# 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: | **2022/60/90044/E** |
| Site Address: | adj, The Cliff, 62, High Street, Clayton West, Huddersfield, HD8 9NS |
| Description: | Outline application for erection of residential development |
| Recommending Officer: | Sarah Longbottom |

**DECISION – Conditional Outline 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date: 25-Oct-2022**

# Officer Report

## Site Description

The application site is a large garden associated with 62 High Street, Clayton West.

The dwelling itself is a large, detached dwelling which has been relatively untouched by alterations or extensions over the years. It retains a number of original features including the sash windows. The dwelling is set well back within the site with the current access running along the northern boundary to High Street. The site contains a large number of mature trees mainly situated along the site frontage (eastern boundary) and to the southern part of the garden with some trees also along the western boundary.

The surrounding area is predominantly residential in nature with a mix of house types and designs. Land to the west is allocated as Green Belt on the Kirklees Local Plan, although the application site itself is unallocated.

## Description of Proposal

Outline planning permission is sought for residential development (4 dwellings) within the grounds of 'The Cliff' 62 High Street, Clayton West. At this stage, matters for consideration are access and layout with all other matters reserved for a future application.

The submitted plans show one dwelling located to the north east of the plot (to the front of the existing dwelling) and three dwellings north-west/west of the plot (to the rear of the existing dwelling. A new access would be formed to serve the development as a whole, including the existing dwelling along with turning facilities and sufficient parking for occupants and visitors.

This is a resubmission of a previous permission which was granted in 2018.

## History of negotiations/amendments received

Through the course of the application, additional/amended details were requested and submitted in relation to trees (Arboricultural Impact Assessment and Arboricultural Method Statement), and visibility splays.

## Relevant Planning History

| | |
|---|---|
| 2018/94128 | Outline application for residential development of 4 dwellings including new entrance site access road and driveway to existing dwelling house<br>Conditional Outline permission |

| | |
|---|---|
| 2015/94096 | Outline application for residential development of 4 dwellings including new entrance site access road and driveway to existing dwelling house<br>Conditional Outline permission |
| 2015/93116 | Planning permission for alterations to convert 1 dwelling into 2 and Outline permission for erection of 7 dwellings and formation of new entrance and access road<br>Withdrawn |
| 2012/93140 | Extension to time limit to previous permission 2010/90435 for outline application for erection of 4 dwellings and associated works<br>Extension to time limit granted |
| 2010/90435 | Outline application for erection of 4 dwellings and associated works<br>Conditional Outline permission |
| 2009/91816 | Outline application for the erection of 7 dwellings<br>Withdrawn |
| 2006/94708 | Erection of stable block and tack room<br>Refused |

**Representations**

The application was publicised in accordance with statutory publicity requirements. As a result of site publicity, four representations have been received. The comments received are summarised as follows:

- Protected trees under potential threat
- Collapsed wall due to growth of mature tree – redevelopment of site presents potential risks by further destabilising the precarious nature of the trees
- Added building and traffic noise and disturbance
- Impact on local highways and pathways
- Impact on residential amenity from overshadowing and loss of privacy
- Plot no.4 will result in overlooking to a neighbouring property due to its height
- Plot no.4 will result in overshadowing where there is already a loss of light due to the presence of mature trees
- The site supports a considerable amount of wildlife
- Query whether the footpath will be widened and whether this will impact on road width

Denby Dale Parish Council was notified of the application and provided the following comments:

*"No objections however concerns were raised regarding conservation issues and the proximity to Cliffe Woods".*

**Consultation Responses**
The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

**The Coal Authority:** No objection subject to imposition of conditions requiring site investigations

**KC Environmental Health:** No objection subject to imposition of conditions relating to land contamination and installation of electric vehicle charging points.

**KC Highways DM:** No objections subject to imposition of conditions

**KC Conservation and Design:** Proposed development would result in less than substantial harm; proposals should be assessed against the public benefits

**KC Trees:** Following receipt of AIA and AMS, no objections subject to imposition of conditions.

**Policy**

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

The site is unallocated on the Kirklees Local Plan.

- LP 1 – Sustainable Development
- LP 21 – Highway Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 30 – Biodiversity
- LP 33 – Trees
- LP 35 – Historic Environment
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated Land

<u>Other Considerations</u>
Kirklees Highways Design Guide SPD (2019)
Kirklees Housebuilders Design Guide (2021)

Kirklees Waste Management Design Guide for New Developments (2020)
Kirklees Biodiversity Technical Note

**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 sufficient supply of homes
- Chapter 11 – Making Efficient Use of Lane
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- 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 highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development:

Outline planning permission is sought for the erection of 4 dwellings within the grounds of 'The Cliff' 62 High Street, Clayton West. The site is unallocated on the Kirklees Local Plan.

The most recent approval was in 2018 for outline permission for residential development of 4 dwellings including new entrance site access road and driveway to existing dwelling house which was approved subject to conditions. The proposed development under consideration is unchanged from that approved in 2018/94128.

A consideration should therefore be made as to whether there have been any material changes between the previous approval and the time of decision for the current scheme.

The housing land supply position has recently been updated to provide evidence for a forthcoming planning appeal against the refusal of planning permission. The Council can currently demonstrate 5.17 years of deliverable

housing land supply and therefore continues to operate under a plan-led system.

In respect of the density of development, Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare.

On the above basis, this site in theory, could accommodate approximately 17.5 dwellings. Four new dwellings are proposed, in addition to the existing dwelling which is to be retained. Whilst this is considered to be a significantly lower density than that set out in Policy LP7, in this instance any more dwellings proposed at the site would likely result in an overdevelopment of the site, and be harmful to the character and appearance of the non-designated heritage asset, protected trees and wider area.

The application dwelling is considered to be a fine example of a period property which has remained relatively untouched over the years. The windows and frames appear to be original with the only alteration seeming to be an extension to the rear. The grounds in which the dwelling sits are also considered to be important as to the status of the building to reflect how development has been built around it but this is stayed in its original state. Because of this, it is considered that the dwelling (including the grounds in which the dwelling sits) fits the criteria for being classed as a 'non-designated heritage asset' as set out within the NPPF. Paragraph 203 of the NPPF states that:

*"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

In this case, the dwelling itself will remain unaltered and be kept as one dwelling and therefore, any harm would be in relation to its setting and the large grounds in which it sits.

Officers consider that whilst inevitably there would be some harm caused to the setting of the non-designated heritage asset, this harm would be less than substantial. Taking this into account together with the retention of the existing building, it is considered that the scheme is acceptable with regard to any potential impact upon the non-designated heritage asset and would therefore comply with current guidance contained within the NPPF.

It is therefore considered that the principle of residential development on the site is acceptable.

2 –Impact on visual amenity:

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, beautiful and sustainable 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.
LP24 states that proposals should promote good design by ensuring:

*"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…"* and *"c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details..."*

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"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 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whist Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

This is an outline application with some matters reserved (appearance, landscaping and scale). As such, there are no details supplied with regards to the design, materials and fenestration of the proposed dwellings. The submitted layout plan shows where the proposed dwellings will be positioned and therefore the relationship with the surroundings can be considered. It is considered that the proposed layout can be supported in relation to visual amenity and as stated above, has not altered from the previous approval.

On balance, the proposal is considered acceptable from a visual amenity perspective, in accordance with Policy LP24 of the KLP and chapter 12 of the NPPF.

<u>3 – Impact on residential amenity</u>:

Section B and C of Policy LP24 states that alterations to existing buildings should:

*"…maintain appropriate distances between buildings'* and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, a core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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."*
The text supporting Principle 6 of the Kirklees Housebuilder Design Guide SPD states set out recommended minimum separation distances for two storey properties, these being:

- 21 metres between facing windows of habitable room;
- 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.

The closest neighbouring properties are those on Holmfield Close (adjacent to plots 1 and 4) and High Street (adjacent plots 1 and 2). There is an approximate distance of 20m from plot 4 to the adjacent dwellings on Holmfield Close (10m to the boundary) and approximately 29m between plot 2 and 76 High Street. These distances were previously approved and would be considered to be acceptable and further mitigated by the number of mature trees on and bordering the site. The distances between Plot 1 and the dwellings of Holmfield Close and High Street are also considered acceptable.

There are no residential properties which would be directly impacted by plot 3. The orientation of the dwellings in relation to the main house would mitigate any impact of overlooking. Subject to detailed design, it is considered that an acceptable scheme can be brought forward that would have an acceptable impact on the occupants on the host property, no. 62.

It is considered that subject to a suitable and sympathetic design, the proposed dwellings would not have an undue impact on the residential amenity of neighbouring properties in line with Policy PLP24 of the KLP, guidance contained within the Housebuilders Design Guide and Chapter 12 of the NPPF.

<u>4 – Impact on highway safety</u>:

The application seeks outline approval for the residential development of 4 detached dwellings including a new entrance site access road and driveway to the existing dwelling house at The Cliff.

A layout and access were approved in 2018. This application is identical to that submission.

A speed survey was carried out between 13:00 and 15:20 on the 19th November 2021 adjacent to the site frontage on High Street. North-bound traffic was recorded as 29.04mph (85th percentile wet weather speed); south-bound traffic was recorded as 27.89mph (85th percentile wet weather speed).

Through the course of the application, an amended plan was submitted demonstrating adequate visibility splays, and as a result, the proposals are considered to be acceptable from a highways perspective, and in accordance with Policies LP21 and LP22, subject to the imposition of conditions.

5 – Other matters:

*Coal Mining Legacy*

The Coal Mining Risk Assessment submitted with the application states that the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development. As such, relevant conditions would be added for the undertaking and reporting of an appropriate scheme of intrusive site investigations. This is in accordance with Policy LP 53 of the KLP and the aims of Chapter 15 of the NPPF.

*Ecology*

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The application is accompanied by an Ecological Impact Assessment which includes recommendations for biodiversity mitigation and enhancement to be incorporated into the development. Subject to a condition requiring the development to be carried out in accordance with the EcIA, the proposed development would accord with Policy LP30 of the KLP and guidance contained within Chapter 15 of the NPPF.

*Trees*

The site has a number of mature and developing trees and many of which are covered by TPO 09/86. Access to the site will require the removal of three protected trees. It was noted on site however, that two of the three trees were not in good condition and that adjacent trees have been felled over the years. The position of the access is the least damaging it could be given the density of the trees along the frontage.

Through the course of the application, the applicant submitted an Arboricultural Impact Assessment and Arboricultural Method Statement and subject to the imposition of a condition requiring the development to be carried out in accordance with the AMS, the development would accord with Policy LP33 and guidance contained within Chapter 15 of the NPPF.

*PROW*

A public right of way is located adjacent to the development site. Whilst it is noted that the previous application was advertised as affecting the PROW, it is considered that this would not be the case. At the time of the previous application KC PROW were consulted and raised no objections subject to the imposition of a footnote relating to the PROW. The development is considered to comply with Policy LP 23 of the KLP.

*Contaminated Land*

The site is located less than 50m from a former quarry that was infilled over 50 years ago, however it is considered that this would pose only a low risk of off-site gassing issues. As such, it is considered reasonable to impose a condition in relation to discovery of unexpected contamination, in accordance with Policy LP 53 of the KLP.

*Climate Emergency*

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 an application of this nature, it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary.

*Permitted Development*

Whilst details regarding appearance and scale of the dwellings remain 'reserved' for a future application, it is considered prudent to remove permitted development rights for any extensions and outbuildings. This could potentially have an impact upon the visual amenities of the area as well as impacting upon the host dwelling which is considered to be a non-designated heritage asset. As such, these PD rights will be removed in order to ensure that the above are protected

6 – Representations:

The comments raised in representations are addressed as follows:

Protected trees under potential threat
**Response:** The Council's Trees officer has raised no objections to the removal of 3 trees

Collapsed wall due to growth of mature tree – redevelopment of site presents potential risks by further destabilising the precarious nature of the trees
**Response:** The application is accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement on which the Trees officer has been consulted and raised no objections to the proposals

Added building and traffic noise and disturbance
**Response:** This is noted, and considered to be a short term impact of development. KC Environmental Health recommend hours of construction to minimise disturbance to neighbouring occupiers.

Impact on local highways and pathways
**Response:** The impact of the development on highway and pedestrian safety has been assessed by KC Highways DM and considered to be acceptable.

Impact on residential amenity from overshadowing and loss of privacy
Plot no.4 will result in overlooking to a neighbouring property due to its height
Plot 4 will result in overshadowing where there is already a loss of light due to the presence of mature trees
**Response:** The impact on residential amenity has been assessed above

The site supports a considerable amount of wildlife
**Response:** This is noted and the impact on ecology is assessed above.

Query whether the footpath will be widened and whether this will impact on road width
**Response:** The submitted layout plan indicates an increase in the width of the footway across the site frontage to 1.8m.

The comments of Denby Dale Parish Counncil are noted. The impact on the non-designated heritage asset is assessed above. The proposals would not affect Cliffe Woods

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 that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation** **Approve**

**Decision Authorisation - Delegated Powers**
**Application Number**: 2022/90044
**Officer Recommendation**: Approve
**Conditions and Reasons**

1. Approval of the details of the appearance, landscaping and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, landscaping and scale shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
**Reason:** No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
**Reason:** Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
**Reason:** Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. Prior to the development being brought into use the areas to be used by vehicles and/or pedestrians shall be surfaced and drained in accordance with details that have previously been approved in writing by the Local Planning Authority. The areas shall thereafter be retained in accordance with the details so approved.
**Reason:** In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy LP 21 of the Kirklees Local Plan.

6. Notwithstanding the details shown on the approved plan, the development shall not commence until a scheme detailing the provision of a 1.8m wide footway to the High Street frontage of the development site, the provision of 2.4 x 38m northbound and 37m south bound visibility splays, construction specification, surfacing, drainage and kerbing including the relocation of existing street lighting column no. 26 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. The scheme shall be thereafter retained.

**Reason:** To ensure adequate visibility and pedestrian facilities in the interests of highway safety. This information is required 'pre-commencement' so as to ensure the details can be assessed at an appropriate stage and to accord with Policy LP 21 of the Kirklees Local Plan.

7. No part of the development shall be brought into use until the existing access from High Street has been permanently closed [and any redundant footway crossings removed and the footway reinstated] and the new access has been constructed and brought into use in accordance with details set out in the Sanderson Associates transport statement and the details set out in condition 6 above.
**Reason:** To avoid danger and inconvenience to highway users and to accord with Policy LP 21 of the Kirklees Local Plan.

8. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement reference 17785-B/AJB which shall be implemented and maintained throughout the construction phase and retained thereafter.
**Reason**: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP 33 of the Kirklees Local Plan.

9. Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed and thereafter retained. 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.
**Reason:** In the interest of sustainable transport and to accord with policy guidance in the National Planning Policy Framework.

10. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.
The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
**Reason**: To identify and remove unacceptable risks to human health and the environment from a coal mining features and hazards in accordance with Policy

LP 53 of the Kirklees Local Plan and the Chapter 15 of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A to E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
**Reason:** In the interest of visual amenity and so as to preserve the character and appearance of the original dwelling which is considered to be a non-designated heritage asset, in order to ensure the long term viability of mature trees and in accordance with Policies LP 24 and 33 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

12. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
**Reason:** To avoid direct impacts to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and the requirements of Chapter 15 of the National Planning Policy Framework.

13. Plans and particulars of the Reserved Matter of Landscaping shall include an ecological design strategy (EDS) based on up-to-date ecological survey information (no older than two appropriate survey seasons prior to submission), which will be submitted to the local planning authority. The EDS shall include details of mitigation and enhancement measures sufficient to provide a net biodiversity gain (based on the recommendations of the Ecological Impact Assessment dated December 2021), and shall include the following.
a. Purpose and conservation objectives for the proposed ecological measures.
b. Review of site potential and constraints.
c. Detailed design(s) and/or working method(s) to achieve stated objectives.
d. Extent and location/area of proposed works on appropriate scale maps and plans.
e. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
g. Persons responsible for implementing the works.
h. Details of initial aftercare and long-term maintenance.
i. Details for monitoring and remedial measures.
j. Details for disposal of any wastes arising from works.
The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To ensure a final agreed scheme that provides mitigation and compensation for the ecological effects resulting from loss of habitat and provides an overall net biodiversity gain in line with Policy LP 30 of the Kirklees Local Plan. This is a pre-commencement condition to ensure ecological mitigation and compensation is designed into the scheme prior to any potentially damaging operation taking place.

14. No development shall commence until
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability
arising from coal mining legacy, as may be necessary, have been implemented on
site in full in order to ensure that the site is safe and stable for the development
proposed.
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
**Reason:** This is a pre-commencement condition to ensure that the impact of past coal mining legacy is investigated at an appropriate time, and ensure that the site is safe and stable to accommodate development, in accordance with Policy LP53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

15. Prior to the occupation of the development, or it being taken into beneficial use, a
signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site
investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity
**Reason:** To ensure that the impact of past coal mining legacy has been appropriately investigated and mitigated, and ensure that the site is safe and stable to accommodate development, in accordance with Policy LP53 of the Kirklees Local Plan and guidance contained within Chapter 15 of the National Planning Policy Framework.

**NOTE:** The public footpath/bridleway which crosses/abuts the site shall not, at any time, prior to, during or after construction of the dwelling, be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

**NOTE:** The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the

construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** Adoption under Section 38 of the Highways Act: It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss footway adoption arrangements under Section 38 of the Highways Act 1980.

**NOTE**: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate.

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

**NOTE** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

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

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Site Location Plan | (21928)1 | | 10.01.2022 |

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Proposed Site/Block Layout | (21928)2 | A | 26.01.2022 |
| Design and Access Statement | 21928 | | 10.01.2022 |
| Arboricultural Report | 17785/AJB | | 10.01.2022 |
| Arboricultural Impact Assessment | 17785-A/AJB | | 10.03.2022 |
| Arboricultural Method Statement | 17785-A-AJB | | 10.03.2022 |
| Transport Assessment | 300574-001-01 | | 10.01.2022 |
| Coal Mining Risk Assessment | B20825 | A | 10.01.2022 |
| Ecological Impact Assessment | | December 2021 | 10.01.2022 |

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 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. Through the course of the application, additional/amended details were requested and submitted in relation to trees (Arboricultural Impact Assessment and Arboricultural Method Statement), and visibility splays.

**Report Dated:** 21.10.22