

**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: 2021/62/92923/W

Site Address: adj, 60, Huddersfield Road, Skelmanthorpe,
Huddersfield, HD8 9AS

Description: Erection of detached dwelling with attached 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: 21st September 2021

Officer Report

2021/92923 – adj. 60, Huddersfield Road, Skelmanthorpe, Huddersfield, HD8 9AS

Site Description

The application relates to a piece of land currently used as a domestic garden associated with a dwelling to the east of the site. A greenhouse outbuilding is the only built structure on the site. The land is bordered by dwellings to the east and west, open Green Belt fields to the north, and the highway to the south.

Huddersfield Road is a classified B-road (B6116). The area is, however, residential. Whilst the setting could be described as semi-rural, dwellings on Huddersfield Road are largely varied in terms of their styles, designs and details. Bungalows, semi-detached and detached two storey dwellings can all be found close to the application site. Materials such as stone, red brick, render and cladding can all be found in the street scene. Dwellings in the street scene also vary in age. For these reasons, there is no distinct character to the area.

Description of Proposal

The application is seeking planning permission for the erection of one dwelling. The dwelling would be two storeys in height and detached. According to the submitted plans, the dwelling would benefit from four bedrooms, an attached garage, gardens to the front and rear, a driveway with turning point and Juliet balcony. The walls of the dwelling would be faced in coursed natural stone, with the roof finished with blue stone slate tiles.

The dwelling would have a maximum height of 9m, with a height to the eaves of 5.5m. The dwelling would be 13m deep at the widest point, which includes a single-storey element to the rear and the gable feature to the front. The width of the dwelling would be 13.2m, including the attached garage.

History of Negotiations

None.

Relevant Planning History

None.

Representations

The application was advertised by neighbour notification letters. Publicity expired on 27th August 2021. One representation was received, which was against the proposal. This representation has been summarised as follows:

- The loss of a garden will harm amenity of the area.

- The house is too large for the plot and out of proportion with other dwellings in the street scene.
- The proposal is contrary to the Council's Green and Carbon Budget policies.

Consultations

Below is a summary of the consultation responses received. This will be discussed in more detail where relevant in the report.

KC Highways Development Management – No comments received.

KC Environmental Health – No objections, subject to conditions relating to electric vehicles charging points, contaminated land and construction working hours.

Denby Dale Parish Council – No objections.

Policy

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

The site is unallocated on the Kirklees Local Plan proposals map.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 11 – Housing mix and affordable housing
- LP 21 – Highway safety and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity
- LP 34 – Conserving and enhancing the water environment
- LP 51 – Protection and improvement of local air quality

Supplementary Planning Documents (SPD):

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the

National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note
- Highways Design Guide
- Housebuilders Design Guide

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the 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 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

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

1. Principle of development

The site is without notation on the KLP, policy LP1 of which 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.

KLP policy LP1 goes on further to stating that: *“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”*.

In this case, the application site forms a part of the existing domestic curtilage associated with 60 Huddersfield Road. The development would lead to the

subdivision of this plot to provide one new dwelling. As such, it is appropriate to consider the Local Planning Authority's overall housing position.

Housing supply

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.

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. These issues along with other policy considerations will be addressed below.

2. Impact on Visual Amenity

General design considerations are set out in policy LP24 of the KLP and chapter 12 of the NPPF, both of which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. KLP policy LP24 states that *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.'* The recently adopted Housebuilders Design Guide SPD also sets out design principles, which need to be considered for new dwellings, to ensure that they are of an appropriate design and scale.

The proposed dwelling would combine traditional and more contemporary design. In terms of traditional design, the used of coursed natural stone with blue stone slate is traditional. The dwelling would also have traditional architectural features, such as stone sills, lintels and dentils. These traditional elements respect the semi-rural location and the older properties within the vicinity of the application site. Notably, more contemporary elements include the double height glazed entrance, rear single storey element with lantern and the attached garage. Details that were contemporary at the time when other dwellings were constructed are common on the street scene, thus, these more contemporary additions would not appear out of place.

The dwelling is a rather standard height for a two-storey dwelling and would see plenty of outdoor amenity space retained in the form of front and rear

gardens. Whilst the dwelling is set slightly further back from the highway than the neighbours, this is necessary to provide turning space to the front. Nevertheless, given the varied nature of the street scene, the scale and layout of the proposal would not appear as overdevelopment, nor appear out of context with the wider area.

The proposal would see a 0.9m wall erected to the front of the property. This low-level wall accords with the existing front boundary treatment seen on the street and it would ensure the dwelling would appear integrated within the street scene.

In conclusion, the development in question is of a satisfactory design, size and scale. More specifically, officers consider the built form to preserve the appearance of the existing buildings along Huddersfield Road. The prevalent residential character would not be harmed, whilst the design is appropriate in the street scene, whereby the dwellings are largely varied in design. Appropriate outdoor amenity space would also be retained to ensure that the building would not over develop the site. As such, the scheme is considered to comply with policy LP24 of the KLP and chapter 12 of the NPPF.

3. Impact on Residential Amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to policy LP24 of the KLP which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”* This is further supported by policies set out in chapters 12 and 15 of the NPPF. Given the setting of the site, the main impact would be upon the amenity of nos.60 and 62 Huddersfield Road.

Regarding privacy, the only side facing windows on an upper floor level serve bathrooms. Thus, these windows will not cause a loss of privacy for either dwelling, as they would be obscurely glazed. Whilst the boundary treatment has not been specified, it is presumed it would be a fence between 1.8m-2m as to accord with the GDPO. A fence between these heights would conserve the privacy of both these neighbouring dwellings, from the downstairs windows and outdoor amenity space of the proposed dwelling. Nevertheless, a condition for the provision of boundary treatments will be imposed for the reasons of preserving the privacy of both neighbours and the future occupiers of the proposed dwelling. Subject to this condition, the proposal will not materially harm the privacy of no.60 or no.62.

Regarding overshadowing, the dwelling is not to the south of either neighbour. Furthermore, the proposed dwelling is set off the boundary on both sides, to the side elevations of these neighbours, next to an outbuilding associated with no.62 and the attached garage of no.60. For this reason, the proposed development will not cause any detrimental overshadowing to either no.60 or no.62. The proposed dwelling will not be detrimentally overshadowed for the same reasons. As shown on the submitted street elevation, the maximum height of the dwelling will be below the ridge of no.62 and modestly above the

ridge of no.60. This goes with the natural slope of the land, which rises from east to west. For this reason, the proposed height accords with the existing development on the street and will not appear overbearing to either neighbour.

It is noted that the site is in a residential area. To ensure the amenity of neighbouring occupiers are preserved through the construction period, a condition for working hours for noisy construction will be imposed.

Turning to the amenity of the future occupiers, the new dwelling, the scale has been considered acceptable to provide a good level of amenity for the future occupiers. The floor space proposed internally would comply with the Nationally Described Space Standards for a two-storey, four-bedroom house.

Overall, it is considered that the proposal would have an acceptable impact on residential amenity and would be compliant with the aims of policy LP24 (c) of the KLP and chapter 12 of the NPPF, subject to conditions relating to the provision of boundary treatment and construction working hours.

4. Impact on Highway Safety

Turning to highway safety, policies LP21 and 22 of the KLP have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

In this case, officers have noted that the new dwelling would have four bedrooms, with sufficient off-street parking being provided in the integral garage and on the driveway. There would also be ample of area within the site for turning, to ensure that the vehicles can exit in forward gear on to the classified B-road. The gates are to be set back from the highway, meaning vehicles would not impede the highway, if they pull in whilst the gates are closed. A condition is required to ensure that the driveway is appropriately surfaced and drained in accordance with standard guidance, to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk. This would accord with policies LP28 and LP34 of the KLP.

Details of bin storage and collection has not been provided. Whilst, typically, officers would require this on plan, or to be submitted as part of a pre-occupation condition, in this instance, given the abundance of space to the front of the property, there is clearly ample space for bin storage and safe presentation points that would not interfere with the highway. For this reason, a condition for the showing of bin presentation and storage points would be unreasonable, in accordance with the six tests on conditions.

For these reasons, the proposal is considered to accord with policies LP21 and LP22 of the KLP and the Councils Highways Design Guide, with regard to Highway Safety.

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

Biodiversity

The application site is not identified with the bat alert layer on the council's internal mapping system, nor is it set within the Wildlife Habitat Network. Given the site is currently used as a domestic garden, in a residential area, the biodiversity value of the site is low. Nonetheless, KLP policy LP30 and the biodiversity guidance notes state that a biodiversity net gain is required for all development. To create this net gain, a condition to secure a bird box into the external wall of the new dwelling shall be added to the decision notice. This mitigation will ensure that the proposal minimises the impact on biodiversity and provides a net biodiversity gain through good design by incorporating biodiversity enhancements as required by KLP policy LP30.

Drainage and Foul Sewage

The application form states that surface water will be drained via a sustainable drainage system. This accords with policy LP28 of the KLP, as it follows the drainage hierarchy set out by the National Planning Practice Guidance. The NPPG sets out that the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration);
1. to a surface water body;
2. to a surface water sewer, highway drain, or another drainage system;
3. to a combined sewer.

Whilst officers appreciate that the application form states surface water drainage will be via sustainable methods, no information of this system has

been provided. For this reason, a condition is required for the agent to submit a scheme detailing surface water drainage for approval in writing by the Local Planning Authority prior to commencement. This scheme should work through the hierarchy to find a drainage solution as high up the hierarchy as possible. The application form states that the proposed foul sewerage connection for the new property is to be tracked back to the existing mains sewer. This is considered satisfactory and, therefore, the proposal is considered to comply with the aims of policy LP53 of the KLP.

Contaminated Land

This site has been identified on our mapping system as potentially contaminated land, due to its proximity to a landfill site (Site 128/17). Contaminated land conditions are, therefore, necessary to accord with KLP policy LP53.

6. Representations

The application was advertised by neighbour notification letters. Publicity expired on 27th August 2021. One representation was received, which was against the proposal. This representation has been summarised as follows:

- The loss of a garden will harm amenity of the area.
Response: Noted and assessed in section 2 of the assessment.
- The house is too large for the plot and out of proportion with other dwellings in the street scene.
Response: Noted and assessed in section 3 of the assessment.
- The proposal is contrary to the Council's Green and Carbon Budget policies.
Response: Noted and assessed where relevant.

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 it 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, LP28, LP51, LP52 and LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. 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.

4. The dwelling hereby approved shall not be occupied until a screen fence between 1.8m and 2.0m in height above ground level has been erected along the shared boundaries with no.60 and no.62 Huddersfield Road. The screen shall thereafter be retained.

Reason: In the interests of residential amenity so as to prevent potential loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

5. 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 safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and Policy LP24 of the Kirklees Local Plan.

6. Prior to occupation of the dwelling, one electric vehicle recharging points, one for each dwelling 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.

7. A scheme detailing surface water drainage shall be submitted to and approved in writing by the Local Planning Authority before development commences. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements on the site. The dwellings shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.

8. The dwelling hereby approved shall be externally faced with natural coursed stone and blue stone in accordance with the details shown on the approved plan.

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

9. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it may affect the method of construction of the dwellings.

10. Where further investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 9. Groundworks (other than those required for a site investigation report) shall not commence until a phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it may affect the method of construction of the dwellings.

11. Where remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10, further groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy

shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition as it may affect the method of construction of the dwellings.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered (in either the Preliminary Risk Assessment or Phase II Intrusive Site Investigation Report) is identified or encountered on site, 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. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To identify and remove unacceptable risks to human health and the environment from land contamination in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised 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 the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and 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 Chapter 15 of the National Planning Policy Framework.

14. One nest bird box suitable for house sparrow (Schwegler 1SP sparrow terrace, or similar) shall be installed within the exterior of the new dwelling during the construction phase before the dwelling is first occupied. The box shall be installed on the north corner of either side elevation, at least 4 metres above ground and not located above windows or doors. The box shall thereafter be retained.

Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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

NOTE: Electric Vehicle Charging Point – A Standard electric vehicle charging point is one which can provide a continuous supply of at least 16A (3.5kW). A 32A (7kW) charging point 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: Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out

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
Location Plan		1	21/07/2021
Grouped Plans and Elevations	2134 – 01	1	21/07/2021
Grouped Plans and Elevations	2134 – 02	1	21/07/2021
Grouped Plans and Elevations	2134 – 03	1	21/07/2021
Design and Access Statement		1	21/07/2021

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 conditions were required or sought.