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:	**2022/62/90016/E**
Site Address:	adj, 9, Strike Lane, Skelmanthorpe, HD8 9AY
Description:	Erection of detached dwelling
Recommending Officer:	Alice Downham

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 21st April 2022

Officer Report

Site Description

The application relates to an area of land adjacent to no.9a Strike Lane, Skelmanthorpe. The site is relatively level, sloping slightly uphill to the southwest. The site fronts onto Strike Lane with a stone boundary wall. A track runs through the southern part of the site, providing access to nos. 9 and 9a Strike Lane, which are separated from the application site by a field.

The site is located in a predominantly residential area. The surrounding dwellings are varied in age, size, style, and materials of construction.

The Green Belt boundary runs to the rear of the site. The site is not within a conservation area, nor are there any listed buildings or PROW within close proximity to the site.

Description of Proposal

The application seeks planning permission for the erection of a detached dwelling.

The new dwelling would be two-and-a-half storeys and would have a dual-pitched roof with side-facing gables. It would measure approximately 9.8m deep and 4.1m wide, with an overall height of 8.7m and an eaves height of 5.2m. There would be a two-storey projecting element with a gable roof form, set forward of the front elevation by approximately 0.5m.

The dwelling would be faced in brick, with dark grey coloured flat profile concrete tiles for the roof covering. The new dwelling would have a generally traditional arrangement of openings, with more modern bifold/sliding doors and rooflights to the rear elevation. The openings would be uPVC, with ashlar stone surrounds. There would also be ashlar stone gutter corbels.

The plans also show solar panels to be installed to the rear elevation.

The property would be accessed from the existing access track serving nos. 9 and 9a Strike Lane. There would be off-street parking for two vehicles to the front and a a garden to the rear.

History of negotiations/amendments received

The agent confirmed that the applicant owned all the land relating to the application site after the case officer queried whether the correct ownership certificate had been signed. The driveway entrance was widened to meet KC Highways Development Management requirements. A street scene elevation was requested and submitted. During the production of this plan, the architect reduced the overall height so that the proposed dwelling would relate better to the neighbouring dwellings. The agent was informed that the proposal could not be supported due to the proposed garden extending into the Green Belt.

To overcome this, the red line boundary was revised so it lies outside the Green Belt boundary. The dwelling was reduced in size to compensate for the reduction in the overall size of the site. Officers consider the amendments to the scheme acceptable. The amended plans were not subjected to any formal new publicity since they represented a reduction in size overall and were not considered to raise substantial new planning issues.

Relevant Planning History

At the application site:

2007/90870 – Erection of two storey and single storey extension. Withdrawn (9a Strike Lane).

2007/92637 – Erection of two storey and single storey extensions. Conditional full permission. (9a Strike Lane).

At neighbouring properties:

89/06052 - Erection of 2 storey extension to form kitchen and bedroom. Refused. (2 Strike Lane).

90/00066 - Outline application for extension to existing cottage and erection of new dwelling. Conditional outline permission. (2 Strike Lane).

91/00186 – Erection of detached dwelling. Approval of reserved matters. (2 Strike Lane).

93/00869 – Erection of single storey extensions and detached garage. Conditional full permission. (2 Strike Lane).

96/91660 – Erection of two storey extension. Conditional full permission. (2 Strike Lane).

97/92504 – Erection of two storey extension. Conditional full permission. (4 Strike Lane).

2006/91585 – Erection of extension to existing bungalow to form two storey dwelling and erection of detached double garage. Conditional full permission. (4 Strike Lane).

2007/93721 – Erection of two storey extension. Conditional full permission. (11 Strike Lane).

2010/92691 - Demolition of existing conservatory and erection of single storey extension to house swimming pool. Conditional full permission. (4 Strike Lane).

2019/93235 - Erection of single storey front extension and demolition of existing conservatory. Conditional full permission. (4 Strike Lane).

2022/90398 - Demolition of existing side conservatory and erection of side extension with storage below and erection of detached garden room to front. Not yet determined. (12 Strike Lane).

Representations

We are currently undertaking 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 which expired on 30th March 2022.

As a result of the above publicity, no representations have been received.

Denby Dale Parish Council were consulted and had no objections.

Consultation Responses

KC Highways Development Management – no objections. This will be discussed further in the "Impact on highway safety" section of this report.

Kirklees Council Strategic Waste: formal consultation, provided landfill gas monitoring levels. This will be discussed further in the "Other matters" section of the report.

Kirklees Council HSE: informal consultation, provided an interpretation of landfill gas monitoring levels. This will be discussed further in the "Other matters" section of the report.

KC Environmental Health – no objections. This will be discussed further in the "Other matters" section of the report.

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.

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. The National Planning Policy Framework includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to

assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda under other matters.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 3** – Location of new development
- **LP 20** – Sustainable travel
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 51** – Protection and improvement of air quality
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Contaminated and unstable land
- **LP 57** – The extension, alteration or replacement of existing buildings in the Green Belt
- **LP 58** – Garden extensions in the Green Belt

Supplementary Planning Guidance / Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications for new dwellings. The SPDs indicate 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 and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the street scene and wider area. 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 following SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)
- Highways Design Guide (adopted 4th November 2019)
- Housebuilders Design Guide (adopted 29th June 2021)

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 National Planning Policy Framework 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 9** – Promoting sustainable transport
- **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
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conditions
7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

The proposal is required to accord with Policy LP3 of the Kirklees Local Plan, which requires new development to be situated in a sustainable location that provides access to arrange of transport choices and access to local services. This site is within walking distance of Skelmanthorpe District Centre, Skelmanthorpe train station, and bus stops on Huddersfield Road. Therefore, the site is in a sustainable location close to public transport and local services suitable for residential development.

Kirklees Council's housing land supply position has recently been updated and currently demonstrate 5.17 years of deliverable housing land supply. The relevant policies in the recently adopted Local Plan are therefore considered up to date for the purpose of paragraph 11(d) of the National Planning Policy Framework. The presumption stated in paragraph 11(d) of the National

Planning Policy Framework does not apply in this occasion and the proposal shall be assessed against the relevant policies in the adopted Local Plan.

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 69 of the NPPF recognises that:

"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should… support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".

Although the Local Planning Authority can demonstrate a five-year land supply, it is noted that this development would contribute to the housing supply in the district. However, the provision of housing needs to be balanced against other policies and material planning considerations.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring *inter alia* that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

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 Kirklees Local Plan, the Housebuilders Design Guide SPD, and Chapter 12 of the National Planning Policy Framework, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. The dwelling would be two-and-a-half storeys in height, set back from Strike Lane by a parking area to the front, with amenity space to the rear. A track runs through the southern part of the site, providing access to nos. 9 and 9a Strike Lane. The site is located in a predominantly residential area. The surrounding dwellings are varied in age, size, style, and materials of construction.

Officers consider that the dwelling would likely be read in conjunction with the existing terraced properties to the northwest (11-19 Strike Lane). The proposed dwelling would be faced in brick, with dark grey coloured flat profile concrete tiles for the roof covering. This is in line with the neighbouring 11-19 Strike Lane which are faced in red brick with slate roofs. The materials are therefore considered to be acceptable. To ensure that the dwelling would sit comfortably within the street scene, it is recommended to impose a condition requiring samples of materials to be submitted.

The detailing includes traditionally styled and proportioned openings, similar to the neighbouring 11-19 Strike Lane, and as such would not be out of character with the area. The roof would be a dual-pitched design with side-facing gables, similar to the neighbouring dwellings. The detailing is considered to be acceptable.

The application site is of a sufficient size to support a dwelling, as proposed with a parking area to the front and modest amenity space to the rear. Although the dwelling would have two-and-a-half storeys whilst the majority of the neighbouring dwelling have two storeys, this is considered acceptable as the overall and eaves height of the dwelling would be in keeping with the neighbouring dwellings. In terms of footprint and massing, the proposed dwelling would not be out of keeping with the neighbouring dwellings on Strike Lane, which are varied in design and size. The scale is considered acceptable. However, whilst a dwelling may be acceptable, it is recommended to attach a condition removing permitted development rights for any additions to ensure the site does not become overdeveloped.

The proposed dwelling, by virtue of its design, scale, massing and roof line, is considered to be in keeping with the surrounding area and as such would sit comfortably within the existing street scene and against the neighbouring properties.

The submitted plans provide little information regarding the proposed boundary treatments, though the submitted site plan indicates the existing boundary wall to be retained to the front and a fence to the northern site boundary. It is recommended to attach a condition requiring details of the proposed boundary treatment to be submitted to and approved in writing by the Local Planning Authority before the development commences in the interest of visual amenity.

Although the proposed parking would be to the front of the dwelling, this is considered acceptable in terms of visual amenity as there are other dwellings within the street scene with parking/hardstanding to the front. Furthermore, given the relatively small size of the site and the constraint of the access track, there are few options available for parking. The parking area also provides a set back from the street which is appropriate for the context.

With the inclusion of appropriate conditions, the proposal is considered acceptable from a visual amenity perspective and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of

the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

KC Environmental Health were consulted and highlighted that the proposed development is within a residential area where noise from construction activities has the potential to impact the amenity of nearby residents. Therefore, a condition restricting construction working times is considered necessary.

Impact on 11 Strike Lane

This is the adjacent property to the north of the application site. The new dwelling would be angled away from this neighbouring dwelling and would be separated by amenity space at no.11 and an access road. As such, although the proposed dwelling would be set off from the shared boundary with this neighbour by only 0.15m, it would be separated from the neighbouring dwelling by a minimum of 3.6m. Officers consider this acceptable in this instance. Furthermore, given the orientation and position of the proposed dwelling in relation to no.11, it is considered that there would be no significant overbearing impact on this neighbour. Due to the height of the proposed dwelling, there would be some overshadowing impact on this neighbour. Any overshadowing of the rear garden would be largely confined to the early morning, whilst the front amenity space appears to serve predominantly as a parking area, and so would not result in a significant loss of residential amenity. It is noted that there is a window in the southern elevation of this neighbouring property; however, this appears to be a small, secondary window and as such there would be no significant overshadowing impact. Two windows are proposed to the northern side elevation of the proposed dwelling: one to the first floor and one to the second floor, both serving landing. As these are non-habitable spaces, it is considered that there would be no significant overlooking impact on no.11 as a result of the proposal. Officers are satisfied that the proposal would have no significant impacts on the residential amenity of 11 Strike Lane.

Impact on 7 Strike Lane

This is the neighbouring property to the southeast of the application site. The new dwelling would be set back in the street scene relative to this neighbouring dwelling and would be separated by amenity space at no.7 and two access roads. As such, the proposed dwelling would be set off from the shared boundary with this neighbour by approximately 4.0m and separated from the neighbouring dwelling by approximately 10.1m. Furthermore, given

the position of the proposed dwelling in relation to no.7, it is considered that there would be no significant overbearing impact on this neighbour. There would be no significant overshadowing impact as the application site is located to the north of this neighbouring property. It is noted that there are windows in the rear elevation of this neighbouring property which likely serve habitable spaces. Windows are proposed to the front elevation of the proposed dwelling serving both habitable and non-habitable spaces. However, given the oblique angle between the front elevation of the proposed dwelling and the rear elevation of no.7, it is considered that there would be no significant overlooking impact on no.7. Officers are satisfied that the proposal would have no significant impacts on the residential amenity of 7 Strike Lane.

Impact on 2 & 4 Strike Lane

These are the neighbouring properties to the front elevation of the application site. There would be no significant overshadowing or overbearing impact on the amenities of 2 & 4 Strike Lane, given the separation distance that would be maintained by the amenity space at the dwellings and the road in between (approximately 29.7m to no.2 and approximately 18.5m to no.4). Given the orientation of the proposed dwelling in relation to these dwellings and the separation distances maintained, it is considered that there would be no significant overlooking impact. Officers are satisfied that the proposal would have no significant impacts on the residential amenity of 2 & 4 Strike Lane.

Impact on 9 & 9a Strike Lane

These are the neighbouring properties to the rear elevation of the application site. There would be no significant impact on the amenities of 9 & 9a Strike Lane, given the separation distance that would be maintained by the field in between (at least 30m). Given the orientation of the proposed dwelling in relation to these dwellings and the separation distances maintained, it is considered that there would be no significant overlooking impact. Officers are satisfied that the proposal would have no significant impacts on the residential amenity of 9 & 9a Strike Lane.

Future occupiers of the dwelling

The application has been considered against the Government's Technical housing standards – nationally described space standard for new dwellings. The Council recognises the nationally described space standards as best practice to ensure that new homes can meet basic lifestyle needs and provide high standards of amenity for future occupiers. The dwelling would exceed the minimum gross internal area and built-in storage standards for a 3-storey, 3-bedroom, 5-person dwelling. Bedrooms 1 and 3 exceed the floor area for a double bedroom (11.5sqm), whilst bedroom 2 exceeds the floor area for a single bedroom.

Whilst the dwelling would have a somewhat close relationship with 11 Strike Lane to the northwest, the habitable room openings have been carefully considered and are located to the front, rear, and southern side elevations of

the proposed dwelling. These would have an acceptable outlook and receive acceptable levels of natural sunlight, with the openings to the rear facing onto open land.

Principle 17 of the Housebuilders Design Guide SPD sets out how 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. However, no size criteria for amenity space is set out in the Housebuilders Design Guide SPD or Policy LP24 of the Kirklees Local Plan.

The proposed dwelling would benefit from external amenity space to the rear, which would measure approximately 31.5sqm. It would be west-facing, with Green Belt land to the rear. As such, and given there are no properties directly south of the site, the garden would benefit from sunlight through the afternoon and evening. As discussed above, it is considered appropriate to remove permitted development rights for any additions, so extensions/buildings reducing the area of amenity space would need to be approved by the LPA. Therefore, the proposal is considered to provide a sufficient level of external amenity space for future occupiers of the property.

Having considered the above factors, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan, Principle 6, 16, and 17 in the Council's Housebuilders Design Guide SPD, and Paragraph 130 (f) of the National Planning Policy Framework.

4 – Impact on highway safety:

KC Highways Development Management were consulted. The site will use the existing access from Strike Lane which is currently utilised by two other dwellings, and the access is being widened to 4.5m to allow 2-way vehicular movements. It is proposed for the dwelling to have 3 bedrooms and in accordance with the Kirklees Highways Design Guide a 3-bedroom dwelling should provide 2 parking spaces. Sufficient parking can be provided on the driveway, and as demonstrated via a swept path there is ample turning space so vehicles can enter and exit the site onto Strike Lane in forward gear.

Bin storage and waste collection has been presented in a suitable location as shown on drawing number 21119D-02-P06. KC Highways Development Management consider sufficient parking can be provided with suitable access arrangements, so the proposals are deemed acceptable subject to a condition specifying the standards for resurfacing the off-street parking area.

Principle 19 of the Housebuilders Design Guide SPD sets out how provision for waste storage and recycling should be incorporated into the design of new developments. The proposal shows bin storage near the front elevation of the dwelling and a bin collection point close to the entrance of the site. The provision for waste storage and collection is considered acceptable.

As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21, LP22 and LP28 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Green Belt

The land immediately to the rear of the site is allocated as Green Belt on the Kirklees Local Plan. Whilst this land no longer forms part of the redline boundary, it was included in the original location plan and is under the ownership of the applicant. Concern was raised regarding the potential for encroachment of the new dwelling into the Green Belt should this area of land be used as domestic garden. It is noted that the Council has the ability to take suitable enforcement action should any change of use of the land occur in the future without planning permission. Under the amended application, no development is proposed on land allocated as Green Belt on the Kirklees Local Plan. Whilst no details have been submitted regarding the boundary treatment to the rear of the dwelling, a condition is recommended requiring details to be submitted to ensure this is in keeping with the Green Belt setting.

The dwelling is not considered to create any additional harm to the Green Belt.

Contaminated Land

The property has been highlighted as on potentially contaminated land due to its proximity to a landfill site. Kirklees Council Environmental Health have no objection to the application. However, the dwelling is a permanent structure that might involve significant groundworks. Hence, it is considered necessary to impose conditions to manage the risk associated with land contamination. With these conditions inserted into the decision notice, the development complies with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

Landfill Gas

KC Strategic Waste and KC HSE have both reviewed the application. The consultee responses highlighted there are two closed landfills within 250m of the application site. KC Ref 28 (WDL 231) lies approximately 42m away, which has now been developed with housing. According to our GIS, there is another closed landfill approximately 108m away from the application site; however, no records are available for this site. Bearing in mind the distance of the site from the potential generation source and the lack of built environment between the application site and the former landfill sites, it is considered appropriate to attach a precautionary footnote to the decision notice. The footnote recommends that the applicant should consider carrying out landfill gas monitoring prior to developing the site. This would ensure that the

proposal complies with the aims of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Drainage

Policy LP28 of the KLP establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The application form indicates that all surface water runoff would be diverted to the existing main sewer. This is not consistent with the hierarchy of drainage solutions set out in policy LP28 of the Kirklees Local Plan. To reduce the risk of flooding and to comply with the Policy LP28 of the Kirklees Local Plan, a condition will be inserted into the decision notice requiring that a scheme detailing surface water and land drainage be submitted to and approved by the Local Planning Authority in writing before development on the superstructure of the new dwelling commences. It will also state that the dwellings should not be occupied until such an approved scheme has been provided on the site to serve the development. With this condition imposed, the proposed development would comply with LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Biodiversity

Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD, the Biodiversity Guidance Note, and Chapter 9 of the National Planning Policy Framework state that biodiversity net gain is required for all development. To create this net gain, a condition to secure a bird box into the external walls 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.

Carbon Budget

The proposal is a minor development for the erection of a single dwelling. In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of an electric car charging point is recommended. It is noted that submitted plans also show solar panels to be installed to the rear elevation. The proposal therefore complies with Policies LP20, LP21, LP24, LP51, and LP52 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

There are no other matters considered relevant to the determination of this application.

Pre-commencement conditions have been agreed by the agent.

<u>6 – Representations</u>:

No representations have been received.

7 – Conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.
- Samples of materials to be submitted. (pre-commencement)
- Removal of permitted development rights for Classes A-E
- Details of the proposed boundary treatment to be submitted. (pre-commencement)
- Construction site working times.
- Accordance with government guidance for surfacing of the vehicle parking area to ensure highway safety and a satisfactory layout.
- Submission of a Phase 1 Preliminary Risk Assessment Report (pre-commencement).
- Submission of a Phase 2 Intrusive Site Investigation Report (pre-commencement).
- Submission of Remediation Strategy (pre-commencement).
- Implementation of the Remediation Strategy.
- Submission of Validation Report.
- Submission of a surface water management scheme (pre-commencement).
- Installation of bird box.
- Details of electric vehicle charging facilities to be submitted.

Notes will also be added regarding the Council's statutory powers to control noise and nuisance, preparation of contamination reports, landfill gas monitoring, electric vehicle charging points, and notifying the applicant that neighbours do not have to grant access to their land.

8 – Conclusion:

The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers
Application Number: 2022/90016
Officer 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP20, LP21, LP22, LP24, LP28, LP51, LP52, LP53, LP57, and LP58 of the Kirklees Local Plan, the principles and guidance within the Council's Housebuilders Design Guide SPD, and the aims of the National Planning Policy Framework.

3. Before any development commences on the superstructure of the dwelling hereby permitted, samples of all external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
Reason: In the interests of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan, the Principles of the Housebuilders Design Guide SPD as well as the aims of Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: In the interests of visual amenity and to avoid overdevelopment in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

5. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwelling hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.
Reason: In the interests of visual amenity and to preserve the character and openness of the adjacent Green Belt land in accordance with Policies LP24, LP57 and LP58 of the Kirklees Local Plan, Principles of the Housebuilders

Design Guide SPD and Chapters 12 and 13 of the National Planning Policy Framework.

6. Noisy construction related activities shall not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00hours, Saturdays
With no noisy activities on Sundays or Public Holidays.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the NPPF.

7. 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 Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of amenity and highway safety, to ensure adequate space within the site for vehicle movements and parking that is appropriately drained, in accordance with the aims of Policies LP21, LP22, and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. 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: This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 8, 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: This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, 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: This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to identify and remove unacceptable risks

to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. 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 identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

12. 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 identify and remove unacceptable risks to human health and the environment and to accord with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

13. Before the commencement of development, details of a scheme to show how surface water from the development will be disposed of shall be submitted to the Local Planning Authority for approval in writing. The scheme shall show that the applicant has explored sustainable methods of drainage according to the Hierarchy of Drainage and that a reduction in surface water run-off of 30% can be achieved where a positive surface water connection from the site can be proven. Where a new connection is required a maximum greenfield run-off rate of 5 litres per second per hectare is required. The approved scheme shall be implemented before the development is first brought into use and retained thereafter.
Reason: To ensure the effective management of surface water from the development and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework, Meeting the challenge of climate change, flooding and coastal change. This is a pre-commencement condition to ensure that the drainage and surface water features are integrated into the site at the appropriate phase of development.

14. Before the new dwelling is first occupied, one bird nesting feature (1SP Schwegler Sparrow Terrace or similar alternative) shall be installed on the north or east elevation of the dwelling at a height of at least 2 meters. Hereafter the box shall be retained.
Reason: To provide ecological enhancement in accordance with the requirements of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Council's Housebuilders Design Guide SPD, the Council's Biodiversity Guidance Note, and Chapter 9 of the National Planning Policy Framework.

15. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.
Reason: In the interest of improving air quality and reducing greenhouse gas emissions in accordance with Policies LP20, LP21, LP24, and LP52 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

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

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land report 11* (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: The applicant is hereby advised that there are two closed landfill sites within 250m of the application site, one of which is developed with housing and the other for which no details are available. Bearing in mind the distance from the potential generation source and the lack of built environment between the application site and the former landfill sites it is advised that the applicant considers carrying out landfill gas monitoring prior to development. This is to establish whether landfill gas levels are present. In the event significant levels are discovered appropriate mitigation measures shall be

included in carrying out the development to protect against hazard caused by landfill gas migration.

NOTE: A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof.

- Standard charging points for single residential properties that meet the requirements specified in the latest version of *"Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)"* by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: 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.

Plans and specifications schedule:

Plan Type	Reference	Web ID	Date Received
Grouped Plans and Elevations	21119D-03-P05 - dwelling general arrangement	927156	07/04/2022
Proposed Site / Block Layout	21119D-02-P06 - site plan - proposed	926160	06/04/2022
Existing Site / Block Layout	21119D-01-P01 - site plan existing	911785	06/01/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The agent confirmed that the applicant owned all the land relating to the application after the case officer queried whether the correct ownership certificate had been signed. The driveway entrance was widened to meet KC Highways Development Management requirements. A street scene elevation was requested and submitted. During the production of this plan, the architect reduced the overall height so that the proposed dwelling would relate better to the neighbouring dwellings. The agent was informed that the proposal could not be supported due to the proposed garden extending into the Green Belt. To overcome this, the red line boundary was revised so it lies outside the

Green Belt boundary. The dwelling was reduced in size to compensate for the reduction in the overall size of the site. Officers consider the amendments to the scheme acceptable. The amended plans were not subjected to any formal new publicity since they represented a reduction in size overall and were not considered to raise substantial new planning issues.

Report Dated: 20/04/2022