

**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:	2021/62/94599/E
Site Address:	Moorhouse Farm, Moorhouse Lane, Birkenshaw, BD11 2AY
Description:	Demolition of existing buildings and erection of 6 dwellings and associated works
Recommending Officer:	Callum Harrison

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: 29 March 2023

Officer Report

2021/94599 - Moorhouse Farm, Moorhouse Lane, Birkenshaw, BD11 2AY

Site Description

The application site related to Moorhouse Farm. Moorhouse Farm originally constituted a livestock farm, including dairy farming and the keeping of livestock. Dairy farming at the site ceased in 1985. The site now has an equestrian use which was granted planning permission in 2006. It hosts 34 stables in total, which are set within two large scale buildings. There is a hard surfaced access and car park come yard area to the north of the site and a menage area to the west.

The site is set within the Green Belt but is located off Moorhouse Lane on the edge of an existing settlement. Open fields bound the site to the north and south, whilst dwellings can be found to the west and east. Buildings in the area vary greatly, with properties to the east being traditional in design, whilst the dwellings to the west are typical examples of dwellings built in the late 20th century. One dwelling to the east is 17th century grade II listed building.

Description of Proposal

The application is seeking permission for the erection of 6 detached dwellings and associated works. This would see the existing stables/livery building removed. The dwellings would be set in an 'L' set in the vicinity of the existing building in an attempt to replicate the existing massing. The proposed dwellings are all unique but are all designed with traditional styling and details across all 6 plots, such as cat slide roof forms, stone sills and lintels, barn-like arched doorways and quoins. The materials have not been set out, however as per the drawing, the dwellings would be faced in stone and a tiled roof. The dwellings would be access via the existing access for the stables from Moorhouse Lane. Each plot would have a driveway set from a shared cobbled yard alongside smaller front and larger rear gardens.

Full details of the proposed development can be seen on the submitted plans.

History of Negotiations

There have been extensive discussions and negotiations throughout the lifetime of this scheme. A separate on-site meeting also took place with the applicant, their agent, Callum Harrison (Case Officer) and Kirsty Nicholls (Development Management Team Leader – East). Negotiations have led to several revisions to the scheme, some informal and some officially submitted, in order to tackle the Green Belt / Principle of Development concerns. There have also been discussions regarding design, heritage and public rights of way. After several revisions, the scheme is now to be determined.

Relevant Planning History

2006/90482 – Erection of Stables – Approved.

Representations

The application was advertised via neighbour letters, by a site notice and in the press. Three representations have been received, all of which are general comments. The material planning considerations raised have been summarised below:

Residential Amenity

- Concerns with regard the location / angle of the access and its impact of the access on to existing dwellings.

Public Rights of Way

- Public footpath SPE/6/10 is not shown on the submitted plans, question as to whether the footpath will remain intact.

Highway Safety

- Concerns as to whether the development would impact existing on street parking availability.

Visual Amenity

- The redevelopment from existing use to residential dwellings is likely to improve the visual aspect of the area.

Consultation Responses

KC Highways Development Management – no objections.

KC Conservation and Design – no objections given the revised Statement of Significance.

KC Environmental Health – no objections.

The Coal Authority – no objections.

KC Lead Local Flood Authority – no objections.

KC Public Rights of Way – no objections.

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.

Kirklees Local Plan (KLP):

LP 1 – Achieving sustainable development

LP 2 – Place shaping

LP 3 – Location of new development

LP 21 – Highway safety and access

LP 22 – Parking

LP 24 – Design

LP 28 – Drainage

LP 30 – Biodiversity and geodiversity

LP 35 – Historic environment

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, 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. Relevant chapters are:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt land

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD):

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. They are now being considered in the assessment of planning applications, 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 host property and the wider street scene. 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 follow SPDs are applicable:

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

Assessment

1. Principle of Development

Green Belt

The site is located within the designated Green Belt. Chapter 13 of the National Planning Policy Framework is relevant. Chapter 13 of the National Planning Policy Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.

As per Chapter 13 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

Paragraphs 149 and 150 of the NPPF sets out a list of development which is considered not inappropriate in the Green Belt. Paragraph 149 (g) sets out that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) is not inappropriate in the Green Belt so long as the development would not have a greater impact on the openness of the Green Belt than the existing development. Local Plan Policy LP59 sets this point out also.

The proposed development would utilise the existing access, whereby the shared courtyard would only cover land which is already hard surfaced and used as the car park for the stables. The six proposed dwellings are set approximately on the footprint of the existing buildings also, as such the location of the massing on the site would be similar to existing. However, the actual mass and scale of development would be much less. The volume of buildings to be demolished is 9406 m³ whereby the proposed dwellings would have a cumulative volume of only 5123 m³ (55%). In terms of footprint, the existing dwellings which would be demolished cover 1932 m², whereby the proposed dwellings have a cumulative footprint of 899m². The submitted street scenes clearly show the massing would be much less than existing.

Taking into account the scale, massing and layout of the proposed dwelling in comparison to the existing level of the development, it is considered that the development proposed would not result in any greater material impact and as such is considered in accordance with Local Plan Policy LP59 and Chapter 13 of the NPPF.

Heritage

The site is located in the area of East Bierley. The site is not within a Conservation Area, however it is within close proximity and the setting of the Grade II Manor House, Moorhouse Lane. The Manor is a lovely example of a 17th century Manor House, constructed in finely coursed rubble, the fine hood moulds above the mullion windows which appear to retain the original glazing.

Officers had concerns that the first Statement of Significance/Heritage Statement submitted was not sufficient to meet the requirements of Paragraph 194 of the NPPF and Local Plan Policy LP35. This was because the submitted statement appears to be based on assumptions and not reasoned detail as well as having no reference to the Historic Environment Record which is the minimum required for an assessment as set out in Paragraph 194. This concern was more of a validation concern rather than an issue with the development as proposed. As such, the agent submitted a revised

Statement of Significance which officers deeming it to accord with the requirements of Paragraph 194 of the NPPF and Local Plan Policy LP35.

There are fifty metres and three dwellings set directly between the listed building and application site, as such, the proposed development will look entirely separated to the listed building. The setting of the subject Listed Building has also clearly evolved over time also and changed significantly over time following other residential development nearby. It is considered that it is reasonable to conclude that the setting is now dominated by more modern residential development which is to the north and west, together with the subject equestrian complex with its large scale buildings which dominate the setting. It is considered that the removal of these buildings together with the development of the proposed scheme, which has been carefully considered in terms of form, layout, scale and design, will enhance the setting of the Listed Building in fact. As such, the proposed development accords with Local Plan Policy LP35 and Chapter 16 of the NPPF with regard to heritage also.

Housing Supply

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”. Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

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. Where a density of 35 dwellings per hectare cannot be achieved, Policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. In this case the site a much lower density is accepted given the Green Belt location and consequence high density development would have on the Green Belt and rural character.

The latest published five year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply. The Housing Delivery Test results are directly linked to part of the five year housing land supply calculation.

The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Given the above, it is considered that the proposal would be acceptable in principle subject to being concluded as acceptable in relation to all other applicable policies (discussed within the following report). As such it is considered the proposal meets the requirements of policies of LP1, LP2, LP3, LP7, LP11 and LP24 of the Kirklees Local Plan and sections 2 and 11 of the NPPF.

2. Impact on Visual Amenity

Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive. Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities. Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'. Chapter 12 reiterates this requirement for high quality design.

The Housebuilders Design Guide SPD helps to deliver schemes that accord with Local Plan Policy LP24 and Chapter 12 of the NPPF by setting out Design Principles. Principle 5 states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, principle 12 states parking to the front will need creative design solutions to be incorporated. Consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

As set out in section 1 of the assessment to do with the impact on the Green Belt, the level and scale of development is appropriate to the size and history of the site. The scheme itself is without a doubt good design. Each dwelling is unique with its own design; however, the dwellings all read well together and take note and features from the same design code, which respects the rural setting and age of nearby properties. This generally rural design has been elevated to a contemporary take which is attractive. The shared courtyard

creates an inclusive sense of place on the street scene and again respects the farming history of the site.

The development would read very well in the context of the area. The overall impact of the linear form of development is considered to have a coherent and logical design in this locality which would maintain a suitable level of soft landscaping such that the development would not be overly urbanising and would harmonise with the rural character of the area. Whilst further details and specifications are required for boundary treatments, landscaping, surfacing and building materials, the development, subject to appropriate materials being used, would represent good design and accord with Local Plan Policy LP24, Chapter 12 of the NPPF and the Housebuilders Design Guide SPD.

3. Impact on Residential Amenity

A core planning principle as set out in the Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Paragraph 185 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

The application site is set closely to existing dwellings to the east of the site. Therefore plot 6 could impact on the amenity of Moorhouse Farm. Moorhouse Farm is a uniquely shaped building whereby the front elevation is not flat, one half of the principal elevation faces west towards plot 6, whereas the other half faces to the south behind the development. The existing building on the site is set 6m away from the principal elevation of Moorhouse Farm. The proposed development would see the side elevation of Plot 6 erected 11m away from the same elevation of Moorhouse Farm, with the proposed dwelling being smaller in height than the existing equestrian building also. Furthermore, boundary treatment details would be conditioned to ensure suitable privacy between the two properties also. Whilst not directly according with the prescribed separation distances set out in the Housebuilders Design Guide SPD, the development improves the amenity for occupants of

Moorhouse Farm with regards to overbearing impact and overshadowing, whilst not impacting on their amenity. This is also supported by the fact no objections have been received.

The site would utilise the existing access. This ensure no material harm is put on to Manor House Barn with regard to views into their principal elevation when exiting the site. Manor House Barn would face towards the driveways of the proposed dwelling meaning the development would not appear overbearing. There is a suitable separation distance of over 60m when looking straight out from the principal elevation. Whilst dwellings are set closer to Manor House Barn when looking out of the principal elevation, these are at an acute angle and would not materially harm the dwelling with regard to privacy or overbearing given the difference in orientations between the proposed dwelling and Manor House Barn. Again, this impact is actually improved by the proposed dwelling being set further away from this property also, in comparison to the existing development.

Turning to the dwellings the subject of this application, all of the dwellings exceed the space standard as set out within the NDSS. In addition, they would all have sufficient external amenity space to the rear. They do not have habitable room windows facing each other at first floor level, whilst all side facing habitable room windows at ground level are secondary windows provided to allow lots of light egress and create a nice and healthy place to live. This said, suitable privacy levels will be secured by a conditions for a landscaping scheme which will include details of boundary treatments to obscure views between ground floor windows. The land levels are relatively flat and all dwellings are of similar heights, as such, no dwelling will appear overbearing to another.

Given the distance of the development from neighbouring residential properties, and the scale of the development proposed there is not considered to be a significant impact resulting from overlooking, or undue overbearing / overshadowing caused by the development. The proposal is therefore concluded to accord with the aforementioned policies.

4. Impact on Highway Safety

Policy LP23 of the Kirklees Local Plan relates to cycling / walking network and sets out that proposals that may prejudice the function, continuity or implementation of the core walking and cycling network will not be permitted. Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

The application site is located on land to the south of A651 Bradford Road. Access is via Moorhouse Lane which is a part adopted residential road leading to Moorhouse Drive and the unadopted section of Moorhouse Lane which forms a shared driveway access to Moorhouse Farm and the proposed development. This section of Moorhouse Lane carries PROW SPE/7/10.

Moorhouse Farm is presently made up of a cluster of ancillary outbuildings of varying sizes, previously used in conjunction with the day-to-day farm operations, consisting of livestock herds and dairy farming. However, Moorhouse Farm no longer operates as an agricultural concern and the previously used farm units, which are the subject of this application have undergone changes and currently utilised for the purpose of providing secure, covered, all year-round storage for substantial numbers of touring caravans; combined with elements of equestrian use with stabling facilities available for up to thirty-four horses, offering a DIY livery service.

From its junction point with Moorhouse Lane to the north of the site, the existing shared driveway travels in generally a southerly direction for approximately 180 metres where it terminates at a hard standing area utilised for parking in conjunction with the on-site businesses.

The residential development will be accessed directly off Moorhouse Lane by the way of a dedicated, shared driveway leading to off street parking, garaging, turning facility, shared block paved courtyard and amenity area. The development area will comprise of a six detached dwelling houses, with each unit benefiting from allocated garaging and parking.

The scheme also proposes improvements and alterations are proposed to allow for the widening of the carriageway on Moorhouse Lane to at least 4.8 metres allowing for simultaneous two-way traffic flow along with a 2-metre footway to one side. The driveway improvements will accommodate a Kirklees Council refuse vehicle and allow the vehicle to safely enter and exit the shared driveway arrangement in a forward gear, negating the requirement for any lengthy reversing movements. Furthermore, the proposals will provide internal turning for a large fire appliance within the courtyard area.

In summary, Moorhouse Lane is to be improved with access retained to existing dwellings. Furthermore, the proposals include sufficient off-street parking for the proposed dwellings. The scheme would allow for internal refuse vehicle and fire service turning also. Finally, the proposed residential use could generate less vehicular traffic than the previous use. As such, officers in accordance with KC Highways Development Management deem the scheme to accord with Local Plan Policies LP21 and LP22, Chapter 12 of the NPPF and the Highways Design Guide. This is subject to conditions relating to: technical details of footway and carriageway widening to Moorhouse Lane; a scheme for construction access; and, appropriate surfacing.

KC Public Rights of Way (PROW) have been consulted. Whilst they found issues with the current stiles on the PROW, they had no issue with the proposed development as it would not impact the footpath. As such, the scheme accords with Local Plan Policy LP23 also.

5. Other Matters

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. 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.

It shall be conditioned that one electric vehicle recharging point shall be installed for each of the dwellings. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The submitted detail in relation to the specific charging point sets out the type, design and operation of the charging point. The Council's Environmental Health Team support this condition. They recommend a condition be included to ensure the details submitted are undertaken.

It is considered that suitable mitigation for a development of this scale is proposed as part of the application and that, taking account of the response of the Environmental Health Team, subject to condition adequate mitigation to address the climate change emergency is proposed. The development is therefore considered to comply with Chapter 14 of the National Planning Policy Framework and principle 18 of the Housebuilders Design Guide SPD.

Ecology

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. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided. No ecological information has been submitted. However, the site is **not** set within a bat alert area, a swift nesting area or within the Wildlife Habitat Network. Furthermore, the site is mostly hard surfaced and as such the habitat value would likely be of a moderate level at most. As such, it is easily feasible that a net gain can be provided on the site. As per Policy LP30 of the KLP and Chapter 15 of the NPPF, officers shall therefore add a pre-commencement condition for the submission of a preliminary ecological assessment and ecological design strategy to ensure the site achieves a biodiversity net gain. Subject to said condition, the scheme is considered to accord with the aforementioned policy.

Drainage

Policy LP28 of the Kirklees Local Plan, Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage. Policy LP27 of the Kirklees Local Plan relates to flood risk and sets out, amongst other things, a site specific flood risk assessment and inclusion of flood mitigation measures be undertaken for developments. The drainage arrangements for the site are detailed within the submitted drawings.

The Lead Local Flood Authority (LLFA) have been consulted. The developer is proposing to discharge attenuated flows into a tributary of Lodge Beck which is an acceptable outfall location for the LLFA. However, the proposed discharge rate from the flow control device of 21.6 l/s is not acceptable. The allowable discharge rate should be 30% less than the surface water run-off from the existing buildings that are to be demolished. The LLFA calculate this figure to be 19.4 l/s.

Notwithstanding this, conditions are required to secure more information with regard to drainage. Via condition, the developer shall submit the proposed temporary drainage strategy outlining the drainage arrangements for different construction phases of the project including a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. The applicant shall also submit details of the operation, maintenance and management of the surface water drainage infrastructure, including a Maintenance Schedule for each element of the drainage infrastructure. Details shall also include adoption proposals of any adoptable structures, as necessary. The development shall thereafter be operated, managed and maintained at all times for the lifetime of the development, or up to the point of adoption. Finally, a scheme is also required for foul drainage. Subject to condition and informative note it is concluded that the development does not have a detrimental impact upon drainage and flood risk and is acceptable in this regard.

Land Stability and Contaminated Land

With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development. A Coal Mining Risk Assessment report has been submitted. The report concludes that mining features have been identified within the physical influence of the Site, resulting in a susceptibility to past, present and/or future ground movement. Unrecorded shallow coal mine workings are also suspected in this area and where present, movement in any worked coal seams beneath the Site, may cause ground instability at the surface. Furthermore, due to the historic use of the buildings for agricultural purposes, storage and possible maintenance of vehicles, there is the potential for ground contamination. Therefore, as per the recommendation of KC Environmental Health and The Coal Authority, it will be necessary for conditions relating to contaminated land and land stability. These conditions being the with submission of a Phase I assessment with future assessments and remediation strategy potentially required depending on the findings of the

Phase I report. Subject to these conditions, the scheme is considered to accord with the aforementioned policy with regard to contaminated land and land stability.

6. Representations

Three representations have been received, all of which are general comments. The material planning considerations raised have been summarised below, with the officer response set out also.

Residential Amenity

- Concerns with regard the location / angle of the access and its impact of the access on to existing dwellings.

Officer Response: Officers agreed with this point and resolved the matter through revising the proposed access to utilise the existing access point.

Public Rights of Way

- Public footpath SPE/6/10 is not shown on the submitted plans, question as to whether the footpath will remain intact.

Officer Response: The public footpath would remain unaffected.

Highway Safety

- Concerns as to whether the development would impact existing on street parking availability.

Officer Response: Each dwelling has sufficient off street parking and as such should not increase on street parking issues. Furthermore, the widening of Moorhouse Lane will allow for better and safer on street parking.

Visual Amenity

- The redevelopment from existing use to residential dwellings is likely to improve the visual aspect of the area.

Officer Response: Noted.

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 material considerations. It is considered, the proposed development would constitute sustainable development and is therefore recommended for approval.

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, to preserve the significance and setting of the listed building in accordance with Policies LP24 and LP35 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapters 12 and 16 of the National Planning Policy Framework.

3. Before development commences on the superstructure of the dwellings hereby approved, the sightlines at the Moorhouse Lane junction of 2.4 x 33m shall be cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety in accordance with Kirklees Local Plan Policy LP21 and Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the details shown on the approved plan, development shall not commence on the superstructure of the dwellings hereby approved until a scheme detailing the provision of widening of the Moorhouse Lane shared driveway to at least 4.8 metres (allowing for simultaneous two-way traffic flow) along with a 2-metre footway to the western side as shown on Paragon Highways plan number 1919-101 rev A, construction specification, surfacing, drainage and kerbing and associated highway works has been submitted and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and thereafter retained throughout the lifetime of the development.

Reason: To ensure a suitable access and layout in the interests of highway safety, in accordance with Kirklees Local Plan Policy LP21 and Chapter 12 of the National Planning Policy Framework.

5. Prior to development commencing (excluding demolition), a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: This is a pre-commencement condition to ensure a suitable and safe access for construction traffic as required for highway safety, in accordance with Kirklees Local Plan Policy LP21, Chapters 9 and 12 of the National Planning Policy Framework and The Highways Design Guide SPD.

6. 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) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that ground investigations are carried out at an appropriate time.

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

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition as it may affect the method of construction of the dwellings. This is a pre-commencement condition to ensure that ground investigations are carried out at an appropriate time.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7, further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that ground investigations are carried out at an appropriate time.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the

National Planning Policy Framework. This is a pre-commencement condition to ensure that remediation of the site is carried out at an appropriate time.

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

11. Development shall not commence (excluding demolition) until a detailed design scheme detailing foul, surface water and land drainage, (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, hydraulic calculations, phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.

Reason: This is a pre-commencement condition to ensure that suitable drainage can be achieved to serve the site in accordance with Kirklees Local Plan Policy LP28 and Chapter 14 of the National Planning Policy Framework.

12. The development shall not commence (excluding demolition) until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: This is a pre-commencement condition to ensure that suitable drainage can be achieved to serve the site in accordance with Kirklees Local Plan Policy LP28 and Chapter 14 of the National Planning Policy Framework.

13. Development shall not commence (excluding demolition) until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- the strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority

Reason This is a pre-commencement condition to ensure that suitable temporary drainage for the construction phase can be achieved to serve the site in accordance with Kirklees Local Plan Policy LP28 and Chapter 14 of the National Planning Policy Framework.

14. Prior to work commencing on the superstructure of development, samples of all external facing walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The materials approved shall be incorporated, as approved, into the development hereby approved and thereafter retained.

Reason: To ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, as well as the aims of the Housebuilders Design Guide SPD.

15. Prior to work commencing on the superstructure of development, a landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall include:

- Details of all soft and hard landscaping / surfacing;
- Details of all boundary treatments; and
- Details of all planting and a schedule for their future maintenance and replacement if necessary.

Works shall be carried out in full accordance with the approved plan prior to the occupation of any dwelling and thereafter retained.

Reason: To ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework, as well as the aims of the Housebuilders Design Guide SPD.

16. Prior to work commencing on the superstructure of any dwelling, a preliminary ecological assessment and ecological design strategy shall be submitted to and approved in writing by the Local Planning Authority. The preliminary ecological assessment shall set a biodiversity baseline whereby the ecological design strategy shall set out a strategy and plan to ensure a biodiversity net gain on the site for the lifetime of the development. Works shall then be carried out in complete accordance with the approved ecological design strategy prior to the occupation of any dwellings. All works shall be retained thereafter.

Reason: To ensure the site achieved a biodiversity net gain, as to accord with Policy LP30 Kirklees Local Plan, Chapter 15 of the National Planning Policy Framework, as well as the aims of the Biodiversity Net Gain Technical Advice Note.

17. 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 providing a continuous supply of at least 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 interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

Plans and Specifications Table:-

Plan Type	Reference	Version	Date Received
Existing Site Location	100 A	2	22/03/2023
Plan General	1919-101	B	25/01/2023
Proposed Street Scene	124	A	25/01/2023
Proposed Plot 6 Elevations	123	A	25/01/2023
Proposed Plot 6 Layout	122	A	25/01/2023
Proposed Plot 5 Elevations	121	B	25/01/2023
Proposed Plot 5 Layout	120	B	25/01/2023
Proposed Plot 4 Elevations	119	A	25/01/2023
Proposed Plot 4 Layout	118	A	25/01/2023
Proposed Plot 3 Elevations	117	A	25/01/2023
Proposed Plot 3 Layout	116	A	25/01/2023
Proposed Plot 2 Elevations	115	C	25/01/2023
Proposed Plot 2 Layout	114	B	25/01/2023
Proposed Plot 1 Elevations	113	A	25/01/2023
Proposed Plot 1 Layout	112	A	25/01/2023
Proposed Site Location	110	C	25/01/2023

Existing Site Layout	101	1	25/01/2023
Moorhouse Farm Birkenshaw Existing Runoff	EWE.2801.01	1	13/12/2021
Moorhouse Farm Birkenshaw Drainage Strategy	EWE.2801.02	1	13/12/2021
Moorhouse Farm Birkenshaw Drainage Details	EWE.2801.03	1	13/12/2021
Statement of Significance	-	2	01/03/2022
Highway Statement	1919 101	A	14/12/2021
Design and Access Statement	-	1	13/12/2021
Planning Statement	-	1	13/12/2021
Coal Mining Risk Assessment		1	13/12/2021
Drainage Assessment	291121	1	13/12/2021
Bat Survey	MBE BAT 2021 63	1	13/12/2021

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 Authority has, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. There have been extensive discussions and negotiations throughout the lifetime of this scheme. A separate on-site meeting also took place between the Applicant, Agent and Local Planning Authority. Negotiations have led to several revisions to the scheme, some informal and some official submitted, in order to address the Green Belt / Principal of Development concerns. There have also been discussions regarding design, heritage and public rights of way.