acceptable in accordance with the sustainability principles of the NPPF and also LP1 of the Kirklees Local Plan.

Impact on amenity:

The principle of the development has been established under a number of previous application and the current submission is identical to the previous submission. In addition, the previous application was assessed against the Draft Local Plan with policies subsequently being adopted, prior to its adoption. The size of the site is considered sufficient to accommodate a dwelling. It is considered that a dwelling can be designed to harmonise with the host property and also the pattern of development in the wider street scene. This should include taking into account the proximity of the woodland. The development is considered to have an acceptable impact on residential and visual amenity. Issues relating to the final layout, access, scale, design and appearance would be considered at Reserved Matters stage.

The adjacent property, No. 14 is constructed stone and to ensure that the materials are in keeping, a condition will be attached to the decision notice regarding the submission of samples should the development site progress with a further application.

In line with previous approvals, it is considered that the application site can accommodate a dwelling without undue detriment to the surrounding area. The proposal would accord with policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Trees:

Whilst the principle of the development is considered acceptable, the location of the Council Woodland to the east of the site is a material consideration when assessing the development potential of the site. The Council's Arboricultural Officer has been formally consulted as part of the application process and has raised no objections to the principle of erecting a dwelling within the site. It is noted that on the previous decision notice, a condition was attached requiring details of works to the trees to be submitted and it is considered reasonable and necessary to reimpose the condition on this permission.

Highways:

Highways Development Management were formally consulted regarding the application and the Officer considered the proposal to be acceptable.

Conditions have been requested in relation to the submission of details for layout and parking, site lines and permeable surfacing and also a note to advise the developer that further consent would be required for a dropped crossing. Subject to the imposition of these conditions, the proposal would accord with Policies LP21 and LP22 of the Kirklees Local Plan and advice within the NPPF.

Other matters:

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. The mitigation measures will be assessed as part of a Reserved Matters application where the construction materials, construction methods, orientation and renewable energy will be further considered.

Air Quality – In accordance with government guidance on air quality mitigation, outlined
within the NPPG, NPPF, together with the West Yorkshire Low Emissions Strategy and Policy LP24 of the Kirklees Local Plan it is considered reasonable and necessary to condition that the proposed dwelling has an electric vehicle charging point. The purpose of this is to promote modes of transport with low impact on air quality.

Ecology: Other than the trees, the site does not support important ecological features, therefore significant ecological harm is unlikely. As the site is located within a bat layer and adjacent to the Habitat Network further consideration is required with regards to biodiversity mitigation and enhancement and thus satisfying LP 30(i). In order to demonstrate a biodiversity net gain required under LP 30 (ii) and (v) a condition is considered necessary in respect of an Ecological Design Strategy to encompass all aspects of mitigation in respect of the sensitive location of the site.

Pre-Commencement conditions A draft list of conditions, including pre-commencement conditions was forwarded to the agent and agreed in writing.

Representations:

No representations have been received.

Conclusion:

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

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

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2020/92388

Officer Recommendation: Approve

Conditions

1. Approval of the details of the layout, access, 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 layout, access, 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 superstructure of the dwelling shall not commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be constructed of the approved materials.
   Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

6. Sightlines of 2m x site frontage shall be cleared of all obstructions to visibility exceeding 1 m in height before the dwelling is first occupied and these shall be retained thereafter free of any such obstruction.
   Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

7. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained as such.
   Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements, to avoid an increase in surface water run-off increasing flood risk and parking and in accordance with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

8. All work on trees, pursuant to this permission shall be carried out to British Standard 3998. Details of all such work shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out and the works shall be carried out in accordance with the approved details.
   Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

9. Notwithstanding the details shown on the approved plan, no development shall take place until a scheme detailing arrangements and specification for layout and parking have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.
   Reason: To ensure and suitable access and layout in the interests of highway safety and to accord with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

10. Before occupation of each dwelling, one electric vehicle recharging point shall be provided in the integral garage or parking areas for each 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 32Amps. The electric vehicle charging points so installed shall thereafter be retained.
Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the guidance contained the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies LP 21 and LP24 of the Kirklees Local Plan

11. Any application for reserved matters shall include an ecological design strategy (EDS) addressing mitigation and enhancement.

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 the design of boundary treatments will not obstruct the movement of hedgehogs.

d. Details on how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not have negative impacts on the Kirklees Wildlife Habitat Network.

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. This is pre-commencement to ensure detailed designs are available to enable implementation as part of the construction program.

NOTE: The details of tree removal on the indicative layout plan are treated as illustrative only.

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 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 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 on Sundays or Bank Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60, Kirklees Environmental Services are able to control noise on construction sites by serving a Notice which may include specifying the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2366LOC		24th July 2020
Proposed site plan	2366 – 01A		24th July 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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 15th December 2020

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