

**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:	2021/62/93165/E
Site Address:	Elmleigh Farm Cottage, 24 Stringer House Lane, Emley Moor, Huddersfield, HD8 9SU
Description:	Demolition of existing garage and erection of dwelling
Recommending Officer:	Olivia Roberts

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 24 May 2022

Officer Report

Site Description

The application relates to a large detached barn which is associated with and forms part of the curtilage of 24 Stringer House Lane in Emley. The building is constructed from concrete blocks with corrugated sheets to the external walls above as well as to the roof. Vehicular access to the site is taken to the south of the building from Stringer House Lane, a metalled surface track. There is hardstanding which extends around the building and beyond this the site is predominantly grassed. Land levels drop gradually towards the east. It is set out within the application form that the barn is used for garaging and storage.

The application site is located within the Green Belt with the surrounding area being rural in nature. There are however some residential properties to the north and south.

Description of Proposal

The application seeks planning permission for the demolition of the existing garage and the erection of a dwelling. The dwelling would sit roughly on the same footprint as the existing building and would take a similar form with a shallow pitched roof. The principal elevation of the dwelling would face into the site, away from Stringer House Lane.

The dwelling would measure 15.9m in width by 9.6m in depth and would be 6.4m to the ridge when measured from the highest land level. It would have a natural stone plinth with sine wave profile corrugated cladding to the walls and roof in black. There would be some timber cladding detailing to the front elevation.

A driveway would be provided to the side of the dwelling that would utilise the existing access. Areas of hardstanding are proposed to the front and side of the dwelling whilst the remainder of the site would be grassed.

The submitted block plan shows the formation of a separate access to 24 Stringer House Lane which was approved under the previous application (2019/93646) and had been implemented at the time of site visit.

History of Negotiations/Amendments Received

During the course of the application, the case officer raised some concern regarding the materials of the proposed dwelling as well as to the placement of openings to the western elevation. The applicant's agent provided supporting justification for the scheme by email and the rationale behind the design and materials of the dwelling. Following review of the supporting justification, whilst it was considered that the corrugated cladding and window placement could be supported, the replacement of the proposed brick plinth with stone to tie in with the neighbouring residential properties was requested. Amended plans showing stone to the base of the dwelling instead of brick have been submitted.

Due to the nature of the revisions made which replaced the originally proposed brick with stone, the amended plans have not been advertised in this case.

Relevant Planning History

2019/93646 – Demolition of existing garage and erection of dwelling. Approved.

2019/90963 – Certificate of lawfulness for existing use of barn as garage and domestic storage. Granted.

2016/91430 – Erection of extension and alterations to existing stable to form dwelling. Approved.

2013/91464 – Alterations and conversion of existing stables/barn/ancillary building to form a dwelling – Approved.

2001/90621 – Change of use of granny flat from ancillary residential to separate dwelling. Refused.

2005/91030 – Change of use of stables to 1 dwelling. Refused and subsequent appeal dismissed.

2007/90594 – Erection of first floor extension. Refused.

2011/92632 – Erection of balcony to rear of property. Approved.

1999/92214 – Formation of riding area. Approved.

Representations

The application has been advertised by neighbour letters which expired on 19th November 2021. As a result of the publicity, no representations have been received.

Denby Dale Parish Council comments: no objections.

Consultation Responses

KC Highways Development Management (HDM) – No objections subject to the inclusion of conditions.

The Coal Authority – No objections to the development subject to conditions relating to intrusive site investigations.

Policy

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

The site is located on land allocated as Green Belt on the Kirklees Local Plan.

Kirklees Local Plan:

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 7 – Efficient and effective use of land and buildings
- LP 20 – Sustainable transport
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 51 – Protection and improvement of local air quality
- LP 53 – Contaminated and unstable land
- LP 59 – 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 20th July 2021, 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 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Documents:

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted and are now being considered in the assessment of planning applications for new dwellings, with full weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although 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 of the street scene and wider area. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

In this case the following SPDs are applicable:

- Biodiversity Net Gain Technical Advice Note
- Highways Design Guide
- Housebuilders Design Guide

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity and the Green Belt
- 3) Impact on residential amenity

- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Planning permission is sought from the demolition of the existing building and the erection of a dwelling. When considering development proposals, there is a presumption in favour of sustainable development contained in the NPPF. Policy LP1 of the Kirklees Local Plan (KLP) is applicable and suggests that proposals that accord with the policies in the KLP will be supported subject to other material considerations.

In this case, it is noted that the site is located within the Green Belt and as such, Chapter 13 of the NPPF is relevant in this case. Paragraph 149 of the NPPF states that the local planning authority should regard the construction of new building as inappropriate in the Green Belt, unless the development falls under one of the exceptions listed. This includes:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- Not have a greater impact on the openness of the Green Belt than the existing development; or
- Not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the LPA.

Policy LP59 of the KLP relates to Brownfield site in the Green Belt. It sets out how proposal for infilling within existing brownfield site or for their partial or complete redevelopment will normally be acceptable, provided that:

b) in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and

c) redevelopment does not result in the loss of land that is of high environment value which cannot be mitigated or compensated for.

In all cases regard should be had to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

Does the site constitute Brownfield land?

In order to understand whether or not the site is a brownfield site, it is necessary to have regard to the definition of previously developed land as set out in the NPPF:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds 71 and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'.

This definition excludes gardens of dwellings but only relates specifically to those in built up areas. The site has been used as garden for 24 Stringer House Lane and a certificate of lawfulness confirmed the use of the building as being in domestic use as a garage and for storage. As the site is outside of any built up area and any settlement, it should be considered as brownfield for the purposes of this assessment. It is noted that a similar development for the demolition of the building and the erection of a dwelling was approved under the previous application (2019/93646). Whilst at the time of visit for the current application, the site appeared to have been separated from 24 Stringer House Lane, the previous planning permission, which is still live, is considered to have established the principle of demolishing and replacing the building with a dwelling. At the time of site visit, there was no evidence to suggest a change in use of the building from its previous established use. Additionally, at the time of the submission of the application, the application form confirms that the site remained under the ownership of the occupiers of 24 Stringer House Lane.

In terms of point b of Policy LP59 of the KLP, whilst the dwelling would be slightly deeper (front to rear) than the existing building, it would not be as wide. The footprint of the new dwelling would as such be 12 metres squared less than that of the existing building. In relation to part c, the land has previously formed a garden, and is not considered to be of a high environmental value.

With regards to the impact on the openness of the Green Belt, the dwelling would be of the same dimensions as previously approved. The ridge height of

the building would be 6.4m as opposed to the existing 5.2m (when measured from the highest land level). However, in contrast to the previous approval, the existing land levels would be retained rather than be lowered, as previously approved. As such, the building would appear 1.2m higher within the landscape. Whilst the dwelling would be of a slightly greater height than as previously, the reduction in the footprint from as existing is noted, along with a reduction in the areas of hardstanding under the current scheme. When considered in the context of the site, it is considered that the proposal would not have a greater impact on the openness of the Green Belt in accordance with Paragraph 149 g) of the NPPF.

The proposed curtilage to be associated with the new dwelling would be relatively large. Notwithstanding this, it is noted that the area of curtilage has been established by the previous approval which is still live. This land has formed part of the domestic curtilage of 24 Stringer House Lane and there is a significant area of hardstanding as existing. Whilst the creation of two separate residential curtilages would have some additional impact, this is not considered to be detrimental to the character and appearance of the Green Belt and has been previously established.

Provided that other issues of design and the character of the Green Belt are acceptable, it is considered that the proposal accords with Policy LP59 of the KLP and guidance contained within the NPPF.

2 – Impact on visual amenity and the Green Belt:

General design considerations are set out in Policy LP24 of the Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

It is noted that the site layout and scale of the building has been established under the previous application. Albeit, the site would not be lowered in relation to Stringer House Lane as proposed under the previous application, resulting in the site sitting higher in the landscape than as previously approved. Consideration will be given to the design of the dwelling under the current scheme.

The existing building is located on land that has been associated with 24 Stringer House Lane. It is located close to Stringer House Lane and is visible from the surrounding area. As noted above, the changes in the height of the building are considered to be minimal and balanced by the reduction in footprint. In general terms, the form of the dwelling would reflect that of the existing building.

The dwelling would be of a contemporary design incorporating large areas of glazing to the eastern (main) elevation. Whilst openings are proposed that

would face towards Stringer House Lane, these openings would be smaller in scale and more randomly placed, which is considered to result in a less domestic appearance and would remove the need for roof lights within the roof plane of the dwelling as previously approved. Within a supporting email, the applicant's agent has advised that the windows will be inset, creating a strong shadow which would reduce the prominence of the openings and domestic appearance of the dwelling when viewed from the wider area. The dwelling would be constructed from sine wave profile corrugated cladding to the walls and roof with a natural stone plinth and timber cladding detailing. Whilst the previously approved timber cladding is considered more in keeping with the rural setting of the site, the applicant's agent has noted that there is existing corrugated cladding to the existing building and neighbouring agricultural barn. Whilst the black colour would be more visible within the surrounding area, it is considered to offer a contemporary addition whilst reflecting the agricultural origins of the site. A stone plinth has been incorporated which is considered to tie back to the neighbouring residential properties. Given the contemporary pallet of materials and the sensitive nature of the area, it is considered appropriate to condition that samples of the materials are submitted to ensure that the dwelling does not appear incongruous within its rural setting.

Principle 13 and 14 of the Housebuilders Design Guide SPD relates to materials and openings respectively. They set out how consideration should be given to the use of materials which are prevalent in the vicinity and how openings should reflect the character and style of the area. In this case, the materials are considered to take reference from the surrounding area, albeit using colours which introduce a more contemporary element. Whilst the openings to the dwelling do not reflect those on the neighbouring residential properties, they are considered to be in keeping with the overall style of the dwelling and the scale of the openings to the eastern elevation is considered to prevent the dwelling from having an overly domestic appearance. The use of materials and style of the openings is as such considered acceptable in this case.

In terms of landscaping, the majority of the site would be grassed with hardstanding immediately to the front and sides of the dwelling. The submitted block plan shows a post and rail fence with evergreen hedging to the north boundary which had been installed at the time of site visit. It also states that the existing wall to the Stringer House Lane boundary would be retained where possible. Given the sensitive nature of the surrounding area, it is considered that additional details regarding the proposed boundary treatments are required and this will be secured by condition.

In terms of bin storage and collection, no details are shown on the submitted plans. As this can have an impact on visual amenity (as well as highway safety) as noted in Principle 19 of the Housebuilders Design Guide, details should be required by condition.

Under the previous application, it is noted that a condition was imposed removing permitted development rights from the property to prevent future extensions or buildings amounting to disproportionate additions to the dwelling. Following a change in position prompted by recent case law, the location of the dwelling within the Green Belt is not considered sufficient to justify to imposition of such a condition, and as such, the condition will not be included as part of the current application.

Subject to the inclusion of the aforementioned conditions, the proposal is considered acceptable in terms of the impact of visual amenity and the character and appearance of the area. This is in accordance with Policies LP24 and LP59 of the KLP, Principles of the Housebuilders Design Guide and Chapters 12 and 13 of the NPPF.

3 – Impact on residential amenity:

The site is located within the Green Belt within a largely rural area. The closest residential properties which may be affected by the proposed development are 18 Stringer House Lane to the south and 24 Stringer House Lane to the north.

Impact on 18 Stringer House Lane

Approximately 35m would be retained between the southern side elevation of the new dwelling and 18 Stringer House Lane. The distance retained, along with the location of dwelling due north and the fact that it would replace an existing building in a similar form, is considered to prevent overbearing and overshadowing that would be harmful to the amenity of the occupiers. Openings are proposed to the side of the dwelling that would serve a lounge at ground floor and an ensuite and secondary bedroom opening at first floor. The distance retained between the properties is considered sufficient to prevent harmful overlooking from these openings. The first floor level openings that would hold an elevated position, and as such would be more likely to result in overlooking towards the property, would be tall by narrow, which is considered to further reduce the potential for loss of privacy. Whilst a balcony would be incorporated to the front of the dwelling, this would be located within the proposed footprint and is therefore considered not to offer overlooking towards the existing dwelling. Further details regarding boundary treatments between the two sites is required to prevent overlooking between the amenity space of each property. This will be secured by condition.

Impact on 24 Stringer House Lane

Approximately 14m would be retained between the new dwelling and the southern most aspect of the neighbouring property. Whilst there are no openings to the side elevation of the main dwelling, there is a projecting

element to the property with habitable openings which face towards the application site. Notwithstanding this, it is noted that these openings are set in from the proposed boundary by approximately 20m. It is considered that the distance retained, along with the proposed relationship, is sufficient to prevent overbearing and overshadowing to a level that would be detrimental to the amenity of the occupiers of the property. A habitable opening is proposed at ground floor level to the side of the dwelling. It is considered that the distance retained, and recently installed boundary treatment is sufficient to prevent overlooking. A condition will be imposed requiring the submission of further details regarding all boundary treatments in the interest of residential amenity (as well as visual amenity). Future first floor level openings to the side of the dwelling would be restricted by the limitations of the General Permitted Development Order. Whilst a balcony would be incorporated to the front of the dwelling, this would be located within the proposed footprint and is therefore considered not to offer overlooking towards the existing dwelling.

Other Properties

There are no residential properties located to the east or west of the site. It is noted that this land is located within the Green Belt and is therefore unlikely to be developed for housing in the future.

Future Occupiers of the Dwelling

The application has been considered against the Government's Technical Guidance for space standards within a dwelling and it is considered that the dwelling would benefit from a sufficient level of indoor amenity space. The amount of natural light that would be received by each of the habitable openings has been considered and is deemed to be acceptable.

Principle 17 of the Housebuilders Design Guide SPD sets out how all new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. It is considered that the dwelling would benefit from a sufficient area of outdoor amenity space. It is noted that the size of the curtilage has been established by the previous application (2019/93646).

Having considered the above factors, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbour occupants or the future occupiers of the dwelling. The proposal therefore complies with Policy LP24 of the KLP (b), Key Design Principles of the House Extensions and Alterations SPD as well as Paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

The new dwelling would utilise the existing access to the site with a driveway that would provide sufficient parking for at least four vehicles. The submitted plans show the formation of a new access to the existing dwelling. It is noted that this was approved under the previous application (2019/93646) and has been implemented.

The Council's Highways DM officer has been consulted on the application. The previous history at the site has been noted which have established the demolition and replacement of the building. The proposal is considered to provide sufficient parking. As such, no objections have been raised subject to conditions regarding the surfacing of the parking area and the restriction of building and planting to the front boundary to ensure visibility is retained across the site frontage.

A condition has been requested regarding the surfacing of Stringer House Lane up to the junction of Jagger Lane. Whilst Stringer House Lane is adopted, the Highways DM officer has commented that the lane is adopted in character only. A request for a similar condition by the Highways DM officer was included for the previous applications 2019/93646, 2016/91430 and 2013/91464, however in all three cases the condition was not imposed as the highway is outside of the redline boundary. The request for the inclusion of this condition has been considered and is not deemed reasonable in this particular case.

Subject to the above condition, the proposed development is considered acceptable from a highway safety perspective, comply with Policies LP21 and LP22 of the KLP as well as Principles 12 and 19 of the Housebuilders Design Guide.

5 – Other matters:

Ecology

Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and the Biodiversity Guidance Note states that biodiversity net gain is required for all development. To create this net gain, a condition to secure a bird box into the external walls of the new dwelling shall be added to the decision notice. This mitigation will ensure that the proposal minimises the impact on biodiversity and provides a net biodiversity gain through good design by incorporating biodiversity enhancements. A condition shall also be imposed regarding the removal of trees and shrubbery.

Surface Water

In terms of the surface water drainage the proposals are for the use of soakaways, given the site location which is fairly level and within a rural area there is the likelihood that soakaways would be viable although no evidence as to whether or not this would work has been submitted. Therefore it is suggested that a standard condition shall be included with any permission requiring the submission of details of the proposed surface water disposal in case soakaways will not work. As the site is Brown Field any disposal through the combined public sewer which runs along Stringer House Lane would need to show a reduction of 30% providing there is an existing positive surface water connection. Otherwise a reduction in line with Greenfield rates will be required in accordance with Policy LP 28 of the KLP.

Foul Drainage

The application form states that the method of foul water disposal is “unknown” therefore a condition shall also be included with any permission that details of the foul water disposal shall be submitted to the LPA. It is noted that a combined public sewer runs along Stringer House Lane therefore it may be possible to connect in to this for the foul drainage.

Carbon Budget

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal relates to a minor development for the erection of a single dwelling. In line with the Council’s objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of an electric car charging point is recommended. This is in accordance with Policies LP24 and LP51 of the KLP and Chapter 9 of the NPPF.

Coal Mining Legacy

The Coal Authority has reviewed the proposal and confirm that the application site falls within the defined Development High Risk Area. Therefore, within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application.

The application is supported by a Coal Mining Risk Assessment prepared by Rogers Geotechnical Services Limited, dated 19th May 2016. The report has been informed by an appropriate range of sources and information. Having reviewed the available coal mining and geological information, the Coal Mining Risk Assessment confirms the likelihood of workings underlying the site at shallow depth and makes recommendations that intrusive site investigation works must be undertaken.

The Coal Authority has reviewed the submitted information and it concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, to ensure the safety and stability of the proposed development. Two conditions have, therefore, been recommended which shall be attached to the decision notice to accord with Policy LP53 of the KLP and Chapter 15 of the NPPF.

6 – Representations:

No representations have been received.

7 – Conclusion:

The application is for the redevelopment of a brownfield site. As set out within the main body of this report, the development is considered appropriate in the Green Belt in this particular case, with no adverse impact on its character or openness. The impact on visual and residential amenity, highway safety and other relevant matter is 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.

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: 2021/93165

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP51, LP53 and LP59 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and the aims of the National Planning Policy Framework.

3. Samples of all external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before any development commences on the superstructure of the dwelling hereby permitted. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Policies LP24 and LP59 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document as well as the aims of Chapters 12 and 13 of the National Planning Policy Framework.

4. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwelling hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained. **Reason:** In the interests of visual and residential amenity and to preserve the character and openness of the Green Belt land in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 13 of the National Planning Policy Framework.

5. The area indicated for parking on the submitted/listed plans shall be finished in a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. 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) this shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan and Principle 12 of the Housebuilders Design Guide.

6. 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: In the interests 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, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 2, 9 and 15 of the National Planning Policy Framework.

7. Before development commences on the superstructure of the new dwelling, details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interest of highway safety, to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Principles 12 and 19 of Housebuilders Design Guide Supplementary Planning Document.

8. Before the new dwelling is first occupied, one bird nesting feature (1SP Schwegler Sparrow Terrace or similar alternative) shall be installed on the north or east elevation of the dwelling at a height of at least 2 meters.

Hereafter the box shall be retained. **Reason:** To provide ecological enhancement in accordance with the requirements of Policy LP30 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide and Chapter 15 of the National Planning Policy Framework.

9. No development shall commence (excluding demolition) until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the development is carried out in accordance with the approved details and that all necessary remediation measures are adopted in full before the development is brought into use. This is to ensure the safety and stability of the development in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan.

11. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nest immediately before the vegetation is clear and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young and to accord with Policy LP30 and the requirements of section 15 of the National Planning Policy Framework.

12. Nothing shall be permitted to be planted or erected within a strip of land 2.0m deep measured from the carriageway edge of Stringer House Lane

along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

Reason: In the interests of highway safety and to accord with the requirements of policies LP 21 and LP 24 of the Kirklees Local Plan.

13. A scheme detailing foul, surface water and land drainage shall be submitted to and approved in writing by the Local Planning Authority before development on the superstructure of the new dwelling commences. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements on the site. The dwelling shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage to accord Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

14. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site 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 agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the aims of Chapter 15 of the National Planning Policy Framework.

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 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2721 LOC	-	13/09/2021
Existing Site Plan	2721 SUR	-	13/09/2021
Existing Plans & Elevations	2721 (100)01	-	13/09/2021
Proposed Plans & Elevations	2721 (100) 02	A	21/03/2021
Coal Mining Risk Assessment (prepared by Rogers Geotechnical Services Ltd)	J3501/16/EDS	-	13/09/2021

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 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. Discussions were held with the applicant's agent regarding the design and materials of the proposed dwelling. A supporting email has been submitted along with amended plans changing the proposed brick to stone. The decision is made on the amended plans and conditions listed above.

Report Dated:

18/05/2022

