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:	**2021/62/92301/W**
Site Address:	5, Birchroyd Close, Birkby, Huddersfield, HD2 2ES
Description:	Erection of one dwelling, demolition of existing dwelling and associated works
Recommending Officer:	Stuart Howden

DECISION – Full Conditional Permission

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

Neil Bearcroft

AUTHORISED OFFICER

Date: 12/1/2022

Officer Report

Site Description

5 Birchroyd Close, Birkby, Huddersfield, HD2 2ES

The site comprises a relatively large detached two storey dwelling with an integral garage, and is constructed from stone under a tile roof. The integral garage is a single storey element which protrudes to the front of the main body of the dwelling. A narrow two storey gable also protrudes beyond front elevation of the dwelling. The property benefits from access off Birchroyd Close with hardstanding for parking to the front of the dwelling, and the dwelling is set back from the highway. There is a private garden area to the rear of the dwelling.

The site is located in a predominantly residential area, and the site is surrounded by residential properties. The property consists of one of eight properties belonging to the cul-de-sac of Birchroyd Close, which is an adopted road accessed off Birkby Road to the south. The site sits at the north-west corner of this cul-de-sac, and the dwelling sits at an angle to the next door neighbouring properties of No.3 and No.7 Birchroyd Close given that it sits at the corner. The dwellings on Birchroyd Close are all two storey in height and constructed from similar materials to No.5.

The site is not in a conservation area and there are no listed buildings within close proximity to the site.

Description of Proposal

Planning permission is sought for the demolition of the existing dwelling and the erection of a replacement dwelling and associated works.

The proposed dwelling would be two storey in height and would be an overall height similar to that of the existing dwelling at the site. The footprint of the main body of this dwelling (which would have a hipped roof) would be relatively similar to that of the existing dwelling at the site. However, it would be of a greater depth than the existing dwelling and would include a single storey protruding element.

Two storey extending elements are proposed to either side of the main body of the dwelling. The protruding element on the south west side would project approximately 7 metres beyond the side wall of the main body of the dwelling and would be set back approximately 2 metres from the front wall of it. The protruding element would have a slightly lower ridge line than that of the main body of the dwelling and an eaves height similar to the main body of the dwelling. This south west element would include an integral double garage in the front elevation, and 5 narrow obscurely glazed windows are proposed above this at first floor level.

The protruding element to the north east side would be part two storey, part single storey and would project approximately 4 metres beyond the side wall of the main body of the dwelling. The ridge height of this element would be set below that of the existing dwelling.

A gabled element is proposed to protrude off the front wall of the main body of the dwelling, with an eaves height similar to the main body of the dwelling and ridge height below that of the main body of the dwelling.

The dwelling is proposed to be constructed from a mixture of materials, including random stone to match the existing dwelling and this would be the predominant walling material on the front and side elevations, although the projecting gable to the front is proposed to be constructed from smooth cut stone. White render, smooth cut stone and random stone are proposed for the rear wall. The dwelling is proposed to be under a tiled roof, although parts of the side protruding elements would have flat roofs. Four balconies are proposed to the rear elevation of the building.

The overall dwelling would have a width of approximately 29.7 metres and an overall depth of approximately 13.4 metres. The dwelling is proposed to accommodate 5 bedrooms.

The access is proposed to be as existing, but the area of hardstanding to the front of the site is proposed to be re-configured, which would allow vehicles to access the integral garage proposed.

History of negotiations/amendments received

Officers raised concerns with the applicant's agent regarding the proposal, in relation to the harm of the proposal upon character and appearance of the locality. The applicant's agent was offered the opportunity to provide amended plans, and following a number of revisions to the proposal, the concerns of Officers were addressed. The agent also agreed to an Officer request for a condition to be attached outlining the first floor windows shall be obscurely glazed and fixed shut.

Relevant Planning History

89/00652 – Erection of detached dwelling with integral double garage (substitute house type) – Approved on 10th March 1989.

Representations

Final publicity date Expires:
Neighbour letters initially expired on 21st July 2021

4 representations were received as a result of the above publicity, 3 of which objected to the initial proposal under this application, and the other which raised general comments on the initial scheme. The full comments are

available to view on the Council's Planning Webpage, but a summary of the concerns raised is provided below:

- Contrary to para 7.19 of Housebuilders Design Guide SPD that there should be a separation of 10.5 metres to undeveloped land. This undeveloped land to the rear has had permission in the past. An application was recently refused on there and could be appealed.
- Incongruous form of development: The proposal is too large and disproportionate to existing scale, layout and massing of development established in the locality. The dwelling would be twice as large as the existing one.
- The houses on Birchroyd Close are all random stone and render is proposed here.
- 70% larger in floor space than existing dwelling.
- Over-dominate the plot and the surrounding dwellings.
- Oppressive outlook for neighbouring residents
- Overlooking and loss of privacy.
- Loss of light to garden.
- Drainage concerns.
- Contrary to Policy LP24 of the Kirklees Local Plan.
- Unsustainable to demolish a relatively modern house.

Amended plans were submitted on 24th October 2021 given Officer concerns with the initial proposal, and immediate neighbours were reconsulted on 8th November 2021 following this, and Neighbour Letters expired on 29th November 2021. Following this re-consultation 3 representations were received as a result of the above publicity, 2 of which objected to the revised proposal under this application, and the other which raised general comments on the revised proposal.

The full comments are available to view on the Council's Planning Webpage, but a summary of the concerns raised is provided below:

- Very little discernible difference between the revised plans and initial plans.
- Does not address concerns raised with initial scheme.
- Unsustainable to demolish a relatively modern house.
- Loss of privacy/overlooking.
- Trees to rear will likely be removed which will result in clearer views to rear of the site.
- Loss of light/overshadowing.

Consultation Responses

N/A

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 unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 34** – Conserving and Enhance the Water Environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental 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 20th July 2021, 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 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:
- Kirklees Highways Design Guide SPD (2019).

- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide SPD (2021).

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:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

> *"All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below..."*

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable housing land supply and therefore continues to operate under a plan-led system.

Policy generally seeks to support residential development upon unallocated sites. Thus, residential development at the site could be acceptable in principle. However, Policy LP7 establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could

accommodate 3 to 4 dwellings. However, LP7 states this target should be 'where appropriate' and in the policy justification set out in paragraph 6.40 that the policy allows for lower 'densities where a site would not be compatible with its surroundings'. One dwelling is proposed in this instance, but this is considered appropriate as more dwellings on the site would likely result in a cramped form of development that would fail to sympathetically integrate with existing development in the locality. It's also worth noting that the proposed dwelling would essentially replace an existing dwelling on this site.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on visual amenity (including impact upon historic environment):

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape…"

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whist Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The siting and orientation of the proposed building is considered to be acceptable in principle given that it is relatively similar to that to the existing dwelling on the site. The proposal would also result in good sized private garden to the rear, with parking to the front and this layout is also similar to existing and other properties in the locality. The reduction in the amount of hardstanding to the front of the site is also welcomed.

The maximum height of the dwelling is considered to be acceptable given that it is similar to the existing dwelling and other dwellings within the locality. Whilst very wide, the dwelling is not considered to appear cramped on the site, given the space between neighbouring properties and the amount of rear garden that the property would benefit from.

Dwellings on Birchroyd Close tend to benefit from relatively large footprints, including the existing dwelling No.5. That being said, by virtue of the protruding elements to the side, Officers consider that the proposed dwelling would be much larger in terms of footprint and overall scale compared to the existing dwelling and other dwellings on Birchroyd Close. The width of the dwelling would be approximately 9 metres greater than the existing dwelling (being 29.4 metres), whereas other dwellings tend to be no more than 20 metres in width on Birchroyd Close, and given that the majority of the front elevation would be two storey in height, this would add to the overall scale and massing of the dwelling. Further to this, the overall form of the dwelling would be more complicated than the existing dwelling and dwellings on Birchroyd Close, especially due to the two protruding elements to the side of the main body of the dwelling.

The above said, and as noted, given the width of the plot and the space remaining to the sides, the proposed dwelling is not considered to appear cramped on the site. In addition, given the siting of the dwelling at the end of the cul-de-sac and set back into a plot at a corner, it would not be a highly prominent feature. The set back from the highway on the corner plot position would help screen the side projecting elements from parts of the public domain. These side extending elements are also considered to have subservient characteristics to the main body of the dwelling, notably given

their overall width in comparison to the main body of the dwelling, as well as the lower ridge height and set back from the front wall.

There is an existing gable element to the front of the dwelling, therefore a similar gabled element to the front of this element is considered acceptable. By virtue of its limited depth and width, and that it would have a ridge line lower than that of the main body of the dwelling and an eaves height similar to this main body, it is considered that it would not appear as an intrusive or dominant feature that poorly relates to the dwelling. It is also worth noting that other dwellings on Birchroyd Close have two storey protrusions beyond their front wall.

Moving on to appearance, dwellings on Birchroyd Close are all constructed from random stone. However, three facing materials are proposed to be mixed on this proposed dwelling, this being random stone, white render and smooth feature stone. Officers are somewhat concerned by such a mixture given the simplicity of dwellings on Birchroyd Close. That said, the majority of the front elevation is random stone like existing dwellings on Birchroyd Close and the only element to the front to use different materials is the projecting front element (smooth feature stone and glazing), but given that this a relatively small element of the proposal, it is considered acceptable. The mixture of random stone, render and smooth stone to the rear is rather complicated, but given the orientation of the dwelling, set back into the end corner of a cul-de-sac, the rear and side elevations would not be prominent features from the public domain.

The details of the hard landscaping appear acceptable in principle and further details of this could be conditioned should permission be granted so as to achieve a high standard of development.

Whilst a relatively large dwelling, given the above, Officers considered that the proposal, on balance, would not cause detrimental harm to the visual amenities of the locality, subject to conditions. The proposal is therefore considered to be in accordance Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *"Residential layouts must ensure adequate privacy and maintain high*

standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."

The properties mostly likely to be affected by the proposed development are considered to be No's.3 and 7 Birchroyd Close, No.20 Whitebeam Park, No.10 Harefield Park and No.3 Prince's View. The impact upon these properties will be discussed below. The proposed development is considered to be a sufficient distance away from any other neighbouring properties not referred to so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect.

No.3 Birchroyd Close

No.3 Birchroyd Close is next door to the application site, to the south. The proposed dwelling would be set at a slight angle to the dwelling at No.3, similar to the existing situation and would protrude beyond the rear wall of this dwelling.

It is noted that third party concerns have been raised about the potential impact upon this neighbouring property in terms of loss of light and overshadowing. However, given the orientation of the proposed dwelling to No.3 it would not breach the horizontal 45 degree line when measured from rear facing windows within No.3. Given that the proposed dwelling is to the north and is somewhat set off the side boundary shared with No.3, it is also considered that the proposal would not cause undue harm in terms of overshadowing or the creation of an overbearing effect.

There are a number of ground floor openings within the side elevation of No.3 facing the site, but most of these serve non-habitable rooms, and whilst one does serve a bedroom/office, it is also served by another window. Further to this, given the orientation of the dwelling to the proposed dwelling, it is considered that the impact upon these windows in terms of loss of light or outlook would not be materially greater than existing.

It is also acknowledged concerns have been raised regarding the openings and balconies proposed and the impact upon this property. In terms of rear facing windows, these would hardly achieve any views of the rear garden of No.3 given orientation of the proposed dwelling to No.3. It is considered that balconies to the rear of No.5 would also only achieve views of the very rear of the garden of No.3 given the orientation of this dwelling to No.3. That said, Officers have concerns with any openings at first floor level in the side elevation facing this site as they could gain clear views over the rear garden of this property. This is considered unacceptable, and a condition will be attached to note that all first floor windows within the side elevation shall be obscurely glazed and fixed shut to prevent undue levels of overlooking and loss of privacy to No.3. The applicant's agent has been notified of this The first floor windows above the garage are proposed to be obscurely glazed to prevent undue overlooking and loss of privacy too to No.3 and this can be conditioned.

No.7 Birchroyd Close

No.7 Birchroyd Close is next door to the application site, to the east. Again, the proposed dwelling would be set at a slight angle to the dwelling at No.7, similar to the existing situation and would protrude beyond the rear wall of this dwelling.

Given the orientation of the proposed dwelling to No.7 it would not breach the horizontal 45 degree line when measured from rear facing windows within No.7. Given that the proposed dwelling is also to be set off the side boundary shared with No.7, it is also considered that the proposal would not cause undue harm to No.7 in terms of overshadowing or the creation of an overbearing effect.

There are three windows within the side elevation of No.7 facing the site (two at ground floor and one at first floor). One the ground floor windows serves a room with rear facing windows. The other two windows are set further forward on the dwelling, and given the differing orientation of this dwelling to the proposed dwelling (which is set back into the plot), it is considered that the impact upon these windows in terms of loss of light or outlook would not be materially greater than existing.

In terms of rear facing windows, these would only achieve very oblique views of the rear garden of No.7 given orientation of the proposed dwelling to No.7. It is considered that balconies to the rear of No.5 would also only achieve views of the very rear of the garden of No.7 given the orientation of this dwelling to No.7. That said, Officers have concerns with the opening at first floor level in the side elevation facing this site as this could allow for clear views over the rear garden of this neighbouring property. This is considered unacceptable, and a condition will be attached to note this first floor window within the side elevation shall be obscurely glazed and fixed shut to prevent undue levels of overlooking and loss of privacy to No.7.

No.20 Whitebeam Park

No.20 is sited to the rear of the application site, with the side elevation of this dwelling facing towards the site. The proposed dwelling would be over 22 metres away from the side wall of this dwelling, which has no first floor windows. The proposed dwelling would also be set off quite some distance from the boundary shared with this neighbouring property. Given the above, it is considered that the proposal would prevent undue harm to No.20 in terms of loss of light, loss of outlook or the creation of an overbearing effect.

Given the distances involved between the proposed dwelling and existing dwelling at No.22 and the distance of the proposed openings and rear balconies from the rear garden of No.20, it is considered that the proposal would not cause undue harm to No.22 in terms of loss of privacy or overlooking.

No.10 Harefield Park & No.3 Prince's View

Both of these properties are located to the west of the application site, with the rear elevations of both of these properties facing towards the site. Whilst concerns have been raised about the impact on these properties in terms of loss of privacy and overlooking, there is a parcel of land which separates these properties from the site, and as a result the proposed dwelling with its balconies to the rear would appear to be at least 28 metres away from the rear elevations of both neighbouring dwellings and at least 15 metres away from the rear boundary of these properties. Of note, the Kirklees Housebuilders Design Guide SPD (text supporting Principle 6) recommends a minimum separation distance of at least 21 metres between facing windows of habitable rooms at the backs of dwellings. Officers consider that the proposed dwelling would be sufficiently sited so as to prevent undue harm to these neighbouring properties in terms of loss of light, loss of outlook, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Development

A third party has noted that the proposal would be contrary to Paragraph 7.19 of Housebuilders Design Guide SPD supporting Principle 6, which recommends that there should be a separation of 10.5 metres to undeveloped land. It is also noted that this undeveloped land to the rear has had permission in the past. Whilst the above is noted, a factor for consideration is also that the LPA raised significant concerns with a recent application (LPA Ref: 2020/94292) for residential development on the site and refused this application in 2021. The LPA considered residential development on the site is likely to result in a cramped and contrived form of development that would poorly integrate with existing development, and that the previous permissions at the site (which have expired) are material considerations of limited weight. Thus, the proposed development is considered acceptable in this respect.

Amenity of the Proposed Occupiers

The Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed rear garden is considered to be a good sized for a dwelling of this scale.

Subject to conditions, the proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 111 of the NPPF states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Policy LP21 (b) goes on to note that all proposals shall, where needed, provide new infrastructure or improvements on or off site to ensure safe access from the highway network for pedestrians, cyclists, public transport users and private vehicles.

The proposal would replace a 3 bedroom dwelling with a 5 bedroom dwelling, and the Kirklees Highways Design Guide SPD states that at least 3 on-site spaces are required for dwellings with 4 or more bedrooms.

It is proposed to alter the external parking area to the front of the dwelling and provide a detached double garage. Officers are satisfied that the external parking area could accommodate at least 3 vehicles. It is also the case that the double garage proposed is considered to be of a sufficient scale to accommodate two vehicles when referring to the Highways Design Guide SPD. However, the parking area should be provided prior to the first occupation of the dwelling and this can be conditioned.

It is not proposed to alter the access to the site, and it is considered that the proposal, for what is effectively a replacement dwelling, would unlikely result in a substantially greater number of movements to and from the site. This arrangement is therefore considered acceptable.

Bins are proposed to be stored behind the garage and it is assumed collection arrangements would not alter.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for development which directly or indirectly threaten trees or woodlands of significant amenity. Whilst there are trees within the site, and

the proposal could result in the loss of a number of these, none of these are protected.

Ecology
The site consists of a two storey dwelling with an area of hardstanding and managed lawn around it. Whilst it is proposed to demolish the existing building, it is considered that this building is likely to have low potential for protected species given its relatively modern construction. It is therefore considered that the proposal is unlikely to cause harm to protected species.

However, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity. Given this, the provision of bat and bird boxes on the proposed dwelling are to be recommended as a condition should permission be granted.

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 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.

Due to the nature of the scheme, this being a proposal providing one new residential unit within the site, it is considered that one electric vehicle charging for this dwelling should be provided to aid in the contribution to climate change. This matter could be conditioned should planning permission be granted.

Contamination
The site is not identified as being on potentially contaminated, but a condition relating to the discovery of unexpected contamination could be conditioned should permission be granted.

Drainage
Concerns have been raised from a third party in relation to drainage as a result of the proposed development. However, the site is not within a high risk flood zone being located within Flood Zone 1 and the site is identified as being at low risk of surface water flooding. In terms of drainage, the submitted application outlines that foul water would connect to an existing mains sewer, with specific details subject to the proper assessment via building regulations and Yorkshire Water. A compliance condition can be attached to prevent surface water run off the site from the driveway.

6 – Representations:

7 representations have been received overall a result of the above publicity. The majority of comments raised are addressed in the above assessment. Any other comments will be discussed below:

Third Party Comment: Unsustainable to demolish a relatively modern house.
Officer Response: Whilst this is acknowledged, the Local Plan contains no policy to restrict the replacement of dwellings.

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, on balance, that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers
Application Number: 2021/92301
Officer Recommendation: Approve
Conditions:

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, L43, LP51, LP52 and LP53 of the Kirklees Local Plan and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Prior to construction of dwelling hereby approved above slab level, details of all the external facing materials of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall be carried out in accordance with the approved details and retained as such.
Reason: In the interests of visual and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Prior to the first occupation of the dwelling hereby approved, a hard landscaping scheme shall be submitted to and improved in writing by the Local Planning Authority and shall include:

- Details of boundary enclosures, including location, heights and materials; and
- Details of pavements and pedestrian accesses

Thereafter, and prior to the first occupation of the dwelling hereby approved, the development shall be constructed in accordance with the approved details and retained thereafter.
Reason: In the interests of visual and residential amenity, and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on Drawing No. 105 Revision A shall be laid out with a hardened and drained surface 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 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) these areas shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

6. Prior to the first occupation of the dwelling hereby approved, one electric recharging point shall be installed within the dedicated parking area of the dwelling hereby approved. 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: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

7. A bat box and a bird box shall be incorporated into the dwelling; the boxes shall be long-lasting Schwegler `woodcrete' type or similar and shall be located away from sources of light. The bat and bird boxes shall be provided prior to first occupation of the dwelling and thereafter be retained.
Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. 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: So as to protect future occupants of the development from any potential land contamination and to accord with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. Prior to the first occupation of the dwelling hereby approved, all first floor side facing windows in the dwelling shall be fixed shut, unless parts of the windows which can be opened are more than 1.7 metres above the first floor level, and obscurely glazed (Level 3 or above), and shall be retained as such thereafter.
Reason: To restrict overlooking, to preserve the amenity of future occupiers and neighbouring residents and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

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, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 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: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2)* June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group

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 13.00hours, 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 work may be carried out.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Application Form	-	-	7th June 2021
Location Plan	100	-	10th June 2021
Existing Ground Floor Plan	103	-	7th June 2021
Existing First Floor Plan	104	-	7th June 2021
Existing Elevations	108	-	7th June 2021
Proposed Block Plan/Ground Floor Plan	105	A	24th October 2021
Proposed First Floor Plan	106	C	24th October 2021
Proposed Elevations	107	F	24th October 2021
Design and Access Report by Jade3Architecture dated 1st June 2021	2021 enquiry 9	-	9th June 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 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.

Officers raised concerns with the applicant's agent regarding the proposal, in relation to the harm of the proposal upon character and appearance of the locality. The applicant's agent was offered the opportunity to provide amended plans, and following a number of revisions to the proposal, the concerns of Officers were addressed. The agent also agreed to an Officer request for a condition to be attached outlining the first floor windows shall be obscurely glazed and fixed shut.

Report Dated: 10.01.2022

Coal Mining - Low