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:	2021/62/90583/E
Site Address:	119, Marsh Lane, Shepley, Huddersfield, HD8 8AS
Description:	Demolition of existing dwelling and erection of detached dwelling with integral garage
Recommending Officer:	Callum Harrison

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: 15-Apr-2021

Officer Report

2021/90583 – 119 Marsh Lane, Shepley, Huddersfield HD8 8AS

Site Description

The application relates to a detached dormer bungalow. The dwelling is faced partly in red brick and partly in pebbledash render and finished with red, Marley Plain style roof tiles. The dwelling currently benefits from an attached single garage, two driveways, a modest garden to the front and larger garden to the rear.

Marsh Lane itself is a classified C road and the buildings set on Marsh Lane are almost entirely dwellings. The style, design, form and materials of the dwellings on Marsh Lane is varied and, therefore, there is no uniform character or style to the street scene. It can be noted that most dwellings on Marsh Lane are two-storeys in height.

Description of Proposal

The application is seeking permission for the demolition of an existing dwelling and erection of a replacement detached dwelling with integral garage.

The existing dormer bungalow would be demolished and replaced with a two-storey, four-bedroom dwelling. The proposed dwelling would have a height to the ridge of 8.5m – which is 1.5m taller than the existing dwelling. The dwelling would be of a modern, gable ended design and benefit from two further gabled features extending off the main body of the dwelling, one on the front elevation and one to the rear. The proposed dwelling would benefit from an integral garage, a wide driveway to the south-west side of the site and a wrap-around patio surrounding the dwelling.

The dwelling would be faced in natural stone and finished with blue slate roof tiles. The windows would be uPVC and the doors timber or aluminium.

History of Amendments / Negotiations

No amendments were required.

Relevant Planning History

None.

Representations

The application was advertised by neighbour notification letters. Final publicity expired on 7th April 2021. No representations were received.

Consultations

Below is a summary of the consultation responses received. These will be discussed in greater detail where relevant within the report.

Kirkburton Parish Council – No comment.

KC Highways Development Management – No objections but conditions recommended.

KC Environmental Health – No objections No objections but conditions recommended.

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 allocated as unallocated in the Kirklees Local Plan 2019.

Kirklees Local Plan (KLP):

LP1 – Achieving sustainable development
LP2 – Place shaping
LP21 – Highway safety
LP22 – Parking
LP24 – Design
LP52 – Protection and improvement of environmental 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) 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 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

Assessment

1. Principle of Development

The site is without notation on 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. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

2. Impact on Visual Amenity

Policy LP24 of the KLP states that "proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape".

The application site currently hosts a dormer bungalow and thus the siting of a dwelling on the plot is generally acceptable. Furthermore, both dwellings that bound the site on both sides are two-storeys in height. As per plan 2097 03 Proposed Site Plan and Street Section, the proposed dwelling will not exceed the ridge height of either dwelling neighbouring the site and, therefore, the scale of the proposal will respect the character of the street scene and wider townscape.

Whilst the proposed materials and details offer a different style to the dwelling currently on the site, the dwellings on Marsh Lane are largely varied, with more modern design and use of stone already being found on the street. Given this, the proposal details and design can be considered to respect the wider townscape also.

For the reasons set out above, the proposal is considered acceptable regarding visual amenity and it accords with policy LP24 of the KLP and Chapter 12 of the NPPF on this matter.

3. Impact on Residential Amenity

Policy LP24 of the KLP states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

The proposed development will be mostly built on the footprint of the existing dwelling between two-storey dwellings. Given this, the proposal will not cause detrimental overshadowing or appear overbearing for any neighbouring properties.

The only windows proposed in the side elevations serve a utility room and an en-suite bathroom. Whilst these are not habitable rooms, a condition will be added for these windows to be obscurely glazed, to ensure the privacy of

neighbouring dwellings is preserved. Officers note that there are some side facing windows in bay windows on the front and rear elevations. However, given they are in a bay form, they do not offer a direct view outward to the side from most of the internal space. Thus, they are considered not to detrimentally harm the privacy of neighbouring occupiers.

Given the reasons set out above, the proposal is considered to accord with policy LP24 of the KLP and Chapter 12 of the NPPF regarding Residential Amenity. However, to ensure less disruption through the construction period, a construction working times condition will be added to the permission.

4. Impact on Highway Safety

The new dwelling will have four bedrooms and, in accordance with the Kirklees Highways Design Guide, a new development of this scale should provide three parking spaces. Sufficient parking has been demonstrated by a double garage, with space on the driveway for a further two cars.

The site will utilize part of the existing access, although this will be widened as part of the proposals and will include the works for an extended dropped kerb that will need to be carried out under a s184 agreement. Visibility will remain the same as with the previous access.

There will be turning space within the site only to exit in forward gear if there is one car on the driveway. However, Highways Development Management do not have concerns about reversing onto Marsh Lane because this manoeuvre has been established by the existing dwelling and neighbouring dwellings.

Whilst no details have been provided for bin storage, officers are confident that there is ample room on the site for bin storage and collection within the site and, therefore, a pre-occupation condition as opposed to a pre-commencement condition, for waste storage to be provided, shall be added to any permission.

5. Other Matters

Air Quality / Climate Emergency

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 predates 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.

Given the nature of this application, a condition will be imposed requiring the installation and retention of an electric vehicle charging point. It is considered that this condition will assist with the transition to low emissions vehicles in accordance with the aims of Policies LP24, LP51 and LP52 of the KLP, Chapter 9 of the NPPF and the West Yorkshire Low Emissions Framework.

Contaminated Land

Council records indicate that the proposed development site is not on potentially contaminated land. However, as the proposal involves demolition and intrusive groundworks, there is the potential for unexpected contamination to be encountered during the development and, therefore, a condition covering the unexpected finding of contaminated land is required.

6. Representations

No representations were received.

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.

As set out above, 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**

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 with Policies LP21, LP22, LP24, LP51, LP52, LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Notwithstanding the plans hereby approved, prior to occupation, the windows proposed in the south west elevation, as shown on plan 2097 04, shall be obscurely glazed, and retained thereafter.
Reason: To maintain the privacy of neighbouring gardens and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Prior to the first occupation of any new vehicle parking areas shall be surfaced and drained 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 superseded; and thereafter retained.
Reason: In the interests of highway safety and to achieve a satisfactory layout and in the interests of sustainable drainage and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

5. Prior to occupation of the dwelling, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging point provided shall be retained.
Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the aims of Policy LP51 and LP52 of the Kirklees Local Plan as well as the sustainability principles of the National Planning Policy Framework.

6. Noisy construction related activities shall not take place outside the hours of:
07.30 to 18.30 hours, Mondays to Fridays, 08.00 to 13.00 hours, Saturdays, with no noisy activities on Sundays or Public Holidays.
Reason: To limit disturbance to neighbouring dwellings during the construction period and to accord with Policy LP24 of the Kirklees Local Plan.

7. If 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 by a suitably competent person 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. No part of the site shall be brought into use until such time as that part of 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.

Note: 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: 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 notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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 Table:

Plan Type	Reference	Version	Date Received
Design and Access Statement		1	15/02/2021
Grouped Plans and Elevations	2097 01 - Existing Site Plan and Street Elevation	1	15/02/2021
Grouped Plans and Elevations	2097 02 – Existing	1	15/02/2021
Grouped Plans and Elevations	2097 03 – Proposed Site Plan and Street Elevation	1	15/02/2021
Grouped Plans and Elevations	2097 – Proposed	1	15/02/2021
Location Plan		1	15/02/2021

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 Planning 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. No amendments were sought.