

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 73**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO  
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING  
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	<b>2023/70/90040/E</b>
Site Address:	adj, 35, Headlands Road, Liversedge, WF15 7NT
Description:	Variation of condition 2 (Plans) and condition 3 (Materials) on previous permission 2020/90675 for erection of one detached dwelling and garage
Recommending Officer:	Elenya Jackson

**DECISION – APPROVE VARIATION OF CONDITIONS**

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

Date: 20-Jun-2023

## Officer Report

### Site Description

The application site comprises a grassed area, formerly used as a domestic garden associated with 35 Headlands Road, Liversedge. No.35 is a detached bungalow, which has recently been granted permission for extensions and alterations to create a first floor and a porch. The boundary treatments comprise block walls and timber fences.

The site and its surroundings are purely residential characterised by buildings of various scale, form and design. The materials of construction also differ considerably. The site is accessible from Headlands Road through a private unnamed, unsurfaced road, shared with the adjoining terraced houses including nos.39 to 53.

### Description of Proposal

This application is for the Variation of condition 2 (plans) and Condition 3 (Materials) on previous permission 2020/90675 for erection of one detached dwelling and garage.

The previous conditions read as:

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord Policies LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The external walls of the detached dwelling and garage hereby approved shall be constructed with regular coursed natural stone and the roof shall be covered with blue slate tiles. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwelling hereby approved. The development shall be constructed in accordance with the approved details and thereafter retained. **Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

The proposal seeks to amend the previously approved plans and the approved roofing materials.

### History of negotiations/amendments received

No alterations have been made to the proposal since submission; however, revised application forms were required.

## **Relevant Planning History**

2022/92046 - Discharge conditions 4, 5, 6, 7, 8, 10, 12, 13, 14 on previous permission 2020/90675 for erection of detached dwelling and garage – split decision

2020/90675- Erection of one detached dwelling and garage- Conditional full permission

2020/90676 – Erection of extensions and alterations to form first floor accommodation and porch (35, Headlands Road) – Approved

2022/92046- Discharge conditions 4, 5, 6, 7, 8, 10, 12, 13, 14 on previous permission 2020/90675 for erection of detached dwelling and garage- Split Decision

2004/94966 – Erection of conservatory (35, Headlands Road) – Approved

## **Representations**

This application was publicised by neighbour letter only, which expired on 29<sup>th</sup> March 2023. No representations were received.

## **Consultation Responses**

The site is not within a Conservation Area and the proposal is related to the visual design aspects of the proposal and therefore no consultations have been deemed necessary.

## **Policy**

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

The site is unallocated on the Kirklees Local Plan.

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

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 03** – Location of new development
- **LP 11** – Housing mix and affordable housing
- **LP 20** – Sustainable travel
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 27** – Flood risk

- **LP 28** – Drainage
- **LP 51** – Protection and improvement of local air quality
- **LP 53** – Contaminated and unstable land

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19<sup>th</sup> February 2019, 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.

- Chapter 2 – Achieving sustainable development
- 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

### **Assessment**

The proposed variations to the previously approved plans are set out in full above, within the 'Description of Proposal' section of the report.

The alterations include the variation of condition 2 to amend the previously approved plans as they listed the proposed roofing materials and variation of condition 3 as this specified the materials to be used in the construction of the development.

The proposal was previously approved to feature Blue Slate Tiles and this variation is to amend this to Marley Modern Interlocking concrete roof tile smooth grey.

It is considered that, due to the location on the structure of the proposed materials and them being of similar colour palette, the proposed alterations would not significantly affect the visual appearance of the previously approved scheme.

Therefore, the proposed alterations would still result in an acceptable development in accordance with local plan policies LP24 and Chapter 12 of the NPPF.

#### Conditions

Conditions 4, 5, 12, 13 and 14 of application 2020/92046 have all received acceptable information under application 2022/92046, providing the development is built and maintained in accordance with these details, these conditions have been considered to be discharged. For the purpose of this application, these conditions will be re worded. However, condition 2 and 3 will be re worded for the purpose of this variation of condition and all other conditions will be retained as per decision 2020/90675.

#### 7 – Conclusion:

The proposed variations as set out above accord with all relevant national and local policy. This variation will still represent high quality sustainable development, whilst still maintaining a good standard of amenity for nearby dwellings.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **Recommendation**

**Approve**

### **Decision Authorisation - Delegated Powers**

**Application Number:** 2023/90040

**Officer Recommendation:** Approve

### **Conditions and Reasons**

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord Policies LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. The external walls of the detached dwelling and garage hereby approved shall be constructed with regular coursed natural stone and the roof shall be covered in Marley Modern Interlocking concrete roof tile smooth grey. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwelling hereby approved. The development shall be constructed in accordance with the approved details and thereafter retained.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Groundworks shall commence in line with the following details submitted to the Local Planning Authority under application 2022/92046.

- A Phase 1: Desk Top Study and Coal Mining Risk Assessment Report by Arc Environmental Limited, dated January 2022, (ref: 21-1036)
- A Phase 2 Ground Investigation Report by Arc Environmental Ltd, dated 12th May 2022 (ref: 21-1036.011)
- A letter titled 'Re: Proposed Residential Development Adj 35 Headlands Road, Liversedge, WF15 7NT - Hazardous Ground Gas

Risk Assessment Addendum Report' by Arc Environmental Limited, dated 8th December 2022 (Ref: 21-1036.02L)

**Reason:** To identify and remove unacceptable risks to human health and the environment regarding historic landfill and in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

4. Prior to the remediation of the site, further Groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To identify and remove unacceptable risks to human health and the environment regarding historic landfill and in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate measures are incorporated into the development at the relevant stage.

5. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To identify and remove unacceptable risks to human health and the environment regarding historic landfill and in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

6. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To identify and remove unacceptable risks to human health and the environment regarding historic landfill and in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

7. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the eastern and western (side) elevations of the dwelling hereby approved at any time without the prior written approval of the local planning authority.

**Reason:** To not detract from the amenities of the future occupants of the adjoining properties by reason of loss of privacy and to accord with Policy LP24(c) of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. The detached dwelling hereby approved shall not be brought into use until the proposed boundary treatments agreed under application 2022/92046 have been installed . Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), all boundary treatments shall thereafter be retained and when necessary replaced for like for like.

**Reason:** In the interest of residential amenity and to avoid harm to the privacy of the future and neighbouring occupiers in accordance with Policy LP24(c) of the Kirklees Local Plan and the aims of the National Planning Policy Framework

9. The dwelling hereby approved shall not be brought into use until the storage, bin presentation points and access for collection of wastes from this dwelling as approved under application 2022/92046 have been provided and shall be so retained thereafter.

**Reason:** In the interests of amenity and highway safety and to meet the requirements set out in Local Plan Policy LP24 part d(vi).

10. Prior to development commencing on the superstructure of the building the details submitted under application 2022/92046 relating to drainage shall be implemented. The dwelling shall not be occupied until the 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 Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

11. The detached dwelling and garage hereby approved shall not be brought into use until the driveway and turning head shown on the approved site plan have been laid out with a hardened and drained surface 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 any successor guidance; Notwithstanding the provisions of the Town and Country

Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for access and parking thereafter.

**Reason:** In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that any hard standing area within the site is appropriately drained in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, and Chapter 14 of the National Planning Policy Framework.

12.The development shall not be brought into use until the details provided within the Rolec Wallpod Specification Sheet by Rolec Services Ltd, dated 2022 (ref: EVWD-V01-R1) agreed under application 2022/92046 have been installed and are operational. Charging points shall be retained thereafter

**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 LP24 and LP51of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays,  
08.00 and 13.00 hours, Saturdays,  
With no working Sundays or Public Holidays.

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

**NOTE:** Electric Vehicle Charging Point

- A Standard electric vehicle charging point is one which can provide a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

**NOTE:** Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you

have the legal right to carry out the approved works as construction and maintenance or parking of vehicles may involve access to land outside your ownership or subject to private rights of way.

**NOTE:** The applicant is hereby advised that there are two closed landfill sites within 250m of the application site, where there are no records of the types, depth and volume of waste used to fill the site or of a licence being issued for such activity. It is therefore advised that the applicant should consider carrying out landfill gas monitoring prior to developing the site to establish whether landfill gas levels are significant. In any such event appropriate mitigation measures shall be included in carrying out any development to protect against hazard caused by landfill gas migration.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
<b>Application 2023/90040</b>			
Proposed Elevations	712 DWG 23 REV:A		08.03.2023
Roofing Sample			08.03.2023
<b>Application 2020/90675</b>			
Existing site plan	712_02		27.03.2020
Location plan	712_01	A	27.03.2020
Mine entry interpretive report			27.03.2020
Coal mining risk assessment			21.06.2020
Proposed second floor and roof plan	712_07	A	07.07.2020
Proposed floor plans and sections	712_06	A	07.07.2020
Proposed site plan	712_06	B	27.10.2020
<b>Application 2022/92046</b>			
A Phase 1: Desk Top Study and Coal Mining Risk Assessment Report by Arc Environmental Limited, dated January 2022	ref: 21-1036		19.08.2022
A Phase 2 Ground Investigation Report by Arc Environmental Ltd, dated 12th May 2022	ref: 21-1036.01l		16.06.2022
A letter titled 'Re:	21-1036.02L		8.12.2022

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Residential Development Adj 35 Headlands Road, Liversedge, WF15 7NT - Hazardous Ground Gas Risk Assessment Addendum Report' by Arc Environmental Limited, dated 8th December 2022			
Remediation Statement & Validation Proposal Sheets', by Arc Environmental Limited, dated 17th August 2022	Ref: 21-1036		19.08.2022
block plan (dwg. no. 25 Rev C) showing the proposed boundary treatments and bin storage and presentation point	DWG: 25 REV:C		22.03.2023
Fence Detail Plan	DWG: 27		16.06.2022
Bin Storage Plan	DWG: 27		16.06.2022
Surface water calculations by LARK Architects Ltd dated May 2022 (ref: 712-100)	712-100		16.06.2022
Typical Drainage Details	DWG:56		16.06.2022
Proposed Drainage Plan	DWG:54		16.06.2022
Proposed impermeable area plan	DWG:53		16.06.2022
Proposed Catchment Area Plan	DWG:55		16.06.2022
A Rolec Wallpod Specification Sheet by Rolec Services Ltd, dated 2022	EVWD-V01-R1		9.08.2022

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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The application form has been amended since submission to achieve the desired outcome.

