

**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:	2022/62/93345/W
Site Address:	adj, 178, Deighton Road, Deighton, Huddersfield, HD2 1JJ
Description:	Erection of one dwelling with detached workshop
Recommending Officer:	Katie Chew

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: 29th November 2022

Error! Filename not specified.

Site Description

Adj, 178, Deighton Road, Deighton, Huddersfield, HD2 1JJ

The application site relates to a medium sized plot of land which formally comprised of 6 flat roofed garages which have all now been demolished. The land is now vacant and appears overgrown and unkempt. Directly to the north, east and west of the site are residential dwellings with access gained into the site from an existing entrance leading out onto Deighton Road.

The application site is not located within a Conservation Area or in close proximity to any Listed Buildings.

Description of Proposal

The application seeks planning permission for the erection of one dwelling with detached workshop.

The proposed dwelling is to be constructed towards the western boundary of the application site, with the proposed garage/workshop to be erected towards the eastern boundary. Garden/amenity areas are to be provided in the middle of both of these buildings, with a large driveway/turning area to the front of the site.

The dwelling is to comprise of 4 bedrooms and be 2 storeys in height with the roof space utilised for a fourth bedroom and en-suite. The dwelling will have a floorspace of approximately 162.59sqm, and a ridge height of 8.8m. The dwelling is to be constructed from reconstituted stone with a slate effect roof.

The proposed garage/workshop is to measure approximately 8.6m x 6.1m, with a ridge height of 3.9m. A W.C will be provided. The garage/workshop is to be used for vehicular storage and personal use by the occupier of the proposed dwelling. It is to be constructed from reconstituted stone to the front elevation with render to the side and slate effect roof.

History of negotiations/amendments received

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to the reduce down the size of the proposed gable elevation in both height and length, amendments were also made to the window at second floor level along with the introduction of 2 new roof lights to the rear of the property.

Relevant Planning History

2021/93608 – Erection of detached 3 bedroomed house and detached garage/workshop. Approved 3rd February 2022.

Representations

Final publicity date expires:

Neighbour Letters – Expired 23rd November 2022.

1 representation has been received in objection to the proposals, comments are summarised below.

- The plans do not provide access to the Oddfellows buildings which have been offered an easement in the past for the placement of wheelie bins from the rear to Deighton Road. There is no other safe way of doing this from the back of the building where the bins have been situated since the Council introduced the use of wheelie bins.

Officer note: As outlined within the recently approved application 2021/93608, whereby the applicant's agent confirmed that properties located to the rear of the application site do not have a right of access through the site. As the Council has no information to dispute this claim this would be a civil matter should planning permission be granted.

Officer note: We are currently undertaking the legal statutory publicity requirements as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters only, details of which are outlined above.

Consultation Responses

No technical consultations required.

Parish/Town Council

N/A.

Local Ward Members

N/A.

Planning Policy Background

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 application site is located within a Coal Referral Area, Hazardous Material Sites (Middle and Outer) and Historic Landfill site buffer.

Kirklees Local Plan (LP):

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP11** – Housing mix and affordable housing
- **LP20** – Sustainable Travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP30** – Biodiversity and Geodiversity
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contamination and Unstable Land

Other Guidance Documents:

- National Design Guide
- Nationally Described Space Standards
- Kirklees Highways Design Guide (2019)
- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 - Principle of Development:

1.1 – Sustainable Development

NPPF paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout this proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The Council's 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.

Policy generally seeks to support residential development upon unallocated sites. However, LP7 establishes a desired target density of 35 dwellings per hectare. This is further supported by Principle 4 of the Housebuilders Design Guide SPD. As the application site measures just 388sqm it is considered reasonable that just 1 dwelling is proposed to be constructed at this site. Properties located adjacent to the site on Deighton Road typically comprise of two-storey semi-detached or terrace dwellings, although it is noted that directly to the west of the site there is a detached block of apartments which is 3 storeys in height. Most buildings are constructed from stone with pebbledash and render also prominent within the area. Residential curtilages do vary in size although they are typically linear in form, with small front and medium sized rear amenity areas provided. The dwelling proposed within this application is to be a two-storey detached with garden/amenity areas located between the dwellinghouse and proposed workshop, off-street parking is also to be provided to the front of the property.

Paragraph 69 of the NPPF recognises that *“small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”*.

The application site comprises of a medium plot surrounded by residential dwellings in all directions. Whilst it is acknowledged that the Local Planning Authority can demonstrate a five-year land supply, it is noted that the development of this plot would contribute to the housing supply in the district. However, the principle of developing the site is subject to a detailed assessment of the design of the dwelling and whether the site is of sufficient size to accommodate a dwelling.

The proposal will also be assessed against all other material planning considerations, including design, visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

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, heritage assets and landscape...”

Principle 5 of the Housebuilders Design Guide 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. Principle 15 of the Housebuilders design guide 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. Principle 14 of the Housebuilders design guide states that 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.

Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

Regarding the layout and siting of the proposed dwelling the dwelling and workshop would be located to front onto Deighton Road but stepped back from the public highway. The dwelling and workshop would also be set back from coherent building line and therefore would not appear as a dominant or incongruous element in this location.

Principle 6 of the Housebuilders Design Guide SPD highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'*.

Paragraph 7.19 of principle 6 states that for two-storey house types there should normally be a minimum of a 2m distance from the side wall of the new dwelling to a shared boundary. In this instance there would be a separation distance of approximately 1.1m to the eastern boundary, 1.4m to the northern boundary and approximately 13.7 (not including the single storey workshop/garage) to the western boundary. Whilst the proposals would not be in accordance with the recommendations within the SPD to both the north and east, it is considered that given the differences in ground levels between no. 190 and the application site, and the orientation of the Oddfellow Buildings to the site, there are no concerns in regards to the separation distances in this instance as the terracing effect will not come into play and residential amenity is not considered to be significantly impacted as discussed in the next section of this report.

In relation to scale, massing and appearance of the proposed dwelling and workshop/garage, the house is to be two-storeys in height whilst also utilising the roof as additional living accommodation, the property is to be of mostly a simple construction with a pitched roof using reconstituted stone in the external walls, with a slate effect roof and grey UPVC windows. It is noted that a gable elevation is proposed to the front of the property, whilst this does add more detailed features to the property, stepping away from a linear design as previously approved, officers do note that other alternative gable style elevations can be found throughout Deighton Road and immediately adjacent to the application site to both the west and south and therefore is not considered to appear out of character within the context of the area.

The proposed workshop is to be single storey in height, simple in design with a pitched roof. The external walls are to be finished with a mix of reconstituted stone and stone coloured render. The roof is also to be finished with slate effect roof tiles in keeping with the proposed dwelling. It is considered that, the proposed design of the property and workshop would be sympathetic to the character and appearance of the area, and whilst it will be visually different to

the immediately adjacent dwellings, the area has a varied appearance throughout, and therefore the proposal is not considered to be prominent or incongruous in this location. To ensure the final construction materials are of an acceptable nature to enable the proposals to blend in with the local area, details will be secured by condition.

In conclusion, the proposals are considered to be appropriate in size, scale and design in this location, and would not appear out of character or overly dominant in the general context of this site. The development is therefore concluded to accord with the requirements of policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and principles 5, 6, 13, 14 and 15 of the Housebuilders Design Guide SPD.

3- Impact on Residential Amenity

Sections B & C of the Kirklees Local Plan Policy LP24 which 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, paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers.

The Council's adopted 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 adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”*

Principle 17 – *“ensure that new dwellings have access to private outdoor space that is functional and proportionate to the size of the dwelling and the character of the local area”.*

Neighbouring properties with the most potential to be impacted by the proposals as discussed below.

Impact on no. 178 Deighton Road

This neighbouring property is located to the east of the application site and is most likely to be impacted by the proposed workshop/garage. As no windows are proposed within the eastern elevation of the workshop/garage there are no concerns in respect to overlooking or the loss of privacy. Given the small scale and size of the proposed workshop/garage, and that it is to replace a row of previously existing single storey garages, it is considered that the proposals would not be significantly overbearing. In addition, there are just 2 small obscurely glazed windows within no. 178's western elevation and

therefore there are no significant concerns. In addition, it is noted that there would be some overshadowing from the proposals, but this would be in the late afternoon/evening and would not be for a prolonged period of the day. For the aforementioned reasons there are no concerns in respect to the impact on this adjacent neighbouring properties residential amenity.

Impact on no. 190 Deighton Road

This neighbouring property is located to the west of the application site. Whilst there is 1 window proposed within the western elevation of the proposed dwelling, this will provide light into a downstairs WC and should planning permission be granted a condition is to be attached that requires this window to be obscurely glazed in the interests of residential amenity. Therefore, there are no concerns with respect to overlooking. In addition, given that 190 is three storeys in height, and set at a slightly higher ground level to the application site, there are no concerns in respect to the proposals appearing overbearing or overly dominant. Whilst there would be some overshadowing arising from the proposals, the majority of this would fall on the access road located to the east of no. 190 and therefore there are no significant concerns in respect to habitable room windows or amenity space being negatively impacted upon.

Impact on no. 169 Deighton Road

This neighbouring property is located to the south of the application site approximately 24m from the proposed dwelling. Given this large separation distance there are no concerns with regards to overshadowing or overlooking. In addition, the proposed two-storey dwelling would be viewed in the general context of the area, adjacent to other two, and three storey buildings. There are therefore no concerns in regards to the dwelling overbearing in this location.

Impact on no. 1 Oddfellows Building

This neighbouring property is located to the north of the application site. Firstly, it is important to note that there are no windows within the southern gable elevation of no. 1, therefore there are no concerns in respect to overlooking from the workshop. Whilst the proposed dwelling does have a kitchen and bathroom window within the northern elevation and 2 roof lights, the bathroom window can be conditioned to be obscurely glazed and the kitchen window would be partly screened by existing concrete fencing. The proposed roof lights would provide views out across the gardens of the Oddfellows Buildings. Although it is noted that due to the location of the garden areas of the Oddfellows Buildings, they are already open and visible from adjacent neighbouring properties and the public highway, it is therefore considered that the relationship with the kitchen window and roof lights across to this amenity area would not be significantly worse than what currently exists. In terms of overshadowing, it is noted that the garden area to no. 1 would experience some additional overshadowing at certain times of the day

but this would be only part of the garden area and the impact is not considered to be detrimental.

Amenity of future occupiers of the proposed dwelling

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide SPD seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwelling would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore officers are content that the proposed dwelling would provide an adequate standard of amenity for future occupiers. In addition to this, all habitable rooms have access to at least 1 window and therefore outlook and natural light are considered to be acceptable. Finally, in terms of amenity space, principle 17 of the Housebuilders Design Guide SPD seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character/context of the site is provided. In this instance officers consider that the amount of private amenity space provided for the proposed dwelling would be adequate for the size of the dwelling and context of the area, and that it would receive direct sunlight for part of the day at all times of the year.

In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted Housebuilders Design Guide SPD.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Given that a recent application for a similar scheme at this site was approved in February 2022 (app ref: 2021/93608), it was not considered necessary to re-consult with highways officers in this instance. However, officers note that sufficient off-street car parking is to be provided for the new 4-bedroomed dwelling, with parking to be provided within the single garage/workshop and on the driveway. It is considered that ample turning space has been provided so that cars can enter and exit the site in forward gear. Furthermore, given the width of the footway, adequate visibility splays can again be achieved.

Bin storage has also been presented in a suitable location and given that the site is adjacent to a road, collection would be adjacent to the road. It is also noted that the dwelling will use a new access from Deighton Road, this will be adjacent to the existing access which will need to be closed and the footway reinstated.

For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, the guidance contained within the National Planning Policy Framework and Principles 12 and 19 of the Housebuilders Design Guide SPD.

5 - Other Matters:

Coal Authority and Land Contamination

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 / stability is maintained as part of new development.

The application site falls within a High Coal Risk Zone. The application is supported by a CMRA and Phase 1 (Desktop) contaminated land report which has been reviewed by the Coal Authority and by Environmental Services under the previously approved application ref: 2021/93608 which was for a similar scheme at the site. The Coal Authority concurred with the submitted information; that coal mining legacy potentially poses a risk to the proposed development and therefore investigations would be required, along with possible remediation measures, in order to ensure the safety and stability of the proposed development. Environmental Services also highlighted that the site is within close proximity to a landfill site and an intrusive survey would therefore be required including gas monitoring which should include at least 6 visits over 3 months. In light of these comments the conditions previously recommended by the Coal Authority and Environmental Services will be combined and attached to this decision notice to address the Coal Legacy and other potential contamination at the site.

Subject to conditions the proposal is concluded to accord with the aforementioned policies.

Biodiversity

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 9 of the Housebuilders Design Guide SPD is also of relevance.

In accordance with Local Planning Policy LP30 and Principle 9 of the Housebuilders Design Guide, a condition is recommended requesting that 1 integral bat roosting feature is incorporated into the new dwelling on the western (side) elevation at least 6 metres above ground and not directly above doors or window. This bat roosting feature shall be installed during the period of construction and retained thereafter in the interests of creating a biodiversity net gain.

Climate Change

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

Principle 18 of the Housebuilders Design Guide SPD 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.

In this case it is considered that the proposed development would have an acceptable impact on climate change as the new dwelling would be constructed to modern building standards and would include the provision of one electric vehicle charging point. The proposed development would therefore comply with Policy LP51 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide and Chapter 14 of the National Planning Policy Framework.

There are no other matters for consideration.

6 - 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, subject to conditions, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve with conditions.

Decision Authorisation - Delegated Powers

Application Number: 2022/93345

Officer Recommendation: Approve.

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP11, LP20, LP21, LP22, LP24, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 4, 5, 9, 12, 14, and 15 of the National Planning Policy Framework and principles 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the adopted Housebuilders Design Guide SPD.

3. Notwithstanding the submitted plans, the external walls of the dwellinghouse hereby approved shall be finished with reconstituted stone and the workshop/garage shall be finished with reconstituted stone and stone coloured render, samples of the stone and stone coloured render as well as a sample of the roofing material, to be used for the development hereby approved, shall be submitted to and approved in writing by Local Planning Authority prior to their first use.

The development shall be constructed from the approved materials thereafter.

Reason: In the interests of visual amenity and to ensure that the approved buildings are sited unobtrusively in the streetscape, and to accord with Local Planning Policy LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and Principle 13 of the Housebuilders Design Guide SPD.

4. Prior to the development being brought into use, all areas indicated to be used for access and parking by vehicles and/or pedestrians on the hereby approved plans shall be laid out with 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 as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for their intended use.

Reason: In the interests of highway safety and to achieve a satisfactory layout, to mitigate flood risk and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 14 of the National Planning Policy Framework and Principle 12 of the Housebuilders Design Guide SPD.

5. Before the hereby approved dwelling is brought into use, one electric vehicle recharging point shall be provided within the dedicated parking area to serve 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 32 Amps. 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 to accord with the guidance contained in Chapters 9 and 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy, Policy LP24 of the Kirklees Local Plan and Principle 18 of the Housebuilders Design Guide SPD.

6. Notwithstanding the approved plans and information, 1 new bat tube similar to the Schwegler type 1FR bat boxes, shall be installed integral to the new dwelling during the period of construction on the western (side) elevation at least 6 metres above ground and not directly above doors or windows. Thereafter the bat tube shall be retained.

Reason: To enhance opportunities for biodiversity at the site and to accord with national guidance set out in Chapter 15 of the National Planning Policy Framework, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

7. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority, the report shall consider all elements of contamination at the site including coal mining activity.

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

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 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 and to assess the coal mining legacy at the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

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 for 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 and to assess the coal mining legacy at the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

10. 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 ensure the safe occupation of the site and to assess the coal mining legacy at 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. The workshop and garage hereby approved shall be used solely for ancillary purposes to the dwellinghouse hereby approved within this application, and as such shall not be sold, leased or used as an independent dwelling, or let out as holiday accommodation.

Reason: For the avoidance of doubt as to the development permitted, as different amenity and parking considerations would be taken into account if the building was to create a separate unit of accommodation. This would accord with Policies LP21 and LP24 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.

12. The development hereby approved shall not be occupied until the first-floor bathroom window on the rear elevation of the dwelling, and the ground-floor W.C window on the western elevation have been fitted with obscure glazing, minimum grade 4. Notwithstanding the provisions of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the windows shall thereafter be so retained obscurely glazed.

Reason: So as not to detract from the amenities of adjacent neighbouring properties by loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan and the principle 6 of the Council's adopted Housebuilder Design Guide SPD.

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

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreements of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene; 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

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 at 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: Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, 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 notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant/developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan and Existing Site Plan	AP001	B	11 th October 2022
Proposed Site Plan	AP005	H	7 th November 2022
Proposed Site Arrangement showing Ground Floors	AP006	G	7 th November 2022
Proposed Plans & Elevations to House	AP007	E	7 th November 2022
Proposed Plan & Elevations to Workshop/Garage	AP008	B	11 th October 2022
Existing & Proposed Elevation A-A to Deighton Road	AP010	E	7 th November 2022

Existing & Proposed Site Sections B-B Looking West	AP011	B	7 th November 2022
Existing & Proposed Site Sections C-C Looking West	AP012	B	11 th October 2022
Proposed House Floor Plans	AP013	A	7 th November 2022
Surface Water Drainage Plan	1	A	11 th October 2022
Geological and Mining Appraisal Dated November 2021– Supporting Information	NE4118	-	12 th October 2022
Phase 1 Desk Study Report (Part 1) Dated August 2021 – Supporting Information	1299	-	11 th October 2022
Phase 1 Desk Study Report (Part 2) Dated August 2021 – Supporting Information	1299	-	11 th October 2022
Phase 1 Desk Study Report (Part 3) Dated August 2021 – Supporting Information	1299	-	11 th October 2022
Phase 1 Desk Study Report (Part 4) Dated August 2021 – Supporting Information	1299	-	11 th October 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to the reduce down the size of the

proposed gable elevation in both height and length, amendments were also made to the window at second floor level along with the introduction of 2 new roof lights to the rear of the property.

Report Dated:

24/11/2022