

**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: 2020/62/93986/W

Site Address: Springwood House, Sheffield Road, New Mill,
Holmfirth, HD9 7EX

Description: Erection of detached dwelling with integral garage

Recommending Officer: William Simcock

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 15-Feb-2021

Officer Report 2020/93986

Springwood House, Sheffield Road, New Mill

Site Description

The site is on the north side of Butterley Lane, close to the junction with Sheffield Road, in a residential area consisting mainly of individually designed houses.

It comprises a former garden plot associated with Springwood House, New Mill, a two-storey dwelling which lies below it and to the west. It is elevated above the level of a shared paved driveway that serves another two-storey dwelling, a former coach house. It is steeply sloping, being higher at the eastern boundary. Access can be gained to Butterley Lane via a shared driveway.

Description of Proposal

The proposal is for the erection of a single detached dwelling with an integral double garage. It is to be split-level and have a total of four bedrooms.

Parking is to be provided in the south-western corner of the property curtilage. The house is to be surrounded by a patio to the north and south-east, with garden space to the north and near the eastern boundary. The property would have natural slate roofs and coursed stone walls.

It would make use of the existing shared driveway and access point.

History of negotiations/amendments received

None.

Relevant Planning History

2014/92130 – Outline application for erection of detached dwelling with integral garage. Approved.

2015/92902 – Erection of detached dwelling with integral garage and formation of new entrance. Approved.

2017/93844 – Erection of one detached dwelling with integral garage. Approved.

This was of an identical footprint, finished land and building heights, and siting, to the dwelling now proposed

Representations

Final publicity date expires: 04-Jan-2021 (publicity by neighbour letter only thus fulfilling the requirements of the Development Management Procedure Order).

Holme Valley Parish Council - "Defer to Kirklees Planning Officers but they should acknowledge and address neighbours' concerns regarding overlooking and the height of the building."

5 representations have been made by other third parties. The concerns and comments made are summarised below:

- It will be overbearing and amount to overdevelopment owing to its height and footprint relative to the site. It will be out of character with the area.
- Overshadowing of nearby properties.
- Loss of privacy. The position of the patio and French doors have changed from the original plans
- Could the land be dug out more to lower the height of the building?
- The land has been raised compared to what it was originally like.
- The location plan and aerial photograph are inaccurate as it does not show recent development at Springwood House and the Coach House.
- The current access provides for two dwellings, not one as the application suggests, and may not be suitable for three.
- No objections in principle but have some concerns over Butterley Lane because there is no footway or whitelined zone and there may be some obstruction during development from contractors' vehicles. Double yellow lines should also be considered near the junction.

Consultation Responses

No formal consultations with other Council services or teams were undertaken since this is a resubmission of an already approved application. The following consultations were carried out on the 2017 application.

- KC Highways Development Management – recommended conditional approval.
- Arboricultural Officer – No objection

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 within the Green Belt on the Kirklees Local Plan proposals map.

It is considered that the scale and nature of the development does not raise access or Equality Act considerations.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees
- **LP59:** Brownfield sites in the Green Belt

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 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Green Belts
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

Neighbourhood Development Plans

Holme Valley Neighbourhood Development Plan has been formally submitted to Kirklees Council and Peak District National Park Authority. It covers the whole of the Holme Valley Parish Area. The plan has not been subject to publicity (Regulation 16, The Neighbourhood Planning (General) Regulations 2012) at this time. There are unresolved objections between the Kirklees Council and the neighbourhood plan body therefore the plan has no weight at this stage.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development

- 2) Impact on visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g. trees/ecology (e.g. bats)
- 6) Representations
- 7) Conclusion

1 – Principle of development: Policy LP1 of the Local Plan 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. LP1 goes on further to stating that:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals 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 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

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”.

Although the Local Planning Authority can demonstrate a five year land supply, it is noted that the development of this plot would be contribute to the housing supply in the district. Furthermore the recent permission for the erection of a dwelling must be given considerable weight as a material consideration, although it has expired. Since the earlier permission, the Unitary Development Plan has been superseded by the Local Plan, and the development will be assessed against all policies and material planning considerations considered below.

1A Green Belt issues:

The site is within the Green Belt on the Local Plan proposals map within which it is intended that development normally be tightly restricted. The history of planning applications for residential development on this site began with application 2014/92130, which was determined at Huddersfield Sub-Committee at the request of a Ward Councillor. The officers' recommendation at the time was to refuse on the grounds that the site was not within a settlement and would therefore not count as infill development under UDP Policy D13. Outline permission was granted against officers' recommendation, and full permission (2015/92902) followed shortly after.

In this and the subsequent 2017 application, the question of whether the site constituted an infill plot within an existing settlement was not reopened. The officer's assessment for the 2017 application stated that the scale and siting of the proposal was similar to that approved under an earlier application, 2015/92902 and that it would therefore not have a materially greater impact on the openness of the Green Belt than the previous permission. At the time this earlier permission would still have been extant.

The current version of the NPPF still allows "limited infilling in villages" (paragraph 145e) and it is considered that there has been no material change in the policy context concerning the legitimacy of infill development in the Green Belt or in what constitutes a "village". Paragraph 19.31 of the Local Plan reiterates that "if it is established that the site is within a village the plot should be small, normally sufficient for not more than 2 dwellings and within an otherwise continuously built-up frontage." It does not elaborate on how it should be decided whether the first criterion has been met. In this case the other two criteria are clearly met. In this instance, the site lies within a small settlement that is washed over by the Green Belt (which Scholes and Hepworth, for instance, are not) and contains no shops or services except for a children's day nursery. It has previously been determined by the Planning Sub-Committee that this site falls within an existing settlement (when judged against Policy D13 of the UDP). The site and its context are unaltered. There is no reason to deviate from the previous determination of an application on the same site; the only difference being that 'settlement' is now 'village'. The 'settlement' was washed over by Green Belt in the UDP and the 'village' (as assessed for this site alone) remains so in the LP. If a similar application were to come in today on a site with no history of planning approvals, it would be open to consider the site is "within a village".

However, it is considered that the string of recent approvals beginning with 2014/92130 must be given strong weight as a material consideration even though the most recent permission has lapsed. This includes the resolution of the Planning Sub-Committee that the site is within a settlement. It is considered that in the circumstances this amounts to sufficient evidence to demonstrate that the development is in accordance with paragraph 145e of the NPPF and para 19.31 of the Local Plan.

It is recommended that permitted development rights be removed for extensions and outbuildings as they were in previous applications, so as to

prevent additional development detracting from the openness of the Green Belt, as well as preventing overdevelopment in the interests of visual amenity.

1B Other relevant planning considerations:

The proposal will be further assessed with reference to the following policies:

- LP7 - appropriate housing densities to ensure that land is used efficiently.
- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
- LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
- LP24 – the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings and a high level of sustainability.
- LP28 – Sustainable urban drainage systems to be used where possible.
- LP30 – Development to incorporate biodiversity enhancement measures.
- LP33 – Trees and woodlands of significant amenity should be protected.

Under Chapter 11 of the NPPF, planning decisions should support development that makes “efficient use of land” taking into account the need for different types of housing, local market conditions, infrastructure, the prevailing character of the area, the desirability of promoting regeneration or change, and the importance of securing well-designed, attractive and healthy places. The advice in Chapter 12, “Achieving well-designed places”, should also be taken into account, in particular that planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments. Also of relevance is Chapter 15 (any potential pollution impacts should be assessed at the planning stage, and biodiversity should be enhanced where possible.)

The application would result in one dwelling in an application site extending to roughly 0.1ha in area. In the context of the surrounding development, which is low-density, it is considered that this would represent an efficient use of the land appropriate to its context and would thereby accord with the aims of LP7 and NPPF Chapter 11.

The development is therefore considered appropriate in principle subject to an assessment of amenity, highway safety, environmental and other criteria, to be examined in detail below with reference to the policies already listed.

2 –Impact on visual amenity: The development would be built on steeply rising land but the plans indicate that there would be no net increase in ground

levels, and that in fact there would be a modest reduction. The lower part of the new dwelling would have an eaves height lower than that of Springwood House and roughly equal to that of the Coach House. Even the highest part of the dwelling would have an eaves and roof height considerably less than that of 1 Butterley Lane which is the neighbouring property to the east. It would not be placed in close proximity to the boundary with the public highway. House to plot size ratio would be greater than many of the site's close neighbours, such as 1-5 and 2-6 Butterley Lane, but it is considered that it would not be excessive for this location. The dwelling would in some respects be of modern appearance, being split-level, but is in a location where there is no single dominant house type. It is considered that it has been designed to a high standard and that it would not be out of keeping with its surroundings.

The standard condition on materials – that samples be submitted for inspection and approved – should be imposed. The condition on the previous approval required only that the materials must match those used on the two adjacent dwellings within the blue line, but as no blue line boundary is shown on the current location plan and it therefore cannot be assumed they are in the same ownership, a condition of this nature might be deemed unreasonable or be difficult to enforce.

Subject to this it would accord with the aims of LP24a.

3 – Impact on residential amenity: 1 Butterley Lane has its side elevation facing onto the site and this elevation contains a number of window openings. In the new dwelling there are two upper ground floor windows facing towards 1 Butterley Lane which serve a store and utility and are shown as being obscure-glazed. There is also a large living room window that faces towards 1 Butterley Lane but this is set further into the site and is some 15.5m from the boundary. In addition there are some trees near the eastern boundary that provide an element of screening, but this would only apply in the summer and there is no guarantee that they would be retained, so no substantial weight will be placed on this factor. Given the difference in levels between the two sites, separation distances achieved, the nature and position of the proposed windows it is considered that the amenity of 1 Butterley Lane and the future occupiers of the proposal would not be prejudiced.

The dwellings immediately opposite the site on the other side of Butterley Lane are very well separated from the proposed dwelling (over 30m), and with their main aspect off-set from the principal elevation of the proposal. As such there would be no undue impact on the occupants of these nearby properties.

The proposed dwelling has been designed to avoid close overlooking with the Coach House and also not to obstruct the direct line of sight from any windows in this property. The north-facing window above the living room would serve a void (to light the living room below) with an en-suite beyond. The other north-facing windows in the new dwelling would face towards the upper terrace belonging to the Coach House but the separation distance is considered sufficient to avoid intrusive overlooking. The northern and north-

western part of the garden would have a 1.8m timber fence installed to protect privacy.

The use of the plot of land further north, based on the most recent aerial photographs, appears to be agricultural and not domestic curtilage.

The only window within the side of the proposed dwelling facing towards Springwood House is an obscure glazed en-suite window. Separation distances between the respective dwellings are 12.5m and 15.5m. It is considered that owing to its siting and separation distances, it would not give rise to an overbearing impact or cause undue loss of light to either of the two properties.

All aspects of the proposal, including separation distances and window placements, are as approved in the 2017 application.

It is considered that the development would provide an acceptable standard of living for future occupants whilst not harming the amenities of neighbouring properties, thereby according with the aims of LP24(b). Furthermore the dwelling exceeds National Described Space Standards and would provide a good level of amenity for future occupants

It is recommended that this is subject to a condition that the fence be installed before first occupation, and also that the first-floor north-facing window be obscurely-glazed since otherwise there would be nothing to prevent the developer or future occupants from making the area behind it additional living accommodation instead of a void.

4 – Impact on highway safety: The access for the dwelling is a recently formed access off Butterley Lane located slightly further up Butterley Lane than the original access for Springwood House. The access was approved under earlier applications including application 2016/91358 for the erection of a detached double garage for Springwood House and formation of new driveway entrance. This garage has been built and the entrance formed. The Council imposed a condition requiring the boundary wall abutting Butterley Lane to either side of the approved access to be reduced in height to a maximum of 1 metre above the level of the adjacent carriageway for a distance of 15 metres (before any development is brought into use). The access been formed it appears and substantial lowering of the boundary wall has already taken place although it is not clear whether this has been done to the extent that the original condition mandated. For the avoidance of doubt it is recommended that the same condition be imposed on this application to ensure that adequate sightlines for the new dwelling are provided. It is considered that parking and turning provision would be adequate. The application, subject to the above condition on visibility and on the retention of the areas to be used by vehicles, accords with Policies LP21 and 22 of the Local Plan.

Provided that the area is retained and kept clear of obstructions, which can be conditioned, the development would avoid any impact on the free and safe use of the highway and accord with LP21-22.

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.

In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects.

The site is not in a very sustainable location – the nearest bus stop on Sheffield Road provides only 3 services a day towards Holmfirth or Huddersfield. So it is likely that future residents would be dependent on the use of the private car for most of their daily and weekly needs. The site is not particularly isolated, however, being less than 1km from the centre of New Mill, where there are a range of shops and services.

It is therefore considered that the development is compatible with the carbon reduction aims outlined above.

Trees:

There is one individual tree covered by a Tree Preservation Order (TPO) near the access point to Butterley Lane. This would not be affected as the proposal does not involve widening the access. An Arboricultural Survey has been submitted with the application. It is considered that the other trees within the site are not worthy of a preservation order. It is considered that the application does not raise concerns over trees and that it complies with the aims of LP33.

Ecology:

The site is not under any special designation for biodiversity conservation purposes, but in view of the semi-rural location there are opportunities for ecological enhancement and it is therefore recommended that the same conditions are applied as last time (provision of an artificial bat roost and bird nesting feature – one of each) so as to accord with the aims of LP30 and NPPF Chapter 15.

Refuse collection:

There is ample space within the curtilage to store refuse containers. The submitted plans do not show a designated refuse collection point, but there would be room to present refuse containers on the shared tarmac-surfaced area just in from the access, which at that point is quite wide. It is therefore considered that no further details are necessary and that it would accord with the aims of LP24(d)(vi).

Drainage:

The site has not been identified as being at risk of flooding. The application form states that mains drainage will be used for surface water disposal. Ideally, more sustainable methods would be preferred, but it might be difficult to install a soakaway owing to the limited space within the curtilage and to require a sustainable drainage system or flow attenuation measures are considered disproportionate for a single dwelling. Given these factors, and the previous approvals, mains drainage is considered acceptable.

Air quality:

To promote sustainable means of transport in accordance with government guidance on air quality mitigation and reducing greenhouse gas emissions, in accordance with the aims outlined within Planning Practice Guidance, Policy LP24 and LP51 of the Local Plan and Chapter 15 of the National Planning Policy Framework, it should be conditioned that one new electric vehicle charging point be installed before the dwelling is occupied.

6 – Representations:

- It will be overbearing and amount to overdevelopment owing to its height and footprint relative to the site. It will be out of character with the area.
Response: For the reasons previously set out, it is not considered it will be overbearing or out of character with the area by reason of scale or design.
- Overshadowing of nearby properties.
Response: For the reasons set out above, it is considered that it will not lead to undue overshadowing to other properties.
- Loss of privacy. The position of the patio and French doors have changed from the original plans
Response: Based on a comparison of the plans, the location of these features has not materially changed. Possible implications for privacy have been examined in part (3) of the Assessment above.
- Could the land be dug out more to lower the height of the building?
Response: The lowest part of the dwelling is to be placed at the level of the shared driveway and any further lowering is unlikely to be practicable.

- The land has been raised compared to what it was originally like.
Response: There were no obvious signs of recent land-raising at the time when the case officer visited the site.
- The location plan and aerial photograph are inaccurate as it does not show recent development at Springwood House and the Coach House.
Response: The positions of all surrounding properties and other relevant features were noted when the case officer visited the site.
- The current access provides for two dwellings, not one as the application suggests, and may not be suitable for three.
Response: Permission for the residential conversion of the Coach House was granted under application 2014/92129 on 15th January 2015. The prospect of three dwellings sharing the same access was not raised as a concern by Highways Development Management during the 2017 application or previously. It is considered that the access is of a satisfactory standard to take on the traffic created.
- No objections in principle but have some concerns over Butterley Lane because there is no footway or whitelined zone and there may be some obstruction during development from contractors' vehicles. Double yellow lines should also be considered near the junction.
Response: Again, Highways Development Management did not request a construction management plan previously and it is considered that it is not necessary in this instance. Vehicles would be able to park either within the site itself or on the tarmac area near the access point without blocking access for other users. The addition of new waiting restrictions is something that cannot be obtained through the planning process and would have to be applied for separately.

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 – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2020/93986

Officer Recommendation: CONDITIONAL FULL PERMISSION

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, as amended by the Planning and Compulsory Purchase Order 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 with Policy LP24(a) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The walls of the dwelling hereby approved shall be faced in regular coursed natural stone and the roof shall be faced in slate. Before the superstructure of the dwelling commences, samples of facing and roofing materials shall be left on site for the approval in writing of the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

4. The development shall not be brought into use until all areas indicated to be used for access, parking and turning for the approved dwelling have been laid out with a hardened and drained surface. Any new hard surfacing within the curtilage of the dwelling to be used by vehicles shall be formed 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 any successor guidance. 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 with or without modification) this shall be so retained, free of obstructions and available for access and parking thereafter.

Reason: To ensure adequate space within the site for vehicle movements and parking and to mitigate the impact of the development on flood risk and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

5. The development shall not be brought into use until the boundary wall abutting Butterley Lane to either side of the existing access has been reduced in height to a maximum of 1 metre above the level of the adjacent carriageway for a distance of 15 metres. The boundary wall shall be retained at a maximum height of 1 metre thereafter. Within a strip of land 2.4 metres from the carriageway edge along the length of the reduced boundary wall (equating to 15 metres to either side of the approved access) no new fences, walls or other structures above 1 metre in height shall be erected at any time and there shall be no new or additional planting above 1 metre in height above the adjacent carriageway.

Reason: To ensure that adequate visibility is maintained at all times in the interests of highway safety, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

6. One no. 'bat brick' or bat box (in woodcrete or a similar durable weatherproof material) shall be installed on the exterior of the approved dwelling before it is first occupied. The box shall be provided on the southern elevation of the dwelling at least 5 metres above ground level close to the eaves. Thereafter the box shall be retained.

Reason: To enhance the biodiversity of the development and to accord with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

7. One no. woodcrete sparrow terrace nest box shall be installed on the north elevation of the approved dwelling before it is first occupied. The sparrow terrace shall be provided at least 3 metres above ground level and not above a door or window. Thereafter the sparrow terrace shall be retained.

Reason: To enhance the biodiversity of the development and to accord with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

8. 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 (with or without modification)) no buildings or structures included within Classes A, B, C and E of Part1, Schedule 2 to that Order shall be constructed or erected within the land edged red on the approved location plan without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the plot in the interests of visual amenity and to maintain the openness and character of the Green Belt and to accord with guidance in Chapter 13 of the National Planning Policy Framework and Policies LP24 and LP59 of the Kirklees Local Plan.

9. An electric vehicle recharging point shall be installed within the dedicated parking area/garage of the approved dwelling before the dwelling is first occupied. 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 point so installed shall thereafter be retained.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework “Promoting sustainable transport”, Policy LP24(d)(v) of the Kirklees Local Plan and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

10. The 1.8m screen fence as indicated on the approved site plan (drawing AL0001 Rev B) shall be provided before the dwelling is first occupied. A screen fence of at least 1.8m in height shall thereafter be retained to this part of the boundary.

Reason: To ensure that the development does not lead to mutual overlooking with respect to the dwelling to the rear of the site in the interests of residential amenity and to accord with Policy LP24(b) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

11. The first-floor window in the northern elevation of the dwelling (to the area indicated as “void” on the approved first-floor plan) shall be non-opening and shall be fitted with obscure glazing to give a level 5 degree of obscurity before the new dwelling is first occupied. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times.

Reason: To ensure that the development does not lead to mutual overlooking with respect to the dwelling to the rear of the site in the interests of residential amenity and to accord with Policy LP24(b) of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

Construction Site Working Times – Footnote

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	EX0001	Rev A	23-Nov-2020
Site Plan as Existing	EX0002	-	23-Nov-2020
Site Plan as Proposed	AL0001	Rev B	23-Nov-2020
Floor Plans as Proposed	AL0010	Rev C	23-Nov-2020
Elevations & Sections as Proposed	AL0020	Rev B	23-Nov-2020
Tree Survey	11574/LP	-	23-Nov-2020
Design & Access Statement	Prepared by Fibre Architects		23-Nov-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. The case officer did not request any amended plans or additional information as these were not considered necessary.

Report Dated: 15-Feb-2021