

**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:	2023/62/93614/W
Site Address:	3, Edgerton Green, Edgerton, Huddersfield, HD1 5RD
Description:	Demolition of existing dwelling and erection of one new dwelling
Recommending Officer:	Lucy Taylor

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.

John Holmes

AUTHORISED OFFICER

Date: 4th September 2024

Officer Report.

Reference: 2023/93614

Location: 3, Edgerton Green, Edgerton, Huddersfield, HD1 5RD

Proposal: Demolition of existing dwelling and erection of one new dwelling

Site Description.

3 Edgerton Green is a two-storey detached dwelling, located in Edgerton, Huddersfield. The external walls of the dwelling are faced in stone and white cladding, with a gable roof above, infilled with tiles. To the front elevation, the property benefits from on-site parking amenity space and to the rear, outdoor garden amenity space.

The property is located within a residential area, with the properties located within the streetscene sharing a sense of similarity, in terms of their construction style, design and external facings.

Description of Proposal.

Planning permission is sought for the demolition of the existing dwelling of No. 3 Edgerton Green and the erection of one new dwelling.

The proposed replacement dwelling will have a width (front and rear elevations) of 14 metres. The two-storey length (side elevations) of the dwelling will be 13.5 metres, increasing with a single storey element to 19.2 metres. The eaves height of the dwelling is proposed to be 5 metres, with a ridge height of 8.4 metres.

The external walls of the dwelling are to be faced in Sawn Ashlar walling and natural regular coursed stone (front / rear) with the sides retaining some element of existing masonry. The roof of the dwelling will be infilled with interlocking concrete roof tiles (anthracite).

Glazing is to be installed to all elevations of the proposed dwelling, with all glazing to the side elevations of the dwelling to be obscure glazed.

The proposed dwelling is to be 4 bedrooms.

Relevant Planning History.

No planning history at the application site and no planning history to neighbouring properties which is considered to be relevant to the determination of this planning application.

Consultation Responses.

KC Ecology – Provides advise in respect of a bat survey report that has been submitted with the application. The report details that the main dwelling at the site has been found to support features of low bat roost suitability and should be subject to a single dusk emergence survey in the May-August period to confirm status of roosting. This survey should be undertaken prior to determination, with information collected from the survey compiled in a report suitable for planning purposes.

KC Highways Development Management – The proposals are acceptable from a Highways perspective.

Yorkshire Water – Recommends that if planning permission is to be granted, conditions be attached in order to protect the local aquatic environment and Yorkshire Water Infrastructure.

History of Negotiations.

In response to the consultation response from KC Ecology, a Bat Emergence Survey Report was submitted

Several negotiations were undertaken the case officer and planning agent, with regard to the size, scale and design of the proposed new dwelling.

Whilst additional information was submitted regarding bats and amended plans sought and submitted with regard to the size, scale and design of the proposed new dwelling, officers did not consider it necessary in this instance to undertake re-advertisement of the application. This is because the amendments retained the same description of proposal and saw an overall reduction in the extent of built form proposed. The scheme and description as initially publicised is considered to have adequately alerted the public to the nature of the development proposal.

Public Representations.

The application was advertised via neighbour notification letters, a site notice and within the newspaper.

Final publicity date expired: 14th April 2024.

In response to publicity, one objection was received, which raised the following concerns:

- Concerned about potential nuisance and/or disruption that the proposed works may cause, which would be detrimental to use and enjoyment of neighbouring property.
- No consent has been sought or given for the access probably required to undertake the work required, and neighbours concerns about any damage to property that may occur as a result of the use and transport of heavy machinery required to complete the demolishing and rebuild.

- The plans included in the planning permission inaccurately represent the boundaries of the property.

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).

Public bridleway, HUD/353/10, runs adjacent to the rear boundary of the application site.

The application site is located within an area with a known presence of bats.

A TPO area is located to the south west corner of the site.

On the Statutory Sewer Map, there is a 225mm diameter public combined water sewer recorded to cross the site (across the front of the site, within the driveway).

The site falls within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

The application site is located outside of the boundaries of the Edgerton Conservation Area, separated from the Conservation Area boundary by the presence of a public bridleway to the rear. Given that the site is located outside of the Conservation Area and that the proposed dwelling is to replace an existing dwelling at the same site, it is not considered that the proposal would negatively impact upon the character of the Edgerton Conservation Area. Therefore, for these reasons, no further assessment of impacts to the historic environment are considered to be required in determining this application.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP20 – Sustainable Travel
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity

- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th 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 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 8 – Promoting Health and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-Designed and Beautiful Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019)
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Housebuilders Design Guide SPD (2021)

Assessment.

The following matters are considered in the assessment below –

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

1) Principle of Development

Sustainable Development:

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

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

Policy LP2 states that: *“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*

New Dwelling:

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making *“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption

in favour of sustainable development. Paragraph 70 of the NPPF recognises that: *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”*.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

Given the proposal would see a site, with one dwelling, maintain the same density of development and the site constraints in terms of access and design implications for a higher density, it is considered the density proposed for this development is acceptable.

Residential development at the site is considered to be acceptable in principle. One dwelling is proposed in this instance, this is considered appropriate as the dwelling will replace one dwelling which respects the character of the street.

In respect of the above, the principle of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2) Impact on Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 states that all proposals should promote good design by ensuring the following:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Policy LP11 of the Kirklees Local Plan requires that all proposals for housing, including those affect the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.

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

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

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

Firstly, the proposed dwelling is designed to front on to the street. Secondly, the principal elevation of the proposed dwelling will be positioned to sit in line with the principal elevation of the existing dwelling, which is considered to be appropriately set-back and be coherent with the building line of neighbouring properties. Therefore, for these reasons, the proposal is considered to appropriately comply with Principle 5 of the Housebuilders Design Guide SPD.

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

Paragraph 7.19 of Principle 6 states that for houses two-storeys or above, there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary.

In this instance, the new dwelling would retain the same minimum separation distance from the shared boundaries with both neighbouring properties to the east and west (No. 4 Edgerton Green and No. 43 Spire Court) as the existing property. This would be a minimum distance of approximately 0.8 metres from the shared boundary with No. 4 Edgerton Green, with a separation of

approximately 4 metres from the siting of the neighbouring dwellinghouse itself, and a minimum distance of approximately 1.55 metres from the shared boundary with No. 43 Spire Court, with a separation of approximately 2.8 metres from the siting of the neighbouring dwellinghouse itself.

Whilst it is noted that the separation distances as set out above are not explicitly compliant with the minimum distance as set out in Paragraph 7.19 of Principle 6 of the Housebuilders Design Guide SPD, based on the individual merits of the application site, it is considered that the separation distances achieved are acceptable, replicating those of the existing dwellinghouse. Further assessments relating to this are set out within assessment section 3 of this officer's report, 'Impact on Residential Amenity'.

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

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

It is considered that the proposed new dwelling would be of a form, scale and height which relates to other dwellings located within Edgerton Green. A street scene elevation plan has been submitted, which shows that the ridge height of the proposed new dwelling would be the same as the ridge height of neighbouring No. 4 Edgerton Green. In addition, the proposed external materials are considered to appropriately be in keeping with the appearance of the properties located in the street scene (a condition is recommended to secure this). Therefore, it is considered that the new dwelling under this application would appropriately reflect what currently exists around the application site and thus accord with Principles 13 and 15 of the above SPD.

Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The new dwelling proposes glazing to all elevations. The glazing proposed to the side elevations of the dwelling is to be small in size/scale and is to be obscure glazed. The glazing to the front and rear elevations, whilst more contemporary in style to that established to the existing dwelling at the site, it is considered that it is acceptable from a visual perspective.

Paragraph 8.3 of the Housebuilders Design Guide SPD states "*Contemporary and innovative approaches will be welcomed where they are of a high quality and complement the existing context...*"

The style of glazing proposed to the new dwelling is considered to be an acceptable contemporary and innovative approach, drawing on the floor to ceiling style of glazing established to the ground floor of neighbouring properties within Edgerton Green.

Access to the new dwelling will be the same as access to the existing dwelling at the site, with the extent of hard standing to the front of the dwelling to remain similar to the existing layout at the site. It is considered that, upon any grant of approval, it is reasonable to impose a condition regarding any additional surfacing to be undertaken.

Outdoor amenity space is to be provided to the rear of the proposed dwelling. Whilst details provided regarding hard and soft landscaping are limited, officers consider that it would be unreasonable to impose a condition requiring the submission of such details. This is because the proposed dwelling is to replace an existing dwelling at the site and therefore, it is considered that the arrangement of amenity space with regard to hard and soft landscaping would remain largely as existing.

Whilst details provided regarding boundary treatments are limited, officers consider that it would be unreasonable to impose a condition requiring the submission of such details. This is because the proposed dwelling is to replace an existing dwelling at the site and therefore, it is considered that the arrangement of amenity space with regard to boundary treatments would remain largely as existing.

In summary, with the inclusion of the aforementioned conditions, it is concluded that the proposed development would have an acceptable impact on visual amenity.

3) Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should: *'Maintain appropriate distances between buildings'* and *'...minimise impact on residential amenity of future and neighbouring occupiers'*.

Further to this, paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

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

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

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

Impact to Neighbouring Properties:

No. 4 Edgerton Green neighbours the application site to the east.

The proposed dwelling will retain the same minimum separation distance from No. 4 and will have the same ridge height as this neighbouring dwelling. Whilst the overall extent of built form will be increased, it is not considered that the new dwelling would pose detriment to the occupiers of No. 4 with regard to overbearing and / or overshadowing. The glazing in the adjacent side elevation of No. 4 is not considered to host primary habitable room windows.

The extent of the new dwelling, at two-storey level, proposed to project beyond the length of No. 4 Edgerton Green is not considered to cut a line of 45 degrees across habitable room glazing on the rear elevation of this neighbouring property. In addition, the single storey rear projection to the new dwelling will retain a separation distance of 1.6 metres from the shared boundary with No. 4.

Whilst glazing is proposed to the side elevations of the dwelling, this is to be obscure glazed. Therefore, it is not considered that the proposal includes any forms of glazing that would detriment the privacy of the occupiers of No. 4.

With regard to the proposed rear balcony, officers note that a rear balcony is established to the existing dwelling at the application site, as well as to the neighbouring property of No. 4 Edgerton Green. Therefore, it can be concluded that a relationship has previously been established between these two neighbouring properties with regard to this.

However, the proposed rear balcony for the new dwelling includes a 1.7-metre-high privacy screen to the elevation adjacent to No. 4 Edgerton Green. This is welcomed from a residential amenity perspective, and, upon any grant of approval, a condition shall be imposed to ensure this privacy screen be included.

Upon any grant of approval, a condition shall be imposed to restrict the extent of the proposed rear balcony, ensuring that it does not extend beyond that annotated on the submitted plans to the rest of the flat roof above the single storey rear projection.

No. 43 Spire Court is located to the west of the application site.

The proposed dwelling will retain the same minimum separation distance from No. 43 Spire Court as the existing dwelling which sits at the application site and, whilst the overall extent of built form will be increased, the new dwelling at two-storey level will not project beyond the rear elevation of No. 43, which has a predominantly solid side elevation, and the single storey rear projection proposed will be sufficiently separated. As such, for these reasons, it is concluded that the proposed new dwelling will not result in any significant

impacts of undue overbearing or overshadowing for the occupiers of No. 43 Spire Court.

Whilst glazing is proposed to the side elevations of the dwelling, this is to be obscure glazed. Therefore, it is not considered that the proposal includes any forms of glazing that would detriment the privacy of the occupiers of No. 43 Spire Court.

With regards to the proposed rear balcony, officers note that a rear balcony is established to the existing dwelling at the application site. Therefore, it is concluded that a relationship similar to that proposed by the rear balcony to the new dwelling has previously been established between these two neighbouring properties.

The proposed rear balcony does not include a privacy screen on the side elevation adjacent to No. 43 Spire Court. However, given that the projection of the rear balcony is to resemble that of the existing balcony, it is not considered necessary for a privacy screen to be incorporated on this elevation, unlikely to give rise to any undue impacts of overlooking, over and above the relationship already established between the application site and No. 43 Spire Court.

No. 2 Edgerton Green is located to the front of the application site. It is considered that the proposed built form of the new dwelling and proposed glazing, would

It is considered that the proposed works would be a sufficient distance away from any other properties to prevent undue harm to residential amenity in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing affect.

Noise, Dust / Odour:

Paragraph 191 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Policy LP52 is considered to be of relevance and sets out that development which has the potential to increase pollution from noise must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level.

Taking into consideration noise and odour pollution, given that the application seeks permission for a new dwelling to replace the existing dwelling, it is not considered that the proposal would give rise to any noise, dust or odour pollution over and above the existing circumstance of the surrounding area.

To protect the amenity of surrounding residents, upon any grant of approval, an informative note which provides advice in respect to noisy construction related activities during construction works is recommended.

Amenity of Future Occupiers of the Proposed Dwelling:

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015).

Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), with all habitable rooms having access to at least one window. Officers therefore consider that the proposed dwelling would provide an adequate standard of amenity for future occupiers in this regard.

In this case, the dwelling would have four bedrooms. It is considered that the amount of outdoor amenity space provided for the proposed dwelling would be sufficient. It is also considered that the outdoor amenity space would receive sufficient levels of sunlight. Therefore, it is considered that the proposed amenity space would meet the requirements of Principle 17 of the SPD.

In conclusion, with the inclusion of the aforementioned conditions and informative notes, it is considered that the proposals would not result in significant impacts on the privacy and amenity of any neighbouring occupants, complying with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6, 16 and 17 of the Council's Housebuilders Design Guide SPD.

4) Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear.

Principle 19 of the SPD states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

As part of the determination of this application, a formal consultation was undertaken with KC Highways Development Management. The Highways Officer made the following comments:

The proposed driveway uses the existing vehicle access to the site and ample parking is proposed for the dwelling.

Internal turning has been proposed to ensure vehicles can enter and leave the site in forward gear. No information has been provided on waste collection. However, it is expected that this will remain the same as for the existing property.

In conclusion, this is acceptable to highway safety. Upon any grant of approval, include condition regarding surfacing and drainage. With the inclusion of the aforementioned condition regarding surfacing and drainage, it is considered that the proposed development appropriately complies with the requirements of Policy LP24 part d(vi) and LP43 of the Kirklees Local Plan and the Kirklees Highway 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 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.

Principle 18 of the Housebuilders Design Guide SPD sets out that *"New proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy."*

As part of this application, a Climate Change Statement was submitted, which set out several mitigation measures.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change, as it would have to be constructed to modern building standards.

Bats / Ecology:

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

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 9 of the Housebuilders Design Guide SPD states that *“Proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development.”*

The application site is located within the bat alert layer on the GIS mapping system.

Upon formal consultation with KC Ecology, the following comments were made:

A bat survey report has been submitted with the application, which is welcomed.

The report details that the main dwelling at the site has been found to support features of low bat roost suitability and should be subject to a single dusk emergence survey in the May-August period to confirm status of roosting.

Following the above consultation response, a Bat Emergence Survey Report was submitted, which concluded that *“Survey has demonstrated a likely absence of roosting within the survey building at 3 Edgerton Green, and as such, the proposed works present little risk of impacting upon bats or their roosts.”*

Therefore, given the submission of the above report, it is considered that the proposal is acceptable with regard to impacts on bats. Even so, as a cautionary measure, in the event of any grant of permission a note would be added to the decision notice, stating that if bats are found development shall cease and the advice of a licensed bat worked sought. This is to accord with the aims of Chapter 15 of the NPPF.

To incorporate a biodiversity enhancement as part of the scheme, upon any grant of approval, a condition shall be imposed regarding the incorporation of a bat box.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the small sites exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

Bridleway:

Given that the proposal would not prejudice the function, continuity or implementation of bridleway HUD/353/10, the proposal is considered to appropriately comply with Policy LP23 of the Kirklees Local Plan.

Sewers:

On the Statutory Sewer Map, there is a 225mm diameter public combined water sewer recorded to cross the site.

As part of the determination of this application, a formal consultation was undertaken with Yorkshire Water. Yorkshire Water recommended several conditions be implemented if planning permission is to be granted, in order to protect the local aquatic environment and Yorkshire Water infrastructure.

Given the nature / scale of the development proposal and fact the development would not be significantly closer to the sewer, and fact existing drainage infrastructure is in place to serve the existing dwelling it is considered it would be unreasonable of the LPA to insist upon a scheme of drainage arrangements to be submitted to, and approved in writing by, the LPA. Particularly as drainage would be a matter requiring attention at the building regulations stage.

Trees:

A TPO area is located to the south west corner of the site.

Policy LP33 of the Kirklees Local Plan sets out that *“The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.”*

It is considered that the proposed demolition works, and the proposed new dwelling, would be sufficiently separated from any protected trees located within this area of the site and their canopy.

6) Representations

In response to publicity, one objection was received, which raised the following concerns:

- Concerned about potential nuisance and/or disruption that the proposed works may cause, which would be detrimental to use and enjoyment of neighbouring property.

Officer Response: *Details relating to this are set out within assessment section 3 of this officer’s report, ‘Impact on Residential Amenity’. Upon any grant of approval, a condition will be imposed regarding construction site working times. Given the scale of the development it is not considered reasonable of the LPA to insist upon a scheme of construction hours / dust /*

odour control measures to be submitted as part the application in this case given the relatively short time span / extent the building works would entail.

- No consent has been sought or given for the access probably required to undertake the work required, and neighbours concerns about any damage to property that may occur as a result of the use and transport of heavy machinery required to complete the demolishing and rebuild.

Officer Response: Separate legislation is in place regarding access and / or damage to property as a result of construction works. It would not be reasonable of the LPA to refuse consent on the basis damage may occur. Such damage, were it to occur, would be a civil matter between the relevant land owners.

- The plans included in the planning permission inaccurately represent the boundaries of the property.

Officer Response: Certificate B has been signed and notice served upon other relevant land owners within the red line boundary. Any grant of permission does not override existing land ownership rights / rights of access over land within the red line boundary. Upon any grant of approval, an informative note shall be included regarding land ownership.

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 materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2023/93614

Officer Recommendation: Approve

Conditions and Reasons:

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

Reason: To ensure compliance with 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 specification 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, LP3, LP7, LP20, LP21, LP22, LP23, LP24, LP28, LP30, LP33, LP51, LP52 & LP53 of the Kirklees Local Plan, Principles 2, 5, 6, 12, 13, 14, 15, 16, 17, 18 & 19 of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 4, 5, 8, 9, 11, 12, 14 & 15 of the National Planning Policy Framework.

3. The external walls of the dwellinghouse hereby approved shall be faced in Sawn Ashlar walling and natural regular coursed stone and retained existing materials of construction as annotated upon submitted drawing 2869_(100)04RevC. The roof of the dwellinghouse hereby approved be infilled with interlocking concrete roof tiles of a dark grey colour finish. These external construction materials and colour finishes shall be thereafter retained.

Reason: In the interests of visual amenity, in accordance with Policies LP24 of the Kirklees Local Plan, Principle 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

4. The dwelling hereby approved shall not be occupied until all areas indicated to be used for vehicles and pedestrians within the curtilage of the dwelling has been laid out with a hardened, sealed and drained surface. Provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. Should permeable or porous surfacing be intended to be used, no dwelling house shall be occupied until a scheme detailing the intended surfacing to areas for vehicles and pedestrians for that dwelling house has been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall thereafter be retained and maintained.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. The development shall not be occupied until the windows to the side elevations of the hereby approved dwelling have been obscurely glazed (to a minimum Grade 4). 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) the obscure glazing (to a minimum Grade 4) shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan, the Key Design Principles of the Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

6. Prior to the first occupation of the dwellinghouse hereby approved, one bat box shall be incorporated into the dwelling; the box shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light, at least 5 metres above ground. Once installed, the bat box shall thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. The 1.7 metre high privacy screen, as shown on the north east side of the balcony hereby approved on 'Proposed Plans & Elevations' drawing (Dwg No. 2869_(100)04RevC) shall be installed to the north east side of the balcony as shown on that plan, before the balcony is first brought into use. The 1.7 metre high privacy screen shall thereafter be retained.

Reason: In the interests of residential amenity and to accord with Policy LP24b of the Kirklees Local Plan, the Key Design Principles of the Housebuilders Design Guide SPD and the aims of Chapter 12 National Planning Policy Framework.

8. Other than the area within the confines of the balustrade, no other part of the flat roof above the single storey rear projection of the dwellinghouse hereby approved shall be used as an extended balcony or terrace area at any time throughout the lifetime of the development.

Reason: To ensure no detrimental level of overlooking of neighbouring occupiers occurs in the interests of the residential amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, the Key Design Principles of the Housebuilders Design Guide SPD and the aims of Chapter 12 of the National Planning Policy Framework.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

07:30 to 18:30 hours Mondays to Fridays

08:00 to 13:00 hours, Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

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

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: Public bridleway HUD/353/10 is adjacent to the development site/form access to the site and must not be interfered with or obstructed, prior to, during or after development works.

The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Contact via email can be made at publicrightsofway@kirklees.gov.uk.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	LOC	-	07.12.23
Plans, Elevations & 3D As Existing	2869_(100)02	-	07.12.23
Site Plan As Existing	2869_(100)01	-	07.12.23
Proposed Plans & Elevations	2869_(100)04	C	19.08.24
Proposed Site Plan	2869_(100)03	C	19.08.24
Street Scene Elevation	2869_(100)05	B	19.08.24
Climate Change Statement	-	-	07.12.23
Preliminary Roost Assessment by Brooks Ecological	ER-7405-01	-	04.03.24
Bat Emergence Survey Report by Brooks Ecological	ER-7405-02	-	19.07.24

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.

In response to the consultation response from KC Ecology, a Bat Emergence Survey Report was submitted.

Several negotiations were undertaken the case officer and planning agent, with regard to the size, scale and design of the proposed new dwelling.

Report Dated: 03.09.24