

**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: 2017/62/92564/W

Site Address: The Barn, 17, Jagger Lane, Kirkheaton, Huddersfield,
HD5 0QZ

Description: Demolition of existing outbuildings and erection of
detached dwelling

Recommending Officer: Adam Walker

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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 15-Dec-2017

Officer Report

Site Description

The site forms an area of land adjacent to 17 Jagger Lane which contains two outbuildings. The first building is single storey, has a rendered external finish with concrete roof tiles to its pitched roof and a number of windows and an access door. The building runs parallel with no.17 and appears to be used as storage; the building has permission for conversion to a dwellinghouse and the applicant contends that the permission was lawfully implemented. The second building lies to the back of the site and forms a single storey garage building that fronts onto the domestic curtilage of no.17. It has a mixture of rendered and natural stone walls with a flat roof.

The remainder of the site predominantly comprises part of an overgrown field that is within the ownership of the applicant and extends in a westerly direction.

No.17 Jagger Lane is an end terrace property that has previously been extended. There are a further 3 houses that form part of the terrace. To the north and south of the site are open agricultural fields.

Description of Proposal

The application is for demolition of existing buildings and erection of 1 dwelling.

The proposed dwelling would be erected adjacent to no.17 and would form a three-bedroom bungalow incorporating a large open plan living area.

A new access and crushed stone driveway to serve the dwelling would be formed off Jagger Lane adjacent to the existing access for 17 Jagger Lane. The driveway would lead to two parking spaces and turning area to the front of the dwelling.

The main private amenity space would be to the rear of the dwelling.

The dwelling would be faced in a mixture of cedar boarding and render with a zinc covered roof.

Boundary treatment is a timber post and rail fence.

History of negotiations/amendments received

None

Relevant Planning History

2016/91857	Demolition of existing buildings and erection of 1 dwelling – Refused.
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Application refused on the grounds of inappropriate development in the Green Belt and a design which failed to respect the character of the area thus harming the visual amenity of the Green Belt.

- 2013/93489 Alterations to convert existing outbuilding to dwelling including formation of new access – Approved 24/12/13.
- 2009//92721 Erection of two storey side extension and single storey rear extension (adjacent no. 17) – Approved.

Representations

Application advertised by site notice, neighbour notification letter and press advert

Representations: Three received

A summary of the representations is provided as follows:

- Land in question is subject to a restrictive covenant preventing further dwellings being built
- Additional dwelling within the Green Belt that would impact on its openness and fail to respect character of the area
- Very special circumstances for Green Belt development don't exist
- Doubling of building footprint in comparison to existing buildings. Proposed building is materially larger.
- Overdevelopment of plot
- Dwelling would be visible from nearby public footpaths; outlook from footpaths would be harmed
- Commercial gain over protection of the countryside
- Visual impact / Negative impact on outlook and detrimentally change the open aspect of this land
- Out of character and have a negative impact on neighbourhood. Little respect for the history of the area.
- If permission is granted screen planting should be provided to site boundaries
- Buildings to be demolished are outbuildings and have never been used as a residence; buildings are not therefore 'residential' as such.
- Plans refer to an 'existing bungalow' but this is incorrect and misleading. Building originally built as a goat shed and used as an animal shelter and storage facility. It is also not a garage.
- Use of cedar boarding and zinc not in keeping with the surrounding area
- Potential impact on wildlife including bats
- Little regard for flora and fauna
- There are trees/hedgerows within/adjacent to the site that would be affected, contrary to the information contained within the application form.

- Windows will overlook an area of adjacent land that is within joint ownership and used by the local community. The existing buildings provide this area with some privacy which will be lost.
- Highway safety – access is risky being on the brow of a hill on a bend with no pavement. This area is used regularly by cars, walkers, cyclists and visitors to nature reserve. Route is a rat run and driving speeds can be excessive.
- Location of proposed access would increase likelihood of collisions and would be dangerous as it is directly opposite a working garage and close to where people regularly park
- Proposal will not improve the plot
- Flat roof may allow for a raised terrace/balcony
- Increase in noise, traffic and pollution
- Disturbance and disruption
- Approving the application could affect community/neighbour relations
- Concerns raised with works/development that have taken place at 17 Jagger Lane

Kirkburton Parish Council comments – “No comment”

Consultation Responses

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

Health and Safety Executive - Does not advise, on safety grounds, against the granting of planning permission in this case.

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 commenced 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 substantial weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

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

Kirklees Unitary Development Plan:

- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about dwellings
- T10 – Highway Safety
- NE9 – Retention of Mature Trees
- D12A – Removal of PD Rights in the Green Belt
- G6 – Contaminated Land
- EP4 – Noise sensitive development

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 Presumption in favour of sustainable development
- PLP3 Location of new development
- PLP7 Efficient and effective use of land and buildings
- PLP21 Highway safety and access
- PLP22 Parking
- PLP24 Design
- PLP30 Bio diversity and geodiversity
- PLP33 Trees
- PLP51 Protection and improvement of air quality
- PLP59 – Infilling and redevelopment of brownfield sites in the green belt

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.

NPPF6: Delivering a wide choice of high quality homes

NPPF7: Requiring good design

NPPF9: Protecting Green Belt land

NPPF11: Conserving and enhancing the natural environment

Assessment

Background:

Planning permission to convert one of the existing buildings that is to be demolished into a single dwellinghouse was approved in December 2013. Supporting information submitted in respect of the current application asserts that this permission was implemented in that works to construct the access

road were carried out. The applicant has also previously submitted photographs to the LPA purportedly showing this to be the case. I do not intend to comment as to whether a lawful commencement was carried out. It is worth commenting however that there is no evidence to indicate that this building has been occupied as a dwellinghouse.

Planning permission for the demolition of existing buildings and erection of 1 dwelling was refused in August 2016 for the following reason:

1. The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework (NPPF), the construction of new buildings, subject to certain exceptions, is regarded as inappropriate development. The proposed dwelling does not meet any of the exceptions for new buildings within the Green Belt. Furthermore, very special circumstances to justify the development that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness, and any other harm, have not been demonstrated. The proposal represents inappropriate development that would result in a form of development that would reduce the openness of this part of the Green Belt and result in encroachment into the countryside. Furthermore, the design of the dwelling is such that it would fail to respect the character of the area and would therefore harm the visual amenity of this part of the Green Belt. The proposal is contrary to chapters 9 and 7 of the NPPF and Policies BE1(i,ii) and BE2 (i) of the Kirklees Unitary Development Plan.

General principle – Green Belt consideration:

The site lies within the Green Belt. The applicant contends that the development meets one of the exceptions for new buildings in the Green Belt as set out in paragraph 89, namely that the the proposal constitutes a replacement building that is in the same use and not materially larger than the one it replaces. The building to be replaced is the pitched roof outbuilding. The supporting statement states that this is in residential use and has previously had permission for a continued residential use as a separate dwelling (presumably the 2013 permission). In addition, a garage towards the rear of this building would also be demolished.

The applicant also contends that the general principle of a new dwelling on this site is established by the 2013 permission and as such matters such as curtilage size and the impact of domestic paraphernalia were agreed with the LPA within that permission.

I do not agree that the proposal can be considered to be a replacement building under paragraph 89 because it is not strictly in the same use. I accept that the pitched roof outbuilding is in residential use in the sense that it is an ancillary building associated with the occupation of 17 Jagger Lane but the building itself is not occupied and used as a residence. It appears to be used as storage space. Information on the use of the building has also been provided by a neighbour which contradicts any assertion that the building is anything more than an ancillary outbuilding connected with 17 Jagger Lane.

The 2013 permission for conversion to a dwellinghouse may or may not have been lawfully implemented but in any event it has not advanced to such an extent that the building is currently capable of independent occupation. As such this element of paragraph 89 cannot be applied to this site in my opinion.

It is necessary to give consideration to the other exceptions within paragraph 89. The exception in the sixth bullet point of paragraph 89 provides for the limited infilling or the partial or complete redevelopment of 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. One of the five main purposes of a Green Belt set out at paragraph 80 is to assist in safeguarding the countryside from encroachment.

The parts of the application site that can be considered as brownfield are the areas occupied by the existing buildings and their curtilage. The buildings do not have a clearly defined curtilage and in particular their western flank simply appears as part of the large open field adjoining the site. Nevertheless, having regard to planning case law, it is reasonable to accept that the area immediately surrounding the buildings forms their curtilage. The south western boundary of the application site would however go some way beyond the extent of what could reasonably be described as curtilage and is therefore considered to be greenfield.

In considering the extent of the developable area, it is also relevant to take into account the access, parking and turning area for the dwelling approved under permission 2013/93489 which is essentially the same as the current proposal. As this has previously been approved it is reasonable to accept this again here.

I consider that the substantive part of the site is brownfield and therefore the exception in the sixth bullet point of paragraph 89 can be applied although it is accepted that the development includes a proportion of greenfield land and therefore an assessment of the impact of this encroachment within the Green Belt is also necessary.

The submitted plan shows the proposed dwelling relative to the existing pitched roof outbuilding; this demonstrates that the dwelling would be slightly lower in height than this existing building and would be of a similar length. It is accepted that the width of the building is much greater. The supporting statement provides some volumes for the existing outbuildings and proposed dwelling. This indicates that the existing outbuildings amount to 338 cubic metres and the proposed dwelling has a volume of 338 cubic metres. Based on this information I am satisfied that the scale of the proposed dwelling would not have a materially greater impact on the openness of the Green Belt than the existing buildings. I do however consider it necessary and reasonable to remove permitted development rights for extensions and outbuildings in order to preserve the openness of the Green Belt in the future.

Turning to the issue of encroachment, the extent of the encroachment is principally limited to a strip of land along the south western flank of the existing buildings. Part of the proposed dwelling would be located within this area along with some of the new dwelling's garden. This would undoubtedly have an impact on the openness of the Green Belt although the impact of this would be balanced out in my opinion because the proposals will result in the removal of an existing outbuilding (garage and store) at the rear of the site and the southern extent of existing development will be reduced allowing for the area at the back of the site to revert to a more open character.

The site plan indicates a timber post and rail fence to the boundary; these are typically relatively low in height (circa 1.2m) and such boundary treatment would help to maintain the openness of the Green Belt and respect the character of the area. This boundary treatment can be conditioned. The vehicle access would be crushed stone which would respect the rural character.

The above Green Belt assessment represents a departure from the previously refused application. The current application site is however smaller than the previous site as it does not include an area of land towards the south which would now be left as an open area. The overall length of the building has also been reduced slightly. These two factors represent an important distinction between the current and previous applications which, on balance, allows for the proposal to comply with the 6th bullet point of paragraph 89 of the NPPF.

PLP59 of the PDLP relates to the redevelopment of brownfield sites. It states that the extent of the existing footprint of the building should not be exceeded, unless the resulting development would bring about significant and demonstrable environmental or other improvements. The proposed dwelling would be located in place of a pitched roof outbuilding and would extend beyond the footprint of this building. The development does however involve the loss of a separate building to the south and as a result it does not exceed the cumulative footprint of existing buildings. I am satisfied that the proposal would not conflict with all relevant parts of this policy.

Design:

Policies BE1 and BE2 of the UDP relates to the design of new development. PLP24 of the emerging Local Plan concerns design. Chapter 7 of the NPPF requires good design.

Paragraph 60 of the NPPF states:

Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they 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.

The grounds for refusal of the previous application included the design of the dwelling. It was considered that the design would fail to respect the character of the area and would therefore harm the visual amenity of this part of the Green Belt. There were concerns with the non-traditional design and how that would sit within the context of neighbouring properties and the semi-rural character of the area.

The design of the proposed dwelling is the same as the previous scheme although an additional window has been added to the front elevation which breaks up the expanse of walling to the right of the front door.

The design of the dwelling incorporates two distinct elements – an asymmetrical roof section and a flat roofed section to the rear.

A design statement has been submitted with the current application to support the contemporary design approach as opposed to a pastiche imitating rural dwellings of the past. Justification for the choice of materials is also included (zinc roof, render, cedar boarding, ashlar stone plinth).

I have reviewed the design of the development in light of the submitted design statement and the change to the fenestration on the front elevation. I have also paid regard to the justification for the material palette which is respectful of materials found on typical rural and agricultural buildings and I feel that this will in turn help to assimilate the dwelling into the landscape. On balance I feel that the design can be accepted. The proposal would therefore comply with Policies BE1 and BE2 and be compatible with PLP24 and chapter 7 of the NPPF, including para. 60.

Most of the facing materials are of a standard appearance i.e. white render, cedar boarding and ashlar stone (the amount of stone being very limited). Samples of these materials are not therefore considered necessary. Further details on the finish of the roof, including its colour, are deemed necessary to ensure it harmonises with the area.

Residential amenity

The amenity impact of the development needs to be considered in relation to Policies BE1 and BE12 of the UDP and policies in the NPPF. PLP24 of the emerging Local Plan includes residential amenity considerations.

The proposed dwelling is set well back away from Jagger Lane in a relatively quiet semi-rural setting. A residential use is compatible with the character of the area and has previously been found to be acceptable under an application to convert one of the existing outbuildings. There would not be any undue noise or disturbance issues for future occupiers of the dwelling or neighbouring properties.

In terms of space about dwellings the closest dwelling to potentially be affected by the development is no.17 Jagger Lane to the north east, which has previously been extended under application 2009/92721. This

neighbouring property belongs to the applicant. The dwellings would be separated by just under 9m. The south western side elevation of no.17 contains two sets of very large barn door style openings which serve an office and a master bedroom. The only windows proposed in the side north eastern elevation of the proposed dwelling is a high level window serving the open plan living area.

Given that the only window facing no.17 is a high level window I am satisfied that there would be no direct overlooking.

The proposed dwelling would maintain the same separation distance to no.17 as the existing pitched roof outbuilding. The overall height of the proposed dwelling is also slightly less than this existing outbuilding. The impact of the scale and massing of the proposed dwelling on no.17 would not be significantly different to the impact of the existing pitched roof outbuilding and so would not result in any materially greater overshadowing or overbearing effects. What is more there is a row of trees along the boundary which help to largely screen the building and if these are retained it would limit any potential impact by providing a screen.

The main outlook for the dwelling is to the rear (SE) and south western side elevation. Views from these openings would not closely overlook any adjacent properties. The closest dwellings to the south west are along Dalton Bank Road and these properties are over 100 metres away. The rear wall of the dwelling is 17.5m from the rear boundary and the adjoining open land which provides more than adequate separation.

The proposal provides an ample level of private amenity space for the future occupiers.

In conclusion the proposal is considered to have an acceptable impact on local amenity and complies with the policies referenced above.

Highway Safety

The proposal would lead to the formation of a new residential access onto Jagger Lane, which is a 30 mph unclassified road which leads from Nettleton Road to Kirkheaton. There is already a gated field access close to the proposed access.

The formation of an access in this location was found to be acceptable under 2013/93489.

The proposed driveway and parking/turning area is also similar to the approved scheme.

The principle of the access has already been established and level of parking is sufficient for a dwelling of the size proposed here. Vehicles could turn around within the site and exit in a forward gear.

The proposal is considered to comply with Policy T10 and BE1 of the UDP and is consistent with PLP21 of the PDLP.

Ecology and trees

The Ecology Unit provided comment on the 2013 application and were of the opinion that the pitched roof outbuilding was unlikely to have any significant bat roost potential. The condition of the building has not changed significantly and it remains in good order and well-sealed. As such it is still considered to have limited bat roost potential.

The other building to be demolished is likely to have greater bat roost potential and in particular a very small stone built structure to the southern elevation which has open doorway and many gaps in its walls. Most of this building, including the stone-built element, lies outside of the application site boundary and the physical construction of the proposal is not reliant on this building being demolished first. In the circumstances it is considered reasonable for a condition to be imposed requiring an assessment of this building to ascertain any potential impact on bats before it is demolished.

It is unclear as to whether any of the trees along the north eastern side of the site would be lost as part of the proposal. It is noted that the dwelling would not be built any closer to the trees than the existing pitched roof outbuilding which would help to enable their retention. The trees are not protected by a TPO and are not deemed worthy of protection. The Ecology Unit commented in the 2013 application that these trees do not appear to have any significant bat roost potential.

The proposal would also lead to the loss of some areas of grassland but this is likely to be of low ecological value.

Notwithstanding the eventual findings of the recommended bat survey it is considered that a bat and bird nesting feature should be provided on the new dwelling; this can be conditioned. This will enable the application to comply with chapter 11 of the NPPF and PLP24.

Other Considerations

Strategic Waste

The proposed development lies within 70m of Closed Landfill Ref 208 (EA1036) the site was monitored for LFG between 1992-98 ,maximum levels of CH4 were 60 LEL and CO2 3.5%. Standard landfill gas conditions regarding the construction of the development would be appropriate, similar to the 2013 application.

Health and Safety Executive

The Health and Safety Executive do not advise against the granting of planning consent on safety grounds.

Coal Mining

The site is located within the low risk coal mining area and therefore standing advice applies.

Air quality:

An electric vehicle charging point should be provided to help to mitigate the impact of the development on air quality, in accordance with the NPPF and PLP24.

Objections:

Three objections received. A response is provided as follows:

- Land in question is subject to a restrictive covenant preventing further dwellings being built

Response: Legal covenants are separate to the planning process and this is not a material planning consideration.

- Additional dwelling within the Green Belt that would impact on its openness and fail to respect character of the area
- Very special circumstances for Green Belt development don't exist
- Doubling of building footprint in comparison to existing buildings. Proposed building is materially larger.
- Overdevelopment of plot
- Negative impact on outlook and detrimentally change the open aspect of this land

Response: Green Belt issues have been considered within this assessment.

- Dwelling would be visible from nearby public footpaths; outlook from footpaths would be harmed

Response: The site is visible from public footpaths within the vicinity but it is separated by open land and as such the impact on users of the footpath would not be significant.

- Visual impact. Out of character and have a negative impact on neighbourhood. Little respect for the history of the area.

Response: Issues relating to the design and character of the area have been addressed within this report.

- If permission is granted screen planting should be provided to site boundaries

Response: The site plan shows a post and rail fence; this is considered to be an acceptable boundary treatment and would retain more of the open aspect of the land.

- Buildings to be demolished are outbuildings and have never been used as a residence; buildings are not therefore 'residential' as such.

Response: Agreed.

- Use of cedar boarding and zinc not in keeping with the surrounding area

Response: The materials have been considered within this assessment.

- Potential impact on wildlife including bats
- Little regard for flora and fauna
- There are trees/hedgerows within/adjacent to the site that would be affected, contrary to the information contained within the application form.

Response: Ecology and tree issues already considered within the assessment.

- Windows will overlook an area of adjacent land that is within joint ownership and used by the local community. The existing buildings provide this area with some privacy which will be lost.

Response: The dwelling would only closely overlook land owned by the applicant (edged in blue on the submitted location plan). The dwelling is well separated from the adjacent undeveloped land to the rear.

- Highway safety – access is risky being on the brow of a hill on a bend with no pavement. This area is used regularly by cars, walkers, cyclists and visitors to nature reserve. Route is a rat run and driving speeds can be excessive.
- Location of proposed access would increase likelihood of collisions and would be dangerous as it is directly opposite a working garage and close to where people regularly park

Response: The amount of traffic generated by this single dwelling would be very limited and is unlikely to have any material impact on the local highway network and highway safety including the use of the garage site opposite and for people using the local area for recreation.

- Flat roof may allow for a raised terrace/balcony

Response: A raised terrace or balcony would require a separate application for planning permission.

- Increase in noise, traffic and pollution

Response: The scale of the development is such that it is unlikely to have a material impact on noise, traffic or pollution. The provision of an electric vehicle charging point is recommended to mitigate the impact on air quality.

- Disturbance and disruption from construction activities

Response: This is not a material planning consideration.

- Approving the application could affect community/neighbour relations

Response: This is not a material planning consideration.

- Concerns raised with works/development that have taken place at 17 Jagger Lane

Response: Allegations of a breach of planning control would need to be dealt with as an enforcement matter and are separate to the assessment of this application.

Conclusion

The principle of development is considered to be acceptable in Green Belt terms and the development would not have any significant detrimental impact on the amenities of the area of highway safety.

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 – Approve

Decision Authorisation - Delegated Powers

Application Number: 2017/92564

Officer Recommendation: Approve

Conditions and Reasons

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, to preserve the openness of the Green Belt and to accord with Policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan, PLP24 and PLP59 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework.

3. Details of the roof covering for the dwelling shall be submitted to and approved in writing by the Local Planning Authority before works to construct the roof commence. The roof shall be installed in accordance with the approved details and thereafter retained as such.

Reason: In the interests of the character and appearance of the area and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and PLP24 and PLP57 of the Publication Draft Local Plan.

4. The external boundary treatment of the site shall be a timber or metal post and rail fence with a maximum height of 1.2m. The boundary treatment shall be installed before the dwelling is first occupied and thereafter retained as such. 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 with or without modification) no other fences, walls or other means of enclosure shall be erected to the external site boundaries without the prior written consent of the Local Planning Authority.

Reason: In the interests of the character and openness of the Green Belt and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and PLP24 and PLP59 of the Publication Draft Local Plan.

5. The buildings identified as 'existing buildings to be removed' on approved drawing number 1284-15-005 Rev B that lie to the south east of the new dwelling shall be surveyed for the presence of bat roosts by a suitably qualified ecologist and the findings of the survey submitted to and approved in writing by the Local Planning Authority before the buildings are demolished.

Where the results of the survey demonstrate that bats may be affected by the demolition and it can be demonstrated that a Natural England European Protected Species (EPS) licence will not be required, a written method statement (based on the format of Natural England's EPS licence application method statement) detailing how the demolition shall be completed without harm to any bats, shall be submitted to and approved by the Local Planning Authority before any works to demolish the buildings take place. The demolition shall then be carried out in accordance with the approved method statement.

Reason: To protect the biodiversity of the site and to accord with the National Planning Policy Framework Chapter 11 and Policy PLP30 of the Publication Draft Local Plan.

6. The buildings identified as 'existing buildings to be removed' on approved drawing number 1284-15-005 Rev B that lie to the south east of the new dwelling shall be removed pursuant to the requirements of condition 5 and before the main roof structure of the dwellinghouse is completed. The buildings shall be removed in their entirety and the ground where the buildings stood (where it is outside of the application site boundary) shall be seeded within the first available planting season and thereafter left as open grassland/meadow.

Reason: The removal of these buildings is necessary in order to preserve the openness of the Green Belt and for the development to comply with chapter 9 of the NPPF and PLP59 of the emerging Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no extensions or outbuildings included within Classes A, B, C, D and E of Part 1, Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To maintain the openness and character of the Green Belt given the scale of the building granted by this permission and to accord with policies in Chapter 9 of the National Planning Policy Framework and emerging Policy PLP59 of the Publication Draft Local Plan.

8. Below ground drainage ducts and service entry points shall be sealed where they enter the building.

Reason: So as to protect the development from any potential landfill gas hazard and to accord with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Publication Draft Local Plan and Policies in the National Planning Policy Framework.

9. Cavities adjacent to or below ground level and trenches serving the items referred to in condition 8 shall be ventilated.

Reason: So as to protect the development from any potential landfill gas hazard and to accord with Policy G6 of the Kirklees Unitary Development Plan, Policy PLP53 of the Publication Draft Local Plan and Policies in the National Planning Policy Framework.

10. An electric vehicle recharging point shall be installed within/on the approved dwelling before it is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework “Promoting sustainable transport”, the West Yorkshire Low Emissions Strategy, Policy PLP24 of the Publication Draft Local Plan and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

11. A Schwegler type nest box or terrace suitable for swifts, sparrows or starlings shall be installed on the exterior of the dwellinghouse before the dwelling is first occupied. This shall be erected at least 2 metres above the ground and not on a north facing wall. The bird box/terrace so installed shall thereafter be retained.

Reason: To enhance the biodiversity of the development in accordance with Policy PLP24 of the Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

12. A Schwegler type bat box shall be erected at the top of the north east facing gable of the dwelling before the dwelling is first occupied. The bat box shall thereafter be retained.

Reason: To enhance the biodiversity of the development in accordance with Policy PLP24 of the Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

13. 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 with or without modification) no windows other than those expressly authorised by this permission shall be formed within the north east facing elevation of the dwelling without the prior consent of the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with Policy BE12 of the UDP, PLP24 of the emerging Local Plan and the Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	20/7/17
Proposed Plans & Elevations	1284-15-005	Rev B	20/7/17
Planning Statement	Prepared by Assent Planning, June 2017	-	20/7/17
Design Statement	Prepared by France & Associates	-	20/7/17

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 application was considered to be acceptable in its submitted form and therefore amendments/further information was not required.

Report Dated:

15/12/17