

# 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:         | 2023/62/90506/E                                    |
| Site Address:         | 77, Latham Lane, Gomersal, Cleckheaton, BD19 4AP   |
| Description:          | Erection of detached dwelling with integral garage |
| Recommending Officer: | Alice Downham                                      |

#### **DECISION – Conditional Full Permission**

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

Sarah Longbottom

***AUTHORISED OFFICER***

**Date:** 09 June 2023

## **Officer Report**

### **Site Description**

The application site is a vacant, grassed rectangular parcel of land which was previously occupied by a detached dwelling (demolished between 2012 and 2018) which was known as 77 Latham Lane. The site is relatively level, sloping downhill slightly to the southern corner. The site fronts onto Latham Lane with a stone boundary wall ~1m high. The sides and rear of the site are bounded by hedges/shrubbery.

The site is located in a semi-rural area, with residential properties on all sides. The surrounding dwellings are varied in age, size, style, and materials of construction; however, all are detached and set in generous plots.

To the front (east) is a Grade II listed building (West House, Oxford Road). The site is not within a conservation area, and there are no Public Rights of Way (PROW) within close proximity to the site.

### **Description of Proposal**

The applicant is seeking permission for the erection of a detached dwelling with an integral garage.

The dwelling would be sited in the centre of the site between nos. 75 and 79 Latham Lane. The main part of the dwelling would be set back behind the rear elevations of these neighbouring dwellings.

The proposed dwelling would be two-storey and would have a hipped roof form with feature gables to the front and rear. It would measure a maximum of 31.9m deep and 21.1m wide, with an overall height of 8.2m. There would be a one-and-a-half-storey projecting element with a gable roof form, set forward of the front elevation by approximately 14.4m.

The dwelling would be faced in coursed natural Yorkstone, with natural grey slates for the roof covering. The proposed dwelling would have a reasonably modest amount of glazing to the front elevation aside from the glazed double-height atrium, with larger areas of glazing to the rear elevation.

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

The property would be accessed from the existing access, with a driveway and parking to the front. There would be gardens to the front and rear.

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

Officers raised concerns with the agent regarding the design of the proposed dwelling. Following negotiations, amended plans were received with the

materials changing the materials from render to stone; reducing the level of glazing to the front elevation; and reducing the ridge height of the front projecting element. These amendments were considered acceptable by officers. The amended plans were not subjected to any formal new publicity since they represented a reduction in size overall and were not considered to raise substantial new planning issues.

### **Relevant Planning History**

At the application site:

2014/93830 – Demolition of existing dwelling and erection of 2 dwellings. Conditional full permission.

2016/90810 – Discharge of conditions 3. (samples) 4. (materials) & 7. (landscaping) on previous permission no. 2014/93830 for demolition of existing dwelling and erection of 2 dwellings. Approved.

2016/92340 – Demolition of existing dwelling and erection of 2 dwellings. Conditional full permission.

2017/94026 – Demolition of existing dwelling and erection of detached dwelling (modified proposal). Conditional full permission.

2018/92850 – Demolition of existing dwelling and erection of detached dwelling (modified proposal). Conditional full permission.

2019/90490 – Variation of conditions 2, 4 and 6 on previous application 2018/92850 for demolition of existing dwelling and erection of detached dwelling (Modified Proposal). Approved.

2021/94231 – Certificate of lawfulness to confirm valid commencement of development approved under 2018/92850 for demolition of existing dwelling and erection of detached dwelling (modified proposal) within the 3 year time limit given in condition 1. Refused.

At neighbouring properties:

92/03265 – Erection of detached dwelling with integral double garage and swimming pool. Conditional full permission. (Robin Ridge, 329 Drub Lane).

93/05516 – Erection of detached dwelling with integral garage and swimming pool. Conditional full permission. (Robin Ridge, 329 Drub Lane).

97/92918 – Erection of detached dwelling (chalet bungalow). Conditional full permission. (rear of 79 Latham Lane).

99/93439 – Erection of detached dwelling (amended house type). Conditional full permission. (rear of 79 Latham Lane).

2016/91946 – Demolition of existing dwelling and erection of new dwelling. Conditional full permission. (333 Drub Lane).

### **Publicity and Representations**

The application was advertised by neighbour letter, site notice and in the press due to the close proximity to a Listed Building. Publicity expiry:

- Neighbour letter – 6<sup>th</sup> April 2023
- Site notice – 13<sup>th</sup> April 2023
- Press notice – 6<sup>th</sup> April 2023

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

No parish/town council comments are required in this instance.

### **Consultation Responses**

KC Conservation and Design – informal consultation, no objection on heritage grounds.

KC Ecology – no objection subject to conditions (to be detailed within the report).

KC Environmental Health – no objection subject to conditions (to be detailed within the report).

KC Highways Development Management (HDM) – no response received.

### **Policy**

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

The site is unallocated on the Kirklees Local Plan.

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

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

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 20** – Sustainable travel
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity & geodiversity
- **LP 35** – Historic environment
- **LP 51** – Protection and improvement of air quality
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Contaminated and unstable land

### **Supplementary Planning Guidance / Documents:**

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. 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 local 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:

- Highways Design Guide SPD (adopted 4<sup>th</sup> November 2019)
- Housebuilders Design Guide SPD (adopted 29<sup>th</sup> June 2021)

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

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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 National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 5** – Delivering a sufficient supply of homes

- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

### **Other considerations**

- Housebuilders Design Guide SPD
- Kirklees Council's Biodiversity Net Gain Technical Advice Note
- West Yorkshire Low Emission Strategy (WYLES)

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and the historic environment
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conditions
- 7) Conclusion

#### 1 – Principle of development:

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

The principle of residential development on this site is considered acceptable given there was a dwelling on the site until 2012-2018. Furthermore, permission has been granted several times recently for the erection of a new dwelling on the site.

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

When making decisions on planning applications for development that would affect a Listed Building or its setting, there is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Any impact on heritage assets (including the setting of the Listed Building to the east) will be given consideration having regard to Policy LP35 of the Kirklees Local Plan, and Chapter 16 of the National Policy Planning Framework.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

## 2 – Impact on visual amenity and the historic environment:

The National Planning Policy Framework 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...”*

Paragraph 129 of the National Planning Policy Framework sets out that design guides and codes carry weight in decision making. Of note, paragraph 134 of the National Planning Policy Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Further to this, Principle 5 states that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street to help create active frontages, and that effective boundary treatments should be used to form defensible space and delineate between public and private realm. Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The siting of the dwelling would be similar to the dwelling previously approved on the site (2019/90490). It would be set back relative to the neighbouring nos. 75 and 79; however, it is acknowledged that there is no strong building line on Latham Lane. The front elevation of the dwelling (and the projecting element) would address the street. It is therefore considered that the siting and orientation of the dwelling are acceptable in principle. The proposal would result in a good-sized garden to the rear, as well as parking and garden space to the front, similar to the existing layout and most other properties in the locality, helping to maintain the suburban and green character of the area.

The dwelling would be two-storey in height, which is considered acceptable given the scale of surrounding dwellings in the locality. The ridge height of the dwelling (~8.2 metres) is considered relatively high, especially in comparison to both immediate neighbouring dwellings which are bungalows. However, there are two-storey dwellings in the wider area, the dwelling would be set in from the shared boundaries, and a two-storey dwelling has previously been approved on this site (2018/92850, 2019/90490). As such, it is considered that the proposal would not appear overly large in the street scene or appear to over-dominate the neighbouring properties. The set back of the dwelling into the site would also reduce the prominence of this proposed dwelling.

Whilst the dwelling is quite wide and deep, there are other dwellings within the immediate vicinity which have sizeable footprints. Moreover, a dwelling of similar footprint and form has previously been approved on this site (2018/92850, 2019/90490). The dwelling would also benefit from a hipped roof form, and the front projecting element would be only one-and-a-half-storeys, which would help to reduce its overall bulk. Further to this, given that it is set on a generously sized plot, and its side walls would be set off from

neighbouring properties, officers hold the view that it would not appear cramped on the site. The scale and form of the dwelling are therefore considered to be acceptable from a visual amenity perspective.

Moving on to appearance, dwellings on Latham Lane and in the surrounding area are predominantly faced in stone. The application proposes stone walls under a slate roof, and such materials are considered acceptable in this location in principle. Further details of the materials can be conditioned so as to ensure a high-quality finish, should planning permission be granted.

The detailing includes a reasonably modest amount of glazing to the front elevation aside from the glazed double-height atrium, with larger areas of glazing to the rear elevation. It is noted that the character of the local area is varied, with dwellings varying in age and style. Notably, to the rear on Drub Lane are large, modern, detached properties which benefit from large areas of glazing. As such, the proposed development would not be out of character with the area.

The submitted plans provide little information regarding the proposed boundary treatments, though the submitted site plan indicates a 2m high natural stone boundary wall to the front and the existing hedges to be retained to the remaining boundaries. It is considered appropriate to impose a condition (should planning permission be granted) requiring details of the proposed boundary treatment to be submitted to and approved in writing by the Local Planning Authority before the development commences, in the interest of visual amenity.

With the inclusion of appropriate conditions, the proposal is considered acceptable from a visual amenity perspective and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan states:

*“Development proposals affecting a designated heritage asset... should preserve or enhance the significance of the asset.”*

KC Conservation & Design were consulted and indicated that as a separation distance of over 55mm would be retained between the application site and the neighbouring Grade II listed building (West House, Oxford Road) by Latham Lane itself and amenity space and mature trees at the listed building it is considered that the proposed development would not result in any harm to the heritage asset. Moreover, a similar development has previously been approved on this site (2018/92850, 2019/90490). The proposal would therefore comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

### 3 – Impact on residential amenity:

Section B and C of Policy LP24 state 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 users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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 SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- 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.

The properties mostly likely to be affected by the proposed development are considered to be 75, 79 and 81 Latham Lane. The impact upon these properties will be discussed below. The proposed development is considered to be a sufficient distance away from any other neighbouring properties so as to prevent undue harm in terms of loss of light, loss of outlook, overlooking or loss of privacy, or the creation of an overbearing effect. Of note, whilst there are a number of properties to the rear of the site, the proposed dwelling would be 23.7 metres from the rear boundary of the site, and ~31 metres away from the nearest dwelling beyond the rear boundary (331 Drub Lane). There are also no dwellings directly to the front of the site.

#### *Impact on 75 Latham Lane*

This is the neighbouring property to the southeast of the application site. The proposed dwelling would be set back in the street scene relative to this neighbouring dwelling, such that the front elevation of the proposed dwelling would be roughly in line with the rear elevation of no.75. The existing and proposed dwellings would be separated by amenity space at both properties and the existing boundary hedge. As such, the proposed dwelling would be set off from the shared boundary with this neighbour by ~5.0m and separated from the neighbouring dwelling by ~9.0m. Given the position of the proposed dwelling in relation to no.75, it is considered that there would be no significant overbearing impact on this neighbour. There would be no significant overshadowing impact as the application site is located to the north of this

neighbouring property. Given the relationship of the dwellings, there would be no overlooking impact on no.75 itself; however, there could be some overlooking impact on the garden of no.75 from windows in the south-eastern side elevation of the proposed dwelling. Windows are proposed to the side elevation of the proposed dwelling at both the ground and first floor level; these would serve habitable and non-habitable spaces (two en-suites and a bedroom). However, all these windows have been annotated as obscurely glazed on the submitted plans. As such, it is considered that there would be no significant overlooking impact on the garden of no.75. Officers are satisfied that the proposal would have no significant impacts on the residential amenity of 75 Latham Lane.

#### *Impact on 79 Latham Lane*

This is the adjacent property to the north of the application site. Compared to the previous approval 2019/90490, the amount of built development close to the shared boundary with this neighbour would increase from approximately 22.4m to approximately 25.7m. However, the proposed development would also be set at least 1.0m further away from the shared boundary. Moreover, the majority of the dwelling closest to the shared boundary would be one-and-a-half-storeys in height, with a dual-pitched roof form which would take the vertical emphasis away from the shared boundary with this neighbour. Furthermore, there are no habitable room windows on the south-eastern side elevation of no.79, and a separation distance of ~7.7m would be maintained. As such, on balance, it is considered that any overbearing impact would not be significant in this instance. Due to the height of the proposed dwelling, there would be some overshadowing impact on this neighbour. Any overshadowing of the rear garden and habitable room windows to the rear would be largely confined to the mornings in autumn and winter, and as such is considered not significantly detrimental. Two windows are proposed to the north-western side elevation of the proposed dwelling at both the ground and first floor level. These would serve non-habitable spaces (utility room, WC, and dressing room). All these windows have been annotated as obscurely glazed on the submitted plans. As such, it is considered that there would be no significant overlooking impact on no.79. Officers are satisfied that the proposal would have no significant impacts on the residential amenity of 79 Latham Lane.

#### *Impact on 81 Latham Lane*

This is the neighbouring property to the northwest of the application site. Compared to the previous approval 2019/90490, the proposal would bring built development closer to the shared boundary with this neighbour. As such, it is considered that there would be no significant overbearing impact on no.81. Due to the height of the proposed dwelling, there would be some overshadowing impact on this neighbour. Any overshadowing of the rear garden and habitable room windows to the rear would be largely confined to early mornings, and as such is considered not significantly detrimental. Two windows are proposed to the north-western side elevation of the proposed dwelling at both the ground and first floor level. These would serve non-

habitable spaces (utility room, WC, and dressing room). All these windows have been annotated as obscurely glazed on the submitted plans. As such, it is considered that there would be no significant overlooking impact on no.81. Officers are satisfied that the proposal would have no significant impacts on the residential amenity of 81 Latham Lane.

#### *Amenity of future occupiers*

Principle 16 of the 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.”*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed rear garden is considered to be a good size for a dwelling of this scale.

It is noted that there would be obscurely glazed windows to the south-eastern elevation, serving a bedroom on the first-floor level. This is considered acceptable in terms of the residential amenity of future occupiers as these windows would be secondary; the primary window for this bedroom is located on the front elevation and would not be obscurely glazed.

#### *Noise*

KC Environmental Health were consulted and highlighted that the proposed development is within a residential area where noise from construction activities has the potential to impact the amenity of nearby residents. Although KC Environmental Health recommend a condition to restrict construction site working times (should planning permission be granted), officers consider an informative footnote to be reasonable.

Having considered the above factors, it is considered that this proposal would not result in any significant adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan, Principles 6, 16, and 17 in the Council's Housebuilders Design Guide SPD, and Paragraphs 130 (f), 174 (e), and 185 (a) of the National Planning Policy Framework.

#### 4 – Impact on highway safety:

Paragraph 111 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

A 4-bedroom dwelling is proposed at the site, and the Kirklees Highways Design Guide SPD states that at least 3 off-street spaces are required for dwellings with 4 or more bedrooms.

KC Highways Development Management were consulted; however, no response was received. Officers note that the hardstanding area to the front of the dwelling would be more than sufficient to provide 3 off-street parking spaces, which is considered acceptable for a dwelling of this size.

Principle 19 of the Housebuilders Design Guide SPD sets out how provision for waste storage and recycling should be incorporated into the design of new developments. A bin collection pad has been shown adjacent to the site entrance, which is considered acceptable.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 in the Council’s Housebuilders Design Guide SPD, guidance within the Council’s Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

## 5 – Other matters:

### *Contaminated land*

The property has been highlighted as on potentially contaminated land due to its proximity to a landfill site (site 79/2). KC Environmental Health have no objection to the application. However, the dwelling is a permanent structure that might involve significant groundworks. Hence, it is considered necessary to impose conditions to manage the risk associated with land contamination (should planning permission be granted). Submission of phase 1 and phase 2 reports and the remediation strategy are required pre-commencement. With these conditions inserted into the decision notice, the development complies with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

### *Biodiversity*

Kirklees Council’s Ecology officer was consulted as the site is located within a bat alert layer. The consultation response indicated that, overall, it is predicted that the proposal would have minimal impact on ecological receptors, with the

site comprising common and widespread habitats with minimal value for protected faunal groups. KC Ecology have no objection to this application, however, suggested conditions to ensure that planting at the site of native species mix and that provisions for protected species are integrated into the design of the building are recommended, should planning permission be granted. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Council's Housebuilders Design SPD, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

### *Drainage*

Policy LP28 of the KLP establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. The applicant states in the application form that the surface water is to be discharged to main sewer; however, no supporting justification has been provided. In any case, for an application of this scale, drainage would be addressed under a separate remit.

### *Carbon Budget*

The proposal is a minor development for the erection of a single dwelling. In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of an electric vehicle charging point is recommended, should planning permission be granted. The proposal therefore complies with Policies LP20, LP21, LP24, LP51, and LP52 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD, Chapter 9 of the National Planning Policy Framework, and the West Yorkshire Low Emission Strategy (WYLES).

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

### 6 – Representations:

No representations have been received.

### 7 – Conditions

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

- Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.
- Samples of materials to be submitted (pre-commencement).
- Submission of a Phase 1 Preliminary Risk Assessment Report (pre-commencement).

- Submission of a Phase 2 Intrusive Site Investigation Report (pre-commencement).
- Submission of Remediation Strategy (pre-commencement).
- Implementation of the Remediation Strategy.
- Submission of Validation Report.
- Site clearance works.
- Bat box and bird box (pre-commencement).
- Planting schedule.
- Electric vehicle charging points.

*Pre-commencement conditions have been agreed by the agent.*

## 8 – Conclusion:

This application for erection of detached dwelling with integral garage at 77, Latham Lane, Gomersal, Cleckheaton, BD19 4AP, has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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

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

**Recommendation**

**Approve**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2023/90506

**Officer Recommendation:** Approve

### **Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP20, LP21, LP22, LP24, LP28, LP30, LP35, LP51, LP52, and LP53 of the Kirklees Local Plan, Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18, and 19 in the Council's Housebuilders Design Guide SPD, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. Before any development commences on the superstructure of the dwelling hereby permitted, samples of all external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 13 in the Council's Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwelling hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

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

5. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** This is a pre-commencement condition to ensure measures are incorporated at an appropriate time, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

9. 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 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 Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

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

10. No site clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before the site is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

**Reason:** To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Council's Housebuilders Design SPD, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

11. Before any development commences on the superstructure of the dwelling hereby permitted, a plan detailing the positioning and location of an integral bat box (Schwegler Bat Wall System 3FE) and Sparrow Nest Box shall be submitted to and approved in writing to the local authority.

**Reason:** To provide an enhancement to biodiversity in line with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Council's Housebuilders Design SPD, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

12. All planting at the site should comprise native species (to include as much fruit bearing species as possible), with a planting schedule to be submitted to and approved in writing to the local authority.

**Reason:** To provide an enhancement to biodiversity in line with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Council's Housebuilders Design SPD, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

13. Before the development is brought into use, a scheme of electric vehicle recharging points meeting at least the following minimum standard for numbers and power output shall be installed:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space

Charging points installed 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 LP20, LP21, LP24, LP51, and LP52 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD, Chapter 9 of the National Planning Policy Framework, and the West Yorkshire Low Emission Strategy (WYLES).

**NOTE:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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). 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 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.

**NOTE:** The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

**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 can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

| Plan Type                    | Reference                                        | Web ID | Date Received |
|------------------------------|--------------------------------------------------|--------|---------------|
| Grouped Plans and Elevations | (AL)01b - Proposed Site Block and Location Plans | 989353 | 10/05/2023    |
| Grouped Plans and Elevations | (AL)02a - Proposed Floor Plans and Elevations    | 989354 | 10/05/2023    |
| Design and Access Statement  | 22-1185/ D&A Statement                           | 976563 | 27/02/2023    |
| General                      | Coal mining search                               | 976562 | 27/02/2023    |
| General                      | Climate change statement                         | 977595 | 27/02/2023    |

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

Officers raised concerns with the agent regarding the design of the proposed dwelling. Following negotiations, amended plans were received with the materials changing the materials from render to stone; reducing the level of glazing to the front elevation; and reducing the ridge height of the front projecting element. These amendments were considered acceptable by officers. The amended plans were not subjected to any formal new publicity since they represented a reduction in size overall and were not considered to raise substantial new planning issues.

**Report Dated:** 06/06/2023

