

**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: 2020/62/92777/E

Site Address: adj, 22, Gib Lane, Skelmanthorpe, Huddersfield, HD8 9BG

Description: Erection of detached dwelling

Recommending Officer: Josh Kwok

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Paul Dowd

AUTHORISED OFFICER

Date: 03-Dec-2020

Officer Report

Site Description

The site relates to the garden adjacent to 22 Gib Lane. The site is predominantly flat but the area to be developed slopes upwards to the north and west adjacent to 22 Gib Lane. The site lies in a residential area surrounded by a mix of dwelling types with a chapel to the north of the site. Access to the site is gained via Gib Lane to the east.

Description of Proposal

Planning permission is sought for demolition of the existing garage and workshop and the erection of a detached dwelling. Details of the proposed development are set out as follows.

- 11.0mm wide x 7.0m deep x 4.2m high
- Facing and roofing materials to be Belgian brick and artificial slate tiles
- 2 parking spaces to be provided to front

History of negotiations/amendments received

The design of the original scheme has been amended modestly, to achieve a better design quality. The revised proposal was received on 23-Sep-2020. No amendments were sought thereafter.

Relevant Planning History

2010/91424 – Outline application for erection of 1 detached dwelling with garage under (22, Gib Lane) – Approved

Representations

This application was publicised by neighbour letter only, which expired on 21-Oct-2020. No representations were received following this publicity.

Consultation Responses

KC Highways DM Team – We consider the proposal is acceptable in principle, however further details regarding the boundary treatments across the frontage of the site should be provided to ensure that the visibility from the site entrance is preserved.

KC Environmental Health Service (Pollution and Noise Control) – No objection to this residential development, subject to two conditions relating to land contamination and electric vehicle charging point.

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 (KLP):

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 03** – Location of new development
- **LP 11** – Housing mix and affordable housing
- **LP 20** – Sustainable travel
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 51** – Protection and improvement of local air quality
- **LP 53** – Contaminated and unstable land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- 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

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The site in question currently forms part of the domestic garden of 22 Gib Lane, which is a two-storey stone built detached house, sitting within a relatively large plot of land. To the western aspect of the house is a single storey detached building comprising a garage store and workshop. The building is in a state of disrepair and is proposed to be demolished and replaced by the new dwelling. Referring to the planning history, it appears that an outline planning permission was granted for a two-storey detached dwelling adjacent to the existing house on site.

The application site is in the village of Skelmanthorpe, with accessible local shops and services and good connectivity to the town centres nearby. In view of the above factors, the site is in a sustainable location for residential development. The principle of developing the site for residential use was first established in 2010 and is still considered acceptable with respect to the most up-to-date local and national planning policies. Furthermore, the proposal would represent a more effective use of land than the current situation and would contribute positively to delivering a sufficient supply of homes.

For these reasons, it is concluded that the principle of development could be supported in accordance with policies LP1, LP2, LP11 and LP20 of the KLP and chapters 5, 9 and 11 of the NPPF.

2 –Impact on visual amenity:

The proposal is for a detached bungalow with two off-street parking spaces to the front. It would be set on elevated ground, replacing the existing dilapidated garage and workshop. The building would roughly align with the western boundary of the site and sit perpendicular to the existing house on site. There would be some garden to the front and the side of the bungalow.

The existing development on Gib Lane is purely residential and characterised by two-storey stone-built houses, following a linear development pattern along the road. There are, however, some limited infill residential developments, which adopt a different layout including those on Field Fold and The Foldings. Considering the proposal in this local context and the position of the development being recessed considerably from Gib Lane, officers are

satisfied that the proposed layout would relate satisfactorily to the surrounding development, so it would be viewed as a harmonious addition, with minimal impact on the local street-scene.

The dwelling concerned would be single storey in height and, whilst different from the surrounding two-storey detached and terraced houses, could be acceptable on this occasion, as the building would be set on elevated ground, which would make it sympathetic to the prevailing building height in this locality. There would be appropriate spacing between the proposed and existing development as well. Therefore, the scale of development could be supported from a visual amenity perspective.

The proposed development would be constructed with brick and artificial slate tiles. These materials would be different from the houses immediately adjacent, which are mostly constructed in regular coursed natural stone. However, it is noted that the row of terraced houses on the opposite side of Gib Lane known as Lea Terrace are constructed with brick with white UPVC finish on the first floor. These houses by reason of their location are considered to have a greater impact on visual amenity and the local street-scene than the development being proposed in this application. Consequently, despite the difference in construction materials with the adjacent buildings, officers find the development concerned would not prejudice the street-scene of Gib Lane. No significant adverse impact would arise from the chosen materials of construction.

The new dwelling would have a dual-pitched roof, comparable to the existing house on site and those adjoining. The fenestration and architectural detailing would be appropriate to the domestic character of the new building. For the same reason, it would be in keeping with the prevailing character in this locale. Overall, the proposed design would be satisfactory in respect of policy LP24 of the KLP. The new house and its garden would be enclosed by 1.8m high close board timber fencing, according to the proposed site plan. These boundary treatments would be acceptable.

In conclusion, the development under consideration would be of a satisfactory quality in scale, layout, design, and materials. It would preserve the overall appearance of the existing buildings on Gib Lane and the prevailing residential character of the surrounding area. Due to the position of the new house, the impact on the local street-scene would be minimal. The proposal could be supported from a visual amenity point of view, in accordance with policy LP24 of the KLP and chapter 12 of the NPPF.

3 – Impact on residential amenity:

The proposal would have the potential of affecting the residential amenity of the occupants of the neighbouring houses at 22 Gib Lane and 7 Field Fold, as it would create a new house in their vicinity. The residential amenity impact of this development is addressed as follows.

22 Gib Lane is a two-storey detached house, set at a right angle to the proposed dwelling. There is a conservatory to the front of the house, which might be visible from the bedroom window of the bungalow. However, the privacy of these neighbours would not be unduly prejudiced as a separation distance of 16.0 would be retained between the two buildings concerned. In addition, a 1.8m high fence would be installed at the front of the bungalow and its garden. The gable wall of the new dwelling would be set forward of the external front wall of no.22, which would avoid a direct overlooking relationship being established between the two houses.

Since the new dwelling would be single storey in height only and maintain an appropriate distance with the existing house, there would be no unacceptable overshadowing and overbearing impacts. 22 Gib Lane is set perpendicular to the proposed dwelling, with its principal elevation facing towards 23 Elm Street. Given this spatial relationship, the occupiers of no.22 would continue to enjoy an open outlook and an appropriate level of light to all their front-facing windows. In summary, the living conditions of these neighbouring occupiers would be satisfactorily preserved, in line with policy LP24(c) of the KLP.

Turning to 7 Field Fold, it is a two-storey detached house to the western aspect of the application site. This adjacent house is set on elevated ground and at an angle to the proposed dwelling. Its gable wall does not appear to have any main habitable room window facing the site. Furthermore, there is a cluster of mature trees planted along the northern and western boundaries, which would largely screen the new house from the view of this adjoining site, considering the substantial difference in land levels.

The house, as proposed, would be single-storey and the view from its rear facing windows would be obscured by the existing boundary treatments. Taking account of this, officers consider that the proposal would not harm the living conditions of these neighbours by way of overshadowing, overlooking and overbearing impacts. No additional conditions are necessary to make the proposal acceptable in residential amenity terms.

To the southern aspect of the site is a pair of semi-detached houses known as 19 and 21 Elm Street, which sit at a lower level than the existing house on site. Though the land level difference between the two sites is acknowledged, the separation distance between the proposed bungalow and these neighbouring houses would mean that the potential of impact on residential amenity would be minimised. All existing boundary treatments would remain intact to mitigate the potential of overlooking resulting from the window and doors in the southern elevation of the bungalow.

The size of the new house would meet the nationally described space standard. In addition, there would be adequate provision of outdoor amenity space available to the future occupants of the dwelling. Appropriate boundary treatments would be erected to safeguard their amenity. As such, officers are satisfied that the proposal would achieve a satisfactory standard of amenity for the future occupants, consistent with policy LP24(c) of the KLP.

In conclusion, the above assessment demonstrates that the development concerned would relate satisfactorily to the surrounding development, so it would minimise the potential of impact on the occupants of the existing house and, at the same time, provide a good standard of amenity for the future occupiers. The scheme would also incorporate appropriate boundary treatments to ensure that the impact on privacy of the neighbours would be adequately mitigated. Subject to a condition requiring the provision of these boundary treatments prior to the occupation of the bungalow, the proposed development would accord with policy LP24 of the KLP and chapter 12 of the NPPF.

4 – Impact on highway safety:

The proposal would intensify the residential use of the site but would not affect its parking arrangement. KC Highways DM Team is satisfied that the proposed parking provision would be proportionate to the scale of development in question. There would be no issues in terms of parking, provided that the parking area is appropriately surfaced and drained before the dwelling is brought into use. This would be secured by condition.

Access to the new house would be through the existing driveway serving 22 Gib Lane. Referring to the proposed site plan, this driveway would be widened to 5.4m to allow two vehicles entering and exiting the site simultaneously. The existing stone boundary wall abutting Gib Lane would be lowered to 0.9m with the hedge immediately behind removed, to improve visibility from the site access. This would adequately address the initial concerns raised by the Highways DM Team.

In the interest of highway safety, a condition should be imposed to require that the existing boundary treatments along the frontage of the site should be altered in accordance with the details in the proposed site plan before the new dwelling is brought into use. In addition, it should stipulate that nothing higher than 1.0m should be erected or planted across the site frontage. Subject to this, there would be no issues concerning visibility and highway safety.

In all, the development in question would conform to policies LP21 and LP22 of the KLP and chapter 9 of the NPPF.

5 – 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 proposal is the erection of a detached bungalow. To ensure it contributes positively to mitigating the impact of climate change and air quality, a condition should be inserted to the decision notice requiring an electric vehicle recharging point be provided within the site for the future occupants of each dwelling. This is to comply with the aims of policy LP24 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Drainage

Policy LP28 of the KLP establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The application form states that all surface water is to be discharged to the main sewer. Conversely, the site plan indicates that a soakaway is to be installed to the front of the house but falls short of providing any evidence to demonstrate it is a workable drainage solution for the site. This is not consistent with the aims of the drainage policy in the KLP.

To reduce the risk of flooding and to comply with the Policy LP28 of the KLP, a condition should be inserted to the decision notice, to require a scheme detailing surface water and land drainage be submitted and approved before development on the superstructure of the new dwellings commences. It should also state that the dwellings should not be occupied until such an approved scheme has been provided on the site to serve the development. With this condition imposed, the proposed development could be supported in respect of policy LP28 of the KLP and chapter 14 of the NPPF.

Land contamination

The proposed development would be close to a historic landfill. Hence, the application site might be subject to potential land contamination. The Council's Environmental Health Service has been consulted but no objections have been raised following this consultation. Nevertheless, conditions are required concerning any unexpected contamination encountered during ground works. This is to ensure that the proposal would comply with policies LP53 of the KLP and chapter 15 of the NPPF.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

No representations were received following the statutory publicity.

7 – Conclusion:

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

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

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2020/92777

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord Policies LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the dwellings hereby approved shall be faced with Belgian brick and the roofs shall be covered with artificial slate tiles in accordance with the approved details. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwellings hereby approved. The development shall be constructed in accordance with the approved details and thereafter retained.

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

4. In the event that contamination not previously identified by the developer prior to the grant 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. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a 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

5. The dwellings hereby approved shall not be brought into use the 1.8m high close board fencing has been installed, in accordance with the details in the approved site plan. The close board fencing so installed shall thereafter be retained.

Reason: In the interests of visual and residential amenity and so as to avoid harm to the privacy of the future and neighbouring occupiers in accordance with Policy LP24(c) of the Kirklees Local Plan and the aims of the National Planning Policy Framework

6. The dwellings hereby approved shall not be brought into use until all areas shown to be used for parking and access on the approved site plan have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking and access thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that any hard standing area within the site is appropriately drained in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, and Chapters 9 and 14 of the National Planning Policy Framework.

7. The dwellings hereby approved shall not be brought into use the existing stone boundary wall along the frontage of the application site has been reduced to 0.9m and the hedge directly behind removed, in accordance with the approved site plan. . Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), nothing higher than 1.0m, measured from the ground level of Gib Lane, shall be erected or planted along the frontage of the site at any time without prior approval of the Local Planning Authority in writing.

Reason: In the interests of highway safety and to ensure a satisfactory standard of visibility from the site access, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

8. Notwithstanding the information in the application form, a scheme detailing surface water and land drainage shall be submitted to and approved in writing by the Local Planning Authority before development on the superstructure of the new dwellings commences. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic

tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements 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 Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

9. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output: -

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interests 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.

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 the works may be carried out.

NOTE: Electric Vehicle Charging Point

- A Standard electric vehicle charging point is one which can provide 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 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.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

NOTE: All contamination 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.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing site section	GL05		02-Sep-2020
Proposed site section	GL06	A	25-Sep-2020
Proposed plans and elevations	GL04	A	25-Sep-2020
Proposed site plan	GL03	B	11-Nov-2020
Existing site plan	GL02		02-Sep-2020
Location plan	GL01		02-Sep-2020
Design and access statement			02-Sep-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. In this case, the design of the original scheme has been amended modestly to achieve a better design quality. The revised proposal was received on 23-Sep-2020. No amendments were sought thereafter.

Report Dated: 26-Nov-2020

