

**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:	2023/62/92933/W
Site Address:	6, Inglewood Avenue, Birkby, Huddersfield, HD2 2DS
Description:	Demolition of existing dwelling and erection of replacement detached dwelling with external alterations
Recommending Officer:	William Simcock

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-FEB-2024

Officer Report – 2023/92933 6 Inglewood Avenue, Birkby

Site Description

6 Inglewood Avenue is a detached dwelling built in random stone and with a shallow dual-pitched roof, located on the northern side of the highway. It is predominantly two-storey but part single-storey, owing to differences in ground level which are higher towards the western edge of the plot, lower in the east, with lower-floor accommodation forming an understorey. There is also an attached garage at the eastern end of the property.

It sits near the front of a roughly rectangular plot of approximately 1,000sqm.

Description of Proposal

The proposal is for the demolition of the existing dwelling and the erection of a new two-storey detached dwelling with attached double garage.

The proposed dwelling would be placed approximately 5.5m from the western boundary (at the front) and 2.75m from the eastern boundary. Distances would be variable because the boundary lines are not straight – it would in places be as close as 4.3m from the western boundary and 3.5m from the eastern boundary. The main front elevation of the dwelling would be set back by 13.5m from the highway (on average) but with the attached double garage placed forward of this, towards the right-hand side approaching as close as 4m.

The two-storey element of the dwelling would measure 13.75m in width (west to east) and 10.1m in depth and would contain three bedrooms at upper floor and the other main living accommodation plus home office below. There would be a single-storey element extending beyond this by 1.2m to the west, 1.2m to the front or south, and 2.4m to the east, and a larger element at the rear, aligned to the west, projecting 8.3m beyond the main rear wall and forming a gym or multi-purpose room and guest bedroom. Both the single and two-storey elements would have a flat roof.

The development will involve a substantial build-up of ground levels on the eastern side of the site to create a level platform or terrace upon which the dwelling itself will be built. This has been modified during the application process so that it would now be raised 1.5m above existing ground level when previously it would have been 2.0m.

History of negotiations/amendments received

Amended elevation and floorplans showing the outline of the existing development superimposed on the new build.

This was not advertised because it was for clarification purposes only.

31-Jan-2024: Set of amended plans, elevations and sections reducing overall size of new dwelling and setting it further down into the ground.

This was also not given new publicity since it was a reduction that did not bring the development any closer to plot boundaries or make significant changes to design.

Relevant Planning History

2013/93939 – Demolition of dwelling and erection of detached dwelling with detached garage. Conditional full permission. Not implemented. (This would have had a similar footprint and siting to the existing dwelling and would have been between one and two storeys in height.)

Representations

Final publicity date expires: 14-Nov-2023

One representation made (comment). Summary of points made:

- We think the proposed development looks really nice for the new owners once completed and we are generally supportive of the development. However, have questions/concerns about three areas – privacy, water drainage and the process.
- Also, other developments in the area seem to have been restricted to the existing footprint and use the existing foundations and walls, including a property opposite No.6 where the property was much more severely dilapidated.
- We understand that the plans envisage the building to be higher than the current house and to extend well down the garden and much nearer to our property. Our bungalow is at a much lower elevation and has large windows and we are concerned that the windows in the rear right upper floor bedroom on the plans and perhaps even the windows on that floor on the side of the house, will look down and into the living area and into a main bedroom. If the windows in that bedroom were to be further to the left and just face down the garden and not be on both sides of the corner, whilst not ideal, this might solve this issue? We may be able to obscure views from the other side windows with further tree planting.
- The plans note a pond (which is not in use at the moment) but do not make reference to the stream that runs through the bottom of the garden. This stream feeds a pond behind our house then goes under

our house and feeds our series of five ponds with fresh, running water before running into a large pond at No.4 and onwards downstream. We are concerned about possible pollution during construction and future maintenance to prevent blockages, and it would be helpful if this could be codified in the plans.

- The applicant assured us that appropriate drainage would be included in the plans to ensure this drained away within the grounds of the property and not result in any flow into our adjacent land.
- Our third and final concern is the noise, dust during and the length of the project. We have lived for the past eight years through constant building work and understand that the project will take 12 months to complete after the demolition has occurred.

Consultation Responses

No formal consultations were considered necessary since there were no special or unusual constraints on the site.

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 a land that is without designation in the Local Plan proposals map.

Coal: Low risk

Biodiversity issues: bat alert layer

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 11:** Housing mix and affordable housing
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- Housebuilders Design Guide Supplementary Planning Document, (HGD SPD)
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, 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 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

1 – Principle of development:

Policy LP1 of the 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 the NPPF. LP1 goes on further to stating that:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land. Paragraph 76 of the NPPF states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- a) their adopted plan is less than five years old; and
- b) that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

Since both these criteria are fulfilled (the Local Plan will be five years old on 27th February 2024), the Council's inability to demonstrate a five-year housing land supply is not a material consideration.

The proposal will be assessed according to the following policies:

- LP7 - encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and appropriate housing densities to ensure that land is used efficiently.
- LP11 – Housing must aim to provide a mix in terms of size and tenure.
- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
- LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
- LP24 – the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings and a high level of sustainability.
- LP28 – Sustainable urban drainage systems to be used where possible.
- LP30 – Development to incorporate biodiversity enhancement measures.

The site is classed as “previously developed” within the meaning of the NPPF. This does not imply that a development making “efficient use” of land will necessarily be acceptable – this will be assessed having regard to its compatibility with local character (see part 2 below).

Whilst the achievement of a mix of size and tenure in a multi-unit scheme is desirable, Policy LP11 specifies that schemes of more than 10 units or those covering an area of greater than 0.4ha should provide a mix reflecting the proportions of households that require housing and achieve a mix of house

size and tenure. For a small minor scheme such as this, it would be unreasonable to treat this requirement as being mandatory.

Under Chapter 11 of the NPPF, planning decisions should support development that makes “efficient use of land” taking into account the need for different types of housing, local market conditions, infrastructure, the prevailing character of the area, the desirability of promoting regeneration or change, and the importance of securing well-designed, attractive and healthy places. The advice in Chapter 12, “Achieving well-designed places”, should also be taken into account, in particular that planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments. Also of relevance is Chapter 14 (opportunities to be taken to prevent development contributing to flooding) and 15 (any potential pollution impacts should be assessed at the planning stage, and biodiversity should be enhanced where possible.)

2 – Impact on visual amenity:

The proposal will be considered having regard to the aims of chapter 12 of the NPPF, policy LP24a of the KLP, and also those of the adopted Kirklees House Builders’ Design Guide, in particular:

Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.

Principle 13 – Materials should be appropriate to the site’s context.

Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.

Principle 15 – The design of the roofline should relate well to the site context.

It is considered that the existing dwelling has not been designed to a very high standard; some aspects of its design, including the very shallow roof pitch, prominent external stairs and access deck, and white UPVC double entrance doors, do not enhance the area, although it has been designed to fit to the contours of the land and to minimise its visibility above the skyline.

Along Inglewood Avenue, there is no single dominant house type, and the existing development shows considerable variety in plan form, orientation, height and roof style. Coursed stone is the most common facing material but there is also timber boarding (including on the neighbouring plot) and rendering.

The dwelling as now proposed would cover approximately 25% of its plot. The architect has demonstrated that this would be slightly above the mean plot coverage for the area. The new dwelling would be larger and of greater height than the existing dwelling, but it would also be set back further into the plot. The dwelling is designed so that one of its two main elevations face the street, and the size and positioning of the windows would relate well to it. The flat

roof is unusual for the area, but it is considered that the proposed design, with the first floor stepped in, is the best way to make efficient use of the space whilst not giving rise to too imposing an appearance. The sectional views show the property's height above Ordnance datum level and it is therefore possible to judge accurately how it would relate to existing ground levels. The use of bands of contrasting materials would add interest and avoid giving rise to a monotonous or bland appearance, and the horizontal emphasis resulting from the rendered bands would provide a pleasing contrast with the vertical emphasis of the tall, narrow windows.

The reduction in the scale and height of the development has, it is considered, successfully addressed earlier officer concerns about it giving rise to overdevelopment.

In conclusion, it is considered that the proposed development would not give rise to a cramped appearance or result in a development that dominates the street scene or local area. It is considered that it would provide an appropriate amount of soft landscaping. Materials and design details provide a contemporary and innovative approach that complements the existing context.

The use of grey Accoya cladding where indicated on the plan and as specified in the Design & Access Statement, can be a prescriptive condition. The notes on the drawings say that the rendering is to be white or off-white. Pure white render is generally not considered suitable as it stands out too strongly in established residential areas against dark- or mid-toned building materials, and it is recommended, for the avoidance of doubt, that details of a specific colour are required by condition. A condition will also have to be imposed regarding a sample of stone to be inspected on site and approved.

Subject to this, the development would respect the quality and character of the townscape and landscape and would accord with the aims of chapter 12 of the NPPF, policy LP24a of the KLP, in addition to the relevant parts of the SPD.

3 – Impact on residential amenity:

The following principles within the Housebuilder Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 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.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards. The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. These are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

It is considered that the dwelling, and the placement of windows within it, would provide satisfactory light and outlook for future occupants. Overall floorspace and that of individual rooms is satisfactory, being comfortably above the standards set out in the Nationally Described Space Standards. The rear garden (including the sunken yard) is a minimum of 10.5m depth and it is considered that the amount, and usability of, amenity space, would be appropriate for a property of this size.

The closest first-floor windows to the rear boundary would be approximately 18m away which, it is considered, would be far enough away to avoid intrusive overlooking. The ground floor windows would be closer (10.5m) but these would still be well in excess of the recommended minimum of 21m from the nearest facing habitable room windows. At the front, it is considered that the separation distance with respect to the nearest property would be acceptable. All of the side-facing windows are secondary or non-habitable. All east-facing windows will need to be obscurely glazed and non-opening for the sake of privacy. For the ground-floor west-facing windows this will not be necessary subject to boundary screening. The site plan shows details of boundary screening, which is to consist of a close-boarded fence of 1.8m high to the northern, southern and eastern boundaries, a white-rendered wall (“height varies”) and sliding gate to demarcate the parking spaces from the driveway, and another rendered wall – also of variable height – at the front between the driveway and the small, landscaped strip to the east. (From observations on site, the fences to the western and northern boundaries are already in place and can simply be retained). These measures are considered acceptable and can be the subject of a prescriptive condition, with the proviso that no part of the walls of fences can be more than 900mm in height within 2.0m of the highway, so as to ensure the retention of adequate visibility.

The architect has confirmed that no part of the building is intended to be used as a roof terrace. Since it would not be possible to use the flat roofed areas as terraces without causing overlooking of neighbouring properties (unless

extensively screened) this confirmation is welcomed. Under the General Permitted Development Order, the construction of any form of “raised platform” requires planning permission but it is not clear whether the formation of a roof terrace without new build, would require it, so it is considered advisable to impose a condition to that effect.

In conclusion, it is considered that the development would provide an acceptable standard of living for future occupants whilst not harming the amenities of neighbouring properties, thereby according with the aims of policy LP24(b) of the KLP and the parts of the SPD quoted from above.

4 – Impact on highway safety:

The site takes access to an adopted but non-classified road. The principle of access to the public highway from this site is, of course, already established by the existing dwelling.

The dwelling would have three bedrooms. Applying the standards in the Highway Design Guide, a minimum of two spaces should be provided, although for a property with such a large amount of floorspace, more might be preferable. The internal garage would provide space to park two cars. At 5.85m depth it is marginally short of the minimum 6m depth generally recommended, but the width is comfortably in excess of the recommended 6m and as such it could provide storage space for pedal cycles or garden equipment in addition to cars. The forecourt is quite substantial and would provide space to park another standard-sized car if required. Alternatively, if a future occupant chose not to use the garage for the garaging of motor vehicles, there would be room to park three vehicles on the driveway and forecourt, so a condition requiring the retention of the garage as such is not deemed to be essential.

An area is shown within the curtilage, at the front of the property but concealed behind a new wall, for the storage of waste containers. A collection point is not explicitly shown, but there is ample space on the driveway for bins to be placed on collection day without obstructing vehicle movements.

Subject to the external areas to be used by vehicles, and the refuse storage areas, being provided before first occupation and thereafter retained, which can be conditioned, the development would avoid any impact on the free and safe use of the highway and accord with Policies LP21-22 of the Local Plan and Principle 12 of the Housebuilder Design Guide SPD.

5 – Other matters:

Climate Change:

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy

includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies.

The following measures are proposed in the Climate Change Statement:

- The client has already expressed their interest in future proving their scheme and being open minded to proven technologies such as Air and Ground source heat pumps, underfloor heating, MVHR units, grey water systems and PV panels.
- Materials to be locally-sourced where possible and / or fabricated off-site.
- Roof overhangs will prevent overheating in summer.

Whilst opportunity for passive solar gain would be limited, except for the front-facing living room, it is acknowledged that the design and layout of the main living area would maximise natural light and provide a degree of shading in hot weather. To ensure that opportunities are taken to limit carbon emissions associated with the new development, it is recommended that a condition is imposed requesting further details of microgeneration or other measures to be built into the fabric.

To promote sustainable means of transport in accordance with government guidance on air quality mitigation and reducing greenhouse gas emissions, in accordance with the aims outlined within Planning Practice Guidance, Policy LP20 and LP21(g) of the Local Plan and Chapter 15 of the National Planning Policy Framework, it should be conditioned that one new electric vehicle charging point be installed before the dwelling is occupied.

Ecology:

The site is in the bat alert layer but not under any other protective designation for ecological purposes. The building has no evident bat roost potential and the garden is not considered to have high habitat value in its present form. The delivery of 10% biodiversity net gain is not imposed for minor housing development, except on unusually sensitive sites.

It is recommended that enhancement in the form of a single artificial bat roost feature will be imposed as a condition. Subject to this it would comply with the aims of Policy LP30, Principle 9 of the Housebuilder Design Guide SPD and NPPF Chapter 15.

Trees:

There are many small trees and shrubs within or close to the site boundaries, but none are considered valuable to public amenity. There are no trees within the vicinity of the site that are covered by preservation order. The development is therefore considered to have no material implications for trees and would comply with the aims of Policy LP33 of the KLP.

Drainage:

It is proposed that disposal of foul sewage is by the main sewer, whilst disposal of surface water would be by a soakaway. Soakaways are not always practical for small housing sites, but the assessment of a soakaway for safety and effectiveness would be controlled under the Building Regulations so such controls will not be duplicated here. Following the approach that is usually taken with single dwellings, there would be no objection in planning terms to a mains connection if soakaways proved unworkable, since the overall contribution to run-off for a single dwelling would be low and it would be disproportionate to compel the developer to incorporate attenuation storage.

6 – Representations:

One representation was made. Concerns relating to privacy have been examined in depth in the main part of the report but are summarised below with officer responses:

- We think the proposed development looks really nice for the new owners once completed and we are generally supportive of the development. However, have questions/concerns about three areas – privacy, water drainage and the process.
Response: comments are noted.
- Also, other developments in the area seem to have been restricted to the existing footprint and use the existing foundations and walls, including a property opposite No.6 where the property was much more severely dilapidated.
Response: There is no assumption in planning policy or guidance that a replacement dwelling (on unallocated land) must conform to the footprint of the existing one. For the reasons set out in the main assessment above, the overall design and footprint of the new replacement dwelling is considered acceptable and compliant with relevant local and national planning policy.
- We understand that the plans envisage the building to be higher than the current house and to extend well down the garden and much nearer to our property. Our bungalow is at a much lower elevation and has large windows and we are concerned that the windows in the rear right upper floor bedroom on the plans and perhaps even the windows on that floor on the side of the house, will look down and into our living area and into our main bedroom. If the windows in that bedroom were to be further to the left and just face down the garden and not be on both sides of the corner, whilst not ideal, this might solve this issue? We may be able to obscure views from the other side windows with further tree planting.
Response: As previously stated, there are no side-facing primary habitable room windows in the development. Side-facing windows can

be obscurely-glazed. The rear windows will not provide a direct line of sight into either of the side neighbouring gardens.

- The plans note a pond (which is not in use at the moment) but do not make reference the stream that runs through the bottom of the garden. This stream feeds a pond behind our house then goes under our house and feeds our series of five ponds with fresh, running water before running into a large pond at No.4 and onwards downstream. We are concerned about possible pollution during construction and future maintenance, and it would be helpful if this could be codified in the plans.

Response: There is no watercourse noted on Kirklees maps; consequently Lead Local Flood Authority were not consulted and this issue is regarded as a private legal matter. The architect has confirmed however that the developer is aware of this issue and will take appropriate steps to prevent pollution of the watercourse from occurring during construction.

- The applicant assured us that appropriate drainage would be included in the plans to ensure this drained away within the grounds of the property and not result in any flow into our adjacent land.

Response: Consent under the Building Regulations will require the developer to include a safe means of surface water disposal.

- Our third and final concern is the noise, dust during and the length of the project. We have lived for the past eight years through constant building work and understand that the project will take 12 months to complete after the demolition has occurred.

Response: In the unlikely event of the demolition and building works giving rise to abnormal levels of dust or noise, or noise during unsocial hours, this can be investigated as a statutory nuisance. The standard footnote about construction hours and noisy construction activities will however be added as an informative.

7. Conclusion:

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2023/92933

Officer Recommendation: CONDITIONAL FULL PERMISSION

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, LP21, LP22, LP24 and LP30 of the Kirklees Local Plan and Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders' Design Guide Supplementary Planning Document as well as the aims of the National Planning Policy Framework.

3. Samples of the stone to be used in external facing, and details of the colour in any areas of external through-coloured rendering, shall be submitted to or inspected on site, and approved in writing by, the Local Planning Authority, before work on the superstructure of the development commences and the development shall be implemented using the approved materials.

Reason: In the interests of visual amenity and to accord with the aims of Policy LP24 of the Kirklees Local Plan, Principle 13 of the Housebuilders' Design Guide Supplementary Planning Document and chapter 12 of the National Planning Policy Framework.

4. Prior to the new dwelling being occupied, the areas shown to be used for the parking and turning of vehicles within the site, as shown on the submitted site plan, shall be surfaced and drained. All hardstanding shall be laid 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, unless arrangements have been made to discharge run-off water to a soakaway or sustainable drainage system within the site. These areas shall thereafter be retained and kept free of all obstructions to their use for the parking and turning of vehicles.

Reason: To achieve a satisfactory layout in the interests of highway safety, to minimise the contribution to flood risk arising from increased water run-off, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide Supplementary

Planning Document and Chapter 14 of the National Planning Policy Framework.

5. The areas indicated to be used on the proposed site plan for the storage of wastes shall be laid out with a hard surface, and the wall to screen the area from the highway (indicated by a dashed blue line on site plan) shall be erected, before the dwelling is first occupied, and shall thereafter be retained as such, free from obstructions to the storage of wastes.

Reason: To ensure that satisfactory facilities are provided and retained within the site for the separation, storage and disposal of wastes in a way that does not compromise highway safety or visual amenity, in accordance with the aims of Policies LP21 and LP24(d) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide Supplementary Planning Document.

6. A minimum of one electric vehicle recharging point shall be installed within the dedicated parking area for the approved dwelling before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy LP24(d & v) of the Kirklees Local Plan, Principle 18 of the Kirklees Housebuilders Design Guide SPD, and Chapter 14 of the NPPF, to promote infrastructure which encourages modes of transport with low carbon emissions.

7. Before the new dwelling is first occupied, the boundary treatments indicated by dashed lines on the site plan shall be implemented in accordance with the details specified on the plan, except that, notwithstanding the details on the approved plans, no new fence or wall shall be erected to a height of more than 900mm above the level of the adjacent carriageway at any point within 2.0m of the site boundary with the public footway). The boundary treatments thus erected shall be thereafter retained.

Reason: So as not to protect the privacy of future and neighbouring occupants and to accord with Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

8. All windows in the eastern elevation of the proposed dwelling, and those in the western elevation at upper floor level, shall be non-opening or top-opening only and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the development is first brought into use. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times.

Reason: So as not to detract from the amenities of adjoining properties or land by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

9. 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) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no windows other than those shown on the approved plans shall be formed in the eastern elevation at ground floor level.

Reason: So as not to detract from the amenities of adjoining properties or land by reason of loss of privacy and to accord with Policy LP24(b) of the Kirklees Local Plan and Principle 6 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

10. Before development above foundation level commences, details of insulation, on-site micro-generation, or other measures to be incorporated into the development to reduce carbon emissions associated with it shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development during construction and shall thereafter be retained as such.

Reason: To ensure that the proposed development contributes to the Council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policy LP26 of the Kirklees Local Plan and Principle 18 of the Kirklees Housebuilders Design Guide Supplementary Planning Document.

11. Before the dwelling is first occupied, a single artificial bat roost feature shall be installed (which shall either be integral to the fabric of the building or made of a durable weatherproof material), a minimum of 4m from the ground on the northern or eastern elevation and not placed directly above a window or door. This shall be retained thereafter.

Reason: In the interests of enhancing the biodiversity of the site and to accord with the aims of Policy LP30(ii) of the Kirklees Local Plan, and Principle 9 of the Kirklees Housebuilders Design Guide SPD. and the National Planning Policy Framework – Conserving and enhancing the natural environment.

Footnote - Construction Site Working Times

It is recommended that noisy construction related activities should not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00hours Saturdays

With no noisy activities on Sundays or Public Holidays

Footnote - Construction Sites working times

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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			03-Oct-2023
Location plan			03-Oct-2023
Existing site plan			03-Oct-2023
Proposed site plan	20-002	B	05-Feb-2024
Proposed elevations	30-001	B	31-Jan-2024
Proposed general arrangement	20-001	B	31-Jan-2024
Proposed sections	30-003	B	01-Feb-2024
Site area study			31-Jan-2024
3-D View	30-002	A	31-Jan-2024
Design & access statement			03-Oct-2023
Climate change statement			05-Feb-2024

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. The case officer requested the submission of amended plans reducing the scale of the development in the interests of the visual amenity of the area. The amended plans were considered satisfactory and the assessment was made on the basis of the new plans.

Report Dated:

16-Feb-2024