

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:	2022/60/91966/W
Site Address:	adj, Sunny Mede, Woodhead Road, Holmfirth, HD9 2PX
Description:	Outline application for erection of residential development
Recommending Officer:	Katie Chew

DECISION – OUTLINE PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 26-Sep-2022

Officer Report

Site Description

Adj, Sunny Mede, Woodhead Road, Holmfirth, HD9 2PX

The application site comprises of a medium sized portion of land measuring approximately 1000sqm, and which is currently in use as residential garden for Sunny Mede. The site also benefits from an existing access from Woodhead Road which is an adopted highway. The application site is surrounded by a number of other residential dwellings to the north, east and west. To the south is Woodhead Road and just past that open undeveloped fields.

A number of protected trees are to the southern part of the site, adjacent to the access to Woodhead Road.

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

Description of Proposal

The application seeks outline planning permission for the erection of a dwelling. The applicant seeks approval for access, with scale, layout, appearance and landscaping to be matters dealt with at reserved matters application stage.

The submitted details show a medium sized three-storey detached dwelling with off-street car parking available for 2 cars to the south-west of the property. Garden/amenity areas are proposed to the front, sides and rear. No details are provided in respect to design or materials. An indicative layout plan is provided as part of the application which details a location for the dwelling and areas which could be created for turning / car parking and areas of garden space / soft landscaping.

History of negotiations/amendments received

No amendments have been requested in this instance.

Relevant Planning History

Work to TPO(s) 04/80. Part granted/part refusal 23rd May 2022.

2017/93563 – Works to TPO(s) 04/80. Approved 5th January 2018.

2015/94085 – Dead or dangerous tree(s). Approved 24th December 2015.

Representations

Final publicity date expires:

Neighbour Letters – Expired 20th July 2022.

1 comment has been received on the proposals to date, details are summarised below.

- No objections to a single storey dwelling but would object to anything other than that size.

Officer note: Noted.

- Concerns would also be raised if existing screening trees were to be removed without further discussion.

Officer note: Noted. However, trees within the site can currently be removed without the need for permission as they are not protected by a preservation order (other than a strip of mature trees adjacent to the southern boundary of the site).

Officer note: We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Consultation Responses

KC Highways Development Management – Comments received 1st July 2022. No objection subject to a condition relating to parking areas to be surfaced and drained. Officers would also like details of bin storage and collection points to be provided within any subsequent reserved matters application.

KC Ecology Unit – Comments received 11th July 2022. No objection to the proposals as the trees present do not provide suitability for roosting bats, a condition is recommended however, which requires an integral bat box to be installed into the proposed dwellinghouse to accord with Local Planning Policy LP30 and Chapter 15 of the NPPF.

KC Environmental Health – Comments received 24th June 2022. No objection to the proposals but do recommend that conditions are attached relating to land contamination, electric vehicle charging points and construction noise.

Officer note: Whilst it is acknowledged that Environmental Health officers request a condition restricting the hours of construction works at the site, as this falls to be considered under separate legislation officers consider that this would not meet the 6 tests as outlined within paragraph 55 of the National Planning Policy Framework, and would not be necessary or reasonable to impose it as a condition. This element of their response has therefore been included as an informative note.

KC Waste Management – Comments received 22nd June 2022 providing advice/guidance to the application in relation to waste management arrangements.

Officer note: The applicant is advised to read through this guidance prior to submitted a subsequent reserved matters application to the Council. The full guidance can be viewed on the Council's website via: https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2022/91966&file_reference=938754

Local Ward Members

N/A.

Parish/Town Council Comments

Holme Valley Parish Council – Support, subject to the inclusion of a climate mitigation statement.

Officer note: These comments are noted. However, given the small scale of the proposals a climate emergency mitigation statement is not deemed to be necessary on this occasion. Although it is noted that an Electric Vehicle Charging Point will be conditioned to be provided (discussed in more detail within the 'Assessment' section of this report) and the dwelling would be constructed to modern building standards.

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 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is located within the Holme Valley Neighbourhood Development Plan Area, the Strategic Green Infrastructure Network and a Bat Alert Area. It is also important to note that to the southern part of the site are protected trees.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Transport
- LP21 – Highways and Access
- LP22 – Parking

- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 - Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

- Housebuilders Design Guide SPD (2021)
- Kirklees Highway Design Guide (2019)
- Nationally Described Space Standards
- National Design Guide

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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:

1.1 – Sustainable Development

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

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

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

As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy generally seeks to support residential development upon unallocated sites. However, LP7 establishes a desired target density of 35 dwellings per hectare. This is further supported by Principle 4 of the Housebuilders Design Guide. As the application site measures 1000sqm, 3 dwellings would be the required amount to meet the above target. However, given that access is as existing, there are TPO trees to the front of the site, the dwelling would be sat in a prominent and raised location off of Woodhead Road, and that medium sized detached dwellings form the majority of the urban grain in this area, officers consider that 1 detached dwelling would be sufficient in this instance. A higher density would lead to issues in relation to parking / amenity space provision and would likely lead to overdevelopment of the site.

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"*.

The application site comprises of a small plot surrounded predominantly by dwellings, although the Local Planning Authority can demonstrate a five-year land supply, it is noted that the development of this plot would contribute to the

housing supply in the district. In this case, the principle of development is considered to be acceptable, on the basis the proposal is concluded acceptable when assessed against all other material planning considerations, including design, 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:

The NPPF does offer 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 seeks 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...”

Policy LP11 of the Kirklees Local Plan sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

The application proposal is seeking outline consent including access. The indicative plans provided show a detached property within a medium sized plot of land, no details are provided in respect to the number of bedrooms proposed within the dwelling, but a section drawing submitted does indicate that the dwelling is to be 3 storeys in height. However, this can only be deemed indicative as details of scale are not known at this time. Off street car parking is also proposed for 2 vehicles, with swept paths provided indicating that vehicles can turn within the site to exit in first gear. Garden areas are be provided to the front, sides and rear of the dwellinghouse.

Firstly, looking at layout and siting of the proposed dwelling Principle 5 of the Housebuilders Design Guide SPD 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. It is noted that layout is a reserved matter and therefore the plans submitted can only be used indicatively, however the proposed dwelling is shown to be stepped back from the principal elevation of Sunny Mede, facing towards Woodhead Road. The dwelling is to be located towards

the rear eastern portion of the site, it is likely that this due to the location of the existing access and landscaped areas. Given the restricted nature of the site due to the existing access, it is unlikely that any alternative layout could be provided other than something similar to that shown indicatively.

Principle 6 of the Housebuilders Design Guide SPD highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'*.

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary. In this instance (as shown on the indicative plans) the proposals would be able to meet the requirements of Principle 6, the applicant should ensure that this is still the case within any reserved matters application.

Whilst it is acknowledged that the application has scale and appearance as reserved matters, it is important to highlight the below principles from the Council's adopted Housebuilders Design Guide SPD as these will need to be taken into consideration within any subsequent application at the site.

Principle 15 of the above SPD sets out that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and roof types.

Principle 14 goes on to say that the design of the windows and doors are 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.

In respect to scale, the dwelling shown on the indicative plans submitted is to be 3-storeys in height with a ridge height of approximately 10m. Given the proposed location of the dwelling, and design of neighbouring properties it is considered reasonable to require any reserved matters application be no more than two storeys in height, although this would still need to be supported by a section drawing showing the difference in land levels between the proposed dwelling and neighbouring property 'Broadmead' located to the rear of the site. This is in the interests of both visual and residential amenity (discussed in the following section of this report).

In regard to appearance, the dwelling is shown to utilise a pitched roof which is in keeping with adjacent properties, although no further details have been provided in respect to appearance. Moving on to materials, no details have

been provided although given that there is a variety of materials used throughout Woodhead Lane the design and materials should be sympathetic to their surroundings and not detract from the character and appearance of the area.

Garden/amenity areas are indicated to the front, rear and sides of the dwelling although details in respect to landscaping are minimal, the plans do show the removal of numerous trees within the site and given the level of excavation shown within the submitted section plan and stairway shown to the side of the property, there will be raised gardens and varied land levels throughout. This would need to be considered further at reserved matters stage given that this garden area relates to soft landscaping. However, it is considered that a usable amenity space would be able to be achieved for both the existing dwelling (within which the proposal is garden of) and also the proposed dwelling.

In conclusion, it is considered that subject to the details provided within the reserved matters application taking account of the issues identified in relation to the scheme shown indicatively as part of this application, the plot could be able to accommodate one dwelling which could be designed so as to contribute positively to the local character of the area. As scale, layout and landscaping are reserved matters, care would need to be taken to ensure that any future dwelling does not appear overbearing in nature in relation to neighbouring residential dwellings or to constitute overdevelopment of the site. Appropriate landscaping should also be provided to enhance the area and not detract from its character and appearance. As such, it is considered that a development which meets the policies of Chapter 12 of the NPPF, by contributing positively to the surrounding area, as well as policy LP24 of the Kirklees Local Plan and principles 5, 6, 7, 13, 14 and 15 of the Council's adopted House Builders Design Guide could be achieved subject to an appropriately designed dwelling being proposed at reserved matters stage.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

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

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

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable room;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 7 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

The current submission is an outline application with all matters (except access) reserved, therefore the impact of the proposed development would have on the amenities of the occupants of the neighbouring properties cannot be fully assessed at this stage. However, an indicative layout has been provided. An indicative section drawing has also been provided although it is considered that something of a different scale would be required given the location and nature of the site. This would need to be assessed in more detail at reserved matters stage.

The proposal is for the erection of a detached dwelling on land that is currently used as a domestic garden. Given this, it is acknowledged that the presence of a new building could potentially affect the living conditions of the occupants of existing houses on Shaw Lane and Woodhead Road. The residential amenity impact of this development is addressed below.

Impact on Sunny Mede

The development under consideration is to be located within the vicinity of the garden of this neighbouring property. This dwelling is located to the south-west of the application site, approximately 42m away from the dwelling indicated on the submitted plans. Sunny Mede is a large two-storey detached dwelling and the residents of this property would continue to benefit from an appropriately sized garden to the front, sides and rear. The loss of this landscaped area/driveway for the dwelling is not considered to be significantly harmful to their residential amenity.

In respect to overlooking, given the large separation distances between the site and this neighbouring property, it is considered achievable that proposals submitted at Reserved Matters stage could provide a distance of 21m between any habitable room windows. In addition, although scale and layout could change within the reserved matters application, due to the large separation distance officers deem it possible for a detached dwelling to be constructed without appearing overbearing in nature or causing concerns with regards to overshadowing. In line with comments made within the visual amenity section of this report, the proposed dwelling should be no larger than two storeys in height.

Impact on Broadmede

This neighbouring property is located to the north-west of the application site. As limited details have been provided within this submission it is hard for officers to fully assess any proposed impacts on this adjacent neighbour however, it is considered reasonable to assume that habitable room windows for the dwelling could be installed within the front and side (western) elevations to ensure that a 12/21m separation distance between neighbouring windows can be provided. Therefore, there are no immediate concerns with regards to overlooking. Officers would recommend that a dwelling of no more than 2 storeys in height be proposed at this site in the interests of residential amenity and to ensure that the proposals do not appear overbearing in nature, or cause concerns with regards to overshadowing. A separation distance of at least 2m between shared boundaries should also be provided.

Impact on Wellfield

This neighbouring property is located to the north of the application site. As outlined above, it is reasonable to expect that habitable room windows be placed within the dwelling away from Wellfield, to ensure that separation distances are provided in line with the Council's adopted House Extensions and Alterations SPD. Again, officers would recommend that a dwelling of no more than 2 storeys in height be proposed at this site in the interests of residential amenity and to ensure that the proposals do not appear overbearing in nature, or cause concerns with regards to overshadowing. A separation distance of at least 2m between shared boundaries should also be provided.

Future amenity of the occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

It is also important to assess the future amenity of occupiers of the proposed residential development. Officers draw the applicant's attention to the Government's 'Technical Space Standards', which outlines the minimum gross internal floor areas that dwellings of different sizes should achieve. The Reserved Matters submission should meet or exceed these minimum floorspaces. It is also noted that should any living accommodation be provided within the roof space of the dwelling, any area with a headroom which is less than 1.5m high will not be counted as useable internal floor area.

In addition, the applicant should ensure that all habitable rooms have access to at least 1 window. Nonetheless, Officers consider that a dwelling which is compliant with the NDSS could be achieved at this site.

In terms of external amenity space, it is considered that should 1 dwelling be provided on the site (as indicated within the submitted plans), the proposed garden spaces are likely to be appropriate in both size and location and would have areas which are private and would receive sunlight throughout the day. However, as the proposal is made at outline, this will need to be assessed further within a reserved matters application at a later date, but it is considered an acceptable external amenity area could be devised at a later stage.

In conclusion, the principal of erecting a dwelling upon land adjacent to Sunny Mede, Woodhead Road, could be acceptable from a residential amenity perspective, subject to an acceptable scale, design and layout being submitted at the reserved matters stage it is considered a scheme which accords with the aforementioned policy could be achieved.

Any subsequent application should seek to address the concerns raised in relation to the indicative plans.

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. 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.

Access has been applied for as part of this outline application. The submitted plans show that the existing access is to be used for the new dwelling but be terminated for the host dwelling Sunny Mede. The host dwelling will gain access from the driveway which currently exists off Shaw Lane. Car parking is shown for 2 vehicles with swept paths shown indicating how vehicles could turn within the site and exit in first gear. Highway officers raised no concerns in relation to access or parking but did request that within any reserved matters application details should be shown for bin storage and collection pads for the dwelling. As the access would be in effect one driveway to serve the host property with a turning / parking spaces adjacent to the dwelling it is considered that a 4+

bedroom house could be accommodated upon the site which is in line with requirements of the Kirklees Highways Design Guide SPD.

KC Waste Storage have also provided comments in relation to this application and the expectations should a reserved matters application be submitted. It is considered that these could be met should outline permission be granted.

5 - Other Matters:

Foul Sewage

Policy LP28 of the Kirklees Local Plan, Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul/surface water drainage.

The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding). In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert).

In terms of drainage the submitted application form outlines that the disposing of foul sewage is unknown. As the sustainable drainage hierarchy has not been considered, should approval be granted, a condition is recommended to be imposed to ensure that at reserved matters stage a drainage system will also be required to accord with Local Planning Policy LP28.

Biodiversity and Trees

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

Principle 9 of the Housebuilders Design Guide highlights that net biodiversity gains should be provided through good design and considered at an early stage to ensure biodiversity enhancements and habitat creation are incorporated and the function of the wildlife habitat network is safeguarded and enhanced.

Notwithstanding the above, Policy LP30 of the Kirklees Local Plan sets out that development should provide a biodiversity net gain.

The Council's Ecology officer was consulted on the proposals, they raised no objections to the proposals as the trees present do not provide suitability for roosting bats but stated that an integral bat box should be installed into the proposed dwellinghouse to accord with Local Planning Policy LP30 and Chapter 15 of the NPPF.

As discussed above there is opportunity to provide net gain by the provision of facilities such as bat boxes, bird boxes, hedgehog holes and enhanced

landscaping with the planting of native species. These details would need to be submitted as part of details submitted at reserved matters stage for appearance and landscaping. To ensure that these are provided a condition will be attached to the decision notice in relation to these issues. This would be in line with Local Planning Policy LP30, Chapter 15 of the NPPF and Principle 9 of the Housebuilders Design Guide SPD.

Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Whilst no trees within the application site are protected by a Tree Preservation Order, it is acknowledged that this heavily landscaped area does add to the visual amenity of the streetscene and also provides sufficient screening and boundary treatments to ensure residential amenity is preserved. It is therefore requested that should permission be granted on the site a condition relating to protective fencing should be imposed to ensure the trees to be retained within the site are protected during construction works.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

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.

The proposed dwelling will be built to modern building regulations and given the nature of the scheme it is considered reasonable to request that one electric vehicle charging point should be provided to aid in the contribution to climate change. Given these considerations, officers are satisfied that the building would not harm the climate change agenda on this occasion. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD 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 the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2022/91966

Officer Recommendation: Approve.

Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
3. Development shall not commence until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority: - Layout, Landscaping, Scale and Appearance.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. Plans and particulars of the reserved matters referred to in Condition 3, relating to layout, scale, appearance and landscaping of the site, shall

be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matters referred to have been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

5. The residential development hereby approved shall not exceed a maximum of one dwelling that is no more than 2 storeys.

Reason: For the avoidance of doubt as to what is authorised by this permission to ensure that the development conforms to the approved outline planning permission as well as the impact upon residential amenity of neighbouring occupiers and visual amenity of the wider locality to accord with policy LP24 of the Kirklees Local Plan, Principles 2, 6, 16 & 17 of the Council's adopted Housebuilders Design Guide and policies within Chapter 12 of the National Planning Policy Framework.

6. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policies LP24 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. The site shall be developed with separate systems of drainage for foul and surface water on and off site, details of which, including any balancing works and off-site works shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. The drainage works approved by this condition shall be completed in accordance with the approved details prior to the dwelling first being occupied and thereafter retained.

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

8. The development shall not be brought into use until a scheme of measures relating to the provision of habitat for wildlife and biodiversity enhancement has been submitted to the Local Planning Authority. The submitted scheme shall set out the existing biodiversity value of the site and propose sufficient biodiversity-led features to provide biodiversity net gain and include the provision of the following measures:- (i) Provision of bat tubes, (ii) provision of bird boxes, (iii) provision of hedgehog holes within boundaries and (iv) planting of native species across the site. The development shall not be brought into use until the approved scheme has been implemented. The

approved scheme shall be thereafter retained and maintained for the lifetime of the development.

Reason: To provide ecological enhancement in accordance with the requirements of Local Planning Policy LP30, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

9. Prior to the occupation of the dwelling hereby approved, 1 electric vehicle recharging point shall be installed to serve one of the dedicated parking spaces of the dwelling hereby approved. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting and encouraging low emission vehicles in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24, LP47 and LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD and Chapters 2, 9 and 15 of the National Planning Policy Framework.

10. In the event that contamination, or the presence of coal 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 by a suitably competent person 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. No part of the site shall be brought into use until such time as that part of 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

11. Prior to the commencement of development hereby approved, protective fencing in accordance with British Standard BS 5837 shall be erected around all trees to be retained on the site and shall be maintained throughout the construction phase.

Reason: In order to protect visual amenity and residential amenity and to accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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

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

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is 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 socket outlet 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: Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Plan as Existing	22010D-03	P01	9 th June 2022
Site Plan as Proposed	22010D-04	P01	9 th June 2022
Design and Access Statement – Supporting Information	22010	-	9 th June 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. No amendments were sought as the proposals were deemed to be acceptable on the basis of the submitted plans.

Report Dated:

21/09/2022