

**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: 2020/62/92564/W

Site Address: Bridley Brook, Holt Head Road, Slaithwaite,
Huddersfield, HD7 5TY

Description: Alterations to convert existing barn to one dwelling
and erection of two storey side extension, demolition
of existing stable block and erection of one dwelling,
formation of 6 parking spaces and associated
landscaping

Recommending Officer: Katie Chew

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.**

Emma Thompson

AUTHORISED OFFICER

Date: 16-Dec-2020

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Officer Report

Site Description

Bridley Brook, Holt Head Road, Slaithwaite, Huddersfield, HD7 5TY

The application site comprises of a u-shaped concrete and rendered stable block consisting of 10 stalls which face out onto an open courtyard. A horse ménage is situation directly south east of the stable block. There is also an existing stone-built barn which incorporates a tack room and store with a lean to garage attached. The site is accessed via an existing track located off Holt Head Road.

The existing barn is constructed from natural stone and stone slate roof tiles.

Description of Proposal

The application seeks planning permission for alterations to convert existing barn to one dwelling and erection of two storey side extension, demolition of existing stable block and erection of one dwelling, formation of 6 parking spaces and associated landscaping.

The existing barn is to be converted and extended into a 4 bedroomed dwelling. The two-storey extension is to measure approximately 3.5m x 5.7m, with a ridge height of approximately 6.3m. A garden area is proposed to the east of the dwelling with car parking available for 3 vehicles.

In addition to this the existing stable block is to be demolished and replaced with 1 4 bedroomed 2 storey dwelling. The dwelling is to measure approximately 12.8m x 6.7m, with an approximate ridge height of 6.7m. A garden area is proposed to the front of the property, with car parking available to the west for 3 vehicles.

The existing ménage to the south west of the site is to be removed and landscaped and levelled to form a natural meadow.

The materials proposed to be used within the extension and new dwellinghouse include natural stone and stone slate roof tiles. The proposals will also have grey composite windows and doors with pedestrian areas being paved with stone, and the parking court in permeable gravel in a buff colour with a contrasting stone cobble edging.

History of negotiations/amendments received

Amendments were sought to regularise the windows within the barn conversion, reduce the ridge height of the proposed two storey extension and reduce/remove some of the windows within the proposed new dwelling. This

was to help ensure that the proposals were sympathetic to their location. Amended plans were received on the 26th November 2020.

Relevant Planning History

2013/91503 – Formation of ménage. Approved 24th July 2013.

97/91123 – Demolition of existing timber and brick outbuildings, erection of porches, garage and stable courtyard. Approved 19th June 1997.

Representations

Final publicity date expires:

Neighbour Letters – Expired 25th September 2020.

Site Notice – Expired 22nd October 2020.

Press Notice – Expired 25th September 2020.

1 general comment has been received; details are summarised below.

- Access to the site is along a PROW (MEL/12/10), the applicant should be made aware of the need to safeguard the people using the footpath and that the proposed development must not extend over it, its surface must not be damaged, altered or obstructed.

Officer note: An informative has been provided to ensure that the applicant is aware that PROW (MEL/12/10) should not be obstructed prior to, during or after construction takes place, without the written permission from the LPA.

Consultation Responses

KC Environmental Health – Comments received 25th September 2020. The officer has no objections to the proposals but does recommend conditions and informative relation to electric vehicle charging points, contaminated land and construction site working times.

KC Highways Development Management – Comments received 4th September 2020. The proposals include the conversion and extension of the existing barn to form 1 two storey residential dwelling, the demolition of the stable block and the erection of 1 two storey residential dwelling, the formation of a parking area for 6 vehicles, and the removal of the horse ménage. Given that sufficient off-street parking is proposed, and access is via an existing access onto Holt Head Road Highways Development Management have no objection to these proposals.

KC Ecology Unit – Comments received 14th September 2020. The officer states that:

'The application is supported by a Bat Survey, which identifies that the barn has moderate potential for roosting bats. A single dusk emergence survey has been undertaken however, in accordance with Bat Conservation Trust Guidance, two activity surveys are required to determine the presence or likely absence of bats within buildings with moderate potential. Therefore, it is advised that an additional activity survey is undertaken on the barn. This survey should follow Bat Conservation Trust guidance (2016). In addition to the above, numerous nesting barn swallows have been identified utilising the barn and stables. Although the report recommends that new swallow nests are installed to the exterior of the buildings, this is considered inadequate due to the specific requirements of barn swallows. It is recommended that alternative provisions are included within a retained outbuilding, garage, porch or under overhanging eaves. The applicant should engage with a suitably qualified ecologist to undertake an additional activity survey on the barn. This is to ensure the proposals are in accordance with LP30 (i) to prevent harm to protected species. In addition, adequate biodiversity mitigation/enhancements should be specified regarding nesting birds on the site. This is to ensure the proposals are in accordance with LP30 (ii) minimise impact on biodiversity and provide net biodiversity gains.'

Officer note: As the proposed development would involve the demolition of all of the existing buildings on site except for the barn there were some concerns raised by the applicant's agent as to what other alternative provisions could be provided. The applicant's agent did provide an alternative external box which was considered to be appropriate to the Council's Ecologist provided that it was situated in an appropriate location and maintained thereafter. A second bat dusk emergence survey was also provided by the applicant's agent on the 30th September 2020, this bat survey was considered to be acceptable.

KC PROW – No comments have been received within statutory timescales.

KC Building Control – No comments have been received within statutory timescales.

Parish/Town Council

Meltham Town Council – Comments received 16th September 2020. The Council supports the application in terms of converting the existing barn but objects to the building of a new dwelling on the site of a modern stable block on the grounds that the application site is within Green Belt and if the stables are no longer required they should be removed and the land returned to its former condition.

Officer note: Noted. The Council's assessment on the potential impact of the new dwelling on the Green Belt can be found under the 'principle of development' section of this report.

Planning Policy Background

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

The application site is unallocated in the Kirklees Local Plan but is located within the Green Belt and a Bat Alert Area. There is a PROW running along the west of the site, and the Wildlife Habitat Network Combined Area is also located to the west.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP7 – Efficient and Effective Use of Land and Buildings**
- **LP11 – Housing Mix and Affordable Housing**
- **LP21 – Highways and access**
- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity & Geodiversity**
- **LP51 – Local Air Quality**
- **LP57 – The Extension, Alteration of Replacement of Existing Buildings**
- **LP59 – Brownfield sites in the Green Belt**
- **LP60 – The Re-use and Conversion of Buildings**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 19th February 2019, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters

Principle of Development:

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF.

The application site is located within the Green Belt. As such the proposal will be assessed having regard to NPPF Chapter 13 paragraph 144 which advises that planning authorities should ensure that “substantial weight is given to any harm to the Green Belt and that inappropriate development should not be approved unless very special circumstances can be demonstrated.

Under paragraph 145 there are a number of exceptions to this, these include:

- a) Buildings for agriculture and forestry;
- b) The provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, providing the building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan; and
- g) Limited infilling or the partial or complete redevelopment of previously development, whether redundant or in continuing use.

Paragraph 146 of the NPPF states that some forms of development are not deemed to be inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it, one instance where this is acceptable is identified as point d) of paragraph 146 which states:

‘the re-use of buildings provided that the buildings are of permanent and substantial construction’

The application proposes to utilise the existing barn to provide accommodation which is facilitated by the erection of a two storey side extension. The existing stable block is to be demolished and replaced with 1 new two storey dwelling, and a parking area for 6 vehicles. The existing menage is also to be removed.

Conversion and re-use of the buildings

To meet the criteria written within the NPPF at paragraph 146, the buildings on site need to be of a permanent and substantial construction to enable a conversion and their re-use. Policy LP60 of the Kirklees Local Plan supports paragraph 146 as it relates to the conversion or re-use of buildings within the Green Belt, and states that proposals of this nature would normally be acceptable where: -

'a. the building to be re-used or converted is of permanent and substantial construction;

b. the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;

c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety'.

In addition to this, Local Plan Policy LP7 relates to the efficient use of land and buildings. This policy seeks to encourage the re-use or adaption of vacant or underused properties and ensure the efficient use of previously developed land in sustainable locations, provided that it is not of high environmental value.

In this instance a structural survey has been carried out on the building in May 2020. The survey concludes that the building is of robust construction. There is no indication of any recent structural movement on the building and only minimal structural repairs would be required. From the site visit undertaken on the 1st October 2020 there were no obvious reasons as to why this structure could not be converted. It is therefore considered that this exception of Green Belt policy is applicable.

Proposed extensions and alterations

Local Plan Policy LP57 relates to the extension, alteration or replacement of existing buildings within the Green Belt. As discussed above the proposals also seek to include some extensions and alterations to the existing barn to provide more living accommodation. Proposals will normally be acceptable in this location provided that:

- a) In the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which already have

- been extended should have regard to the scale and character of the original part of the building;
- b) In the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;
 - c) The proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and
 - d) The design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

From looking at the previous planning history of the site and from the site visit undertaken it is clear to see that the only additions to the stone built barn that appear to have taken place are the single storey lean-to garage approved in 1997 (app ref: 97/91123). It is important to note that this extension is to be demolished to make way for the proposed two storey side extension.

Within the original plans submitted the proposed two storey extension had a ridge height of approximately 6.7m, it was requested that the ridge height be reduced to ensure that the proposed extension remains subservient to the host building. The ridge height of the extension now measures at approximately 6.3m in height. It is considered that by reasons of the scale of the development, in isolation and cumulatively with other additions to the property, the proposal would not result in a disproportionate addition to the original building, and that the original building would remain the dominant element in this instance. Given this assessment and in light of recent case law the development – in principle – would not harm the openness of the Green Belt.

The proposals are not considered to be incongruously large additions to the host property providing a moderate amount of additional accommodation including 1 bedroom, 1 bathroom and a snug. This would not add a significant amount of extra living space to the barn. There would not be a substantial increase in the scale and mass of the barn, the extension remaining proportionate to the host. Therefore, the extensions are deemed to be acceptable in this instance.

In respect to the proposed car parking and garden areas, garden areas are to be provided for both the converted barn and new dwelling to the north east of the site, with planting and hedging to the north, east and south of the site. Car parking areas are also proposed to the east of the converted barn and to the west of the new dwelling. Whilst it is acknowledged that these areas will provide some hardstanding which could be considered to detract from the rural character and openness, it should be noted that the site at present is made up of a large amount of hardstanding and a reasonable exchange of surfacing treatment. Furthermore, it is the officer's opinion that the proposed garden areas and associated planting will tidy up the site thereby enhance the visual aspect and openness of the Green Belt, rather than detract from it, these areas are therefore considered, on balance, to be acceptable in this instance.

Taking into account the additional mass formed by the new extension it is necessary to retain future control of further additions/extensions. As such a condition has been imposed to remove permitted development rights at the site for new extensions and outbuildings to ensure that the openness of the Green Belt is not impacted in the future from overdevelopment or domestic paraphernalia.

For the aforementioned reasons, it is in officer's opinion that the proposed extensions in this instance would accord with the aims of LP57 and Chapter 13 of the National Planning Policy Framework.

Demolition of existing stables and erection of 1 dwelling

Whilst the NPPF provides a presumption in favour of sustainable development, paragraph 145 requires local authorities to regard the construction of new buildings as inappropriate within the Green Belt unless it falls within the provisions of paragraphs 145 and 146. Within the provisions of paragraph 145 (g), the construction of a new buildings within the Green Belt need not be considered inappropriate development if it constitutes the partial or complete redevelopment of previously development sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on openness of the Green Belt and the purpose of including land within it than the existing development.

Local Plan Policy LP59 is consistent with the above and states that proposals for the redevelopment of existing brownfield sites can be supported, subject to meeting the specified criteria. It also asserts the importance of achieving good design, to ensure that the resultant development does not materially detract from its Green Belt setting.

In this instance the existing buildings on site includes a u shaped block of stables, stone built barn and lean to single storey garage. Both the single storey lean to and the stable block are to be demolished at the site. The single storey lean to is to be replaced with a two storey side extension as discussed above. The stable block is to be replaced with a two storey detached dwelling house. The stable block is a substantial building and is located within a large area of hardstanding, whilst the surrounds of the site are open there is an extent of hardstanding within the middle of the site. Any hardstanding proposed with the new dwelling will be given careful consideration in relation to the existing situation.

Case law shows that there are 3 tests to establish a "building" (size, degree of permanence and if it is physically attached to the ground).

Case law also states that the phrase "building" is not to be given too narrow an interpretation. Section 336(1) of the Act defines a building as including "any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building".

Further case law sets out the three tests of size, permanence and physical attachment which must be considered in determining the status of the buildings in question:

(i) Size:

A building would normally be something which was constructed on the site, as opposed to being brought onto the land already constructed, but it may nonetheless be something small in scale, such as a kiosk for example. In this case, the building was constructed on the site as a stable block and courtyard in 1997.

(ii) Permanence:

This normally denotes the making of a physical change to the land of some permanence. Case law *R v Swansea City Council Ex p. Elitestone Ltd* (1993) relates to a number of self-build chalets and sheds which had been erected and suspended on pillars on land. The courts held that it could be assumed that they were all erected with a prospect of permanence and as a matter of objective judgement would have to be regarded as “structures or erections” for the purposes of the Act.

In this case, it is considered that the stable block was erected with the prospect of permanence and clearly has not been moved since its erection.

(iii) Physical attachment:

This particular test is inconclusive and must be weighed against other factors which could tilt the balance. In this case, the building is sufficiently attached to the land and sufficiently permanent as to amount to a building whilst it is in situ.

On the basis of the above, it is considered that the stables can be considered to be a permanent and substantial building, meeting the criteria of the above tests, and therefore the principle of development can be considered to be appropriate and in accordance with the aims of Chapter 13 of the NPPF and Policy LP59 of the Kirklees Local Plan.

The impact of the development upon the openness of the Green Belt therefore requires consideration.

In relation to the proposed dwelling, volume/footprint calculations are set out below.

Existing buildings to be demolished –

- Approx. 148.84 sqm for the existing stable block
- Approx. 535.8 cb.m for the existing stable block

Proposed buildings/extensions –

- Approx. 85.76 sqm for the proposed new dwelling
- Approx. 574.5 cb.m for the proposed new dwelling

From looking at the above calculations it is clear that the proposed dwelling would have a smaller footprint than the existing stable block but would have a larger volume due to the increase in height (2 storeys). Whilst it is acknowledged that the extent of the existing footprint/volume should not normally be exceeded, in some cases it may be possible to redistribute built form on the site provided that the resulting impact is no more than that of the existing development. In this case the built form is to be redistributed to create an extra storey on the proposed dwelling, in the general context of this site, adjacent to existing two storey residential dwellings it is not considered that this redistribution would have any greater impact on the openness of the Green Belt than what currently exists. In addition to this, it is not considered that the proposals would cause harm to the streetscene due to the design and location of the dwelling, being stepped back from the public highway behind existing buildings and within the former courtyard.

The proposed dwelling and its associated curtilage would all be located within the extent of the existing operations curtilage of the equestrian use. The access arrangements to the site would remain the same as existing; and whilst some hardstanding will be provided this will be less than what currently exists at the site. Whilst there would be a change in character of the land within the application site, this is to be expected due to the proposed change of use of land for residential purposes. The garden areas will introduce soft landscaping into this area.

Again, it is important to note that a condition has been recommended to remove permitted development rights at the site for new extensions and outbuildings to ensure that the openness of the Green Belt is not impacted in the future from overdevelopment or domestic paraphernalia.

In summary, it is considered that the proposed development would not result in any material harm to the openness of the Green Belt over and above the existing situation. As such, the proposal complies with the aims of Policy LP59 of the Kirklees Local Plan and the aims of Chapter 13 of the National Planning Policy Framework.

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 all 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.

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

‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.

The application site is located off Holt Head Road in Slaithwaite, the site currently comprises of ménage, stable blocks and existing stone-built barn which currently incorporates a tack room and store. The site is surrounded by other residential dwellings to the north, with additional dwellings located further south and west. The site is somewhat rural however, the application site in this instance is located within a cluster of dwellings and buildings. Properties typically comprise of 2 storey detached, or terraced dwellings. A number of properties have been extended or altered in some way over the years and therefore dependent on design, scale and detailing, it may be acceptable to extend the host building or develop the site.

The host building and its associated curtilage are of a sufficient size to support the proposed alterations without amounting to overdevelopment. The conversion of the existing barn is considered to be sympathetic to its original form, and whilst it is acknowledged that a two storey extension is to be provided to the south elevation, this extension is to be subservient to the host building and is not considered to impact on the street scene given its design and location. In addition to this, the new dwelling proposed to the south of the site, will be somewhat tucked away from view (from Holt Head Road) given its location behind existing buildings. The proposed design and materials are considered to be complimentary to the location and sympathetic to adjacent properties. As such, the design and scale of the proposed extension and new dwelling are considered to be acceptable.

The materials proposed to the external walls and roof of the new and converted dwelling are to match what currently exist within the host building (barn to be converted), the materials are therefore considered to be acceptable in this instance however, they have been conditioned in the interest of visual amenity.

It is therefore considered that the proposals are appropriate in size, scale and design in this location and that they are in accordance with LP24, LP57 and LP60 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'.

The development maintains adequate space within the courtyard formation including satisfactory provision of garden space for the barn and the new dwelling. It is acknowledged that the garden area shown for the barn, and to an extent the new dwelling, would be overlooked by existing properties, however the space is considered sufficient for its associated residential use. Being tucked within the existing boundary and not exceeding the built form minimises any impact on the green belt.

Impact on no. 2 Bridley Brook

This neighbouring dwelling adjoins the existing barn to the north. As this is to be a conversion of an existing building, with no windows proposed within the northern elevation there are no concerns in regards to overlooking, overshadowing, or the proposals appearing overbearing in nature to this property.

Impact on nos. 6, 8, 10 & 12 Bridley Brook

Due to the angle of the barn and space surrounding it is not considered that the introduction of residential accommodation associated room windows will result in any loss of privacy to nearby occupants.

Neighbouring dwellings are located approximately 20m to the north west of the proposed dwellinghouse which is to replace the existing stables. Given this large separation distance there are no concerns in regards to overlooking or overshadowing. Whilst it is acknowledged that the proposed new dwelling is to be two storeys in height and will be set at a slightly higher ground level to these neighbouring properties, it is in officers opinion that when viewed against the wider context of the site, and coupled with the 20m separation distance, the proposed dwelling would not appear overbearing on these neighbouring properties and would not dominate the site as a whole.

The proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policy LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Highway Safety:

Given the nature of the proposals the Council's Highways team were consulted, they raised no objections to the application as sufficient off-street parking is proposed, and access is via an existing access onto Holt Head Road Highways.

Paragraph 109 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.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Other Matters:

Biodiversity

Whilst it is acknowledged that the application site is located within a Bat Alert Area the application is supported by a Bat Survey which identified that the barn has moderate potential for roosting bats. It was therefore advised that an additional activity survey was undertaken on the barn, this was provided to the Council on the 30th September and was deemed to be appropriate in this instance. In addition to this numerous nesting barn swallows have been identified utilising the barn and stables. It has been agreed with the applicant's agent and Ecologist that an external box for swallow nesting be situated in an appropriate location and maintained thereafter.

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 pre-dates 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.

In terms of the proposed new dwelling, as a minimum it would be constructed to the latest building control standards which would include efficient heating and thermal elements within the build, there are also a number of large windows to be installed within the southern elevation of the dwelling. In regards to the other dwelling, this is to be a conversion and therefore it is not considered reasonable to expect any additional information be submitted in respect to meeting the Council's climate change agenda in this instance.

The decision notice will also include a condition to provide an electric vehicle charging point per dwelling which would encourage the use of low emission

vehicles. It is considered that this will assist with the transition to low emissions vehicles.

Pre-Commencement conditions A draft list of conditions, including pre-commencement conditions was forwarded to the agent and agreed in writing.

Conclusion:

Paragraph 11 of the NPPF advises that Local Planning Authorities should be approving development proposals that accord with an up-to-date development plan without delay. On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore planning permission should be approved.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number: 2020/92564

Officer Recommendation: Approve.

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.
3. The external walls and roofing materials of the dwelling and extension to the barn shall be natural stone with slate roof and shall, in respect of the barn, match those used in the construction of the existing building.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

4. A minimum of two electric vehicle charging points shall be installed within the parking spaces shown on the approved plans. The recharging points shall be provided prior to the first occupation of the dwellings. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

5. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 & 179 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that investigatory works are carried out and any required mitigation measures are incorporated into the development at the appropriate stage.

6. Where further intrusive investigation is recommended in Preliminary Risk Assessment approved pursuant to condition 5 above. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 & 179 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that investigatory works are carried out and any required mitigation measures are incorporated into the development at the appropriate stage.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to Condition 6 above. 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 groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 & 179 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7 above. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 & 179 of the National Planning Policy Framework.

9. 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. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site 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. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 & 179 of the National Planning Policy Framework.

10. The dwellings shall not be occupied until the proposed car park area hereby approved shall be laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout, compliant with Policies LP1, LP21 and LP22 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order), no development included within Classes A-E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.

Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the openness and character of the Green Belt in accordance with the aims of Policies LP59 and LP60 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

12. A woodcrete or long lasting nest box suitable for swallows shall be erected on the exterior of the barn and dwelling before it is first occupied. The box shall be installed on the north west facing wall, at least 3 metres above the ground and not located above windows or doors. The box shall thereafter be retained.

Reason: In the interests of enhancing the biodiversity value of the site, in accordance with Policy LP30 of the Kirklees Publication Draft Local Plan and Chapter 15 of the National Planning Policy Framework.

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) regarding 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: Public footpath number MEL/12/10, which is adjacent to the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority and the granting of planning permission does not in itself constitute authority for the interference with the right of way or for its closure or diversion. The developer would be required to enter into a separate legal process, with separate costs, in order to divert or close the public footpath.

NOTE: All contamination reports shall be prepared in accordance with *Model Procedures for the Management of Land Contamination – Contaminated Land Report 11 (CLR11)*, National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Noisy construction related activities shall not take place outside the hours of:

07:30 to 18:30 hours Mondays to Fridays

08:00 to 13:00 hours Saturdays

With no noisy activities 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 - Electric Vehicle Charging Points

- A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Structural Survey Drawing	B24043	-	7 th August 2020
Location Plan	(20805)0	-	7 th August 2020
Plans as Existing	(20805)1	-	7 th August 2020
Site Layout	(20805)2	B	26 th November 2020
Barn Conversion	(20805)3	B	26 th November 2020
New Build Dwelling	(20805)4	B	26 th November 2020
Bat Survey – Supporting Information	-	-	7 th August 2020
2 nd Bat Survey – Supporting Information	-	-	30 th September 2020
Structural Statement – Supporting Information	-	-	7 th August 2020
Planning	-	-	7 th August 2020

Statement – Supporting Information			
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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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to regularise the windows within the barn conversion, reduce the ridge height of the proposed two storey extension and reduce/remove some of the windows within the proposed new dwelling. This was to help ensure that the proposals were sympathetic to their location. Amended plans were received on the 26th November 2020.

Report Dated:

16/12/2020