

**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:	2021/62/93502/W
Site Address:	Badger Hey Farm, Chain Road, Slaithwaite, Huddersfield, HD7 5TZ
Description:	Demolition of existing dwelling and erection of replacement dwelling
Recommending Officer:	Ellie Worth

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.

John Holmes

AUTHORISED OFFICER

Date: 28th April 2022

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Officer report

Site description

Badger Hey Farm, Slaithwaite is a detached property which is predominantly built from stone with a tiled roof. The building is of a Laithe House design whereby the barn is attached to the main dwelling. The property benefits from a small, glazed lean to, on the southern elevation which fronts Badger Hey an unadopted road. To the North of the site is an area of hardstanding, a detached outbuilding and an open grass field.

The site is located within the Green Belt on the Kirklees Local Plan and is situated to the West of Badger Hey Cottage, a Grade II Listed Building. The nearby properties are predominantly residential in character and follow a linear pattern as they are located to the North of Meltham Road. A public footpath (ref: - COL/128/30) runs directly to the South of the site.

Description of development

The applicant is seeking permission for the demolition of the existing dwelling and erection of a replacement dwelling (with attached barn). The measurements of the proposal are as follows:

- 21.9m in width
- 5.9m in maximum height to the eaves; 8.5m in overall height
- 12.9m in overall depth (including the single storey lean to)

The proposed dwelling would be located largely in the same position and would be constructed from natural stone with a natural stone slate roof. Timber windows are proposed with ashlar stone surrounds.

Internally, the replacement building would provide a dwelling and attached barn. The dwelling would benefit from four bedrooms. Three on-site parking spaces are to be provided, within the site and on the private driveway/access road to the front.

No excavation works would be required to implement the new dwelling and the curtilage is to remain the same as that of the existing dwelling.

History of negotiations/amendments received

Officers raised concern regarding the size and scale of the replacement dwelling and therefore final amended plans have been sought to reduce this. These were received on the 19th April 2022. Further justification has also been provided by the agent.

Relevant Planning History

At the application site:

2013/93337 Alterations to flat roof to form pitched roof and alterations to doors and windows – Granted.

2021/91040 Demolition of existing dwelling and erection of dwelling, stables and barn – Withdrawn.

Pre application advice:

2019/20485 Demolition of existing dwelling and erection of dwelling – comments made.

Surrounding properties:

2021/90766 Conversion of garage to living accommodation and installation of post mounted EV charging point – Granted (Badger Hey Cottage)

2021/90767 Listed Building Consent for works to remove garage door and replace with stone wall and new window – Granted (Badger Hey Cottage)

2021/94520 Listed Building Consent for installation of CCTV cameras – Granted (Badger Hey Cottage).

Representations

The application was advertised by site notice, neighbour notification letters and the press.

Final publicity expired: 15th October 2021.

As a result of the above publicity, one representation has been received. A summary of the concern raised is as follows:

- The application notes that the adjoining cottage is listed Grade II and dates to the mid 18th century. However, on closer inspection of the listing it actually refers to "Badger Hey and Badger Hey Cottage. I believe this listing may actually cover both the cottage and farmhouse, making them both Grade II listed. I believe the Farm is the Badger Hey referred to in the listing. I think it might be a mistake that the Historic England listing mapping has only tagged the one building - the cottage. This means the planning application does not reflect the potentially listed status of the farmhouse (it is not a listed building consent application) and the building could be lost without the appropriate planning and assessment process.

Given the amendments sought to reflect the sites current domestic curtilage and to reduce the size and scale of the replacement dwelling, officers did not consider it necessary to re-advertise the application, as it would not prejudice neighbouring amenity.

Consultation Responses

KC Highways DM: The scheme is acceptable as it does not appear to affect off-street parking or servicing facilities and there is no increase in the overall number of dwellings on the site.

KC Environmental Health: No objection subject to conditions regarding air quality and contaminated land being attached to the decision notice.

KC Conservation and Design (informal): No objection as the proposal takes into account the points raised at the pre application stage.

KC Ecology: No formal comments received.

KC PROW: No formal comments received.

Kirklees Local Plan:

LP1 – Achieving sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP11 – Housing Mix and Affordable Housing

LP21 – Highway safety

LP22 – Parking

LP23 – Core walking and cycle routes

LP24 – Design

LP28 – Drainage

LP30 – Biodiversity

LP34 – Conserving and enhancing the water environment

LP35 – Historic Environment

LP57 – Extension, alteration or replacement within Green Belt

Supplementary Planning Documents (SPD)

Housebuilders Design Guide.

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, 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 wide choice of high quality homes

Chapter 12 – Achieving well designed places

Chapter 13 – Protecting the Green Belt

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below:

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Impact on highways
5. Other matters
6. Representations
7. Conclusions

1. Principle of development

Green Belt

The NPPF identifies the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out within paragraphs 149 or 150 of the NPPF.

In this instance the applicant is seeking permission for a replacement building and therefore Policy LP57 of the Kirklees Local Plan and Paragraph 149 of the NPPF are relevant which outline that replacement buildings are normally acceptable provided that “the new building must be in the same use as and not be materially larger than the building it is replacing”.

Whether the proposal is inappropriate development within the Green Belt

The proposed building would provide a dwelling and attached barn and therefore would be in the same use as the existing. Whilst there is no accepted definition of what constitutes to “materially larger”, the volume of the new building would be slightly larger than the existing by 10%. For these reasons, officers believe the development to be contrary to paragraph 149 of the NPPF and Policy LP57 of the Kirklees Local Plan and therefore would be considered as inappropriate development within the Green Belt. Paragraph 143 of the NPPF further outlines that “inappropriate development is, by definition, harmful to the Green Belt”. Given this, it is now necessary to consider whether any other harm would accrue.

Whether there would be any other harm to the Green Belt, including visual amenity

In regards to the characteristics and openness of the Green Belt, it has been noted that the proposal would increase the amount of built development on predominantly open land. However, the site also benefits from a dilapidated stables to the East and a large agricultural building to the North East and therefore any impact is unlikely to have a material impact upon the open character of the wider site.

Furthermore, it has been acknowledged that the proposal, as a whole, would be on a similar footprint, with the majority of increase, being from the new roof forms. As such the development would not have an urbanising impact on the site, as the linear pattern of development along Chain Road would be retained.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

In accordance with Paragraph 148 of the NPPF, consideration must be given as to whether the application has any very special circumstances which clearly outweigh the harm to the Green Belt caused by reason of inappropriateness and other harm.

In this instance, the Agent has provided a supporting statement in which they consider to amount to very special circumstances. A summary of the points raised are as follows:

“As you will be aware from previous correspondence and submissions, the existing dwelling is no longer "fit for purpose" due to issues of damp and an internal layout that has been altered incrementally over the years, particularly through the addition of unsympathetic extensions etc. The visual impact of the existing dwelling is one of a "mish-mash" of architectural styles, materials, and design that has a jarring effect when viewed from Chain Road. In particular, the general roof arrangement is poor, especially with the variety of roof styles to the rear, including single pitch roofs and a flat roof to the two-storey rear extension.

The proposed dwelling seeks to provide a design that is visually more pleasing, particularly in terms of roof lines. The awkward arrangement of existing roofs to the rear has been replaced by a single roof, albeit with a reduced ridge line for the "barn" element of the new build to reflect a subservience of this part of the build to the main dwelling. It should be noted that the increase in volume is primarily due to the proposed pitched roof covering the entire footprint of the building. Traditional materials are now consistent throughout, along with aligned fenestration and architectural detailing. However, the overall design still retains the character of an "upland farmhouse" in terms of footprint, layout, and materials, albeit designed in a modern vernacular.

The result is a "cleaner", more visually pleasing dwelling that not only contributes more to the character and appearance of the area (by reason of the removal of a building that has been unsympathetically altered over the years) but also meets the needs of the applicant in terms of providing accommodation that is compliant with modern building standards and sustainability”.

The above circumstances have been considered in detail by Planning Officers. It is noted that the proposal would provide a visual enhancement to the site, due to the tired state of the existing dwelling which has been extended over the years, creating a ‘piecemeal’ appearance.

Furthermore, the volume increase of 10%, particularly relates to the proposed roof forms which would be more in keeping with the surrounding built form than the existing unit. This would accord with Principle 15 of the Housebuilders Design Guide SPD which states that “ *the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types*”. Its re-configuration including its compact design, pattern of fenestration and materials would be more sensitive to the environment, resulting in a modern dwelling, compliant with Policy LP24 of the Kirklees Local Plan.

Lastly, the works are also considered to improve the setting of the adjacent heritage asset, the Grade II Listed, Badger Hey Cottage. This is due to the

replacement building being more in keeping with the surrounding built form, compliant with the aims of Policy LP35 of the Kirklees Local Plan which states that *“development should maintain and reinforce local distinctiveness and conserve the significance of designated heritage assets”*.

Therefore, given the above, the proposal represents inappropriate development within the Green Belt. However, after careful consideration of all of the points put forward, and on balance, given the visual and heritage benefits which would be brought by a new vernacular dwelling, it is considered that very special circumstances have been sufficiently demonstrated that clearly outweigh the harm to the Green Belt by reason of the development's inappropriateness and any other harm.

Notwithstanding the above, the conclusion very special circumstances exist is drawn on the basis of the dwelling as applied for and not for a property with additional extension undertaken through utilisation of permitted development rights which could substantially increase the size of the dwelling further. As such it is considered necessary to remove permitted development rights for extensions, outbuilding and gates, wall and fences at the site in order to protect the character and openness of the Green Belt and to mitigate against overdevelopment. This would be in accordance with Policy LP57 of the KLP and the aims of Chapter 13 of the NPPF.

2. Impact on visual amenity and heritage

The NPPF offers guidance relating to design in chapter 12 (achieving well designed places) whereby paragraph 126 provides a principal consideration concerning design which states:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP11 of the Kirklees Local Plan requires that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design

The following Principles within the Housebuilders' Design Guide SPD (HDG) are highlighted as being particularly relevant for the proposed development:

- Principle 2 - New residential development proposals will be expected to respect and enhance the local character of the area by: Taking cues from the character of the built and natural environment within the locality; Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details; Illustrating how landscape opportunities have

been used and promote a responsive, appropriate approach to the local context.

- Principle 5 - Buildings should be aligned and set-back to form a coherent building line. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.
- Principle 8 – For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings.
- Principle 13 - Applicants should show how different materials which are prevalent in the vicinity of the site have been taken into account in the proposal. Consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.
- Principle 14 -The design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Innovation for energy efficiency is encouraged, particularly for maximising solar gain to allow for passive solar construction
- Principle 15 -The design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

In terms of the impact on the character and appearance of the area, it has been considered that visually, the proposed replacement dwelling would be an improvement to the existing structure, which has been extended in a 'piecemeal' manner over a number of years. The existing dwelling also benefits from a number of roof forms, including a flat roof element to the rear. The existing, tired looking front porch will also be demolished as part of this proposal.

The new dwelling would be set over two levels, within minimal detailing to the barn aspect. This would help retain the sites current aesthetics, by maintaining an agricultural feel. Materials would be natural stone with slate roof tiles.

Alongside the above, the new building would incorporate ashlar surrounds to the timber windows, in order to protect and enhance the setting of the neighbouring Listed Buildings in which it is read alongside.

Setting of Grade II Listed building at Badger Hey Cottage

Badger Hey Cottage, Chain Road is a grade II listed building in which dates from 1759. It is an altered two-storey terraced group, built in stages comprising, from right to left, a one-unit former farm labourer's cottage (Badger Hey Cottage), a two unit former farmhouse (Badger Hey) and a small agricultural building. The entire group is now in use as a single dwelling known as Badger Hey Cottage. It is constructed of hammer-dressed stone with a stone slate roof, the rear elevation is rendered.

Significance of the affected heritage asset

Paragraph 195 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of an application for planning permission on the setting of a heritage asset.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy LP35 of the Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

In this case, KC Conservation and Design were formally consulted as part of this application and the former pre application, raising no concern regarding the relationship between the proposed dwelling and the impact this would have on the setting of the neighbouring listed building. More specifically, comments were made to ensure that the new dwelling enhances the rural setting, with the characteristics of a Laithe house being retained.

It has also been noted that the design features of the proposed dwelling would be sympathetic to the setting of the listed building as it would incorporate ashlar surrounds to the proposed timber windows. For these reasons, it has been considered that the proposed dwelling would enhance the setting of the Grade II Listed Building.

In summary, it has been concluded that the proposal would be of a satisfactory design and would be in keeping with the character of the area, including the setting of the adjacent Listed Building. This is to accord with Policies LP24 and LP35 of the Kirklees Local Plan, principles 2, 5, 8, 13, 14 and 15 of the Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

3. Impact on residential amenity

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to “provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”

The Housebuilders Design Guide SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity, which state:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light for two storey houses typical minimum separation distances are advised as:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

The nearest residential property to the application site is Badger Hey Cottage. In this case, the plans show a separation distance of approximately 18m to be retained from the new building to the nearest side elevation at these neighbours. The barn aspect would also be the closest form of development, which would benefit from a lower eaves and ridge height. For these reasons, officers are satisfied that the development would not result in any material overbearing or overshadowing upon these neighbours amenity.

In terms of overlooking, an access door and small window would be inserted into the eastern facing elevation at ground floor, along with an additional opening at first floor. These openings would serve the barn and its mezzanine level and therefore would not result in any significant loss of privacy at these neighbours. More importantly, Badger Hey Cottage does not appear to benefit from any existing windows within its western facing side elevation. For these reasons, the impact upon these neighbours amenity is not considered to be significant.

To the North, West and South of the site is open countryside.

Amenity of the future occupants

Principle 16 of the aforementioned SPD sets out that all new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

Principle 17 also outlines that 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.

In this case, the proposal would comply with the Nationally Described Space Standards for a four bedroom dwelling as an internal floor space of approximately 240 sq. m would be provided. Windows would also be provided to all habitable rooms in order to allow for natural light penetration.

Lastly, the domestic curtilage for the dwelling would also remain the same and whilst relatively small, it would still provide useful outdoor space for the applicant to enjoy.

Overall, it has been considered that the impact on residential amenity is acceptable, and therefore the proposal is considered to comply with LP24 of the Kirklees Local Plan, Principles 6, 16 and 17 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the NPPF.

4. Impact on highway safety

As part of this application KC Highways DM have been formally consulted. In this instance, the officer has noted that the proposal does not appear to affect off-street parking or serving facilities and there is no increase in the overall number of dwellings at the site. More specifically, four bedrooms have been proposed, along with three parking spaces and therefore the scheme is considered acceptable from a highways perspective, subject to a condition regarding the vehicle parking areas being surfaced and drained in a permeable surface. This is to accord with Policies LP21, LP22 LP28 and LP34 of the Kirklees Local Plan, the aims of the Highways Design Guide SPD and policies within Chapter 14 of the NPPF.

5. Other matters

Bats

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The site lies within an area identified as Bat Alert on the Councils geographical information system. In this instance, KC Ecology have been formally consulted, however, no formal comments have been provided. Nonetheless, officers have reviewed the submitted Bat Survey by Whitcher Wildlife LTD, dated 25th August 2021.

In this instance, the result of the survey outlined that the building was assessed as having a low potential for roosting bats due to the presence of some gaps below the roof tiles. However, during the dusk emergence survey, no bats were seen to emerge from the building and no other activity bats were recorded in the area.

A comprehensive assessment of the bat foraging habitat on the site could not be undertaken during this daytime survey. However, the surrounding land comprises almost entirely arable land and heathland which constitutes very poor foraging habitat for bats. Therefore, the immediate surrounding area was assessed to provide a low value bat foraging habitat. Regardless, the

proposed works will not affect the surrounding habitat and as such, the works will have no impact on any foraging habitat.

Therefore, the report concludes by outlining that no further surveys or license are required prior to the demolition of the dwelling. However, as a cautionary measure a note will be attached to the decision notice to state that if bats are found, development and the advice of a licenced bat worker sought. This is to accord with the aims of Policy LP30 of the KLP Chapter 15 of the NPPF.

Furthermore, in order to provide a biodiversity net gain, a condition will be attached to the decision notice requiring that a bat box is installed within the southern facing front elevation of the replacement building. This is to comply with Policy LP30 of the KLP and policies within Chapter 15 of the NPPF.

PROW

The public right of way (COL/128/30) runs to the south of the application site. In this instance KC Footpaths have been formally consulted however, no comments have been received. Nevertheless, it has been noted that the replacement building would not unduly impact upon the setting of the PROW for its users. A note however, will be attached to the decision notice to ensure that the PROW is not obstructed before, during or after construction. This is to comply with the aims of Policy LP24 (d) of the KLP.

Climate change

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

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.

In this case, it has been noted that the dwelling would be constructed to modern building regulations which would aid in improving the overall thermal efficacy of the property. The use of large areas of glazing to habitable rooms would also reduce the need for artificial light and improve solar passive gain. Natural materials are also welcomed as they can be sourced locally and easily recycled.

Furthermore, Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Therefore, in this case, it has been considered that the proposed development will aim to have a positive impact on climate change, as a condition will be attached to the decision notice requiring the installation of an Electric Vehicle Charge Point to mitigate the impact on air quality and to support infrastructure for low emission vehicles.

Contaminated land

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy Policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development.

This site has been identified on the Council's mapping system as potentially contaminated land, due to its previous agriculture use and its proximity to a former quarry (Site 108/14). As such, KC Environmental Health have requested full land contamination conditions. This is to accord with Policy LP53 of the Kirklees Local Plan.

Housing Density

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Given the fact the dwelling is sited within the Green Belt it is considered a higher density of development would not be in accordance with policies in relation to development within the Green Belt and the density of development is concluded acceptable in this case.

6. Representations

As part of the above publicity, one representation has been received. A summary of the concern raised is identified below along with officer correspondence:

The application notes that the adjoining cottage is listed Grade II and dates to the mid 18th century. However, on closer inspection of the listing it actually refers to "Badger Hey and Badger Hey Cottage. I believe this listing may actually cover both the cottage and farmhouse, making them both Grade II listed. I believe the Farm is the Badger Hey referred to in the listing. I think it might be a mistake that the Historic England listing mapping has only tagged the one building - the cottage. This means the planning application does not reflect the potentially listed status of the farmhouse (it is not a listed building consent application) and the building could be lost without the appropriate planning and assessment process.

Comment: KC Conservation and Design have looked into the above representation and its content and have provided the following response “ The listed building includes a pair of cottages which are now a single dwelling, and the list description identifies each cottage correctly. Badger Hey Farm, which is the subject of the planning application, is a separate detached property located to the west of the listed building. It appears from historic maps to be a separate entity with no apparent relationship in function to the listed cottages and with its own curtilage. Therefore, it wouldn’t be included in the listing”.

The representation received is noted, taking account of the comment of the Council’s Conservation Team in this case the matter raised is not considered to be afforded significant weight as a consideration which is material to the determination of this application.

7. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other materials considerations. It is considered that the development is acceptable and is therefore recommended for approval.

Recommendation Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/93502

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 in the interests of highway safety in accordance with Policies LP1, LP2, LP3, LP21, LP22, L24, LP28, LP30, LP34, LP35 and LP57 of the Kirklees Local Plan, principles 2, 5, 6, 8, 13, 14, 15, 16, 17, and 18 of the Housebuilders

Design Guide SPD and policies within Chapters 2, 5, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

3. Development above slab/foundation level shall not commence until details of all external facing and roofing materials have been left on site for the inspection and approval in writing of the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details so approved. Reason: In the interests of visual amenity and to accord with Policies LP24 & LP35 of the Kirklees Local Plan, principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within chapter 12 of the National Planning Policy Framework.

4. Before occupation of the dwelling, one electric vehicle recharging point shall be provided in the parking area for the dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the policies contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies LP24 and LP51 of the Kirklees Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A-E of Part 1 or Class A of Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the openness to the Green Belt as the replacement dwelling is materially larger than that it replaces and is only acceptable after taking into account very special circumstances that outweigh the harm caused to the Green Belt, to retain the significance of the adjacent listed building and in accordance with Policies LP24, LP35 and LP57 of the Kirklees Local Plan and Policies within the National Planning Policy Framework.

6. The replacement dwelling hereby approved shall not be brought into use until the areas of hardstanding, as indicated on the approved plan, have been laid out with 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) (England) 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.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. During the period of construction, one bat box, in the form of a Schweglar type 1FR woodcrete bat box or similar, or similar shall be incorporated into the southern facing elevation, at least 5 metres above ground level, and not above a door or window. The bat box provided shall be thereafter retained.

Reason: To enhance the biodiversity of the development and to accord with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework and The Conservation of Habitats and Species Regulations 2017.

8. 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: This is a pre-commencement condition to identify and remove unacceptable risks to human health and the environment with regard to ground based contaminants and in accordance with guidance contained within Policy LP53 of the Kirklees Local Plan and the policies within Chapter 15 of the National Planning Policy Framework.

9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (8) 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: This is a pre-commencement condition to identify and remove unacceptable risks to human health and the environment with regard to ground based contaminants and in accordance with guidance contained within Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (9) 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: This is a pre-commencement condition to identify and remove unacceptable risks to human health and the environment with regard to ground based contaminants and in accordance with guidance contained within Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (10). 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 identify and remove unacceptable risks to human health and the environment with regard to ground based contaminants and in accordance with guidance contained within Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

12. 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 identify and remove unacceptable risks to human health and the environment with regard to ground based contaminants and in accordance with guidance contained within Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

NOTE: Construction working times Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00hours, 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 notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

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.

NOTE: Link to Communities and Local Government; and Environment Agency’s ‘Guidance on the permeable surfacing of front gardens’ published 13th May 2009 (ISBN 9781409804864): www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

NOTE: Public Right of Way COL/128/30 runs adjacent to the application site. This Public Right of Way shall not be interfered with or obstructed at any time before, during or after the construction period. For further information, please contact publicrightsofway@kirklees.gov.uk.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Existing floor plans and elevations	19136D-01-P02	-	8 th September 2021
Planning statement	Dated September 2021	-	8 th September 2021
Bat survey	210866	-	8 th September 2021
Location plan	19136D-00-P03	-	25 th March 2022
Proposed floor plans, site plan and elevations	19136D-03-P15	-	19 th April 2022

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. In this instance, officers have raised concern regarding the size and scale of the replacement dwelling and therefore final amended plans have been sought to reduce this. These were received on the 19th April 2022. Further justification has also been received by the agent.

Dated 26th April 2022.

