

**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: 2018/62/90119/E

Site Address: The Old Tannery, 224, Spen Lane, Gomersal, BD19 4PJ

Description: Change of use of part of commercial site for erection of 5 houses with associated access and demolition of existing extensions to commercial building

Recommending Officer: Louise Bearcroft

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: 09-Mar-2018

OFFICER REPORT

Site Description

The application site comprises a brownfield site located off Spen Lane at Gomersal. Within the site is an existing two storey brick constructed industrial building 'The Old Tannery' which has been extended with later additions of render and block work construction. The southern part of the site comprises a surface car park and in the eastern part of the site are a number of storage containers.

The site is flanked by Spen Valley Cricket ground to the east, neighbouring residential properties to the north and south, and a dwelling and open undeveloped land to the west. The site is located within the Green Belt on the Kirklees Unitary Development Plan Proposals Map.

Description of Proposal

The application seeks permission to change the use of part of the site from a commercial use to a residential use and to erect five dwellings. The original red brick industrial building would be retained, and served by a separate access with parking to the rear of the building. The later extensions would be demolished.

The proposed dwellings would be sited in the southern part of the site and be served by the existing access. The dwellings would comprise of a terrace of five properties which would be two and a half storeys in height. Each property would have an integral garage and an additional parking space to the front of the terraced block. The dwellings would be constructed of buff coloured brickwork with a fibre cement slate roof and dark grey aluminium cladding. Private amenity spaces are proposed to the rear.

History of negotiations/amendments received

Officers liaised with the applicant to clarify:

- The footprint and volume calculations of the proposed dwellings and the buildings to be demolished.
- The extent of visibility from the proposed external first floor terraces
- The proposed method of drainage of surface water.

Relevant Planning History

2017/91642 – Change of use of part of commercial site for erection of 5 houses with associated access and demolition of existing extensions to commercial building - Withdrawn

Representations

The application was advertised by site notice and neighbour letters with the final publicity expiring 19th February 2018. As a result of this publicity one representation has been received.

A summary of the comments received is set out below:

- Concern about the proposed dwellings overlooking the garden of No. 224 Spen Lane. Concern the balconies would encroach on privacy.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- **K.C Highways Development Management** – No objections
- **K.C Ecologist** – No objections
- **K.C Arboricultural Officer** – No objections
- **The Coal Authority** – No objections
- **K.C Environmental Services** – No objections

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is located within the Green Belt on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- T10 – Highway Safety
- EP11 – Ecological Landscaping
- B4 – Loss of a site for business use
- G6 – Contamination
- NE9 – Retention of mature trees

Kirklees Publication Draft Local Plan (PDLP):

- PLP 21 – Highway Safety and access
- PLP 22 – Parking
- PLP 24 – Design
- PLP 28 – Drainage
- PLP 30 – Biodiversity and geodiversity
- PLP 33 – Trees
- PLP 51 – Protection and improvement of local air quality
- PLP59 – Infilling and redevelopment of brownfield sites

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 1 – Building a strong, competitive economy
- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring good design
- Chapter 9 – Protecting Green Belt land
- Chapter 11 – Conserving and Enhancing the Natural Environment

Assessment

Principle of Development

The site is located within the Green Belt on the Kirklees Unitary Development Plan Proposals Map. Paragraph 87 of the National Planning Policy Framework stipulates that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 stipulates that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless

the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 of the NPPF stipulates a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with exceptions to this including limited infilling or the partial or complete redevelopment of a previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The application site satisfies the definition of previously developed land provided by the NPPF. In this case new development should not be regarded as inappropriate development in the Green Belt in line with paragraph 89 of the NPPF provided that it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. In terms of the assessing the existing impact it is reasonable to make a judgement based on what is on the ground. The application site comprises an existing commercial building which has been subject to a number of later extensions. It is proposed to demolish these later extensions and construct the proposed five dwellings on the basis of a calculation of the volume and footprint of the buildings which would be demolished.

In respect of this the applicants have provided the following supporting information in e-mail correspondence dated 8th March (this is an update to that submitted in the supporting statement which was queried with the applicant)

"The use of the land for 5 new houses, through careful siting, does not have any greater impact upon the openness of the site than the previous uses for industrial and storage. The footprint of the new building 274m² is significantly smaller than that it replaces 390m² representing a 30% reduction in plan – therefore improving the openness of the green belt.

The new buildings plan over 3 storeys delivers an area of 620m². The area of existing building to be demolished is 530m², representing an increase of 15% in total build area. The new build is therefore only marginally larger in gross area terms than the existing and the total area proposed is within a smaller footprint.

The volume existing is 2,890m³ and the proposed is 1,750m³ delivering a reduction of 40%. "

The relevant calculations are as follows:

1. Existing Buildings to be demolished -

Footprint Block A+B 390m²

Area -

Block A 2 Storey 274m² (135m² GF)

Block B 1 Storey 255m²

TOTAL 530m2

Volume -

Block A 1700m3

Block B 765

Roofspace Block A 425M3

Roofspace Block B NA

TOTAL 2,890m3

2. New Buildings -

Footprint 274m2

Area -

GF - $11.25 \times 24 = 275m^2$

FF - $9 \times 24 = 215m^2$

SF - $5.5 \times 24 = 130m^2$

TOTAL 620m2

Volume -

Assuming a storey height of 2.75m

GF 742m3

FF 591m3

SF 417m3

TOTAL 1,750m3

The proposed footprint of the dwellings (274m2) is less than the existing footprint of the buildings to be demolished (390m2). The volume of the dwellings will be 1,750m3 which is less than the volume of the existing buildings to be demolished 2,890m3.

The proposal would therefore not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development and the principle of re-developing part of this brownfield site for housing is considered to be acceptable and complies with the aims of chapter 9 of the NPPF.

Loss of part of the site for business purposes

The proposal would result in the partial loss of the business site and is assessed against policy B4 of the UDP. In support of the partial loss of the business use of the site, the applicant has provided the following information:

The site has been marketed numerous times and the letting of the building has proven difficult to attract commercial interest due to the state of the buildings. The extensions to the existing building are no longer capable of any positive use. Residential properties surround the site which is located out of any local or district centre. Planning permission for new offices would be unlikely given the accessibility to the site and restrictive planning policies which seek to locate town centre uses in town centres. It is our opinion that the site could never be commercially redeveloped and as such the requirements of policy B4 are met.

The applicant has confirmed that the site has been marketed on a number of occasions with no positive uptake. In any case, the principal industrial building

would be retained on the site with a separate access and parking, and it is only the later extensions which would be demolished. The site would therefore retain a part commercial use and taking into account the marketing exercise that has been undertaken it is considered that the partial loss of the site for business use is acceptable in accordance with policy B4 of the UDP as well as chapter 1 of the NPPF.

With regard to housing being provided in this location, it would be compatible with other residential properties that are located to either side of the site. As such, the provision of housing in this location is also considered to comply with the aims of chapter 6 of the NPPF.

Impact on highway safety:

UDP Policy T10 sets out the matters against which new development will be assessed in terms of highway safety. The development consists of a single row of five three-storey townhouses and the retention of a substantial red brick commercial building.

Each new dwelling will consist of three bedrooms and an internal garage; driveway space for additional vehicle per property is also proposed along with one visitor space for the five dwellings. A new private access of 5m width is proposed for the dwellings. A driveway of width 5.2m leading to a six-space parking spaces and a delivery bay is to be created for the existing commercial building. Drawing no. 17.101.102 shows cycle parking, bin storage and collection points, and visibility splays of 2.4m x 45m for each access onto Spen Lane.

Highways Development Management (HDM) consider the proposals to be acceptable and raise no objections. Conditions are suggested to secure appropriate visibility splays, details of any retaining walls/structures abutting the highway and for areas to be used by vehicles and/or pedestrians to be surfaced and drained. Subject to the inclusion of these conditions there would be no detrimental impact on highway safety and the proposal would accord with policy T10 of the UDP as well as policy PLP21 of the PDLP.

Impact on visual amenity:

Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. Paragraph 60 of the National Planning Policy Framework (NPPF) stipulates that planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness. Policy PLP24 of the PDLP is also relevant and refers to 'design'.

The proposed dwellings would have a contemporary appearance, with accommodation over three floors. The second floor accommodation would be

partially incorporated into the roof space and lit by extended roof lights on the front elevations and dormers to the rear.

The design of the dwellings incorporates large glazed openings, and external roof terraces are proposed on the rear elevation at first floor level.

There is no particular uniformity to the street scene in this location and there are no objections to a contemporary town house design. The proposed dwellings would have a staggered ridge line to address the topography of the site and assimilate them into the street scene where neighbouring properties to the south are two storeys in height. The proposed construction materials of buff coloured brickwork, a fibre cement slate roof and dark grey aluminium cladding are considered to be acceptable subject to samples being agreed.

The proposals are not considered to result in any detrimental impact on visual amenity in accordance with policies BE1 and BE2 of the UDP, Policy PLP 24 of the Publication Draft Local Plan (PDLP), and chapter 7 of the NPPF.

Impact on residential amenity (other than noise):

A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows. The nearest neighbouring properties to the site which would be affected by the development are No.226 Spen Lane to the north, No.212 Spen Lane to the south, and No.187 Spen Lane to the west.

In respect on the impact on No.226 Spen Lane, this is a two storey property located to the north of the site. Concerns have been raised from the owners of this property of the impact which would arise from the first floor external terraces on the rear elevations of the proposed dwellings. The two storey brick building would be retained along the shared boundary with this neighbouring property, however the proposed dwellings would project beyond this building. To avoid a loss of privacy, timber privacy screens are proposed to screen the first floor terraces, to prevent views to neighbouring properties, these are proposed at a height of 2 metres. The applicant has also included on the site plan a 'line of sight' from the balconies this was initially queried with the applicant as it appeared that a small portion of the rear garden of No.266 would be overlooked. The applicant has responded to say that they originally illustrated a sight line that was from the absolute worse case, and that it would be impossible to physically get into the extreme corner of the balcony. They go on to say a more realistic line is from the middle and have amended the visibility line to this position. This clarifies that there is limited potential for overlooking, the area of the rear garden of No.266 that potentially could be overlooked by persons overhanging the balcony is limited to the far rear corner of this garden. Most planning approvals are likely to interfere to some extent, with an adjoining occupier's enjoyment of their property. However, the test is whether this is proportionate. The balancing exercise has to consider the benefits of development against the interference. The separation and orientation of the dwellings is such that it is considered the

proposed balconies would not lead to an undue loss of privacy which would be prejudicial to the residential amenity of occupiers of No.266 or justify refusal of planning permission. It will be conditioned that the privacy screens are provided before first occupation of the property.

In respect of the impact in No.212 Spen Lane, this is a two storey semi-detached property located to the south of the site. The proposed dwellings would be staggered in their ridge height and whilst they proposed two and a half storey accommodation it is considered there would be no detrimental overbearing impact on this neighbouring property which would be located at a distance of 17 metres. No windows are proposed in the gable and the proposal would accord with the aims of policy BE1 of the UDP. The balcony privacy splay highlights there would be no overlooking of the rear garden area of this neighbouring property.

In respect of the impact on No.187 Spen Lane, this is a bungalow property located to the east. There would be a distance of over 21 metres from the proposed dwellings to this neighbouring property and it is considered there would be no detrimental overbearing impact or loss of privacy, in accordance with policy BE12 of the UDP.

It is considered there would be no detrimental impact on residential amenity and the proposal would accord with policies BE1 and BE12 of the UDP as well as policy PLP24 of the PDLP.

Noise Issues

This site is adjacent to the A643 (Spen Lane) at a point where vehicles will be making more noise in order to travel up the hill towards Gomersal and at times this road is relatively busy. Environmental Services have some concerns regarding the effect of road traffic noise on sleep in the front 2 bedrooms (bedrooms 1 and 2) in these properties. They consider however that good sleeping conditions can be achieved in these rooms (bedrooms facing Spen Lane) with standard thermal double glazing, as long as the windows are shut and alternative ventilation provided. This will need to be capable of providing background ventilation and “boost” ventilation in warm weather periods. A condition is therefore recommended that before development commences, a ventilation scheme to show how bedrooms facing Spen Lane (A643) in all plots shall be ventilated without the need to open windows. Subject to the inclusion of this condition noise issues are addressed and the proposal is considered to comply with the aims of policy EP4 of the UDP as well as chapter 11 of the NPPF.

Ecology Issues

UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The site is located within the bat alert layer and the application is supported by an Ecological Appraisal.

The Council's Ecologist has assessed the proposals and initially requested the submission of bat survey information. However in light of the level of information that has already been provided in the ecological survey it has been discussed with the Ecologist that the further survey work required can be secured by relevant pre-commencement conditions to prevent any unnecessary delay in the determination of the application. Subject to the inclusion of these conditions, protected species issues are addressed and the proposal is considered to comply with the aims of chapter 11 of the NPPF.

Impact on Mature Trees

There are mature trees within the site boundary and the application is supported by a tree report. The Council's Arboricultural officer raises no objection to the proposals. The one tree for removal is to be replaced by two others within the proposals and whilst prominent was not a good example of the species being as it was constrained badly at the base and showing signs of dieback or damage in the crown. It is recommended that the other Sycamore, labelled B in the submitted report, should be removed and replaced as part the proposals due to its poor quality and limited future life expectancy. Details of a landscaping scheme will be conditioned.

Coal Mining Legacy

The site falls within the defined Development High Risk Area where within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority records indicate the site is in an area of likely historic unrecorded coal mine workings at shallow depth. There is also a mine entry to the southern side of the site with a zone of influence which extends into the application site boundary.

The planning application is supported by a Phase 1 Geoenvironmental Study which concludes that there is a potential risk by past coal mining activity and recommends intrusive site investigations to establish the exact situation in respect of coal mining legacy issues. The recommendations include drilling three boreholes to 30m to investigate for the shallow coal mine workings and carrying out a soil strip to confirm the absence of mine entries. The report also recommends that gas monitoring is carried out on site.

The Coal Authority note intrusive site investigations should be designed by a competent person and their nature and extent should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings should inform any remedial measures which may be required.

The Coal Authority concurs with the recommendations of the Phase 1 Geoenvironmental Study; that coal mining legacy potentially poses a risk and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends a condition requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for

remedial works to ensure the safety and stability of the proposed development, this will be conditioned to ensure that remedial works are undertaken prior to commencement of development. The Coal Authority has no objection subject to the imposition of conditions. As such, the proposal is considered to comply with the aims of chapter 11 of the NPPF.

Contaminated Issues

Environmental Services have reviewed the contaminated land report and agree with its conclusions. This is that further investigation on site in the form of an intrusive investigation is required to assess the risks from past/present uses and to then plan mitigation for these if required. They therefore recommend the inclusion of relevant conditions to secure a Phase II report and all necessary remediation. Subject to the inclusion of these conditions contamination issues are addressed in accordance with policy G6 of the UDP and chapter 11 of the NPPF.

Drainage Issues:

The proposal is categorised as a minor development and Standing Advice from the Lead Local Flood Authority is applicable to the assessment of this application.

On the application form it has been indicated that the proposal is to drain surface water to main sewer, however this does not follow the principles of sustainable drainage nor is there any evidence to confirm that there would be a 30% reduction in pre-development flow rates as required for brownfield sites. This was discussed with the applicant who has confirmed that they have not progressed a design anticipating this would be conditioned. Accordingly, details of drainage are required to be addressed by condition, in accordance with chapter 10 of the NPPF.

Air Quality

In an application of this nature it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles is provided in accordance with the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group (WYLES). This can be conditioned.

Representations

One representation has been received. The comments raised have been addressed in the residential amenity section above.

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 Approval

Decision Authorisation - Delegated Powers

Application Number: 2018/62/90119

Officer Recommendation: Conditional Full Permission

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

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 BE1, BE2, BE12, T10, G6, NE9, B4 and EP11 of the Kirklees Unitary Development Plan, Policies PLP 21, PLP22, PLP24, PLP28, PLP30, PLP33, PLP 51 and PLP59 of the Kirklees Publication Draft Local Plan, and the aims of the National Planning Policy Framework.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the erection of the superstructure of the dwellings is commenced. Thereafter the development shall be constructed of the approved materials and be retained.

Reason: In the interests of visual amenity to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims of Chapter 7 of the National Planning Policy Framework.

4. Prior to first occupation of the dwellings, the areas to be used by vehicles and pedestrians shall be surfaced and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, sustainable drainage, and to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan, and Chapter 10 of the National Planning Policy Framework.

5. Prior to first occupation of the dwellings, the wall to the site frontage shall be set back to the rear of the proposed visibility splays as shown on approved drawing number 17.101.102 and shall be cleared of all obstructions to visibility and tarmac surfaced to current standards in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility in the interests of highway safety and in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan, and Chapter 10 of the National Planning Policy Framework.

6. Details of the siting, design, structural calculations and material to be used in the construction of any retaining walls / structures near or abutting the highway shall be submitted to and approved in writing by the Local Planning Authority before any such works commence. Thereafter the dwellings shall not be first occupied until the approved works have been constructed in accordance with the approved details and thereafter retained.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway and to accord with Policies BE1 and T10 of the Kirklees Unitary Development Plan, Policy PLP21 of the Kirklees Publication Draft Local Plan, and the aims of chapter 11 of the National Planning Policy Framework.

7. Prior to first occupation of the dwellings an electric vehicle recharging point shall be installed within each curtilage. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging point so provided shall be retained.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the sustainability principles of the National Planning Policy Framework.

8. No development shall take place (including any demolition, or internal or external works to existing structures) until further ecological surveys sufficient to investigate a building of 'high' suitability for bats (i.e. three survey visits) has been undertaken and used to prepare an Ecological Impact Assessment focusing on bats, which shall be submitted to and approved in writing by the local planning authority. All survey and reporting shall be undertaken following national good practice guidelines.

Reason: This is a pre-commencement condition to ensure that the presence or likely absence of roosting bats is determined prior to any activities that could impact bats or their roosts in accordance with the aims of chapter 11 of the National Planning Policy Framework.

9. Where the survey approved pursuant to condition 8 confirms the presence of a bat roost(s), no development shall take place until a method statement for suitable replacement bat roost(s) has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by survey information sufficient to fully characterise the roost(s) present, as described in national good practice guidelines. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- a) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

- b) extent and location of proposed works shown on appropriate scale maps and plans;
- c) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- d) persons responsible for implementing the works;
- e) initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: This is a pre-commencement condition, to be triggered where the presence of roosting bats is identified, to ensure that mitigation proposals are sufficient to ensure the favourable conservation status of the bat species present will be maintained, prior to any damaging works being undertaken. Securing appropriate mitigation is a requirement of Policy PLP30 of the Kirklees Publication Draft Local Plan and a prerequisite in order to obtain the appropriate protected species licence.

10. Where the survey approved pursuant to condition 9 confirms the presence of a bat roost(s) no development shall take place in any circumstances unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead;
- a) written confirmation of Site Registration under the Low Impact Bat Class Licence;
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: This is a pre-commencement condition to ensure the proposed works do not result in a criminal offence under the Conservation of Habitats and Species Regulations 2017 and to conserve biodiversity in accordance with the aims of chapter 11 of the National Planning Policy Framework.

11. Development shall not commence until actual or potential land contamination at the site has been investigated and a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to establish the exact situation with respect to the Coal Mining Legacy and to accord with Policy G6 of the Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11 development shall not commence until a Remediation Strategy has been submitted to and approved

in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to establish the exact situation with respect to the Coal Mining Legacy and to accord with Policy G6 of the Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all 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 approved in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to establish the exact situation with respect to the Coal Mining Legacy and to accord with Policy G6 of the Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise approved in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: In order that proper account is taken of any contamination on the site in the interests of future occupiers of the site and the surrounding environment and to establish the exact situation with respect to the Coal Mining Legacy and to accord with Policy G6 of the Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

15. A scheme detailing surface water drainage shall be submitted to and approved in writing by the Local Planning Authority before the erection of the superstructure of the dwellings is commenced. None of the dwellings shall be first occupied until such approved drainage scheme has been provided on the site to serve the development and thereafter retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord

with Policy BE1(iv) and the aims of chapter 10 of the National Planning Policy Framework.

16. A ventilation scheme to show how bedrooms facing Spen Lane (A643) in all plots shall be ventilated without the need to open windows shall be submitted to and approved in writing by the Local Planning Authority before the erection of the superstructure of the dwellings is commenced. Thereafter all works which form part of the approved scheme shall be completed prior to occupation of the aforementioned plots.

Reason: In the interests of protecting the amenity of future occupants and to accord with Policy EP4 of the Kirklees Unitary Development Plan as well as chapter 11 of the National Planning Policy Framework.

17. Notwithstanding the details and specifications submitted, a scheme of landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the dwellings commences.

Thereafter the works comprising the approved scheme shall be implemented in accordance with the approved details before the dwellings are first occupied. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

Reason: To secure replacement tree planting and in the interests of visual amenity and to protect the amenity of neighbouring residential properties and in accordance with Policies BE1, BE2 and NE9 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP33 of the Kirklees Publication Draft Local Plan, as well as the aims of Chapter 7 of the National Planning Policy Framework.

18. The privacy screens to the first floor external terrace areas shall be provided before first occupation of the dwellings to which they relate and thereafter shall be retained.

Reason: In the interests of protecting the amenity of the occupants of neighbouring residential properties and to accord with Policy BE12 of the Kirklees Unitary Development Plan as well as Policy PLP24 of the Kirklees Publication Draft Local Plan.

19. 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 and re-enacting that Act or Order with or without modification) no new openings shall be created in the gables of the dwellings.

Reason: In the interests of protecting the residential amenity of occupiers of neighbouring residential properties and to accord with Policy BE12 of the Kirklees Unitary Development Plan as well as Policy PLP24 of the Kirklees Publication Draft Local Plan.

20. 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 and re-enacting that Act or Order with or without modification) no development included within Classes A, B and C and E of Part 1 of Schedule 2 to that Order shall be carried out.

Reason: In the interests of protecting the openness of the Green Belt and to protect the residential amenity of occupiers of neighbouring residential properties and to accord with Policy BE12 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan, and Chapter 9 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-225616 who can advise further on this matter

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 13.00 hours, Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan and Existing Site Survey	17.101.101		12.01.18
Proposed Site Layout	17.101.102	B	12.01.18
Proposed Visibility Splay	17.101.105	B	07.03.18

Plan Type	Reference	Version	Date Received
Proposed Plans and Section House Type	17.101.103	B	12.01.18
Proposed Elevations	17.101.104	B	12.01.18
Street Scene Elevation	17.101.106	A	12.01.18
Design and Access Statement			12.01.18
Ecological Appraisal	SF2750		12.01.18
Arboricultural Report			12.01.18
Phase 1 Geoenvironmental Study Vol 1 of 5	B21783 Ph1 GEO Vol 1 of 5		12.01.18
Phase 1 Geoenvironmental Study Vol 1 of 5	B21783 Ph1 GEO Vol 2 of 5		12.01.18
Phase 1 Geoenvironmental Study Vol 1 of 5	B21783 Ph1 GEO Vol 3 of 5		12.01.18
Phase 1 Geoenvironmental Study Vol 1 of 5	B21783 Ph1 GEO Vol 4 of 5		12.01.18
Phase 1 Geoenvironmental Study Vol 1 of 5	B21783 Ph1 GEO Vol 5 of 5		12.01.18

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 undertook negotiations with the applicant to clarify the footprint and volume calculations of the proposed dwellings and the buildings to be demolished, the extent of visibility from the proposed external first floor terraces and the proposed method of drainage of surface water.

Report Dated: 8th March 2018