

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:	2023/62/90696/E
Site Address:	adj, 2, Scopsley Green, Whitley, Dewsbury, WF12 0NF
Description:	Erection of detached dwelling
Recommending Officer:	Katie Wilson

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.

Julia Steadman

AUTHORISED OFFICER

Date: 19/7/2023

OFFICER REPORT

Site Description

The application site is a roughly rectangular and flat piece of land to the north east of 2, Scopsley Green, and appears to currently form part of its domestic curtilage. It is effectively a corner plot on inner side of 90 degree bend in Scopsley Green, which is also a residential cul-de-sac.

There is an area of hard standing, currently used as off street parking and driveway for 2, Scopsley Green, with grassed area to the north eastern side. Around the perimeter of the site is a natural stone wall approximately 1.5m high with a variety of shrubs and climbers either covering it or growing above, with taller trees adjacent to the north eastern and south eastern boundaries.

The existing dwellinghouse at 2, Scopsley Green is thought to have been built in the 1980's with later 2-storey extension and porch. The walls are red brickwork with a series of dual pitched roofs surfaced in red tiles. This property also has garden area to the south western side which would be unaffected by the proposed development.

The application site is within a cluster of houses on all sides. Those to the north west are older red brickwork 2-storey terraced houses, those to the north east are later 2-storey flats also in red brickwork. Houses to the west of the application site are generally first half of the 20th Century or older and constructed in natural stonework. To the south eastern side is Croft House a much older 2-storey house with lower element to the side, white washed walls and stone slate roof.

The whole area is allocated Green Belt on the Kirklees Local Plan. There are no conservation areas or listed buildings in the vicinity.

Description of Proposal

Planning permission is sought to erect a detached dwelling.

The house would have a rectangular footprint approximately 8.5m x 7.3m over two storeys with dual pitched roof. The eaves height would be around 4.8m and the ridge height 7.2m.

The walls would be red brickwork and the roof surfaced in concrete pantiles, both to match the existing materials nearby.

Internally:

It would provide space at ground floor level for the following: open plan lounge / dining / kitchen; together with utility room; and bedroom / study with ensuite; and entrance lobby.

At first floor level would be a landing; two double bedrooms both with ensuites and one with a dressing room.

There would be an additional single storey element to northern side around 5.4m x 1.6m with mono-pitched roof providing space for an entrance lobby and canopy over entrance.

The fenestration details are as follows:

North elevation (gable end) - there would be one non-habitable room window (lobby) at ground floor level, with one habitable room window (bed 2) and one non-habitable room window (ensuite) at first floor level.

South elevation (gable end)- there would be a doorway (utility) at ground floor level with high sill obscurely glazed window to non-habitable room (ensuite) above.

East elevation – There would be a habitable (bed 3 / study) and two non-habitable room windows (utility and ensuite) at ground floor level with further non-habitable room window (landing) above.

West elevation - There would be one habitable room window (lounge) together with set of bi-folding doors (kitchen / dining room) at ground floor level and a further habitable room window (master bedroom) at first floor level.

Bird and bat boxes are indicated on south facing gable end minimum 4.0m above ground level.

In terms of external materials, the walls would be red brickwork and the roof surfaced in concrete pantiles, both to be consistent with existing materials of nearby buildings and if possible, locally sourced.

Externally:

Existing site entrance along north western perimeter would be widened to approximately 9.5m to form 2no new parallel off street car parking spaces surfaced in porous material, for the proposed new house, and 2no tandem off street car parking spaces to the side of 2, Scopsley Green.

Between the new allocated parking areas and forming the boundary between the existing house and the proposed dwelling would be a new 1.8m high treated timber boundary fence. It would not run to the roadside so as to prevent harm to visibility splays from the driveways.

Behind the new parking spaces for the proposed dwelling would be space for two bins and a paved terrace, all to the south west of the building. Dividing the parking spaces and the outdoor terrace would be fencing around 1.5m high.

Existing shrubs along the south eastern boundary would be removed and replaced with a narrow strip of grass or other planting and the existing boundary wall retained.

To the north eastern side of the proposed dwelling would be another narrow strip of grass or other planting and some of the existing boundary wall retained. The corner part of the existing wall would be demolished and re-built with a similar curved line. It would be tied in with the new porch at one end.

Foul and surface water drainage would be kept separate until the last point before discharging from the site. Drainage is proposed to be discharged into the mains sewer.

The south west facing roof plane would be covered with approximately two rows of eight solar PV panels.

Relevant Planning History

1992/05279 – Erection of 2 storey extension. Conditional full permission.

2008/91743 – Erection of single storey extension. Conditional full permission.
[Planning application details | Kirklees Council](#)

2022/20080 – Pre-application advice for erection of a dwelling.

Representations

The application was advertised by neighbour letters, which expired on 8th May 2023

Seven representations received. They raised the following points:

- It will increase existing difficulties with parking congestion and manoeuvring vehicles using Scopsley Green which is already narrow.
- Where will the vehicles for 2, Scopsley Green park?
- The proposed development will have an overlooking impact upon neighbouring properties.
- The proposal will have an overshadowing and overbearing impact on neighbouring properties.
- Trees will be damaged or removed
- It should have the minimum visual impact.

Parish / town Councils: N/A.

Consultation Responses

KC Highways DM: No response

KC Environmental Health: Recommend conditions in relation to contaminated land and electric vehicle charging points.

The Coal Authority: Initially objected, but later resolved to recommending pre-commencement conditions.

Policy

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

The site is within the Green Belt on the Kirklees Local Plan Proposals Map

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

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 7**- Efficient and effective use of land and buildings
- **LP 11**- Housing mix and affordable housing
- **LP 20** – Sustainable travel
- **LP 21**- Highways and Access
- **LP 22** – Parking
- **LP 24** - Design
- **LP 28** – Drainage
- **LP 30**- Biodiversity and Geodiversity
- **LP33** - Trees
- **LP47** - Healthy, Active and Safe Lifestyles
- **LP51** - Protection and Improvement of Local Air Quality
- **LP52** - Protection and Improvement of Environmental Quality
- **LP53** - Contaminated and unstable Land
- **LP 57** – The extension, alteration or replacement of existing building

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published 20th July 2021, and 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.

Chapter 2 Achieving Sustainable Development

Chapter 5 Delivering a Sufficient Supply of Homes

Chapter 8 Promoting Healthy and Safe Communities

Chapter 9 Promoting Sustainable Transport

Chapter 11 Making Effective Use of Land Chapter

Chapter 12 Achieving Well Designed Places

Chapter 13 – Preservation of Green Belt

Chapter 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

Housebuilders Design Guide SPD (adopted 29th June 2021)

Kirklees Council has adopted supplementary planning guidance on new housing development which now carries full weight in decision making. This guidance indicates 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 (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (adopted 4th November 2019)

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to highway design

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters

- 5) Representations
- 6) Conditions
- 7) Conclusion

1 – Principle of development:

The site is within the Green Belt on the Kirklees Local Plan (KLP) and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development

In this particular case a recent pre-application enquiry was submitted for erection of a detached dwelling on the same piece of land (reference: 2022/20080). It was submitted with a location plan and an indicative site layout plan which outlined a rectangular shaped building footprint towards the north eastern side of the site and ridge line on a north east / south west axis suggesting gable ends in those directions. There were two tandem parking spaces to the south western side of the building footprint and narrow strips of out-door amenity to all sides. No elevations were submitted, but the accompanying information makes reference to a two storey dwelling.

The current planning application has a similar size and shape of footprint in the same area of the site, but pivoted 90 degrees, so that the gable ends would face in a north west and south east direction.

Pre-application enquiry 2022/20080 is a material planning consideration.

Is the development inappropriate development in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 148 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 149 and 150 of the NPPF.

The construction of new buildings is regarded as inappropriate development in the Green Belt. However, within paragraph 149 (e), one of the exceptions to this is the limited infilling in villages.

The NPPF is supported by Paragraph 19.31 of the KLP which states that any application for infill development within the Green Belt will be judged in the first instance on whether the settlement is a village for the purposes of the Green Belt policy. If it is established that the site is within a village, the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage.

During the course of assessing pre-application enquiry 2022/20080, the Council's Planning Policy officers were consulted. They mentioned that an appeal decision in 2021 determined that Whitley Lower has facilities and services such as public house, church and community service present together with a number of dwellings, and that these along with the overall size of the settlement mean that Whitley Lower must be considered to be a village.

The application site is approximately 0.2 hectares and is therefore considered to be small for the purposes of paragraph 19.31 of the KLP. In the context of the layout of development around the site, it is also considered to be within a continuously built-up frontage.

Given the above, it is considered that the site therefore meets the requirements of paragraph 19.31 of the KLP and the proposed development can be regarded as limited infill in villages, and so could be considered to be an exception to being inappropriate development, under paragraph 149 (e) of the NPPF.

As such the proposed development is considered appropriate development in the Green Belt.

In terms of the impact upon openness of the Green Belt and character and appearance of the area.

In this instance the application site is surrounded by other 2-storey dwellinghouses of similar height to the proposed house, and the size of the plot is relatively modest. Furthermore, the external brickwork and roofing style and materials would be to match those of the surrounding buildings. Given this it is also considered that the proposal would be inkeeping with the character of the area and not significantly impact upon the openness of the Green Belt.

It is noted that future occupiers of the house would be reliant on the use of a car to access day to day facilities, it is none the less accepted that the application site is within an established residential area. As such it is considered that the site would be suitable to residential development.

In summary, it is considered that the proposal would constitute appropriate development in the Green Belt and the effect on the openness and character

of the Green Belt would be acceptable. The principle of the proposed development is therefore considered acceptable and compliant with relevant parts of the NPPF and paragraph 19.31 together with policy LP24 of the KLP.

2- Impact upon visual amenity:

Scopsley Green is characterised by residential properties which vary a little in terms of their house type, style and design. They are however of relatively traditional and simple appearance and those to the north east and north west together with 2, Scopsley Green to the south west have red or brown brickwork walls and dual pitched roofs surfaced in red or grey tiles.

This pallet of materials is reflected in the wall and roof materials of the proposed house and the roof design and overall shape is similar to that at 2, Scopsley Green. Nearby properties also benefit from front gardens and off street parking spaces with private amenity space to the rear. To some extent this would also be the case at the application site. It is acknowledged that the main outdoor amenity space would be to the south western side of the proposed house and that other sides would be restricted to narrower strips of garden, but in officers' opinion it would be concentrated in an area which is likely to received most direct sunlight and there would be good access to the internal living room accommodation. Whilst the proposed external layout would be fairly restricted it is considered that there would be sufficient usable outdoor amenity space at the property for the occupants of a two or three bed house, and although quite compact, it would not amount to overdevelopment of the site.

The proposed window and door styles would be functional and in-keeping with the scale and style of the host building and similar to others in the area. The roof style would also reflect the design of other dual pitched roofs with gable ends nearby.

These details are all considered acceptable and consistent with advice given in the pre-application enquiry.

In terms of scale, the indicative footprint submitted for the pre-application enquiry was considered to be not in-keeping with the prevailing character and scale of properties in the area. The suggested advice was to reduce the scale of the dwelling to reflect the character of the surrounding area, provide sufficient outdoor amenity space and prevent overdevelopment of the site.

In response the current application shows that the footprint pivoted through 90 degrees and reduced slightly, with an additional corner removed at ground floor level. As described above, this arrangement seems to create more space to the south west side of the house where there would be the main private outdoor amenity space for the proposed house and two parallel parking spaces. This area would be potentially the sunniest of the site and most usable for outdoor amenity purposes. It is acknowledged that the other sides of the surrounding garden space would be overshadowed and narrow, and that this is not entirely in-keeping with the established pattern of development

in the area, however, on balance it is considered that it would not cause significant harm to the visual amenity of the area.

In terms of the building line, as a corner plot it should respond to two building lines. In this instance the proposed site plan indicates that the two storey part of the footprint would be roughly aligned with the extension to 2, Scopsley Green.

The north east facing side elevation, also faces onto another section of Scopsley Green. This would not be part of an established building line, but could potentially start a new building line. It would be slightly set back from the roadside and behind a boundary wall with curved part re-built in reclaimed materials to new curvature, and it would be tied into the entrance porch.

Fenestration in these two elevations would be at ground and first floor level and they are considered appropriate for the modest appearance of the host dwellinghouse and respond positively to the character of the 2, Scopsley Green.

In terms of the proposed parking layout, whilst the area between 2, Scopsley Crescent and the opposing side of the proposed dwelling would be largely parking spaces for both properties, that area of land is already predominantly used for off street parking. The proposed increase is considered not to significantly affect the street-scene or character of the area, nor the openness of the Green Belt.

In summary, given the above assessment, it is considered that the proposal would on balance be in keeping with the character and appearance of the area and comply with principles 2 (local character), 5 (building line), 12 (parking design), 13 (materials), 14 (windows and doors), 15 (roof line) and 17 (outdoor space) of the Housebuilders Design Guide SPD, together with policy LP24 of the KLP and Chapter 12 of the NPPF.

3 – Impact on residential amenity of neighbouring residents:

The residential amenity of neighbouring occupants shall now be assessed, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, minimising impact on residential amenity of future and neighbouring occupiers. The House Builder's Design Guide SPD goes into further detail with respect to Key Design Principle 6 on maintaining high standards of residential amenity.

Impact on 2, Scopsley Green:

The site plan shows that there would be a distance of approximately 19.5m between the south west facing elevation of the proposed dwelling and the nearest opposing elevation at 2, Scopsley Green with parking and garden space together with 1.8m high boundary fence in between. These opposing elevations both contain habitable room windows at ground and first floor level floor level.

The gap described above does not meet the minimum distance of 21 metres between habitable room windows set out in the Principle 6 of the SPD. However, those at ground floor level would be screened by the proposed boundary fencing and the relationship of windows at first floor level would be indirect or over 21.0 metres. As such it is considered that there would be very limited, if any invasion of privacy issues.

In terms of overshadowing or overbearing, given the distance between the properties and that 2, Scopsley Green would retain open garden space elsewhere, it is considered that these impacts would be relatively limited.

Impact on 2, 3 and 4, Scopsley Lane:

The site plan shows that the proposed dwelling would be to the south or south east of the front of these dwellings, with a separation distance of at least 17.5 metres, which is between 4, Scopsley Lane and the application site.

These neighbouring properties have habitable room windows at ground and first floor level in their front elevations and the facing north elevation of the proposed house would have one habitable room window at first floor level.

In terms of overlooking, although the separation distance would be slightly less than the minimum set out in the Housebuilders' SPD, the relationship between habitable room windows would be indirect and it is noted that these neighbouring properties are on slightly raised ground. In officers' opinion this provides mitigation to prevent significant invasion of privacy.

Regarding overbearing or overshadowing, given the gap between the properties mentioned above, and that these neighbouring properties are on slightly raised ground and retain open garden areas at the back, it is considered that there would be no significant impact of this nature.

Impact upon 1 and 3, Scopsley Green:

These are 2-storey flats located to the north east of the application site, and on the opposite side of Scopsley Green, where the ground is slightly lower.

The site plan indicates that there would be a separation distance of approximately 15.7m between the front of these neighbouring properties and north east facing side elevation of the proposed house.

In terms of overlooking, the front elevation of 1 and 3, Scopsley Green have windows at ground and first floor level and it is assumed that some or all of them are to habitable rooms. The facing elevation of the proposed house would have a habitable room window at ground floor level, but the rest would be non-habitable.

Although the separation distance between facing windows would be less than the minimum set out in the House Builders' SPD, there would be a stone wall

around the boundary approximately 1.6m high which would provide some screening to prevent invasion of privacy.

Regarding overshadowing and overbearing, given the separation distance detailed above and that other outlooks from these neighbouring flats would be unaffected, it is considered that there would be relatively limited impact of this nature.

Impact upon Croft House:

This is a 2-storey detached house to the south of the application site and the proposed development house would share a boundary with its back garden.

The site plan indicates that the south gable end elevation of the proposed house would be close to the mutual boundary but it would be largely blank except a door at ground floor and high sill obscurely glazed window to master bedroom above.

Window and door openings in the west elevation of the proposed house would be at 90 degrees to the mutual boundary with Croft House and as such there would be no direct relationship between windows.

As such, it is considered that the proposal would have no significant invasion of privacy impact.

Regarding overshadowing and overbearing, as this neighbouring property is to the south of the application site there would be very limited, if any overshadowing impacts. Croft House would also retain quite open aspects to the south, east and west. As such it is considered that overshadowing and overbearing impacts would be minimal.

5, Scopsley Lane:

This is a two storey end terraced house with 2-storey side extension and detached garage also to the side. It is to the north west of the application site

The nearest part of the house at this neighbouring property would be approximately 21.0 from nearest part of the proposed house and there would be no direct relationship between any windows.

Given these circumstances, it is considered that there would be no significant invasion of privacy or overshadowing and overbearing impacts.

In terms of noise disturbances, it is considered that when occupied, the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process. In order to mitigate any harm, it is recommended that in this instance a footnote is attached limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on

Sundays or Public Holidays. This approach is recommended by Environmental Health officers and supported by planning officers.

Given that the property is surrounded by other properties and it is a modest sized plot of land, it is considered relevant and necessary to remove permitted development rights for new openings in any elevations and for future extensions, outbuildings or alterations to the roof.

In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

Impact on future occupiers:

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account principle 16 of the Kirklees Housebuilder's Design Guide which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.

National space standards require the following gross internal floor area for a two storey dwelling:

- 3 Bedroom, 4-person dwelling set over 2 storeys- 84 square metres
- 3 Bedroom, 5-person dwelling set over 2 storeys- 93 square metres
- 3 Bedroom, 6-person dwelling set over 2 storeys- 102 square metres

The proposed floor plans show the proposal would have two bedrooms and a further room for a study or bedroom (all providing space for a double bed). Therefore, it is recommended to have an internal floor space of between 84 square metres to 102 square metres.

The proposal is shown to have an internal floor space of approximately 100m² over two floors. It is considered, that an acceptable standard of living space would be demonstrated if the proposal received planning permission.

Principle 17 of the House Builders Design Guide SPD states that all new houses should have adequate access to private outdoor space. The application site has an area of approximately 183m² (around 120m² for the main dwelling and hard standing). Approximately 55m² of the site would be occupied with the footprint of the ground floor of the proposal.

Due to the proposed dwelling occupying approximately 33% of the site and that the main area of proposed private amenity space would potentially receive direct sunlight, it is considered that sufficient amenity space would be

retained should the proposal receive permission and would not represent an overdevelopment of the site.

In summary, it has been considered that the proposal would have an acceptable impact on residential amenity and would be compliant with the aims of Policy LP24 (c) of the KLP and principles 6, 16 and 17 of the Housebuilders Design Guide SPD.

4 – Impact on highway safety:

With regards to Highways Safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide and principles 12 and 19 of the Housebuilder Design Guide SPD. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

KC Highways DM were formally consulted as part of the pre-application enquiry, and as part of this current application, as the proposal would intensify the domestic use at the site.

The pre-application enquiry response suggested that as part of any future planning application, suitable off street parking should be shown for the existing dwelling as well as the proposed dwelling, along with any new access points. The parking spaces should be no smaller than 2.8 x 4.8m and they should have a permeable surface.

The pre-application enquiry went on to say that whilst it is noted that Kirklees Council has not set local parking standards for residential and non residential development, as an initial point of reference, it is considered that new dwellings should provide:

- 2 to 3-bed dwellings with a minimum of two off street car parking spaces.
- 4+ bedroom dwellings provide three off street spaces.

As the development site and neighbouring 2, Scopsley Green are accessed from a residential cul-de-sac, and not a classified road, it is considered that turning within the site is not required.

The current application has been submitted with a site plan that shows the existing access point widened to approximately 9.2m which allows two off street parallel parking spaces at the application site and a further two tandem parking spaces within the adjacent site at 2, Scopsley Green.

The consultation response from Highways DM for the pre-application enquiry also advised that details of waste storage and collection for both the existing and proposed dwelling should be provided as part of any future planning application.

The proposed site plan shows the bin location for the existing house would remain adjacent to the road but within the site boundary from where they would be easily accessible on collection days. At the site of the proposed house the bins are shown to be stored at the back of the parking spaces enclosed by fencing to three sides and within easy wheeling distance of the carriage way.

This is considered to comply with the pre-app response and provided that the new parking spaces are surfaced in porous materials then it would be acceptable from a highway safety point of view.

In view of the above it is considered that the proposal will be acceptable in highway safety terms, reasonably satisfying the requirements of Policies LP21 and LP22 of the Local Plan, Principles 12 and 19 of the Housebuilders Design Guide SPD and of the Highway Design Guide SPD (2019).

5– Other matters:

Carbon Budget

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

The proposal is for the erection of a detached dwelling. To ensure it contributes positively to mitigating the impact of climate change and air quality, a condition should be inserted to the decision notice requiring an electric vehicle recharging point be provided within the site for the future occupants of the dwelling. This is to comply with the aims of Policies LP24 and LP51 of the KLP, Principle 18 of the Housebuilders Design Guide SPD and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

It is also noted that the proposed development shows solar panels on the would west facing roof plane. This would also help to achieve the Council's target for carbon emissions by 2038.

Coal mining legacy

The application site is in an area where there is a high risk of historic coal mining activity, features and hazards which need to be considered.

The pre-application enquiry response highlighted that a coal mining risk assessment would be required with any subsequent planning application. Hence, the current application was submitted with supplementary information including a coal mining risk assessment (dated March 2023).

The Coal Authority were consulted and their initial response objected to the proposed development because the submitted information failed to fully assess the risks posed by potential historic unrecorded shallow underground coal workings.

However, the agent suggested a condition regarding the site development and phase 2 monitoring in order to ensure the safety of the site and also allow the costs of site investigation and any mitigation to be dealt with post planning (for a relatively minor development such as this).

The Coal Authority were informed and as a result withdrew their objection subject to imposition of a pre-commencement condition to ensure site investigations and any remedial measures, together with a signed statement confirming that the site has been made safe is submitted to the LPA for approval in writing.

It is recommended that these conditions are added to the decision notice if planning permission is granted in order to ensure the safe and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF, policy LP53 of the KLP and Principle 3 of the Housebuilders Design Guide SPD.

Contaminated land

The application site is located near a former quarry to the north east.

Environmental health officers were consulted as part of the pre-application and recommended that a subsequent application for the same development be submitted with a phase 1 contaminated land report and that if it identified potential contaminated land risks, then a phase 2 intrusive survey (and if necessary, a remediation strategy) will be required before ground works commence.

If these reports do not accompany an application for the same development, they recommend conditions requiring this information be provided before ground works commence.

They go on to say that however, it is likely that they would recommend conditions related to unexpected contamination being encountered during the construction phase, and ensuring any imported soils are suitable for use on the site.

The pre-application response letter did not include these details and the current application has been submitted with a coal mining risk assessment only.

Environmental health officers have been consulted on the planning application. They acknowledge the submission of a coal mining risk assessment but say that it does not provide a robust appraisal of potential contaminated land issues at and surrounding the site. In the absence of a contaminated land phase 1 report, it is unclear whether all potential risks to site receptors have been identified and assessed. Therefore, they recommend conditions in relation to contaminated land.

However, because the pre-application response is a material planning matter, it is considered it would be unreasonable to introduce these pre-commencement conditions at this stage, although it would be appropriate to recommend a condition relating to unexpected contamination during the construction phase.

Environmental Health officers have also recommended a condition relating to EV charging points, and footnotes related to hours of construction and that imported soils are suitable for the site.

Flood risk and Drainage

The site is within Flood zone 1 where there is the lowest risk of flooding and there is no known watercourse across the site.

This was stated in the pre application enquiry response and it was highlighted that there were no concerns in terms of flood risk.

In terms of drainage, the pre-app noted that a covering letter stated that existing connections to foul and surface water drainage at the site will be utilised. It went on to point out that a drainage strategy should be undertaken having regard to the hierarchy of drainage in order to ensure that more sustainable options for surface water are explored and discounted first, before discharging to the sewer. It concluded that this information can either accompany any future application, or may be conditioned if any subsequent application were to be approved, if this information had not been provided.

The current application has been submitted with a planning statement which states that flood risk is very low due to it being in flood zone 1. It goes on to say that the existing connections to foul and surface water drainage on site will be utilised. The internal arrangement has been designed to ensure a simple and efficient drainage strategy. Foul and surface water drainage would be kept separate until the last point before discharging from the site into the mains sewer.

Due to the scale of the proposal, the statutory drainage bodies have not been consulted on this application so in this instance it is not currently known whether these methods of drainage would be acceptable to them.

Foul water discharging into an existing sewer system would appear to be sensible.

In relation to surface water drainage, the applicant should consider the drainage hierarchy with discharge to sewer only being acceptable where it has been demonstrated that other options are not viable. However, given the modest size of the plot and that this site lies within a built up area, enclosed by residential development, on the balance of probability it is very unlikely that a suitable alternative means of draining the development could be achieved in this instance. In view of this, and as control over drainage matters can reasonably be exercised through the Building Control process, it is considered that there are no reasonable drainage grounds for opposing the proposed approach for surface water drainage.

Ecology/Trees

Ecology

The pre-application enquiry identified that the site is located within a Bat alert layer on the Council's mapping system and because the proposal would not involve any demolition, the proposed erection of a dwelling would be unlikely to pose harm to bats and bat roosts. However, it went on to note that biodiversity enhancement is required for all development and that both a bird and bat box within the external walls of the new building would be expected on a future application to comply with policy LP30 of the KLP.

The current application has been submitted with location for bird and bat boxes shown a minimum of 4.0m above ground level in the south elevation of the proposed dwelling. Provided these are secured by condition, it is considered that the proposal would satisfy the requirements of policy LP30 of the KLP and Principle 9 of the Housebuilders Design Guide SPD.

Trees

There are no protected trees on or near the application site.

The Council's Trees officers commented on the pre-application proposal and advised that the only tree in close proximity is a small cherry growing adjacent to the road. Whilst this tree provides some public amenity, it is not in a location that would be desirable in the long term. As such it is considered unlikely that there would be any objection to any future proposal from a trees perspective.

The proposed site plan indicates the removal of a tree on land adjacent to the north eastern site boundary. Whilst this is acceptable from a planning point of view, if it is outside the site boundary any works to the tree would be a civil matter.

This would reasonably satisfy Policy LP33 of the KLP, Principles 7 and 9 of the Housebuilders Design Guide SPD, and Chapter 15 of the NPPF.

6 – Representations

Seven representations were received in relation to the proposed development. They raise the following points:

- It will increase existing difficulties with parking congestion and manoeuvring vehicles using Scopsley Green which is already narrow.
Response: Residential cul-de-sacs, such as this, with turning areas at the head do not usually require turning room within a site boundary. The proposal would widen the existing site entrance to 9.2m, and 2 off-street parking spaces would be provided for the proposed dwelling, with a further 2 spaces provided for 2, Scopsley Green. It is considered that these arrangements would be acceptable from a highway safety point of view.
- Where will the vehicles for 2, Scopsley Green park?
Response: The vehicles for 2, Scopsley Green would park in tandem at the side of the house.
- The proposed development will have an overlooking impact upon neighbouring properties.
Response: An assessment of this is set out in section 3 above and found to be acceptable.
- The proposal will have an overshadowing and overbearing impact on neighbouring properties.
Response: An assessment of this is set out in section 3 above and found to be acceptable.
- Trees will be damaged or removed
Response: None of the trees or shrubs in the site or on adjacent land are subject to Tree Preservation Orders, nor are they suitable for such protection.
- It should have the minimum visual impact.
Response: The proposed development has been designed in a similar architectural style to the existing dwelling, and although a bespoke design, it reflects some of the architectural details of 2, Scopsley Green, including dual pitched roof and gable ends. The wall and roof materials would also be in keeping with those of the existing dwelling and similar to other houses and flats in the area. The eaves height has also been lowered below the internal 2.4m headroom to reduce the scale of the building. All these details are considered to minimise visual impact on the character of the area.

7 – Conditions:

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

- Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment. .
- External materials
- Parking areas to be surfaced and drained in accordance with national government guidance.
- Electric vehicle charging point
- Restricting further doors and windows
- Removing pd rights A to E
- Site investigations
- Declaration of land stability and safety
- Reporting any contamination
- Installation sparrow terrace
- Installation of a bat box.
- Obscure glazing

Footnotes:

- Private legal rights
- Contaminated land reports
- Works within a highway
- Noise disturbance

8 – 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.

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: 2023/90696

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, LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP47, LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 5, 8, 9, 11, 12, 13, 14 and 15 of the National Planning Policy Framework and the provisions of the Council's Housebuilders Design Guide Supplementary Planning Document and Highway Design Guide Supplementary Planning Document.

3. The dwelling hereby approved shall be faced in brickwork and roofed in tiles to match those at 2, Scopsley Green.

Reason: In the interest of visual amenity and to comply with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2 and 13 of the Council's Housebuilders Design Guide Supplementary Planning Document, and Chapter 12 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Council's Housebuilders Design Guide Supplementary Planning Document and the Highways Design Guide Supplementary Planning Document, and the aims of Chapter 9 of the National Planning Policy Framework.

5. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the requirements of the current West Yorkshire Low Emission Strategy (WYLES) document. The approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use 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, LP24 and LP47 of the Kirklees Local Plan, Principle 18 of the Council's Housebuilders Design Guide Supplementary Planning Document, and Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within any elevation of the approved dwelling.

Reason: To safeguard the privacy of the adjoining properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan, Principle 6 of the Council's Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

7. 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) no development included within Classes A - E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.

Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the amenities of surrounding properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and Principle 6 of the Council's Housebuilders Design Guide Supplementary Planning Document, and Chapter 12 of the National Planning Policy Framework.

8. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability

arising from coal mining legacy, as may be necessary, have been implemented on

site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is a pre-commencement condition to ensure the undertaking of intrusive site investigations, prior to the commencement of development. It is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and

stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan, Principle 3 of the Council's Housebuilders Design Guide Supplementary Planning Document, and paragraphs 183 and 184 of the National Planning Policy Framework.

9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: This is in order to ensure the safety and stability of the development, in accordance with Policy LP53 of the Kirklees Local Plan, Principle 3 of the Council's Housebuilders Design Guide Supplementary Planning Document, and paragraphs 183 and 184 of the National Planning Policy Framework.

10. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan, Principle 3 of the Council's Housebuilders Design Guide Supplementary Planning Document and the aims of Chapter 15 of the National Planning Policy Framework.

11. A sparrow terrace nest box shall be installed to the south east facing exterior wall of the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained for the lifetime of the development

Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010, Policy LP30 of the Kirklees Local Plan, principle 9 of the Council's Housebuilders Design Guide Supplementary

Planning Document, and Chapter 15 of the National Planning Policy Framework.

12. Before the new dwelling is first occupied, a bat box shall be installed on the south eastern or south-western elevation of the dwelling hereby approved at a height of at least 4 meters and away from artificial light sources. Hereafter, the box shall be retained.

Reason: To provide ecological enhancement in accordance with the requirements of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Council's Housebuilders Design Guide Supplementary Planning Document, the Council's Biodiversity Guidance Note, and Chapter 15 of the National Planning Policy Framework

13. The development shall not be occupied until the windows at first floor level in the North West and South East gable elevations serving en-suite bathrooms, and north east elevation serving a landing of the dwelling hereby approved has been obscure glazed (minimum Grade 4). 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) the obscure glazing shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP 24 of the Kirklees Local Plan, Principle 6 of the Council's Housebuilders Design Guide Supplementary Planning Document and Chapter 12 of the National Planning Policy Framework.

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

NOTE: 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 13.00hours, 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.

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

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location plan		02.03.2023
Site plan, floor plans, elevations, section and 3D images all as proposed	Dwg no. 1110 rev. P04	02.03.2023
Climate change Statement		02.03.2023
Coal mining risk assessment	Scopsley Green –	02.03.2023

Plan Type	Reference	Date Received
	March 2023	
Planning Statement – dated February 2023		02.03.2023
Design and Access Statement	Ref: 30990 – P03 – dated February 2023	02.03.2023

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 Planning 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.

There were no revisions made to the proposal after submission as the proposal was considered acceptable in its original form.