

**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>2022/62/91929/E</b>                                                                       |
| Site Address:         | rear of, 111, Marsh Lane, Shepley, Huddersfield, HD8 8AS                                     |
| Description:          | Part demolition of existing building converted into garage and erection of detached bungalow |
| Recommending Officer: | Katie Wilson                                                                                 |

**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: 4-OCT-2022**

## **Officer Report – 2022/91929**

### **Site Description**

The application site is to the rear of 111, Marsh lane, Shepley, HD8 8AS.

It comprises a relatively large rectangular area of land formerly garden to the rear of 111 Marsh Lane, Shepley, now a separate plot. It has planting beds around the perimeter, including several mature trees to two sides, and an expanse of lawn in the centre. Access to this area via a single-width track from Marsh Lane in between 107 and 109, Marsh Lane.

The site also contains a large detached outbuilding, built in red brickwork, appearing to date from the Victorian era to early 20th century. It has a rectangular footprint approximately 20m long x 6m deep. It is single and two-storeys high and straddles the boundary between the rear garden of 111 Marsh Lane and the application site

111 Marsh Lane is a two-storey semi-detached house dating from the early part of the late 19th Century. It is within a row of houses that line the southern side of Marsh Lane. It has driveway to the side and largely paved area immediately at the back, which opens onto the separate, larger garden space that is the application site.

The whole site is relatively level with gentle slope in south easterly direction. To the east is a small residential cul-de-sac of more recent housing, whilst to the west is land with outline planning permission for two houses. To the south are open fields.

The application site is not located within a Conservation are, nor is it near a listed building.

### **Description of Proposal**

The application seeks planning permission for the part demolition of an existing building converted into garage and erection of a detached bungalow.

The 2-storey element of the existing building would be kept in use by the owners of 111, Marsh Lane. Part of the attached single storey element would be demolished and the remaining part converted into a single garage for the use of the proposed bungalow. Its gable end would be formed using re-claimed bricks.

Proposed detached bungalow:

- Rectangular footprint 14.6m wide x 8.7m deep
- Dual pitched roof, eaves level 2.5m, ridge height 5.1m.

- Habitable room windows to north east (front), south west (rear) and south east (side) elevations. Non-habitable room window to north west (side) elevation.
- Natural coursed tumbled walling stone to elevations and a blue slate roof.
- Subordinate porch with oak posts and full height glazing side walls to front elevation.

The proposed bungalow would be almost centrally placed within the site with driveway, parking and turning to the front (east) and main areas of garden to the front and rear. There would be a gap of approximately 2.0m between the facing side elevations of the proposed bungalow and its garage (part of existing building) where household waste bins could be stored and on the opposite side of the bungalow would be a patio.

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

Site plan as proposed requested and received during course of assessing the application.

### **Relevant Planning History**

#### **At the application site:**

2020/90367 – outline application for part demolition of existing building and erection of detached dwelling. Conditional outline permission.

[Planning application details | Kirklees Council](#)

2019/20322 – pre-application for erection of dwelling.

#### **Neighbouring property 115, Marsh Lane:**

2005/92605 – erection of single storey extension. Granted conditional full permission.

#### **Neighbouring land to the east:**

2007/93232 – Outline application part demolition of existing bungalow and outline application for erection of 2 detached dwellings with integral garages. Granted (access and layout).

2008/91215 – reserved matters application for erection of 2no detached dwellings. Granted.

2009/90936 – erection of one dwelling (modified house type). Conditional full permission.

#### **Neighbouring land to the west:**

99/91477 – erection of 4no detached houses with garages. Conditional full permission

2000/93239 – Outline application for erection of 2 dwellings. Refused.

2002/90734 – erection of 1no 5 bedroomed detached house with integral garage. Conditional full permission.

2017/90272 – Outline planning permission for two dwellings. Granted conditional outline permission.

2017/94299 – outline application for erection of 3 detached dwellings. Conditional outline permission.

### **Representations**

Final publicity date expired: 1<sup>st</sup> August 2022. No representations received.

### **Consultation Responses**

**KC Highways Development Management (HDM)** – No objections subject to conditions.

**KC Trees** – No objection subject to condition.

**KC Waste Strategy (Refuse & Recycling)** – Comments provided on household waste management. Full response available on Council website.

### **Parish/Town Council**

N/A.

### **Local Ward Members**

N/A.

### **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).

The application site is unallocated in the Kirklees Local Plan.

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

- **LP1 – Achieving Sustainable Development**

- **LP2 – Place Shaping**
- **LP3 – Location of New Development**
- **LP21 – Highways and Access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP28 - Drainage**
- **LP30 – Biodiversity and Geodiversity**
- **LP33 - Trees**
- **LP52 – Protection and Improvement of Environmental Quality**
- **LP53 – Contaminated and Unstable Land**

#### **Other 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:

- Kirklees Highways Design Guide (November 2019)
- Housebuilders Design Guide (June 2021)
- Nationally Described Space Standards
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#### **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 5 – Delivering a sufficient supply of homes
- 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

## **Summary of Principal Planning Issues**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed 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**

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.

Planning proposals are also required to conform with Policy LP3 of the Kirklees Local Plan, which seeks to ensure that new development is situated in a sustainable location that provides access to a range of transport choices and access to local services. This site is within walking distance of Shepley Local centre District Centre, and although slightly further away, there is a train station within the village of Shepley and bus stops on Marsh lane with routes to Huddersfield, Holmfirth and Wakefield. 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, and therefore continues to operate under a plan-led system.

Although the Local Planning Authority can demonstrate a 5-year land supply, this development would contribute towards housing supply in the district as a windfall site. Furthermore, the site also has extant outline planning permission for part demolition of existing building and erection of detached dwelling (reference 2020/90367), with access and layout approved. The current application has very similar access and layout details.

It is therefore considered that the principle of the proposed development is established.

The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These along with other policy considerations will be addressed below

## **2 – Impact on Visual Amenity**

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 development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

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

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. Principle 15 of the Housebuilders design guide sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types. Principle 14 of the Housebuilders design guide states that the design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

Regarding siting and layout, the proposed bungalow would be on a plot of land behind other houses that face directly onto Marsh Lane. Whilst this type of development is not normally accepted, in this instance it is in an established residential area where there are small residential cul-de-sacs with houses behind others that front onto the road (ie 103a, 105a & 105b, Marsh Lane).

It is also noted that, whilst the plot size is slightly larger than these neighbouring properties, there are numerous other individual residential properties lining Marsh Lane that have similarly proportioned gardens to that at the application site. Furthermore, there is extant outline planning approval for a detached house at the site. Therefore, in this instance, it is considered that the size of the plot and the footprint of the proposed bungalow respect and enhance the character of the area.

In terms of scale, there are a mixture of mainly detached or semi-detached single or two storey houses along Marsh Lane, and it is considered that the proposed bungalow would fit into this pattern of development quite comfortably.

There is also a mixture of external materials used in the construction of other houses in the area, including natural stone, red and brown brickwork, zinc and brown cladding, and coloured render. Roofs are also predominantly dual pitched and surfaced in stone or grey / blue slates, or red and brown tiles

The application form states that the proposed wall materials for the bungalow would be natural stone and the proposed drawings reflect this with addition of oak post details to the front porch with full height glazing to either side and front. The window and door surrounds would also be made of stone, and the dual pitched roof of the bungalow would be surfaced in blue slates. It is considered that the use of these materials would fit in well with the surrounding houses.

The proposed garage would be formed using part of the existing single storey element to existing outbuilding. Its new gable end would be built with brickwork reclaimed from demolishing the other part of the single storey element and lean-to section. Its dual pitched roof would be surfaced in blue tiles. It is considered that the use of these materials would also be satisfactory from a visual amenity point of view.

To ensure the final construction materials are acceptable to blend in with the local area, it is recommended that details should be secured by condition.

Much of the existing outbuilding would be retained and as such this would respect the character of the area. Details of this are discussed below in section 5.

In terms of amenity areas, principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year.

Amenity areas for dwellings on Marsh Lane vary to some extent, but most have front and back gardens, and many are quite generously proportioned. As such the sizable garden space to the front and rear of the proposed bungalow is reflecting the character of the surrounding area. It would also fulfil the amenity uses set out in principle 17 and receive sun light throughout the year. As such it is considered to meet the requirements of principle 17 of the house builders design guide SPD.

To conclude, the proposal is considered to be appropriate in size, scale and design in this location, and would not appear out of character or dominant in the general context of this site. The development is therefore concluded to accord with LP24 of the Kirklees Local Plan, Chapter 12 of the National

Planning Policy Framework, and guidance contained within the Council's adopted House Builder's Design Guide SPD.

### **3 – Impact on Residential Amenity**

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within 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 impacts on residential amenity of future and neighbouring occupiers”.*

Furthermore, the Council's adopted House Builders Design Guide SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:

- Principle 6 - Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.
- Principle 17 – ensure that new dwellings have access to private outdoor space that is functional and proportionate to the size of dwelling and the character of the local area.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

#### *Impact on no. 105b, Marsh Lane*

This is a relatively recently built largely two-storey detached house to the north-east. Its facing side elevation is predominantly blank, apart from three small windows and a door at ground floor level, with three small windows at first-floor level.

The layout and footprint of the proposed bungalow shown on the proposed site plan (dwg number 2283-0102-P01) leaves a gap of at least approximately 23.0m between the nearest facing elevations. In officers' opinion, this separation distance together with single storey height of the proposed bungalow would ensure adequate privacy and no significant overshadowing or overbearing impacts.

For the aforementioned reasons there are no concerns in respect to the impact on this adjacent neighbouring property's residential amenity.

#### *Impact on no. 109 Marsh Lane*

This is a two-storey semi-detached house, to the north and west of the application site. Its rear elevation faces on to the application site and one of its side elevations faces onto the access track. It is also attached to the eastern side of 111, Marsh Lane.

The proposed site plan shows that there would be a gap of at least 25.0m between the nearest part of the proposed bungalow and the rear of this house, with no direct relationship between windows. As such it is considered that there would be no significant, invasion of privacy issues. Furthermore, as the proposed bungalow is single storey it is considered that there would very limited overshadowing or overbearing impacts.

For the above reasons, there are no concerns in respect of impact upon this adjacent neighbouring property's residential amenity.

*Impact on 115, Marsh Lane:*

This is a two-storey semi-detached house to the north-west. Its rear elevation also faces onto the application site.

Here again, the submitted layout drawing indicates that there would be a separation distance of at least 21.0m between the rear of this house and the nearest part of proposed bungalow and, at that point, there would be no significant potential for direct overlooking. In this instance, much of the proposed bungalow would be screened by the existing two-storey outbuilding that is to be retained.

As such, it is considered that the impact upon the residential amenities of the occupants of this neighbouring property would be very limited.

*Impact on no. 117, Marsh Lane:*

This is a two-storey semi-detached house adjacent to the south western side of 115 Marsh Lane and its rear elevation faces onto the back garden at the application site.

It would be approximately the same distance from the proposed bungalow as 115, Marsh Lane (21.0m). There would be no direct relationship between windows and the existing two storey outbuilding would provide screening to a significant degree. As such it is considered that there would be no significant invasion of privacy issues or overbearing and overshadowing impacts.

*Impact upon land to the south-west of the site:*

Open land to the south-west of the application site was subject to outline planning approval 2017/90272, for the erection of a residential development (two dwellings) with only access considered at outline stage. However, since its approval in October 2017, there have been no further planning applications at the site and so it has lapsed.

Notwithstanding the lapsed outline approval, the submitted layout plan currently under consideration shows that there would be a distance of at least 12.0m from the rear of the proposed bungalow to the mutual boundary with this adjacent land to the south west.

Given that the adjacent plot is roughly rectangular and approximately 70m x 26m in area, in officers' opinion, the proposed bungalow would not prejudice the development potential of this adjacent plot. It would be possible for the adjacent site to be developed for housing with minimum separation distances that meet those set out in the Kirklees house builders SPD.

*Impact on land to the south east of the application site:*

There are open fields beyond the south-eastern boundary of the application site, which are allocated Green Belt on the KLP.

The submitted layout drawing indicates that there would be a distance of approximately 5.0m from the nearest part of the bungalow to this boundary and elevation drawings show that the south east facing elevation of the bungalow would have a pair of bi-folding doors to habitable rooms (a dining kitchen and lounge). Whilst this separation distance is approximately half the minimum distance between habitable room windows and adjacent undeveloped land set out in the Kirklees housebuilders SPD, in this instance the openings are at ground floor level only and there is a dry stone wall along the boundary approximately 1.5m high. There would also be potential to provide higher screening along the boundary, and given the adjacent land is in the Green belt, there are severe restrictions on development

Given this distance and the policy restrictions on development within the Green Belt, it is considered that there would be very limited impact upon this land.

Amenity of future occupiers of the proposed dwelling

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore officers are content that the proposed dwelling would provide an adequate standard of amenity for future occupiers.

In addition to this, all habitable rooms have access to at least 1 window and therefore outlook and natural light are considered to be acceptable. Finally, in terms of outdoor amenity space, in this instance officers consider that the amount of private amenity space provided for the proposed bungalow would be adequate given the size of the building and the context of the area.

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, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals

are also considered to be in accordance with the Council's adopted Housebuilders Design Guide SPD and housebuilders design guide SPD.

#### **4 – 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. Furthermore, Principle 12 and 19 of the Housebuilders Design Guide seeks to ensure that acceptable levels of off-street parking and waste storage are provided. 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.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Given the nature of the proposals the Council's Highways officers were consulted. They raise no objection to the proposals as sufficient car parking would be provided for the new 2-bedroomed bungalow. Parking for one car is to be provided within the single garage and further cars could park on the parking and turning area in front of the bungalow. It is considered that ample turning space has been provided so that cars can enter and exit the site in forward gear. Furthermore, visibility splays at the junction with Marsh Lane are the same as those shown on the extant outline permission 2020/90367.

Bin storage is also shown in a suitably discreet location between the sides of the proposed garage and bungalow. Highways officers note that whilst the submitted site plan (proposed) indicates a bin collection point at the back of the footway to Marsh Lane, there would be space within the bell-mouth of the driveway to present a waste bin on collection days. This is satisfactory from a highway safety and waste storage and collection stance set out in principle 19 of the Kirklees Housebuilders SPD.

Highways officers also requested information regarding emergency vehicle access whereby either internal turning for a fire appliance should be demonstrated or a dry riser installed. In the event that planning permission is approved, it is recommended that this is secured by condition.

Other recommended conditions relate to the surfacing and drainage of vehicle parking areas, and any gates set back from the carriageway edge of Marsh Lane.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and subject to the proposed conditions, complies with Local Plan Policies LP21 and LP22, the guidance contained within the National Planning Policy Framework and principles 12 and 19 of the Housebuilders Design Guide SPD.

## **5 – Other Matters**

### **Impact upon historic interest and character of the area**

The proposal includes demolishing part of the existing building on the site. This building is not a listed building, nor is it within a conservation area.

It has a rectangular footprint which straddles the north-western boundary of the site and, from historic maps on the Kirklees mapping system database, it appears that much of the two-storey element may date from the mid to late Victorian era, with remaining elements from later Edwardian era.

It is a combination of single and two-storeys high, with an external flight of steps to one side of the older section. The external walls are red brickwork and it has dual-pitched roofs, and a mono-pitched roof, all surfaced in grey / blue tiles.

During the course of assessing extant outline planning permission 2020/90367, it came to light that the building has historic interest as a higgler's workshop used by local tailors.

At that point the Council's conservation and design officers were informally consulted. They commented that the building could be considered a non-designated heritage asset, and that it contributes to the character of the village.

Chapter 16 (para 197) of the NPPF requires the LPA to take into account the effect of an application on the significance of a non-designated heritage asset, necessitating a balanced judgement between the scale of any harm and the significance of the heritage asset. LP35 of the KLP reflects this approach.

Conservation and design officers welcomed retention of a section of this historic brick building, due to its apparent local historic interest and its interest as a late 19th century vernacular building. They preferred the entire two-storey building and external steps to be retained, with the later single-storey extension to the south-east demolished.

It is noted that in the current proposal the two-storey element and external staircase are now outside the application site boundary, but the attached single storey elements are within the site boundary.

However, the submitted plan and elevation drawings for the outbuildings illustrate retention of the two-storey element and external staircase with part single storey element converted to garage attached. Although the current

proposal could not control the 2-storey element, the proposed development as presented in these drawings, with reclaimed brickwork forming gable end to new garage, would be satisfactory from a heritage point of view.

As such the proposal is considered compliant with policy LP35 of the KLP and chapter 16 of the NPPF.

### Carbon Budget

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposed dwelling would be located within a sustainable location within an existing built-up area of Shepley, where there is good access to local amenities and public transport. The proposed building would also be constructed to modern building standards helping to ensure that it is energy efficient.

### Trees

There are several established trees along the north and south eastern boundary of the site.

Policy LP33 of the KLP requires proposals to retain any valuable or important trees where they contribute to public amenity, the distinctiveness of a specific location or contribute to the environment.

In this instance, the Council's arboriculturalists have been consulted and commented that there are no protected trees affected by this proposal and none that meet the criteria for a new order to be served. On that basis, there are no objections, but they recommend a condition to ensure that retained trees are protected with fencing during construction phase.

Planning officers agree with the principle of protecting retained trees during construction phase, however as the retained trees are not suitable for protection via a tree preservation order, it is considered that this lessens the need for the recommended condition and so it would not comply with one of the 6 tests for the use of conditions set out in paragraph 54 and 55 of the NPPF. Alternatively, it is recommended that similar information is applied as an informative.

Given the above, it is considered that the aims of policy LP33 are satisfied.

#### Drainage:

The site is not within an area which is known to be at risk from flooding.

The application form states that foul sewage will be disposed of via the mains sewer and that surface water would be disposed of using a sustainable drainage system and soakaway. However, there are no further details of a drainage system for the site.

As such, it is recommended that a condition be imposed requiring a full drainage scheme for the site to be submitted, which will require surface water disposal to be investigated in accordance with the hierarchy of drainage.

Such a condition was applied to the extant outline approval reference 2020/90367 and is it considered necessary to repeat it with this full planning application for similar development.

This is considered appropriate to meet the requirements of policy LP28 of the KLP.

#### Biodiversity

The site is outside a bat alert area and not under any other special ecological designation. However, it contains a relatively old, detached building which would be partly demolished to enable development to take place. This may provide bat-roost opportunities.

In a relatively recent pre-application enquiry, the Council's ecologist suggested that a preliminary bat survey should be undertaken prior to demolition taking place. It is recommended that this is secured by condition.

In terms of biodiversity net gain, installation of a bat roost feature would not be appropriate as the bungalow would not be tall enough to meet the requirements for installing a bat box which are that it should be at least 6.0m above ground level.

Alternatively, a sparrow terrace could be installed on north facing gable end near the eaves and at least 3.0m above ground level. This would be sufficient to make a positive contribution to biodiversity net gain.

#### Land stability

The site is a significant distance away from areas that have reported contamination and is in a coal mining development low risk area, therefore a coal mining risk assessment is not required.

Comments from environmental health officers for a pre-application enquiry before submission of the extant outline approval recommend the use of a

condition relating to reporting unexpected contamination. As it is considered necessary to apply it to the current application to meet the requirements of policy LP53 of the Kirklees Local Plan and chapter 15 of the NPPF.

### Air quality

The extant outline approval (ref: 2020/90367) was assessed by the Council's Environmental Health officers. They commented that an application of this nature is expected to provide facilities for charging electric vehicles and other ultra-low emission vehicles. Therefore, a condition requiring charging points is necessary. Subject to this, the proposal would meet the requirements of policies LP24 and LP51 of the KLP and the aims of the NPPF.

### 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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

In this case it is considered that the proposed development would have an acceptable impact on climate change as the new dwelling would be constructed to modern building standards and would include the provision of one electric vehicle charging point. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

## **6 – 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: 2022/91929

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.

1. 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, LP3, LP21, LP22, LP24, LP28, LP30, LP33, LP52 and LP53 of the Kirklees Local Plan, guidance contained within the adopted Housebuilders Design Guide SPD, Chapters 5, 12, 14, and 15 of the National Planning Policy Framework.

2. The external walls of the bungalow hereby approved shall be finished with natural coursed tumbled walling stone and the roof surfaced in blue slate tiles. The garage walls shall be finished with reclaimed brickwork from demolished part of outbuildings. The development shall be constructed from the approved materials and retained thereafter or replaced on a like for like basis.

**Reason:** In the interests of visual amenity and to ensure that the approved buildings are sited unobtrusively in the streetscape, and to accord with Local Planning Policy LP24 of the Kirklees Local Plan, Principles 2, 13 and 15 of the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

3. Prior to the development being brought into use, all areas indicated to be used for access and parking by vehicles and/or pedestrians on the hereby approved plans shall be laid out with hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for their intended use.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the adopted Housebuilders Design Guide SPD and Government guidance

contained within chapters 9 and 14 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back a minimum of 6.0m from the carriageway edge of Marsh Lane and shall be hung as to only open inwards. So long as such gates or barriers are in position, they shall be retained to only open inwards.

**Reason:** In the interests of highway safety and to avoid the need for vehicles to wait in the highway. In accordance with policies LP21 and LP22 of the Kirklees Local Plan, Principle 10 of the Kirklees Housebuilders Design Guide SPD and Government guidance contained within chapter 9 of the National Planning Policy Framework.

5. No part of the development shall be brought into use until internal turning of a fire appliance is demonstrated **or** a dry riser with a remote inlet is provided. The dry riser shall be sited within 18m of the point of access from the public highway. Thereafter a dry riser with a remote inlet shall be retained within 18m of the point of access from the public highway.

**Reason:** In the interests of the safety of future occupiers of the development with regard to fire safety. In accordance with policy LP21 of the Kirklees Local Plan, Highway Design Guide SPD, Principle 11 of the Kirklees Housebuilders Design Guide, and Government guidance contained within chapter 9 of the National Planning Policy Framework.

6. A scheme detailing foul, surface water and land drainage (designed in accordance with the Hierarchy of Drainage) shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwellings hereby approved. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway that is an effective means of drainage of surface water on the site. The dwelling shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

**Reason:** In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan, Principles 3, 7 & 28 of the Kirklees Housebuilders Design Guide SPD and Government guidance contained within chapter 14 the National Planning Policy Framework.

7. Prior to occupation of the dwelling an electric vehicle recharging point shall be installed to serve the dwelling. The cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicles charging point shall be thereafter retained.

**Reason:** To encourage ultra-low emission vehicles in the interests of air quality and to accord with policies LP24 and LP51 of the Kirklees Local Plan, Principles 12 and 18 of the Kirklees Housebuilders Design Guide SPD, the West Yorkshire Low Emissions Strategy, and Government guidance contained in Chapters 9 and 15 of the National Planning Policy Framework.

8. Prior to demolition works to the outbuilding a preliminary bat survey should be undertaken and report submitted to the local planning authority for approval. Any subsequent surveys or measures shall be implemented in accordance with the approved scheme of works.

**Reason:** In the interests of protecting endangered species in accordance with Policy LP30 of the Kirklees Local Plan, Principles 3 and 9 of the Kirklees Housebuilders Design Guide SPD and Government guidance within chapter 15 of the National Planning Policy Framework.

9. Notwithstanding the approved plans and information, 1 new sparrow terrace, shall be installed either integral or externally to the new bungalow during the period of construction on the north west (side gable) elevation at least 3.0 metres above ground and not directly above doors or windows. Thereafter the sparrow terrace shall be retained.

**Reason:** To enhance opportunities for biodiversity at the site and to accord with Policy LP30 of the Kirklees Local Plan, Principles 3 and 9 of the Kirklees Housebuilders Design Guide SPD, and Government guidance within chapter 15 of the National Planning Policy Framework.

10. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** So as to protect future occupants of the development from any land contamination and to accord with Policy LP53 of the Kirklees Local Plan, Principle 3 of the Kirklees Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

**NOTE: Electrical Vehicle Charging Points -**

- 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 at 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:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** 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:** Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by

carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

**NOTE:** Protective fencing erected around all retained trees on the site during construction should accord with British Standard BS 5837.

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

- 07.30am to 18.30pm Mondays to Fridays
  - 08.00am to 13.00pm Saturdays
- With no noisy construction 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.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**Plans and specifications schedule: -**

| Plan Type                                                          | Reference             | Web ID | Date Received |
|--------------------------------------------------------------------|-----------------------|--------|---------------|
| Location Plan and proposed floor plans and elevations for bungalow | Dwg no. 2283-0101-P02 |        | 06.06.2022    |
| Proposed site layout                                               | Dwg no. 2283-0102-P01 |        | 28.06.2022    |
| Existing and proposed floor plans for outbuildings                 |                       |        | 06.06.2022    |
| Elevations as existing for outbuildings                            |                       |        | 06.06.2022    |
| Elevations as proposed for outbuildings                            |                       |        | 06.06.2022    |
| Existing and                                                       | Dwg no. 2283-         |        | 06.06.2022    |

|                                                                               |          |  |            |
|-------------------------------------------------------------------------------|----------|--|------------|
| proposed site section A-A                                                     | 0103-P01 |  |            |
| Supplementary information:<br>Design and Access Statement<br>– dated May 2022 |          |  | 06.06.2022 |

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 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 site plan was requested and received during assessment of the application.

Report Dated:  
03/10/2022