

**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:	<b>2021/62/93034/W</b>
Site Address:	Stone Pit Hall, Snowgate Head Lane, New Mill, Holmfirth, HD9 7DH
Description:	Change of use of land to extend domestic garden, demolition of three detached garages, regrading of land and erection of detached garage/workshop, demolition of attached garage and erection of two storey extension and alterations
Recommending Officer:	Katie Chew

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 22<sup>nd</sup> September 2022

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## **Officer Report**

### **Site Description**

Stone Pit Hall, Snowgate Head Lane, New Mill, Holmfirth, HD9 7DH

The application site relates to a medium sized, two-storey detached stone-built dwelling and 3 detached garages located adjacent to the dwellinghouse to the east. The main elevation of the property faces out towards Horn Lane in New Mill. The property benefits from an attached single garage and driveway, with garden/amenity areas to the front and sides of the dwelling.

The application site is not located within a Conservation Area or in close proximity to any Listed Buildings.

### **Description of Proposal**

The application seeks planning permission for the change of use of land to extend domestic garden, demolition of three detached garages, regrading of land and erection of detached garage/workshop, demolition of attached garage and erection of two storey extension and alterations.

The proposed two storey extension is to be located on the western elevation of the host dwelling and is to replace the existing single storey projection which currently houses a single garage. The extension will measure approximately 5.8m x 7.9m, with a ridge height of 5.7m. The garage to be demolished being 5.8m x 6.3m in size.

The proposals also seek to demolish three existing detached garages located to the east of the site. These garages are to be removed and a new detached garage/workshop is to be erected, these alterations will require some significant regrading of the land (reduction of approximately 1m) to ensure that the land is level and can provide safe access. The proposed garage/workshop is to measure approximately 6.6m x 13m, with a ridge height of 3.3m.

Alterations also include amendments to the internal layout of the dwelling and the introduction of patio doors and a new window within the front elevation of the property, as well as the existing front door which is to be walled up. To the rear of the dwelling, 3 new windows are to be installed as well as the opening up of one of the existing windows. On the right-hand gable elevation amended window designs are to be provided alongside the opening up of the existing door to form the new front entrance. On the left-hand gable elevation, a window within the western elevation of the host dwelling is to be removed as it would be covered by the proposed side extension.

Finally, the proposals will also include a change of use of land to extend the domestic garden of Stone Pit Hall to the east. The garden is to be extended

by approximately 195sqm to include the portion of land to the east which comprises of three detached single garages, this is to allow the applicant to construct a new double garage/workshop which can be used in relation to the host dwelling. This extended garden area will mean that alterations are required to include new/amended boundary treatments to the south.

### **History of negotiations/amendments received**

A number of amended plans have been submitted throughout the course of this planning application, this was to reduce down the overall scale and size of the detached garage/workshop, decrease the amount of glazing and oak framing proposed within the two-storey side extension, and to clarify the red line boundary of the site.

### **Relevant Planning History**

There is no relevant planning history at the application site or at adjacent sites.

### **Representations**

Final publicity date expires:

Neighbour Letters – Expired 8<sup>th</sup> November 2021.

No representations have been received to date.

**Officer note:** We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above. Whilst it is acknowledged that a number of amended plans have been provided throughout the course of this planning application, the amendments sought to reduce down the overall scale and size of the proposals and alterations to the design, officer's therefore deemed that re-consultation was not required in this instance.

### **Consultation Responses**

**KC Highways Development Management** – Comments received 13<sup>th</sup> October 2021. No objections to the proposals although highway officers recommend that the two doors proposed within the new garage be amended to one full width garage door for ease of access.

**KC Environmental Health** – Comments received 23<sup>rd</sup> November 2021. No objections subject to conditions.

**Officer note:** Whilst a condition was suggested which relates to the provision of an electric vehicle charging point, given the nature of the proposals are for

extensions and alterations to an existing dwellinghouse it was not considered reasonable or necessary to include this condition in this instance.

### **Parish/Town Council**

Holme Valley Parish Council – Support.

### **Local Ward Members**

Councillor Firth – Emailed officers on the 6<sup>th</sup> June 2022 to raise concerns with the amendments requested by officers to the submitted plans. He requested a site visit however, it was agreed by officers and the applicant/applicant's agent that a video call would be sufficient as officers had already visited the site previously.

### **Planning Policy Background**

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 27<sup>th</sup> February 2019) and the Holme Valley Neighbourhood Development Plan.

The application site is located within the Green Belt as indicated upon the Kirklees Local Plan, and falls within a Bat Alert Area. It is also important to note that to the south of the site are Yorkshire Water sewers.

### **Kirklees Local Plan (LP):**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP57 – The Extension, Alteration or Replacement of Existing Buildings
- LP58 – Garden Extensions

### **Other Guidance Documents:**

- Kirklees Highways Design Guide (2019)
- House Extensions and Alterations Supplementary Planning Document (2021)

### **Neighbourhood Development Plan:**

The Holme Valley Neighbourhood Development Plan was adopted on 8<sup>th</sup> December 2021 and therefore forms part of the Development Plan.

The policies contained within Holme Valley Neighbourhood Development Plan relevant to the consideration of this application are as follows:

**Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.**

*“Overall, proposals should aim to make a positive contribution to the quality of the natural environment”.*

**Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.**

*“Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings” and [proposals] “should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets...”.*

**Policy 11 – Improving Transport, Accessibility and Local Infrastructure**

*“New development.... should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (Parking) and the Council’s latest guidance on highways design”.*

**Policy 12 – Promoting Sustainability**

*“All new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions”.*

**Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain.**

*“All development proposals should demonstrate how biodiversity will be protected and enhanced”.*

It is important to note that the application site is within Landscape Character Area 8, the Settled Slopes of the Holme Valley. Key built characteristics of the area include older settlements which are characterised by their agricultural and industrial past and there are isolated farmsteads on the valley slopes. Scholes and Wooldale are the largest of the settlements and contain some services and older and more modern development. Vernacular building materials include millstone grit walls and grey slate roofs.

**National Policies and Guidance**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first

launched 6<sup>th</sup> 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

### **Summary of Principal Planning Issues**

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

### **1 – Principle of Development**

#### 1.1 - Sustainable 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.

#### 1.2 – Land Allocation (Green Belt)

The site is allocated as Green Belt on the Kirklees Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in ‘very special circumstances’.

Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF.

Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance. Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

Policy LP58 relates to the change of use of land to residential curtilage and is discussed in more depth within the following report.

#### *Whether the proposal is inappropriate development in the Green Belt*

As a starting point it is important to understand what constitutes the 'original building'. The glossary within the NPPF defines 'original building' as: 'A building as it existed on 1st July 1948 or, if constructed after 1st July 1948, as it was built originally'.

From looking at the previous planning history and historic maps for the site, it doesn't appear that there have been any extensions or additions to the property however, within the submitted Design + Access Statement part of the original building has been demolished and replaced with a single storey extension which currently comprises of a single garage.

Taking the above NPPF definition into account, the original building as constructed had a floor area of approximately 223sqm. As there is limited information for officers to work out the volume, this has been calculated by using the ridge height of the two-storey element of the dwelling throughout (although it is acknowledged that this would be marginally lower given that the western elements of the building appear to have been 1/1.5 storeys in height), this would give an approximate cubic volume of 1293.4 cubic metres.

The proposed two storey side extension would be located to the west and would have a floorspace of around 44.44sqm, and a volume of 188.87 cubic metres. As this extension is to be located on the footprint of the existing single storey garage and is to replace an historic two storey projection, officers have no concerns with this addition appearing disproportionate.

Moving on to the proposed workshop/garage, LP57 of the Kirklees Local Plan (b) highlights that in the case of replacement buildings, the new building must

be in the same use and not materially larger than the building it is replacing. In this instance the proposed workshop/garage is to replace 3 existing detached single garages located to the east of the site. The existing garages are set within a sloped landscape and have a floor area of around 55.51sqm and a cubic volume of 138.77. The proposed workshop/garage would have a floor area of approximately 84.24 sqm, and a volume of approximately 235.872 cubic metres, and would include regrading of the land (of around 1m) to allow for a level access.

Whilst officers acknowledge that the proposed replacement building would result in an uplift of around 28.73sqm in floorspace and 97.102 cubic metres in volume, from a visual perspective the proposed workshop/garage will consolidate 3 dilapidated detached garages into one single building, which will be stepped back from the road and be constructed using a design and materials which are reflective of the host dwelling. As no excavation is proposed to the rear of the building, the garage/workshop will be built up against the existing landscape and this will therefore lessen any impact the proposals may have on the openness of the green belt.

The garage is considered as an addition to the original dwelling, notwithstanding the fact this application would also see the land the garage is upon change use to part of the curtilage of the dwelling. When considered in combination with the extension it is considered the additions proposed as part of this application would not be disproportionate and as set out above, the design of the garage / workshop is not considered to significantly impact upon openness. Furthermore, considering the conclusions of the change of use of the land to residential curtilage (detailed in the following report) it is considered this element of the proposal would also not conflict with the purposes of including land in the GB.

Officers on balance, consider the proposals to be acceptable and in accordance with local plan policy LP57 on this occasion.

The proposals also seek to extend the existing residential curtilage. Policy LP58 of the Kirklees Local Plan states that the change of use of land in the Green Belt to domestic garden will not normally be permitted. Where it can be shown that very special circumstances exist that would warrant allowing the proposal, consideration will need to be given to the following:

- a) The degree, location and orientation of the enclosure, which should cause least harm to the openness of the Green Belt; and that
- b) The means of enclosure is appropriate to its setting and is of a high quality of materials and design.

Policy LP58 however conflicts with paragraph 150 of the National Planning Policy Framework, although it is noted that part of the policy still does hold weight in that permitted development rights for structures such as garages, sheds, greenhouses or other ancillary or incidental buildings or structures may be removed if it is considered that they would subsequently result in an unacceptable intrusion of urban character in their Green Belt setting. This is in

accordance with paragraph 150 of the NPPF which sets out how material changes in the use of land are not inappropriate in the Green Belt provided they preserve its openness.

The extension of garden curtilage is proposed to the east of the host dwelling, allowing the applicant to include land which currently comprises of three detached garages into their residential curtilage. This would then enable the proposed workshop/garage addition to be erected. The garden is to be extended by approximately 195sqm and given the current use of the land, this is not considered to significantly impact upon the openness in terms of an increase in the size of the residential curtilage in this instance. The new residential curtilage will run along the back of the proposed workshop/garage, restricting the area and protecting the green belt from encroachment.

The three garages are of a poor design quality and contrasting materials in relation to neighbouring buildings. It is considered the proposed workshop addition would be an improvement in terms of materials of construction and it is noted the changes in land levels mean the building would not be significantly higher than that of the existing garages.

In this case the land surrounding Stone Pit Hall is somewhat open and free from development, and although the site is enclosed by a dry-stone wall to the north, east, south and west, any additional ancillary buildings are likely to provide a more urban and domestic feel to the area, whilst also impacting on the openness of the Green Belt. For the above reasons, it is considered reasonable and necessary to removed permitted development rights for any additional ancillary or incidental buildings to be constructed at the site. This is in the interests of visual amenity and to preserve the openness of the Green Belt.

In conclusion, the principle of development in the Green Belt is considered to be acceptable on this occasion.

*Whether there would be any other harm to the Green Belt, including visual amenity*

In respect of the openness of the Green Belt, openness has been established to have both a visual and spatial aspect. As outlined above the proposal would increase the amount of built development therefore there would be some impact upon the openness of the Green Belt as a result of this.

From a visual amenity perspective, the NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 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 the development in the local area, thus retaining a sense of local identity.

LP24 states that all proposals should promote good design by ensuring the following:

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

*c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

Policy 2 of the Holme Valley Neighbourhood Plan states that *‘designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties... Materials must be chosen to complement the design of the development and add to the quality or character of the surrounding environment. Local millstone grit and stone flags should be used where these are the prevailing material’*.

Key Design Principles 1 and 2 of the Council’s adopted House Extensions and Alterations Supplementary Planning Document seek to ensure development is subservient to the host property and in keeping with the character of the locality. Specifically stating the following: -

*‘Key design principle 1 (Local character and street scene) – Extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene’*.

*Key design principle 2 (Impact on the original house) – Extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail’*.

Paragraph 5.22 of the above SPD relates to two-storey and first floor side extensions, and outlines: they should ideally be visually smaller in relation to the original house; be set back at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline from the original house; have a roof design that follows the form of the existing roof; and retain a gap of at least 1 metre to boundary walls to avoid a terracing effect and to retain rear access to gardens.

In this instance the proposed extension would be set back by approximately 0.5m from the front elevation of the original house, have a dropped ridge and a have a pitched roof which is reflective of the existing roof of the host dwelling. Sufficient distances are also provided between the extension and boundary walls, although it is noted that given the dwellings location and detached nature the terracing effect would not be relevant on this occasion.

Whilst it is acknowledged that a large amount of glazing is proposed within the gable end, this has been significantly reduced alongside the originally submitted green oak timber frame which has helped to ensure that the design of the extension is simple and retains some traditional character, thus not detracting from the host dwelling. The proposed extension is therefore considered to be in accordance with the Council's SPD.

Paragraphs 5.29 and 5.30 of the above SPD relate to outbuildings/garages. These paragraphs outline that outbuildings can have as much of an impact on the appearance of the building as any other extension. Wherever possible these should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building. Outbuildings should normally be subservient in footprint and scale to the original building and its garden, be set back behind the building line of the original building and preserve a reasonable private amenity space following the general principle that no more than 50% of the garden should be lost.

On this occasion, the proposed workshop/garage would have a footprint which although large in size, would be smaller than the footprint of the host dwelling. This coupled with the fact that the workshop/garage is to replace existing buildings, be single storey in height and viewed against the two-storey host property, be constructed from materials to match the host dwelling, be simple in design with a pitched roof, which is deemed to be reflective and sympathetic of the adjacent host property and be set behind the building line of the host dwelling, is concluded to be acceptable on this occasion. It is also noted that as this section of the site is to be included within the proposed garden extension, none of the existing amenity space will be lost to allow the construction of this building and therefore the proposals are in accordance with the SPD.

In terms of design, the proposed extension and workshop/garage are considered to be acceptable visually in terms of scale, size, design and materials proposed. The buildings are not located within a Conservation Area, nor are they listed, therefore on balance it is felt that the proposed extensions would not erode or significantly detract visually from the original building constructed and would be in accordance with LP24 of the Kirklees Local Plan, Policies 1 and 2 of the Holme Valley Neighbourhood Plan, Chapter 12 of the National Planning Policy Framework and the Council's adopted SPD for house extensions and alterations.

## **2 - Impact on Residential Amenity**

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 occupiers. Policy 2 of the HVNP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes.

Principle 3 of the House Extensions and Alterations SPD highlights that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours.

Principle 4 relates to habitable rooms and side windows and seeks to ensure that design and layouts of habitable and non-habitable rooms reduce conflict between neighbouring properties relating to privacy, light and outlook.

Principles 5 and 6 relate to overshadowing/loss of light and overbearing impact. The above principles will all be discussed in more detail within the assessments below.

Principle 7 requires development to ensure an appropriately sized and useable area of private outdoor space is retained. A suitable amenity space will remain for users of the host property.

#### *Impact on Snowgate Head Chapel*

This neighbouring property adjoins the application site to the east and is located approximately 37m away from the proposals. Given this large separation distance between the neighbouring dwelling and the proposals it is in officer's opinion that there are no concerns in respect to overlooking, overshadowing, or the proposals appearing overbearing in nature in this instance.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, and therefore would comply with Policy LP24(b) of the Kirklees Local Plan in terms of amenities of neighbouring properties, Principles 3, 4, 5, 6 & 7 of the Kirklees House Extensions and Alterations SPD and Chapter 12 of the National Planning Policy Framework.

### **3 – Impact on Highway Safety**

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. 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 11 of the HVNDP states that new development should provide off-road parking provision in line with Kirklees Local Plan Policy LP22 (parking) and the Council's latest guidance on highways design.

Principle 15 of the House Extensions and Alterations SPD seeks to ensure that acceptable levels of off-street parking are retained. With principle 16 stating that extensions and alterations should maintain appropriate storage arrangements for waste.

The Council's Highways officers were consulted on the proposals and raised no objections to the proposals as the site will use a new access from Snowgate Head Lane which will improve visibility compared to the existing access. In addition, whilst the existing garages are to be demolished, they are to be replaced with a new detached double garage. Parking can be provided in front and adjacent to the garage and this is considered to be sufficient for a 4-bedroomed dwelling. Officers do suggest that as the garages are above 3.5m in width, this additional space may make access easier if it can be utilised with a full width garage door rather than the proposed two doors.

**Officer note:** Whilst amending the design of the garage doors has been discussed with the applicant, the 2 doors remain on the amended plans submitted. Officer's do not deem this to significantly impact on the number of car parking spaces provided as additional space can be provided adjacent to the garage on the driveway therefore the minimum number of car parking space will be able to be provided. It is therefore considered that whilst preferable in terms of usability of the building for vehicles, it would be unreasonable of the LPA to refuse permission on the basis such an amendment has not been undertaken.

Principle 16 of the House Extensions and Alterations SPD relates to waste storage and highlights that development should maintain appropriate storage arrangements for waste. Given the nature of the proposals it is considered that the waste storage and collection facilities shall remain as is and therefore officers have no concerns in this respect.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 15 and 16 of the House Extensions and Alterations SPD, the guidance contained within the National Planning Policy Framework and Policy 11 of the Holme Valley Neighbourhood Plan.

#### **4 – Other Matters**

##### Land Quality

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

Within their consultation response dated 20<sup>th</sup> October 2021 the Environmental Health Team advise that the site is identified on the mapping system as being opposite an old well and is nearby to an historic old mine workings/landfill site

(site ref: 60/22). They further advise that as the proposed development involves intrusive groundworks, therefore there is the possibility of ground contamination and ground gas migration therefore contaminated land conditions will be necessary.

Taking account the response of the Environmental Health Team it is recommended conditions requiring a scheme of investigation and, where necessary remediation and verification that the land is suitably free from contamination be included upon any grant of permission.

Subject to conditions the proposal is considered to accord with the aforementioned policies.

### Biodiversity

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Whilst the application site is located within a Bat Alert Area, given the nature of the proposals and that the dwelling and flat roof garages appear to be well sealed, it is unlikely that roosting bats would be found on site. An informative has been provided however highlight to the applicant what to do should roosting bats be found during construction works.

### 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.

Policy 12 of the HVNP sets out that all new buildings should aim to meet a high level of sustainable, design and construction and be optimised for energy efficiency, targeting zero carbon emissions. Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

In this instance considering the small-scale of the proposed development and that the proposals would be built and insulated to current building regulation standards, it is therefore considered that the proposed development would comply with Policy LP51 of the Kirklees Local Plan, Principles 8, 9, 10 and 11 of the House Extensions and Alterations SPD, Policy 12 of the Holme Valley Neighbourhood Plan and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

## **5 – 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, subject to conditions, the proposed development would constitute sustainable development and is therefore recommended for approval.

### **Recommendation:**

Approve with conditions.

Decision Authorisation - Delegated Powers

Application Number: 2021/93034

Officer Recommendation: Approve.

### **Conditions & 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 specification 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 LP1 LP2, LP20, LP21, LP22, LP24, LP30, LP51, LP51, LP57 and LP58 of the Kirklees Local Plan, policies within Chapters 2, 12, 13, 14 and 15 of the National Planning Policy Framework, Policies 1, 2, 11, 12 and 13 of the Holme Valley Neighbourhood Plan, and principles 1 and 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15 and 16 of the Council's adopted House Extensions and Alterations SPD.

3. The external materials to be used in the construction of the walls and roof of the extension and garage/workshop hereby approved shall in all respects match those used in the construction of the host dwelling and be thereafter retained.

**Reason:** In the interests of visual amenity and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, policies within Chapters 12 and 13 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Plan, and principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

4. Materials to be used within the new/amended boundary walls to the south shall in all respects match those used in the construction of the existing dry stone walls found along the boundary of the application site and be thereafter retained.

**Reason:** In the interests of visual amenity and to accord with Policies LP24 and LP57 of the Kirklees Local Plan, policies within Chapters 12 and 13 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Plan, and principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD.

5. Prior to the development being brought into use, the approved 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 13<sup>th</sup> May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout in accordance with LP21 of the Kirklees Local Plan.

6. 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) by a suitably competent person has been 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 paragraph nos. 183 and 184 of the National Planning Policy Framework.

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been 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 paragraph nos. 183 and 184 of the National Planning Policy Framework.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7 further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. 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 the 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person 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 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

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

11. 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) no development included within Class E of Part 1 of Schedule 2 to that Order shall be carried out within the site outlined in red on the hereby approved Site Location Plan without the prior written consent of the Local Planning Authority.

**Reason:** To prevent overdevelopment of the site and to preserve and protect the open character of the Green Belt, in accordance with policies LP24 and LP57 of the Kirklees Local Plan, Policy 1 of the Holme Valley Neighbourhood Plan and policies within Chapters 12 and 13 of the National Planning Policy Framework.

**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:** Due to its location, a bat roost may be present on site. Bats are a European protected species under Regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a license. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are found then contact Natural England.

**NOTE:** The applicant should consult with Yorkshire Water as a combined public sewer connecting to the main house drainage is within 3 metres of the proposed works.

**NOTE:** Noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

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.

**Plans and specifications schedule:-**

<b>Plan Type</b>	<b>Reference</b>	<b>Rev</b>	<b>Date Received</b>
As Existing Ground Floor Plan	21_803 100	-	7 <sup>th</sup> September 2021
As Existing First Floor + Roof Plan	21_803 101	-	7 <sup>th</sup> September 2021
As Existing Elevations	21_803 102	A	7 <sup>th</sup> September 2021
As Proposed Ground Floor Plan	21_803 103	C	25 <sup>th</sup> August 2022
As Proposed First Floor Plan	21_803 104	C	25 <sup>th</sup> August 2022
As Proposed Elevations	21_803 105	E	25 <sup>th</sup> August 2022
As Proposed Site Location Plan	21_803 108	D	25 <sup>th</sup> August 2022
Design & Access Statement – Supporting Information	-	-	7 <sup>th</sup> September 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. A number of amended plans have been submitted throughout the course of this planning application, this was to reduce down the overall scale and size of the detached garage/workshop, decrease the amount of glazing and oak framing proposed within the two-storey side extension, and to clarify the red line boundary of the site.

Report Dated:

21/09/2022

