

**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: 2021/62/90581/E

Site Address: 230, Roberttown Lane, Roberttown, Liversedge,
WF15 7LL

Description: Demolition of existing bungalow and erection of 2
dwellings

Recommending Officer: Jennifer Booth

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.

Paul Dowd

AUTHORISED OFFICER

Date: 15-Jul-2021

OFFICER REPORT

Site Description

230 Roberttown Lane is a detached, brick-built bungalow with gardens to the front, side and rear. The plot is just over 22m wide and 19.8m deep, with the frontage onto Roberttown Lane.

The dwelling is located on a residential street, with stone terraces opposite and new stone dwellings to the sides and rear.

Description of Proposal

The applicant is seeking permission for the demolition of the existing bungalow and the erection of a pair of two-storey semi-detached dwellings.

The proposed building, which would contain both dwellings, would have a maximum width of 14.3m with a maximum depth of 8.9m, this would be set back 3m from the back of the pavement, set in 4m from the side boundaries with the adjacent 232 Roberttown Lane and 228a Roberttown Lane and there would be 8m from the rear wall to the boundary at the rear of the site.

The dwellings would be constructed using regular coursed stone for the walling and plain concrete tiles for the roof covering. There would be a small garden to the front of each property, a drive to the side measuring 10m by 2.8m with bin storage at the side and an enclosed garden to the rear of each dwelling. The eaves height of the main body of the dwellings would be 5.2m with an overall height to the apex of 8.8m.

There is a small porch proposed on the front of each property and a single-storey area part of the depth at the side. The roof form would be pitched over the main building and the single storey elements.

Relevant Planning History

2020/92827 - extensions to dwelling - withdrawn

History of negotiations

The initially submitted plans raised significant concerns in terms of design and scale as it was proposing a row of three dwellings, with a hipped roof design. These would have overdeveloped the site, been out of character with this area and have had a harmful impact on the amenities of the occupiers of the property to the rear. As such, the scheme has been reduced to a pair of semi-detached dwellings, repositioned within the plot and the design has been altered. The changes have been advertised by letter to the neighbours and interested parties.

Representations

The initially submitted application was advertised by neighbour letters, which expired on 06/05/2021.

Following the above publicity, 11 representations were received (there is a duplicate from the Springfield Residents group), and the material considerations raised are summarised as follows:

- The use of inappropriate materials – brick when the dwellings on each side are stone,
- A row of terraces would not be in keeping with the area,
- Parking issues caused by the formation of three dwellings,
- Overlooking from windows in the sides,
- Overlooking from windows on the rear,
- Noise and odours from three dwellings and the bin storage,
- Noise and disturbance during construction.

Following the receipt of amended plans, reducing the scheme to a pair of dwellings, and altering the position within the plot and the design, neighbours and interested parties were sent letters giving till 09/07/2021 to comment. Following this publicity regarding the amended plans, five representations were received, and the material considerations raised are summarised as follows:

- Character of the area,
- Overlooking from the side windows,
- Overlooking from the rear windows,
- Noise pollution,
- Highway safety and parking,

Consultation Responses

The Coal Authority – Support, subject to condition regarding intrusive investigations.

K.C. Highways DM – Support, subject to condition regarding parking.

K.C. Environmental Health – support, subject to conditions relating to contaminated land and provision of electric charging points for electric vehicles.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory

Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map.

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.

Kirklees Local Plan Policies

- **LP 01** – Achieving sustainable development
- **LP 02** – Place shaping
- **LP 03** – Location of new development
- **LP 11** – Housing mix and affordable housing
- **LP 20** – Sustainable travel
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – Drainage
- **LP 30** – Biodiversity and geodiversity
- **LP 51** – Protection and improvement of local air quality
- **LP 53** – Contaminated and unstable land

Kirklees Council has recently produced its supplementary planning guidance for Housebuilders design. This is an adopted document, although it is still in the period after adoption where it is open to legal challenge. Nevertheless, it needs to be considered in the assessment of planning applications with appropriate weight attached. The general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character the host property and the wider street scene.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the NPPF published 19th February 2019, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the KLP. This policy stipulates that proposals that accord with policies in the KLP will be approved without delay unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The application site currently hosts a single brick-built bungalow with gardens to the front, both sides and to the rear. It is within an existing residential area, with accessible local shops and services approximately 300m to the north-east in the centre of Roberttown. It also benefits from good connectivity to the town and cities nearby. On this basis, officers find it is in a sustainable location suitable for residential development.

As well as the above, chapter 5 of the NPPF also states that Local Planning Authorities should aim to achieve the Government's objective of significantly boosting the supply of homes. Whilst this planning application is only for one dwelling, the proposal complies with this aim.

As set out in the Kirklees Council's Authority Monitoring Report, the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

As the KLP was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the KLP. Chapter 5 of the NPPF clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

2 –Impact on visual amenity:

Policy LP24 of the KLP states proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

The existing dwelling is a bit of a bygone anomaly, given it is a red brick bungalow in a large plot and that the dwellings to each side and the rear are two storey modern dwellings with modest amenity spaces. The dwellings on the opposite side of the road are much older stone terraces. Nevertheless, further along Roberttown Lane, in both directions, is a mix of house types with attached and detached dwellings and a palette of materials, which includes brick, stone and render.

With the siting of the new pair of properties between two modern stone dwellings, the use of stone is considered an acceptable material and an improvement over the brick of the existing property. The detailing proposed in terms of fenestration would be traditional in appearance and similar to the adjacent dwellings in terms of the proportions. The design of the dwellings with the steeply sloping pitched roof would be similar in appearance to the dwellings on each side.

The plot itself, although currently only hosting a single dwelling, is of a width which would support a pair of properties, given its 22m width and each of the proposed properties would be of a similar size to the dwellings either side and would have a reasonable amenity space, which would not be out of character with the area. The dwellings would be set back 3m from the back of the pavement, which would be in between the levels of the adjacent dwellings. As building line is not regimented on this section of Roberttown Lane, this is considered visually acceptable. The design, materials and proposed layout would be in keeping with the character of the area.

For the reasons set out above, the proposal is considered acceptable regarding visual amenity and it accords with policy LP24 of the KLP and advice within chapter 12 of the NPPF in respect to this matter.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Impact on 232 Roberttown Lane

The new build dwelling will be constructed closer to the shared boundary with this adjacent dwelling to the south-west. This neighbouring property has a garden area to the side with two openings in the side of the dwelling. A two-storey building, as proposed, would have some impact on the occupants of the neighbouring property, above that of the existing relationship with the bungalow on site at present. However, the building would be set back 5m from the boundary with the neighbouring property and there would be 11.8m between the side walls of each dwelling. There is one window proposed in the side elevation at first floor, which would serve the landing and, as such, is considered not to be habitable. The effects of the new dwelling in terms of the amenities of the occupiers of the adjacent 232 Roberttown Lane are considered not so significant as to justify a refusal.

Impact on 2 Springfield Court

Although the new dwellings would have a greater height than the existing bungalow, these would be positioned closer to Roberttown Lane, thereby further away from the boundary with this dwelling at the rear and they would occupy a position to the east of the garden of the neighbouring 2 Springfield Court. Any relationship between the new windows of the pair of dwellings would be oblique and the southern property has been designed with the bathroom window sharing the closest relationship. As such, whilst the new dwellings would have a greater height, the new position within the plot together, with the angled relationship between the properties, is such that the effects would not be so significant as to justify refusal on residential amenity grounds.

Impact on 12 Springfield Court

This property to the north-west occupies a position some 20m from the north-west corner of the proposed dwellings. Whilst it is appreciated that a two-storey building will have more of an impact on neighbouring properties than a bungalow, the distance between the buildings, together with the limited area which would align with the neighbouring property, is such that the proposed dwellings would not have a substantial effect on this property at the rear. Furthermore, the ground floor windows would benefit from screening on the shared boundary and the first floor would have the bathroom closest to this neighbouring dwelling, which is a non-habitable space. The new dwellings, particularly the northern house would have more of an impact in terms of the neighbouring property, 12 Springfield Court. However, the effect would not be so significant to justify refusal on residential amenity grounds.

Impact on 228a Roberttown Lane

The new build dwellings would be constructed closer to the shared boundary with this adjacent dwelling to the north-east. This neighbouring property has a drive to the side, with no openings other than a door in the side, and it occupies an elevated position relative to the host property. A pair of two-storey semi-detached dwellings, as proposed, would have no significant opportunity to harm any private amenity spaces of this neighbouring property. The building would be set back almost 5m from the boundary with the neighbouring property and there would be 10.3m between the side walls of each dwelling. There is one window proposed in the side elevation at first floor, which would serve the landing and, as such, is not considered to be habitable. The effects of the new dwellings in terms of the amenities of the occupiers of the adjacent 228a Roberttown Lane are considered not to be so significant as to justify a refusal.

Impact on 235 to 241 Roberttown Lane

The new dwellings would be closer to these neighbouring dwellings on the opposite side of the road than the existing bungalow. However, the road itself provides a significant separation between the properties, with almost 19m from the front of the new dwellings to the terraced properties opposite. As such, the effect of the proposed dwellings in terms of these properties is considered acceptable.

Having considered the above factors, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and paragraph 127 (f) of the NPPF.

4 – Impact on highway safety:

The two dwellings are proposed to have three bedrooms each and, in accordance with the Kirklees Highways Design Guide, three-bedroom dwellings should provide two parking spaces. As such, the proposal is considered to provide sufficient parking on the driveway, as there is space for two cars in tandem. It is appreciated that there is no turning space for vehicles at either dwelling. However, there are other dwellings close to the site with similar arrangements, such as 215 and 222 Roberttown Lane, which use the same reversing manoeuvre. Furthermore, the Highways Officer has reviewed the proposals and considers that visibility from the accesses on to Roberttown Lane is adequate in both directions. There are two bus stops within 50m of the site, albeit the timetables indicate that they are low frequency, as buses occur once an hour.

Bin storage has been shown on the submitted site plans for both dwellings at the side and it is envisaged that these would be wheeled out onto the back of the pavement on collection days in a similar fashion to the other properties on this road.

The scheme would not represent any significant additional harm in terms of highway safety and, as such, it complies with policies LP21 & LP22 of the KLP.

5– Other matters:

Drainage

The application form indicates that all surface water runoff would be diverted to the existing main sewer. This is not consistent with the hierarchy of drainage solutions set out in policy LP28 of the KLP. To ensure that proposal complies with the drainage policy, a condition could be imposed to require the applicant to submit a scheme detailing surface water and land drainage be submitted to and approved by the Local Planning Authority in writing before development commences.

Coal Mining Legacy

The property is sited in an area of high-risk in terms of coal mining and, accordingly, the application has been submitted with a coal mining risk assessment. This has been reviewed by the Coal Authority and the scheme can be supported, subject to the provision of a scheme of intrusive site investigations and remediation works.

Contaminated Land

The site is adjacent to a former depot (now residential development – Springfield Court). Given the potential for contamination, the Environmental Health Officer is prepared to support the proposals, subject to the imposition of conditions requiring a phase 1, phase 2, remediation strategy and appropriate validation.

Carbon Budget

The proposal is a small-scale domestic development for two dwellings. As such, no special measures are required in terms of the planning application, with regards to carbon emissions, other than the provision of electric car-charging points (one for each new dwelling). However, there are controls in terms of Building Regulations, which will need to be adhered to as part of the construction process and which will require compliance with national standards.

There are no other matters for consideration.

6 – Representations:

Following the receipt of amended plans reducing the scheme to a pair of dwellings and altering the position within the plot and the design, neighbours and interested parties were sent letters giving till 09/07/2021 to comment. As a result of the amended plans, five representations were received and the material considerations raised are summarised as follows:

- Character of the area,
- Overlooking from the side windows,

- Overlooking from the rear windows,
- Noise pollution,
- Highway safety and parking,
- Land stability.

Response: *These matters relate to visual amenity, residential amenity and highway safety and have been addressed within the relevant subheadings of this assessment.*

- Land stability.

Response: *This is not a material consideration in terms of the assessment of the planning application. However, the National Planning Policy Framework in paragraph 179 does affirm that where a site is affected by land stability issues, it is the responsibility of the developer/landowner to ensure a safe development.*

Although other matters may have been raised, these are not material considerations.

7 – Negotiations:

None.

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions:

- Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.
- The use of stone for the walling and tiles for the roof covering so the new dwellings will harmonise with the neighbouring properties as using alternative materials would look out of place within the street scene.
- Limited detail has been submitted regarding boundary treatments. As these will play an important role in terms of minimising the impact on the neighbouring property, it is considered reasonable and necessary to require details are provided to be agreed.
- To ensure the parking is to an acceptable standard, it is considered to be reasonable and necessary to ensure the parking areas are surfaced and drained in accordance with standards set out in the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864).

- The application form has detailed that the properties will be connected to the mains sewer and does not appear to have fully considered the drainage hierarchy. A condition shall be included regarding the agreement of drainage details.
- As outlined in the report, details are required with respect to coal mining and contaminated land as set out in Other Matters.

9 – Conclusion:

This application to demolish the existing bungalow and erect a pair of semi-detached dwellings at 230 Roberttown Lane has been assessed against relevant policies in the development plan, as listed in the policy section of the report, the NPPF and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed extension is considered acceptable.

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.

As set out above, 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: 2021/90581

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.

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the dwellings hereby approved shall be constructed using natural stone and stone effect tiles.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

4. Before development commences, details of the siting, design and materials for the boundary treatments along the sides and rear have been submitted to and approved in writing by the Local Planning Authority. The approved walls / fences shall be erected before any dwelling is first occupied and shall thereafter be retained as such.

Reason: In the interests of visual & residential amenity and to accord with Local Plan Policy LP24 and Chapter 12 of the National Planning Policy Framework.

5. Before the dwellings are occupied, a parking area to the front of each dwelling shall be provided. The parking area shall be surfaced and drained surface in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance.

Reason: In the interests of highway safety and to ensure adequate space within the site for parking and in accordance with Policy LP22 of the Kirklees Local Plan.

6. Before the commencement of development, details of a scheme to show how surface water from the development will be disposed of shall be submitted to the Local Planning Authority for approval in writing. The scheme shall show that the applicant has explored sustainable methods of drainage according to the Hierarchy of Drainage and that a reduction in surface water

run-off of 30% can be achieved where a positive surface water connection from the site can be proven. Where a new connection is required a maximum greenfield run-off rate of 5 litres per second per hectare is required. The approved scheme shall be implemented before the development is first brought into use and retained thereafter.

Reason: To ensure the effective management of surface water from the development and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework, Meeting the challenge of climate change, flooding and coastal change. This is a pre-commencement condition to ensure that the drainage and surface water features are integrated into the site at the appropriate phase of development.

7. Development 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 protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, 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 protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 further, Groundworks 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: To protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. Remediation of the site shall be carried out and completed in accordance with the

Remediation Strategy approved pursuant to condition 9. If 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 protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. 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 protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. If contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

13. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output: - • A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit

that has a dedicated parking space Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: To meet the requirements of the National Planning Policy Framework with respect to Climate Change.

14. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the impact of past coal mining legacy is sufficiently mitigated and to accord with LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

15. Where the findings of the intrusive site investigations (required by the previous condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: To ensure that the impact of past coal mining legacy is sufficiently mitigated and to accord with LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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: A Standard electric vehicle charging point is one which able to provide 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior

to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 may control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location & existing plans	100	855289	23/03/2021
Proposed site plan	113a	874146	17/06/2021
Proposed site plan	110b	878143	17/06/2021
Proposed elevations	111a	878144	17/06/2021
Proposed floor plans	112a	878145	17/06/2021
Coal Mining Risk Assessment	-	861004	23/03/2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority has, 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 initially submitted plans raised significant concerns in terms of design and scale as it was proposing a row of three terraced dwellings with a hipped roof design. These would have overdeveloped the site, been out of character with this area and have had a harmful impact on the amenities of the occupiers of the property to the rear. As such, the scheme has been reduced to a pair of semi-detached dwellings, repositioned within the plot and the design has been altered. The changes have been advertised by letter to the neighbours and interested parties.

Report Dated 14/07/2021

